

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

**TITLE 3.**  
**DISTRICT OF COLUMBIA BOARDS AND**  
**COMMISSIONS.**

**CHAPTER 1.**  
**ADVISORY COMMISSION ON SENTENCING.**

**2001 Edition**

**DISTRICT OF COLUMBIA OFFICIAL CODE**  
**CHAPTER 1. ADVISORY COMMISSION ON**  
**SENTENCING.**

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# CHAPTER 1. ADVISORY COMMISSION ON SENTENCING.

## § 3-101. ESTABLISHMENT OF THE DISTRICT OF COLUMBIA SENTENCING AND CRIMINAL CODE REVISION COMMISSION.

- (a) The District of Columbia Sentencing and Criminal Code Revision Commission ("Commission") is established as an independent agency within the District of Columbia government, consistent with the meaning of the term "independent agency" as provided in § 1-603.01(13).
- (b) In addition to the duties required under § 3-101.01, the Commission shall perform the following duties:
- (1) Promulgate, implement, and revise a system of voluntary sentencing guidelines for use in the Superior Court of the District of Columbia designed to achieve the goals of certainty, consistency, and adequacy of punishment, with due regard for the:
    - (A) Seriousness of the offense;
    - (B) Dangerousness of the offender;
    - (C) Need to protect the safety of the community;
    - (D) Offender's potential for rehabilitation; and
    - (E) Use of alternatives to prison, where appropriate;
  - (2) Publish a manual containing the instructions for applying the voluntary guidelines, update the manual periodically, and provide ongoing technical assistance to the court and practitioners on sentencing and sentencing guideline issues;
  - (3) Review and analyze pertinent sentencing data and, where the information has not been provided in a particular case, ask the judge to specify the factors upon which he or she relied in departing from the guideline recommendations or for imposing what appears to be a noncompliant sentence;
  - (4) Conduct focus groups, community outreach, training, and other activities designed to collect and disseminate information about the guidelines;
  - (5) Review and research sentencing policies and practices locally and nationally, and make recommendations to increase the fairness and effectiveness of sentences in the District of Columbia; and
  - (6) Consult with other District of Columbia, federal, and state agencies that are affected by or address sentencing issues.
- (c) The Commission is designated as a criminal justice agency for purposes of accessing offender and sentencing related data required to perform the duties specified under this chapter.

(Oct. 16, 1998, D.C. Law 12-167, § 2, 45 DCR 5180; Oct. 3, 2001, D.C. Law 14-28, § 3802(a), 48 DCR 6981; Sept. 30, 2004, D.C. Law 15-190, § 2(a), 51 DCR 6737; June 16, 2006, D.C. Law 16-126, § 2(a), 53 DCR 4709; Oct. 18, 2007, D.C. Law 17-25, § 2(a), 54 DCR 8014; Sept. 20, 2012, D.C. Law 19-168, § 3032(a), 59 DCR 8025.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 2-4201.

#### *Effect of Amendments*

D.C. Law 14-28 rewrote subsec. (a) which had read as follows:

"(a) There is established the Advisory Commission on Sentencing ('Commission')."

D.C. Law 15-190, in the section heading and in subsec. (a), substituted "District of Columbia Sentencing Commission" for "Advisory Commission on Sentencing".

D.C. Law 16-126, in section heading, substituted "Sentencing and Criminal Code Revision Commission" for "Sentencing Commission"; in subsec. (a), substituted "Sentencing and Criminal Code Revision Commission" for "Sentencing Commission"; and, in subsec. (b), substituted "In addition to the duties required under § 3-101.01, the Commission" for "The Commission".

D.C. Law 17-25 rewrote subsec. (b), which had read as follows:

"(b) In addition to the duties required under 3-101.01, the Commission shall perform the following duties:

"(1) Review and analyze pertinent sentencing data and make recommendations to the Council, in the form of proposed legislation or otherwise, for the establishment of a fair and rational sentencing system which takes into account the requirements of subchapter II of Chapter 4 of Title 24;

"(2) Ensure that, for all felonies, the sentence imposed on an offender shall:

"(A) Reflect the seriousness of the offense and the criminal history of the offender;

"(B) Provide for just punishment;

"(C) Afford adequate deterrence to potential future criminal conduct of the offender and others;

"(D) Provide the offender with needed educational or vocational training, medical care, and other correctional treatment; and

"(E) Provide for use of intermediate sanctions in appropriate cases;

"(3) Conduct an annual review of sentencing data, policies, and practices in the District of Columbia; and

"(4) Make such other recommendations that may be appropriate to enhance the fairness and effectiveness of criminal sentencing policies and practices in the District of Columbia."

