

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 23.
CRIMINAL PROCEDURE.

CHAPTER 13.
BAIL AGENCY.

2001 Edition

DISTRICT OF COLUMBIA OFFICIAL CODE

CHAPTER 13. BAIL AGENCY.

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CHAPTER 13. BAIL AGENCY.

SUBCHAPTER I. DISTRICT OF COLUMBIA BAIL AGENCY.

§ 23-1301. PRETRIAL SERVICES AGENCY FOR THE DISTRICT OF COLUMBIA.

The Pretrial Services Agency for the District of Columbia (hereafter in this subchapter referred to as the "agency") shall continue in the District of Columbia and shall secure pertinent data and provide for any judicial officer in the District of Columbia or any officer or member of the Metropolitan Police Department issuing citations, reports containing verified information concerning any individual with respect to whom a bail or citation determination is to be made.

(July 29, 1970, 84 Stat. 639, Pub. L. 91-358, title II, § 210(a); Sept. 27, 1978, 92 Stat. 753, Pub. L. 95-388, §§ 1, 2; June 3, 2011, D.C. Law 18-377, § 16, 58 DCR 1174.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 23-1301.

1973 Ed., § 23-1301.

Effect of Amendments

D.C. Law 18-377 substituted "Pretrial Services Agency for the District of Columbia" for "District of Columbia Pretrial Services Agency".

Emergency Act Amendments

For temporary (90 day) enactments, see §§ 601 and 602 of Enhanced Crime Prevention and Abatement Emergency Amendment Act of 2006 (D.C. Act 16-446, July 21, 2006, 53 DCR 6477).

For temporary (90 day) amendment of section, see § 516 of Public Safety Legislation Sixty-Day Layover Emergency Amendment Act of 2010 (D.C. Act 18-693, January 18, 2011, 58 DCR 640).

For temporary (90 day) amendment of section, see § 516 of Public Safety Legislation Sixty-Day Layover Congressional Review Emergency Amendment Act of 2011 (D.C. Act 19-45, April 20, 2011, 58 DCR 3701).

Legislative History of Laws

For history of Law 18-377, see notes under § 23-546.

§ 23-1302. DEFINITIONS.

As used in this chapter --

(1) the term "judicial officer" means, unless otherwise indicated, the Supreme Court of the United States, the United States Court of Appeals for the District of Columbia Circuit, the District of Columbia Court of Appeals, United States District Court for the District of Columbia, the Superior Court of the District of Columbia or any justice or judge of those courts or a United States commissioner or magistrate; and

(2) the term "bail determination" means any order by a judicial officer respecting the terms and conditions of detention or release (including any order setting the amount of bail bond or any other kind of security) made to assure the appearance in court of --

(A) any person arrested in the District of Columbia; or

(B) any material witness in any criminal proceeding in a court referred to in paragraph (1) of this section.

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 23-1302.

1973 Ed., § 23-1302.

§ 23-1303. INTERVIEWS WITH DETAINEES; INVESTIGATIONS AND REPORTS; INFORMATION AS CONFIDENTIAL; CONSIDERATION AND USE OF REPORTS IN MAKING BAIL DETERMINATIONS.

(a) The agency shall, except when impracticable, interview any person detained pursuant to law or charged with an offense in the District of Columbia who is to appear before a judicial officer or whose case arose in or is before any court named in section 23-1302(1). The interview, when requested by a judicial officer, shall also be undertaken with respect to any person charged with intoxication or a traffic violation. The agency shall seek independent verification of information obtained during the interview, shall secure any such person's prior criminal record which shall be made available by the Metropolitan Police Department, and shall prepare a written report of the information for submission to the appropriate judicial officer. The report to the judicial officer shall, where appropriate, include a recommendation as to whether such person should be released or detained under any of the conditions specified in subchapter II of this chapter. If the agency does not make a recommendation, it shall submit a report without recommendation. The agency shall provide copies of its report and recommendations (if any) to the United States attorney for the District of Columbia or the Corporation Counsel of the District of Columbia, and to counsel for the person concerning whom the report is made. The report shall include but not be limited to information concerning the person accused, his family, his community ties, residence, employment, and prior criminal record, and may include such additional verified information as may become available to the agency.

(b) With respect to persons seeking review under subchapter II of this chapter of their detention or conditions of release, the agency shall review its report, seek and verify such new information as may be necessary, and modify or supplement its report to the extent appropriate.

(c) The agency, when requested by any appellate court or a judge or justice thereof, or by any other judicial officer, shall furnish a report as provided in subsection (a) of this section respecting any person whose case is pending before any such appellate court or judicial officer or in whose behalf an application for a bail determination shall have been submitted.

(d) Any information contained in the agency's files, presented in its report, or divulged during the course of any hearing shall not be admissible on the issue of guilt in any judicial proceeding, but such information may be used in proceedings under sections 23-1327, 23-1328, and 23-1329, in perjury proceedings, and for the purposes of impeachment in any subsequent proceeding.

(e) The agency, when requested by a member or officer or designated civilian employee of the Metropolitan Police Department acting pursuant to court rules governing the issuance of citations in the District of Columbia, shall furnish to such member or officer or designated civilian employee a report as provided in subsection (a) of this section.

(f) The preparation and the submission by the agency of its report as provided in this section shall be accomplished at the earliest practicable opportunity.

(g) A judicial officer in making a bail determination shall consider the agency's report and its accompanying recommendation, if any. The judicial officer may order such detention or may impose such terms and set such conditions upon release, including requiring the execution of a bail bond with sufficient solvent sureties as shall appear warranted by the facts, except that such judicial officer may not order any detention or establish any term or condition for release not otherwise authorized by law.

(h) The agency shall --

(1) supervise all persons released on nonsurety release, including release on personal recognizance, personal bond, nonfinancial conditions, or cash deposit or percentage deposit with the registry of the court;

(2) make reasonable effort to give notice of each required court appearance to each person released by the court;

(3) serve as coordinator for other agencies and organizations which serve or may be eligible to serve as custodians for persons released under supervision and advise the judicial officer as to the eligibility, availability, and capacity of such agencies and organizations;

(4) assist persons released pursuant to subchapter II of this chapter in securing employment or necessary medical or social services;

(5) inform the judicial officer and the United States attorney for the District of Columbia or the

Corporation Counsel of the District of Columbia of any failure to comply with pretrial release conditions or the arrest of persons released under its supervision and recommend modifications of release conditions when appropriate;

(6) prepare, in cooperation with the United States marshal for the District of Columbia and the United States attorney for the District of Columbia, such pretrial detention reports as are required by Rule 46 (h) of the Federal Rules of Criminal Procedure; and

(7) perform such other pretrial functions as the executive committee may, from time to time, assign.

(July 29, 1970, 84 Stat. 640, Pub. L. 91-358, Title II, § 210(a); June 12, 1999, D.C. Law 12-284, § 8(c), 46 DCR 1328.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 23-1303.

1973 Ed., § 23-1303.

Temporary Amendments of Section

Section 8(c) of D.C. Law 12-(Act 12-492), in (e), inserted "or designated civilian employee" twice, and added "of this section."

Section 13(b) of D.C. Law 12-(Act 12-492) provided that the act shall expire after 225 days of its having taken effect.

Emergency Act Amendments

For temporary amendment of section, see § 3(b) of the Zero Tolerance for Guns Congressional Adjournment Emergency Amendment Act of 1996 (D.C. Act 11-436, December 4, 1996, 43 DCR 6651), and see § 3(b) of the Zero Tolerance for Guns Congressional Review Emergency Amendment Act of 1997 (D.C. Act 12-35, March 11, 1997, 44 DCR 1928).

For temporary amendment of section, see § 3 of the Zero Tolerance for Guns Emergency Amendment Act of 1996 (D.C. Act 11-390, August 26, 1996, 43 DCR 4986), § 3(a) of the Zero Tolerance for Guns Congressional Adjournment Emergency Amendment Act of 1996 (D.C. Act 11-436, December 4, 1996, 43 DCR 6651), and § 3(a) of the Zero Tolerance for Guns Congressional Review Emergency Amendment Act of 1997 (D.C. Act 12-35, March 11, 1997, 44 DCR 1928).

For temporary amendment of section, see § 8(c) of the Metropolitan Police Department Civilianization and Street Solicitation for Prostitution Emergency Amendment Act of 1998 (D.C. Act 12-428, August 6, 1998, 45 DCR 5884).

For temporary amendment of section, see § 8(c) of the Metropolitan Police Department Civilianization Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-506, November 10, 1998, 45 DCR 8139), and § 8(c) of the Metropolitan Police Department Civilianization Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-13, February 8, 1999, 46 DCR 2333).

Legislative History of Laws

Law 12-282, the "Metropolitan Police Department Civilianization Temporary Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-709. The Bill was adopted on first and second readings on July 7, 1998, and September 22, 1998, respectively. Signed by the Mayor, it was assigned Act No. 12-492 and transmitted to both Houses of Congress for its review. D.C. Law 12-282 became effective on May 28, 1999.

Law 12-284, the "Metropolitan Police Department Civilianization Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-710, which was referred to the Judiciary Committee. The Bill was adopted on first and second readings on December 1, 1998, and December 15, 1998, respectively. Signed by the Mayor, it was assigned Act No. 12-613 and transmitted to both Houses of Congress for its review. D.C. Law 12-284 became effective on June 12, 1999.

§ 23-1304. EXECUTIVE COMMITTEE; COMPOSITION; APPOINTMENT AND QUALIFICATIONS OF DIRECTOR.

