

**DISTRICT OF COLUMBIA**  
**OFFICIAL CODE**

**TITLE 24.**  
**PRISONERS AND THEIR TREATMENT.**

**CHAPTER 1.**  
**TRANSFER OF PRISON SYSTEM TO FEDERAL**  
**AUTHORITY.**

**2001 Edition**

# DISTRICT OF COLUMBIA OFFICIAL CODE

## CHAPTER 1. TRANSFER OF PRISON SYSTEM TO FEDERAL AUTHORITY.

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### TABLE OF CONTENTS

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#### **Subchapter I. Corrections.**

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- § 24-101. Bureau of prisons.
- § 24-101a. District of Columbia Corrections Information Council.[Not funded]
- § 24-102. Corrections Trustee.
- § 24-103. Priority consideration for employees of the District of Columbia.
- § 24-104. [Reserved]
- § 24-105. Liability for and litigation authority of corrections trustee.
- § 24-106. Permitting expenditure of funds to carry out certain sewer agreement.

#### **Subchapter II. Sentencing.**

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- § 24-111. Truth in sentencing commission.
- § 24-112. General duties, powers, and goals of commission.
- § 24-113. Data collection.
- § 24-114. Enactment of amendments to District of Columbia Official Code.

#### **Subchapter III. Offender Supervision and Parole.**

---

- § 24-131. Parole.
- § 24-132. Pretrial services, parole, adult probation and offender supervision trustee.
- § 24-133. Court Services and Offender Supervision Agency.
- § 24-134. Authorization of appropriations.

#### **Subchapter IV. Special Provisions for Trustees.**

---

- § 24-141. Reemployed annuitant Trustee.
- § 24-142. Exemption from personnel and budget ceilings for Trustees and related agencies.

# CHAPTER 1. TRANSFER OF PRISON SYSTEM TO FEDERAL AUTHORITY.

## SUBCHAPTER I. CORRECTIONS.

### § 24-101. BUREAU OF PRISONS.

(a) *Felons sentences pursuant to the truth-in-sentencing requirements.* -- Not later than October 1, 2001, any person who has been sentenced to incarceration pursuant to the District of Columbia Official Code or the truth-in-sentencing system as described in § 24-111 shall be designated by the Bureau of Prisons to a penal or correctional facility operated or contracted for by the Bureau of Prisons, for such term of imprisonment as the court may direct. Such persons shall be subject to any law or regulation applicable to persons committed for violations of laws of the United States consistent with the sentence imposed.

(b) *Felons sentenced pursuant to the D.C. Official Code.* -- Notwithstanding any other provision of law, not later than December 31, 2001, the Lorton Correctional Complex shall be closed and the felony population sentenced pursuant to the District of Columbia Official Code residing at the Lorton Correctional Complex shall be transferred to a penal or correctional facility operated or contracted for by the Bureau of Prisons. Such persons shall be subject to any law or regulation applicable to persons committed for violations of laws of the United States consistent with the sentence imposed, and the Bureau of Prisons shall be responsible for the custody, care, subsistence, education, treatment and training of such persons.

(c) *Privatization.* --

(1) *Transition of inmates from Lorton.* -- The Bureau of Prisons shall house, in private contract facilities:

(A) At least 2000 District of Columbia sentenced felons by December 31, 1999; and

(B) At least 50 percent of the District of Columbia sentenced felony population by September 30, 2003.

(2) *Duties of Deputy Attorney General.* -- The Deputy Attorney General shall

(A) Be responsible for overseeing Bureau of Prisons privatization activities; and

(B) Submit a report to Congress on October 1 of each year detailing the progress and status of compliance with privatization requirements.

(3) *Duties of Attorney General.* -- The Attorney General shall:

(A) Conduct a study of correctional privatization, including a review of relevant research and related legal issues, and comparative analysis of the cost effectiveness and feasibility of private sector and Federal, State, and local governmental operation of prisons and corrections programs at all security levels; and

(B) Submit a report to Congress no later than one year after August 5, 1997.

(d) *Site acquisition and construction.* -- In order to house the District of Columbia felony inmate population the Bureau of Prisons shall acquire land, construct and build new facilities at sites selected by the Bureau of Prisons, or contract for appropriate bed space, but no facilities may be built on the grounds of the Lorton Reservation.

(e) *National capital planning.* -- Notwithstanding any other provision of law, the requirements of the National Capital Planning Act of 1952 (40 U.S.C. 71 et seq.) shall not apply to any actions taken by the Bureau of Prisons or its agents or employees.

(f) *Department of Corrections authority.* -- The District of Columbia Department of Corrections shall remain responsible for the custody, care, subsistence, education, treatment, and training of any person convicted of a felony offense pursuant to the District of Columbia Official Code and housed at the Lorton Correctional Complex until December 31, 2001, or the date on which the last inmate housed at the Lorton Correctional Complex is designated by the Bureau of Prisons, whichever is earlier.

(g) *Lorton Correctional Complex.* --

(1) *Transfer of functions.* --

(A) Notwithstanding any other provision of law, to the extent the Bureau of Prisons assumes functions of the Department of Corrections under this subchapter, the Department is no longer responsible for such functions and the provisions of §§ 24-211.01 and 24-211.02, that apply with respect to such functions are no longer applicable.

(B) Contingent on the General Services Administration (GSA) receiving the necessary appropriations to carry out the requirements of this paragraph and subsection (g), and notwithstanding the Federal Property and Administrative Services Act of 1949 (40 U.S.C. § 471 et seq.), not later than 60 days after the date of enactment of the Lorton Technical Corrections Act of 1998, any property on which the Lorton Correctional Complex is located shall be transferred to the GSA.

(C) Not later than one year after the date of enactment of the Lorton Technical Corrections Act of 1998, Fairfax County shall submit a reuse plan that complies with all requisite approvals to the Administrator of General Services, that aims to maximize use of the land for open space, park land, or recreation, while delineating permissible or required uses, potential development densities, and any time limits on such development factors of the property on which the Lorton Correctional Complex is located.

(D) Not later than 180 days after the date of enactment of the Lorton Technical Corrections Act of 1998, the Secretary of the Interior shall notify GSA of any property it requests to be transferred to the Department of the Interior for the purpose of a land exchange by the United States Fish and Wildlife Service within the Commonwealth of Virginia or such other purposes consistent with the reuse plan developed by Fairfax County as the Secretary may request. The Administrator of General Services shall approve the Secretary's request to the extent that the request is consistent with the reuse plan developed by Fairfax County and does not result in a significant reduction in the marketability or value of any remaining property. The Administrator of General Services shall coordinate with the Secretary of the Interior to resolve any conflicts presented by the Department of the Interior's request and shall transfer the property to the Department of the Interior at no cost.

(E) Any property not transferred to the Department of the Interior under subparagraph (D) shall be disposed of according to paragraphs (2) and (4).

(2) *Transfer of land.* --

(A) *In general.* --

(i) *Fairfax County Water Authority.* -- 150 acres of parcel 106-4-001-54 located west of Ox Road (State Route 123) on which the Lorton Correctional Complex is located shall be transferred, without consideration, to the Fairfax County Water Authority of Fairfax, Virginia.

(ii) *Fairfax County Parks Authority.* -- Any acres of parcel 106-4-001-54 located west of Ox Road (State Route 123) on which the Lorton Correctional Complex is located not transferred under sub-subparagraph (i) shall be assigned to the Department of the Interior, National Park Service, for conveyance to the Fairfax County Parks Authority for recreational purposes pursuant to the section 203(k)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)(2)).

(B) *Condition of transfer.* --

(i) *Water services.* -- The United States Government shall not transfer any parcels under this paragraph unless the Fairfax County Water Authority certifies that it will continue to provide water services to the Lorton Correctional Complex at the rate it provided water services prior to the transfer.

(ii) *Restriction on transfer.* -- No Federal agency may transfer the property under this paragraph until the prospective recipient of the property provides to such agency --

(I) A land description survey suitable for transferring property under Virginia law; and

(II) Any necessary surveys to determine the presence of any hazardous substances, contaminants or pollutants.

(iii) *Lorton Correctional Complex.* -- The Lorton Correctional Complex shall remain available for the District of Columbia Department of Corrections to house District of Columbia felony inmates until the last inmate at the Complex has been designated by the Bureau of Prisons or until December 31, 2003 [December 31, 2001], whichever is earlier.

(C) *Authorization.* -- The General Services Administration and the National Park Service is authorized to expend any funds necessary to ensure that the transfer or conveyance under subparagraph (A) of this paragraph complies with all applicable environmental and historic preservation laws.

(3) *Water mains.* -- Any water mains located on or across the Lorton Correctional Complex on the date of the transfers under paragraph (2) of this subsection, that are owned by the Fairfax County Water Authority and provide water to the public, shall be permitted to remain in place, and shall be operated, maintained, repaired, and replaced by the Fairfax County Water Authority or a successor agency furnishing water to the public in Fairfax County or adjacent jurisdictions, but shall not interfere with operations of the Lorton Correctional Complex.