D.C. Law 19-168 added subsec. (c).

#### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 3402(a) of Fiscal Year 2002 Budget Support Emergency Act of 2001 (D.C. Act 14-124, August 3, 2001, 48 DCR 7861).

For temporary (90 day) amendment of section, see § 2(a) of Advisory Commission on Sentencing Structured Sentencing System Pilot Program Emergency Amendment Act of 2004 (D.C. Act 15-437, May 21, 2004, 51 DCR 5957).

For temporary (90 day) amendment of section, see § 2(a) of Advisory Commission on Sentencing Structured Sentencing System Pilot Program Congressional Review Emergency Amendment Act of 2004 (D.C. Act 15-510, August 2, 2004, 51 DCR 8967).

For temporary (90 day) amendment of section, see § 2(a) of District of Columbia Sentencing and Criminal Code Revision Commission Emergency Amendment Act of 2007 (D.C. Act 17-72, July 20, 2007, 54 DCR 7401).

#### *Legislative History of Laws*

Law 12-167, the "Advisory Commission on Sentencing Establishment Act of 1998," was introduced in Council and assigned Bill No. 12-550, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on June 2, 1998, and June 16, 1998, respectively. Signed by the Mayor on July 1, 1998, it was assigned Act No. 12-410 and transmitted to both Houses of Congress for its review. D.C. Law 12-167 became effective on October 16, 1998.

Law 14-28, the "Fiscal Year 2002 Budget Support Act of 2001", was introduced in Council and assigned Bill No. 14-144, which was referred to the Committee Of the Whole. The Bill was adopted on first and second readings on May 1, 2001, and June 5, 2001, respectively. Signed by the Mayor on June 29, 2001, it was assigned Act No. 14-85 and transmitted to both Houses of Congress for its review. D.C. Law 14-28 became effective on October 3, 2001.

Law 15-190, the "Advisory Commission on Sentencing Structured Sentencing System Pilot Program Amendment Act of 2004", was introduced in Council and assigned Bill No. 15-711, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on May 4, 2004, and June 1, 2004, respectively. Signed by the Mayor on June 23, 2004, it was assigned Act No. 15-457 and transmitted to both Houses of Congress for its review. D.C. Law 15- 190 became effective on September 30, 2004.

Law 16-126, the "Advisory Commission on Sentencing Amendment Act of 2006", was introduced in Council and assigned Bill No. 16-172 which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on March 7, 2006, and April 4, 2006, respectively. Signed by the Mayor on April 21, 2006, it was assigned Act No. 16-344 and transmitted to both Houses of Congress for its review. D.C. Law 16-126 became effective on June 16, 2006.

Law 17-25, the "District of Columbia Sentencing and Criminal Code Revision Commission Amendment Act of 2007", was introduced in Council and assigned Bill No. 17-137 which was referred to the Committee on Public Safety and Judiciary. The Bill was adopted on first and second readings on June 21, 2007, and July 10, 2007, respectively. Signed by the Mayor on July 25, 2007, it was assigned Act No. 17-87 and transmitted to

both Houses of Congress for its review. D.C. Law 17-25 became effective on October 18, 2007.

Law 19-168, the "Fiscal Year 2013 Budget Support Act of 2012", was introduced in Council and assigned Bill No. 19-743, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 15, 2012, and June 5, 2012, respectively. Signed by the Mayor on June 22, 2012, it was assigned Act No. 19-385 and transmitted to both Houses of Congress for its review. D.C. Law 19-168 became effective on September 20, 2012.

#### *Miscellaneous Notes*

Applicability: Section 4 of D.C. Law 16-126 provides: "This act shall apply as of January 1, 2007."

Short title: Section 3031 of D.C. Law 19-168 provided that subtitle D of title III of the act may be cited as "Sentencing and Criminal Code Revision Modification Clarification Amendment Act of 2012".