(a) The agency shall be advised by an executive committee of seven members, of which four members shall constitute a quorum. The Executive Committee shall be composed of the following persons or their designees: the Chief Judge of the United States Court of Appeals for the District of Columbia Circuit, the Chief Judge of the United States District Court for the District of Columbia, the Chief Judge of the District of Columbia Court of Appeals, the Chief Judge of the Superior Court of the District of Columbia, the United States Attorney for the District of Columbia, the Director of the District of Columbia Public Defender Service, and the Director of the Court Services and Offender Supervision Agency for the District

of Columbia.

(b) The Chief Judge of the United States Court of Appeals for the District of Columbia Circuit and the Chief Judge of the United States District Court for the District of Columbia, in consultation with the other members of the executive committee, shall appoint a Director of the agency who shall be a member of the bar of the District of Columbia.

(July 29, 1970, 84 Stat. 641, Pub. L. 91-358, title II, § 210(a); Feb. 28, 1987, D.C. Law 6-199, § 2, 34 DCR 519; Oct. 7, 1987, D.C. Law 7-31, § 9, 34 DCR 3789; Aug. 5, 1997, 111 Stat. 761, Pub. L. 105-33, § 11271(a); Oct. 21, 1998, 112 Stat. 2426, Pub. L. 105-274, § 7(c)(2)(C).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 23-1304.

1973 Ed., § 23-1304.

Legislative History of Laws

Law 6-199, the "District of Columbia Pretrial Services Agency Executive Committee Act of 1986," was introduced in Council and assigned Bill No. 6-443, which was referred to the Committee on Judiciary. The Bill was adopted on first and second readings on November 25, 1986 and December 16, 1986, respectively. Signed by the Mayor on January 8, 1987, it was assigned Act No. 6-258 and transmitted to both Houses of Congress for its review.

Law 7-31, the "Boards and Commissions Amendment Act of 1987," was introduced in Council and assigned Bill No. 7-139, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on April 14, 1987 and May 5, 1987, respectively. Signed by the Mayor on June 1, 1987, it was assigned Act No. 7-26 and transmitted to both Houses of Congress for its review.

§ 23-1305. DUTIES OF DIRECTOR; COMPENSATION.

The Director of the agency shall be responsible for the supervision and execution of the duties of the agency. The Director shall be compensated as a member of the Senior Executive Service pursuant to subchapter VIII of chapter 53 of title 5, United States Code.

(July 29, 1970, 84 Stat. 642, Pub. L. 91-358, title II, § 210(a); Aug. 5, 1997, 111 Stat. 761, Pub. L. 105-33, § 11271(a).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 23-1305.

1973 Ed., § 23-1305.

References in Text

"Subchapter VIII of chapter 53 of title 5, United States Code," referred to in this section, is codified at 5 U.S.C. § 5381 et seq.

§ 23-1306. CHIEF ASSISTANT AND OTHER AGENCY PERSONNEL; COMPENSATION.

The Director shall employ a chief assistant who shall be compensated as a member of the Senior Executive Service pursuant to section 5382 of title 5, United States Code. The Director shall employ such agency personnel as may be necessary properly to conduct the business of the agency. All employees other than the chief assistant shall receive compensation that is comparable to levels of compensation established for Federal pretrial services agencies.

(July 29, 1970, 84 Stat. 642, Pub. L. 91-358, title II, § 210(a); Aug. 5, 1997, 111 Stat. 761, Pub. L. 105-33, § 11271(a).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 23-1306.

1973 Ed., § 23-1306.

§ 23-1307. ANNUAL REPORTS.

The Director shall each year submit to the executive committee and to the Director of the Court Services and Offender Supervision Agency for the District of Columbia a report as to the Pretrial Services Agency's administration of its responsibilities for the previous fiscal year. The Director shall include in the report a statement of financial condition, revenues, and expenses for the past fiscal year.

(July 29, 1970, 84 Stat. 642, Pub. L. 91-358, title II, § 210(a); Apr. 30, 1988, D.C. Law 7-104, § 7(g), 35 DCR 147; Aug. 5, 1997, 111 Stat. 761, Pub. L. 105-33, § 11271(a); Oct. 21, 1998, 112 Stat. 2427 Pub. L. 105-274, § 7(c)(2)(D).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 23-1307.

1973 Ed., § 23-1307.

Legislative History of Laws

Law 7-104, the "Technical Amendments Act of 1987," was introduced in Council and assigned Bill No. 7-346, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 24, 1987 and December 8, 1987, respectively. Signed by Mayor on December 22, 1987, it was assigned Act No. 7-124 and transmitted to both Houses of Congress for its review.

§ 23-1308. APPROPRIATION; BUDGET.

There are authorized to be appropriated through the State Justice Institute in each fiscal year such sums as may be necessary to carry out the provisions of this subchapter. Funds appropriated by Congress for the District of Columbia Pretrial Services Agency shall be received by the Director of the Court Services and Offender Supervision Agency for the District of Columbia, and shall be disbursed by that Director to and on behalf of the District of Columbia Pretrial Services Agency. The District of Columbia Pretrial Services Agency shall submit to the Director of the Court Services and Offender Supervision Agency for the District of Columbia at the time and in the form prescribed by that Director, reports of its activities and financial position and its proposed budget.

(July 29, 1970, 84 Stat. 642, Pub. L. 91-358, title II, § 210(a); Aug. 5, 1997, 111 Stat. 761, Pub. L. 105-33, § 11271(a); Oct. 21, 1998, 112 Stat. 2427, Pub. L. 105-274, § 7(c)(2)(E).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 23-1308.

1973 Ed., § 23-1308.

§ 23-1309. REFERENCES TO "BAIL AGENCY" DEEMED TO BE TO "PRETRIAL SERVICES AGENCY."

Any reference in any law, rule, regulation, document, or record of the United States or the District of Columbia to the District of Columbia Bail Agency shall be deemed to be a reference to the District of Columbia Pretrial Services Agency.

(Sept. 27, 1978, 92 Stat. 753, Pub. L. 95-388, § 3.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 23-1309.

1973 Ed., § 23-1309.

SUBCHAPTER II. RELEASE AND PRETRIAL DETENTION.

§ 23-1321. RELEASE PRIOR TO TRIAL.

(a) Upon the appearance before a judicial officer of a person charged with an offense, other than murder in

the first degree, murder in the second degree, or assault with intent to kill while armed, which shall be treated in accordance with the provisions of § 23-1325, the judicial officer shall issue an order that, pending trial, the person be:

- (1) Released on personal recognizance or upon execution of an unsecured appearance bond under subsection (b) of this section;
- (2) Released on a condition or combination of conditions under subsection (c) of this section;
- (3) Temporarily detained to permit revocation of conditional release under § 23-1322; or
- (4) Detained under § 23-1322(b).

(b) The judicial officer shall order the pretrial release of the person on personal recognizance, or upon execution of an unsecured appearance bond in an amount specified by the court, subject to the condition that the person not commit a local, state, or federal crime during the period of release, unless the judicial officer determines that the release will not reasonably assure the appearance of the person as required or will endanger the safety of any other person or the community.

(c)(1) If the judicial officer determines that the release described in subsection (b) of this section will not reasonably assure the appearance of the person as required or will endanger the safety of any other person or the community, the judicial officer shall order the pretrial release of the person subject to the:

(A) Condition that the person not commit a local, state, or federal crime during the period of release; and

(B) Least restrictive further condition, or combination of conditions, that the judicial officer determines will reasonably assure the appearance of the person as required and the safety of any other person and the community, which may include the condition or combination of conditions that the person during the period of release shall:

(i) Remain in the custody of a designated person or organization that agrees to assume supervision and to report any violation of a condition of release to the court, if the designated person or organization is able to reasonably assure the judicial officer that the person will appear as required and will not pose a danger to the safety of any other person or the community;

(ii) Maintain employment, or, if unemployed, actively seek employment;

(iii) Maintain or commence an educational program;

(iv) Abide by specified restrictions on personal associations, place of abode, or travel;

(v) Avoid all contact with an alleged victim of the crime and with a potential witness who may testify concerning the offense;

(vi) Report on a regular basis to a designated law enforcement agency, pretrial services agency, or other agency;

(vii) Comply with a specified curfew;

(viii) Refrain from possessing a firearm, destructive device, or other dangerous weapon;

(ix) Refrain from excessive use of alcohol, or any use of a narcotic drug or other controlled substance without a prescription by a licensed medical practitioner; the terms "narcotic drug" and "controlled substance" shall have the same meaning as in section 102 of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981, (D.C. Law 4-29; D.C. Official Code § 48-901.02);

(x) Undergo medical, psychological, or psychiatric treatment, including treatment for drug or alcohol dependency, if available, and remain in a specified institution if required for that purpose;

(xi) Return to custody for specified hours following release for employment, schooling, or other limited purposes, except that no person may be released directly from the District of Columbia Jail or the Correctional Treatment Facility for these purposes;

(xii) Execute an agreement to forfeit upon failing to appear as required, the designated property, including money, as is reasonably necessary to assure the appearance of the person as required, and post with the court the indicia of ownership of the property, or a percentage of the money as the judicial officer may specify;

(xiii) Execute a bail bond with solvent sureties in whatever amount is reasonably necessary to assure the appearance of the person as required; or

(xiv) Satisfy any other condition that is reasonably necessary to assure the appearance of the person as required and to assure the safety of any other person and the community.

(2) In considering the conditions of release described in paragraph (1)(B)(xii) or (xiii) of this subsection, the judicial officer may upon his own motion, or shall upon the motion of the government,

conduct an inquiry into the source of the property to be designated for potential forfeiture or offered as collateral to secure a bond, and shall decline to accept the designation or the use as collateral of property that, because of its source, will not reasonably assure the appearance of the person as required.