(4) *Conditions on Transfer of Lorton Property East of Ox Road (State Route 123).* --

(A) *In General.* -- With respect to property east of Ox Road (State Route 123) on which the Lorton Correctional Complex is located, the Administrator of General Services shall --

(i) Cooperate with the District of Columbia Corrections Trustee to determine property necessary for the Trustee to maintain the security of the Lorton Correctional Complex until its closure;

(ii) Prepare a report of title, complete a property description, provide protection and maintenance, conduct an environmental assessment of the property to determine the extent of contamination, complete National Environmental Policy Act of 1969 (42 U.S.C. § 4331 et seq.) and National Historic Preservation Act (16 U.S.C. § 470 et seq.) processes for closure and disposal of the property, and provide an estimate of the cost for remediation and contingent on receiving the necessary appropriations complete the remediation in compliance with applicable federal and state environmental laws;

(iii) Develop a disposition strategy incorporating the Fairfax County reuse plan and the Department of Interior's land transfer request, and resolve conflicts between the plan and the transfer request, or between the reuse plan, the transfer request and the results of the environmental studies;

(iv) Negotiate with any entity that has a lease, agreement, memorandum of understanding, right-of-way, or easement with the District of Columbia to occupy or utilize any parcels of such property on October 1, 1997, to perfect or extend such lease, agreement, memorandum of understanding, right-of-way, or easement;

(v) Transfer any property identified for use for open space, park land, or recreation in the Fairfax County reuse plan to the Northern Virginia Regional Park Authority, the Fairfax County Park Authority, or another public entity, subject to the condition that the recipient use the conveyed property only for open space, park land, or recreation and that the transfer be at fair market value considering the highest and best use of the property to be open space, park land, and recreation;

(vi) Immediately upon completing the remediation required under sub-subparagraph (ii) of this subparagraph (but in no event later than June 1, 2003), transfer any property located south of Silverbrooke Road which is identified for use for educational purposes in the Fairfax County reuse plan to the County, without consideration, subject to the condition that the County use the property only for educational purposes;

(vii) Not later than 60 days after the property is transferred to the General Services Administration, transfer at fair market value the six-acre parcel east of Shirley Highway on Interstate 95 to Amtrak, subject to such terms and conditions as the Administrator determines to be in the best interest of the United States;

(viii) Dispose of any parcels not reserved by the Department of the Interior and not otherwise addressed under this subparagraph at fair market value, subject to such terms and conditions as the Administrator determines to be in the best interest of the United States;

(ix) Deposit any proceeds from the sale of property on which the Lorton Correctional Complex is located into a special fund established in the treasury for purposes of covering real property utilization and disposal related expenses, including environmental compliance and remediation for the Lorton Correctional Complex until all property has been conveyed; and

(x) Deposit any remaining funds in the Policy and Operations appropriation account of the General Services Administration to be used for real property utilization and disposal activities until expended.

(B) *Report.* -- Not later than 90 days after the date of the receipt of the Fairfax County reuse plan and the Department of the Interior property transfer request by the Administrator of General Services, the Administrator shall report to the Committees on Appropriations and Government Reform and Oversight of the House of Representatives, and the Committees on Appropriations and Governmental Affairs of the Senate on plans to comply with the terms of this paragraph and any estimated costs associated with compliance.

(C) *Authorization.* -- There is authorized to be appropriated such sums as are necessary from the general funds of the Treasury, to remain available until expended, to the Policy and Operations appropriation account of the General Services Administration for the real property utilization and

disposal activities in carrying out the provisions of this title.

(5) *Jurisdiction.* -- Any property disposed of according to paragraphs (2) and (4) shall be under the jurisdiction of the Commonwealth of Virginia. Any development of such property and any property transferred to the Department of the Interior for exchange purposes shall comply with any applicable planning and zoning requirements of Fairfax County and the Fairfax County reuse plan.

(6) *Meadowood farm land exchange.* --

(A) *In general.* -- If, not later than January 15, 2001, Fairfax County, Virginia, agrees to convey fee simple title to the property on Mason Neck in excess of 800 acres depicted on the map dated June 2000, on file in the Office of the Director of the Bureau of Land Management, Eastern States (hereafter in this paragraph referred to as "Meadowood Farm") to the Secretary of the Interior, then the Administrator of General Services shall agree to convey to Fairfax County, Virginia, fee simple title to the property located at the Lorton Correctional Complex north of Silverbrook Road, and consisting of more than 200 acres identified in the Fairfax County Reuse Plan, dated July 26, 1999, as land available for residential development in Land Units 1 and 2 (hereafter in this paragraph referred to as the "Laurel Hill Residential Land"), the actual exchange to occur no later than December 31, 2001.

(B) *Terms and conditions.* --

(i) When Fairfax County transfers fee simple title to Meadowood Farm to the Secretary of the Interior, the Administrator of General Services shall simultaneously transfer to the County the Laurel Hill Residential Land.

(ii) The transfer of property to Fairfax County, Virginia, under sub-subparagraph (i) of this subparagraph shall be subject to such terms and conditions that the Administrator of General Services considers to be appropriate to protect the interests of the United States.

(iii) Any proceeds derived from the sale of the Laurel Hill Residential Land by Fairfax County that exceed the County's cost of acquiring, financing (which shall be deemed a County cost from the time of financing of the Meadowood Farm acquisition to the receipt of proceeds of the sale or sales of the Laurel Hill Residential Land until such time as the proceeds of such sale or sales exceed the acquisition and financing costs of Meadowood Farm to the County), preparing, and conveying Meadowood Farm and costs incurred for improving, preparing, and conveying the Laurel Hill Residential Land shall be remitted to the United States and deposited into the special fund established pursuant to paragraph (4)(A)(viii) of this subsection.

(C) *Management of property.* -- The property transferred to the Secretary of the Interior under this section shall be managed by the Bureau of Land Management for public use and recreation purposes.

(g-1) *District of Columbia Corrections Information Council.* --

(1) *Establishment.* -- There is established a council to be known as the District of Columbia Corrections Information Council (hereafter referred to as "CIC").

(2) *Membership.* -- The CIC shall be composed of 3 members, appointed as follows:

(A) Two members appointed by the Mayor of the District of Columbia.

(B) One member to be appointed by the Council of the District of Columbia, by resolution.

(C) Of the members first appointed, the Mayor shall appoint one member for a one-year term. The other mayoral appointee and the Council appointee shall serve 2-year terms. Thereafter, members shall be appointed for terms of 2 years.

(D) The Mayor shall designate the Chairperson of the CIC.

(3) *Compensation.* -- Members of the CIC shall not receive compensation for their service.

(4) *Duties.* -- The CIC shall:

(A) Report to the Director of the Bureau of Prisons with advice and information regarding matters affecting the District of Columbia sentenced felon population;

(B) Conduct comprehensive inspections, unannounced whenever possible, of facilities housing District of Columbia sentenced felons and interview selected staff at each facility;

(B-i) Conduct comprehensive inspections of the District of Columbia's Central Detention Facility in accordance with § 24-211.02(b)(1) and submit a report of each inspection to the Mayor, the Council, and the Director of the District of Columbia's Department of Corrections;

(C) Review documents related to the conditions of confinement at each facility housing District of Columbia sentenced felons, including, but not limited to, inmate files and records, inmate grievances, incident reports, disciplinary reports, use of force reports, medical and psychological records, administrative and policy directives of the facility, and logs, records, and other data maintained by the facility; and

(D) Transmit to the Director of the Bureau of Prisons, the Mayor, the Council, and the Director of the District of Columbia's Department of Corrections the following reports, copies of which shall be made available to the public:

- (i) An annual report on the conditions of confinement of District of Columbia sentenced felons; and
- (ii) A report on each inspection of a facility housing District of Columbia sentenced felons.

(5) *Meetings and hearings.* --

- (A) The CIC shall meet as necessary to conduct official business.
- (B) The presence of 2 members shall constitute a quorum necessary for the CIC to take official action.
- (C) The CIC may act by an affirmative vote of at least 2 members.

(6) *Management and support services.* --

- (A) The Chief Financial Officer shall provide financial support services and oversight for the CIC using personnel assigned to provide financial support services and oversight for the District of Columbia's Department of Corrections.
- (B)(i) The Chief Procurement Officer shall provide contracting and procurement support services and oversight for the CIC using personnel assigned to provide contracting and procurement support services and oversight for the District of Columbia's Department of Corrections.
  - (ii) The CIC is authorized to contract with qualified private organizations or individuals for services in accordance with Unit A of Chapter 3 of Title 2.
- (C) The CIC is authorized to appoint one employee to the Excepted Service established by subchapter IX of Chapter 6 of Title 1.

(h) *Timing of inmate transfers.* -- As soon as practicable after August 5, 1997, the Director of the Bureau of Prisons shall begin the transferring of inmates to Bureau of Prison or private contract facilities required by this section.

(Aug. 5, 1997, 111 Stat. 734, Pub. L. 105-33, § 11201; Nov. 19, 1997, 111 Stat. 734, Pub. L. 105-100, § 157(e)(2); Oct. 21, 1998, 112 Stat. 2681-600, Pub. L. 105-277, § 141; Oct. 14, 1999, D.C. Law 13-49, § 7, 46 DCR 5153; Nov. 22, 2000, 114 Stat. 2440, Pub. L. 106-522, §§ 163, 165; Oct. 13, 2001, D.C. Law 14-29, § 2, 48 DCR 7084; Jan. 30, 2004, D.C. Law 15-62, § 3, 50 DCR 6574; Oct. 2, 2010, D.C. Law 18-233, § 2(a), 57 DCR 4514.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 24-1201.

*Effect of Amendments*

Section 163 of Public Law 106-522, in subsec. (g), redesignated clauses (g)(4)(A)(vi) through (ix) as clauses (vii) through (x), respectively, and added clause (vi).

Section 165 of Public Law 106-522 added par. (g)(6), relating to the Meadowood Farm land exchange.

D.C. Law 14-29 rewrote subsec. (h) which had read:

"(h) *District of Columbia Corrections Information Council.* --

"(1) *Establishment.* -- There is established a council to be known as the District of Columbia Correction Information Council (hereafter referred to as 'Council').

"(2) *Membership.* -- The Council shall be composed of 3 members appointed as follows:

"(A) Two individuals appointed by the mayor of the District of Columbia.

"(B) One individual appointed by the Council of the District of Columbia.

"(3) *Compensation.* -- Members of the Council may not receive pay, allowances, or benefits by reason of their service on the Council.

"(4) *Duties.* -- The Council shall report to the Director of the Bureau of Prisons with advice and information regarding matters affecting the District of Columbia sentenced felon population."

D.C. Law 15-62 added subpar. (B-i) in subsec. (h)(4).

D.C. Law 18-223 repealed subsec. (h) which read as follows:

"(h) *District of Columbia Corrections Information Council.* --"

"(1) *Establishment.* --There is established a council to be known as the District of Columbia Corrections

Information Council (hereafter referred to as 'CIC').

"(2) *Membership.* --The CIC shall be composed of 3 members, appointed as follows:

"(A) Two members appointed by the Mayor of the District of Columbia.

"(B) One member to be appointed by the Council of the District of Columbia, by resolution.