### **§ 3-101.01. CRIMINAL CODE REFORM.**

(a) Beginning January 1, 2007, the Commission shall also have as its purpose the preparation of comprehensive recommendations to the Council and the Mayor that:

- (1) Revise the language of criminal statutes to be clear and consistent;
- (2) In consultation with the Codification Counsel in the Office of the General Counsel for the Council of the District of Columbia, organize existing criminal statutes in a logical order;
- (3) Assess whether criminal penalties (including fines) for felonies are proportionate to the seriousness of the offense, and, as necessary, revise the penalties so they are proportionate;
- (4) Propose a rational system for classifying misdemeanor criminal statutes, determine appropriate levels of penalties for such classes; and classify misdemeanor criminal statutes in the appropriate classes;
- (5) Identify any crimes defined in common law that should be codified, and propose recommended language for codification, as appropriate;
- (6) Identify criminal statutes that have been held to be unconstitutional;
- (7) Propose such other amendments as the Commission believes are necessary; and
- (8) Enable the adoption of Title 22 as an enacted title of the District of Columbia Official Code.

(b) No later than March 31, 2007, the Commission shall submit to the Council and the Mayor a work plan and schedule for carrying out the responsibilities authorized by this section. The work of the Commission under this section shall be completed no later than September 30, 2016.

(c) The Commission shall submit its recommendations for criminal code revisions in the form of reports. Each report shall be accompanied by draft legislation or other specific steps for implementing the recommendations for criminal code revisions.

(Oct. 16, 1998, D.C. Law 12-167, § 2a, as added June 16, 2006, D.C. Law 16-126, § 2(b), 53 DCR 4709; Oct. 18, 2007, D.C. Law 17-25, § 2(b), 54 DCR 8014; Dec. 10, 2009, D.C. Law 18-88, § 202, 56 DCR 7413; Sept. 14, 2011, D.C. Law 19-21, § 3032, 58 DCR 6226; Sept. 20, 2012, D.C. Law 19-168, § 3032(b), 59 DCR 8025.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Effect of Amendments*

D.C. Law 17-25, in subsec. (c), substituted "recommendations for criminal code revisions" for "recommendations".

D.C. Law 18-88, in subsec. (b), substituted "2012" for "2010".

D.C. Law 19-21, in subsec. (b), substituted "2014" for "2012".

D.C. Law 19-168, in subsec. (b), substituted "2016" for "2014".

##### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 2(b) of District of Columbia Sentencing and Criminal Code Revision Commission Emergency Amendment Act of 2007 (D.C. Act 17-72, July 20, 2007, 54 DCR 7401).

For temporary (90 day) amendment of section, see § 202 of Omnibus Public Safety and Justice Emergency Amendment Act of 2009 (D.C. Act 18-181, August 6, 2009, 56 DCR 6903).

For temporary (90 day) amendment of section, see § 202 of Omnibus Public Safety and Justice Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-227, October 21, 2009, 56 DCR 8668).

For Law 16-126, see notes following § 3-101.

For Law 17-25, see notes following § 3-101.

Law 18-88, the "Omnibus Public Safety and Justice Amendment Act of 2009", as introduced in Council and assigned Bill No. 18-151, which was referred to the Committee on Public Safety and the Judiciary. The bill as adopted on first and second readings on June 30, 2009, and July 31, 2009, respectively. Signed by the Mayor on August 26, 2009, it was assigned Act No. 18-189 and transmitted to both Houses of Congress for its review. D.C. Law 18-88 became effective on December 10, 2009.

Law 19-21, the "Fiscal Year 2012 Budget Support Act of 2011", was introduced in Council and assigned Bill No. 19-203, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 25, 2011, and June 14, 2011, respectively. Signed by the Mayor on July 22, 2011, it was assigned Act No. 19-98 and transmitted to both Houses of Congress for its review. D.C. Law 19-21 became effective on September 14, 2011.

For history of Law 19-168, see notes under § 3-101.

*Miscellaneous Notes*

Applicability: Section 4 of D.C. Law 16-126 provides: "This act shall apply as of January 1, 2007."

Short title: Section 3031 of D.C. Law 19-21 provided that subtitle D of title III of the act may be cited as "Criminal Code Reform Extension Amendment Act of 2011".

