



D.C. Criminal Code Reform Commission

441 Fourth Street, NW, Suite 1C001S, Washington, D.C. 20001
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January 28, 2019

The Honorable Charles Allen
Chairman of the Committee on the Judiciary and Public Safety
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W., Suite 109
Washington D.C. 20004

RE: Criminal Code Reform Commission Responses to Performance Oversight Questions.

Dear Chairman Allen:

Thank you for the opportunity to provide responses to the performance oversight questions contained in the Committee on the Judiciary and Public Safety's correspondence dated January 15, 2019. The responses of the Criminal Code Reform Commission (CCRC) are presented below for your review, with three attached appendices. I look forward to providing testimony and discussing these and any other questions you might have at the agency's oversight hearing.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Schmechel", written in a cursive style.

Richard Schmechel
Executive Director

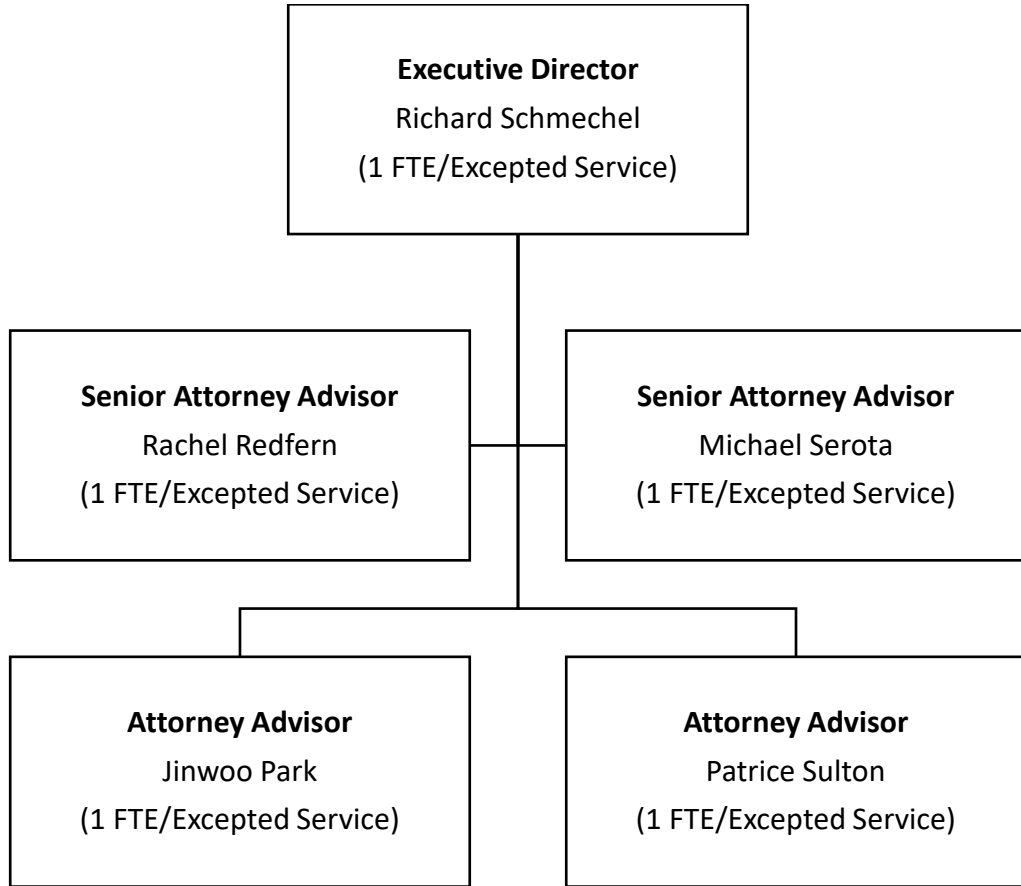
Attachments

1. Appendix A (Schedule A)
2. Appendix B (CCRC Reports Issued FY18 and FY19 (To Date))
3. Appendix C (Agency Work Plan and Schedule (1-24-19))

General Questions

- 1. Please provide a current organizational chart for the agency, including the number of vacant, frozen, and filled positions in each division or subdivision. Include the names and titles of all senior personnel, and note the date that the information was collected on the chart.**

As of 1/24/19 the agency has 0 vacant, 0 frozen, and 5 filled positions.



- a. Please provide an explanation of the roles and responsibilities of each division and subdivision.**

The CCRC has no divisions or subdivisions.

- b. Please provide a narrative explanation of any changes to the organizational chart made during the previous year.**

Ms. Patrice Sulton was hired on April 2, 2018 to fill a vacancy left by an employee's resignation.

- 2. Please provide a current Schedule A for the agency which identifies each position by**

program and activity codes, with the employee's name, title/position, salary, fringe benefits, and length of time with the agency. Please note the date that the information was collected. The Schedule A should also indicate if the position is continuing/term/temporary/contract or if it is vacant or frozen. Please separate salary and fringe and indicate whether the position must be filled to comply with federal or local law.

See Appendix A. Please note that the Schedule A was created 1/24/19 and reflects 5 filled positions. None of the positions must be filled to comply with federal or local law.

- 3. Please list all employees detailed to or from your agency. For each employee identified, please provide the name of the agency the employee is detailed to or from, the reason for the detail, the date of the detail, and the employee's projected date of return.**

None.

- 4. Please provide the Committee with:**

- a. A list of all vehicles owned, leased, or otherwise used by the agency and to whom the vehicle is assigned, as well as a description of all vehicle collisions involving the agency's vehicles in FY18 and FY19, to date; and**

None.

- b. A list of travel expenses, arranged by employee for FY18 and FY19, to date, including the justification for travel; and**

Richard Schmechel

- \$143.00 for travel to American Law Institute meeting "Model Penal Code: Sexual Assault and Related Offenses," in Philadelphia PA on October 12, 2018.
- \$394.00 for travel to American Law Institute meeting "Model Penal Code: Sexual Assault and Related Offenses," in New York NY on October 13, 2017.

5. For FY18 and FY19, to date, please list all intra-District transfers to or from the agency and the purpose for each transfer.

| FY 2019 Intra-District Summary - BUYER | | | |
|---|----------------------------------|------------------|--------------|
| DC CRIMINAL CODE REFORM COMMISSION (MA0) | | | |
| SELLING AGENCY | DESCRIPTION OF SERVICES PROVIDED | FUNDING SENT | FUNDING DUE |
| Office of Contracting and Procurement (OCP) - PO0 | Pcard Payments | \$ 13,550 | |
| TOTAL | | \$ 13,550 | \$ - |
| | | | |
| FY 2019 Intra-District Summary - SELLER | | | |
| DC CRIMINAL CODE REFORM COMMISSION (MA0) | | | |
| BUYING AGENCY | DESCRIPTION OF SERVICES PROVIDED | FUNDING RECEIVED | FUNDING OWED |
| N/A | | | |
| TOTAL | | \$ - | \$ - |
| | | | |
| FY 2018 Intra-District Summary - BUYER | | | |
| DC CRIMINAL CODE REFORM COMMISSION (MA0) | | | |
| SELLING AGENCY | DESCRIPTION OF SERVICES PROVIDED | FUNDING SENT | FUNDING DUE |
| Office of Contracting and Procurement (OCP) - PO0 | Pcard Payments | \$ 13,050 | |
| TOTAL | | \$ 13,050 | \$ - |
| | | | |
| FY 2018 Intra-District Summary - SELLER | | | |
| DC CRIMINAL CODE REFORM COMMISSION (MA0) | | | |
| BUYING AGENCY | DESCRIPTION OF SERVICES PROVIDED | FUNDING RECEIVED | FUNDING OWED |
| N/A | | | |
| TOTAL | | \$ - | \$ - |

6. For FY18 and FY19, to date, please identify any special purpose revenue funds maintained by, used by, or available for use by the agency. For each fund identified, provide:

- a. The revenue source name and code;**
- b. The source of funding;**
- c. A description of the program that generates the funds;**
- d. The amount of funds generated by each source or program;**
- e. Expenditures of funds, including the purpose of each expenditure; and**
- f. The current fund balance.**

No special purpose revenue funds of any kind.

7. **For FY18 and FY19, to date, please list any purchase card spending by the agency, the employee making each expenditure, and the general purpose for each expenditure.**

| Transaction Date | Amount | Purchaser | Purpose |
|-------------------------|---------------|------------------|---------------------------------------|
| 12/17/2018 | \$219.55 | J.Park | WMATA Metro benefits |
| 12/16/2018 | \$15.99 | J.Park | Office supplies |
| 11/30/2018 | (\$1,134.52) | J.Park | Refund for research services |
| 11/16/2018 | \$317.90 | J.Park | WMATA Metro benefits |
| 10/31/2018 | \$30.74 | J.Park | Office supplies |
| 10/17/2018 | \$1,400 | J.Park | Research services |
| 10/16/2018 | \$199.45 | J.Park | WMATA Metro benefits |
| 10/11/2018 | \$17.80 | J.Park | Office supplies |
| 10/4/2018 | \$2,951.85 | J.Park | Legal research subscription (Westlaw) |
| 10/4/2018 | \$182.51 | J.Park | Office supplies |
| 9/25/2018 | (\$205.02) | J.Park | Refund for office supplies |
| 9/20/2018 | \$364.32 | J.Park | Office supplies |
| 9/18/2018 | \$364.32 | J.Park | WMATA Metro benefits |
| 9/18/2018 | \$1,399 | J.Park | Office Supplies |
| 9/18/2018 | (\$2000) | J.Park | Refund for research services |
| 9/18/2018 | (\$512.68) | J.Park | Refund for research services |
| 9/18/2018 | (\$9.28) | J.Park | Refund for research services |
| 9/10/2018 | \$9.28 | J.Park | Research services |
| 8/27/2018 | \$47.41 | J.Park | Legal research materials |
| 8/23/2018 | \$187.35 | J.Park | Office supplies |
| 8/23/2018 | \$1,291.19 | J.Park | Office supplies |
| 8/23/2018 | \$43.26 | J.Park | Office supplies |
| 8/20/2018 | \$133.45 | J.Park | Office supplies |
| 8/20/2018 | \$229 | J.Park | Legal training |
| 8/20/2018 | \$60.77 | J.Park | Legal research materials |
| 8/17/2018 | \$158 | J.Park | Legal research materials |
| 8/16/2018 | \$233.05 | J.Park | WMATA Metro benefits |
| 8/15/2018 | \$15.84 | J.Park | Office supplies |
| 8/14/2018 | \$1,150 | J.Park | Research services |
| 8/14/2018 | \$2,000 | J.Park | Research services |
| 7/16/2018 | \$268.85 | J.Park | WMATA Metro benefits |

| | | | |
|------------|------------|-----------|---------------------------------------|
| 7/09/2018 | \$77.20 | J. Park | Legal research materials |
| 6/30/2018 | \$235 | J.Park | Legal Library Fee |
| 6/28/2018 | \$24.51 | J.Park | Office supplies |
| 6/27/2018 | \$67 | J.Park | WMATA Metro benefits |
| 6/27/2018 | \$133 | J.Park | WMATA Metro benefits |
| 6/27/2018 | \$100 | J.Park | WMATA Metro benefits |
| 6/25/2018 | \$20 | J.Park | Conference fee |
| 6/25/2018 | \$20 | J.Park | Conference Fee |
| 6/25/2018 | \$20 | J.Park | Conference Fee |
| 6/18/2018 | \$312 | J.Park | WMATA Metro benefits |
| 6/11/2018 | \$384 | J.Park | Research services subscription |
| 6/7/2018 | \$5.96 | J.Park | Office supplies |
| 6/8/2018 | \$9.91 | J.Park | Office supplies |
| 6/8/2018 | \$12.45 | J.Park | Office supplies |
| 6/4/2018 | \$130 | J.Park | WMATA Metro benefits |
| 5/21/2018 | \$113 | J.Park | WMATA Metro benefits |
| 5/21/2018 | \$120 | J.Park | WMATA Metro benefits |
| 5/16/2018 | \$170 | J.Park | WMATA Metro benefits |
| 5/14/2018 | \$50 | J.Park | WMATA Metro benefits |
| 5/11/2018 | \$47.46 | J.Park | Legal research materials |
| 4/26/2018 | \$193.10 | J.Park | WMATA Metro benefits |
| 4/10/2018 | \$24.99 | J. Park | Business cards |
| 3/16/2018 | \$210 | J. Park | WMATA Metro benefits |
| 2/26/2018 | \$93 | J. Park | Legal research materials |
| 2/21/2018 | \$45.53 | J. Park | Office Supplies |
| 2/21/2018 | \$124 | M. Serota | WMATA Metro benefits |
| 1/16/2018 | \$157.40 | M. Serota | WMATA Metro benefits |
| 1/16/2018 | \$204.40 | J.Park | WMATA Metro benefits |
| 1/11/2018 | \$84 | J.Park | Legal research materials |
| 1/11/2018 | \$180 | J.Park | Legal research materials |
| 12/19/2017 | \$58.47 | B. Nitta | Office Supplies |
| 12/18/2017 | \$200.40 | B. Nitta | WMATA Metro benefits |
| 11/21/2017 | \$203.70 | B. Nitta | WMATA Metro benefits |
| 10/29/2017 | \$20.97 | B. Nitta | Legal research materials |
| 10/20/2017 | \$172.00 | B. Nitta | Legal research materials |
| 10/17/2017 | \$2,831.25 | B. Nitta | Legal research subscription (Westlaw) |
| 10/16/2017 | \$134.30 | B. Nitta | WMATA Metro benefits |

8. Please list all memoranda of understanding (“MOU”) entered into by your agency during FY18 and FY19, to date, as well as any MOU currently in force. For each, indicate the date on which the MOU was entered and the termination date.