"(C) Of the members first appointed, the Mayor shall appoint one member for a one-year term. The other mayoral appointee and the Council appointee shall serve 2-year terms. Thereafter, members shall be appointed for terms of 2 years.

"(D) The Mayor shall designate the Chairperson of the CIC.

"(3) *Compensation.* --Members of the CIC shall not receive compensation for their service.

"(4) *Duties.* --The CIC shall:

"(A) Report to the Director of the Bureau of Prisons with advice and information regarding matters affecting the District of Columbia sentenced felon population;

"(B) Conduct comprehensive inspections, unannounced whenever possible, of facilities housing District of Columbia sentenced felons and interview selected staff at each facility;

"(B-i) Conduct comprehensive inspections of the District of Columbia's Central Detention Facility in accordance with § 24-211.02(b)(1) and submit a report of each inspection to the Mayor, the Council, and the Director of the District of Columbia's Department of Corrections;

"(C) Review documents related to the conditions of confinement at each facility housing District of Columbia sentenced felons, including, but not limited to, inmate files and records, inmate grievances, incident reports, disciplinary reports, use of force reports, medical and psychological records, administrative and policy directives of the facility, and logs, records, and other data maintained by the facility; and

"(D) Transmit to the Director of the Bureau of Prisons, the Mayor, the Council, and the Director of the District of Columbia's Department of Corrections the following reports, copies of which shall be made available to the public:

"(i) An annual report on the conditions of confinement of District of Columbia sentenced felons; and

"(ii) A report on each inspection of a facility housing District of Columbia sentenced felons.

"(5) *Meetings and hearings.* --

"(A) The CIC shall meet as necessary to conduct official business.

"(B) The presence of 2 members shall constitute a quorum necessary for the CIC to take official action.

"(C) The CIC may act by an affirmative vote of at least 2 members.

"(6) *Management and support services.* --

"(A) The Chief Financial Officer shall provide financial support services and oversight for the CIC using personnel assigned to provide financial support services and oversight for the District of Columbia's Department of Corrections.

"(B) The Chief Procurement Officer shall provide contracting and procurement support services and oversight for the CIC using personnel assigned to provide contracting and procurement support services and oversight for the District of Columbia's Department of Corrections. The CIC is authorized to contract with qualified private organizations or individuals for services in accordance with Unit A of Chapter 3 of Title 2.

"(C) The CIC is authorized to appoint one employee to the Excepted Service established by subchapter IX of Chapter 6 of Title 1."

*Temporary Amendments of Section*

Section 2 of D.C. Law 14-34 amended subsec. (h) to read as follows:

"(h) *District of Columbia Corrections Information Council.* --

"(1) *Establishment.* --There is established a council to be known as the District of Columbia Corrections Information Council (hereafter referred to as 'CIC').

"(2) *Membership.* --The CIC shall be composed of 3 members, appointed as follows:

"(A) Two members appointed by the Mayor of the District of Columbia.

"(B) One member to be appointed by the Council of the District of Columbia, by resolution.

"(C) Of the members first appointed, the Mayor shall appoint one member for a one-year term. The other mayoral appointee and the Council appointee shall serve 2-year terms. Thereafter, members shall be appointed for terms of 2 years.

"(D) The Mayor shall designate the Chairperson of the CIC.

"(3) *Compensation.* --Members of the CIC shall not receive compensation for their service.

"(4) *Duties.* --The CIC shall:

"(A) Report to the Director of the Bureau of Prisons with advice and information regarding matters affecting the District of Columbia sentenced felon population;

"(B) Conduct comprehensive inspections, unannounced whenever possible, of facilities housing District of Columbia sentenced felons and interview selected staff at each facility;

"(C) Review documents related to the conditions of confinement at each facility housing District of Columbia sentenced felons, including, but not limited to, inmate files and records, inmate grievances, incident reports, disciplinary reports, use of force reports, medical and psychological records, administrative and policy directives of the facility, and logs, records, and other data maintained by the facility; and

"(D) Transmit to the Director of the Bureau of Prisons, the Mayor, the Council, and the Director of the District of Columbia's Department of Corrections the following reports, copies of which shall be made available to the public:

"(i) An annual report on the conditions of confinement of District of Columbia sentenced felons; and

"(ii) A report on each inspection of a facility housing District of Columbia sentenced felons.

"(5) *Meetings and hearings.* --

"(A) The CIC shall meet as necessary to conduct official business.

"(B) The presence of 2 members shall constitute a quorum necessary for the CIC to take official action.

"(C) The CIC may act by an affirmative vote of at least 2 members.

"(6) *Management and support services.* --

"(A) The Chief Financial Officer shall provide financial support services and oversight for the CIC using personnel assigned to provide financial support services and oversight for the District of Columbia's Department of Corrections.

"(B) The Chief Procurement Officer shall provide contracting and procurement support services and oversight for the CIC using personnel assigned to provide contracting and procurement support services and oversight for the District of Columbia's Department of Corrections. The CIC is authorized to contract with qualified private organizations or individuals for services in accordance with the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*).

"(C) The CIC is authorized to appoint one employee to the Excepted Service established by Title X of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2-139; D.C. Official Code § 1-609.01 *et seq.*)."

Section 4(b) of D.C. Law 14-34 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 Corrections Information Council Emergency Amendment Act of 2001 (D.C. Act 14-80, July 9, 2001, 48 DCR 6346).

For temporary (90 day) amendment of section, see § 2 of Corrections Information Council Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-136, October 23, 2001, 48 DCR 9915).

For temporary (90 day) repeal of section 3 of D.C. Law 18-233, see § 7011 of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) repeal of section 3 of D.C. Law 18-233, see § 7011 of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

#### *Legislative History of Laws*

Law 14-34, the "Corrections Information Council Temporary Amendment Act of 2001", was introduced in Council and assigned Bill No. 14-233, which was retained by Council. The Bill was adopted on first and second readings on June 5, 2001, and June 26, 2001, respectively. Signed by the Mayor on July 12, 2001, it was assigned Act No. 14-96 and transmitted to both Houses of Congress for its review. D.C. Law 14-34 became effective on October 13, 2001.

Law 14-29, the "Corrections Information Council Amendment Act of 2001", was introduced in Council and assigned Bill No. 14-221, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on June 5, 2001, and June 26, 2001, respectively. Signed by the Mayor on July 12, 2001, it was assigned Act No. 14-90 and transmitted to both Houses of Congress for its review. D.C. Law 14-29 became effective on October 13, 2001.

Law 15-62, the "District of Columbia Jail Improvement Amendment Act of 2003", was introduced in Council and assigned Bill No. 15-31, which was referred to Committee on the Judiciary. The Bill was adopted on first and second readings on June 3, 2003, and July 8, 2003, respectively. Signed by the Mayor on July 29, 2003, it was assigned Act No. 15-112 and transmitted to both Houses of Congress for its review. D.C. Law 15-62 became effective on January 30, 2004.

Law 18-233, the "Corrections Information Council Amendment Act of 2010", was introduced in Council and assigned Bill No. 18-404, which was referred to the Committee on Public Safety and the Judiciary. The Bill was adopted on first and second readings on April 20, 2010, and May 4, 2010, respectively. Became law without signature of the Mayor on May 22, 2010, it was assigned Act No. 18- 406 and transmitted to both Houses of Congress for its review. D.C. Law 18-233 became effective on October 2, 2010.

#### *Effective Dates*

Section 11721 of Title XI of Pub. L. 105-33, 111 Stat. 786, the National Capital Revitalization and Self-Government Improvement Act of 1997, provided that except as otherwise provided in this title, the provisions of this title shall take effect on the later of October 1, 1997, or the day the District of Columbia Financial Responsibility and Management Assistance Authority certifies that the financial plan and budget for the District government for fiscal year 1998 meet the requirements of section 201(c)(1) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, as amended by this title.

#### *References in Text*

Section 1604(f)(2)(A) of Pub. L. 105-34, 111 Stat. 1099, provides that "section 11201(g)(2)(B)(iii) of the Balanced Budget Act of 1997 shall apply as if the reference in such section to 'December 31, 2003' were a reference to 'December 31, 2001.'".

"This title", referred to in subsec. (g)(4)(C), is title XI of Pub. L. 10-533, Aug. 5, 1997, 111 Stat. 712.

#### *Miscellaneous Notes*

Establishment--Community Corrections Facility Siting Advisory Commission, see Mayor's Order 2001-172, November 21, 2001 (48 DCR 11583).

Section 3 of D.C. Law 18-233 provides:

"Sec. 3. Applicability.

"This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, but no earlier than June 1, 2011."

The Budget Director of the Council of the District of Columbia has determined, as of February 15, 2012, that the fiscal effect of Law 18-233 has not been included in an approved budget and financial plan. Therefore, the provisions of this section, enacted by Law 18-233, are not in effect.

Section 7011 of D.C. Law 19-168 repealed section 3 of D.C. Law 18-233.

Section 7016 of D.C. Law 19-168 provides:

"Sec. 7016. Sections 7001, 7004, 7007, 7009, 7011, and 7015 shall apply as of the effective date of the Fiscal Year 2013 Budget Support Emergency Act of 2012, passed on emergency basis on June 5, 2012 (Enrolled version of Bill 19- 796)."

## **§ 24-101A. DISTRICT OF COLUMBIA CORRECTIONS INFORMATION COUNCIL.[NOT FUNDED]**

(Aug. 5, 1997, 111 Stat. 734, Pub. L. 105-33, § 11201, as added Oct. 2, 2010, D.C. Law 18-233, § 2(b), 57 DCR 4514; Sept. 26, 2012, D.C. Law 19- 171, § 221, 59 DCR 6190.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Effect of Amendments*

D.C. Law 19-171 purported to made a technical correction to subsec. (h)(2)(B) subsequent to the determination that this section is not in effect.

##### *Emergency Act Amendments*

For temporary (90 day) repeal of section 3 of D.C. Law 18-233, see § 7011 of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) repeal of section 3 of D.C. Law 18-233, see § 7011 of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

##### *Legislative History of Laws*

For history of Law 18-233, see notes under § 24-101.

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.

Section 3 of D.C. Law 18-233 provides:

"Sec. 3. Applicability.