## **§ 3-102. MEMBERSHIP OF THE COMMISSION.**

(a) The Commission shall consist of 15 voting members and 5 nonvoting members as follows:

(1) The voting members of the Commission shall consist of the following:

(A) Three judges of the Superior Court of the District of Columbia, appointed by the Chief Judge of the Superior Court;

(B) Repealed;

(C) The United States Attorney for the District of Columbia or his or her designee;

(D) The Director of the D.C. Public Defender Service or his or her designee;

(E) The Attorney General for the District of Columbia or his or her designee;

(F) The Director of the Court Services and Offender Supervision Agency for the District of Columbia or his or her designee;

(G) Two members of the District of Columbia Bar, one who specializes in the private practice of criminal defense in the District of Columbia, and one who does not specialize in the practice of criminal law, appointed by the Chief Judge of the Superior Court in consultation with the President of the District of Columbia Bar;

(H) A professional from an established organization devoted to research and analysis of sentencing issues and policies, appointed by the Chief Judge of the Superior Court of the District of Columbia;

(I) Two citizens of the District of Columbia who are not attorneys, one of whom is nominated by the Mayor subject to confirmation by the Council, and the other who is appointed by the Council; and

(J) Three professionals from established organizations, to include institutions of higher education, devoted to the research and analysis of criminal justice issues, appointed by the Council.

(2) The non-voting members of the Commission shall consist of the following:

(A) The Director of the District of Columbia Department of Corrections or his or her designee;

(B) The Chief of the Metropolitan Police Department or his or her designee;

(C) The Director of the United States Bureau of Prisons or his or her designee;

(D) The Chairperson of the United States Parole Commission or his or her designee; and

(E) The chairperson of the Council committee that has oversight of the Commission within its purview.

(b) The appointment of members designated by subsection (a)(1)(G), (H), (I), and (J) of this section shall be made in accordance with the following provisions:

(1) Each member shall be appointed for a term of 3 years, and shall continue to serve during that time as long as the member remains eligible for the appointment.

(2) A member may be reappointed.

(3) A person appointed to fill a vacancy occurring prior to the expiration of a term shall serve for the remainder of the term or until a successor has been appointed.

(4) A member may be removed only for incompetence, neglect of duty, or misconduct.

(c) The voting members of the Commission shall elect a Chairperson.

(d) Members of the Commission shall serve without compensation, except that the citizen members of the Commission may be compensated at an amount not to exceed \$15.00 each day or part thereof for reasonable expenses incurred in the performance of their official duties.

(Oct. 16, 1998, D.C. Law 12-167, § 3, 45 DCR 5180; June 16, 2006, D.C. Law 16-126, § 2(c), 53 DCR 4709; Oct. 18, 2007, D.C. Law 17-25, § 2(c), 54 DCR 8014.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 2-4202.

##### *Effect of Amendments*

D.C. Law 16-126, in the lead-in language of subsec. (a), substituted "15" for "13", and substituted "5" for "4"; repealed subsec. (a)(1)(B); in subsec. (a)(1)(H), deleted "; and" at the end; in subsec. (a)(1)(I), substituted "; and" for a period; added subsec. (a)(1)(J); in subsec. (a)(2)(C), deleted "; and" at the end; in subsec. (a)(2)(D), substituted "; and" for a period; and added subsec. (a)(2)(E). Prior to repeal, subsec. (a)(1)(B) read as follows: "(B) One member of the Council, appointed by the Chairman of the Council;"

D.C. Law 17-25, in subsec. (a)(1)(E), substituted "Attorney General" for "Corporation Counsel"; and rewrote subsecs. (a)(1)(F), (a)(2)(E), and (b), which had read as follows:

"(F) The Director of the District of Columbia Offender Supervision, Defender and Court Services Agency or his or her designee, or, until that agency is certified and assumes its duties, the Pretrial Services, Defense Services, Parole, Adult Probation and Offender Supervision Trustee or his or her designee;"

"(E) One member of the Council, appointed by the Chairman of the Council."

"(b) Each member shall be appointed for a term of 3 years, and shall continue to serve during that time as long as the member remains eligible for the appointment. A member may be reappointed. A person appointed to fill a vacancy occurring prior to the expiration of a term shall serve for the remainder of the term or until a successor has been appointed. A member may be removed by the Mayor only for incompetence, neglect of duty, or misconduct."

##### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 2(c) of District of Columbia Sentencing and Criminal Code Revision Commission Emergency Amendment Act of 2007 (D.C. Act 17-72, July 20, 2007, 54 DCR 7401).

##### *Legislative History of Laws*

For legislative history of D.C. Law 12-167, see Historical and Statutory Notes following § 3-101.

For Law 16-126, see notes following § 3-101.

For Law 17-25, see notes following § 3-101.

##### *Miscellaneous Notes*

Applicability: Section 4 of D.C. Law 16-126 provides: "This act shall apply as of January 1, 2007."

## **§ 3-103. MEETINGS AND HEARINGS.**

(a) The Commission shall meet as necessary to conduct its official business.

(b) A majority of the voting members shall constitute a quorum.

(c) The Commission may act by an affirmative vote of at least 8 of its voting members.

(d) The Commission may conduct public hearings, receive testimony, and call witnesses to assist the Commission in the exercise of its powers.

(e) The Chairperson is authorized to administer an oath or affirmation to each witness.

(Oct. 16, 1998, D.C. Law 12-167, § 4, 45 DCR 5180; Oct. 18, 2007, D.C. Law 17-25, § 2(d), 54 DCR 8014.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 2-4203.

D.C. Law 17-25, in subsec. (c), substituted "8" for "7".

For temporary (90 day) amendment of section, see § 2(d) of District of Columbia Sentencing and Criminal Code Revision Commission Emergency Amendment Act of 2007 (D.C. Act 17-72, July 20, 2007, 54 DCR 7401).

For legislative history of D.C. Law 12-167, see Historical and Statutory Notes following § 3-101.

For Law 17-25, see notes following § 3-101.

### **§ 3-104. COMPREHENSIVE STUDY AND REPORTS.**

(a) No later than September 30, 1999, the Commission shall submit to the Council a comprehensive study of criminal sentencing practices in the District of Columbia, including, but not limited to, a report on the length of sentences imposed, the length of sentences served, the proportion of offenders released upon their first parole eligibility date, and an assessment of the impact on sentence length and sentencing disparities likely to result from implementation of the Truth in Sentencing Amendment Act of 1998, effective October 10, 1998 (D.C. Law 12-165; 45 DCR 2980).

(b) No later than April 5, 2000, the Commission shall submit to the Council its report containing its recommendations consistent with its purposes. The Commission's report shall include, but is not limited to, the following:

- (1) A report on sentencing and release practices in the District of Columbia;
- (2) A recommendation as to whether determinate sentencing should be extended to all felonies, or to additional criminal offenses under District of Columbia law beyond those specified in § 24-112(h);
- (3) A recommendation as to appropriate limits and conditions on terms of supervised release, including whether there should be a mechanism for changing the length of a term of supervised release after its imposition, and any considerations that should apply with respect to the ratio between a prison term of sentence and a supervised release term;
- (4) A projection of the impact, if any, on the size of the District's correctional and supervised offender populations of the implementation of each measure proposed by the Commission;
- (5) A recommendation regarding the appropriate length of life sentences for offenses under the determinate sentencing system;
- (6) An assessment of the intermediate sanctions currently available in the District's criminal justice system;
- (7) A recommendation for intermediate sanctions that should be made available in the District of Columbia's criminal justice system, including proposals for alternatives to incarceration for suitable offenders, the estimated cost of such programs, and recommendations for rules or principles to guide a judge's imposition of intermediate sanctions as part of a criminal sentence; and
- (8) A recommendation as to whether multiple sentences should run concurrently or consecutively, and what guidance, if any, should be provided regarding the imposition of consecutive sentences.

(c) Repealed.

(d) Starting in 2008, the Commission shall file a report with the Council on or before April 30 of each calendar year that:

- (1) Contains an analysis of the sentences imposed in the preceding calendar year, including:
  - (A) The rate of compliance with the guidelines;
  - (B) The number and extent of any departures from the guidelines; and
  - (C) The reasons given for those departures;
- (2) Describes any substantive changes made to the guidelines during the preceding year, including changes in the:
  - (A) Recommended sentencing options or prison ranges;
  - (B) Ranking of particular offenses; or
  - (C) Rules for scoring criminal history; and
- (3) Informs the Council how it has ranked any new felony offense or reranked any existing felony offense because of a statutory change or for another reason, and the resulting guideline sentencing



options and prison range for each such an offense.