(3) A judicial officer may not impose a financial condition under paragraph (1)(B)(xii) or (xiii) of this subsection to assure the safety of any other person or the community, but may impose such a financial condition to reasonably assure the defendant's presence at all court proceedings that does not result in the preventive detention of the person, except as provided in § 23-1322(b).

(4) A person for whom conditions of release are imposed and who, after 24 hours from the time of the release hearing, continues to be detained as a result of inability to meet the conditions of release, shall upon application be entitled to have the conditions reviewed by the judicial officer who imposed them. Unless the conditions of release are amended and the person is thereupon released, on another condition or conditions, the judicial officer shall set forth in writing the reasons for requiring the conditions imposed. A person who is ordered released on a condition that requires that the person return to custody after specified hours shall, upon application, be entitled to a review by the judicial officer who imposed the condition. Unless the requirement is removed and the person is released on another condition or conditions, the judicial officer shall set forth in writing the reasons for continuing the requirement. In the event that the judicial officer who imposed the conditions of release is not available, any other judicial officer may review the conditions.

(5) The judicial officer may at any time amend the order to impose additional or different conditions of release.

(July 29, 1970, 84 Stat. 642, Pub. L. 91-358, title II, § 210(a); Sept. 17, 1982, D.C. Law 4-152, §§ 2, 5, 29 DCR 3479; July 3, 1992, D.C. Law 9-125, § 2, 39 DCR 2134; Aug. 20, 1994, D.C. Law 10-151, § 601, 41 DCR 2608; June 12, 2001, D.C. Law 13-310, § 2(a), 48 DCR 1648; June 5, 2003, D.C. Law 14-307, § 2102, 49 DCR 11664.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 23-1321.

Effect of Amendments

D.C. Law 13-310, in subsec. (a), inserted ", murder in the second degree".

D.C. Law 14-307 rewrote sub-subpar. (1)(B)(xi) of subsec. (c) which had read as follows:

"(xi) Return to custody for specified hours following release for employment, schooling, or other limited purposes;"

Emergency Act Amendments

For temporary amendment of section, see § 601 of the Omnibus Criminal Justice Reform Emergency Amendment Act of 1994 (D.C. Act 10-255, June 22, 1994, 41 DCR 4286).

For temporary (90 day) amendment of section, see § 2102 of Fiscal Year 2003 Budget Support Amendment Emergency Act of 2002 (D.C. Act 14-544, December 4, 2002, 49 DCR 11700).

For temporary (90 day) amendment of section, see § 2102 of the Fiscal Year 2003 Budget Support Amendment Congressional Review Emergency Act of 2003 (D.C. Act 15-27, February 24, 2003, 50 DCR 2151).

For temporary (90 day) amendment of section, see § 2102 of Fiscal Year 2003 Budget Support Amendment Second Congressional Review Emergency Act of 2003 (D.C. Act 15-103, June 20, 2003, 50 DCR 5499).

Legislative History of Laws

Law 4-152, the "District of Columbia Bail Amendment Act of 1982," was introduced in Council and assigned Bill No. 4-127, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on July 6, 1982 and July 20, 1982, respectively. Signed by the Mayor on July 21, 1982, it was assigned Act No. 4-223 and transmitted to both Houses of Congress for its review.

Law 9-125, the "Bail Reform Amendment Act of 1992," was introduced in Council and assigned Bill No. 9-360, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on February 4, 1992, and March 3, 1992, respectively. Signed by the Mayor on March 20, 1992, it was assigned Act No. 9-170 and transmitted to both Houses of Congress for its review. D.C. Law 9-125 became effective on July 3, 1992.

Law 10-151, the "Omnibus Criminal Justice Reform Amendment Act of 1994," was introduced in Council and assigned Bill No. 10-98, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on March 29, 1994, and April 12, 1994, respectively. Signed by the Mayor on May 4, 1994, it was assigned Act No. 10-238 and transmitted to both Houses of Congress for its review. D.C. Law 10-151 became effective on August 20, 1994.

Law 13-310, the "Bail Reform Act of 2000", was introduced in Council and assigned Bill No. 13-290, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on December 5, 2000, and December 19, 2000, respectively. Signed by the Mayor on January 16, 2001, it was assigned Act No. 13-567 and transmitted to both Houses of Congress for its review. D.C. Law 13-310 became effective on June 12, 2001.

Law 14-307, the "Fiscal Year 2003 Budget Support Amendment Act of 2002", was introduced in Council and assigned Bill No. 14-892, which was referred to the Committee on the Whole. The Bill was adopted on first and second readings on October 1, 2002, and November 7, 2002, respectively. Signed by the Mayor on December 4, 2002, it was assigned Act No. 14-543 and transmitted to both Houses of Congress for its review. D.C. Law 14-307 became effective on June 5, 2003.

§ 23-1322. DETENTION PRIOR TO TRIAL.

(a) The judicial officer shall order the detention of a person charged with an offense for a period of not more than 5 days, excluding Saturdays, Sundays, and holidays, and direct the attorney for the government to notify the appropriate court, probation or parole official, or local or state law enforcement official, if the judicial officer determines that the person charged with an offense:

(1) Was at the time the offense was committed, on:

- (A) Release pending trial for a felony or misdemeanor under local, state, or federal law;
- (B) Release pending imposition or execution of sentence, appeal of sentence or conviction, or completion of sentence, for any offense under local, state, or federal law; or
- (C) Probation, parole or supervised release for an offense under local, state, or federal law; and

(2) May flee or pose a danger to any other person or the community or, when a hearing under § 23-1329(b) is requested, is likely to violate a condition of release. If the official fails or declines to take the person into custody during the 5-day period described in this subsection, the person shall be treated in accordance with other provisions of law governing release pending trial.

(b)(1) The judicial officer shall hold a hearing to determine whether any condition or combination of conditions set forth in § 23-1321(c) will reasonably assure the appearance of the person as required and the safety of any other person and the community, upon oral motion of the attorney for the government, in a case that involves:

- (A) A crime of violence, or a dangerous crime, as these terms are defined in § 23-1331;
- (B) An offense under section 502 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-722);
- (C) A serious risk that the person will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate a prospective witness or juror; or
- (D) A serious risk that the person will flee.

(2) If, after a hearing pursuant to the provision of subsection (d) of this section, the judicial officer finds by clear and convincing evidence that no condition or combination of conditions will reasonably assure the appearance of the person as required, and the safety of any other person and the community, the judicial officer shall order that the person be detained before trial.

(c) There shall be a rebuttable presumption that no condition or combination of conditions of release will reasonably assure the safety of any other person and the community if the judicial officer finds by probable cause that the person:

- (1) Committed a dangerous crime or a crime of violence, as these crimes are defined in § 23-1331, while armed with or having readily available a pistol, firearm, imitation firearm, or other deadly or dangerous weapon;
- (2) Has threatened, injured, intimidated, or attempted to threaten, injure, or intimidate a law enforcement officer, an officer of the court, or a prospective witness or juror in any criminal investigation or judicial proceeding;
- (3) Committed a dangerous crime or a crime of violence, as these terms are defined in § 23-1331, and has previously been convicted of a dangerous crime or a crime of violence which was committed while on release pending trial for a local, state, or federal offense;
- (4) Committed a dangerous crime or a crime of violence while on release pending trial for a local, state, or federal offense;
- (5) Committed 2 or more dangerous crimes or crimes of violence in separate incidents that are joined in the case before the judicial officer;
- (6) Committed a robbery in which the victim sustained a physical injury;

(7) Violated § 22-4504(a) (carrying a pistol without a license), § 22-4504(a-1) (carrying a rifle or shotgun), § 22-4504(b) (possession of a firearm during the commission of a crime of violence or dangerous crime), § 22-4503 (unlawful possession of a firearm) or [§ 22-2511] (presence in a motor vehicle containing a firearm); or

(8) Violated [subchapter VIII of Chapter 25 of Title 7], while on probation, parole, or supervised release for committing a dangerous crime or a crime of violence, as these crimes are defined in § 23-1331, and while armed with or having readily available a firearm, imitation firearm, or other deadly or dangerous weapon as described in § 22-4502(a).

(d)(1) The hearing shall be held immediately upon the person's first appearance before the judicial officer unless that person, or the attorney for the government, seeks a continuance. Except for good cause, a continuance on motion of the person shall not exceed 5 days, and a continuance on motion of the attorney for the government shall not exceed 3 days. During a continuance, the person shall be detained, and the judicial officer, on motion of the attorney for the government or sua sponte, may order that, while in custody, a person who appears to be an addict receive a medical examination to determine whether the person is an addict, as defined in § 23-1331.

(2) At the hearing, the person has the right to be represented by counsel and, if financially unable to obtain adequate representation, to have counsel appointed.

(3) The person shall be afforded an opportunity to testify. Testimony of the person given during the hearing shall not be admissible on the issue of guilt in any other judicial proceeding, but the testimony shall be admissible in proceedings under §§ 23-1327, 23-1328, and 23-1329, in perjury proceedings, and for the purpose of impeachment in any subsequent proceedings.

(4) The person shall be afforded an opportunity to present witnesses, to cross-examine witnesses who appear at the hearing, and to present information by proffer or otherwise. The rules concerning admissibility of evidence in criminal trials do not apply to the presentation and consideration of information at the hearing.

(5) The person shall be detained pending completion of the hearing.

(6) The hearing may be reopened at any time before trial if the judicial officer finds that information exists that was not known to the movant at the time of the hearing and that has a material bearing on the issue of whether there are conditions of release that will reasonably assure the appearance of the person as required or the safety of any other person or the community.

