DISTRICT OF COLUMBIA

OFFICIAL CODE

TITLE 24.

PRISONERS AND THEIR TREATMENT.

CHAPTER 4.

INDETERMINATE SENTENCES AND PAROLES.

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CHAPTER 4. INDETERMINATE SENTENCES AND PAROLES.

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CHAPTER 4. INDETERMINATE SENTENCES AND PAROLES.

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(July 17, 1947, 61 Stat. 379, ch. 263, § 7.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-201.

§§ 24-401A, 24-401B. BOARD OF PAROLE--CREATED; MEMBERS; PROCEDURAL RULES; TRANSFER OF POWERS, EMPLOYEES, SUPPLIES AND APPROPRIATIONS OF BOARD OF INDETERMINATE SENTENCE AND PAROLE; DUTIES OF PAROLE EXECUTIVE; COOPERATION OF DEPARTMENT OF CORRECTIONS.[REPEALED]

(Apr. 28, 1988, D.C. Law 7-103, § 5(a), 34 DCR 8279.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., §§ 24-201a, 24-201b.

Legislative History of Laws

For legislative history of D.C. Law 7-103, see Historical and Statutory Notes following § 24-401.01.

§ 24-401C. APPLICATION FOR REDUCTION OF SENTENCE.

When by reason of his training and response to the rehabilitation program of the Department of Corrections it appears to the Board that there is a reasonable probability that a prisoner will live and remain at liberty without violating the law, and that his immediate release is not incompatible with the welfare of society, but he has not served his minimum sentence, the Board in its discretion may apply to the court imposing sentence for a reduction of his minimum sentence. The court shall have jurisdiction to act upon the application at any time prior to the expiration of the minimum sentence and no hearing shall be required. If a prisoner is serving a sentence for a crime for which a minimum sentence is prescribed by § 24-403(b) his minimum sentence shall not be reduced under this section below the minimum sentence so prescribed.

(July 17, 1947, 61 Stat. 379, ch. 263, § 4; June 29, 1953, 67 Stat. 92, ch. 159, § 201(b).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-201c.

1973 Ed., § 24-201c.

§ 24-401.01. BOARD OF PAROLE--CREATION; TERM OF MEMBERS.

Abolished.

(Apr. 28, 1988, D.C. Law 7-103, § 2, 34 DCR 8279; Aug. 5, 1997, 111 Stat. 745, Pub. L. 105-33, § 11231(b).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-201.1.

Legislative History of Laws

Law 7-103, the "District of Columbia Board of Parole Amendment Act of 1987," was introduced in Council and assigned Bill No. 7-133, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on Nov. 10, 1987 and Nov. 24, 1987, respectively. Deemed approved without the signature of the Mayor on December 14, 1987, it was assigned Act No. 7-122 and transmitted to both Houses of Congress for its review.

§ 24-401.02. POWERS AND DUTIES OF BOARD; TRANSFER OF EMPLOYEES, OFFICIAL RECORDS, ETC. FROM BOARD OF PAROLE.

Abolished.

(Apr. 28, 1988, D.C. Law 7-103, § 3, 34 DCR 8279; Aug. 5, 1997, 111 Stat. 745, Pub. L. 105-33, § 11231(b).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-201.2.

Legislative History of Laws

For legislative history of D.C. Law 7-103, see Historical and Statutory Notes following § 24-401.01.

§ 24-401.03. RULEMAKING.

Abolished.

(Apr. 28, 1988, D.C. Law 7-103, § 4, 34 DCR 8279; Aug. 5, 1997, 111 Stat. 745, Pub. L. 105-33, § 11231(b).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-201.3.

Legislative History of Laws

For legislative history of D.C. Law 7-103, see Historical and Statutory Notes following § 24-401.01.

§ 24-402. EMPLOYEES OF BOARD OF INDETERMINATE SENTENCE AND PAROLE.[REPEALED]

(July 17, 1947, 61 Stat. 379, ch. 263, § 7.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-202.

§ 24-403. INDETERMINATE SENTENCES; LIFE SENTENCES; MINIMUM SENTENCES.

(a) Except as provided in subsections (b) and (c) of this section, in imposing sentence on a person convicted in the District of Columbia of a felony, the justice or judge of the court imposing such sentence

shall sentence the person for a maximum period not exceeding the maximum fixed by law, and for a minimum period not exceeding one-third of the maximum sentence imposed, and any person so convicted and sentenced may be released on parole as herein provided at any time after having served the minimum sentence. Where the maximum sentence imposed is life imprisonment, a minimum sentence shall be imposed which shall not exceed 15 years imprisonment.

(b) The minimum sentence imposed under this section on a person convicted of an assault with intent to commit rape in violation of § 22-401, or of armed robbery in violation of § 22-4502 shall be not less than 2 years if the violation occurs after the person has been convicted in the District of Columbia or elsewhere of a crime of violence as defined in § 22-4501, providing for the control of dangerous weapons in the District of Columbia. The minimum sentence imposed under this section on a person convicted of rape in violation of § 22-4801, shall not be less than 7 years if the violation occurs after the person has been convicted in the District of Columbia or elsewhere of a crime of violence, as so defined. The maximum sentence in each case to which this subsection applies shall not be less than 3 times the minimum sentence imposed, and shall not be more than the maximum fixed by law.

(c) For a person convicted of: (1) a violation of § 22-405 (relating to assault with a dangerous weapon on a police officer) occurring after the person has been convicted of a violation of that section or of a felony, either in the District of Columbia or in another jurisdiction; (2) a violation of § 22- 4503, providing for the control of dangerous weapons in the District (relating to illegal possession of a pistol), occurring after the person has been convicted of violating that section; or (3) a violation of § 22-2501 (relating to possession of implements of crime) occurring after the person has been convicted in the District of Columbia of a violation of that section or of a felony, either in the District of Columbia or in another jurisdiction, the minimum sentence imposed under this section shall not be less than 1 year, and the maximum sentence shall not be less than 3 times the minimum sentence imposed nor more than the maximum fixed by law.

(July 15, 1932, 47 Stat. 697, ch. 492, § 3; June 6, 1940, 54 Stat. 242, ch. 254, § 2; June 29, 1953, 67 Stat. 91, ch. 159, § 201(a); Feb. 26, 1981, D.C. Law 3-113, § 4, 27 DCR 5624.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-203.