On April 19, 2017 the CCRC entered into a Memorandum of Understanding (MOU) with the Office of the City Administrator (OCA) concerning provision of analyses on criminal information datasets. The MOU was originally set to expire September 30, 2017.

However, on August 15, 2017 and October 17, 2018 the MOU was twice amended to extend the expiration date through FY18 and FY19 and ensure compliance with the Superior Court DUA (see immediately below). Currently the MOU with OCA is set to expire September 30, 2019.

On July 17, 2017 the CCRC entered into a Data Use Agreement (DUA) with the Superior Court of the District of Columbia concerning use of a dataset provided by the Court. The dataset contains information on adult criminal charges, convictions, and related information from 2010-2016. The DUA was originally set to expire September 30, 2018. However, on July 13, 2018 the DUA was amended to extend the expiration date through FY19. Currently the DUA with the Court is set to expire September 30, 2019.

On November 5, 2018 the CCRC requested amendment of the existing DUA with the Court to add a few additional data fields and the years 2009, 2017, and 2018 to the dataset previously provided by the Court. The request was received and, apparently, in process before the federal shutdown occurred and our point of contact was furloughed. However, to date, the Superior Court has not provided the updated dataset or amended the DUA.

- 9. Please summarize and provide the status of all existing capital projects and those in the financial plan, including a brief description, the amount budgeted by fiscal year, actual dollars spent, and any remaining balances (by type of funds). In addition, please provide:**
- a. An update on all capital projects concluded in FY17, FY18, and FY19, to date, including the amount budgeted, actual dollars spent, any remaining balances, and whether the project had an impact on the operating budget of the agency. If so, please provide an accounting of such impact.**

No capital projects.

- 10. Please provide a list of all budget enhancement requests (including capital improvement needs) for FY18 and FY19, to date. For each, include a description of the need, the amount of funding requested, and whether the request was approved or denied.**

The CCRC had no budget enhancement requests for FY18 or FY19, to date.

- 11. Please list, in chronological order, each reprogramming in FY18 and FY19, to date, that impacted the agency, including those that moved funds into the agency, out of the agency, and within the agency. For each reprogramming, list the date, amount, program and activity codes, rationale, and reprogramming number.**

None.

- 12. Please list each grant or sub-grant received or distributed by your agency in FY18 and FY19, to date. List the date, amount, source, purpose of the grant or sub-grant received or distributed, and amount expended.**

- a. **How many FTEs are dependent on grant funding at your agency? What are the terms of this funding? If it is set to expire, what plans, if any, are in place to continue funding the FTEs?**

No grants or sub-grants.

- 13. Please list each contract, procurement, and lease, entered into, extended, and option years exercised by the agency during FY18 and FY19, to date. For each contract, please provide the following information, where applicable:**

- a. **The name of the contracting party;**
- b. **The nature of the contract, including the end product or service;**
- c. **The dollar amount of the contract, including amount budgeted and amount spent;**
- d. **The term of the contract;**
- e. **Whether the contract was competitively bid;**
- f. **The name of the agency's contract monitor and the results of any monitoring activity; and**
- g. **The funding source.**

None.

- 14. Please list all pending lawsuits that name the agency as a party. Identify which cases on the list are lawsuits that potentially expose the District to significant financial liability or will result in a change in agency practices, and describe the current status of the litigation. Please provide the extent of each claim, regardless of its likelihood of success. For those identified, please include an explanation about the issues involved in each case.**

None.

- 15. Please list all settlements entered into by the agency or by the District on behalf of the agency in FY18 or FY19, to date, and provide the parties' names, the amount of the settlement, and if related to litigation, the case name and a brief description of the case. If unrelated to litigation, please describe the underlying issue or reason for the settlement (e.g. administrative complaint, etc.).**

None.

- 16. Please list the administrative complaints or grievances that the agency received in FY18 and FY19, to date, broken down by source. Please describe any changes to agency policies or procedures that have resulted from complaints or grievances received. For any complaints or grievances that were resolved in FY18 or FY19, to date, describe the resolution.**

The CCRC has received no complaints or grievances in FY18 and FY19 to date.

- 17. Please list and describe any complaints or allegations of sexual harassment or other forms of sexual misconduct received by the agency in FY18 and FY19, to date, whether or not those complaints or allegations were resolved.**

The CCRC has not received any allegations of sexual harassment or misconduct in FY18 and FY19, to date.

- 18. Please list and describe any ongoing investigations, audits, or reports on or of the agency, or any investigations, studies, audits, or reports on the agency that were completed in FY18 and FY19, to date.**

None.

- 19. Please describe any spending pressures the agency experienced in FY18 and any anticipated spending pressures for the remainder of FY19. Include a description of the pressure and the estimated amount. If the spending pressure was in FY18, describe how it was resolved, and if the spending pressure is in FY19, describe any proposed solutions.**

The CCRC did not experience any spending pressures in FY17 and at this time has no anticipated spending pressures for the remainder of FY18. The pro bono support of the Lab in the Office of the City Administrator has been critical to remaining within or under spending limits.

- 20. Please provide a copy of the agency's FY18 performance plan. Please explain which performance plan objectives were completed in FY18 and whether they were completed on time and within budget. If they were not, please provide an explanation.**

None. As a temporary agency the CCRC is not required to submit a performance plan.

- 21. Please provide a copy of your agency's FY19 performance plan as submitted to the Office of the City Administrator.**

None. As a temporary agency the CCRC is not required to submit a performance plan.

- 22. Please describe any regulations promulgated by the agency in FY18 or FY19, to date, and the status of each.**

None.

23. Please provide a list of all studies, research papers, reports, and analyses that the agency prepared or for which it contracted in FY18 and FY19, to date. Please state the status and purpose of each. Please submit a hard copy to the Committee if the study, research paper, report, or analysis is complete.

| Date | Report Title | Status | Purpose |
|-------------|--|------------------------------------|-----------------------|
| 1-24-19 | 2018 Annual Report & FY19 Report on First Quarter Activities | Completed and Submitted to Council | Statutory Requirement |
| 11-16-18 | FY18 Report on Fourth Quarter Activities | Completed and Submitted to Council | Statutory Requirement |
| 8-28-18 | FY18 Report on Third Quarter Activities | Completed and Submitted to Council | Statutory Requirement |
| 5-9-18 | FY18 Report on Second Quarter Activities | Completed and Submitted to Council | Statutory Requirement |
| 1-18-18 | 2017 Annual Report & FY18 Report on First Quarter Activities | Completed and Submitted to Council | Statutory Requirement |
| 11-20-17 | FY 17 Report on Fourth Quarter Activities | Completed and Submitted to Council | Statutory Requirement |

All documents listed here have previously been circulated to the full Council and are available on the Council’s Legislative Information Management System (LIMS). Copies of the reports also are attached in Appendix B (though the reports’ own appendices—nearly a thousand page—have been redacted). Please note that over two dozen additional *draft* reports on code revision recommendations that are currently, or recently have been, under review by the CCRC’s Advisory Group are available on the agency’s website, www.ccrc.dc.gov, and copies are also available to the Committee upon request. These FY18 and FY19 to date draft reports total over 750 pages.

24. Please separately list each employee whose salary was \$100,000 or more in FY18 and FY19, to date. Provide the name, position number, position title, program, activity, salary, and fringe. In addition, state the amount of any overtime or bonus pay received by each employee on the list.

FY 19

| Name | Position # | Title | Program | Activity | Salary | Fringe | Overtime or Bonus |
|-------------------|------------|-------------------------|---------|----------|---------|--------|-------------------|
| Richard Schmechel | 00047268 | Executive Director | 1001 | 1010 | 137,165 | 29,079 | 0 |
| Michael Serota | 00075457 | Senior Attorney Advisor | 1001 | 1010 | 110,313 | 23,386 | 0 |
| Rachel Redfern | 00075475 | Senior Attorney Advisor | 1001 | 1010 | 110,313 | 23,386 | 0 |

FY 18

| Name | Position # | Title | Progr am | Acti vity | Salary | Fringe | Overtime or Bonus |
|-------------------|------------|-------------------------|-------------|--------------|---------|--------|----------------------|
| Richard Schmechel | 00047268 | Executive Director | 1001 | 1010 | 130,559 | 30,029 | 0 |
| Michael Serota | 00075457 | Senior Attorney Advisor | 1001 | 1010 | 105,000 | 24,150 | 0 |
| Rachel Redfern | 00075475 | Senior Attorney Advisor | 1001 | 1010 | 105,000 | 24,150 | 0 |

25. Please list in descending order the top 25 overtime earners in your agency in FY18 and FY19, to date, if applicable. For each, state the employee’s name, position number, position title, program, activity, salary, fringe, and the aggregate amount of overtime pay earned.

None.

26. For FY18 and FY19, to date, please provide a list of employee bonuses or special pay granted that identifies the employee receiving the bonus or special pay, the amount received, and the reason for the bonus or special pay.

None.

27. Please provide each collective bargaining agreement that is currently in effect, and differs from that submitted last year, for agency employees. Please include the bargaining unit and the duration of each agreement. Please note if the agency is currently in bargaining and its anticipated completion.

None.

28. If there are any boards or commissions associated with your agency, please provide a chart listing the names, confirmation dates, terms, wards of residence, and attendance of each member. Include any vacancies.

The Criminal Code Revision Advisory Group (Advisory Group) is a statutorily designated group of stakeholders who review and provide information and suggestions on proposals prepared by the CCRC. The Advisory Group consists of 5 voting members and 2 nonvoting members.

| Name | Confirmation | Term | Ward of Residence | FY18 & FY19 To Date Meeting Absences |
|------------------------|---|--------------|-------------------|--------------------------------------|
| Donald Braman | 10/18/16 | 10/1/16 - | 1 | 6/15 |
| Paul Butler | 10/18/16 | 10/1/16 - | 4 | 9/15 |
| Renata Kendrick Cooper | NA- Designee of the United States Attorney for the District of Columbia | NA | NA | 5/15 |
| Laura Hankins | NA- Designee of the Director of the Public Defender Service for the District of Columbia | NA | NA | 0/15 |
| Dave Rosenthal | NA- Designee of the Attorney General for the District of Columbia | NA | NA | 1/15 |
| Helder Gil | NA- Designee of the Deputy Mayor for Public Safety and Justice | NA | NA | 15/15 |
| Kevin Whitfield | NA- Designee of the Chairperson of the Council Committee on the Judiciary and Public Safety | NA | NA | 4/15 ¹ |

There are no Advisory Group vacancies. The Advisory Group did not meet in January 2019 due to the federal shutdown's effect on two Advisory Group members.

29. Please list all reports or reporting currently required of the agency in the District of Columbia Code or Municipal Regulations. Provide a description of whether the agency is in compliance with these requirements, and if not, why not (e.g. the purpose behind the requirement is moot, etc.).

The CCRC is statutorily required to provide recommendations for comprehensive criminal code reform to the Council and the Mayor in the form of a report (or reports) by

¹ In October and November 2017 other individuals attended as the Designee of the Chairperson of the Council Committee on the Judiciary. The absence total reflects meetings at which no Council representative was present.

October 1, 2018. In partial fulfillment of this mandate, on May 5, 2017 the CCRC issued to the Council and Mayor *Report #1: Recommendations for Enactment of D.C. Code Title 22 and Other Changes to Criminal Statutes*.

The CCRC also is statutorily required to provide *drafts* of its recommended reforms to criminal statutes to the Advisory Group in the form of reports. The agency has complied with this requirement and posted all draft reports circulated to the Advisory Group on the agency's website, www.ccrdc.dc.gov.

The CCRC is also required to submit quarterly and annual reports on its activities to the Council. The agency currently is in compliance with the deadlines for these reporting requirements.

Agency Operations

30. Please describe any initiatives that the agency implemented in FY18 or FY19, to date, to improve the internal operations of the agency or the interaction of the agency with outside parties. Please describe the results, or expected results, of each initiative.

Since the agency only began operation on October 1, 2016, the CCRC has worked to establish the internal operations of the agency and the interaction of the agency with outside parties. Among the actions taken by the CCRC in FY18 or FY19, to date, were the following:

- Staff consulted with the District's Office of Public Records about setting up a document retention schedule and designated a Records Management Officer for the agency;
- Staff completed an annual ethics training; and
- The agency coordinated with DCHR so that their designated Sexual Harassment Officer is available to any CCRC employee. Although the CCRC is a small, independent agency not subordinate to the Mayor, this action was taken to comply with the 12/18/17 Mayor's Order regarding Sexual Harassment Officers.

31. What are the agency's top five priorities? Please explain how the agency expects to address these priorities in FY19. How did the agency address its top priorities listed for this question last year?

In FY19, the agency's top five priorities are as follows:

- Priority #1: Update all CCRC reform recommendations to date, reconciling Advisory Group comments with each other and statutory mandate. The CCRC's top priority for FY19 is an across-the-board update of all its draft reform recommendations, for all general provisions, crimes, and related statutes. This update, already underway, has three main purposes. First, since the agency began operation, just over two years ago, it has received diverse comments from its Advisory Group regarding many of its draft reform recommendations. In some

instances the CCRC has already released updated draft recommendations based on the Advisory Group's comments, but the Advisory Group's comments must still be addressed for most reform recommendations. Second, with the agency's extension through FY19, the CCRC has amassed a more sizable body of reform recommendations such that a reorganization of all draft statutory language is necessary. The majority² of the agency's recommendations will be reorganized to form a single, new, enacted version of Title 22, suitable for replacing the existing, unenacted Title 22 in the D.C. Code. Third, the update will harmonize definitions and defenses used across multiple criminal statutes. Some CCRC recommendations for reformed definitions and defenses initially developed for property defenses must be updated to be consistent with recent agency work on offenses against persons. The agency's across-the-board update is planned for release to the CCRC Advisory Group in March 2019.