"This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, but no earlier than June 1, 2011."

The Budget Director of the Council of the District of Columbia has determined, as of February 15, 2012, that the fiscal effect of Law 18-233 has not been included in an approved budget and financial plan. Therefore, the provisions of this section, enacted by Law 18-233, are not in effect.

Section 7011 of D.C. Law 19-168 repealed section 3 of D.C. Law 18-233.

Section 7016 of D.C. Law 19-168 provides:

"Sec. 7016. Sections 7001, 7004, 7007, 7009, 7011, and 7015 shall apply as of the effective date of the Fiscal Year 2013 Budget Support Emergency Act of 2012, passed on emergency basis on June 5, 2012 (Enrolled version of Bill 19- 796)."

## **§ 24-102. CORRECTIONS TRUSTEE.**

(a) *Appointment and removal of trustee.* --

(1) *Appointment.* -- Pursuant to the Federal Government's assumption of responsibility for persons convicted of a felony offense under the District of Columbia Official Code, the Attorney General, in consultation with the Chairman of the District of Columbia Financial Responsibility and Management Assistance Authority (hereafter in this chapter referred to as the "D.C. Control Board"), the Mayor of the District of Columbia, the District of Columbia Council, and the District of Columbia judiciary, shall select a Corrections Trustee, who shall be an independent officer of the government of the District of Columbia, to oversee financial operations of the District of Columbia Department of Corrections until the Bureau of Prisons has designated all felony offenders sentenced under the District of Columbia Official Code to a penal or correctional facility operated or contracted for by the Bureau of Prisons under § 24-101.

(2) *Removal.* -- The Corrections Trustee may be removed by the Mayor with the concurrence of the Attorney General. The Attorney General shall have the authority to remove the Corrections Trustee for misfeasance or malfeasance in office. At the request of the Corrections Trustee, the District of Columbia Financial Responsibility and Management Assistance Authority may exercise any of its powers and authorities on behalf of the Corrections Trustee.

(b) *Duties of trustee.* -- Beginning on the date of appointment and continuing until the felony population sentenced pursuant to the District of Columbia Official Code residing at the Lorton Correctional Complex is transferred to a penal or correctional facility operated or contracted for by the Bureau of Prisons, the Corrections Trustee shall carry out the following responsibilities (notwithstanding any law of the District of Columbia to the contrary):

(1) Exercise financial oversight over the District of Columbia Department of Corrections and allocate funds as enacted in law or as otherwise allocated, including funds for short term improvements which are necessary for the safety and security of staff, inmates and the community.

(2) Purchase any necessary goods or services on behalf of the District of Columbia Department of Corrections consistent with Federal procurement regulations as they apply to the Bureau of Prisons.

(c) *Funding.* --

(1) *In General.* -- Funds available for the Corrections Trustee, staff and all necessary and appropriate operations shall be made available to the extent provided in appropriations acts to the Corrections Trustee. Funding requests shall be proposed by the Corrections Trustee to the President and Congress for each Fiscal Year.

(2) *Reimbursement to Bureau of Prisons.* -- Upon receipt of Federal funds, the Corrections Trustee shall immediately provide an advance reimbursement to the Bureau of Prisons of all funds identified by the Congress for construction of new prisons and major renovations, which shall remain available until expended. The Bureau of Prisons shall be responsible and accountable for determining how these funds shall be used for renovation and construction, including type, security level, and location of new facilities.

(3) *Accountability and reports.* -- The District of Columbia Department of Corrections and the Bureau of Prisons shall maintain accountability for funds reimbursed from the Corrections Trustee, and shall provide expense reports by project at the request of the Corrections Trustee.

(d) *Compensation and detailees.* -- The Corrections Trustee shall be compensated at a rate not to exceed the basic pay payable for Level IV of the Executive Schedule. The Corrections Trustee may appoint and fix the pay of additional staff without regard to the provisions of the District of Columbia

Official Code governing appointments and salaries, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates. Upon request of the Corrections Trustee, the head of any Federal department or agency may, on a reimbursable or non reimbursable basis, provide services and detail any personnel of that department or agency to the Corrections Trustee to assist in carrying out his duties.

(e) *Procurement and judicial review* -- The provisions of the District of Columbia Official Code governing procurement shall not apply to the Corrections Trustee. The Corrections Trustee may seek judicial enforcement of his authority to carry out his duties.

(f) *Preservation of retirement and certain other rights of federal employees who become employed by the Corrections Trustee.* --

(1) *In general.* -- A Federal employee who, within 3 days after separating from the Federal Government, is appointed Corrections Trustee or becomes employed by the Corrections Trustee.

(A) shall be treated as an employee of the Federal Government for purposes of chapters 83, 84, 87, and 89 of title 5 of the United States Code; and

(B) if, after serving with the Trustee, such employee becomes reemployed by the Federal Government, shall be entitled to credit for the full period of such individual's service with the Trustee, for purposes of determining the applicable leave accrual rate.

(2) *Regulations.* -- The Office of Personnel Management shall prescribe such regulations as may be necessary to carry out this subsection.

(Aug. 5, 1997, 111 Stat. 737, Pub. L. 105-33, § 11202.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 24-1202.

##### *Miscellaneous Notes*

Sick Leave Buyout for Department of Corrections Employees: Section 8 of Pub. L. 105-274, 112 Stat. 2428, the District of Columbia Courts and Justice Technical Corrections Act of 1998, provides that notwithstanding any provision of District of Columbia law, the Corrections Trustee appointed pursuant to section 11202 of the Balanced Budget Act of 1997 may set conditions and may provide that an employee of the District of Columbia Department of Corrections who meets such conditions will receive a lump-sum payment for his or her accumulated and accrued sick leave, if the employee is separated involuntarily and is not subsequently employed, without a break in service of more than 3 days, by the Bureau of Prisons or another Federal agency. The lump sum payment for sick leave shall be calculated by multiplying 50 percent of the employee's rate of basic pay, exclusive of additional payments of any kind, by the number of hours of accumulated sick leave to the employee's credit at the time of separation. The lump-sum payment shall be considered pay for taxation purposes only and shall not be used to confer any other benefit to the employee.

## **§ 24-103. PRIORITY CONSIDERATION FOR EMPLOYEES OF THE DISTRICT OF COLUMBIA.**

(a) *Establishment.* -- As soon as practicable after appointment, the Bureau of Prisons, working with the Corrections Trustee, shall establish a priority consideration program to facilitate employment placement for employees of the District of Columbia Department of Corrections who are scheduled to be separated from service as a result of closing the Lorton Correctional Complex.

(b) *Provisions.* -- The priority consideration program shall include provisions under which a vacant federal correctional institution position established as a result of this Act and identified for external hiring shall not be filled by the appointment of any individual from outside of the District of Columbia Department of Corrections if there is available any interested applicant within the District of Columbia Department of Corrections who meets all qualification and suitability requirements for Bureau of Prisons law enforcement positions, including those related to criminal history, educational experience and level of functions, drug use, and work-related misconduct. The priority consideration program shall also include provisions under which an employee described in subsection (a) of this section who has not been appointed to a Federal Bureau of Prisons law enforcement position and who applies for another Federal position in the competitive service shall receive priority consideration and may be given a competitive service appointment noncompetitively to such a competitive service position. The Director of the Bureau of Prisons may provide a relocation allowance to any individual who is hired by the Director under the program established under this section for a position outside of the Washington Metropolitan Area. Such program shall terminate one year after the closing of the Lorton Correctional Complex.

(Aug. 5, 1997, 111 Stat. 738, Pub. L. 105-33, § 11203; Oct. 21, 1998, 112 Stat. 2424, Pub. L. 105-274, §§

5(a), (b).)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 24-1203.

*Effective Dates*

Section 5(c) of Pub. L. 105-274, 112 Stat. 2424, provides that:

"(1) The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

"(2) Individuals who have been appointed with excepted service appointments under section 11203(b) of the Balanced Budget Act of 1997 prior to the date of the enactment of this Act shall be converted noncompetitively to competitive service appointments in their current positions."

*References in Text*

"This Act," referred to in (b), is the National Capital Revitalization and Self-Government Improvement Act of 1997, title XI of Pub. L. 105-33, 111 Stat. 712.

**§ 24-104. [RESERVED]**

**§ 24-105. LIABILITY FOR AND LITIGATION AUTHORITY OF CORRECTIONS TRUSTEE.**

(a) *Liability.* -- The District of Columbia shall defend any civil action or proceeding brought in any court or other official Federal, state, or municipal forum against the Corrections Trustee, or against the District of Columbia or its officers, employees, or agents, and shall assume any liability resulting from such an action or proceeding, if the action or proceeding arises from:

- (1) An inmate's confinement with the District of Columbia Department of Corrections;
- (2) The District of Columbia's operation or management of the buildings, facilities, or lands comprising the Lorton property; or
- (3) The District of Columbia's operations or activities occurring on any property not specifically transferred to the administrative control of the Federal Government pursuant to this chapter.

(b) *Litigation.* --

(1) *Corporation Counsel.* -- Subject to paragraph (2) of this subsection, the Corporation Counsel of the District of Columbia shall provide litigation services to the Corrections Trustee, except that the Trustee may instead elect, either generally or in relation to particular cases or classes of cases, to hire necessary staff and personnel or enter into contracts for the provision of litigation services at the Trustee's expense.

(2) *Attorney General.* --

(A) *In general.* -- Notwithstanding paragraph (1) of this subsection, with respect to any litigation involving the Corrections Trustee, the Attorney General may:

- (i) Direct the litigation of the Trustee, and of the District of Columbia on behalf of the Trustee; and
- (ii) Provide on a reimbursable or non-reimbursable basis litigation services for the Trustee at the Trustee's request or on the Attorney General's own initiative.

(B) *Approval of settlement.* -- With respect to any litigation involving the Corrections Trustee, the Trustee may not agree to any settlement involving any form of equitable relief without the approval of the Attorney General. The Trustee shall provide to the Attorney General such notice and reports concerning litigation as the Attorney General may direct.

(C) *Discretion.* -- Any decision to exercise any authority of the Attorney General under this subsection shall be in the sole discretion of the Attorney General and shall not be reviewable in any court.