1973 Ed., § 24-203.

Legislative History of Laws

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

References in Text

Subsection (b) of this section was added by the Act of June 29, 1953 and originally contained the phrase "armed robbery in violation of section 810 of such Act (D.C. Code 22-3202)." Section 810 of the Act of March 3, 1901 is found in the Code as § 22-2801 and concerns the crime of robbery. Section 22- 3202 [§ 22-4502, 2001 Ed.] concerns the commission of a crime while armed.

§ 24-403.01. SENTENCING, SUPERVISED RELEASE, AND GOOD TIME CREDIT FOR FELONIES COMMITTED ON OR AFTER AUGUST 5, 2000.

(a) For any felony committed on or after August 5, 2000, the court shall impose a sentence that:

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

(2) Provides for just punishment and affords adequate deterrence to potential criminal conduct of the offender and others; and

(3) Provides the offender with needed educational or vocational training, medical care, and other correctional treatment.

(b)(1) If an offender is sentenced to imprisonment, or to commitment pursuant to § 24-903, under this section, the court shall impose a period of supervision ("supervised release") to follow release from the imprisonment or commitment.

(2) If the court imposes a sentence of more than one year, the court shall impose a term of supervised release of:

(A) Five years, if the maximum term of imprisonment authorized for the offense is 25 years or more; or

(B) Three years, if the maximum term of imprisonment authorized for the offense is more than one

year, but less than 25 years.

(3) If the court imposes a sentence of one year or less, the court shall impose a term of supervised release of:

(A) Not more than 5 years, if the maximum term of imprisonment authorized for the offense is 25 years or more; or

(B) Not more than 3 years, if the maximum term of imprisonment authorized for the offense is more than one year, but less than 25 years.

(4) In the case of a person sentenced for an offense for which registration is required by the Chapter 40 of Title 22, the court may, in its discretion, impose a longer term of supervised release than that required or authorized by paragraph (2) or (3) of this subsection, of:

(A) Not more than 10 years; or

(B) Not more than life if the person is required to register for life.

(5) The term of supervised release commences on the day the offender is released from imprisonment, and runs concurrently with any federal, state, or local term of probation, parole, or supervised release for another offense to which the offender is subject or becomes subject during the term of supervised release. A term of supervised release does not run during any period in which the offender is imprisoned in connection with a conviction for a federal, state, or local crime unless the period of imprisonment is less than 30 days.

(6) Offenders on supervised release shall be subject to the authority of the United States Parole Commission until completion of the term of supervised release. The Parole Commission shall have and exercise the same authority as is vested in the United States District Courts by 18 U.S.C. § 3583(d)-(i), except that:

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

(B) An extension of a term of supervised release under 18 U.S.C. § 3583(e)(2) may be ordered only by the court upon motion from the Parole Commission.

(7) An offender whose term of supervised release is revoked may be imprisoned for a period of:

(A) Not more than 5 years, if the maximum term of imprisonment authorized for the offense is life or the offense is specifically designated as a Class A felony;

(B) Not more than 3 years, if the maximum term of imprisonment authorized for the offense is 25 years or more, but less than life and the offense is not specifically designated as a Class A felony;

(C) Not more than 2 years, if the maximum term of imprisonment authorized for the offense is 5 years or more, but less than 25 years; or

(D) Not more than 1 year, if the maximum term of imprisonment authorized for the offense is less than 5 years.

(b-1) If the maximum term of imprisonment authorized for an offense is a term of years, the term of imprisonment or commitment imposed by the court shall not exceed the maximum term of imprisonment authorized for the offense less the maximum term of imprisonment authorized upon revocation of supervised release pursuant to subsection (b)(7) of this section. If the maximum term of imprisonment authorized for the offense is up to life or if an offense is specifically designated as a Class A felony, the maximum term of imprisonment authorized upon revocation of supervised release pursuant to subsection (b)(7) shall not be deducted from the maximum term of imprisonment or commitment authorized for such offense.

(b-2)(1) The court may impose a sentence in excess of 60 years for first degree murder or first degree murder while armed, 40 years for second degree murder or second degree murder while armed, or 30 years for armed carjacking, first degree sexual abuse, first degree sexual abuse while armed, first degree child sexual abuse or first degree child sexual abuse while armed, only if:

(A) Thirty-days prior to trial or the entry of a plea of guilty, the prosecutor files an indictment or information with the clerk of the court and a copy of such indictment or information is served on the person or counsel for the person, stating in writing one or more aggravating circumstances to be relied upon; and

(B) One or more aggravating circumstances exist beyond a reasonable doubt.

(2) Aggravating circumstances for first degree murder are set forth in § 22- 2104.01. Aggravating circumstances for first degree sexual abuse and first degree child sexual abuse are set forth in § 22-3020. In addition, for all offenses, aggravating circumstances include:

(A) The offense was committed because of the victim's race, color, religion, national origin, sexual orientation, or gender identity or expression (as defined in § 2-1401.02(12A);

(B) The offense was committed because the victim was or had been a witness in any criminal

investigation or judicial proceeding or was capable of providing or had provided assistance in any criminal investigation or judicial proceeding;

(C) The offense was committed for the purpose of avoiding or preventing a lawful arrest or effecting an escape from custody;

(D) The offense was especially heinous, atrocious, or cruel;

(E) The offense involved a drive-by or random shooting;

(F) The offense was committed after substantial planning;

(G) The victim was less than 12 years old or more than 60 years old or vulnerable because of mental or physical infirmity; or

(H) Except where death or serious bodily injury is an element of the offense, the victim sustained serious bodily injury as a result of the offense.

(3) This section does not limit the imposition of a maximum sentence of up to life imprisonment without possibility of release authorized by § 22-1804a; § 22-2104.01; § 22-2106; and § 22-3020.

(c) A sentence under this section of imprisonment, or of commitment pursuant to § 24-903, shall be for a definite term, which shall not exceed the maximum term allowed by law or be less than any minimum term required by law. A person sentenced under this section to imprisonment, or to commitment pursuant to § 24-903, for such a felony shall serve the term of imprisonment or commitment specified in the sentence, less any time credited toward service of the sentence under subsection (d) of this section.

(d) A person sentenced to imprisonment, or to commitment pursuant to § 24- 903, under this section may receive good time credit toward service of the sentence only as provided in 18 U.S.C. § 3624(b).

(d-1)(1) A person sentenced to imprisonment under this section for a nonviolent offense may receive up to a one-year reduction in the term the person must otherwise serve if the person successfully completes a substance abuse treatment program in accordance with 18 U.S.C. § 3621(e)(2).