(Oct. 16, 1998, D.C. Law 12-167, § 5, 45 DCR 5180; Oct. 18, 2007, D.C. Law 17-25, § 2(e), 54 DCR 8014.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 2-4204.

##### *Effect of Amendments*

D.C. Law 17-25 repealed subsec. (c); and added subsec. (d). Prior to repeal, subsec. (c) read as follows:

"(c) The Commission shall submit an annual report to the Council within 60 days of the end of each fiscal year summarizing the activities of the Commission and including such further recommendations to the Council as may be appropriate."

##### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 2(e) of District of Columbia Sentencing and Criminal Code Revision Commission Emergency Amendment Act of 2007 (D.C. Act 17-72, July 20, 2007, 54 DCR 7401).

##### *Legislative History of Laws*

For legislative history of D.C. Law 12-167, see Historical and Statutory Notes following § 3-101.

For Law 17-25, see notes following § 3-101.

### **§ 3-105. VOLUNTARY SENTENCING GUIDELINES.**

(a) The voluntary sentencing guidelines promulgated by the Commission shall not be binding on judges.

(b) Notwithstanding the guidelines, the judge in an individual case may impose any sentence that does not exceed the maximum term prescribed by law and is not otherwise prohibited by the Constitution or laws of the United States or the District of Columbia.

(c) The sentencing guidelines shall not create any legally enforceable rights in any party nor shall they diminish any rights that currently exist.

(d) The Commission shall not implement any changes in the basic structure of the voluntary sentencing guidelines without first informing the Council.

(Oct. 16, 1998, D.C. Law 12-167, § 6, 45 DCR 5180; June 8, 2001, D.C. Law 13-302, § 2, 47 DCR 7249; Sept. 30, 2004, D.C. Law 15-190, § 2(b), 51 DCR 6737; Oct. 18, 2007, D.C. Law 17-25, § 2(f), 54 DCR 8014.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 2-4205.

##### *Effect of Amendments*

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

"If the Commission recommends a system of sentencing guidelines as part of its report, any such recommendation shall:

"(1) Specify whether and under what circumstances to impose a sentence of probation, a term of imprisonment, and a fine, and the amount or length of each;

"(2) Provide for the application of intermediate sanctions in appropriate cases;

"(3) Include provisions for such appeal rights from sentencing determinations as may be appropriate or constitutionally required."

D.C. Law 15-190 added subsec. (e).

D.C. Law 17-25 rewrote the section which had read as follows:

"(a) The Commission shall submit to the Council in the 2002 annual report a survey of the various types of structured sentencing systems in use in the United States and the Commission's recommendations as to which system would best serve the District of Columbia. The Commission shall also submit recommendations for the classification or ranking of criminal offenses in the District of Columbia.

"(b) The Court shall collect and provide to the Commission data on the length of and reasons for each sentence imposed for crimes committed on or after August 5, 2000. The reasons should include, but are not limited to, the weight given to such factors as the background and criminal history of the offender, the nature of

the offense, and the impact of the offense on the victim or community. The data shall not become a part of the record and shall not be used to challenge the sentence imposed.

"(c) The Commission shall analyze the data provided to it by the Court and shall submit to the Council in the 2002 annual report:

"(1) An interim assessment on the implementation of the determinate sentencing system; and

"(2) An assessment of sentencing practices within the District of Columbia for August 5, 1996 to August 5, 2000.

"(d) The Commission shall submit to the Council in its 2003 annual report a recommendation for a comprehensive structured sentencing system in the District of Columbia or, in the alternative, a detailed explanation as to why the District of Columbia does not need a structured sentencing system. The Commission shall continue to analyze the data specified in subsections (b) and (c) of this section and submit a final report of its findings in its 2003 annual report to the Council.

"(e) The Commission shall assist the Superior Court of the District of Columbia in implementing, as a pilot program, the comprehensive structured sentencing system that was recommended by the Commission pursuant to subsection (d) of this section. No later than December 1, 2006, the Commission shall submit to the Council its final recommendation on the comprehensive structured sentencing system."