(c) *Limitations.* -- Nothing in this section shall be construed:

- (1) As a waiver of sovereign immunity, or as limiting any other defense or immunity that would otherwise be available to the United States, the District of Columbia, their agencies, officers, employees, or agents; or
- (2) To obligate the District of Columbia to represent or indemnify the Corrections Trustee or any

officer, employee, or agent where the Trustee (or any person employed by or acting under the authority of the Trustee) acts beyond the scope of his authority.

(Aug. 5, 1997, 111 Stat. 739, Pub. L. 105-33, § 11205.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 24-1205.

## **§ 24-106. PERMITTING EXPENDITURE OF FUNDS TO CARRY OUT CERTAIN SEWER AGREEMENT.**

Notwithstanding the fourth sentence of § 1-204.46, the District of Columbia is authorized to obligate or expend such funds as may be necessary during a fiscal year (beginning with fiscal year 1997) to carry out the Sewage Delivery System and Capacity Purchase Agreement between Fairfax County and the District of Columbia with respect to Project Number K00301, without regard to the amount appropriated for such purpose in the budget of the District of Columbia for the fiscal year.

(Aug. 5, 1997, 111 Stat. 740, Pub. L. 105-33, § 11206.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 24-1206.

## **SUBCHAPTER II. SENTENCING.**

### **§ 24-111. TRUTH IN SENTENCING COMMISSION.**

(a) *Establishment.* -- There is established as an independent agency of the District of Columbia a District of Columbia Truth in Sentencing Commission (hereafter in this chapter referred to as "the Commission"), which shall consist of 7 voting members. The Attorney General, or the Attorney General's designee, shall be the chairperson of the Commission and shall have the duty to convene meetings of the Commission to ensure that it fulfills its responsibilities under this Act. The members shall serve for the life of the Commission and shall be subject to removal only for neglect of duty, malfeasance in office, or other good cause shown.

(b) *Membership.* -- The members of the Commission shall have knowledge and responsibility with respect to criminal justice matters. Two members of the Commission shall be judges of the Superior Court of the District of Columbia, and shall be appointed by the chief judge of that court; one member shall be a representative of the District of Columbia Council and shall be appointed by the chairperson or chairperson pro temp of the Council; one member shall be a representative of the executive branch of the District of Columbia government with official responsibilities for criminal justice matters in the District of Columbia and shall be appointed by the Mayor of the District of Columbia; one member shall be a representative of the District of Columbia Public Defender Service and shall be appointed by the Director of such Service; and one member shall be a representative of the United States Attorney for the District of Columbia and shall be appointed by the United States Attorney. A representative of the Federal Bureau of Prisons and a representative of the office of Corporation Counsel of the District of Columbia shall each serve as a nonvoting, ex officio member.

(c) *Vacancy.* -- Any vacancy in the Commission shall be filled in the same manner as the original appointment. Members of the Commission shall receive no compensation for their services, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties vested in the Commission, but not in excess of the maximum amounts authorized under section 456 of title 28, United States Code.

(Aug. 5, 1997, 111 Stat. 740, Pub. L. 105-33, § 11211.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 24-1211.

*References in Text*

"This Act," referred to in (a), is the National Capital Revitalization and Self-Government Improvement Act of 1997, title XI of Pub. L. 105-33, 111 Stat. 712.

## **§ 24-112. GENERAL DUTIES, POWERS, AND GOALS OF COMMISSION.**

(a) *Recommendations.* -- The Commission shall, within 180 days after August 5, 1997, make recommendations to the District of Columbia Council for amendments to the District of Columbia Official Code with respect to the sentences to be imposed for all felonies committed on or after 3 years after August 5, 1997.

(b) *Contents of recommendations.* -- Such recommendations shall:

(1) As to all felonies described in subsection (h) of this section, meet the truth in sentencing standards of 20104(a)(1) of the Violent Crime Control and Law Enforcement Act of 1994;

(2) As to all felonies ensure that:

(A) An offender will have a sentence imposed that:

(i) Reflects the seriousness of the offense and the criminal history of the offender; and

(ii) Provides for just punishment, affords adequate deterrence to potential future criminal conduct of the offender and others, and provides the offender with needed educational or vocational training, medical care, and other correctional treatment;

(B) Good time shall be calculated pursuant to section 3624 of title 18, United States Code; and

(C) An adequate period of supervision will be imposed to follow release from the imprisonment.

(c) *Death penalty.* -- The Commission shall not have the power to recommend a sentence of death for any offense nor for any offense a term of imprisonment less than that prescribed by the D.C. Official Code as a mandatory minimum sentence.

(d) *Other features of recommendations.* -- The Commission shall ensure that its recommendations:

(1) Will be neutral as to the race, sex, marital status, ethnic origin, religious affiliation, national origin, creed, socioeconomic status, sexual orientation, and gender identity or expression (as defined in § 2-1401.02(12A)) of offenders;

(2) Will include provisions designed to maximize the effectiveness of the drug court of the Superior Court of the District of Columbia; and

(3) Will be fully consistent with all other provisions of this act, including provisions relating to the administration of probation, parole, and supervised release for District of Columbia Official Code offenders.

(e) *Vote; termination.* -- The recommendations of the Commission required under subsections (a) through (d) of this section shall be adopted by a vote of not less than 6 of the members and when made shall be transmitted forthwith to the District of Columbia Council. The Commission shall cease to exist 90 days after the transmittal of recommendations to the Council or on the last date on which timely recommendations may be made if the Commission is unable to agree on such recommendations.

(f) *Recommendations for implementation.* -- In fulfilling its responsibilities, the Commission may adopt by a vote of not less than 6 of the members and transmit to the Superior Court of the District of Columbia recommended rules and principles for determining the sentence to be imposed, including:

(1) Whether to impose a sentence of probation, a term of imprisonment and/or a fine, and the amount or length thereof, and including intermediate sanctions in appropriate cases; and

(2) Whether multiple sentences of terms of imprisonment should run concurrently or consecutively.

(g) *Powers.* -- The Commission is authorized:

(1) To hold hearings and call witnesses that might assist the Commission in the exercise of its powers;

(2) To perform such other functions as may be necessary to carry out the purposes of this section; and

(3) Except as otherwise provided, to conduct business, exercise powers, and fulfill duties by the vote of a majority of the members present at any meeting.

(h) *Felonies described.* -- The felonies described in this subsection are violations of any of the following provisions of law:

(1) The following provisions relating to arson:

(A) Section 22-301.

(B) Section 22-302.

(2) The following provisions relating to felony assault:

(A) Section 22-401.

(B) Section 22-402.

(C) Section 22-403.

- (D) Section 22-404.01.
- (E) Section 22-405.
- (F) Section 22-406.
- (3) Section 22-722 (relating to obstruction of justice).
- (4) Section 22-1101 (relating to cruelty to children).
- (5) Section 22-801 (relating to first degree burglary).
- (6) Section 22-2001 (relating to kidnapping).
- (7) The following provisions relating to murder and manslaughter:
  - (A) Section 22-2101.
  - (B) Section 22-2102.
  - (C) Section 22-2103.
  - (D) Section 22-2104.
  - (E) Section 22-2105.
  - (F) Section 22-2106.
- (8) Section 22-2601 (relating to prison breach).
- (9) Sec. 22-2603.
- (10) Section 22-2801 (relating to robbery).
- (11) Section 22-2803 (relating to carjacking).
- (12) Chapter 45 of Title 22.
- (13) The following provisions relating to sex offenses:
  - (A) Section 22-3002.
  - (B) Section 22-3003.
  - (C) Section 22-3004.
  - (D) Section 22-3005.
  - (E) Section 22-3008.
  - (F) Section 22-3009.
  - (G) Section 22-3010.
  - (H) Section 22-3013.
  - (I) Section 22-3014.
  - (J) Section 22-3015.
  - (K) Section 22-3016.
  - (L) Section 22-3018.
  - (M) Section 22-3020.

(14) Section 48-904.01 (relating to recidivist drug offenders), but only in the case of a second or subsequent violation.

(Aug. 5, 1997, 111 Stat. 741, Pub. L. 105-33, § 11212; June 25, 2008, D.C. Law 17-177, § 13, 55 DCR 3696.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *References in Text*

"This Act," referred to in this section, is the National Capital Revitalization and Self-Government Improvement Act of 1997, title XI of Pub. L. 105-33, 111 Stat. 712.

### **§ 24-113. DATA COLLECTION.**

(a) *Data for Attorney General.* -- The Commission, the Superior Court of the District of Columbia, the District of Columbia Department of Corrections, and other agencies as necessary shall provide to the Attorney General such data as are requested in furtherance of this Act.

(b) *Superior Court.* -- The Superior Court of the District of Columbia, in connection with defendants

sentenced in such Court, shall provide to the Commission and the Attorney General such data as are requested for planning, statistical analysis or projecting future prison population levels.

(Aug. 5, 1997, 111 Stat. 744, Pub. L. 105-33, § 11213.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 24-1213.

##### *References in Text*

"This Act," referred to in (a), is the National Capital Revitalization and Self-Government Improvement Act of 1997, title XI of Pub. L. 105-33, 111 Stat. 712.

## **§ 24-114. ENACTMENT OF AMENDMENTS TO DISTRICT OF COLUMBIA OFFICIAL CODE.**

If, within 270 days after August 5, 1997, the Council of the District of Columbia has failed to amend the District of Columbia Official Code to enact in whole the recommendations of the Commission under this chapter, or if the Commission fails to make such recommendations within the deadline established under such section, the Attorney General (after consultation with the Commission) shall promulgate within 90 days amendments to the District of Columbia Official Code with respect to the sentences to be imposed for all offenses committed on or after 3 years after August 5, 1997. Such amendments shall be consistent with the standards of subsections (a) through (d) of § 24-112. Such amendments shall take effect 30 days after the Attorney General transmits the recommendations to Congress.

(Aug. 5, 1997, 111 Stat. 744, Pub. L. 105-33, § 11214.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 24-1214.

