

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 22.
CRIMINAL OFFENSES AND PENALTIES.

CHAPTER 21.
MURDER; MANSLAUGHTER.

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CHAPTER 21. MURDER; MANSLAUGHTER.

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CHAPTER 21. MURDER; MANSLAUGHTER.

§ 22-2101. MURDER IN THE FIRST DEGREE--PURPOSEFUL KILLING; KILLING WHILE PERPETRATING CERTAIN CRIMES.

Whoever, being of sound memory and discretion, kills another purposely, either of deliberate and premeditated malice or by means of poison, or in perpetrating or attempting to perpetrate an offense punishable by imprisonment in the penitentiary, or without purpose to do so kills another in perpetrating or in attempting to perpetrate any arson, as defined in § 22-301 or § 22-302, first degree sexual abuse, first degree child sexual abuse, first degree cruelty to children, mayhem, robbery, or kidnaping, or in perpetrating or attempting to perpetrate any housebreaking while armed with or using a dangerous weapon, or in perpetrating or attempting to perpetrate a felony involving a controlled substance, is guilty of murder in the first degree. For purposes of imprisonment following revocation of release authorized by § 24-403.01(b)(7), murder in the first degree is a Class A felony.

(Mar. 3, 1901, 31 Stat. 1321, ch. 854, § 798; June 12, 1940, 54 Stat. 347, ch. 339; Sept. 26, 1992, D.C. Law 9-153, § 2(a), 39 DCR 3868; May 23, 1995, D.C. Law 10-257, § 401(b)(1), 42 DCR 53; May 16, 1998, D.C. Law 12-113, § 2, 44 DCR 6931; June 8, 2001, D.C. Law 13-302, § 4(a), 47 DCR 7249.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 22-2401.

1973 Ed., § 22-2401.

Effect of Amendments

D.C. Law 13-302 added the last sentence.

Emergency Act Amendments

For temporary (90-day) amendment of section, see § 4(a) of the Sentencing Reform Emergency Amendment Act of 2000 (D.C. Act 13-410, August 11, 2000, 47 DCR 7271).

For temporary (90 day) amendment of section, see §§ 4(a) and 11 of the Sentencing Reform Congressional Review Emergency Amendment Act of 2001 (D.C. Act 13-462, November 7, 2000, 47 DCR 9443).

For temporary (90 day) amendment of section, see § 4(a) of Sentencing Reform Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-2, February 2, 2001, 48 DCR 2239).

For temporary (90 day) amendment of section, see § 4(a) of Sentencing Reform Second Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-51, May 2, 2001, 48 DCR 4370).

Legislative History of Laws

For legislative history of D.C. Law 9-153, see Historical and Statutory Notes following § 22-2104.01.

Law 10-257, the "Anti-Sexual Abuse Act of 1994," was introduced in Council and assigned Bill No. 10-87, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on November 1, 1994, and December 6, 1994, respectively. Signed by the Mayor on December 28, 1994, it was assigned Act No. 10-385 and transmitted to both Houses of Congress for its review. D.C. Law 10-257 became effective May 23, 1995.

Law 12-113, the "Felony Murder Amendment Act of 1997," was introduced in Council and assigned Bill No. 12-139, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on September 22, 1997, and October 7, 1997, respectively. Signed by the Mayor on October 17, 1997, it was assigned Act No. 12-176 and transmitted to both Houses of Congress for its review. D.C. Law 12-113 became effective on May 16, 1998.

For Law 13-302, see notes following § 22-722.

Miscellaneous Notes

Section 11 of D.C. Law 13-302 provides:

"This act shall apply to offenses committed on or after August 5, 2000."

§ 22-2102. MURDER IN THE FIRST DEGREE--PLACING OBSTRUCTIONS UPON OR DISPLACEMENT OF RAILROADS.

Whoever maliciously places an obstruction upon a railroad or street railroad, or displaces or injures anything appertaining thereto, or does any other act with intent to endanger the passage of any locomotive or car, and thereby occasions the death of another, is guilty of murder in the first degree. For purposes of imprisonment following revocation of release authorized by § 24-403.01(b)(7), murder in the first degree is a Class A felony.

(Mar. 3, 1901, 31 Stat. 1321, ch. 854, § 799; June 8, 2001, D.C. Law 13-302, § 4(b), 47 DCR 7249.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 22-2402.

1973 Ed., § 22-2402.

Effect of Amendments

D.C. Law 13-302 added the last sentence.