(2) For the purposes of this subsection, the term "nonviolent offense" means any crime other than those included within the definition of "crime of violence" in § 23-1331(4).

(e) The sentence imposed under this section on a person convicted of assault with intent to commit first or second degree sexual abuse or child sexual abuse in violation of § 22-401, or of armed robbery in violation of § 22-4502, shall be not less than 2 years if the violation occurs after the person has been convicted in the District of Columbia or elsewhere of a crime of violence as defined in § 22-4501, providing for the control of dangerous weapons in the District of Columbia. The sentence imposed under this section on a person convicted of first or second degree sexual abuse or child sexual abuse in violation of § 22-3002, § 22-3003, or § 22-3008 through § 22-3010, shall not be less than 7 years if the violation occurs after the person has been convicted in the District of Columbia or elsewhere of a crime of violence, as so defined.

(f) The sentence imposed under this section shall not be less than 1 year for a person convicted of:

(1) Assault with a dangerous weapon on a police officer in violation of § 22-405, occurring after the person has been convicted of a violation of that section or of a felony, either in the District of Columbia or in another jurisdiction;

(2) Illegal possession of a pistol in violation of § 22-4503, occurring after the person has been convicted of violating that section; or

(3) Possession of the implements of a crime in violation of § 22-2501, occurring after the person has been convicted of a violation of that section or of a felony, either in the District of Columbia or in another jurisdiction.

(July 15, 1932, 47 Stat. 697, ch. 492, § 3a, as added Oct. 10, 1998, D.C. Law 12-165, § 2, 45 DCR 2980; June 8, 2001, D.C. Law 13-302, § 8(a), 47 DCR 7249; June 19, 2001, D.C. Law 13-313, § 21(c) 48 DCR 1873; May 24, 2005, D.C. Law 15-357, § 302, 52 DCR 1999; June 25, 2008, D.C. Law 17-177, § 14, 55 DCR 3696.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-203.1.

Effect of Amendments

D.C. Law 13-302, in subsec. (a), substituted "For" for "Notwithstanding any other provision of law, for"; rewrote subsec. (b) which had read:

"(b) If an offender is sentenced to imprisonment, or to commitment pursuant to § 24-903, under this section, the court shall impose an adequate period of supervision to follow release from the imprisonment or commitment."

; added subsecs. (b-1) and (b-2); and, in subsec. (c), in the first sentence, substituted "A" for "In the case of a felony described in § 24-112(h)", and, in the second sentence, deleted "for such a felony" preceding "shall serve the term".

D.C. Law 13-313, in subsec. (b-2)(1), substituted "first degree child sexual abuse or first degree child sexual abuse while armed" for "first degree child sexual abuse or first degree sexual abuse while armed".

D.C. Law 15-357 added subsec. (d-1).

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

Emergency Act Amendments

For temporary (90-day) amendment of section, see § 8(a) of the Sentencing Reform Emergency Amendment Act of 2000 (D.C. Act 13-410, August 11, 2000, 47 DCR 7271). For temporary (90-day) addition of § 24-203.2 [1981 Ed.], see § 8(b) of the same Act.

For temporary (90 day) amendment of section, see § 8(a) of the Sentencing Reform Congressional Review Emergency Amendment Act of 2001 (D.C. Act 13-462, November 7, 2000, 47 DCR 9443).

For temporary (90 day) amendment of section, see § 8(a) of Sentencing Reform Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-2, February 2, 2001, 48 DCR 2239).

For temporary (90 day) amendment of section, see § 8(a) of Sentencing Reform Second Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-51, May 2, 2001, 48 DCR 4370).

Legislative History of Laws

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

Law 13-302, the "Sentencing Reform Amendment Act of 2000", was introduced in Council and assigned Bill No. 13-696, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on June 26, 2000, and July 11, 2000, respectively. Signed by the Mayor on August 2, 2000, it was assigned Act No. 13-406 and transmitted to both Houses of Congress for its review. D.C. Law 13-302 became effective on June 8, 2001.

Law 13-313, the "Technical Amendment Act of 2000," was introduced in Council and assigned Bill No. 13-879, which was referred to the Committee on the Whole. The Bill was adopted on first and second readings on December 5, 2000, and December 19, 2000, respectively. Signed by the Mayor on January 19, 2001, it was assigned Act No. 13-574 and transmitted to both Houses of Congress for its review. D.C. Law 13-313 became effective on June 19, 2001.

Law 15-357, the "Omnibus Public Safety Ex-offender Self-sufficiency Reform Amendment Act of 2004", was introduced in Council and assigned Bill No. 15-785, which was referred to the Committee on Judiciary. The Bill was adopted on first and second readings on November 9, 2004, and December 21, 2004, respectively. Signed by the Mayor on January 19, 2005, it was assigned Act No. 15-744 and transmitted to both Houses of Congress for its review. D.C. Law 15-357 became effective on May 24, 2005.

For Law 17-177, see notes following § 24-112.

§ 24-403.02. SENTENCING AND GOOD TIME CREDIT FOR MISDEMEANORS COMMITTED ON OR AFTER AUGUST 5, 2000.

> A sentence of incarceration, or of commitment pursuant to § 24-903, for a misdemeanor committed on or after August 5, 2000, shall be for a definite term, which shall not exceed the maximum term allowed by law. A person sentenced to incarceration, or to commitment pursuant to § 24-903, under this section, shall serve the term of incarceration or commitment specified in the sentence, less any time credited toward service of the sentence as provided in § 24- 221.01 through § 24-221.05.

(July 15, 1932, 47 Stat. 697, ch. 492, § 3b, as added June 8, 2001, D.C. Law 13-302, § 8(b), 47 DCR 7249.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 8(b) of the Sentencing Reform Congressional Review Emergency Amendment Act of 2001 (D.C. Act 13-462, November 7, 2000, 47 DCR 9443).

For temporary (90 day) addition of section, see § 8(b) of Sentencing Reform Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-2, February 2, 2001, 48 DCR 2239).

For temporary (90 day) addition of section, see § 8(b) of Sentencing Reform Second Congressional Review

Emergency Amendment Act of 2001 (D.C. Act 14-51, May 2, 2001, 48 DCR 4370).

Legislative History of Laws

For Law 13-302, see notes following § 24-403.01.

§ 24-404. AUTHORIZATION OF PAROLE; CUSTODY; DISCHARGE.