#### *Emergency Act Amendments*

For temporary (90-day) amendment of section, see § 2 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 § 2 of the Sentencing Reform Congressional Review Emergency Amendment Act of 2000 (D.C. Act 13-462, November 7, 2000, 47 DCR 9443).

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

For temporary (90 day) amendment of section, see § 2(b) of Advisory Commission on Sentencing Structured Sentencing System Pilot Program Emergency Amendment Act of 2004 (D.C. Act 15-437, May 21, 2004, 51 DCR 5957).

For temporary (90 day) amendment of section, see § 2(b) of Advisory Commission on Sentencing Structured Sentencing System Pilot Program Congressional Review Emergency Amendment Act of 2004 (D.C. Act 15-510, August 2, 2004, 51 DCR 8967).

For temporary (90 day) amendment of section, see § 2(f) of District of Columbia Sentencing and Criminal Code Revision Commission Emergency Amendment Act of 2007 (D.C. Act 17-72, July 20, 2007, 54 DCR 7401).

#### *Legislative History of Laws*

For legislative history of D.C. Law 12-167, see Historical and Statutory Notes following § 3-101.

Law 13-302, the "Sentencing Reform Amendment Act of 2001", 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.

For Law 15-190, see notes following § 3-101.

For Law 17-25, see notes following § 3-101.

### **§ 3-106. ANALYSIS OF CORRECTIONAL IMPACT.**

Any recommendations by the Commission for regulatory changes or legislative amendments relating to crime, sentencing, or correctional matters shall take into consideration existing correctional and supervisory resources, including the availability of intermediate sanctions, and shall be accompanied by an assessment of the impact, if any, on the size of the District's correctional and supervised offender population resulting from such change. The Commission shall not recommend such changes unless it has made an assessment that the costs of a recommended change would be commensurate with the benefits to criminal justice administration, without regard to the identity of the particular governmental body responsible for financing the correctional facilities or services at issue.

(Oct. 16, 1998, D.C. Law 12-167, § 7, 45 DCR 5180.)

*Prior Codifications*

1981 Ed., § 2-4206.

*Legislative History of Laws*

For legislative history of D.C. Law 12-167, see Historical and Statutory Notes following § 3-101.

### **§ 3-107. BUDGET AND STAFFING.**

- (a) There are authorized such funds as may be necessary to support the Commission.
- (b) The Commission has the authority to hire staff and to obtain appropriate office space, equipment, materials, and services necessary to carry out its responsibilities. The Commission shall serve as the personnel authority for all employees of the Commission. Except as provided in subsection (d) of this section, the provisions of Chapter 6 of Title 1 shall apply to the Commission.
- (c) Any entitlement to compensation under this chapter for services rendered shall be dependent upon the availability of appropriated funds to pay such compensation.
- (d) Employees of the Commission who were hired before October 3, 2001, shall be exempt from the requirement that they be residents of the District of Columbia. Any person hired after October 3, 2001, shall be, or shall become with 180 days of hire, a resident of the District of Columbia. The Director of Personnel may waive the residency requirement for any individual appointed to a hard-to-fill position under this section.

(Oct. 16, 1998, D.C. Law 12-167, § 8, 45 DCR 5180; Oct. 3, 2001, D.C. Law 14-28, § 3802(b), 48 DCR 6981.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 2-4207.

*Effect of Amendments*

D.C. Law 14-28 rewrote subsec. (b) which had read as follows:

"(b) The Commission has the authority to hire staff and to obtain appropriate office space, equipment, materials, and services necessary to carry out its responsibilities."

*Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 3402(b) of Fiscal Year 2002 Budget Support Emergency Act of 2001 (D.C. Act 14-124, August 3, 2001, 48 DCR 7861).

*Legislative History of Laws*

For legislative history of D.C. Law 12-167, see Historical and Statutory Notes following § 3-101.

For Law 14-28, see notes following § 3-101.

### **§ 3-108. COOPERATION FROM OTHER AGENCIES.**

Agencies of the District of Columbia government shall cooperate in providing such information to the Commission as may be necessary to fulfill its statutory responsibilities.

(Oct. 16, 1998, D.C. Law 12-167, § 9, 45 DCR 5180.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 2-4208.

*Legislative History of Laws*

For legislative history of D.C. Law 12-167, see Historical and Statutory Notes following § 3-101.