## **SUBCHAPTER III. OFFENDER SUPERVISION AND PAROLE.**

### **§ 24-131. PAROLE.**

#### *(a) Paroling jurisdiction. --*

(1) *Jurisdiction of Parole Commission to grant or deny parole and to impose conditions.* -- Not later than one year after August 5, 1997, the United States Parole Commission shall assume the jurisdiction and authority of the Board of Parole of the District of Columbia to grant and deny parole, and to impose conditions upon an order of parole, in the case of any imprisoned felon who is eligible for parole or reparole under the District of Columbia Official Code. The Parole Commission shall have exclusive authority to amend or supplement any regulation interpreting or implementing the parole laws of the District of Columbia with respect to felons, provided that the Commission adheres to the rulemaking procedures set forth in § 4218 of title 18, United States Code.

(2) *Jurisdiction of Parole Commission to revoke parole or modify conditions.* -- On the date in which the Court Services and Offender Supervision Agency for the District of Columbia is established under § 24-133, the United States Parole Commission shall assume any remaining powers, duties, and jurisdiction of the Board of Parole of the District of Columbia, including jurisdiction to revoke parole and to modify the conditions of parole, with respect to felons.

(3) *Jurisdiction of Superior Court.* -- On the date on which the Court Services and Offender Supervision Agency for the District of Columbia is established under § 24-133, the Superior Court of the District of Columbia shall assume the jurisdiction and authority of the Board of Parole of the District of Columbia to grant, deny, and revoke parole, and to impose and modify conditions of parole, with respect to misdemeanants.

(b) *Abolition of the Board of Parole.* -- On the date on which the Court Services and Offender Supervision Agency for the District of Columbia is established under § 24-133, the Board of Parole established in the District of Columbia Board of Parole Amendment Act of 1987 shall be abolished.

(c) *Rulemaking and legislative responsibility for parole matters.* -- The Parole Commission shall exercise the authority vested in it by this section pursuant to the parole laws and regulations of the District of Columbia, except that the Council of the District of Columbia and the Board of Parole of the District of

Columbia may not revise any such laws or regulations (as in effect on August 5, 1997) without the concurrence of the Attorney General.

(Aug. 5, 1997, 111 Stat. 745, Pub. L. 105-33, § 11231; Oct. 21, 1998, 112 Stat. 2426, Pub. L. 105-274, § 7(c)(2)(A).)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 24-1231.

##### *References in Text*

The "District of Columbia Board of Parole Amendment Act of 1987," referred to in (b), is D.C. Law 7-103, 34 DCR 8279, effective April 8, 1988.

## **§ 24-132. PRETRIAL SERVICES, PAROLE, ADULT PROBATION AND OFFENDER SUPERVISION TRUSTEE.**

### *(a) Appointment and removal. --*

(1) *Appointment.* -- The Attorney General, in consultation with the Chairman of the District of Columbia Financial Responsibility and Management Assistance Authority (hereafter in this section referred to as the "D.C. Control Board") and the Mayor of the District of Columbia, shall appoint a Pretrial Services, Parole, Adult Probation and Offender Supervision Trustee, who shall be an independent officer of the government of the District of Columbia, to effectuate the reorganization and transition of functions and funding relating to pretrial services, defense services, parole, adult probation and offender supervision.

(2) *Removal.* -- The Trustee may be removed by the Mayor with the concurrence of the Attorney General. The Attorney General shall have the authority to remove the Trustee for misfeasance or malfeasance in office. At the request of the Trustee, the District of Columbia Financial Responsibility and Management Assistance Authority may exercise any of its powers and authorities on behalf of the Trustee.

(b) *Authority.* -- Beginning on the date of appointment, and continuing until the Court Services and Offender Supervision Agency for the District of Columbia is established under § 24-133, the Trustee shall:

(1) Have the authority to exercise all powers and functions authorized for the Director of the Court Services and Offender Supervision Agency for the District of Columbia;

(2) Have the authority to direct the actions of all agencies of the District of Columbia whose functions will be assumed by or within the Court Services and Offender Supervision Agency for the District of Columbia, and of the Board of Parole of the District of Columbia, including the authority to discharge or replace any officers or employees of these agencies;

(3) Exercise financial oversight over all agencies of the District of Columbia whose functions will be assumed by or within the Court Services and Offender Supervision Agency for the District of Columbia, and over the Board of Parole of the District of Columbia, and allocate funds to these agencies as appropriated by Congress and allocated by the President;

(4) Receive and transmit to the District of Columbia Pretrial Services Agency all funds appropriated for such agency; and

(5) Receive and transmit to the District of Columbia Public Defender Service all funds appropriated for such agency.

(c) *Compensation.* -- The Trustee shall be compensated at a rate not to exceed the basic pay payable for Level IV of the Executive Schedule. The Trustee may appoint and fix the pay of additional staff without regard to the provisions of the District of Columbia Official Code governing appointments and salaries, without regard to the provisions of Title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of Chapter 51 and subchapter III of Chapter 53 of Title 5, United States Code, relating to classification and General Schedule pay rates. Upon request of the Trustee, the head of any Federal department or agency may, on a reimbursable or nonreimbursable basis, provide services and/or detail any personnel of that department or agency to the Trusteeship to assist in carrying out its duties.

(d) *Procurement and judicial review* -- The provisions of the District of Columbia Official Code governing procurement shall not apply to the Trustee. The Trustee may enter into such contracts as the Trustee considers appropriate to carry out the Trustee's duties. The Trustee may seek judicial enforcement of the Trustee's authority to carry out the Trustee's duties.

(e) *Preservation of retirement and certain other rights of federal employee who becomes the Trustee or federal employees who become employed by the Trustee.* --

(1) *In general.* -- A Federal employee who, within 3 days after separating from the Federal Government, is appointed Trustee or becomes employed by the Trustee:

(A) Shall be treated as an employee of the Federal Government for purposes of chapters 83, 84, 87, and 89 of Title 5 of the United States Code; and

(B) If, after serving with the Trustee, such employee becomes reemployed by the Federal Government, shall be entitled to credit for the full period of such individual's service with the Trustee, for purposes of determining the applicable leave accrual rate.

(2) *Regulations.* -- The Office of Personnel Management shall prescribe such regulations as may be necessary to carry out this subsection.

(f) *Treatment as Federal Employees.* --

(1) *In general.* -- The Trustee and employees of the Trustee who are not covered under subsection (e) of this section shall be treated as employees of the Federal Government solely for purposes of the following provisions of title 5, United States Code:

(A) Chapter 83 (relating to retirement).

(B) Chapter 84 (relating to the Federal Employees' Retirement System).

(C) Chapter 87 (relating to life insurance).

(D) Chapter 89 (relating to health insurance).

(2) *Effective dates of coverage.* -- The effective dates of coverage of the provisions of paragraph (1) of this subsection are as follows:

(A) In the case of the Trustee and employees of the Office of the Trustee and the Office of Adult Probation, August 5, 1997, or the date of appointment, whichever is later.

(B) In the case of employees of the Office of Parole, October 11, 1998, or the date of appointment, whichever is later.

(C) In the case of employees of the Pretrial Services Agency, January 3, 1999, or the date of appointment, whichever is later.

(3) *Rate of contributions.* -- The Trustee shall make contributions under the provisions referred to in paragraph (1) of this subsection at the same rates applicable to agencies of the Federal Government.

(4) *Regulations.* -- The Office of Personnel Management shall issue such regulations as are necessary to carry out this subsection.

(g) *Funding.* -- Funds available for operations of the Trustee shall be made available to the extent provided in appropriations acts to the Trustee, through the State Justice Institute. Funding requests shall be proposed by the Trustee to the President and Congress for each Fiscal Year.

(h) *Liability and litigation authority.* --

(1) *Liability.* -- The District of Columbia shall defend any civil action or proceeding brought in any court or other official Federal, state, or municipal forum against the Trustee, or against the District of Columbia or its officers, employees, or agents, and shall assume any liability resulting from such an action or proceeding, if the action or proceeding arises from the:

(A) Supervision of offenders on probation, parole, or supervised release;

(B) Provision of pretrial services by the District of Columbia; or

(C) Activities of the District of Columbia Board of Parole.

(2) *Litigation.* --

(A) *Corporation Counsel.* -- Subject to subparagraph (B) of this paragraph, the Corporation Counsel of the District of Columbia shall provide litigation services to the Trustee, except that the Trustee may instead elect, either generally or in relation to particular cases or classes of cases, to hire necessary staff and personnel or enter into contracts for the provision of litigation services at the Trustee's expense.

(B) *Attorney General.* --

(i) *In general.* -- Notwithstanding subparagraph (A) of this paragraph, with respect to any litigation involving the Trustee, the Attorney General may:

(I) Direct the litigation of the Trustee, and of the District of Columbia on behalf of the Trustee; and

(II) Provide on a reimbursable or nonreimbursable basis litigation services for the Trustee at the Trustee's request or on the Attorney General's own initiative.

(ii) *Approval of settlement.* -- With respect to any litigation involving the Trustee, the Trustee

may not agree to any settlement involving any form of equitable relief without the approval of the Attorney General. The Trustee shall provide to the Attorney General such notice and reports concerning litigation as the Attorney General may direct.

(iii) *Discretion.* -- Any decision to exercise any authority of the Attorney General under this paragraph shall be in the sole discretion of the Attorney General and shall not be reviewable in any court.

(3) *Limitations.* -- Nothing in this section shall be construed:

(A) As a waiver of sovereign immunity, or as limiting any other defense or immunity that would otherwise be available to the United States, the District of Columbia, their agencies, officers, employees, or agents; or

(B) To obligate the District of Columbia to represent or indemnify the Corrections Trustee or any officer, employee, or agent where the Trustee (or any person employed by or acting under the authority of the Trustee) acts beyond the scope of his authority.

(i) *Certification.* -- The Court Services and Offender Supervision Agency for the District of Columbia shall assume its duties pursuant to § 24-133 when, within the period beginning one year after August 5, 1997 and ending three years after August 5, 1997, the Trustee certifies to the Attorney General and the Attorney General concurs that the Agency can carry out the functions described in § 24-133 and the United States Parole Commission can carry out the functions described in § 24-133.