(a) Whenever it shall appear to the United States Parole Commission ("Commission") that there is a reasonable probability that a prisoner will live and remain at liberty without violating the law, that his or her release is not incompatible with the welfare of society, and that he or she has served the minimum sentence imposed or the prescribed portion of his or her sentence, as the case may be, the Commission may authorize his or her release on parole upon such terms and conditions as the Commission shall from time to time prescribe. While on parole, a parolee shall remain in the legal custody and under the control of the Attorney General of the United States or his or her authorized representative until:

(1) The expiration of the maximum of the term or terms specified in his or her sentence without regard to good time allowance; or

(2) The Commission terminates legal custody over such parolee under subsection (a-1) of this section.

(a-1)(1) Upon its own motion or upon request of a parolee, the Commission may terminate legal custody over the parolee before expiration of the parolee's sentence.

(2) Two years after a parolee's release on parole, and at least annually thereafter, the Commission shall review that parolee's status to determine the need for continued legal custody and may terminate legal custody over the parolee if, in its discretion, the Commission determines that continued legal custody is no longer needed.

(3) Five years after a parolee's release on parole, the Commission shall terminate legal custody over the parolee unless the Commission determines, after a hearing, that legal custody of the parolee should not be terminated because there is a likelihood that the parolee will violate any criminal law.

(4) If the Commission does not terminate legal custody under paragraph (3) of this subsection, the Commission:

(A) May conduct a hearing annually, if the parolee so requests, to determine whether to terminate legal custody of the parolee; and

(B) Shall conduct a hearing every 2 years to determine whether to terminate legal custody of the parolee.

(5) In calculating a time period under this subsection, the Commission shall exclude:

(A) Any period of release on parole before the most recent such release; and

(B) Any period served in confinement on any other sentence.

(a-2)(1) The provisions of subsection (a-1) of this section shall apply to a person who is on parole on or after May 20, 2009.

(2) For a person released on parole prior to May 20, 2009, determinations by the Commission whether to terminate legal custody under subsection (a-1)(2) or (3) of this section, as applicable, shall be made within one year after May 20, 2009.

(b) Notwithstanding the provisions of subsections (a), (a-1), and (a-2) of this section, the Council of the District of Columbia may promulgate rules and regulations under which the Commission, in its discretion, may discharge a parolee from supervision prior to the expiration of the maximum term or terms for which he was sentenced.

(July 15, 1932, 47 Stat. 697, ch. 492, § 4; June 6, 1940, 54 Stat. 242, ch. 254, § 3; July 17, 1947, 61 Stat. 378, ch. 263, § 3; May 22, 1965, 79 Stat. 113, Pub. L. 89-24, § 1; May 20, 2009, D.C. Law 17-389, § 3(a), 56 DCR 1196.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-204.

1973 Ed., § 24-204.

Effect of Amendments

D.C. Law 17-389 rewrote subsec. (a); added subsecs. (a-1) and (a-2); and, in subsec. (b), substituted "subsections (a), (a-1), and (a-2)" for "subsection (a)" and substituted "Commission" for "Board of Parole". Prior to amendment, subsec. (a) read as follows:

"(a) Whenever it shall appear to the Board of Parole that there is a reasonable probability that a prisoner will

live and remain at liberty without violating the law, that his release is not incompatible with the welfare of society, and that he has served the minimum sentence imposed or the prescribed portion of his sentence, as the case may be, the Board may authorize his release on parole upon such terms and conditions as the Board shall from time to time prescribe. While on parole, a prisoner shall remain in the legal custody and under the control of the Attorney General of the United States or his authorized representative until the expiration of the maximum of the term or terms specified in his sentence without regard to good time allowance."

Legislative History of Laws

For Law 17-389, see notes following § 24-221.03.

Change in Government

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 402(210) of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to the District of Columbia Council, subject to the right of the Commissioner as provided in § 406 of the Plan. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

§ 24-405. ARREST FOR VIOLATION OF PAROLE.

> If said Board of Parole, or any member thereof, shall have reliable information that a prisoner has violated his parole, said Board, or any member thereof, at any time within the term or terms of the prisoner's sentence, may issue a warrant to any officer hereinafter authorized to execute the same for the retaking of such prisoner. Any officer of the District of Columbia penal institutions, any officer or designated civilian employee of the Metropolitan Police Department of the District of Columbia, or any federal officer authorized to serve criminal process within the United States to whom such warrant shall be delivered is authorized and required to execute such warrant by taking such prisoner and returning or removing him to the penal institution of the District of Columbia from which he was paroled or to such penal or correctional institution as may be designated by the Attorney General of the United States.

(July 15, 1932, 47 Stat. 698, ch. 492, § 5; June 6, 1940, 54 Stat. 242, ch. 254, § 4; July 17, 1947, 61 Stat. 378, ch. 263, § 2; June 12, 1999, D.C. Law 12-284, § 9, 46 DCR 1328.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-205.

1973 Ed., § 24-205.

Temporary Amendments of Section

Section 9 of D.C. Law 12-282 inserted "or designated civilian employee."

Section 13(b) of D.C. Law 12-282 provided that the act shall expire after 225 days of its having taken effect.

Emergency Act Amendments

For temporary amendment of section, see § 9 of the Metropolitan Police Department Civilianization and Street Solicitation for Prostitution Emergency Amendment Act of 1998 (D.C. Act 12-428, August 6, 1998, 45 DCR 5884), § 9 of the Metropolitan Police Department Civilianization Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-506, November 10, 1998, 45 DCR 8139), and § 9 of the Metropolitan Police Department Civilianization Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-13, February 8, 1999, 46 DCR 2333).

Legislative History of Laws

Law 12-282, the "Metropolitan Police Department Civilianization Temporary Amendment Act of 1998," was introduced in Council and assigned Bill No. 12- 709. The Bill was adopted on first and second readings on July 7, 1998, and September 22, 1998, respectively. Signed by the Mayor on October 13, 1998, it was assigned Act No. 12-492 and transmitted to both Houses of Congress for its review. D.C. Law 12-282 became effective on May 28, 1999.

Law 12-284, the "Metropolitan Police Department Civilianization Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-710, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on December 1, 1998, and December 15, 1998, respectively. Signed

by the Mayor on December 31, 1998, it was assigned Act No. 12-613 and transmitted to both Houses of Congress for its review. D.C. Law 12-284 became effective on June 12, 1999.

§ 24-406. HEARING AFTER ARREST; CONFINEMENT IN NON-DISTRICT INSTITUTION.