(7) When a person has been released pursuant to this section and it subsequently appears that the person may be subject to pretrial detention, the attorney for the government may initiate a pretrial detention hearing by ex parte written motion. Upon such motion, the judicial officer may issue a warrant for the arrest of the person and if the person is outside the District of Columbia, the person shall be brought before a judicial officer in the district where the person is arrested and shall then be transferred to the District of Columbia for proceedings in accordance with this section.

(e) The judicial officer shall, in determining whether there are conditions of release that will reasonably assure the appearance of the person as required and the safety of any other person and the community, take into account information available concerning:

(1) The nature and circumstances of the offense charged, including whether the offense is a crime of violence or dangerous crime as these terms are defined in § 23-1331, or involves obstruction of justice as defined in § 22-722;

(2) The weight of the evidence against the person;

(3) The history and characteristics of the person, including:

(A) The person's character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings; and

(B) Whether, at the time of the current offense or arrest, the person was on probation, on parole, on supervised release, or on other release pending trial, sentencing, appeal, or completion of sentence for an offense under local, state, or federal law; and

(4) The nature and seriousness of the danger to any person or the community that would be posed by the person's release.

(f) In a release order issued under § 23-1321(b) or (c), the judicial officer shall:

(1) Include a written statement that sets forth all the conditions to which the release is subject, in a manner sufficiently clear and specific to serve as a guide for the person's conduct; and

(2) Advise the person of:

(A) The penalties for violating a condition of release, including the penalties for committing an offense while on pretrial release;

(B) The consequences of violating a condition of release, including immediate arrest or issuance of a warrant for the person's arrest; and

(C) The provisions of § 22-722, relating to threats, force, or intimidation of witnesses, jurors, and officers of the court, obstruction of criminal investigations and retaliating against a witness, victim, or an informant.

(g) In a detention order issued under subsection (b) of this section, the judicial officer shall:

- (1) Include written findings of fact and a written statement of the reasons for the detention;
- (2) Direct that the person be committed to the custody of the Attorney General of the United States for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
- (3) Direct that the person be afforded reasonable opportunity for private consultation with counsel; and
- (4) Direct that, on order of a judicial officer or on request of an attorney for the government, the person in charge of the corrections facility in which the person is confined deliver the person to the United States Marshal or other appropriate person for the purpose of an appearance in connection with a court proceeding.

(h)(1) The case of the person detained pursuant to subsection (b) of this section shall be placed on an expedited calendar and, consistent with the sound administration of justice, the person shall be indicted before the expiration of 90 days, and shall have trial of the case commence before the expiration of 100 days. However, the time within which the person shall be indicted or shall have the trial of the case commence may be extended for one or more additional periods not to exceed 20 days each on the basis of a petition submitted by the attorney for the government and approved by the judicial officer. The additional period or periods of detention may be granted only on the basis of good cause shown, including due diligence and materiality, and shall be granted only for the additional time required to prepare for the expedited indictment and trial of the person. Good cause may include, but is not limited to, the unavailability of an essential witness, the necessity for forensic analysis of evidence, the ability to conduct a joint trial with a co-defendant or co-defendants, severance of co-defendants which permits only one trial to commence within the time period, complex or major investigations, complex or difficult legal issues, scheduling conflicts which arise shortly before the scheduled trial date, the inability to proceed to trial because of action taken by or at the behest of the defendant, an agreement between the government and the defense to dispose of the case by a guilty plea on or after the scheduled trial date, or the breakdown of a plea on or immediately before the trial date, and allowing reasonable time to prepare for an expedited trial after the circumstance giving rise to a tolling or extension of the 100-day period no longer exists. If the time within which the person must be indicted or the trial must commence is tolled or extended, an indictment must be returned at least 10 days before the new trial date.

(2) For the purposes of determining the maximum period of detention under this section, the period shall begin on the latest of:

- (A) The date the defendant is first detained under subsection (b) of this section by order of a judicial officer of the District of Columbia after arrest;
- (B) The date the defendant is first detained under subsection (b) of this section by order of a judicial officer of the District of Columbia following a re-arrest or order of detention after having been conditionally released under § 23-1321 or after having escaped;
- (C) The date on which the trial of a defendant detained under subsection (b) of this section ends in a mistrial;
- (D) The date on which an order permitting the withdrawal of a guilty plea becomes final;
- (E) The date on which the defendant reasserts his right to an expedited trial following a waiver of that right;
- (F) The date on which the defendant, having previously been found incompetent to stand trial, is found competent to stand trial;
- (G) The date on which an order granting a motion for a new trial becomes final; or
- (H) The date on which the mandate is filed in the Superior Court after a case is reversed on appeal.

(3) After 100 days, as computed under paragraphs (2) and (4) of this section, or such period or periods of detention as extended under paragraph (1) of this section, the defendant shall be treated in accordance with § 23-1321(a) unless the trial is in progress, has been delayed by the timely filing of motions, excluding motions for continuance, or has been delayed at the request of the defendant.

(4) In computing the 100 days, the following periods shall be excluded:

- (A) Any period from the filing of the notice of appeal to the issuance of the mandate in an interlocutory appeal;
- (B) Any period attributable to any examination to determine the defendant's sanity or lack thereof or

his or her mental competency or physical capacity to stand trial;

(C) Any period attributable to the inability of the defendant to participate in his or her defense because of mental incompetency or physical incapacity; and

(D) Any period in which the defendant is otherwise unavailable for trial.

(i) Nothing in this section shall be construed as modifying or limiting the presumption of innocence.

(July 29, 1970, 84 Stat. 644, Pub. L. 91-358, title II, § 210(a); Sept. 17, 1982, D.C. Law 4-152, § 3, 29 DCR 3479; July 28, 1989, D.C. Law 8-19, § 2(a), 36 DCR 2844; May 8, 1990, D.C. Law 8-120, § 2(a), 37 DCR 24; July 3, 1992, D.C. Law 9-125, § 3, 39 DCR 2134; Aug. 20, 1994, D.C. Law 10-151, § 602(a), 41 DCR 2608; May 16, 1995, D.C. Law 10-255, § 17, 41 DCR 5193; July 25, 1995, D.C. Law 11-30, § 6, 42 DCR 1547; June 3, 1997, D.C. Law 11-273, § 3(b), 43 DCR 6168; June 3, 1997, D.C. Law 11-275, § 14(f), 44 DCR 1408; June 12, 2001, D.C. Law 13-310, § 2(b), 48 DCR 1648; May 17, 2002, D.C. Law 14-134, § 7, 49 DCR 408; May 5, 2007, D.C. Law 16-308, § 3(a), 54 DCR 942; Dec. 10, 2009, D.C. Law 18-88, § 223, 56 DCR 7413; Sept. 26, 2012, D.C. Law 19-171, § 78, 59 DCR 6190.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 23-1322.

1973 Ed., § 23-1322.

Effect of Amendments

D.C. Law 13-310, in subsec. (a), inserted "or misdemeanor" following "felony" in par. (1)(A), and inserted "or, when a hearing under § 23-1329(b) is requested, is likely to violate a condition of release" in par. (2); in subsec. (f)(2)(B), substituted "immediate arrest or" for "the immediate"; and rewrote subsec. (h) which had read:

"(h) The case of the person detained pursuant to subsection (b) of this section shall be placed on an expedited calendar and, consistent with the sound administration of justice, the person shall be indicted before the expiration of 90 days, and shall have trial of the case commence before the expiration of 100 days. However, the person may be detained for an additional period not to exceed 20 days from the date of the expiration of the 100-day period on the basis of a petition submitted by the attorney for the government and approved by the judicial officer. The additional period of detention may be granted only on the basis of good cause shown and shall be granted only for the additional time required to prepare for the expedited trial of the person. For the purposes of determining the maximum period of detention under this section, the period shall not exceed 120 days. The period shall:

"(1) Begin on the date defendant is first detained after arrest; and

"(2) Include the days detained pending a detention hearing and the days in confinement on temporary detention under subsection (a) of this section whether or not continuous with full pretrial detention. The defendant shall be treated in accordance with § 23-1321(a) unless the trial is in progress, has been delayed by the timely filing of motions excluding motions for continuance, or has been delayed at the request of the defendant."

D.C. Law 14-134, in subsec. (a)(1)(C), substituted "Probation, parole, or supervised release" for "Probation or parole"; and in subsec. (e)(3)(B), inserted "on supervised release," following "parole,".

D.C. Law 16-308, in subsec. (c), substituted "imitation firearm, or other deadly or dangerous weapon," for "or imitation firearm," in par. (1), deleted "; or" from the end of par. (3), substituted a semicolon for a period at the end of par. (4), and added pars. (5), (6), and (7).

D.C. Law 18-88, in subsec. (c), substituted "probable cause" for "a substantial probability" in the lead-in language, deleted "or" from the end of par. (6), rewrote par. (7), and added par. (8). Prior to amendment, par. (7) of subsec. (c) read as follows:

"(7) Committed CPWL, carrying a pistol without a license."

D.C. Law 19-171, in subsec. (c)(6), validated a previously made technical correction.

Temporary Amendments of Section

D.C. Law 14-115, in subsec. (a)(1)(C), substituted "Probation, parole, or supervised release," for "Probation, or parole"; and, in subsec. (e)(3)(B), inserted "on supervised release," following "parole,".

Section 4(b) of D.C. Law 14-115 provides that the act shall expire after 225 days of its having taken effect.

Emergency Act Amendments

For temporary amendment of section, see § 602 of the Omnibus Criminal Justice Reform Emergency Amendment Act of 1994 (D.C. Act 10-255, June 22, 1994, 41 DCR 4286).