- Priority #2: Develop reform recommendations to improve the proportionality of all offenses revised by the CCRC, to date. The CCRC's second priority for FY19 is to develop comprehensive recommendations for reforming the punishments—imprisonment and fines—authorized for all offenses it has reviewed and recommended for revision. In part, proportionality has already been addressed through the gradation of reformed offenses, which divides according to the seriousness of the conduct involved and provides distinct punishment for each level of conduct. However, a second way in which the agency will improve proportionality is by specifying new statutory maximum and minimum penalties for all revised offenses. As noted below, in FY18 the agency completed preliminary analyses of sentencing practices and public opinion on sentencing in the District, and this will be updated in FY19 with more extensive court and public opinion data. The agency will create an ordinal ranking of revised offenses by seriousness and match groups of these offenses (of similar seriousness) to standardized penalty classes. Depending on the degree of Advisory Group agreement on these difficult proportionality assessments, the CCRC may develop two distinct sets of recommendations for improving the proportionality of punishments in revised offenses.
- Priority #3: Develop recommendations for revision of District controlled substance offenses and related provisions. The agency's third priority for FY19 is the development of reform recommendations for criminal statutes concerning controlled substances. Convictions for controlled substance offenses (misdemeanor and felony) comprised nearly a quarter of all adult convictions in the District in the years 2010-2016 according to CCRC analysis of Superior Court data. While there have been major legislative changes to the treatment of marijuana in District law, other controlled substance crimes and penalties have not been comprehensively reviewed in decades. The agency plans to release its draft recommendations for reform of drug offenses to its Advisory Group in or by June 2019.
- Priority #4: Develop recommendations for revision of District weapon possession offenses and related provisions. The agency's fourth priority for FY19 is the

² Some of the agency's reform recommendations will involve statutory changes to criminal statutes in other statutes, e.g. controlled substance offenses in Title 48.

development of reform recommendations for criminal statutes concerning possession of dangerous weapons (including firearms). Convictions for weapon possession offenses (misdemeanor and felony) comprised nearly a tenth of all adult convictions, and were responsible for most mandatory minimum sentencing, in the District in the years 2010-2016 according to CCRC analysis of Superior Court data. While there have been major changes to District law on weapon offenses due to recent court rulings, many weapon possession crimes and penalties have not been comprehensively reviewed in decades. The agency plans to release its draft recommendations for reform of weapon offenses to its Advisory Group in or by July 2019.

- Priority #5: Develop recommendations for general justification defenses. The agency's fifth priority for FY19 is the development of reform recommendations that will codify, for the first time in the District, general justification defenses—e.g. self-defense, defense of property. Neither Congress nor the Council has legislatively addressed the scope of these defenses. The agency has already begun work on some special justification defenses (e.g., parental discipline and emergency health services) which are expected to be released to the agency's Advisory Group in March 2019, with other general justification defenses planned for delivery to the Advisory Group in or by August 2019.

In FY18, the agency's top five priorities were as follows:

- Priority #1: Secure Advisory Group approval and issue to the Council & Mayor a Report: *Recommendations for a New General Part, Revised Offenses Against Persons, and Revised Property Offenses.* With extension of the agency's operation through FY19, the agency did not seek to complete this task in FY18. The agency instead continued to develop new recommendations for additional offenses and provisions and refine prior work. Postponement of finalization of these recommendations and an Advisory Group vote has allowed the agency to improve the quality, comprehensiveness, and breadth of stakeholder support for its recommendations.
- Priority #2: Develop recommendations for revised offenses against persons. In FY18 the agency successfully released draft recommendations to the Advisory Group for a wide array of offenses against persons, including: homicide, assault, sex assault, kidnapping, robbery, threats, cruelty to children, neglect of vulnerable persons, and human trafficking statutes.
- Priority #3: Finish development of recommendations for revised property offenses. In FY18 the agency worked to reconcile several of the Advisory Group's comments on revised property offenses but with the extension of the agency's operation through FY19 did not finalize development of these offenses. Finalization of property offenses was left until FY19, after the agency's development of new, common definitions (e.g. coercion) and defenses (e.g. effective consent) in the context of offenses against persons, so that a consistent approach could be used to all these offenses.
- Priority #4: Develop recommendations for improving the proportionality of revised offenses against persons and property offenses. With extension of the agency's operation through FY19, the agency did not complete this task in FY18.

Agency work instead continued to develop recommendations for additional offenses and provisions, and refine prior work. The CCRC did develop and test a survey of public opinion on offense severity, perform a preliminary analysis of Superior Court charging and sentencing practices, and begin to model how standardized penalty classes may apply to the CCRC's revised statutes. This research will enable the agency to develop proportionality recommendations in the summer of 2019.

- Priority #5: Obtain and Perform Analysis of Data on Criminal Adjudication Practices. On February 2, 2018 the D.C. Superior Court ("Court") provided to the CCRC a corrected data set providing information on certain charging and sentencing dispositions for the time period 2010-2016. On receipt of the corrected data set, the CCRC began work to clean and analyze the data with the help of the Lab in the Office of the City Administrator. A preliminary analysis of the data was shared with the CCRC Advisory Group for review in July 2018.

32. Please list each new program implemented by the agency during FY18 and FY19, to date. For each initiative please provide:

- a. A description of the initiative;**
- b. The funding required to implement to the initiative; and**
- c. Any documented results of the initiative.**

None. The agency consists of one program.

33. What are the top metrics regularly used by the agency to evaluate its operations? Please be specific about which data points are monitored by the agency.

The agency evaluates operational success by measuring its development of recommendations for changes to criminal statutes according to the CCRC's statutory goals, the production of well-researched supporting commentary and relevant statistics, and responsiveness to Advisory Group and any District or public queries. While the agency tracks the number of statutes for which it has developed draft reform recommendations, and the number of draft reports issued to its Advisory Group, the qualitative aspects of the agency's work (e.g., complexity of legal analysis involved and degree of improvement to the D.C. Code's clarity) are extremely difficult to measure.

The CCRC does not have a performance plan or performance measures and the Office of the City Administrator has not required the agency to submit a performance plan.

34. Please list the task forces and organizations of which the agency is a member.

The Executive Director participates as a Liaison on behalf of the agency to the American Law Institute's Model Penal Code Sexual Assault Project.

35. Please explain the impact on your agency of any legislation passed at the federal level during FY18 and FY19, to date, which significantly affected agency operations.

Under Congressional appropriations legislation, District expenditures to “enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance ...” are prohibited.³ The CCRC, in consultation with other authorities, has concluded that this appropriations provision does not restrict the CCRC from developing recommendations for changes to District controlled substance crimes or penalties. However, this appropriations provision may prevent Council review of any CCRC recommendations to change drug offense penalties—if the provision is still in place at that time. On its face, the appropriations provision does not prohibit changes to statutory definitions for drug offenses, changes relating to drug paraphernalia, or changes regarding possession of a weapon in connection with a drug offense.

36. Please identify all electronic databases maintained by your agency, including the following:

- a. A detailed description of the information tracked within each system; and**
- b. The age of the system and any discussion of substantial upgrades that have been made or are planned to the system.**

No electronic databases are maintained.

37. Please provide a detailed description of any new technology acquired in FY18 and FY19, to date, including the cost, where it is used, and what it does. Please explain if there have there been any issues with implementation.

In FY18 and FY19 to date the CCRC acquired the following new technology:

- New laptop computer (1); \$1,399; used onsite for staff meetings, and offsite for Advisory Group and other official business meetings, telework, and legal research at offsite law library.
- Adobe software (1 license); \$364.32; used on agency laptop to edit and prepare documents.
- Survey Monkey 1 year online subscription; \$384; used to test public opinion on offense relative severity.

38. Please provide a detailed description of how the CCRC plans to meet the statutory mandate of providing criminal code reform recommendations by October 1, 2019. Please include the agency’s current work plan and schedule.

Overall, the CCRC’s development of code reform recommendations follows four sequential (though overlapping) phases, summarized as follows:

Phase 1. Facilitate enactment of Title 22 of the D.C. Code, which contains most District offenses, and propose other minor amendments to District criminal statutes. Phase 1

³ Section 809 of 113 P.L. 235.

recommendations are intended to ease the administrative burden of future amendments to District criminal laws.

- Status: Completed. On May 5, 2017 the CCRC issued to the Council and Mayor *Report #1: Recommendations for Enactment of D.C. Code Title 22 and Other Changes to Criminal Statutes*.

Phase 2. Develop key general definitions, essential interpretive rules, and the most important culpability principles applicable to all reformed offenses. Phase 2 recommendations are intended to facilitate the clear and comprehensive drafting of reformed offenses, which will be consistently interpreted and applied by the courts.

- Status: Mostly completed. The CCRC has issued to its Advisory Group and received back written comments on a broad array of general provisions, including new, standardized culpable mental state definitions, causation, intoxication, and liability for attempts and conspiracy. An update of all general provisions that addresses Advisory Group comments to date is planned for release in March 2019. Remaining general provisions planned for development concern general defenses (e.g. self-defense), with draft recommendations for justification defenses planned for release to the CCRC Advisory Group on or by August 2019.

Phase 3. Develop reforms to individual offenses consistent with general provisions using language that is accessible, intuitive, and complete. Phase 3 recommendations are intended to facilitate the clear articulation and consistent interpretation of District offenses.

- Status: Partially completed. The CCRC has issued to its Advisory Group and received back written comments on most District property offenses and offenses against persons, and some public order and other offenses. An update of all draft reform recommendations for specific offenses that addresses Advisory Group comments to date is planned for release in March 2019. Remaining specific offenses planned for review in the next five months include controlled substance and weapon possession offenses. Release of drug and weapon first draft recommendations to the CCRC Advisory Group are tentatively planned for, or by, June and July 2019, respectively. Time permitting, revision of additional offenses may be possible following the sequence in the Work Plan and Schedule.

Phase 4. Review all reformed offenses together as a whole, creating an ordinal ranking of offense severity and establishing the classification of all individual offenses. Phase 4 recommendations are intended to facilitate proportionate penalties for all reformed District offenses.

- Status: Preliminary research completed. The CCRC is awaiting an corrected dataset from the Superior Court and will soon be conducting a large-scale survey of public opinion that will facilitate its recommendations regarding penalties. Release of draft recommendations on penalties to the CCRC Advisory Group is tentatively planned for August 2019.

These four phases follow an overarching logic: prepare Title 22 for reform, create a general framework applicable to all reformed offenses, reform offenses using that general framework, and then reform the penalties for all offenses to be proportionate.

In preparing its reform recommendations, the CCRC consults with its Advisory Group, a statutorily designated group of stakeholders who review and provide information and suggestions on proposals prepared by the CCRC. The CCRC also reviews criminal code reforms in other jurisdictions, changes to criminal offenses recommended by the American Law Institute, and best practices recommended by criminal law experts.

By its statutory deadline the agency will submit to the Council and Mayor a report containing its final reform recommendations. The report will consist of: 1) statutory text for a new general part (providing common definitions and rules of liability applicable to revised offenses) and a new special part (consisting of dozens of offenses against persons and property); 2) a commentary explaining how and why the revisions change current District law and highlights relevant practices in other jurisdictions and District statistics; 3) an appendix providing a copy of all Advisory Group written comments on the drafts and final versions of recommendations; and 4) an appendix providing additional statistical information on charging and sentencing.

Currently, the CCRC's statutory authorization is set to expire on October 1, 2019. However, the CCRC is requesting a legislative extension of the agency's mandate and funding through FY 20 as part of the District's FY 20 budget. Such an extension will allow the CCRC to complete reform recommendations for a substantially greater percentage of the criminal offenses currently prosecuted in the District.⁴ On the other hand, if there is no legislative extension of the agency past October 1, 2019, the agency soon will need to refocus its work on finalization of its existing draft work instead of developing new recommendations.⁵ The agency's planned work on drug and weapon possession offenses in the spring and summer of 2019 may not be able to be completed.

For more details of how the CCRC plans to meet its statutory mandate, please see the agency's current work plan and schedule, attached as Appendix C.

- a. Has the agency encountered any programmatic or implementation challenges since the last performance oversight hearing? If so, please discuss how the agency plans to resolve these challenges.**

⁴ Should the CCRC be extended through FY 20 and work on schedule, the CCRC will have issued draft recommendations to revise the approximately 250 crimes that accounted for over 96% of all adult convictions in recent years. Notably, operation through FY 20 would enable work on offenses against government operations, for example, obstruction of justice, bribery, and public corruption. Other offenses such as traffic crimes in Title 50 of the D.C. Code may also be reviewable with extension through FY 20.

⁵ To finalize all outstanding draft recommendations, to draft Title 22 enactment legislation, and to develop introductory and summary materials to accompany the final recommendations is expected to take 4-6 months. Consequently, whatever the expiration of the statutory authorization for the agency, agency work on new recommendations must cease 4-6 months in advance.

