


**COUNCIL OF THE DISTRICT OF COLUMBIA  
OFFICE OF COUNCILMEMBER BROOKE PINTO, WARD 2  
COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY  
MEMORANDUM**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

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**TO:** Chairman Phil Mendelson  
**FROM:** Councilmember Brooke Pinto   
Chairperson, Committee on the Judiciary and Public Safety  
**RE:** Request to Agendize Measures from the Committee on the Judiciary and Public Safety  
for the March 4, 2025, Legislative Meeting  
**DATE:** February 27, 2025

I request that the measures listed below appear on the agenda for the legislative meeting on March 4, 2025.

Emergency Legislation at the Request of the Mayor

- PR26-0033 - Clemency Board Waiver Authority Emergency Declaration Resolution of 2025
- B26-0036 - Clemency Board Waiver Authority Emergency Amendment Act of 2025
- B26-0037 - Clemency Board Waiver Authority Temporary Amendment Act of 2025

In 2018, the Council passed the Clemency Board Establishment Act, which formed the Board and the process for applicants to seek a letter of recommendation to support their application for clemency to the President. The Act was deliberately structured by the Council to mirror the eligibility requirements and process used by the Department of Justice, Office of the Pardon Attorney. In particular, D.C. Official Code § 24-481.05(c)(1) requires that a pardon applicant wait five years after the date of their release from confinement or, in cases where no prison sentence was imposed, five years after the date of conviction. This mirrors the DOJ's requirement for a five-year waiting period for pardon applicants.

Recently, Board staff learned that the DOJ is authorized to grant waivers of this five-year waiting period, pursuant to § 9-140.112 of the Department of Justice Manual. The Act as passed by Council in 2018, however, did not provide the Board with a similar authority to grant a waiver of this requirement. To avoid the Board deeming applications ineligible that have received a waiver of the five-year waiting period from the DOJ, this legislation would amend the Act to provide the Board with this authority.

Filed versions of the measures are attached along with the FIS and LSD.

Other Emergency Legislation

- Second Chance Clarification Emergency Declaration Resolution of 2025
- Second Chance Clarification Emergency Amendment Act of 2025
- Second Chance Clarification Temporary Amendment Act of 2025

The Committee was made aware of two drafting errors in amendatory Section 16-805(c)(1) of D.C. Law 24-284, the Second Chance Amendment Act of 2022, and seeks to correct these errors through emergency and temporary legislation.

First, Section 16-805(c)(1)(B), which provides for prospective automatic sealing of criminal records and court proceedings related to citations, arrests, and charges for which the case was terminated by the prosecutor or otherwise reached a final disposition and did not result in a conviction or acquittal, was intended to be aligned with the timelines of all of the other automatic sealing and expungement provisions in the Second Chance Amendment Act, which sets a deadline of October 1, 2027, for retroactive sealing and prospectively requires sealing after October 1, 2027, to be completed within 90 days. However, due to a drafting error, the language of the law could be interpreted to have a deadline of March 1, 2025—two years prior to the intended applicability date.

Significant additional coordination, staffing, and technological resources are needed to implement this provision of law. If this section of the law were to go into effect on March 1, 2025, the implementing agencies, including the D.C. Courts, the U.S. Attorney's Office, the D.C. Office of the Attorney General, and the Metropolitan Police Department, would be required to put into effect in a matter of days a provision of law that they were expecting to have more than two years to prepare to implement. It would also contravene the intention of the Council that all provisions of the law relating to *automatic* sealing and expungement would be implemented by October 1, 2027.

Second, the way that this section is currently written, on March 1, 2025, the law will require that cases terminated/disposed of on or after March 10, 2023—the effective date of Second Chance—be automatically sealed within 90 days of termination/disposition. For example, if a case was terminated on April 1, 2023, then the moment that section 805(c)(1)(B) applies on March 1, 2025, the law will require that the case be sealed 90 days after April 1, 2023, which has long passed. In other words, on March 1, 2025, the implementing agencies will immediately be deemed noncompliant with the law for all of the cases that were terminated for the last two years.

This emergency and temporary legislation fixes these unintended errors and aligns Section 16-805(c)(1)(B) with the timelines for automatic sealing and expungement provisions elsewhere in the law. Effectively, criminal records and court proceedings related to citations, arrests, and charges sealed pursuant to Section 16-805(a)(1) for which the case was terminated by the prosecutor or otherwise reached a final disposition and did not result in a conviction or acquittal pursuant to § 24-501 on or before September 30, 2027, would be required to be sealed by October 1, 2027, or within 90 days after termination/final disposition, whichever is later. Any such cases terminated or reaching final disposition on or after October 1, 2027, must be sealed within 90 days after termination/final disposition.

Draft versions of the measures are attached. For convenience, I have also attached a redline of the underlying law.

If you have any questions regarding these measures, please contact Linn Groft, Committee and Legislative Director, at [lgroft@dccouncil.gov](mailto:lgroft@dccouncil.gov).

cc: Members, Council of the District of Columbia  
Office of the Secretary  
Office of the General Counsel  
Office of the Budget Director  
Mayor's Office of Policy and Legislative Affairs