For temporary (90 day) amendment of section, see § 2 of Sentencing Reform Technical Amendment Emergency Act of 2001 (D.C. Act 14-148, October 23, 2001, 48 DCR 10195).

For temporary (90 day) amendment of section, see § 2 of Sentencing Reform Technical Amendment Congressional Review Emergency Act of 2002 (D.C. Act 14- 240, January 28, 2002, 49 DCR 1024).

For temporary (90 day) amendment of section, see § 301 of Enhanced Crime Prevention and Abatement Emergency Amendment Act of 2006 (D.C. Act 16-446, July 21, 2006, 53 DCR 6477).

For temporary (90 day) amendment of section, see § 101 of Crime Reduction Initiative Emergency Amendment Act of 2006 (D.C. Act 16-491, October 19, 2006, 53 DCR 8818).

For temporary (90 day) amendment of section, see § 102(a) of Crime Reduction Initiative Congressional Review Emergency Amendment Act of 2007 (D.C. Act 17-9, January 16, 2007, 54 DCR 1471).

For temporary (90 day) amendment of section, see § 3(a) of Crime Reduction Initiative (Rebuttable Presumption) Congressional Review Emergency Act of 2007 (D.C. Act 17-24, April 19, 2007, 54 DCR 4033).

For temporary (90 day) amendment of section, see § 402 of Crime Bill Emergency Amendment Act of 2009 (D.C. Act 18-129, June 29, 2009, 56 DCR 5495).

For temporary (90 day) amendment of section, see § 223 of Omnibus Public Safety and Justice Emergency Amendment Act of 2009 (D.C. Act 18-181, August 6, 2009, 56 DCR 6903).

For temporary (90 day) amendment of section, see § 223 of Omnibus Public Safety and Justice Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18- 227, October 21, 2009, 56 DCR 8668).

Legislative History of Laws

For legislative history of D.C. Law 4-152, see Historical and Statutory Notes following § 23-1321.

Law 8-19, the "Law Enforcement Temporary Amendment Act of 1989," was introduced in Council and assigned Bill No. 8-184, which was retained by Council. The Bill was adopted on first and second readings on March 7, 1989 and April 4, 1989, respectively. Signed by the Mayor on April 17, 1989, it was assigned Act No. 8-22 and transmitted to both Houses of Congress for its review.

Law 8-120, the "Law Enforcement Amendment Act of 1989," was introduced in Council and assigned Bill No. 8-185, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on December 5, 1989, and December 19, 1989, respectively. Signed by the Mayor on December 21, 1989, it was assigned Act No. 8-129 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 9-125, see Historical and Statutory Notes following § 23-1321.

For legislative history of D.C. Law 10-151, see Historical and Statutory Notes following § 23-1321.

Law 10-255, the "Technical Amendments Act of 1994," was introduced in Council and assigned Bill No. 10-673, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on June 21, 1994, and July 5, 1994, respectively. Signed by the Mayor on July 25, 1994, it was assigned Act No. 10-302 and transmitted to both Houses of Congress for its review. D.C. Law 10-255 became effective May 16, 1995.

Law 11-30, the "Technical Amendments Act of 1995," was introduced in Council and assigned Bill No. 11-58, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on February 7, 1995 and March 7, 1995, respectively. Signed by the Mayor on March 22, 1995, it was assigned Act No. 11-32 and transmitted to both Houses of Congress for its review. D.C. Law 11-30 became effective on July 25, 1995.

Law 11-273, the "Zero Tolerance for Guns Amendment Act of 1996," was introduced in Council and assigned Bill No. 11-153, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on June 19, 1996, and October 1, 1996, respectively. Signed by the Mayor on October 18, 1996, it was assigned Act No. 11-431 and transmitted to both Houses of Congress for its review. D.C. Law 11-273 became effective on June 3, 1997.

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 13-310, see notes following § 13-1321.

Law 14-115, the "Sentencing Reform Technical Amendment Temporary Act of 2002", was introduced in Council and assigned Bill No. 14-367, which was retained by the Council. The Bill was adopted on first and second readings on October 2, 2001, and November 6, 2001, respectively. Signed by the Mayor on November 19, 2001, it was assigned Act No. 14-173 and transmitted to both Houses of Congress for its review. D.C. Law 14-115 became effective on April 27, 2002.

Law 14-134, the "Innocence Protection Act of 2001", was introduced in Council and assigned Bill No. 14-153, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on November 6, 2001, and December 4, 2001, respectively. Signed by the Mayor on December 21, 2001, it was

assigned Act No. 14-222 and transmitted to both Houses of Congress for its review. D.C. Law 14-134 became effective on May 17, 2002.

Law 16-308, the "Rebuttable Presumption to Detain Robbery and Handgun Violation Suspects Act of 2006", was introduced in Council and assigned Bill No. 16-895, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on December 5, 2006, and December 19, 2006, respectively. Signed by the Mayor on December 28, 2006, it was assigned Act No. 16-643 and transmitted to both Houses of Congress for its review. D.C. Law 16-308 became effective on May 5, 2007.

For Law 18-88, see notes following § 23-110.

Law 19-171, the "Technical Amendments Act of 2012", was introduced in Council and assigned Bill No. 19-397, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on March 20, 2012, and April 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to both Houses of Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

§ 23-1323. DETENTION OF ADDICT.

(a) Whenever it appears that a person charged with a crime of violence, as defined in section 23-1331(4), may be an addict, as defined in section 23-1331(5), the judicial officer may, upon motion of the United States attorney, order such person detained in custody for a period not to exceed three calendar days, under medical supervision, to determine whether the person is an addict.

(b) Upon or before the expiration of three calendar days, the person shall be brought before a judicial officer and the results of the determination shall be presented to such judicial officer. The judicial officer thereupon (1) shall treat the person in accordance with section 23-1321, or (2) upon motion of the United States attorney, may (A) hold a hearing pursuant to section 23-1322, or (B) hold a hearing pursuant to subsection (c) of this section.

(c) A person who is an addict may be ordered detained in custody under medical supervision if the judicial officer --

(1) holds a pretrial detention hearing in accordance with § 23-1322(d);

(2) finds that --

(A) there is clear and convincing evidence that the person is an addict;

(B) based on the factors set out in § 23-1322(e), there is no condition or combination of conditions of release which will reasonably assure the safety of any other person or the community; and

(C) on the basis of information presented to the judicial officer by proffer or otherwise, there is a substantial probability that the person committed the offense for which he is present before the judicial officer; and

(3) issues an order of detention accompanied by written findings of fact and the reasons for its entry.

(d) The provisions of § 23-1322(h) shall apply to this section.

(July 29, 1970, 84 Stat. 646, Pub. L. 91-358, title II, § 210(a); July 3, 1992, D.C. Law 9-125, § 4, 39 DCR 2134.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 23-1323.

1973 Ed., § 23-1323.

Legislative History of Laws

For legislative history of D.C. Law 9-125, see Historical and Statutory Notes following § 23-1321.

§ 23-1324. APPEAL FROM CONDITIONS OF RELEASE.

(a) A person who is detained, or whose release on a condition requiring him to return to custody after specified hours is continued, after review of his application pursuant to § 23-1321(c)(4) by a judicial officer, other than a judge of the court having original jurisdiction over the offense with which he is charged or a judge of a United States court of appeals or a Justice of the Supreme Court, may move the court having original jurisdiction over the offense with which he is charged to amend the order. Such motion shall be determined promptly.

(b) In any case in which a person is detained after (1) a court denies a motion under subsection (a) to amend an order imposing conditions of release, (2) conditions of release have been imposed or

amended by a judge of the court having original jurisdiction over the offense charged, or (3) he is ordered detained or an order for his detention has been permitted to stand by a judge of the court having original jurisdiction over the offense charged, an appeal may be taken to the court having appellate jurisdiction over such court. Any order so appealed shall be affirmed if it is supported by the proceedings below. If the order is not so supported, the court may remand the case for a further hearing, or may, with or without additional evidence, order the person released pursuant to section 23-1321(a). The appeal shall be determined promptly.

(c) In any case in which a judicial officer other than a judge of the court having original jurisdiction over the offense with which a person is charged orders his release with or without setting terms or conditions of release, or denies a motion for the pretrial detention of a person, the United States attorney may move the court having original jurisdiction over the offense to amend or revoke the order. Such motion shall be considered promptly.

(d) In any case in which --

(1) a person is released, with or without the setting of terms or conditions of release, or a motion for the pretrial detention of a person is denied, by a judge of the court having original jurisdiction over the offense with which the person is charged, or

(2) a judge of a court having such original jurisdiction does not grant the motion of the United States attorney filed pursuant to subsection (c),

the United States attorney may appeal to the court having appellate jurisdiction over such court. Any order so appealed shall be affirmed if it is supported by the proceedings below. If the order is not so supported, (A) the court may remand the case for a further hearing, (B) with or without additional evidence, change the terms or conditions of release, or (C) in cases in which the United States attorney requested pretrial detention pursuant to sections 23-1322 and 23-1323, order such detention.

(July 29, 1970, 84 Stat. 647, Pub. L. 91-358, title II, § 210(a); July 3, 1992, D.C. Law 9-125, § 5, 39 DCR 2134.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 23-1324.

1973 Ed., § 23-1324.

Legislative History of Laws

For legislative history of D.C. Law 9-125, see Historical and Statutory Notes following § 23-1321.

§ 23-1325. RELEASE IN FIRST DEGREE MURDER, SECOND DEGREE MURDER, AND ASSAULT WITH INTENT TO KILL WHILE ARMED CASES OR AFTER CONVICTION.