The primary programmatic or implementation challenge facing the agency continues to be the scale of the agency's mandate to provide comprehensive recommendations on revision of District criminal statutes. The D.C. Code contains, by CCRC estimates, at least 700 distinct criminal offenses. Reform of all these statutes is not feasible within the agency's statutorily-allotted timeframe with current staffing levels. Since its inception, the CCRC has prioritized reform of statutes that describe the most serious and frequently sentenced District crimes in order to use its resources to greatest effect. This pragmatic approach has guided the agency's development, to date, of reform recommendations for offenses that accounted for about half of all adult felony and misdemeanor convictions from 2010-2016. By the end of FY19, with the development of reform recommendations for drug and weapon offenses, that percentage is expected to rise to about 80%.⁶ If, as the agency has requested, its mandate is extended through FY 20 and work proceeds on schedule, the CCRC will have issued draft recommendations to revise the approximately 250 crimes that have accounted for over 96% of all adult convictions in recent years. This is in addition to the many new criminal provisions and codification of general defenses that the CCRC will be recommending. To maximize the effectiveness of the agency's work, the agency's updated agency Work Plan and Schedule in Appendix C, specifies groupings of offenses in need of review and an order of priority for review of those groups of offenses.

39. Please discuss the work of the Code Revision Advisory Group, including the number of meetings that have occurred in FY18 and FY19, to date.

In FY18 and FY19 to date the Advisory Group has received and reviewed (or is in the process of reviewing) over two dozen drafts reports containing draft criminal code reform recommendations. These materials total over 750 pages of legal research, statistical information, and draft statutory text.

Per the CCRC's procedures and the requirements of its statute, the Advisory Group has at least one month to provide written comments on each draft report containing possible criminal code reform recommendations. In FY18 and FY19 the Office of the Attorney General and the Public Defender Service have provided written comments on nearly every draft report circulated for review. Other Advisory Group members have not provided written comments in that timeframe, however all voting Advisory Group members have provided oral comments on the CCRC's work to some degree.

In FY18 and FY19, to date, the Advisory Group has held 15 meetings. For attendance at the meetings, see response to question #28, above.

a. How many additional Advisory Group meetings does the CCRC anticipate holding in FY19?

⁶ This estimate assumes that the agency will be able to continue developing new reform recommendations through FY19. However, as noted above in footnote 4, the agency will need to devote the final 4-6 months of its work to finalizing its existing draft recommendations and submitting them to the Council and Mayor.

The CCRC anticipates holding a minimum of one Advisory Group meeting per month in FY19, however the January 2019 meeting was cancelled due to the inability of Advisory Group members who are federal employees being unable to attend. Additional meetings will be scheduled as necessary.

b. How does the CCRC plan to incorporate Advisory Group member comments into its final recommendations to be submitted to the Council and the Mayor?

All Advisory Group written comments are reviewed and, where consistent with the agency's statutory responsibilities and other members' input, changes suggested in the Advisory Group's comments will be reflect in the CCRC's final recommended statutory language and commentary that are provided to the Council and Mayor. In addition, all Advisory Group written comments will be compiled into an appendix that accompanies the CCRC's report with final recommendations for the Council and Mayor.

40. Please list any Council hearings at which CCRC offered testimony.

In FY18 and FY19, to date, the CCRC offered testimony at the following Council hearings:

- October 4, 2018 Hearing on Protecting Immigrants from Extortion Amendment Act of 2018
- July 11, 2018 Hearing on the Protection from Sexual Extortion Amendment Act of 2017
- October 19, 2017 Hearing on the Fare Evasion Decriminalization Act of 2017

41. Please list any reports or analyses that the CCRC plans to release in the remainder of FY19.

- Report #2: Recommendations for Enactment of D.C. Code Title 22 and Other Changes to Criminal Statutes. (Should the agency's operation be extended through FY20, work would continue to add additional recommendations to this report).
- FY19 Report on Second Quarter Activities.
- FY19 Report on Third Quarter Activities.
- FY19 Report on Fourth Quarter Activities.
- Additional *draft* reports are expected to be released to the CCRC's Advisory Group to address the criminal statutes described in the Work Plan and Schedule in Appendix C.

42. Please provide an update on any issues related to maintaining the CCRC's office space in 441 4th Street, NW, until its mandate is completed.

The CCRC occupies one room in the basement level of the District office building at 441 4th St. NW. The location was previously used by contractors to the D.C. Sentencing and Criminal Code Reform Commission (the parent agency of the CCRC), and reassigned to the CCRC by DGS at the start of its operation on October 1, 2016. The CCRC does not have an

MOU controlling its use of the space, and does not reimburse DGS for use of the space. It is unclear whether the agency's continued use of the space is feasible if its operation be extended through FY 20. It should also be noted that the current lack of a second room or individual offices poses operational difficulties in a variety of ways—e.g., all meetings of the agency's Advisory Group, sensitive HR conversations, and needs for employee privacy (e.g. breastfeeding) require relocation out of the agency's offices. The CCRC has relied upon the Citywide Conferencing Center and other building rooms for additional space, as needed.

Appendix A

(Schedule A)

Criminal Code Reform Commission (CCRC) 2019 Performance Oversight Hearing Questions & Responses
Appendix A (Schedule A)

| District of Columbia Criminal Code Reform Commission (MA0) | | | | | | | | | | | | | | | | | |
|---|-----------------|----------------------|---------------------|-----------|--------|-------|------|---------|-----------------|-------|----|--------|------|--------------|---------------|-------|----------------|
| Schedule A as of January 24, 2019 | | | | | | | | | | | | | | | | | |
| Posn Stat | Position Number | Title | Name | Hire Date | Status | Grade | Step | Salary | Fringe Benefits | FTE % | FY | Agency | Fund | Program Code | Activity Code | F/P/T | Reg/Temp /Term |
| A | 00001748 | Attorney Advisor | Sulton,Patrice A | 4/2/2018 | F | 7 | 0 | 86,700 | 18,380 | 1 | 19 | MA0 | 0100 | 1001 | 1010 | F | Reg |
| A | 00047268 | Executive Director | Schmechel,Richard S | 11/5/2012 | F | 9 | 0 | 137,165 | 29,079 | 1 | 19 | MA0 | 0100 | 1001 | 1010 | F | Reg |
| A | 00075456 | Attorney Advisor | Park,Jinwoo | 9/9/2013 | F | 7 | 0 | 99,807 | 21,159 | 1 | 19 | MA0 | 0100 | 1001 | 1010 | F | Reg |
| A | 00075457 | Sr. Attorney Advisor | Serota,Michael Eli | 1/14/2013 | F | 8 | 0 | 110,313 | 23,386 | 1 | 19 | MA0 | 0100 | 1001 | 1010 | F | Reg |
| A | 00075475 | Sr. Attorney Advisor | Redfern,Rachel S | 1/14/2013 | F | 8 | 0 | 110,313 | 23,386 | 1 | 19 | MA0 | 0100 | 1001 | 1010 | F | Reg |

Appendix B

(CCRC Reports Issued
FY18 and FY19 (To Date))

Report Appendices have been redacted due to their length. Complete reports are available online at <https://ccrc.dc.gov/page/ccrc-documents> or <http://lims.dccouncil.us/>.



DISTRICT OF COLUMBIA CRIMINAL CODE REFORM COMMISSION

2018 ANNUAL REPORT*

January 24, 2019

DISTRICT OF COLUMBIA CRIMINAL CODE REFORM COMMISSION
441 FOURTH STREET, NW, SUITE 1C001 SOUTH
WASHINGTON, DC 20001
PHONE: (202) 442-8715

*This document also serves as the agency's report on activities for the quarter that ended Dec. 31, 2018.

INTRODUCTION

The D.C. Criminal Code Reform Commission (CCRC) is pleased to present its Annual Report for calendar year 2018, in compliance with its statutory mandate.¹ To avoid unnecessary duplication, this Annual Report also serves as the agency's quarterly report on activities for the first quarter of fiscal year 2019 that ended on December 31, 2018.²

The CCRC began operation as an independent District agency on October 1, 2016, pursuant to language in the Council of the District of Columbia's Fiscal Year 2017 Budget Support Act of 2016. The CCRC is tasked with submitting to the Mayor and the Council comprehensive criminal code reform recommendations that revise the language of the District's criminal statutes within specified parameters, with a current statutory deadline of October 1, 2019.³ In preparing these reform recommendations, the CCRC is required to consult with a Code Revision Advisory Group ("Advisory Group"), a statutorily designated group of stakeholders who review and provide information and suggestions on proposals prepared by the CCRC. The Advisory Group consists of 5 voting members and 2 nonvoting members.⁴ A majority vote of the Advisory

¹ The CCRC's statutory mandate for an annual report requires that:

The Commission shall file an annual report with the Council before March 31 of each year that includes: (1) A summary and copy of all recommendations for reforms to criminal statutes developed by the Commission during the previous calendar year; (2) A summary and copy of comments received from the Advisory Group during the previous calendar year and their disposition; (3) A summary of other Commission activities during the previous calendar year; (4) A description of any problems discovered with prior Commission work or changes to prior work that are necessary due to legislative changes or court rulings; (5) A description of any issues that could delay or prevent the Commission from timely fulfilling its statutory duties; and (6) A work plan and schedule, or revisions to an existing work plan and schedule, for carrying out the responsibilities of the Commission to meet statutory requirements.

D.C. Code § 3-154(b).

² The CCRC's statutory mandate for quarterly reports states that: "The Commission shall file quarterly reports with the Council that provide a summary of activities during the prior quarter." D.C. Code § 3-154(a).

³ The CCRC's mandate states:

By September 30, 2019, the Commission shall submit to the Mayor and the Council comprehensive criminal code reform recommendations that revise the language of the District's criminal statutes to: (1) Use clear and plain language; (2) Apply consistent, clearly articulated definitions; (3) Describe all elements, including mental states, that must be proven; (4) Reduce unnecessary overlap and gaps between criminal offenses; (5) Eliminate archaic and unused offenses; (6) Adjust penalties, fines, and the gradation of offenses to provide for proportionate penalties; (7) Organize existing criminal statutes in a logical order; (8) Identify any crimes defined in common law that should be codified, and propose recommended language for codification, as appropriate; (9) Identify criminal statutes that have been held to be unconstitutional and recommend their removal or amendment; (10) Propose such other amendments as the Commission believes are necessary; and (11) Enable the adoption of Title 22 as an enacted title of the District of Columbia Official Code.

D.C. Code § 3-152(a).

⁴ The current voting members of the Advisory Group are: Don Braman, Associate Professor of Law, George Washington University School of Law (Council Appointee); Paul Butler, Professor of Law, Georgetown University Law Center (Council Appointee); Renata Kendrick Cooper, Special Counsel for Policy and Legislative Affairs, United States Attorney's Office for the District of Columbia (Designee of the United States Attorney for the District of Columbia); Laura Hankins, General Counsel, Public Defender Service for the District of Columbia (Designee of the Director of the Public Defender Service for the District of Columbia); and Dave Rosenthal, Senior Assistant Attorney General, Office of the Attorney General (Designee of the Attorney General for the District of Columbia).

Group is required for any recommendations to be submitted to the Council and the Mayor.⁵ In preparing its reform recommendations the CCRC also reviews criminal code reforms in other jurisdictions, changes to criminal offenses recommended by the American Law Institute, and best practices recommended by criminal law experts.⁶

This Annual Report is divided into six sections, corresponding to the six statutory requirements for the CCRC's Annual Report.⁷

I. SUMMARY OF REFORM RECOMMENDATIONS DEVELOPED IN 2018

The agency's development of reforms to criminal statutes in 2018 followed the general approach described in the agency's Work Plan and Schedule issued with its 2016 Annual Report on February 9, 2017. Under that Work Plan and Schedule, the agency's work is divided into four overlapping phases:

- Phase 1 (Enactment of Title 22 of the D.C. Code and other technical amendments to criminal statutes);⁸
- Phase 2 (Creation of a General Part providing definitions, interpretive rules, and culpability principles);
- Phase 3 (Revision of specific offenses' elements); and
- Phase 4 (Review and revision to improve penalty proportionality).

The CCRC's activities in 2018 focused on Phases 2 and 3, with preliminary work on Phase 4.

Phase 2.

Regarding Phase 2, in 2018 the CCRC developed refined prior draft recommendations and developed a variety of new recommendations that were circulated to the CCRC Advisory Group for review. Work for this phase addresses several of the agency's statutory mandates,⁹ and began in late 2016, shortly after the agency's inception.¹⁰ The CCRC's Phase 2

The current non-voting members of the Advisory Group are: Kevin Whitfield, Policy Advisor, Committee on the Judiciary and Public Safety (Designee of the Chairperson of the Council Committee on the Judiciary and Public Safety); and Helder Gil, Chief of Staff, Office of the of the Deputy Mayor for Public Safety and Justice (Designee of the Deputy Mayor for Public Safety and Justice).

⁵ Criminal Code Reform Commission Establishment Act of 2016, Bill 21-669, Section 3123, Fiscal Year 2017 Budget Support Act of 2016 (June 21, 2016).

⁶ *Id.*

⁷ *See supra*, note 1.

⁸ This phase was completed with the CCRC's issuance to the Council and Mayor on May 5, 2017 of Report #1: Recommendations for Enactment of D.C. Code Title 22 and Other Changes to Criminal Statutes.

⁹ D.C. Code § 3-152(a) (“(1) Use clear and plain language; (2) Apply consistent, clearly articulated definitions; (3) Describe all elements, including mental states, that must be proven; (7) Organize existing criminal statutes in a logical order; (10) Propose such other amendments as the Commission believes are necessary . . .”).