(a) When a prisoner has been retaken upon a warrant issued by the United States Parole Commission ("Commission"), he shall be given an opportunity to appear before the Commission, a member thereof, or an examiner designated by the Commission. At such hearing he may be represented by counsel. The Commission may then, or at any time in its discretion, revoke the parole or modify the terms and conditions thereof. If the order of parole shall be revoked, the prisoner, unless subsequently reparoled, shall serve the remainder of the sentence originally imposed less any commutation for good conduct which may be earned by him after his return to custody. For the purpose of computing commutation for good conduct, the remainder of the sentence originally imposed shall be considered as a new sentence.

(b) Repealed.

(c)(1) Except as provided in paragraphs (2) and (3) of this subsection, a parolee shall receive credit toward completion of the sentence for all time served on parole.

(2) If a parolee is convicted of a crime committed during a period of parole, the Commission:

(A) Shall order that the parolee not receive credit for that period of parole if the crime is punishable by a term of imprisonment of more than one year; or

(B) Shall order that the parolee not receive credit for that period of parole if the crime is punishable by a term of imprisonment of one year or less unless the Commission determines that such forfeiture of credit is not necessary to protect the public welfare.

(3) If, during the period of parole, a parolee intentionally refuses or fails to respond to any reasonable request, order, summons, or warrant of the Commission or any member or agent of the Commission, the Commission may order that the parolee not receive credit for the period of time that the Commission determines that the parolee failed or refused to respond to such a request, order, summons, or warrant.

(d) The provisions of subsection (c) of this section shall apply only to any period of parole that is being served on or after May __, 2009, and shall not apply to any period of parole that was revoked prior to May __, 2009.

(July 15, 1932, 47 Stat. 698, ch. 492, § 6; June 6, 1940, 54 Stat. 242, ch. 254, § 5; July 17, 1947, 61 Stat. 379, ch. 263, § 5; May 20, 2009, D.C. Law 17-389, § 3(b), 56 DCR 1196.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-206.

1973 Ed., § 24-206.

Effect of Amendments

D.C. Law 17-389 rewrote the section, which had read as follows:

"(a) When a prisoner has been retaken upon a warrant issued by the Board of Parole, he shall be given an opportunity to appear before the Board, a member thereof, or an examiner designated by the Board. At such hearing he may be represented by counsel. The Board may then, or at any time in its discretion, terminate the parole or modify the terms and conditions thereof. If the order of parole shall be revoked, the prisoner, unless subsequently reparoled, shall serve the remainder of the sentence originally imposed less any commutation for good conduct which may be earned by him after his return to custody. For the purpose of computing commutation for good conduct, the remainder of the sentence originally imposed shall be considered as a new sentence. The time a prisoner was on parole shall not be taken into account to diminish the time for which he was sentenced.

"(b) In the event a prisoner is confined in, or as a parolee is returned to a penal or correctional institution other than a penal or correctional institution of the District of Columbia, the Board of Parole created by § 723a of Title 18, United States Code, shall have and exercise the same power and authority as the Board of Parole of the District of Columbia had the prisoner been confined in or returned to a penal or correctional institution of the District of Columbia."

Legislative History of Laws

For Law 17-389, see notes following § 24-221.03.

References in Text

Section 723a of Title 18 of the United States Code, referred to in subsection (b) of this section, was repealed by the Act of June 25, 1948, 62 Stat. 862, ch. 645, § 21.

§ 24-407. REPEAL OF INCONSISTENT LAWS; SAVINGS PROVISION.

All acts or parts of acts inconsistent with the provisions of §§ 22-2601, 24-401, 24-402 to 24-409, and 24-201.26 are hereby repealed; provided, however, that for any felony committed before July 15, 1932, the penalty, sentence, or forfeiture provided by law for such felony at the time such felony was committed shall remain in full force and effect and shall be imposed, notwithstanding said sections.

(July 15, 1932, 47 Stat. 698, ch. 492, § 7.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-207.

1973 Ed., § 24-207.

References in Text

Sections 24-401 and 24-402, referred to in this section, were repealed by the Act of July 17, 1947, 61 Stat. 379, ch. 263, § 7.

§ 24-408. PRISONERS WHO MAY BE PAROLED.

(a) The power of the Board of Parole shall extend to all prisoners whose sentences exceed 180 days regardless of the nature of the offense; provided, that in the case of a prisoner convicted of an offense other than a felony, including violations of municipal regulations and ordinances and Acts of Congress in the nature of municipal regulations and ordinances, the prisoner may not be paroled until he has served one-third of the sentence imposed, and in the case of 2 or more sentences for other than a felony, no parole may be granted until after the prisoner has served one-third of the aggregate sentences imposed.

(a-1) Notwithstanding any other provision of law, subsection (a) of this section shall not apply to any offense committed on or after August 5, 2000.

(b) A person convicted of a crime of violence as defined by § 22-4501, shall not be paroled prior to serving 85% of the minimum sentence imposed; provided, that any mandatory minimum sentence shall be served in its entirety.

(July 15, 1932, 47 Stat. 698, ch. 492, § 9; June 6, 1940, 54 Stat. 242, ch. 254, § 7(a); July 17, 1947, 61 Stat. 379, ch. 263, § 6; Aug. 20, 1994, D.C. Law 10-151, § 801, 41 DCR 2608; June 8, 2001, D.C. Law 13-302, § 8(c), 47 DCR 7249.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-208.

1973 Ed., § 24-208.

Effect of Amendments

D.C. Law 13-302 added subsec. (a-1).

Emergency Act Amendments

For temporary amendment of section, see § 801 of the Omnibus Criminal Justice Reform Emergency Amendment Act of 1994 (D.C. Act 10-255, June 22, 1994, 41 DCR 4286).

For temporary (90-day) amendment of section, see § 8(c) of the Sentencing Reform Emergency Amendment Act of 2000 (D.C. Act 13-410, August 11, 2000, 47 DCR 7271).

For temporary (90 day) amendment of section, see § 8(c) of the Sentencing Reform Congressional Review Emergency Amendment Act of 2001 (D.C. Act 13-462, November 7, 2000, 47 DCR 9443).

For temporary (90 day) amendment of section, see § 8(c) of Sentencing Reform Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-2, February 2, 2001, 48 DCR 2239).

For temporary (90 day) amendment of section, see § 8(c) of Sentencing Reform Second Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-51, May 2, 2001, 48 DCR 4370).

Legislative History of Laws

Law 10-151, the "Omnibus Criminal Justice Reform Amendment Act of 1994," was introduced in Council and

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

For Law 13-302, see notes following § 24-403.01.

§ 24-409. FEDERAL PAROLE BOARD.