(a) A person who is charged with murder in the first degree, murder in the second degree, or assault with intent to kill while armed shall be treated in accordance with the provisions of section 23-1321 unless the judicial officer has reason to believe that no one or more conditions of release will reasonably assure that the person will not flee or pose a danger to any other person or to the community. If such a risk of flight or danger is believed to exist, the person may be ordered detained. In any pretrial detention hearing under the provisions of this section, if the judicial officer finds that there is a substantial probability that the person has committed any of the foregoing offenses while armed with or having readily available a pistol, firearm, or imitation firearm, there shall be a rebuttable presumption that no condition or combination of conditions of release will reasonably assure the safety of any other person or the community.

(b) A person who has been convicted of an offense and is awaiting sentence shall be detained unless the judicial officer finds by clear and convincing evidence that he is not likely to flee or pose a danger to any other person or to the property of others. Upon such finding, the judicial officer shall treat the person in accordance with the provisions of section 23-1321.

(c) A person who has been convicted of an offense and sentenced to a term of confinement or imprisonment and has filed an appeal or a petition for a writ of certiorari shall be detained unless the judicial officer finds by clear and convincing evidence that (1) the person is not likely to flee or pose a danger to any other person or to the property of others, and (2) the appeal or petition for a writ of certiorari raises a substantial question of law or fact likely to result in a reversal or an order for new trial. Upon such findings, the judicial officer shall treat the person in accordance with the provisions of section 23-1321.

(d) The provisions of section 23-1324 shall apply to persons detained in accordance with this section, except that the finding of the judicial officer that the appeal or petition for writ of certiorari does not raise by clear and convincing evidence a substantial question of law or fact likely to result in a reversal or order for new trial shall receive de novo consideration in the court in which review is sought.

(July 29, 1970, 84 Stat. 647, Pub. L. 91-358, title II, § 210(a); Sept. 17, 1982, D.C. Law 4-152, §§ 4, 5, 29 DCR 3479; July 28, 1989, D.C. Law 8-19, § 2(b), 36 DCR 2844; May 8, 1990, D.C. Law 8-120, § 2(b), 37 DCR 24; July 3, 1992, D.C. Law 9-125, § 6, 39 DCR 2134; June 12, 2001, D.C. Law 13-310, § 2(c), 48 DCR 1648.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 23-1325.

1973 Ed., § 23-1325.

Effect of Amendments

D.C. Law 13-310, in the section heading, inserted ", second degree murder,"; and, in subsec. (a), substituted "murder in the first degree, murder in the second degree" in the first sentence, and substituted "substantial probability that the person has committed any of the foregoing offenses" for "substantial probability that the person has committed murder in the first degree".

Legislative History of Laws

For legislative history of D.C. Law 4-152, see Historical and Statutory Notes following § 23-1321.

For legislative history of D.C. Law 8-19, see Historical and Statutory Notes following § 23-1322.

For legislative history of D.C. Law 8-120, see Historical and Statutory Notes following § 23-1322.

For legislative history of D.C. Law 9-125, see Historical and Statutory Notes following § 23-1321.

For Law 13-310, see notes following § 13-1321.

§ 23-1326. RELEASE OF MATERIAL WITNESSES.

If it appears by affidavit that the testimony of a person is material in any criminal proceeding, and if it is shown that it may become impracticable to secure his presence by subpoena, a judicial officer shall impose conditions of release pursuant to section 23-1321. No material witness shall be detained because of inability to comply with any condition of release if the testimony of such witness can adequately be secured by deposition, and further detention is not necessary to prevent a failure of justice. Release may be delayed for a reasonable period of time until the deposition of the witness can be taken pursuant to the Federal Rules of Criminal Procedure.

(July 29, 1970, 84 Stat. 648, Pub. L. 91-358, title II, § 210(a); Apr. 30, 1988, D.C. Law 7-104, § 7(h), 35 DCR 147.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 23-1326.

1973 Ed., § 23-1326.

Legislative History of Laws

Law 7-104, the "Technical Amendments Act of 1987," was introduced in Council and assigned Bill No. 7-346, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 24, 1987 and December 8, 1987, respectively. Signed by the Mayor on December 22, 1987, it was assigned Act No. 7-124 and transmitted to both Houses of Congress for its review.

§ 23-1327. PENALTIES FOR FAILURE TO APPEAR.

(a) Whoever, having been released under this title prior to the commencement of his sentence, willfully fails to appear before any court or judicial officer as required, shall, subject to the provisions of the Federal Rules of Criminal Procedure, incur a forfeiture of any security which was given or pledged for his release, and, in addition, shall, (1) if he was released in connection with a charge of felony, or while awaiting sentence or pending appeal or certiorari prior to commencement of his sentence after conviction of any offense, be fined not more than \$5,000 and imprisoned not less than one year and not more than five years, (2) if he was released in connection with a charge of misdemeanor, be fined not more than the maximum provided for such misdemeanor and imprisoned for not less than ninety days and not more than 180 days, or (3) if he was released for appearance as a material witness, be fined not more than \$1,000 or imprisoned for not more than 180 days, or both.

(b) Any failure to appear after notice of the appearance date shall be prima facie evidence that such failure to appear is wilful. Whether the person was warned when released of the penalties for failure to appear

shall be a factor in determining whether such failure to appear was wilful, but the giving of such warning shall not be a prerequisite to conviction under this section.

(c) The trier of facts may convict under this section even if the defendant has not received actual notice of the appearance date if (1) reasonable efforts to notify the defendant have been made, and (2) the defendant, by his own actions, has frustrated the receipt of actual notice.

(d) Any term of imprisonment imposed pursuant to this section shall be consecutive to any other sentence of imprisonment.

(July 29, 1970, 84 Stat. 648, Pub. L. 91-358, title II, § 210(a); Aug. 20, 1994, D.C. Law 10-151, § 101(b), (c), 41 DCR 2608.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 23-1327.

1973 Ed., § 23-1327.

Emergency Act Amendments

For temporary amendment of section, see § 101(b) and (c) of the Omnibus Criminal Justice Reform Emergency Amendment Act of 1994 (D.C. Act 10-255, June 22, 1994, 41 DCR 4286).

Legislative History of Laws

For legislative history of D.C. Law 10-151, see Historical and Statutory Notes following § 23-1321.

§ 23-1328. PENALTIES FOR OFFENSES COMMITTED DURING RELEASE.

(a) Any person convicted of an offense committed while released pursuant to section 23-1321 shall be subject to the following penalties in addition to any other applicable penalties:

(1) A term of imprisonment of not less than one year and not more than five years if convicted of committing a felony while so released; and

(2) A term of imprisonment of not less than ninety days and not more than 180 days if convicted of committing a misdemeanor while so released.

(b) The giving of a warning to the person when released of the penalties imposed by this section shall not be a prerequisite to the application of this section.

(c) Any term of imprisonment imposed pursuant to this section shall be consecutive to any other sentence of imprisonment.

(July 29, 1970, 84 Stat. 649, Pub. L. 91-358, title II, § 210(a); Aug. 20, 1994, D.C. Law 10-151, § 101(d), 41 DCR 2608.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 23-1328.

1973 Ed., § 23-1328.

Emergency Act Amendments

For temporary amendment of section, see § 101(d) of the Omnibus Criminal Justice Reform Emergency Amendment Act of 1994 (D.C. Act 10-255, June 22, 1994, 41 DCR 4286).

Legislative History of Laws

For legislative history of D.C. Law 10-151, see Historical and Statutory Notes following § 23-1321.

§ 23-1329. PENALTIES FOR VIOLATION OF CONDITIONS OF RELEASE.

(a) A person who has been conditionally released pursuant to section 23-1321 and who has violated a condition of release shall be subject to revocation of release, an order of detention, and prosecution for contempt of court.

(b)(1) Proceedings for revocation of release may be initiated on motion of the United States Attorney or on the court's own motion. A warrant for the arrest of a person charged with violating a condition of release may be issued by a judicial officer and if such person is outside the District of Columbia he shall be brought before a judicial officer in the district where he is arrested and shall then be transferred to the District of Columbia for proceedings in accordance with this section. No order of revocation and detention

shall be entered unless, after a hearing, the judicial officer:

(A) Finds that there is:

- (i) Probable cause to believe that the person has committed a federal, state, or local crime while on release; or
- (ii) Clear and convincing evidence that the person has violated any other condition of his release; and

(B) Finds that:

- (i) Based on the factors set out in § 23-1322(e), there is no condition or combination of conditions of release which will reasonably assure that the person will not flee or pose a danger to any other person or the community; or
- (ii) The person is unlikely to abide by a condition or conditions of release.

(2) If there is probable cause to believe that while on release, the person committed a dangerous or violent crime, as defined by § 23-1331, or a substantially similar offense under the laws of any other jurisdiction, a rebuttable presumption arises that no condition or combination of conditions will assure the safety of any other person or the community.

(3) The provisions of § 23-1322(d) and (h) shall apply to this subsection.

(c) Contempt sanctions may be imposed if, upon a hearing and in accordance with principles applicable to proceedings for criminal contempt, it is established that such person has intentionally violated a condition of his release. Such contempt proceedings shall be expedited and heard by the court without a jury. Any person found guilty of criminal contempt for violation of a condition of release shall be imprisoned for not more than six months, or fined not more than \$1,000, or both. A judicial officer or a prosecutor may initiate a proceeding for contempt under this section.