¹⁰ *See* First Draft of Report #2, Recommendations for Chapter 2 of the Revised Criminal Code: Basic Requirements of Offense Liability (December 21, 2016). The report contained general provisions establishing a voluntariness requirement, a causation requirement, a culpable mental state requirement, a hierarchy of culpable mental states, and rules of interpretation applicable to the culpable mental state requirement.

recommendations for a set of general provisions are intended to prescribe definitions and rules of liability that apply to all revised offenses (e.g. theft, assault, etc.). Such general provisions are essential tools to improve the completeness, consistency, and precision of specific offenses. In 2018 also included in its Phase 2 work the development of recommendations regarding inchoate offenses (attempts, conspiracy, accessory liability). The CCRC’s draft general provisions follow the basic design of the American Law Institute’s Model Penal Code (MPC), which has been adopted by most states and has recently been adopted by the D.C. Court of Appeals (DCCA) in particular cases to resolve statutory ambiguities.¹¹

Specifically in 2018, the CCRC issued new draft recommendations concerning the following¹²:

- § 22E-302. Solicitation. [D.C. Code § 2-2107]¹³
- § 22E-305. Renunciation Defense to Attempt, Conspiracy, and Solicitation.¹⁴
- § 22E-210. Accomplice Liability. [D.C. Code § 22-1805]¹⁵
- § 22E-211. Liability for Causing Crime by an Innocent or Irresponsible Person.¹⁶
- § 22E-214. Merger of Related Offenses.¹⁷
- § 22E-304. Exceptions to General Inchoate Liability.¹⁸
- § 22E-305. Renunciation Defense to Attempt, Conspiracy, and Solicitation.¹⁹
- § 22E-215. De Minimus Defense.²⁰

The CCRC discussed, or in the planning months has plans to discuss, these new draft recommendations with its Advisory Group. The agency received many written comments from Advisory Group members on the materials (see Annual Report section II, below).

Phase 3.

Regarding Phase 3, in 2018 the CCRC refined prior draft recommendations and developed a variety of new recommendations that were circulated to the CCRC Advisory Group for review. Work for this phase addresses several of the agency’s statutory mandates.²¹ The Phase 3

¹¹ See, e.g., *Carrell v. United States*, 165 A.3d 314, 320, 324 (D.C. 2017) (*en banc*).

¹² The designation “§ 22E-XXXX” is used to denote the location of the provision in the CCRC’s draft recommendations, while corresponding D.C. Code offenses, where applicable, are listed in square brackets.

¹³ First Draft of Report #18 – Solicitation and Renunciation (March 16, 2018).

¹⁴ *Id.*

¹⁵ First Draft of Report #22 - Accomplice Liability and Related Provisions (May 15, 2018).

¹⁶ *Id.*

¹⁷ First Draft of Report #25 - Merger (July 20, 2018).

¹⁸ First Draft of Report #30 - Withdrawal Defense & Exceptions to Legal Accountability and General Inchoate Liability (September 26, 2018).

¹⁹ *Id.*

²⁰ First Draft of Report #34 – De Minimus Defense (December 28, 2018).

²¹ D.C. Code § 3-152(a) (“(1) Use clear and plain language; (2) Apply consistent, clearly articulated definitions; (3) Describe all elements, including mental states, that must be proven; (4) Reduce unnecessary overlap and gaps between criminal offenses; (5) Eliminate archaic and unused offenses . . . (7) Organize existing criminal statutes in a logical order; (8) Identify any crimes defined in common law that should be codified, and propose recommended language for codification, as appropriate . . . (10) Propose such other amendments as the Commission believes are necessary . . .”).

recommendations modernize the structure and language of the most serious, frequently-sentenced District offenses, consistent with the general definitions, rules, and principles for establishing liability established by the general provisions developed in Phase 2. Draft recommendations for specific offenses differentiate gradations in liability but do not propose specific penalties or fines, a matter for Phase 4.

Specifically in 2018, the CCRC issued new draft recommendations concerning the following²²:

- § 22E-1101. Murder. [D.C. Code §§ 22-2101; 22-2102; 22-2103, 22-2104; 22-2104.01; 22-2106]²³
- § 22E-1102. Manslaughter. [D.C. Code § 22-2105]²⁴
- § 22E-1103. Negligent Homicide. [D.C. Code § 50-2203.01]²⁵
- § 22E-1501. Criminal Abuse of a Minor. [D.C. Code §§ 22-1101; 22-1102]²⁶
- § 22E-1502. Criminal Neglect of a Minor. [D.C. Code §§ 22-1101; 22-1102]²⁷
- § 22E-1503. Criminal Abuse of a Vulnerable Adult or Elderly Person. [D.C. Code §§ 22-933; 22-934; 22-935; 22-936]²⁸
- § 22E-1504. Criminal Neglect of a Vulnerable Adult or Elderly Person. [D.C. Code §§ 22-933; 22-934; 22-935; 22-936]²⁹
- § 22E-1401. Kidnapping. [D.C. Code § 22-2001]³⁰
- § 22E-1402. Criminal Restraint. [D.C. Code § 22-2001]³¹
- § 22E-4201. Disorderly Conduct. [D.C. Code §§ 22-1301; 22-1321]³²
- § 22E-4202. Public Nuisance. [D.C. Code § 22-1321]³³
- § 22E-4301. Rioting. [D.C. Code § 22-1322]³⁴
- § 22E-4302. Failure to Disperse³⁵
- § 22E-1301. Sexual Assault. [D.C. Code §§ 22-3002; 22-3003; 22-3004; 22-3005; 22-3007; 22-3018; 22-3019; 22-3020]³⁶
- § 22E-1302. Sexual Abuse of a Minor. [D.C. Code §§ 22-3008; 22-3009; 22-3009.01; 22-3009.02; 22-3009.03; 22-3009.04; 22-3011; 22-3012; 22-3018; 22-3019; 22-3020]³⁷
- § 22E-1303. Sexual Exploitation of an Adult. [D.C. Code §§ 22-3013; 22-3014; 22-3015; 22-3016; 22-3017; 22-3018; 22-3019; 22-3020]³⁸

²² The designation “§ 22E-XXXX” is used to denote the location of the provision in the CCRC’s draft recommendations, while corresponding D.C. Code offenses, where applicable, are listed in square brackets.

²³ First Draft of Report #19 - Homicide (March 16, 2018).

²⁴ *Id.*

²⁵ *Id.*

²⁶ First Draft of Report #20 - Abuse & Neglect of Children, Elderly, and Vulnerable Adults (March 16, 2018).

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ First Draft of Report #21 - Kidnapping and Related Offenses (May 18, 2018).

³¹ *Id.*

³² First Draft of Report #23 - Disorderly Conduct and Public Nuisance (July 20, 2018).

³³ *Id.*

³⁴ First Draft of Report #24 – Failure to Disperse and Rioting (July 20, 2018).

³⁵ *Id.*

³⁶ First Draft of Report #26 – Sexual Assault and Related Provisions (September 26, 2018).

³⁷ *Id.*

³⁸ *Id.*

- § 22E-1304. Sexually Suggestive Conduct with a Minor. [D.C. Code §§ 22-3010.01; 22-3012; 22-3018; 22-3019; 22-3020] ³⁹
- § 22E-1305. Enticing a Minor. [D.C. Code §§ 22-3010; 22-3012; 22-3018; 22-3019; 22-3020] ⁴⁰
- § 22E-1306. Arranging for Sexual Conduct with a Minor. [D.C. Code §§ 22-3010.02; 22-3018; 22-3019; 22-3020] ⁴¹
- § 22E-1307. Nonconsensual Sexual Conduct. [D.C. Code §§ 22-3006; 22-3007; 22-3018; 22-3019; 22-3020] ⁴²
- § 22E-1308. Limitations on Liability for RCC Chapter 13 Offenses ⁴³
- § 22E-1601. Forced Labor or Services. [D.C. Code §§ 22-1832; 22-1837] ⁴⁴
- § 22E-1602. Forced Commercial Sex. [D.C. Code § 22-1833] ⁴⁵
- § 22E-1603. Trafficking in Labor or Services. [D.C. Code §§ 22-1833; 22-1837] ⁴⁶
- § 22E-1604. Trafficking in Commercial Sex. [D.C. Code §§ 22-1833; 22-1837] ⁴⁷
- § 22E-1605. Sex Trafficking of Minors. [D.C. Code §§ 22-1834; 22-1837] ⁴⁸
- § 22E-1606. Benefitting from Human Trafficking. [D.C. Code §§ 22-1836, 22-1837] ⁴⁹
- § 22E-1607. Misuse of Documents in Furtherance of Human Trafficking. [D.C. Code §§ 22-1835; 22-1837] ⁵⁰
- § 22E-1608. Sex Trafficking Patronage ⁵¹
- § 22E-1609. Forfeiture. [D.C. Code § 22-1838] ⁵²
- § 22E-1610. Reputation or Opinion Evidence. [D.C. Code § 22-1839] ⁵³
- § 22E-1611. Civil Action. [D.C. Code § 22-1840] ⁵⁴
- § 22E-1612. Limitations on Liability and Sentencing for RCC Chapter 16 Offenses ⁵⁵
- § 22E-1206. Stalking. [D.C. Code §§ 22-3131; 22-3132; 22-3133; 22-3134; 22-3135] ⁵⁶
- D.C. Code § 5-115.03. Failure to Make Arrest for Offense Committed in Presence. ⁵⁷
- § 22E-3401. Escape from Institution or Officer. [D.C. Code §§ 22-2601; 10-509.01a] ⁵⁸
- § 22E-3402. Tampering with a Detection Device. [D.C. Code § 22-1211] ⁵⁹

³⁹ *Id.*

⁴⁰ First Draft of Report #26 – Sexual Assault and Related Provisions (September 26, 2018).

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ First Draft of Report #27 – Human Trafficking and Related Statutes (September 26, 2018).

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ First Draft of Report #28 – Stalking (September 26, 2018).

⁵⁷ First Draft of Report #29 – Failure to Arrest (September 26, 2018).

⁵⁸ First Draft of Report #31 – Escape from Institution or Officer (December 28, 2018).

⁵⁹ First Draft of Report #32 – Tampering with a Detection Device (December 28, 2018).

- § 22E-3403. Correctional Facility Contraband. [D.C. Code §§ 22-2603.01 -22-2603.04].⁶⁰

The CCRC discussed, or in the planning months has plans to discuss, these new draft recommendations with its Advisory Group. The agency received many written comments from Advisory Group members on the materials (see Annual Report section II, below).

Phase 4.

Regarding Phase 4, in 2018 the CCRC, with the help of the Lab in the Office of the City Administrator, completed a preliminary analysis of Superior Court data for misdemeanor and felony dispositions 2010-2016. The results of that preliminary analysis were shared with the CCRC's Advisory Group in July 2018. The CCRC also completed a test survey of District public opinion regarding the relative severity of offenses, in anticipation of a more robust survey in 2019. Along with consideration of the District's current statutorily-authorized penalties and the Voluntary Sentencing Guidelines used in Superior Court, analysis of Superior Court data on charging and sentencing, and public opinion on relative offense severity will be considerations in the CCRC's development in 2019 of reform recommendations to improve penalty proportionality.

The recommendations developed in Phases 2, 3, and 4 will be combined, forming a single, cohesive set of reformed crimes in a new, enacted Title 22. The combined reform recommendations will be presented in the CCRC's second (and final) major report to the Council and Mayor by the agency's statutory deadline.

The draft recommendations for new statutory language developed in 2018 for Phases 2 & 3 is included in the compilation of draft statutory language that the CCRC has developed to-date, attached as Appendix A. Draft recommendations for both statutory language and commentary released to the CCRC Advisory Group in 2018 total over 750 pages in length and are available on the CCRC website at <https://ccrc.dc.gov/page/ccrc-documents>.

II. SUMMARY OF COMMENTS RECEIVED FROM THE CCRC ADVISORY GROUP IN 2018

In preparing its reform recommendations, the CCRC is statutorily required to consult with a Code Revision Advisory Group, a statutorily designated group of stakeholders who review and provide information and suggestions on proposals prepared by the CCRC. The Advisory Group consists of 5 voting members and 2 nonvoting members.⁶¹ Advisory Group members have the opportunity to provide written comments⁶² on all draft recommendations developed by the

⁶⁰ First Draft of Report #33 – Correctional Facility Contraband (December 28, 2018).

⁶¹ See note #4, above, for a list of current members of the Advisory Group.

⁶² D.C. Code § 3-153(c) (“The Commission shall provide drafts of its recommended reforms to criminal statutes to the Advisory Group in the form of reports. Advisory Group members may provide to the Commission written

CCRC, and additional oral discussion on draft recommendations is held during the Advisory Group's monthly meetings. All Advisory Group recommendations are considered, reconciled consistent with each other and the agency's statutory mandate, and the CCRC's final recommendations are based on the comments received.⁶³

In 2018 the CCRC received oral feedback from the Advisory Group on a wide array of its draft recommendations, meeting regularly on the request of some members to discuss their questions and concerns. In addition, in 2018 the CCRC received over 100 pages of written comments from the Office of the Attorney General for the District of Columbia and the Office of the Public Defender Service for the District of Columbia. The Advisory Group written comments received in 2018 are included in the compilation of Advisory Group written comments on recommendations developed to-date, attached as Appendix B.

III. SUMMARY OF OTHER COMMISSION ACTIVITIES IN 2018

In addition to its primary mission of developing criminal code reform recommendations, the agency has engaged in a variety of supporting activities, including the following.

Data.