Emergency Act Amendments

For temporary (90-day) amendment of section, see § 4(b) of the Sentencing Reform Emergency Amendment Act of 2000 (D.C. Act 13-410, August 11, 2000, 47 DCR 7271).

For temporary (90 day) amendment of section, see § 4(b) of the Sentencing Reform Congressional Review Emergency Amendment Act of 2001 (D.C. Act 13-462, November 7, 2000, 47 DCR 9443).

For temporary (90 day) amendment of section, see § 4(b) of Sentencing Reform Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-2, February 2, 2001, 48 DCR 2239).

For temporary (90 day) amendment of section, see § 4(b) of Sentencing Reform Second Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-51, May 2, 2001, 48 DCR 4370).

Legislative History of Laws

For Law 13-302, see notes following § 22-722.

§ 22-2103. MURDER IN THE SECOND DEGREE.

Whoever with malice aforethought, except as provided in §§ 22-2101, 22-2102, kills another, is guilty of murder in the second degree. For purposes of imprisonment following revocation of release authorized by § 24-403.01(b)(7), murder in the second degree is a Class A felony.

(Mar. 3, 1901, 31 Stat. 1321, ch. 854, § 800; June 12, 1940, 54 Stat. 347, ch. 339; June 8, 2001, D.C. Law 13-302, § 4(c), 47 DCR 7249.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 22-2403.

1973 Ed., § 22-2403.

Effect of Amendments

D.C. Law 13-302 added the last sentence.

Emergency Act Amendments

For temporary (90-day) amendment of section, see § 4(c) of the Sentencing Reform Emergency Amendment Act of 2000 (D.C. Act 13-410, August 11, 2000, 47 DCR 7271).

For temporary (90 day) amendment of section, see § 4(c) of the Sentencing Reform Congressional Review Emergency Amendment Act of 2001 (D.C. Act 13-462, November 7, 2000, 47 DCR 9443).

For temporary (90 day) amendment of section, see § 4(c) of Sentencing Reform Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-2, February 2, 2001, 48 DCR 2239).

For temporary (90 day) amendment of section, see § 4(c) of Sentencing Reform Second Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-51, May 2, 2001, 48 DCR 4370).

For Law 13-302, see notes following § 22-722.

§ 22-2104. PENALTY FOR MURDER IN FIRST AND SECOND DEGREES.

(a) The punishment for murder in the first degree shall be not less than 30 years nor more than life imprisonment without release, except that the court may impose a prison sentence in excess of 60 years only in accordance with § 22-2104.01 or § 24-403.01(b-2). The prosecution shall notify the defendant in writing at least 30 days prior to trial that it intends to seek a sentence of life imprisonment without release as provided in § 22-2104.01; provided that, no person who was less than 18 years of age at the time the murder was committed shall be sentenced to life imprisonment without release.

(b) Notwithstanding any other provision of law, a person convicted of murder in the first degree shall not be released from prison prior to the expiration of 30 years from the date of the commencement of the sentence.

(c) Whoever is guilty of murder in the second degree shall be sentenced to a period of incarceration of not more than life, except that the court may impose a prison sentence in excess of 40 years only in accordance with § 24-403.01(b-2).

(d) For purposes of imprisonment following revocation of release authorized by § 24-403.01(b)(7), murder in the first degree and murder in the second degree are Class A felonies.

(Mar. 3, 1901, 31 Stat. 1321, ch. 854, § 801; Jan. 30, 1925, 43 Stat. 798, ch. 115, § 1; Mar. 22, 1962, 76 Stat. 46, Pub. L. 87-423, § 1; Feb. 26, 1981, D.C. Law 3-113, § 2, 27 DCR 5624; Sept. 26, 1992, D.C. Law 9-153, § 2(b), (c), 39 DCR 3868; May 23, 1995, D.C. Law 10-256, § 2(a), 42 DCR 20; June 8, 2001, D.C. Law 13-302, § 4(d), 47 DCR 7249.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 22-2404.

1973 Ed., § 22-2404.

Effect of Amendments

D.C. Law 13-302 rewrote the section which had read:

"(a) The punishment for murder in the first degree shall be life imprisonment, except that the court may impose a punishment of life imprisonment without parole in accordance with § 22-2104.1. The prosecution shall notify the defendant in writing at least 30 days prior to trial that it intends to seek a sentence of life imprisonment without parole as provided in § 22-2104.1; provided that, no person who was less than 18 years of age at the time the murder was committed shall be sentenced to life imprisonment without parole.