The Board of Parole created by § 723a of Title 18, United States Code, shall have and exercise the same power and authority over prisoners convicted in the District of Columbia of crimes against the United States or now or hereafter confined in any United States penitentiary or prison (other than the penal institutions of the District of Columbia) as is vested in the District Board of Parole over prisoners confined in the penal institutions of the District of Columbia.

(July 15, 1932, ch. 492, § 10; June 5, 1934, 48 Stat. 880, ch. 391.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-209.

1973 Ed., § 24-209.

References in Text

Section 723a of Title 18, U.S. Code, referred to in this section, was repealed by the Act of June 25, 1948, 62 Stat. 862, Ch. 645, § 21.

The Board of Indeterminate Sentence and Parole was replaced by the Board of Parole pursuant to the Act of July 17, 1947, 61 Stat. 378, Ch. 263.

SUBCHAPTER II. INTERSTATE PAROLE AND PROBATION COMPACT.

Refs & Annos

HISTORICAL AND STATUTORY NOTES

Complementary Legislation

Ariz.--A.R.S. §§ 31-461 to 31-466.

Cal.--West's Ann.Cal.Penal Code, §§ 11175 to 11179.

Colo.--West's C.R.S.A. §§ 24-60-301 to 24-60-309.

D.C.--D.C. Official Code, 2001 Ed. §§ 24-451 to 24-453.

Idaho--I.C. § 20-301.

Ill.--S.H.A. 730 ILCS 5/3-3-11.

Ind.--West's A.I.C. 11-13-4-1 to 11-13-4-3.

Kan.--K.S.A. 22-4101 to 22-4103.

La.--LSA-R.S. 15:574.14.

Mass.--M.G.L.A. c. 127, §§ 151A to 151G.

Mich.--M.C.L.A. §§ 798.101 to 798.103.

Miss.--Code 1972, § 47-7-71.

Mo.--V.A.M.S. § 217.810.

N.H.--RSA 651-A:25.

N.J.--N.J.S.A. 2A:168-14 to 2A:168-17.

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

N.C.--G.S. §§ 148-65.1 to 148-65.3.

Ohio--R.C. §§ 5149.17 to 5149.18.

Okl.--57 Okl.St.Ann. §§ 347 to 349.

Ore.--ORS 144.610 to 144.622.

Puerto Rico--4 L.P.R.A. §§ 637 to 639.

R.I.--Gen.Laws. 1956, §§ 13-9-1 to 13-9-5.

S.D.--SDCL 24-16-1 to 24-16-5.

U.S.--4 U.S.C.A. § 112.

Utah--U.C.A. 1953, 77-27-24 to 77-27-31.

Vt.--28 V.S.A. § 1301.

Virgin Islands--5 V.I.C. §§ 4631 to 4633.

Va.--Code 1950, §§ 53.1-166, 53.1-167.

Wash.--West's RCWA 9.95.270.

Wis.--W.S.A. 304.13.

§ 24-451. AUTHORITY OF MAYOR TO EXECUTE INTERSTATE PAROLE AND PROBATION COMPACT.

The Mayor of the District of Columbia is hereby authorized to execute a compact on behalf of the District of Columbia with any of the states legally joining therein in the form substantially as set out in this section.

INTERSTATE PAROLE AND PROBATION COMPACT

The Contracting States Solemnly Agree That:

(1) It shall be competent for the duly constituted judicial and administrative authorities of a state party to this compact (herein called "sending state"), to permit any person convicted of an offense within such state and placed on probation or released on parole to reside in any other state party to this compact (herein called "receiving state"), while on probation or parole, if

(a) Such person is in fact a resident of or has his family residing within the receiving state and can obtain employment there;

(b) Though not a resident of the receiving state and not having his family residing there, the receiving state consents to such person's being sent there.

Before granting such permission, opportunity shall be granted to the receiving state to investigate the home and prospective employment of such person. A resident of the receiving state, within the meaning of this section, is one who has been an actual inhabitant of such state continuously for more than one year prior to his coming to the sending state and has not resided within the sending state more than six continuous months immediately preceding the commission of the offense for which he has been convicted.

(2) Each receiving state will assume the duties of visitation of and supervision over probationers or parolees of any sending state and in the exercise of those duties will be governed by the same standards that prevail for its own probationers and parolees.

(3) Duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any person on probation or parole. For that purpose no formalities will be required other than establishing the authority of the officer and the identity of the person to be retaken. All legal requirements to obtain extradition of fugitives from justice are hereby expressly waived on the part of the states party hereto, as to such persons. The decision of the sending state to retake a person on probation or parole shall be conclusive upon and not reviewable within the receiving state: Provided, however, that if at the time when a state seeks to retake a probationer or parolee there should be pending against him within the receiving state any criminal charge, or he should be suspected of having committed within such a state a criminal offense, he shall not be retaken without the consent of the receiving state until discharged from prosecution or from imprisonment for such offense.

(4) The duly accredited officers of the sending state will be permitted to transport prisoners being retaken through any and all states parties to this compact, without interference.

(5) The Governor of each state may designate an officer who, acting jointly with like officers of other contracting states, if and when appointed, shall promulgate such rules and regulations as may be deemed necessary to more effectively carry out the terms of this compact.

(6) This compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed it shall have the full force and effect of law within such state, the form of execution to be in accordance with the laws of the executing state.

(7) This compact shall continue in force and remain binding upon each executing state until renounced by it. The duties and obligations hereunder of a renouncing state shall continue as to parolees or probationers residing therein at the time of withdrawal until retaken or finally discharged by the sending state. Renunciation of this compact shall be by the same authority which executed it, by sending six

months' notice in writing of its intention to withdraw from the compact to the other states party hereto.

(Mar. 12, 1976, D.C. Law 1-51, § 2, 22 DCR 5296.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-251.

1973 Ed., § 24-251.

Legislative History of Laws

Law 1-51, the "Interstate Parole and Probation Compact Act," was introduced in Council and assigned Bill No. 1-91, which was referred to the Committee on Public Safety. The Bill was adopted on first and second readings on November 4, 1975 and November 18, 1975, respectively. Signed by the Mayor on December 4, 1975, it was assigned Act No. 1-71 and transmitted to both Houses of Congress for its review.

§ 24-452. DEFINITIONS.

As used in this subchapter, the term "state" means any of the several states of the United States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and the District of Columbia, and the term "Governor" means the chief executive officer of any such jurisdiction.

(Mar. 12, 1976, D.C. Law 1-51, § 3, 22 DCR 5299.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-252.

