

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

**TITLE 45.**  
**COMPILATION AND CONSTRUCTION OF**  
**CODE.**

**CHAPTER 4.**  
**LAWS REMAINING IN FORCE.**

**2001 Edition**

**DISTRICT OF COLUMBIA OFFICIAL CODE**  
**CHAPTER 4. LAWS REMAINING IN FORCE.**

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## **CHAPTER 4. LAWS REMAINING IN FORCE.**

### **§ 45-401. COMMON LAW, PRINCIPLES OF EQUITY AND ADMIRALTY, AND ACTS OF CONGRESS.**

(a) The common law, all British statutes in force in Maryland on February 27, 1801, the principles of equity and admiralty, all general acts of Congress not locally inapplicable in the District of Columbia, and all acts of Congress by their terms applicable to the District of Columbia and to other places under the jurisdiction of the United States, in force in the District of Columbia on March 3, 1901, shall remain in force except insofar as the same are inconsistent with, or are replaced by, some provision of the 1901 Code.

(b) The repeal of a criminal statute in the District of Columbia that is declaratory of or in abrogation of a common law crime shall not reinstate the common law crime.

(Mar. 3, 1901, 31 Stat. 1189, ch. 854, § 1; Apr. 29, 2004, D.C. Law 15-154, § 3(l), 50 DCR 10996.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 49-301.

1973 Ed., § 49-301.

##### *Effect of Amendments*

D.C. Law 15-154 designated the existing text as subsection (a); and added subsec. (b).

##### *Legislative History of Laws*

Law 15-154, the "Elimination of Outdated Crimes Amendment Act of 2003", was introduced in Council and assigned Bill No. 15-79, which was referred to Committee on the Judiciary. The Bill was adopted on first and second readings on October 7, 2003, and November 4, 2003, respectively. Signed by the Mayor on November 25, 2003, it was assigned Act No. 15-255 and transmitted to both Houses of Congress for its review. D.C. Law 15-154 became effective on April 29, 2004.

### **§ 45-402. ORDINANCES OF WASHINGTON AND OF LEVY COURT.**

All laws and ordinances of the City of Washington, and of the levy court of the District of Columbia, except as modified or repealed by Congress or the Legislative Assembly of the District since June 1, 1871, or until so modified or repealed, remain in full force.

(R.S., D.C., § 91; Comp. Stat. D.C., § 4; Feb. 11, 1895, 28 Stat. 650, ch. 79.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 49-302.

1973 Ed., § 49-302.

### **§ 45-403. ACTS RELATING TO GOVERNING BODIES OF RELIGIOUS DENOMINATIONS.**

All acts and parts of acts relating to the organization and powers of vestries, trustees, or other governing bodies of any religious denomination shall remain in force except insofar as the same are inconsistent with or are replaced by the provisions of this Code.

(Mar. 3, 1901, 31 Stat. 1189, ch. 854, § 1636; June 30, 1902, 32 Stat. 546, ch. 1329.)

#### *HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 49-303.

1973 Ed., § 49-303.

## **§ 45-404. SAVINGS PROVISION.**

(a) The repeal of any act of the Council shall not release or extinguish any penalty, forfeiture, or liability incurred pursuant to the act, and the act shall be treated as remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of any penalty, forfeiture, or liability, unless the repealing act expressly provides for the release or extinguishment of any penalty, forfeiture, or liability.

(b) The expiration of any act of the Council shall not release or extinguish any penalty, forfeiture, or liability incurred pursuant to the act, and the act shall be treated as remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of any penalty, forfeiture, or liability, unless the expiring act expressly provides for the release or extinguishment of any penalty, forfeiture, or liability.

(Sept. 26, 1990, D.C. Law 8-165, § 2, 37 DCR 4827.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 49-304.

*Temporary Addition of Section*

For temporary (225 day) addition of section, see § 2 of District of Columbia Statutory Savings Provision Temporary Act of 1990 (D.C. Law 8-102, April 6, 1990, law notification 37 DCR 2477).

*Legislative History of Laws*

Law 8-165, the "District of Columbia Statutory Savings Provision Act of 1990," was introduced in Council and assigned Bill No. 8-552, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on June 12, 1990, and June 26, 1990, respectively. Signed by the Mayor on July 12, 1990, it was assigned Act No. 8-230 and transmitted to both Houses of Congress for its review.

*Miscellaneous Notes*

Repeal and Savings Provisions of 1901 Code: Sections 1636 to 1643 of the Act of March 3, 1901, 31 Stat. 1434, ch. 854, provided that:

Repeal and Savings Provisions of 1901 Code: "Sec. 1636. All acts and parts of acts of the general assembly of the State of Maryland general and permanent in their nature, all like acts and parts of acts of the legislative assembly of the District of Columbia, and all like acts and parts of acts of Congress applying solely to the District of Columbia in force in said District on the day of the passage of this act are hereby repealed, except:

"First. Acts and parts of acts relating to the rights, powers, duties, or obligations of the United States.