- On February 2, 2018 the D.C. Superior Court ("Court") provided to the CCRC a corrected data set providing information on certain charging and sentencing dispositions for the time period 2010-2016. This data set was a response to the agency's September 8, 2017 request for a data set that would include important information (e.g. regarding attempted crimes) missing from the data set the Court had provided August 7, 2017. On receipt of the corrected data set, the CCRC began work to clean and analyze the data with the help of the Lab in the Office of the City Administrator.
- On July 13, 2018 the CCRC's Data Use Agreement (DUA) with the Court concerning use of a dataset with information on adult criminal charges, convictions, and related information from 2010-2016 was amended to extend the expiration date through FY 19. Currently the DUA with the Court is set to expire September 30, 2019.
- On October 17, 2018 the CCRC's Memorandum of Understanding (MOU) with the Office of the City Administrator (OCA) concerning provision of analyses on criminal information datasets was amended to extend the expiration date through FY19 and ensure compliance with the Superior Court DUA. Currently the MOU with OCA is set to expire September 30, 2019.
- On November 5, 2018 the CCRC requested amendment of the existing DUA with the Court to add a few additional data fields and the years 2009, 2017, and 2018 to the dataset previously provided by the Court. The request was received and, apparently, in

comments in response to those recommendations within a reasonable period of time, to be determined by the Executive Director, but not less than one month.").

⁶³ D.C. Code § 3-153(d) ("The Commission shall consider all written comments that are timely received from Advisory Group members under subsection (c) of this section and propose all final recommendations to the Council based on the comments received.").

process before the federal shutdown occurred and the agency's point of contact was furloughed. To date, the Superior Court has not provided the updated dataset or amended the DUA.

Council Testimony.

- On February 15, 2018 CCRC Executive Director Richard Schmechel testified on behalf of the agency before the Committee on the Judiciary and Public Safety at the agency's annual performance oversight hearing.
- On July 11, 2018 CCRC Executive Director Richard Schmechel testified on behalf of the agency before the Committee on the Judiciary and Public Safety at its hearing on the Protection from Sexual Extortion Amendment Act of 2017.
- On October 4, 2018 CCRC Executive Director Richard Schmechel testified on behalf of the agency before the Committee on the Judiciary and Public Safety at its hearing on Protecting Immigrants from Extortion Amendment Act of 2018.

Staffing & Training.

- On April 2, 2018, Ms. Patrice Sulton was hired as an Attorney Advisor to fill a vacancy left by an employee's resignation.
- Over the summer months of 2018 four legal interns joined the agency, providing *pro bono* legal research in aid of the CCRC's mission for the following ten weeks.
- On October 12, 2018 the Executive Director attended an American Law Institute meeting entitled "Model Penal Code: Sexual Assault and Related Offenses" as a liaison from the CCRC.

Transparency & Outreach.

- On January 24, 2018, the CCRC Executive Director gave a public presentation as part of the Lab in the Office of the City Administrator's luncheon series at the John A. Wilson building on redesigning the District's criminal code. The presentation was followed by a question and answer session and an interview that became part of the Lab's podcasts.
- Throughout 2017 the agency posted all its draft and final recommendations regarding criminal code reform to the agency's website to provide maximum transparency.

IV. STATUS OF PRIOR COMMISSION WORK

The CCRC is not aware of any problems with or changes that are necessary to its prior recommendations to the Council and Mayor due to legislative changes or court rulings.

The agency monitors appellate decisions and legislation on a weekly basis and continually incorporates changes into its draft recommendations as necessary. For example, the agency's draft recommendations for revising the District's disorderly conduct statute were recently rewritten (and soon will be re-released to the Advisory Group for review) in light of the D.C. Court of Appeals' recent decision in *Solon v. United States*, 17-CM-1118, 2018 WL 6214210 (D.C. Nov. 29, 2018), which for the first time interpreted the current D.C. Code statutory

language for disorderly conduct. Similarly, changes to the CCRC's draft definition of "coercion," affecting multiple revised offenses, was partially rewritten in light of the Council's recent passage into law of the *Sexual Blackmail Elimination and Immigrant Protection Amendment Act of 2018*.

V. ISSUES POTENTIALLY DELAYING OR PREVENTING COMMISSION WORK

As described in the agency's Work Plan and Schedule, Appendix C, the CCRC cannot revise all District crimes with its currently authorized time and resources. Rather the agency is prioritizing the development of reform recommendations for offenses that are the most common and serious in the District, increasing the number of crimes it reviews within the time provided by the Mayor and Council.

With that general caveat regarding the scope of the agency's work, there are several variables that may diminish the number of statutory sections that the CCRC plans to review under its Work Plan and Schedule. These variables include:

- Agency staff loss or unanticipated extended leave;
- New court decisions or legislation (District or federal) affecting draft recommendations;
- Delays in preparation of recommendations for statutory sections other than current offenses (see below);
- Advisory Group comments requiring additional drafts of issued recommendations; and
- Advisory Group disagreement that delays a vote to approve the final recommendations.

Of these matters, two are of particular concern. The first is the possibility of significant staff attrition and/or extended leave. The agency's staff is comprised of just five people and has developed unique expertise with the code revision process. In case of staff departure, it will be extremely difficult to attract highly qualified individuals (given the time-limited nature of the employment) and train them in time to significantly advance agency work before the agency's statutory deadline. Extended leave by agency staff also could significantly diminish the number of criminal statutes for which the agency will develop recommendations.

Second, under the agency's statute, the CCRC's Advisory Group's voting members must approve by majority vote all final recommendations of the CCRC before they may be transmitted to the Mayor and Council. To date, no Advisory Group members have stated that they cannot support the agency's draft recommendations, and the differences of opinion that are apparent in Advisory Group members' comments to the agency do not appear to jeopardize final approval. However, the possibility remains that Advisory Group members, perhaps even a majority, may raise fundamental objections to the agency's proposals prior to a final vote. Should such objections be raised, significant additional time may be needed for staff to restructure its proposals and reengage the Advisory Group with respect to revisions.

Lastly, it should also be noted that the federal government shutdown that began in late 2018 has adversely affected the operation of the CCRC's Advisory Group, two of whom are federal employees. With these Advisory Group members unavailable, the CCRC has had to cancel Advisory Group meetings, with consequent delays in the review of draft recommendations. The federal shutdown has also delayed a D.C. Superior Court response to the agency's latest data request.

VI. WORK PLAN AND SCHEDULE FOR COMMISSION WORK

See Appendix C, attached.



Criminal Code Reform Commission

FY 2018

Fourth Quarter Report

SUBMITTED TO THE COUNCIL

November 16, 2018

DISTRICT OF COLUMBIA CRIMINAL CODE REFORM COMMISSION

441 FOURTH STREET, NW, SUITE 1C001 SOUTH

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PREFACE

The Criminal Code Reform Commission (CCRC) submits this quarterly report summarizing its recent activities, as required by statute.¹ This report concerns the fourth quarter of FY 2018, from July 1 through September 30, 2018. The CCRC's last quarterly report, on the third quarter of FY 2018, was submitted to the Council on August 28, 2018.²

CCRC STATUTORY AUTHORITY

The CCRC began operation as a new, independent District agency on October 1, 2016, pursuant to the Council of the District of Columbia's Fiscal Year 2017 Budget Support Act of 2016. The CCRC is tasked with submitting to the Mayor and the Council comprehensive criminal code reform recommendations to revise the language of the District's criminal statutes within specified parameters.³ In preparing these reform recommendations, the CCRC is required to consult with a Code Revision Advisory Group (Advisory Group), a statutorily designated group of stakeholders who review and provide information and suggestions on proposals prepared by the CCRC. The Advisory Group consists of 5 voting members and 2 nonvoting members.⁴ Approval by a majority of the Advisory Group is required for final recommendations to be submitted to the Council and the Mayor.⁵ In preparing its reform recommendations the CCRC also reviews criminal code reforms in other jurisdictions, changes to criminal offenses recommended by the American Law Institute, and best practices recommended by criminal law

¹ D.C. Code § 3-154(a).

² Available online at <http://lms.dccouncil.us/Legislation/RC22-0210?FromSearchResults=true>.

³ The CCRC's mandate in D.C. Code § 3-152(a) states:

By September 30, 2019, the Commission shall submit to the Mayor and the Council comprehensive criminal code reform recommendations that revise the language of the District's criminal statutes to: (1) Use clear and plain language; (2) Apply consistent, clearly articulated definitions; (3) Describe all elements, including mental states, that must be proven; (4) Reduce unnecessary overlap and gaps between criminal offenses; (5) Eliminate archaic and unused offenses; (6) Adjust penalties, fines, and the gradation of offenses to provide for proportionate penalties; (7) Organize existing criminal statutes in a logical order; (8) Identify any crimes defined in common law that should be codified, and propose recommended language for codification, as appropriate; (9) Identify criminal statutes that have been held to be unconstitutional and recommend their removal or amendment; (10) Propose such other amendments as the Commission believes are necessary; and (11) Enable the adoption of Title 22 as an enacted title of the District of Columbia Official Code.

⁴ The current voting members of the Advisory Group are: Don Braman, Associate Professor of Law, George Washington University School of Law (Council Appointee); Paul Butler, Professor of Law, Georgetown University Law Center (Council Appointee); Renata Kendrick Cooper, Special Counsel for Policy and Legislative Affairs, United States Attorney's Office for the District of Columbia (Designee of the United States Attorney for the District of Columbia); Laura Hankins, General Counsel, Public Defender Service for the District of Columbia (Designee of the Director of the Public Defender Service for the District of Columbia); and Dave Rosenthal, Senior Assistant Attorney General, Office of the Attorney General for the District of Columbia (Designee of the Attorney General for the District of Columbia).

The current non-voting members of the Advisory Group are: Kevin Whitfield, Policy Advisor, Committee on the Judiciary and Public Safety (Designee of the Chairperson of the Council Committee on the Judiciary and Public Safety); and Helder Gil, Legislative and Policy Advisor, Office of the City Administrator (Designee of the Deputy Mayor for Public Safety and Justice).

⁵ D.C. Code § 3-153(e).

experts.⁶

NOTABLE CCRC ACTIVITIES JULY 2018 - SEPTEMBER 2018

Development of Reform Recommendations

The CCRC’s work to develop recommendations for reform of District criminal statutes has been generally guided by the Work Plan and Schedule that was first provided to the Council on February 9, 2017, as part of the agency’s 2016 Annual Report. The Work Plan divides the development of code reform recommendations under the CCRC’s statutory mandate into four Phases. The CCRC’s activities during the fourth quarter of FY 2018 continued its work on Phase 2 (General Provisions for a new Title 22A) and Phase 3 (Reformed Offenses for a new Title 22A) of the Work Plan.

As part of Phase 2, the CCRC continued its development of reform recommendations to the Council and Mayor that provide a standard toolkit of rules, definitions, and principles for establishing criminal liability that will apply to all reformed offenses. Such work addresses several of the agency’s statutory mandates.⁷ Specifically, in the fourth quarter, CCRC staff delivered to its Advisory Group for comment two new draft reports as part of Phase 2, as follows:

- On July 20, 2018, the CCRC issued its *First Draft of Report #25, Merger*, providing draft recommendations for a new statute addressing the merger of offenses for purposes of sentencing. Under the draft merger statute, in the absence of contrary legislative intent, there is a presumption that multiple convictions for two or more offenses arising from the same course of conduct merge whenever certain conditions exist, such as:
 - One offense is established by proof of the same or less than all the facts required to establish the commission of the other offense; or
 - The offenses differ only in that:
 - One prohibits a less serious harm or wrong to the same person, property, or public interest;
 - One may be satisfied by a lesser kind of culpability; or;
 - One is defined to prohibit a designated kind of conduct generally, and the other is defined to prohibit a specific instance of such conduct;
 or
 - One offense reasonably accounts for the other offense given the harm or wrong, culpability, and penalty proscribed by each;
- On September 26, 2018, the CCRC issued its *First Draft of Report #30: Withdrawal Defense & Exceptions to Legal Accountability and General Inchoate Liability*, providing draft recommendations for a new statute. Under the draft

⁶ D.C. Code § 3-152.

⁷ D.C. Code § 3-152(a).

statute, in the absence of contrary legislative intent, a person is not legally accountable for the conduct of another when: (1) The person is a victim of the offense; or (2) The person's conduct is inevitably incident to commission of the offense as defined by statute.

Subsequent discussion of the draft merger recommendations occurred at the September 5, 2018 Advisory Group Meeting. In the fourth quarter the CCRC also discussed with the Advisory Group their written comments on previously circulated draft recommendations concerning Phase 2 general provisions for accomplice liability.⁸ Discussion occurred at the August 1, 2018 Advisory Group Meeting.

As part of Phase 3, the CCRC continued its development of reform recommendations to the Council and Mayor that concern certain common and serious offenses. Specifically, in the fourth quarter, CCRC staff delivered to its Advisory Group for comment six new draft reports concerning offenses against persons and public order offenses, as follows:

- On July 20, 2018, the CCRC issued its *First Draft of Report #23, Disorderly Conduct and Public Nuisance* for Advisory Group review. These reformed statutes would replace the affrays statute⁹ and parts of the disorderly conduct statute¹⁰ in the current D.C. Code.
- On July 20, 2018, the CCRC issued its *First Draft of Report #24, Failure to Disperse and Rioting* for Advisory Group review. These reformed statutes would replace the rioting statute¹¹ in the current D.C. Code, and clarify the existing municipal regulation regarding failure to obey a law enforcement officer.¹²
- On September 26, 2018, the CCRC issued its *First Draft of Report #26, Sexual Assault and Related Provisions* for Advisory Group review. These reformed statutes would replace the crimes and several other provisions currently in Chapter 30 (Sexual Abuse) of Title 22 of the D.C. Code.
- On September 26, 2018, the CCRC issued its *First Draft of Report #27, Human Trafficking and Related Statutes* for Advisory Group review. These reformed statutes would replace the crimes currently in Chapter 18A (Human Trafficking) of Title 22 of the D.C. Code, as well as parts of various statutes in Chapter 27 (Prostitution; Pandering) of Title 22 of the D.C. Code.