"(b) Notwithstanding any other provision of law, a person convicted of murder in the first degree and upon whom a sentence of life imprisonment is imposed shall be eligible for parole only after the expiration of 30 years from the date of the commencement of the sentence.

"(c) Whoever is guilty of murder in the second degree shall be sentenced to a maximum period of incarceration of not less than 20 years and not more than life. Notwithstanding any other provision of law, where the maximum sentence imposed is life imprisonment, a minimum sentence shall be imposed which shall not exceed 20 years imprisonment."

Emergency Act Amendments

For temporary (90-day) amendment of section, see § 4(d) of the Sentencing Reform Emergency Amendment Act of 2000 (D.C. Act 13-410, August 11, 2000, 47 DCR 7271).

For temporary (90 day) amendment of section, see § 4(d) of the Sentencing Reform Congressional Review Emergency Amendment Act of 2001 (D.C. Act 13-462, November 7, 2000, 47 DCR 9443).

For temporary (90 day) amendment of section, see § 4(d) of Sentencing Reform Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-2, February 2, 2001, 48 DCR 2239).

For temporary (90 day) amendment of section, see § 4(d) of Sentencing Reform Second Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-51, May 2, 2001, 48 DCR 4370).

Legislative History of Laws

Law 3-113, the "District of Columbia Death Penalty Repeal Act of 1980," was introduced in Council and assigned Bill No. 3-395, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on November 12, 1980 and December 9, 1980, respectively. Signed by the Mayor on December 17, 1980, it was assigned Act No. 3-307 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 9-153, see Historical and Statutory Notes following § 22-2104.1.

Law 10-256, the "Public Safety and Law Enforcement Support Amendment Act of 1994," was introduced in Council and assigned Bill No. 10-628, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on November 1, 1994, and December 6, 1994, respectively. Signed by the Mayor on December 28, 1994, it was assigned Act No. 10-375 and transmitted to both Houses of Congress for its review. D.C. Law 10-256 became effective May 23, 1995.

For Law 13-302, see notes following § 22-722.

§ 22-2104.01. SENTENCING PROCEDURE FOR MURDER IN THE FIRST DEGREE.

(a) If a defendant is convicted of murder in the first degree, and if the prosecution has given the notice required under § 22-2104(a), a separate sentencing procedure shall be conducted as soon as practicable after the trial has been completed to determine whether to impose a sentence of more than 60 years up to, and including, life imprisonment without possibility of release.

(b) In determining the sentence, a finding shall be made whether, beyond a reasonable doubt, any of the following aggravating circumstances exist:

- (1) The murder was committed in the course of kidnapping or abduction, or an attempt to kidnap or abduct;
- (2) The murder was committed for hire;
- (3) The murder was committed for the purpose of avoiding or preventing a lawful arrest or effecting an escape from custody;
- (4) The murder was especially heinous, atrocious, or cruel;
- (5) The murder was a drive-by or random shooting;
- (6) There was more than 1 offense of murder in the first degree arising out of 1 incident;
- (7) The murder was committed because of the victim's race, color, religion, national origin, sexual orientation, or gender identity or expression (as defined in § 2-1401.02(12A));
- (8) The murder was committed while committing or attempting to commit a robbery, arson, rape, or sexual offense;
- (9) The murder was committed because the victim was or had been a witness in any criminal investigation or judicial proceeding, or the victim was capable of providing or had provided assistance in any criminal investigation or judicial proceeding;
- (10) The murder victim was especially vulnerable due to age or a mental or physical infirmity;
- (11) The murder is committed after substantial planning; or
- (12) At the time of the commission of the murder, the defendant had previously been convicted and sentenced, whether in a court of the District of Columbia, of the United States, or of any state, for (A) murder, (B) manslaughter, (C) any attempt, solicitation, or conspiracy to commit murder, (D) assault with intent to kill, (E) assault with intent to murder, or (F) at least twice, for any offense or offenses, described in § 22-4501(f), whether committed in the District of Columbia or any other state, or the United States. A person shall be considered as having been convicted and sentenced twice for an offense or offenses when the initial sentencing for the conviction in the first offense preceded the commission of the second offense and the initial sentencing for the second offense preceded the commission of the instant murder.

(c) The finding shall state in writing whether, beyond a reasonable doubt, 1 or more of the aggravating circumstances exist. If 1 or more aggravating circumstances exist, a sentence of more than 60 years up to, and including, life imprisonment without release may be imposed.