"Second. Acts and parts of acts relating to the Court of Claims.

"Third. Acts and parts of acts relating to the organization of the District government, or to its obligations, or the powers or duties of the Commissioners of the District of Columbia, or their subordinates or employees, or to police regulations, and generally all acts and parts of acts relating to municipal affairs only, including those regulating the charges of public-service corporations.

"Fourth. Acts and parts of acts relating to the militia.

"Fifth. All penal statutes authorizing punishment by fine only or by imprisonment not exceeding one year, or both.

"Sixth. Acts and parts of acts of Congress relating solely to the Departments of the General Government in the District of Columbia, or any of them.

"Seventh. Acts or parts of acts authorizing, defining, and prescribing the organization, powers, duties, fees, and emoluments of the register of wills of the District of Columbia and his office.

"Eighth. An act to regulate the practice of pharmacy in the District of Columbia, approved June fifteenth, eighteen hundred and seventy-eight; an act for the regulation of the practice of dentistry in the District of Columbia, and for the protection of the people from empiricism in relation thereto, approved June sixth, eighteen hundred and ninety-two; an act regulating the construction of buildings along alleyways in the District of Columbia, approved July twenty-second, eighteen hundred and ninety-two; an act for the promotion of anatomical science, and to prevent the desecration of graves in the District of Columbia, approved February twenty-sixth, eighteen hundred and ninety-five; an act to provide for the incorporation and regulation of medical and dental colleges in the District of Columbia, approved May fourth, eighteen hundred and ninety-six; an act relating to the testimony of physicians in the courts of the District of Columbia, received by the President May thirteenth, eighteen hundred and ninety-six; an act to regulate the practice of medicine and surgery, to license

physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia, approved June third, eighteen hundred and ninety-six; and, generally, all acts or parts of acts relating to medicine, dentistry, pharmacy, the commitment of the insane to the Government Hospital for the Insane in the District of Columbia, the abatement of nuisances, and public health.

"Ninth. Acts and parts of acts relating to the organization and powers of vestries, trustees, or other governing bodies of any religious denomination.

"All acts and parts of acts included in the foregoing exceptions, or any of them, shall remain in force except in so far as the same are inconsistent with or are replaced by the provisions of this code."

"Sec. 1637. The incorporation into this code of any general and permanent provision taken from an act making appropriations, or from an act containing other provisions of a private or temporary character, shall not repeal nor in any way affect any appropriation or any provision of a private or temporary character contained in any of said acts, but the same shall remain in force."

"Sec. 1638. The repeal by the preceding section of any statute, in whole or in part, shall not affect any act done or any right accruing or accrued or any suit or proceeding had or commenced in any civil cause before such repeal, but all rights and liabilities under the statutes or parts thereof so repealed shall continue and may be enforced in the same manner as if such repeal had not been made: Provided, that the provisions of this code relating to procedure or practice and not affecting the substantial rights of parties shall apply to pending suits or proceedings civil or criminal."

"Sec. 1639. The enactment of this code is not to affect or repeal any act of Congress which may be passed between the date of this act and the date when this act is to go into effect; and all acts of Congress that may be passed hereafter are to have full effect as if passed after the enactment of this code, and, so far as such acts may vary from or conflict with any provision contained in this code, they are to have effect as subsequent statutes and as repealing any portion of this act inconsistent therewith."

"Sec. 1640. Nothing in the repealing clause of this code contained shall be held to affect the operation or enforcement in the District of Columbia of the common law or of any British statute in force in Maryland on the twenty-seventh day of February, eighteen hundred and one, or of the principles of equity or admiralty, or of any general statute of the United States not locally inapplicable in the District of Columbia or by its terms applicable to the District of Columbia and to other places under the jurisdiction of the United States, or of any municipal ordinance or regulation, except in so far as the same may be inconsistent with, or is replaced by, some provision of this code."

"Sec. 1641. All offenses committed and all penalties or forfeitures incurred in the District prior to the date on which this code is to take effect may be prosecuted and punished in the same manner and with the same effect as if this code had not been enacted."

"Sec. 1642. Where any action or proceeding by the provisions of chapter forty-one of this code would be barred at the time it goes into effect, or within one year thereafter, which would not be so barred by prior laws, such action or proceeding may be brought or instituted within such period of one year, anything in said chapter to the contrary notwithstanding."

"Sec. 1643. That nothing herein contained shall be held to affect the term of office of any judicial or other officer holding office when this code goes into effect and operation, except when, as in the case of the present justices of the peace and constables, a contrary intention is manifested."