⁸ The CCRC issued its First Draft of Report #22, Accomplice Liability and Related Provisions on May 18, 2018.

⁹ D.C. Code § 22-1301.

¹⁰ D.C. Code § 22-1321.

¹¹ D.C. Code § 22-1322.

¹² DCMR 18-2000.2.

- On September 26, 2018, the CCRC issued its *First Draft of Report #28, Stalking* for Advisory Group review. This reformed statute would replace the stalking provisions currently in Chapter 31A (Stalking) of Title 22 of the current D.C. Code.
- On September 26, 2018, the CCRC issued its *First Draft of Report #29, Failure to Arrest* for Advisory Group review. This report recommends the repeal of the current failure to arrest statute.¹³

Advisory Group members provided written comments on the First Drafts of Reports #23 and #24 on September 14, 2018. Those comments were on the agenda for the CCRC's October 3, 2018 and November 5, 2018 Advisory Group meetings (first quarter of FY 19). In the fourth quarter the CCRC also discussed with the Advisory Group their written comments on previously circulated draft recommendations concerning Phase 3 offenses against persons, including kidnapping and criminal restraint.¹⁴ Discussion occurred at the August 1, 2018 Advisory Group Meeting.

When finalized, the recommendations developed in Phases 2 and 3 of the Work Plan will be combined with later work in Phase 4, forming a single, cohesive set of reform recommendations for District crimes in an enacted Title 22. The combined, final reform recommendations will be presented in the CCRC's final report(s) to the Council and Mayor by the statutory deadline.

Agency Administration & Other Activities

Data. In the fourth quarter the agency continued to work with the Lab in the Office of the City Administrator to clean and preliminarily analyze data received February 2, 2018 from the D.C. Superior Court ("Court") concerning certain adult charging and sentencing dispositions for the time period 2010-2016. This data set had been provided in response to the agency's September 8, 2017 request. On July 18, 2018, the CCRC provided to the Advisory Group its preliminary analysis of this data. On July 13, 2018, the CCRC also received an extension of its standing Data Use Agreement ("DUA") with the court through September 2019.

Staffing. In July and early August 2018, the agency hosted four summer legal interns. The interns performed legal research on a variety of topics under review by agency staff, and social science research on public opinions on the relative seriousness of various common offenses. The interns also helped develop a trial survey of District residents' opinions on the relative seriousness of various types of offenses.

Council Testimony. On July 11, 2018 the CCRC Executive Director provided oral and written testimony to the Committee on the Judiciary and Public Safety's public hearing on the Protection from Sexual Extortion Amendment Act of 2017.

¹³ D.C. Code § 5-115.03.

¹⁴ The CCRC issued its First Draft of Report #21, Kidnapping and Related Offenses on May 18, 2018.

CONCLUSION

The CCRC's code reform work in the fourth quarter of FY 2018 focused primarily on preparation and issuance to its Advisory Group of new draft recommendations for reformed criminal statutes. These draft recommendations included general provisions on merger and exceptions to legal liability for actions of another. Other draft recommendations concerned offenses against persons and public order offenses, including reformed statutes concerning: disorderly conduct, public nuisance, failure to disperse, rioting, stalking, failure to arrest, and numerous sexual offense and human trafficking statutes. Staff also discussed with the agency's Advisory Group recent written comments submitted on draft reform recommendations, including: accomplice liability, kidnapping, and criminal restraint. In total, staff issued 8 new reports to the Advisory Group containing draft reform recommendations, and the Advisory Group met three times during the fourth quarter to discuss new and previously circulated draft recommendations. The agency also provided to the Advisory Group its preliminary analysis of court data concerning certain adult charging and sentencing dispositions for the time period 2010-2016.

All agency draft recommendations, as well as minutes for the agency's Advisory Group meetings are available on the CCRC website at www.ccrdc.gov. For additional details or questions about the CCRC's activities or operation, please contact the agency's Executive Director.

Please note that, given the CCRC's extension through FY 2019,¹⁵ a Schedule for FY 19 & FY 20 development of reform recommendations to current District offenses has been created that will guide future work. This updated Schedule is attached to this quarterly report as Appendix A.

¹⁵ Council legislation approved during the third quarter of FY 18 extended the CCRC's statutory funding and authorization one year, to September 30, 2019. See B22-0754 - Fiscal Year 2019 Local Budget Act of 2018, and B22-0753 - Fiscal Year 2019 Budget Support Act of 2018.



Criminal Code Reform Commission
FY 2018
Third Quarter Report

SUBMITTED TO THE COUNCIL
August 28, 2018

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PREFACE

The Criminal Code Reform Commission (CCRC) submits this quarterly report summarizing its recent activities, as required by statute.¹ This report concerns the third quarter of FY 2018, from April 1 through June 30, 2018. The CCRC's last quarterly report, on the second quarter of FY 2018, was submitted to the Council as part of the agency's 2017 Annual Report on May 9, 2018.²

CCRC STATUTORY AUTHORITY

The CCRC began operation as a new, independent District agency on October 1, 2016, pursuant to the Council of the District of Columbia's Fiscal Year 2017 Budget Support Act of 2016. The CCRC is tasked with submitting to the Mayor and the Council comprehensive criminal code reform recommendations to revise the language of the District's criminal statutes within specified parameters, with a statutory deadline of October 1, 2018.³ In preparing these reform recommendations, the CCRC is required to consult with a Code Revision Advisory Group (Advisory Group), a statutorily designated group of stakeholders who review and provide information and suggestions on proposals prepared by the CCRC. The Advisory Group consists of 5 voting members and 2 nonvoting members.⁴ Approval by a majority of the Advisory Group

¹ D.C. Code § 3-154(a) ("The Commission shall file quarterly reports with the Council that provide a summary of activities during the prior quarter.").

² Available online at <http://lms.dccouncil.us/Legislation/RC22-0177?FromSearchResults=true>.

³ The CCRC's mandate states:

By October 1, 2018, the Commission shall submit to the Mayor and the Council comprehensive criminal code reform recommendations that revise the language of the District's criminal statutes to: (1) Use clear and plain language; (2) Apply consistent, clearly articulated definitions; (3) Describe all elements, including mental states, that must be proven; (4) Reduce unnecessary overlap and gaps between criminal offenses; (5) Eliminate archaic and unused offenses; (6) Adjust penalties, fines, and the gradation of offenses to provide for proportionate penalties; (7) Organize existing criminal statutes in a logical order; (8) Identify any crimes defined in common law that should be codified, and propose recommended language for codification, as appropriate; (9) Identify criminal statutes that have been held to be unconstitutional and recommend their removal or amendment; (10) Propose such other amendments as the Commission believes are necessary; and (11) Enable the adoption of Title 22 as an enacted title of the District of Columbia Official Code.

D.C. Code § 3-152(a).

⁴ The current voting members of the Advisory Group are: Don Braman, Associate Professor of Law, George Washington University School of Law (Council Appointee); Paul Butler, Professor of Law, Georgetown University Law Center (Council Appointee); Renata Kendrick Cooper, Special Counsel for Policy and Legislative Affairs, United States Attorney's Office for the District of Columbia (Designee of the United States Attorney for the District of Columbia); Laura Hankins, General Counsel, Public Defender Service for the District of Columbia (Designee of the Director of the Public Defender Service for the District of Columbia); and Dave Rosenthal, Senior Assistant Attorney General, Office of the Attorney General for the District of Columbia (Designee of the Attorney General for the District of Columbia).

The current non-voting members of the Advisory Group are: Kevin Whitfield, Policy Advisor, Committee on the Judiciary and Public Safety (Designee of the Chairperson of the Council Committee on the Judiciary and Public Safety); and Helder Gil, Legislative and Policy Advisor, Office of the City Administrator (Designee of the Deputy Mayor for Public Safety and Justice).

is required for final recommendations to be submitted to the Council and the Mayor.⁵ In preparing its reform recommendations the CCRC also reviews criminal code reforms in other jurisdictions, changes to criminal offenses recommended by the American Law Institute, and best practices recommended by criminal law experts.⁶

NOTABLE CCRC ACTIVITIES APRIL – JUNE 2018

Development of Reform Recommendations

The CCRC’s work to develop recommendations for reform of District criminal statutes is guided by the Work Plan and Schedule that was first provided to the Council on February 9, 2017, as part of the agency’s 2016 Annual Report, and is currently being updated to account for the agency’s FY 2019 work.⁷ The current Work Plan and Schedule divides the development of code reform recommendations under the CCRC’s statutory mandate into four Phases. The CCRC’s activities during the third quarter of FY 2018 continued its work on Phase 2 (General Provisions for a new Title 22A) and Phase 3 (Reformed Offenses for a new Title 22A) of the Work Plan and Schedule.

As part of Phase 2, the CCRC continued its development of reform recommendations to the Council and Mayor that provide a standard toolkit of rules, definitions, and principles for establishing criminal liability that will apply to all reformed offenses. Such work addresses several of the agency’s statutory mandates.⁸ Specifically, in the third quarter, CCRC staff delivered to its Advisory Group for comment one new draft report as part of Phase 2, as follows:

- In its First Draft of Report #22, submitted for Advisory Group review on May 18, 2018, the CCRC drafted recommendations for a new statute addressing accomplice liability. Under the draft accomplice provision, a person may be found guilty as an accomplice when, acting with the culpable mental state required by the predicate offense, that person purposely encourages assists another person with the planning or commission of the conduct constituting that offense. This provision would, in part, replace the current penalty provision concerning persons “aiding or abetting”

⁵ D.C. Code § 3-153(e).

⁶ *Id.*

⁷ Council legislation approved during the third quarter will extend the CCRC’s statutory funding and authorization one year, to September 30, 2019. See B22-0754 - Fiscal Year 2019 Local Budget Act of 2018, and B22-0753 - Fiscal Year 2019 Budget Support Act of 2018. The agency is creating a new Work Plan and Schedule that accounts for the extension and maximizes development of additional reform recommendations.

⁸ D.C. Code § 3-152(a) (“(1) Use clear and plain language; (2) Apply consistent, clearly articulated definitions; (3) Describe all elements, including mental states, that must be proven;...(7) Organize existing criminal statutes in a logical order; (8) Identify any crimes defined in common law that should be codified, and propose recommended language for codification, as appropriate;...(10) Propose such other amendments as the Commission believes are necessary...”).

in D.C. Code § 22-1805.⁹ However, the new statute goes further by providing a description of the elements, including the culpable mental states (now specified only in District case law), that must be proven to be guilty of aiding or abetting. The draft accomplice liability statute is generally consistent with District case law and prevailing case law nationally.

In the third quarter the CCRC discussed with the Advisory Group their written comments on previously circulated draft recommendations concerning Phase 2 general provisions, including: updates to culpable mental state definitions,¹⁰ penalties for attempting to commit crimes,¹¹ and solicitation and renunciation.¹² Discussion of written comments on updates to the culpable mental state definitions and penalties for attempts to commit crimes occurred at the April 4, 2018 Advisory Group Meeting. Discussion of written comments on Solicitation and Renunciation occurred at the June 6, 2018 Advisory Group Meeting.

As part of Phase 3, the CCRC continued its development of reform recommendations to the Council and Mayor that concern certain common and serious offenses. Specifically, in the third quarter, CCRC staff delivered to its Advisory Group for comment one new draft report concerning offenses against persons, as follows:

- In its First Draft of Report #21, Recommendations for Kidnapping and Related Offenses, submitted for Advisory Group review on May 18, 2018, the CCRC drafted recommendations for new kidnapping and criminal coercion offenses. These new statutes would replace the kidnapping statute in the current D.C. Code.¹³

In the third quarter the CCRC discussed with the Advisory Group their written comments on previously circulated draft recommendations concerning Phase 3 offenses against persons, including: Assault and Offensive Physical Contact,¹⁴ Robbery,¹⁵ and Abuse & Neglect of Children, Elderly, and Vulnerable Adults.¹⁶ Discussion of written comments on Assault and Robbery occurred at the April 4, 2018 Advisory Group Meeting. Discussion of written comments

⁹ D.C. Code § 22-1805 (“In prosecutions for any criminal offense all persons advising, inciting, or conniving at the offense, or aiding or abetting the principal offender, shall be charged as principals and not as accessories, the intent of this section being that as to all accessories before the fact the law heretofore applicable in cases of misdemeanor only shall apply to all crimes, whatever the punishment may be.”).

¹⁰ The CCRC issued its Third Draft of Report #2, Basic Requirements of Offense Liability, on December 21, 2017.

¹¹ The CCRC issued its First Draft of Report# 13, Penalties for Criminal Attempts, on December 21, 2017.

¹² The CCRC issued its First Draft of Report #18, Solicitation and Renunciation on March 16, 2018.

¹³ D.C. Code § 22-2001.

¹⁴ The CCRC issued its First Draft of Report #15, Assault and Offensive Physical Contact Offenses, on December 21, 2017.

¹⁵ The CCRC issued its First Draft of Report #16, Robbery, on December 21, 2017.