(d) Any warrant issued by a judge of the Superior Court for violation of release conditions or for contempt of court, for failure to appear as required, or pursuant to § 23-1322(d)(7), may be executed at any place within the jurisdiction of the United States. Such warrants shall be executed by a United States marshal or by any other officer authorized by law.

(e) A person who has been conditionally released and who violates a condition of that release by using a controlled substance or by failing to comply with the prescribed treatment for use of a controlled substance, may be ordered by the court, in addition to or in lieu of the penalties and procedures prescribed in subsections (a) through (d) of this section, to temporary placement in custody, when, in the opinion of the court, such action is necessary for treatment or to assure compliance with conditions of release. A person shall not be subject to an order of temporary detention under this subsection, unless before any such violation and order, the person has agreed in writing to the imposition of such an order as a sanction for the person's violation of a condition of release.

(f)(1) Within 180 days of the effective date of this act, the Department of Corrections, in consultation with the Federal Bureau of Prisons, the Court Services and Offender Supervision Agency, and the Pretrial Services Agency, shall promulgate regulations, in accordance with [Chapter 5 of Title 2], to establish standards of conduct and discipline for persons released pursuant to § 23-1321(c)(1)(B)(xi). Such regulations shall set forth sanctions for different kinds of violations, up to and including revocation of release and detention.

(2) If a person who has been released pursuant to § 23-1321(c)(1)(B)(xi) violates a standard of conduct for which the sanction is revocation of release, the Department of Corrections may take the person into its custody or, if necessary, apply for a warrant for the person's arrest.

(3) The Department of Corrections shall immediately notify the Superior Court of the District of Columbia ("the Court") of the detention of the person and request an order for the person to be brought before the Court without unnecessary delay. An affidavit stating the basis for the person's remand to the jail shall be filed forthwith with the Court.

(4) If, based on the affidavit described in paragraph (3) of this subsection, the Court finds probable cause to believe that the person violated a standard of conduct for which a sanction is revocation of release, it shall schedule a hearing for revocation of release under subsection (b) of this section and shall detain the person pending completion of the hearing.

(5) If, based on the affidavit described in paragraph (3) of this subsection, the Court does not find probable cause to believe that the person violated a standard of conduct for which the sanction is revocation of release, it shall order the release of the person with the original or modified conditions of release.

(July 29, 1970, 84 Stat. 649, Pub. L. 91-358, title II, § 210(a); July 3, 1992, D.C. Law 9-125, § 7, 39 DCR 2134; Oct. 10, 1998, D.C. Law 12-165, § 3, 45 DCR 2980; June 12, 2001, D.C. Law 13-310, § 2(d), 48 DCR 1648; Oct. 26, 2001, D.C. Law 14-42, § 24, 48 DCR 7612.)

Prior Codifications

1981 Ed., § 23-1329.

1973 Ed., § 23-1329.

Effect of Amendments

D.C. Law 12-165 added subsec. (e).

D.C. Law 13-310, rewrote subsec. (b) which had read:

"(b) Proceedings for revocation of release may be initiated on motion of the United States Attorney. A warrant for the arrest of a person charged with violating a condition of release may be issued by a judicial officer and if such person is outside the District of Columbia he shall be brought before a judicial officer in the district where he is arrested and shall then be transferred to the District of Columbia for proceedings in accordance with this section. No order of revocation and detention shall be entered unless, after a hearing, the judicial officer finds that--

"(1) there is clear and convincing evidence that such person has violated a condition of his release; and

"(2) based on the factors set out in § 23-1322(e), there is no condition or combination of conditions of release which will reasonably assure that such person will not flee or pose a danger to any other person or the community. The provisions of § 23-1322(d) and (h) shall apply to this subsection."

; in subsec. (c) added the last sentence; and added subsec. (f).

D.C. Law 14-42, divided par. (1)(B)(ii) of subsec. (b) into two paragraphs, with the second sentence redesignated as "par. (2)", and redesignated the existing par. (2) as par. (3).

Temporary Amendments of Section

Section 2 of D.C. Law 13-50 inserted at the end of subsec. (b) "or the court's own motion.", and added at the end of subsec. (c) "A judicial officer or a prosecutor may initiate a proceeding for contempt under this section."

Section 4 (b) of D.C. Law 13-50 provides that the act shall expire after 225 days of its having taken effect.

Section 2(a) of D.C. Law 13-304, in subsec. (b), inserted "or the court's own motion" at the end of the first sentence. Section 2(b) of that law, in subsec. (c), inserted a new sentence at the end to read as follows: "A judicial officer or a prosecutor may initiate a proceeding for contempt under this section."

Section 4(b) of D.C. Law 13-304 provides that the act shall expire after 225 days of its having taken effect.

Emergency Act Amendments

For temporary (90-day) amendment of section, see § 2 of the Bail Reform Emergency Act of 1999 (D.C. Act 13-107, July 9, 1999, 46 DCR 6032).

For temporary (90-day) amendment of section, see § 2 of the Bail Reform Congressional Review Emergency Act of 1999 (D.C. Act 13-143, October 18, 1999, 46 DCR 9902).

For temporary (90-day) amendment of section, see § 2 of the Bail Reform Second Congressional Review Emergency Act of 1999 (D.C. Act 13-228, January 11, 2000, 47 DCR 485).

For temporary (90-day) amendment of section, see § 2 of the Bail Reform Emergency Act of 2000 (D.C. Act 13-414, August 14, 2000, 47 DCR 7294).

For temporary (90-day) amendment of section, see § 2 of the Bail Reform Emergency Act of 2000 (D.C. Act 13-474, November 22, 2000, 47 DCR 9647).

For temporary (90 day) amendment of section, see § 2 of Bail Reform Congressional Review Emergency Act of 2001 (D.C. Act 14-1, January 26, 2001, 48 DCR 2237).

For temporary (90 day) amendment of section, see § 2 of Bail Reform Second Congressional Review Emergency Act of 2001 (D.C. Act 14-53, May 2, 2001, 48 DCR 4385).

For temporary (90 day) amendment of section, see § 24 of Technical Amendments Emergency Act of 2001 (D.C. Act 14-108, August 3, 2001, 48 DCR 7622).

Legislative History of Laws

For legislative history of D.C. Law 9-125, see Historical and Statutory Notes following § 23-1321.

Law 12-165, the "Truth in Sentencing Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-523, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on March 17, 1998, and April 7, 1998, respectively. Signed by the Mayor on April 23, 1998, it was assigned Act No. 12-343 and transmitted to both Houses of Congress for its review. D.C. Law 12-165 became effective on October 10, 1998.

Law 13-304, the "Bail Reform Temporary Act of 2000", was introduced in Council and assigned Bill No. 13-786. The Bill was adopted on first and second readings on July 11, 2000, and October 3, 2000, respectively.

Signed by the Mayor on October 17, 2000, it was assigned Act No. 13-443 and transmitted to both Houses of Congress for its review. D.C. Law 13-304 became effective on June 8, 2001.

For Law 13-310, see notes following § 13-1321.

Law 14-42, the "Technical Correction Amendment Act of 2001", was introduced in Council and assigned Bill No. 14-216, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on June 5, 2001, and June 26, 2001, respectively. Signed by the Mayor on July 24, 2001, it was assigned Act No. 14-107 and transmitted to both Houses of Congress for its review. D.C. Law 14-42 became effective on October 26, 2001.

§ 23-1330. CONTEMPT.

Nothing in this subchapter shall interfere with or prevent the exercise by any court of the United States of its power to punish for contempt.

(July 29, 1970, 84 Stat. 649, Pub. L. 91-358, title II, § 210(a).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 23-1330.

1973 Ed., § 23-1330.

§ 23-1331. DEFINITIONS.

As used in this subchapter:

(1) The term "judicial officer" means, unless otherwise indicated, any person or court in the District of Columbia authorized pursuant to section 3041 of Title 18, United States Code, or the Federal Rules of Criminal Procedure, to bail or otherwise release a person before trial or sentencing or pending appeal in a court of the United States, and any judge of the Superior Court.

(2) The term "offense" means any criminal offense committed in the District of Columbia, other than an offense triable by court-martial, military commission, provost court, or other military tribunal, which is in violation of an Act of Congress.

(3) The term "dangerous crime" means:

(A) Any felony offense under Chapter 45 of Title 22 (Weapons) or Unit A of Chapter 25 of Title 7 (Firearms control);

(B) Any felony offense under Chapter 27 of Title 22 (Prostitution, Pandering);

(C) Any felony offense under Unit A of Chapter 9 of Title 48 (Controlled Substances);

(D) Arson or attempted arson of any premises adaptable for overnight accommodation of persons or for carrying on business;

(E) Burglary or attempted burglary;

(F) Cruelty to children;

(G) Robbery or attempted robbery;

(H) Sexual abuse in the first degree, or assault with intent to commit first degree sexual abuse; or

(I) Any felony offense established by the Prohibition Against Human Trafficking Amendment Act of 2010 [D.C. Law 18-239], or any conspiracy to commit such an offense.

(4) The term "crime of violence" means aggravated assault; act of terrorism; arson; assault on a police officer (felony); assault with a dangerous weapon; assault with intent to kill, commit first degree sexual abuse, commit second degree sexual abuse, or commit child sexual abuse; assault with intent to commit any other offense; burglary; carjacking; armed carjacking; child sexual abuse; cruelty to children in the first degree; extortion or blackmail accompanied by threats of violence; gang recruitment, participation, or retention by the use or threatened use of force, coercion, or intimidation; kidnapping; malicious disfigurement; manslaughter; manufacture or possession of a weapon of mass destruction; mayhem; murder; robbery; sexual abuse in the first, second, or third degrees; use, dissemination, or detonation of a weapon of mass destruction; or an attempt or conspiracy to commit any of the foregoing offenses.