1973 Ed., § 24-252.

Legislative History of Laws

For legislative history of D.C. Law 1-51, see Historical and Statutory Notes following § 24-451.

§ 24-453. SEVERABILITY.

If any section or provision of this subchapter is held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the remaining sections or provisions of this subchapter.

(Mar. 12, 1976, D.C. Law 1-51, § 4, 22 DCR 5299.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-253.

1973 Ed., § 24-253.

Legislative History of Laws

For legislative history of D.C. Law 1-51, see Historical and Statutory Notes following § 24-451.

SUBCHAPTER III. MEDICAL AND GERIATRIC PAROLE.

§ 24-461. DEFINITIONS.

For the purposes of this subchapter, the term:

(1) "Geriatric inmate" means a person 65 years of age or older convicted of a violation of a District of Columbia criminal law by a court in the District of Columbia, who suffers from a chronic infirmity, illness, or disease related to aging, and poses a low risk to the community;

(2) "Permanently incapacitated inmate" means a person convicted of a violation of a District of Columbia criminal law by a court in the District of Columbia and who, by reason of an existing physical or medical condition which is not terminal, is permanently and irreversibly physically incapacitated, and who does not constitute a danger to himself or to society; and

(3) "Terminally ill inmate" means a person convicted of a violation of the District of Columbia criminal law by a court in the District of Columbia who has an incurable condition caused by illness or disease which would, within reasonable medical judgment, produce death within 6 months and does not constitute a danger to himself or to society.

(May 15, 1993, D.C. Law 9-271, § 2, 40 DCR 792; June 3, 1997, D.C. Law 11-275, § 16, 44 DCR 1408.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-261.

1981 Ed., § 24-261.

Legislative History of Laws

Law 9-271, the "Medical and Geriatric Parole Act of 1992," was introduced in Council and assigned Bill No. 9-557 which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on December 1, 1992, and December 15, 1992, respectively. Signed by the Mayor on January 14, 1993, it was assigned Act No. 9-400 and transmitted to both Houses of Congress for its review. D.C. Law 9-271 became effective on May 15, 1993.

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

§ 24-462. CONDITIONS PRESENT AT TIME OF SENTENCING EXCLUDED.

No physical or medical condition set forth in § 24-461 which existed at the time of sentencing shall provide the basis for geriatric or medical parole under this subchapter.

(May 15, 1993, D.C. Law 9-271, § 3, 40 DCR 792.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-262.

Legislative History of Laws

For legislative history of D.C. Law 9-271, see Historical and Statutory Notes following § 24-461.

§ 24-463. BOARD OF PAROLE AUTHORITY.

(a) The Board of Parole ("Board") shall establish a medical and geriatric parole program to be administered by the Department of Corrections ("Department"). The authority to grant medical or geriatric parole shall rest solely with the Board. The Department shall determine for each person considered for geriatric or medical parole, whether the person is a:

(1) Geriatric inmate;

(2) Permanently incapacitated inmate; or

(3) Terminally ill inmate.

(b) Notwithstanding § 24-408, inmates who have not served their minimum sentences shall be considered eligible for parole under this section. Medical and geriatric parole consideration shall be in addition to any other parole for which an inmate may be eligible.

(c) The Board shall determine the appropriate level of supervision and shall develop a comprehensive discharge plan for each inmate released under this subchapter.

(d) In considering an inmate for medical or geriatric parole, the Board may request that additional medical evidence be produced or that additional medical examinations be conducted.

(e) The parole term of an inmate on medical parole shall be for the remainder of the inmate's sentence, without diminution of sentence for good behavior. In addition to terms and conditions prescribed by the Board, supervision of an inmate on medical or geriatric parole shall also consist of periodic medical evaluations at intervals to be determined by the Board at the time of release.

(f) The chairperson of the Board shall report annually to the Mayor, the Chairpersons of the Council of the District of Columbia, and the Council's Committee on the Judiciary, the number of applications for medical and geriatric parole, the nature of the illness, disease, or condition of the applicants, the reasons for denial

of applications for medical or geriatric parole, the number of persons on medical and geriatric parole who have been returned to the custody of the Department, and the reasons for their return.

(May 15, 1993, D.C. Law 9-271, § 4, 40 DCR 792.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-263.

Legislative History of Laws

For legislative history of D.C. Law 9-271, see Historical and Statutory Notes following § 24-461.

Miscellaneous Notes

Board of Parole abolished: Section 11231(a) and (b) of the National Capital Revitalization and Self-Government Improvement Act of 1997, approved August 5, 1997 (P.L. 105-33; 111 Stat. 745), transferred the authority of the Board of Parole to the U.S. Parole Commission and abolished the D.C. Board of Parole.

§ 24-464. MEDICAL PAROLE.

(a) The Department shall identify permanently incapacitated and terminally ill inmates for consideration for medical parole based solely on medical documentation. The Department shall forward an application and documentation in support of parole eligibility to the Board within 15 days of receipt of an application. The documentation shall include information concerning the inmate's medical history and prognosis, institutional behavior and adjustment, and criminal history. The inmate or inmate's representative may submit an application to the Board.

(b) Whenever it shall appear to the Board that because of a medical condition an inmate is permanently incapacitated or terminally ill, and the inmate's parole is not incompatible with the welfare of society, the Board may authorize the inmate's release on medical parole upon terms and conditions as the Board shall from time to time prescribe.

(c) The Board shall make a determination whether to grant medical parole within 15 days of receipt of an application and supporting documentation from the Department.

(May 15, 1993, D.C. Law 9-271, § 5, 40 DCR 792.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-264.

Legislative History of Laws

For legislative history of D.C. Law 9-271, see Historical and Statutory Notes following § 24-461.

§ 24-465. CONDITIONS FOR GERIATRIC RELEASE.

(a) A geriatric inmate who is 65 years of age or older, has a chronic infirmity, illness, or disease, and who poses a low risk to the community, may be eligible for parole as determined by the Board.

(b) Consideration for geriatric parole shall be initiated by the submission of an application from the Department, the inmate, or the inmate's representative and the Department's supporting documentation to the Board.

(c) In determining eligibility for geriatric release, the Board shall take into consideration the following factors:

(1) Age of inmate;

(2) Severity of illness, disease, or infirmities;

(3) Comprehensive health evaluation;

(4) Institutional behavior;

(5) Level of risk for violence;

(6) Criminal history; and

(7) Alternatives to maintaining geriatric long-term prisoners in traditional prison settings.