(j) *Exercise of authority on behalf of Public Defender Service.* -- At the request of the Director of the District of Columbia Public Defender Service, the Trustee may exercise any of the powers and authorities of the Trustee on behalf of such Service in the same manner and to the same extent as the Trustee may exercise such powers and authorities in relation to any agency described in subsection (b) of this section.

(Aug. 5, 1997, 111 Stat. 746, Pub. L. 105-33, § 11232; Oct. 21, 1998, 112 Stat. 2425, Pub. L. 105-274, § 7(a)(1), (a)(4), (b), (c)(2)(B); Nov. 22, 2000, 114 Stat. 2440, Pub. L. 106-522, § 145(a).)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 24-1232.

##### *Effect of Amendments*

Section 145(a) of Public Law 106-522 redesignated subsecs. (f) through (i) as subsecs. (g) through (j), respectively, and added subsec. (f), relating to the treatment of certain persons as federal employees.

Section 145(b) of Public Law 106-522 provides:

"The amendment made by subsection (a) shall take effect as if included in the enactment of title XI of the Balanced Budget Act of 1997."

##### *Miscellaneous Notes*

Section 166(b) of Public Law 106-113 provides:

"AUTHORITY DURING TRANSITION TO FULL OPERATION OF AGENCY.--

"(1) AUTHORITY OF PRETRIAL SERVICES, PAROLE, ADULT PROBATION AND OFFENDER SUPERVISION TRUSTEE.--Notwithstanding section 11232(b)(1) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (D.C. Code, sec. 24-1232(b)(1)), the Pretrial Services, Parole, Adult Probation and Offender Supervision Trustee appointed under section 11232(a) of such Act (hereafter referred to as the 'Trustee') shall, in accordance with section 11232 of such Act, exercise the powers and functions of the Court Services and Offender Supervision Agency for the District of Columbia (hereafter referred to as the 'Agency') relating to sex offender registration (as granted to the Agency under any District of Columbia law) only upon the Trustee's certification that the Trustee is able to assume such powers and functions.

"(2) AUTHORITY OF METROPOLITAN POLICE DEPARTMENT.--During the period that begins on the date of the enactment of the Sex Offender Registration Emergency Act of 1999 and ends on the date the Trustee makes the certification described in paragraph (1), the Metropolitan Police Department of the District of Columbia shall have the authority to carry out any powers and functions relating to sex offender registration that are granted to the Agency or to the Trustee under any District of Columbia law."

## **§ 24-133. COURT SERVICES AND OFFENDER SUPERVISION AGENCY.**

(a) *Establishment.* -- There is established within the executive branch of the Federal Government the Court Services and Offender Supervision Agency for the District of Columbia (hereafter in this section referred to as the "Agency") which shall assume its duties not less than one year or more than three years after August 5, 1997.

(b) *Director.* --

(1) *Appointment and compensation.* -- The Agency shall be headed by a Director appointed by the President, by and with the advice and consent of the Senate, for a term of six years. The Director shall be compensated at the rate prescribed for Level IV of the Executive Schedule, and may be removed from office prior to the expiration of term only for neglect of duty, malfeasance in office, or other good cause shown.

(2) *Powers and duties of Director.* -- The Director shall:

(A) Submit annual appropriation requests for the Agency to the Office of Management and Budget;

(B) Determine, in consultation with the Chief Judge of the United States District Court for the District of Columbia, the Chief Judge of the Superior Court of the District of Columbia, and the Chairman of the United States Parole Commission, uniform supervision and reporting practices for the Agency;

(C) Hire and supervise supervision officers and support staff for the Agency;

(D) Direct the use of funds made available to the Agency;

(E) Enter into such contracts, leases, and cooperative agreements as may be necessary for the performance of the Agency's functions, including contracts for substance abuse and other treatment and rehabilitative programs;

(F) Develop and operate intermediate sanctions programs for sentenced offenders;

(G) Arrange for the supervision of District of Columbia offenders on parole, probation, and supervised release who seek to reside in jurisdictions outside the District of Columbia;

(H) Carry out all functions which have heretofore been carried out by the Social Services Division of the Superior Court relating to supervision of adults subject to protection orders or provision of services for or related to such persons;

(I) Arrange for the supervision of offenders on parole, probation, and supervised release from jurisdictions outside the District of Columbia who seek to reside in the District of Columbia; and

(J) Have the authority to enter into agreements, including the Interstate Compact for Adult Offender Supervision, with any State or group of States in accordance with the Agency's responsibilities under subparagraphs (G) and (I) of this paragraph.

(3) *Acceptance of gifts.* --

(A) *Authority to accept gifts.* -- During fiscal years 2006 through 2008, the Director may accept and use gifts in the form of--

(i) in-kind contributions of space and hospitality to support offender and defendant programs; and

(ii) equipment and vocational training services to educate and train offenders and defendants.

(B) *Records.* -- The Director shall keep accurate and detailed records of the acceptance and use of any gifts under subparagraph (A) of this paragraph, and shall make such records available for audit and public inspection.

(4) *Reimbursement from District government.* -- During fiscal years 2006 through 2008, the Director may accept and use reimbursement from the District government for space and services provided, on a cost reimbursable basis.

(c) *Functions.* --

(1) *In general.* -- The Agency shall provide supervision, through qualified supervision officers, for offenders on probation, parole, and supervised release pursuant to the District of Columbia Official Code. The Agency shall carry out its responsibilities on behalf of the court or agency having jurisdiction over the offender being supervised.

(2) *Supervision of released offenders.* -- The Agency shall supervise any offender who is released from imprisonment for any term of supervised release imposed by the Superior Court of the District of Columbia. Such offender shall be subject to the authority of the United States Parole Commission until completion of the term of supervised release. The United States Parole Commission shall have and exercise the same authority as is vested in the United States district courts by paragraphs (d) through (i) of § 3583 of title 18, United States Code, except that:

(A) The procedures followed by the Commission in exercising such authority shall be those set forth in chapter 311 of title 18, United States Code; and

(B) An extension of a term of supervised release under subsection (e)(2) of § 3583 may only be ordered by the Superior Court upon motion from the Commission.

(3) *Supervision of probationers.* -- Subject to appropriations and program availability, the Agency shall

supervise all offenders placed on probation by the Superior Court of the District of Columbia. The Agency shall carry out the conditions of release imposed by the Superior Court (including conditions that probationers undergo training, education, therapy, counseling, drug testing, or drug treatment), and shall make such reports to the Superior Court with respect to an individual on probation as the Superior Court may require.

(4) *Supervision of District of Columbia parolees.* -- The Agency shall supervise all individuals on parole pursuant to the District of Columbia Official Code. The Agency shall carry out the conditions of release imposed by the United States Parole Commission or, with respect to a misdemeanor, by the Superior Court of the District of Columbia, and shall make such reports to the Commission or Court with respect to an individual on parole supervision as the Commission or Court may require.

(5) *Sex offender registration.* -- The Agency shall carry out sex offender registration functions in the District of Columbia, and shall have the authority to exercise all powers and functions relating to sex offender registration that are granted to the Agency under any District of Columbia law.

(d) *Authority of officers.* -- The supervision officers of the Agency shall have and exercise the same powers and authority as are granted by law to United States Probation and Pretrial Officers.

(e) *Pretrial Services Agency.* --

(1) *Independent entity.* -- The District of Columbia Pretrial Services Agency established by subchapter I of Chapter 13 of Title 23, District of Columbia Official Code, shall function as an independent entity within the Agency.

(2) *Submission on behalf of Pretrial Services.* -- The Director of the Agency shall submit, on behalf of the District of Columbia Pretrial Services Agency and with the approval of the Director of the Pretrial Services Agency, an annual appropriation request to the Office of Management and Budget. Such request shall be separate from the request submitted for the Agency.

(3) *Liability of District of Columbia.* -- The District of Columbia shall defend any civil action or proceeding brought in any court or other official Federal, state, or municipal forum against the District of Columbia Pretrial Services Agency or the District of Columbia or its officers, employees, or agents, and shall assume any liability resulting from such an action or proceeding, if the action or proceeding arises from the activities of the District of Columbia Pretrial Services Agency prior to the date on which the Offender Supervision, Defender and Courts Services Agency assumes its duties.

(4) *Litigation.* --

(A) *Corporation Counsel.* -- Subject to subparagraph (B) of this paragraph, the Corporation Counsel of the District of Columbia shall provide litigation services to the District of Columbia Pretrial Services Agency, except that the District of Columbia Pretrial Services Agency may instead elect, either generally or in relation to particular cases or classes of cases, to hire necessary staff and personnel or enter into contracts for the provision of litigation services at such agency's expense.

(B) *Attorney General.* --

(i) *In general.* -- Notwithstanding subparagraph (A) of this paragraph, with respect to any litigation involving the District of Columbia Pretrial Services Agency, the Attorney General may:

(I) Direct the litigation of the agency, and of the District of Columbia on behalf of the agency; and

(II) Provide on a reimbursable or non-reimbursable basis litigation services for the agency at the agency's request or on the Attorney General's own initiative.

(ii) *Approval of settlement.* -- With respect to any litigation involving the District of Columbia Pretrial Services Agency, the agency may not agree to any settlement involving any form of equitable relief without the approval of the Attorney General. The agency shall provide to the Attorney General such notice and reports concerning litigation as the Attorney General may direct.

(iii) *Discretion.* -- Any decision to exercise any authority of the Attorney General under this paragraph shall be in the sole discretion of the Attorney General and shall not be reviewable in any court.

(f) Repealed.

(g) *Authority to use services of volunteers.* --

(1) *In general.* -- The Agency (including any independent entity within the Agency) may accept the services of volunteers and provide for their incidental expenses to carry out any activity of the Agency except policy-making.

(2) *Applicability of worker's compensation rules to volunteers.* -- Any volunteer whose services are accepted pursuant to this subsection shall be considered an employee of the United States

Government in providing the services for purposes of chapter 81 of title 5, United States Code (relating to compensation for work injuries) and chapter 11 of title 18, United States Code, relating to corruption and conflicts of interest.