(5) The term "addict" means any individual who habitually uses any narcotic drug as defined by section 4731 of the Internal Revenue Code of 1954 so as to endanger the public morals, health, safety, or welfare.

(6) The term "physical injury" means bodily harm greater than transient pain or minor temporary marks.

(July 29, 1970, 84 Stat. 650, Pub. L. 91-358, title II, § 210(a); July 28, 1989, D.C. Law 8-19, § 2(c), 36 DCR 2844; May 8, 1990, D.C. Law 8-120, § 2(c), 37 DCR 24; May 8, 1993, D.C. Law 9-270, § 3, 39 DCR 9223; Oct. 2, 1993, D.C. Law 10-26, § 3, 40 DCR 3416; Aug. 20, 1994, D.C. Law 10-151, § 101(e), 41 DCR 2608; May 23, 1995, D.C. Law 10-257, § 401(f), 42 DCR 53; June 3, 1997, D.C. Law 11-273, § 3(a), 43 DCR 6168; June 12, 2001, D.C. Law 13-310, § 2(e), 48 DCR 1648; Oct. 17, 2002, D.C. Law 14-194, § 156(b), 49 DCR 5306; Apr. 24, 2007, D.C. Law 16-306, § 224(c), 53 DCR 8610; May 5, 2007, D.C. Law 16-308, § 3(b), 54 DCR 942; Oct. 23, 2010, D.C. Law 18-239, § 206(b), 57 DCR 5405; Sept. 26, 2012, D.C. Law 19-170, § 4, 59 DCR 5691.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 23-1331.

1973 Ed., § 23-1331.

Effect of Amendments

D.C. Law 13-310 rewrote pars. (3) and (4) which had read:

"(3) The term 'dangerous crime' means (A) taking or attempting to take property from another by force or threat of force, (B) unlawfully entering or attempting to enter any premises adapted for overnight accommodation of persons or for carrying on business with the intent to commit an offense therein, (C) arson or attempted arson of any premises adaptable for overnight accommodation of persons or for carrying on business, (D) first degree sexual abuse, or assault with intent to commit first degree sexual abuse, (E) unlawful sale, distribution of or possession with intent to distribute a controlled substance, as 'controlled substance' is defined in the District of Columbia Official Code or any Act of Congress, if the offense is punishable by imprisonment for more than one year, or (F) possessing an unregistered firearm, carrying a pistol without a license, or carrying a concealed weapon in a place other than the person's dwelling place, place of business, or on other land possessed by the person.

"(4) The term 'crime of violence' means murder, first degree sexual abuse, child sexual abuse, mayhem, kidnapping, robbery, burglary, voluntary manslaughter, extortion or blackmail accompanied by threats of violence, arson, assault with intent to commit any offense, assault with a dangerous weapon, aggravated assault, armed carjacking, or an attempt or conspiracy to commit any of the foregoing offenses as defined by any Act of Congress or any State law, if the offense is punishable by imprisonment for more than one year."

D.C. Law 14-194, in par. (4), added subpars. (A-1), (L-1), and (O-1).

D.C. Law 16-306 rewrote par. (4) to read as follows:

"(4) The term 'crime of violence' means:

"(A) Aggravated assault;

"(A-1) An act of terrorism;

"(B) Arson;

"(C) Assault with a dangerous weapon;

"(D) Assault with intent to commit any offense;

"(E) Burglary or attempted burglary;

"(F) Carjacking;

"(G) Child sexual abuse;

"(H) Cruelty to children in the first degree;

"(I) Extortion or blackmail accompanied by threats of violence;

"(J) Kidnapping;

"(K) Mayhem;

"(L) Malicious disfigurement;

"(L-1) Manufacture or possession of a weapon of mass destruction;

"(M) Murder;

"(N) Robbery;

"(O) Sexual abuse in the first, second, and third degrees;

"(O-1) Use, dissemination, or detonation of a weapon of mass destruction;

"(P) Voluntary manslaughter; or

"(Q) An attempt or conspiracy to commit any of the foregoing offenses as defined by any Act of Congress or

any State law, if the offense is punishable by imprisonment for more than one year."

D.C. Law 16-308 added par. (6).

D.C. Law 18-239, in par. (3), deleted "or" from the end of subpar. (G), substituted "; or" for a period the end of subpar. (H), and added subpar. (I).

D.C. Law 19-170 rewrote subsec. (3)(A), which had read as follows:

"(A) Any felony offense under Chapter 45 of Title 22 (Weapons) or Chapter 23 of Title 6 (Firearms Control);"

Emergency Act Amendments

For temporary amendment of section, see § 101(e) of the Omnibus Criminal Justice Reform Emergency Amendment Act of 1994 (D.C. Act 10-255, June 22, 1994, 41 DCR 4286).

For temporary (90 day) amendment of section, see § 224(c) of Omnibus Public Safety Emergency Amendment Act of 2006 (D.C. Act 16-445, July 19, 2006, 53 DCR 6443).

For temporary (90 day) amendment of section, see § 303 of Enhanced Crime Prevention and Abatement Emergency Amendment Act of 2006 (D.C. Act 16-446, July 21, 2006, 53 DCR 6477).

For temporary (90 day) amendment of section, see § 224(c) 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) amendment of section, see § 103 of Crime Reduction Initiative Emergency Amendment Act of 2006 (D.C. Act 16-491, October 19, 2006, 53 DCR 8818).

For temporary (90 day) amendment of section, see § 102(b) of Crime Reduction Initiative Congressional Review Emergency Amendment Act of 2007 (D.C. Act 17-9, January 16, 2007, 54 DCR 1471).

For temporary (90 day) amendment of section, see § 224(c) 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) amendment of section, see § 3(b) of Crime Reduction Initiative (Rebuttable Presumption) Congressional Review Emergency Act of 2007 (D.C. Act 17-24, April 19, 2007, 54 DCR 4033).

For temporary (90 day) amendment of section, see § 224(c) of Omnibus Public Safety Second Congressional Review Emergency Amendment Act of 2007 (D.C. Act 17-25, April 19, 2007, 54 DCR 4036).

For temporary (90 day) amendment of section, see § 4 of Firearms Emergency Amendment Act of 2012 (D.C. Act 19-352, May 11, 2012, 59 DCR 5116).

For temporary (90 day) amendment of section, see § 4 of the Firearms Amendments Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-394, July 18, 2012, 59 DCR 8694).

For temporary (90 day) amendment of section, see § 4 of the Firearms Second Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-510, October 26, 2012, 59 DCR 12808).

Legislative History of Laws

For legislative history of D.C. Law 8-19, see Historical and Statutory Notes following § 23-1322.

For legislative history of D.C. Law 8-120, see Historical and Statutory Notes following § 23-1322.

Law 9-270, the "Carjacking Prevention Temporary Amendment Act of 1992," was introduced in Council and assigned Bill No. 9-629. The Bill was adopted on first and second readings on October 6, 1992, and November 4, 1992, respectively. Signed by the Mayor on November 25, 1992, it was assigned Act No. 9-328 and transmitted to both Houses for Congress for its review. D.C. Law 9-270 became effective on May 8, 1993.

Law 10-26, the "Carjacking Prevention Amendment Act of 1993," was introduced in Council and assigned Bill No. 10-16, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on April 7, 1993, and May 4, 1993, respectively. Signed by the Mayor on May 19, 1993, it was assigned Act No. 10-28 and transmitted to both Houses of Congress for its review. D.C. Law 10-26 became effective on October 2, 1993.

For legislative history of D.C. Law 10-151, see Historical and Statutory Notes following § 23-1321.

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.

For legislative history of D.C. Law 11-273, see Historical and Statutory Notes following § 23-1322.

For Law 13-310, see notes following § 13-1321.

For Law 14-194, see notes following § 23-113.

For Law 16-306, see notes following § 23-104.

For Law 16-308, see notes following § 13-1322.

For history of Law 18-239, see notes under § 23-113.

Law 19-170, the "Firearms Amendment Act of 2012", was introduced in Council and assigned Bill No. 19-614, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on March 6, 2012, and April 17, 2012, respectively. Signed by the Mayor on May 15, 2012, it was assigned Act No. 19-366 and transmitted to both Houses of Congress for its review. D.C. Law 19-170 became effective on September 26, 2012.

References in Text

Section 4731 of the Internal Revenue Code of 1954, referred to in paragraph (5), was repealed by § 1101(b)(3)(A) of Pub. L. 91-513.

§ 23-1332. APPLICABILITY OF SUBCHAPTER.

The provisions of this subchapter shall apply in the District of Columbia in lieu of the provisions of sections 3146 through 3152 of Title 18, United States Code.

(July 29, 1970, 84 Stat. 650, Pub. L. 91-358, title II, § 210(a).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 23-1332.

1973 Ed., § 23-1332.

§ 23-1333. CONSIDERATION OF JUVENILE HISTORY.

A judicial officer shall, in determining whether there are conditions of release that will reasonably assure the appearance of the person as required, and the safety of any other person and the community, take into account the person's juvenile law enforcement and case records.

(May 15, 1993, D.C. Law 9-272, § 107, 40 DCR 796.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 23-1333.

Legislative History of Laws

Law 9-272, the "Criminal and Juvenile Justice Reform Amendment Act of 1992," was introduced in Council and assigned Bill No. 9-374, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on December 1, 1992, and December 15, 1992, respectively. Signed by the Mayor on January 14, 1993, it was assigned Act No. 9-401 and transmitted to both Houses of Congress for its review. D.C. Law 9-272 became effective on May 15, 1993.