(d) If the trial court is reversed on appeal because of error only in the separate sentencing procedure, any new proceeding before the trial court shall pertain only to the issue of sentencing.

(Mar. 3, 1901, ch. 854, § 801a, as added Sept. 26, 1992, D.C. Law 9-153, § 2(d), 39 DCR 3868; May 23, 1995, D.C. Law 10-256, § 2(b), 42 DCR 20; June 3, 1997, D.C. Law 11-275, § 5, 44 DCR 1408; June 8, 2001, D.C. Law 13-302, § 4(e), 47 DCR 7249; June 25, 2008, D.C. Law 17-177, § 11, 55 DCR 3696.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 22-2404.1.

Effect of Amendments

D.C. Law 13-302 substituted "release" for "parole" throughout the section; in subsec. (a), substituted "more

than 60 years up to, and including," for "life imprisonment or"; in subsec. (b), substituted "a finding shall be made" for "the court shall consider"; and, in subsec. (c), substituted "finding shall" for "court shall", deleted "the court finds that" following "If", and inserted "more than 60 years up to, and including".

D.C. Law 17-177, in subsec. (b)(7), substituted "sexual orientation, gender identity or expression (as defined in § 2-1401.02(12A))" for "or sexual orientation".

Emergency Act Amendments

For temporary (90-day) amendment of section, see § 4(e) of the Sentencing Reform Emergency Amendment Act of 2000 (D.C. Act 13-410, August 11, 2000, 47 DCR 7271).

For temporary (90 day) amendment of section, see § 4(e) of the Sentencing Reform Congressional Review Emergency Amendment Act of 2001 (D.C. Act 13-462, November 7, 2000, 47 DCR 9443).

For temporary (90 day) amendment of section, see § 4(e) of Sentencing Reform Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-2, February 2, 2001, 48 DCR 2239).

For temporary (90 day) amendment of section, see § 4(e) of Sentencing Reform Second Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-51, May 2, 2001, 48 DCR 4370).

Legislative History of Laws

Law 9-153, the "First Degree Murder Amendment Act of 1992," was introduced in Council and assigned Bill No. 9-118, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on April 7, 1992, and May 6, 1992, respectively. Signed by the Mayor on May 28, 1992, it was assigned Act No. 9-213 and transmitted to both Houses of Congress for its review. D.C. Law 9-153 became effective on September 26, 1992.

For legislative history of D.C. Law 10-256, see Historical and Statutory Notes following § 22-2104.

Law 11-275, the "Second Criminal Code Technical Amendments Act of 1996," was introduced in Council and assigned Bill No. 11-909, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 7, 1996, and December 3, 1996, respectively. Signed by the Mayor on December 24, 1996, it was assigned Act No. 11-520 and transmitted to both Houses of Congress for its review. D.C. Law 11-275 became effective on June 3, 1997.

For Law 13-302, see notes following § 22-722.

Law 17-177, the "Prohibition of Discrimination on the Basis of Gender Identity and Expression Amendment Act of 2008", was introduced in Council and assigned Bill No. 17-330, which was referred to the Committee on Workforce Development and Government Operations. The Bill was adopted on first and second readings on February 5, 2008, and March 4, 2008, respectively. Signed by the Mayor on March 19, 2008, it was assigned Act No. 17-329 and transmitted to both Houses of Congress for its review. D.C. Law 17-177 became effective on June 25, 2008.

§ 22-2105. PENALTY FOR MANSLAUGHTER.

Whoever is guilty of manslaughter shall be sentenced to a period of imprisonment not exceeding 30 years. (Mar. 3, 1901, 31 Stat. 1321, ch. 854, § 802; May 23, 1995, D.C. Law 10-256, § 2(c), 42 DCR 20.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 22-2405.

1973 Ed., § 22-2405.

Legislative History of Laws

For legislative history of D.C. Law 10-256, see Historical and Statutory Notes following § 22-2104.

§ 22-2106. MURDER OF LAW ENFORCEMENT OFFICER.

(a) Whoever, with deliberate and premeditated malice, and with knowledge or reason to know that the victim is a law enforcement officer or public safety employee, kills any law enforcement officer or public safety employee engaged in, or on account of, the performance of such officer's or employee's official duties, is guilty of murder of a law enforcement officer or public safety employee, and shall be sentenced to life without the possibility of release. It shall not be a defense to this charge that the victim was acting unlawfully by seizing or attempting to seize the defendant or another person.