(d) The Department shall submit an application for geriatric release with supporting documentation to the Board within 30 days of receipt of an application.

(e) The Board shall make a determination whether to grant geriatric parole within 30 days of receipt of the application and supporting documentation from the Department.

(May 15, 1993, D.C. Law 9-271, § 6, 40 DCR 792.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-265.

Legislative History of Laws

For legislative history of D.C. Law 9-271, see Historical and Statutory Notes following § 24-461.

§ 24-466. ELIGIBILITY FOR PUBLIC ASSISTANCE.

(a) When a person has been granted either medical or geriatric parole and applies for public assistance, including medical assistance, the Department shall forward the application for assistance to the Department of Human Services, and advise the Board that an application for assistance has been made.

(b) The Department of Human Services shall, within 60 days of receipt of a medical or geriatric parolee's application for assistance, determine the eligibility of the person for general assistance, public assistance, Medicaid, or any other District or federal medical assistance program.

(c) Repealed.

(d) Notwithstanding any other law, when a person is released on medical or geriatric parole and is in need of public assistance, including medical assistance, the Department of Human Services shall be responsible for the administrative costs of the initial and any subsequent eligibility determination and the costs of any public assistance, including medical assistance, following a person's release on medical or geriatric parole for so long as the person is eligible.

(May 15, 1993, D.C. Law 9-271, § 7, 40 DCR 792; Mar. 20, 1998, D.C. Law 12-60, § 704, 44 DCR 7378.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-266.

1981 Ed., § 24-266.

Temporary Amendments of Section

Section 5 of D.C. Law 12-21 deleted "general or" preceding "public" in (a); and repealed (c).

Section 8(b) of D.C. Law 12-21 provides that the act shall expire on the 225th day of its having taken effect.

Section 704 of D.C. Law 12-59 deleted "general or" preceding "public" in (a); and repealed (c).

Section 2001(b) of D.C. Law 12-59 provides the act shall expire after 225 days of its having taken effect.

Section 2002 of D.C. Law 12-59 provides that the act shall apply as of October 1, 1997.

Emergency Act Amendments

For temporary amendment of section, see § 5 of the General Public Assistance Program Termination Emergency Amendment Act of 1997 (D.C. Act 12-72, May 12, 1997, 44 DCR 2989).

For temporary amendment of section, see § 704 of the Fiscal Year 1998 Revised Budget Support Emergency Act of 1997 (D.C. Act 12-152, October 17, 1997, 44 DCR 6196), and § 704 of the Fiscal Year 1998 Revised Budget Support Congressional Review Emergency Act of 1997 (D.C. Act 12-239, January 13, 1998, 45 DCR 508).

Legislative History of Laws

For legislative history of D.C. Law 9-271, see Historical and Statutory Notes following § 24-461.

Law 12-21, the "General Assistance Program Termination Temporary Amendment Act of 1997," was introduced in Council and assigned Bill No. 12-169. The Bill was adopted on first and second readings on May 6, 1997, and June 3, 1997, respectively. Signed by the Mayor on June 18, 1997, it was assigned Act No. 12-98 and transmitted to both Houses of Congress for its review. D.C. Law 12- 21 became effective on September 23, 1997.

Law 12-59, the "Fiscal Year 1998 Revised Budget Support Temporary Act of 1997," was introduced in Council and assigned Bill No. 12-350. The Bill was adopted on first and second readings on September 8, 1997, and September 22, 1997, respectively. Signed by the Mayor on October 24, 1997, it was assigned Act No. 12-190 and transmitted to both Houses of Congress for its review. D.C. Law 12- 59 became effective on March 20, 1998.

Miscellaneous Notes

Application of Law 12-60: Section 2002 of D.C. Law 12-60 provided that the act shall apply as of October 1, 1997.

§ 24-467. EXCEPTIONS.

Persons convicted of first degree murder or persons sentenced for crimes committed when armed under § 22-4502, or under § 22-4504(b), and § 22- 2803, shall not be eligible for geriatric or medical parole.

(May 15, 1993, D.C. Law 9-271, § 8, 40 DCR 792; Feb. 5, 1994, D.C. Law 10-68, § 57, 40 DCR 6311; May 16, 1995, D.C. Law 10-255, § 18, 41 DCR 5193; May 25, 1995, D.C. Law 10-258, § 2, 42 DCR 238.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-267.

Legislative History of Laws

For legislative history of D.C. Law 9-271, see Historical and Statutory Notes following § 24-461.

Law 10-68, the "Technical Amendments of 1993," was introduced in Council and assigned Bill No. 10-166, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on June 29, 1993, and July 13, 1993, respectively. Signed by the Mayor on August 23, 1993, it was assigned Act No. 10-107 and transmitted to both Houses of Congress for its review. D.C. Law 10-68 became effective on February 5, 1994.

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

Law 10-258, the "District of Columbia Nonviolent Offenses Mandatory-Minimum Sentences Amendment Act of 1994," was introduced in Council and assigned Bill No. 10-617, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on November 1, 1994, and December 6, 1994, respectively. Signed by the Mayor on December 28, 1994, it was assigned Act No. 10-392 and transmitted to both Houses of Congress for its review. D.C. Law 10-258 became effective May 25, 1995.

§ 24-468. MEDICAL AND GERIATRIC REDUCTION OF SENTENCE.

(a) Upon a motion by the Director of the Federal Bureau of Prisons, the court may reduce the sentence of any person convicted of a felony under the District of Columbia Official Code committed on or after August 5, 2000, and sentenced to a determinate term of imprisonment which is not subject to parole, and shall impose an adequate period of supervision to follow release, based upon a finding that:

(1) The inmate is permanently incapacitated or terminally ill because of a medical condition which was not known to the court at the time of sentencing, and the release of the inmate under supervision is not incompatible with public safety; or

(2) The inmate is 65 years or older and has a chronic infirmity, illness, or disease related to aging, and the release of the inmate under supervision is not incompatible with public safety.

(b) The court shall act expeditiously on any motion submitted by the Director of the Federal Bureau of Prisons. If the court receives a request directly from an inmate or a representative of an inmate, the court may refer the matter to the Federal Bureau of Prisons for a motion or a statement of reasons as to why a motion will not be filed.

(May 15, 1993, D.C. Law 9-271, § 8a, as added Oct. 10, 1998, D.C. Law 12- 165, § 5, 45 DCR 2980.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 24-268.

Legislative History of Laws

For legislative history of D.C. Law 12-165, see Historical and Statutory Notes following § 24-403.01.