(Aug. 5, 1997, 111 Stat. 748, Pub. L. 105-33, § 11233; Oct. 21, 1998, 112 Stat. 2425, Pub. L. 105-274, § 7(a)(2), (c)(1), (e)(2)(C); Oct. 21, 1998, 112 Stat. 2681-147, Pub. L. 105-277, § 158(a); Nov. 29, 1999, 113 Stat. 1530, Pub. L. 106-113, § 166(a); Nov. 26, 2002, 116 Stat. 2353, Pub. L. 107-302, § 2; Oct. 16, 2006, 120 Stat. 2026, 2039, Pub. L. 109-356, §§ 115, 301(a); Dec. 26, 2007, 121 Stat. 2042, Pub. L. 110-161, § 825(b).)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 24-1233.

##### *Effect of Amendments*

Section 166(a) of Public Law 106-113 added par. (c)(5) relating to sex offender registration.

Public Law 107-302 rewrote subpar. (G) of subsec. (b)(2); made nonsubstantive changes in subpar. (H) of subsec. (b)(2); and added subpars. (I) and (J) to subsec. (b)(2). Prior to amendment, subpar. (G) of subsec. (b)(2) had read as follows:

"(G) Arrange for the supervision of District of Columbia paroled offenders in jurisdictions outside the District of Columbia; and".

Pub. L. 109-356 added subsecs. (b)(3), (b)(4), and (g).

Pub. L. 110-161 repealed subsec. (f) which had read as follows:

"(f) *Receipt and transmittal of appropriations for Public Defender Service.* -- The Director of the Agency shall receive and transmit to the District of Columbia Public Defender Service all funds appropriated for such agency."

##### *Effective Dates*

Section 825(c) of Pub. L. 110-161 provides that amendments made by this section shall apply with respect to fiscal year 2008 and each succeeding fiscal year.

##### *Miscellaneous Notes*

Retirement election for certain former employees of the District of Columbia: Section 3 of Pub. L. 105-274, 112 Stat. 2423, provides that:

(a) In general--Notwithstanding any provision of the District of Columbia Code, or of chapter 83 or chapter 84 of title 5, United States Code, a former employee of the District of Columbia who is hired by the Department of Justice, or by the agency established by section 11233(a) of the Balanced Budget Act of 1997 (hereafter in this section referred to as the "Agency"), on or after August 5, 1997, may elect, within 60 days after the issuance of regulations pursuant to subsection (c), or within 60 days of being hired, if later, to be covered by the retirement system of the District of Columbia under which the person was most recently covered. No election under this subsection may be made by a person who is hired more than one year after the date on which the Lorton Correctional Complex is closed, or more than one year after the date on which the Agency assumes its duties, whichever is later.

(b) Period of election--The election authorized by subsection (a) shall remain in force until the employee is no longer employed by the agency in which her or she was employed at the time the election was made.

(c) Regulations--The election authorized by subsection (a) shall be in accordance with regulations issued by the Office of Personnel Management after consulting with the Department of Justice, the Agency, and the government of the District of Columbia. The government of the District of Columbia shall administer the retirement coverage for any employee making such an election.

Leave for certain former employees of the District of Columbia: Section 4 of Pub. L. 105-274, 112 Stat. 2423, provides that:

(a) In general--Notwithstanding any provision of law, a former employee of the District of Columbia who is hired by the Department of Justice, or by the agency established by section 11233(a) of the Balanced Budget Act of 1997 (hereafter in this section referred to as the "Agency"), on or after August 5, 1997, shall --

(1) in determining the rate of accrual of annual leave under section 6303 of title 5, United States Code, be entitled to credit for service as an employee of the District of Columbia;

(2) to the extent that the employee has not used or otherwise been compensated for annual leave accrued as an employee of the District of Columbia, have all such accrued annual leave transferred, in accordance with the procedures established under section 6308 of title 5, United States Code, to the credit of the employee in the new employing agency; and.

(3) to the extent the employee has not used or otherwise been compensated for sick leave accrued as an

employee of the District of Columbia, have all such accrued sick leave transferred, in accordance with the procedures established under section 6308 of title 5, United States Code, to the credit of the employee in the new employing agency.

(b) Termination--Subsection (a) is not applicable to any former employee of the District of Columbia who is hired by the Department of Justice or the Agency more than one year after the date on which the Lorton Correctional Complex is closed, or more than one year after the date on which the Agency assumes its duties, whichever is later.

*Complementary Legislation*

Ala.--Code 1975, § 15-22-1.1

Alaska--AS 33.36.110, 33.36.130, 33.36.140.

Ariz.--A.R.S. §§ 31-467 to 31-467.06.

Ark.--A.C.A. §§ 12-51-101 to 12-51-802.

Cal.--West's Ann.Cal.Penal Code §§ 11180, 11181.

Colo.--West's C.R.S.A. §§ 24-60-2801 to 24-60-2803.

Conn.--C.G.S.A. § 54-133.

Del.--11 Del.C. §§ 4358, 4359.

D.C.--D.C. Official Code, 2001 Ed. § 24-133.

Fla.--West's F.S.A. §§ 949.07 to 949.09.

Ga.--O.C.G.A. §§ 42-9-80 to 42-9-82.

Hawaii--H R S §§ 353B-1 to 353B-5.

Idaho--I.C. §§ 20-301, 20-302.

Ill.--S.H.A. 45 ILCS 170/1 to 170/5.

Ind.--West's A.I.C. 11-13-4.5-1 to 11-13-4.5-8.

Iowa--I.C.A. §§ 907B.1 to 907B.3.

Kan.--K.S.A. 22-4110.

Ky.--KRS 439.561 to 439.563, 439.570, 439.575.

La.--LSA-R.S. 15:574.31 to 15:574.45.

Maine--34-A M.R.S.A. §§ 9871 to 9886.

Md.--Code, Correctional Services, §§ 6-201 to 6-215.

Mass.--M.G.L.A. c. 121, §§ 127-151C.

Mich.--M.C.L.A. §§ 3.1011, 3.1012.

Minn.--M.S.A. §§ 243.1605 to 243.1608.

Miss.--Code 1972, §§ 47-7-81, 47-7-83, 47-7-85.

Mo.--V.A.M.S. §§ 589.500 to 589.569.

Mt.--M.C.A. 46-23-1115.

Neb.--R.R.S. 1943, §§ 29-2639, 29-2640.

Nev.--N.R.S. 213.215.

N.H.--RSA 651-A:26 to 651-A:38.

N.J.--N.J.S.A. 2A:168-26 to 2A:168-39.

N.M.--NMSA 1978, § 31-5-20.

N.Y.--McKinney's Executive Law, § 259-mm.

N.C.--G.S. § 14-190.16.

N.D.--NDCC 148-65.4 to 148-65.9.

Ohio--R.C. § 5149.21.

Okl.--22 Okl.St.Ann. §§ 1091 to 1095.

Ore.--ORS §§144.600 to 144.605.

Pa.--61 Pa.C.S.A. §§ 7111 to 7114.

R.I.--Gen.Laws. 1956, §§ 13-9.1-1 to 13-9.1-3.

S.C.--Code 1976, §§ 24-21-1100 to 24-21-1220.  
S.D.--SDCL 24-16A-1.  
Tenn.--T.C.A. §§ 40-28-401, 40-28-402.  
Tex.--V.T.C.A., Government Code §§ 510.001 to 510.017.  
Utah--U.C.A. 1953, 77-28c-101 to 77-28c-105.  
Vt.--28 V.S.A. §§ 1351 to 1364.  
Va.--Code 1950, §§ 53.1-176.1 to 53.1-176.3.  
Wash.--West's RCWA 9.94A.745 to 9.94A.74505.  
W.Va.--Code, 28-7-1 to 28-7-4.  
Wis.--W.S.A. 304.16.  
Wyo.--Wyo.Stat.Ann. §§ 7-13-422, 7-13-423.

## **§ 24-134. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated in each fiscal year such sums as may be necessary for the following:

- (1) District of Columbia Pretrial Services Agency.
- (2) Supervision of offenders on probation, parole, or supervised release for offenses under the District of Columbia Official Code.
- (3) Operation of the parole system for offenders convicted of offenses under the District of Columbia Official Code.
- (4) Operation of the Trusteeship described in § 24-132.

(Aug. 5, 1997, 111 Stat. 751, Pub. L. 105-33, § 11234; Oct. 21, 1998, 112 Stat. 2425, Pub. L. 105-274, §§ 6(b)(2), 7(a)(3).)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 24-1234.

## **SUBCHAPTER IV. SPECIAL PROVISIONS FOR TRUSTEES.**

### **§ 24-141. REEMPLOYED ANNUITANT TRUSTEE.**

Notwithstanding any other provision of Federal or District of Columbia law applicable to a reemployed annuitant's entitlement to retirement or pension benefits, The Director of the Office of Personnel Management may waive the provisions of § 8344 of title 5 of the United States Code for any reemployed annuitants appointed heretofore or hereafter as a Trustee under § 24-102 or § 24-132, or, at the request of such a Trustee, for any employee of such Trustee.

(Nov. 19, 1997, 111 Stat. 2190, Pub. L. 105-100, § 166.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 24-1241.

### **§ 24-142. EXEMPTION FROM PERSONNEL AND BUDGET CEILINGS FOR TRUSTEES AND RELATED AGENCIES.**

The Trustees described in §§ 24-102 and 24-132 and the activities and personnel of, and the funds allocated or otherwise available to, the Trustees and the agencies over which the Trustees exercise financial oversight pursuant to those sections, shall not be subject to any general personnel or budget limitations which otherwise apply to the District of Columbia government or its agencies in any appropriations act.

(Aug. 5, 1997, 111 Stat. 763, Pub. L. 105-33, § 11282.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 24-1242.

*Effective Dates*

Section 11721 of title XI of Pub. L. 105-33, 111 Stat. 786, the National Capital Revitalization and Self-Government Improvement Act of 1997, provided that except as otherwise provided in this title, the provisions of this title shall take effect on the later of October 1, 1997, or the day the District of Columbia Financial Responsibility and Management Assistance Authority certifies that the financial plan and budget for the District government for fiscal year 1998 meet the requirements of section 201(c)(1) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, as amended by this title.