(b) For the purposes of subsection (a) of this section, the term:

(1) "Law enforcement officer" means:

- (A) A sworn member of the Metropolitan Police Department;
- (B) A sworn member of the District of Columbia Protective Services;
- (C) The Director, deputy directors, and officers of the District of Columbia Department of Corrections;
- (D) Any probation, parole, supervised release, community supervision, or pretrial services officer of the Court Services and Offender Supervision Agency or The Pretrial Services Agency;
- (E) Metro Transit police officers; and
- (F) Any federal, state, county, or municipal officer performing functions comparable to those performed by the officers described in subparagraphs (A), (C), (D), (E), and (F) of this paragraph, including but not limited to state, county, or municipal police officers, sheriffs, correctional officers, parole officers, and probation and pretrial service officers.

(2) "Public safety employee" means:

- (A) A District of Columbia firefighter, emergency medical technician/ paramedic, emergency medical technician/intermediate paramedic, or emergency medical technician; and
- (B) Any federal, state, county, or municipal officer performing functions comparable to those performed by the District of Columbia employees described in subparagraph (A) of this paragraph.

(Mar. 3, 1901, 31 Stat. 1321, ch. 854, § 802a, as added May 23, 1995, D.C. Law 10-256, § 2(d), 42 DCR 20; Oct. 17, 2002, D.C. Law 14-194, § 154, 49 DCR 5306.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 22-2406.

Effect of Amendments

D.C. Law 14-194 rewrote the section which had read as follows:

"(a) Whoever, with deliberate and premeditated malice, and with knowledge or reason to know that the victim is a law enforcement officer, kills any Metropolitan Police Officer or any other local, federal, or state law enforcement officer engaged in, or on account of, the performance of such officer's official duties and such killing results, is guilty of murder of a law enforcement officer, and shall be sentenced to life without parole. It shall not be a defense to this charge that the victim was acting unlawfully by seizing or attempting to seize the defendant or another person.

"(b) For purposes of subsection (a) of this section, the term 'local law enforcement officer' means the deputy and assistant; the Director, deputy directors, and officers of the District of Columbia Department of Corrections; the Director, members, and officers of the District of Columbia Board of Parole; any probation or pretrial services officer of the District of Columbia; and Metro Transit police officers. For the same purposes, the term 'state law enforcement officer' means a state, county, or municipal officer performing functions comparable to those performed by a Metropolitan Police Officer or by a 'local law enforcement officer,' as that term is defined in this subsection, and includes, but is not limited to, state, county, or municipal police officers, sheriffs, correctional officers, parole officers, and probation and pretrial services officers."

Legislative History of Laws

For legislative history of D.C. Law 10-256, see Historical and Statutory Notes following § 22-2104.

For Law 14-194, see notes following § 22-1319.

§ 22-2107. PENALTY FOR SOLICITATION OF MURDER OR OTHER CRIME OF VIOLENCE.

(a) Whoever is guilty of soliciting a murder, whether or not such murder occurs, shall be sentenced to a period of imprisonment not exceeding 20 years, a fine of \$20,000, or both.

(b) Whoever is guilty of soliciting a crime of violence as defined by § 23- 1331(4), whether or not such crime occurs, shall be sentenced to a period of imprisonment not exceeding 10 years, a fine of \$10,000, or both.

(Mar. 3, 1901, ch. 854, § 802b, as added Apr. 24, 2007, D.C. Law 16-306, § 209, 53 DCR 8610.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) addition, see § 209 of Omnibus Public Safety Emergency Amendment Act of 2006 (D.C. Act 16-445, July 19, 2006, 53 DCR 6443).

For temporary (90 day) addition, see § 209 of Omnibus Public Safety Congressional Review Emergency Amendment Act of 2006 (D.C. Act 16-490, October 18, 2006, 53 DCR 8686).

For temporary (90 day) addition, see § 209 of Omnibus Public Safety Congressional Review Emergency Amendment Act of 2007 (D.C. Act 17-10, January 16, 2007, 54 DCR 1479).

For temporary (90 day) addition, see § 209 of Omnibus Public Safety Second Congressional Review Emergency Amendment Act of 2007 (D.C. Act 17-25, April 19, 2007, 54 DCR 4036).

Legislative History of Laws

For Law 16-306, see notes following § 22-404.