

Council of the District of Columbia

MEMORANDUM

1350 Pennsylvania Avenue, NW, Washington, DC 20004

TO: Chairman Phil Mendelson
FROM: Councilmembers Charles Allen and Brooke Pinto *CA BE RW*
RE: Request to Agendize Measures for the January 17, 2023 Additional Legislative Meeting
DATE: January 10, 2023

Pursuant to Council Rule 429(5), we request that the following measure be placed on the agenda as new business for the January 17, 2023 Additional Legislative Meeting, should one be scheduled:

Notice of New Business

- Motion to Override the Mayoral Veto of [B24-0416](#), the “Revised Criminal Code Act of 2022”

On November 1 and 15, 2022, the Council unanimously approved Bill 24-0416, the “Revised Criminal Code Act of 2022” on first and second reading. On January 3, 2023, the Mayor vetoed the bill.

The Revised Criminal Code Act of 2022 is a monumental, consequential piece of legislation that overhauls, modernizes, and organizes the District’s entire criminal code. It is the culmination of almost 16 years of careful study and collaboration, more than 50 in-depth and detailed working sessions between representatives of stakeholders in the District’s criminal justice system, nearly 20 hours of Council hearings, and almost two years’ worth of work in the Committee on the Judiciary and Public Safety.

There hasn’t been a comprehensive rewrite or reorganization of the District’s criminal laws since 1901. Since then, Congress and many different Councils have passed different laws and created new crimes over time, but there’s never been a comprehensive modernization effort like those undertaken in other states. As a result, the District’s criminal laws are a mess. There are overlapping charges, inconsistent or missing definitions and elements, and outdated terminology. The punishments often don’t fit the crime and they’re unclear to everyone from victims and survivors struggling in the aftermath of violence, to the defendants facing a complex layer of charges, to the prosecutors and lawyers who represent the various parties, and to the judges and juries who make conviction and sentencing decisions. In many cases, the punishments aren’t even written down, but cobbled together by judges over the years to fill in the gaps left by Congress and the Council.

Initially established in 2006, the Criminal Code Reform Commission (“CCRC”), an independent District agency established to complete this project, researched the District’s existing criminal code, reviewed court decisions, analyzed model legislation in other jurisdictions, examined research in social sciences, and conducted data analysis of criminal justice matters over

the course of many years. CCRC took a comprehensive and informed approach, removed from the day-to-day headlines, in coming up with its proposal submitted to the Council in October 2021.

The Revised Criminal Code Act of 2022 is largely the work produced by the CCRC with important changes made by the Committee on the Judiciary and Public Safety. These changes reflect the concerns raised by many of the District's criminal justice stakeholders and were done in a collaborative and transparent manner. The culmination of this work is a revised criminal code that is more equitable and just and that will promote public safety by ensuring that the law is clear for prosecutors, defendants, and courts.

Please contact Kevin Whitfield, Senior Policy Advisor, at kwhitfield@dccouncil.gov, with any questions.

cc: Members, Council of the District of Columbia
Office of the Budget Director
Office of the General Counsel
Office of the Secretary