¹⁶ The CCRC issued its First Draft of Report #20, Abuse & Neglect of Children, Elderly, and Vulnerable Adults, on March 16, 2018.

on Homicide and Abuse & Neglect of Children, Elderly, and Vulnerable Adults occurred at the June 6, 2018 Advisory Group Meeting.

When finalized, the recommendations developed in Phases 2 and 3 of the Work Plan will be combined with later work in Phase 4, forming a single, cohesive set of reform recommendations for District crimes in a new Title 22A. The combined, final reform recommendations will be presented in the CCRC's final report to the Council and Mayor by the statutory deadline.

Agency Administration & Other Activities

Data. In the third quarter the agency worked with the Lab in the Office of the City Administrator to clean and preliminarily analyze data received February 2, 2018 from the D.C. Superior Court ("Court") concerning certain charging and sentencing dispositions for the time period 2010-2016. This data set was a response to the agency's September 8, 2017 request. In June a draft spreadsheet presenting key aspects of this analysis was prepared and presented to Court staff for review prior to distribution to the agency's Advisory Group. In June the CCRC also requested an extension of its standing Data Use Agreement ("DUA") with the court through September 2019. However, a response to the draft spreadsheet and DUA extension request was not received by the end of the third quarter.

Staffing. In April 2018 staff attorney Patrice Sulton began employment with the CCRC, filling a vacancy created by a staff departure in January 2018. With Ms. Sulton's hiring, the agency has no vacancies. Training of Ms. Sulton on agency procedures and work to date began immediately. Within two weeks she was working under supervision of the Executive Director on drafting reform recommendations for several offenses. Nonetheless, the loss of the former staff's unique knowledge of some areas of District law are expected to cause residual delays going forward.

In May 2018, the agency welcomed three summer legal interns and provided them orientation on agency procedures. The interns performed legal research on a variety of topics under review by agency staff, and social science research on public opinions on the relative seriousness of various common offenses. The interns helped develop a possible survey of District residents' opinions on the relative seriousness of various types of offenses.

Community Outreach. In June 2018 the CCRC Executive Director met with representatives of a local advocacy organization to hear their concerns about the District's rioting statute. Staff also described their preliminary research into rioting statutes in other jurisdictions.

CONCLUSION

The CCRC's code reform work in the third quarter of FY 2018 focused primarily on preparation and issuance to its Advisory Group of first draft recommendations for new criminal statutes. These statutes include general provisions on accomplice liability and kidnapping. Staff also discussed with the agency's Advisory Group recent written comments submitted on draft reform recommendations, including: assault, homicide, and solicitation and renunciation of a criminal offense. In total, staff issued 2 new reports to the Advisory Group containing draft reform recommendations, and the Advisory Group met three times during the third quarter to discuss new and previously circulated draft recommendation.

In April the welcomed a new attorney-advisor, Ms. Patrice Sulton, into the agency's staff. The hiring of Ms. Sulton filled a vacancy created by a resignation in January 2018. Three law students also began summer internships with the agency. Using data on certain charging and sentencing dispositions for the time period 2010-2016, the agency also prepared and submitted to Superior Court staff for review a draft spreadsheet presenting key data.

All agency draft recommendations, as well as minutes for the agency's Advisory Group meetings are available on the CCRC website at www.ccrdc.gov. For additional details or questions about the CCRC's activities or operation, please contact the agency's Executive Director, Richard Schmechel.



Criminal Code Reform Commission
FY 2018
Second Quarter Report

SUBMITTED TO THE COUNCIL
May 9, 2018

DISTRICT OF COLUMBIA CRIMINAL CODE REFORM COMMISSION
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PREFACE

The Criminal Code Reform Commission (CCRC) submits this quarterly report summarizing its recent activities, as required by statute.¹ This report concerns the second quarter of FY 2018, from January 1 through March 31, 2018. The CCRC's last quarterly report, on the first quarter of FY 2018, was submitted to the Council as part of the agency's 2017 Annual Report on January 18, 2018.²

CCRC STATUTORY AUTHORITY

The CCRC began operation as a new, independent District agency on October 1, 2016, pursuant to the Council of the District of Columbia's Fiscal Year 2017 Budget Support Act of 2016. The CCRC is tasked with submitting to the Mayor and the Council comprehensive criminal code reform recommendations to revise the language of the District's criminal statutes within specified parameters, with a statutory deadline of October 1, 2018.³ In preparing these reform recommendations, the CCRC is required to consult with a Code Revision Advisory Group (Advisory Group), a statutorily designated group of stakeholders who review and provide information and suggestions on proposals prepared by the CCRC. The Advisory Group consists of 5 voting members and 2 nonvoting members.⁴ Approval by a majority of the Advisory Group

¹ D.C. Code Ann. § 3-154(a) ("The Commission shall file quarterly reports with the Council that provide a summary of activities during the prior quarter.").

² Available online at <http://lims.dccouncil.us/Download/39596/RC22-0127-Introduction.pdf>.

³ The CCRC's mandate states:

By October 1, 2018, the Commission shall submit to the Mayor and the Council comprehensive criminal code reform recommendations that revise the language of the District's criminal statutes to: (1) Use clear and plain language; (2) Apply consistent, clearly articulated definitions; (3) Describe all elements, including mental states, that must be proven; (4) Reduce unnecessary overlap and gaps between criminal offenses; (5) Eliminate archaic and unused offenses; (6) Adjust penalties, fines, and the gradation of offenses to provide for proportionate penalties; (7) Organize existing criminal statutes in a logical order; (8) Identify any crimes defined in common law that should be codified, and propose recommended language for codification, as appropriate; (9) Identify criminal statutes that have been held to be unconstitutional and recommend their removal or amendment; (10) Propose such other amendments as the Commission believes are necessary; and (11) Enable the adoption of Title 22 as an enacted title of the District of Columbia Official Code.

D.C. Code § 3-152(a).

⁴ The current voting members of the Advisory Group are: Don Braman, Associate Professor of Law, George Washington University School of Law (Council Appointee); Paul Butler, Professor of Law, Georgetown University Law Center (Council Appointee); Renata Kendrick Cooper, Special Counsel for Policy and Legislative Affairs, United States Attorney's Office for the District of Columbia (Designee of the United States Attorney for the District of Columbia); Laura Hankins, General Counsel, Public Defender Service for the District of Columbia (Designee of the Director of the Public Defender Service for the District of Columbia); and Dave Rosenthal, Senior Assistant Attorney General, Office of the Attorney General for the District of Columbia (Designee of the Attorney General for the District of Columbia).

The current non-voting members of the Advisory Group are: Kevin Whitfield, Policy Advisor, Committee on the Judiciary and Public Safety (Designee of the Chairperson of the Council Committee on the Judiciary and Public Safety); and Helder Gil, Legislative and Policy Advisor, Office of the City Administrator (Designee of the Deputy Mayor for Public Safety and Justice).

is required for final recommendations to be submitted to the Council and the Mayor.⁵ In preparing its reform recommendations the CCRC also reviews criminal code reforms in other jurisdictions, changes to criminal offenses recommended by the American Law Institute, and best practices recommended by criminal law experts.⁶

NOTABLE CCRC ACTIVITIES JANUARY – MARCH 2018

Development of Reform Recommendations

The CCRC's work to develop recommendations for reform of District criminal statutes is guided by the Work Plan and Schedule that was first provided to the Council on February 9, 2017, as part of the agency's 2016 Annual Report, and updated in the agency's 2017 Annual Report. The Work Plan and Schedule divides the development of code reform recommendations under the CCRC's statutory mandate into four Phases. The CCRC's activities during the second quarter of FY 2018 continued its work on Phase 2 (General Provisions for a new Title 22A) and Phase 3 (Reformed Offenses for a new Title 22A) of the Work Plan and Schedule.

As part of Phase 2, the CCRC continued its development of reform recommendations to the Council and Mayor that provide a standard toolkit of rules, definitions, and principles for establishing criminal liability that will apply to all reformed offenses. Such work addresses several of the agency's statutory mandates.⁷ Specifically, in the second quarter, CCRC staff delivered to its Advisory Group for comment one new draft report as part of Phase 2, as follows:

- In its First Draft of Report #18, submitted for Advisory Group review on March 16, 2018, the CCRC drafted recommendations for new statutes addressing the solicitation of a crime, and a defense of renunciation to attempts, conspiracies, and solicitations. Under the draft solicitation provision, a person may be found guilty of solicitation when that person purposely commands, requests, or tries to persuade another person to engage in or aid in the planning or commission of conduct that would constitute an offense or attempted offense. This provision would replace the current penalty provision concerning solicitation of a crime of violence in D.C. Code 22-2107, which lacks a description of elements of solicitation. Under the draft renunciation defense, it would be an affirmative defense that the defendant engaged in conduct sufficient to prevent commission of the target offense under circumstances manifesting a voluntary and complete

⁵ D.C. Code § 3-153(e).

⁶ *Id.*

⁷ D.C. Code § 3-152(a) (“(1) Use clear and plain language; (2) Apply consistent, clearly articulated definitions; (3) Describe all elements, including mental states, that must be proven; ... (7) Organize existing criminal statutes in a logical order; (8) Identify any crimes defined in common law that should be codified, and propose recommended language for codification, as appropriate; ... (10) Propose such other amendments as the Commission believes are necessary . . .”).

renunciation of criminal intent. No comparable defense is codified in the D.C. Code at present, even though such a defense is consistent with District and national legal doctrines.

In the second quarter the CCRC discussed with the Advisory Group previously circulated draft recommendations concerning Phase 2 general provisions, including: conspiracy liability,⁸ culpable mental state definitions,⁹ and the penalties for attempting to commit crimes.¹⁰ On December 19, 2017, the Advisory Group provided written comments on the First Draft of Report #12, Definition of a Criminal Conspiracy. These written comments were discussed at the agency's February 7, 2018 meeting. On March 9, 2018 the Advisory Group provided written comments on the Third Draft of Report #2, Basic Requirements of Offense Liability, and the First Draft of Report # 13, Penalties for Criminal Attempts. Discussion of these written comments did not occur in the second quarter.

As part of Phase 3, the CCRC continued its development of reform recommendations to the Council and Mayor that concern certain common and serious offenses. Specifically, in the second quarter, CCRC staff delivered to its Advisory Group for comment two new draft reports concerning offenses against persons, as follows:

- In its First Draft of Report #19, Homicide, submitted for Advisory Group review on March 16, 2018, the CCRC drafted recommendations for new murder and manslaughter offenses. These new statutes would replace various murder statutes in the current D.C. Code,¹¹ the one penalty provision concerning manslaughter in the D.C. Code,¹² as well as relevant parts of various penalty enhancement provisions.¹³
- In its First Draft of Report 20, Abuse and Neglect of Children, Elderly, and Vulnerable Adults submitted for Advisory Group review on March 16, 2018, the CCRC drafted recommendations for new offenses targeting non-property crimes against children and vulnerable persons. These new statutes would replace various statutes in the current D.C. Code,¹⁴ including the current enhancement for certain crimes committed against minors.¹⁵

In the second quarter the CCRC discussed with the Advisory Group previously circulated draft recommendations concerning Phase 3 property offenses, including: Extortion, Trespass,

⁸ The CCRC issued its First Draft of Report #12, Definition of a Criminal Conspiracy, on November 6, 2017.

⁹ The CCRC issued its Third Draft of Report #2, Basic Requirements of Offense Liability, on December 21, 2017.

¹⁰ The CCRC issued its First Draft of Report# 13, Penalties for Criminal Attempts, on December 21, 2017.

¹¹ D.C. Code §§ 22-2101 – 2104.01; § 22-2106.

¹² D.C. Code § 22-2105.

¹³ E.g., D.C. Code § 22-4502, Commission of a Crime While Armed.

¹⁴ D.C. Code §§ 22-1101, 22-1102, 22-931 – 933; § 22-934 – 936.

¹⁵ D.C. Code § 22-3611.

and Burglary,¹⁶ and Property Offense Definitions, Aggregation, and Multiple Convictions.¹⁷ On November 3, 2017 the Advisory Group provided written comments on these offenses, the discussion of which carried over into the second quarter.

The CCRC also discussed with the Advisory Group previously circulated draft recommendations concerning Phase 3 offenses against persons, including: Definitions applicable to Offenses Against Persons,¹⁸ Assault and Offensive Physical Contact,¹⁹ Robbery,²⁰ and Criminal Menace and Criminal Threat offenses.²¹ On March 9, 2018 the Advisory Group provided written comments on these offenses against persons, however discussion of those written comments did not occur in the second quarter.

When finalized, the recommendations developed in Phases 2 and 3 of the Work Plan will be combined with later work in Phase 4, forming a single, cohesive set of reform recommendations for District crimes in a new Title 22A. The combined, final reform recommendations will be presented in the CCRC's final report to the Council and Mayor by the statutory deadline.²²

Agency Administration & Other Activities

Data. On February 2, 2018 the D.C. Superior Court ("Court") provided to the CCRC a corrected data set providing information on certain charging and sentencing dispositions for the time period 2010-2016. This data set was a response to the agency's September 8, 2017 request for a data set that would include important information (e.g. regarding attempted crimes) missing from the data set the Court had provided August 7, 2017. On receipt of the corrected data set, the CCRC began work to clean and analyze the data with the help of the Lab in the Office of the City Administrator. Many irregularities were found in the data that appear to be due to clerical errors, such as citations to D.C. Code statutes that do not exist or have changed over time. Staff had not completed cleaning and analysis of the data set by the end of the second quarter.

Staffing. In January 2018 staff attorney Bryson Nitta resigned from the CCRC to take a position in the federal government. The CCRC greatly appreciates the contributions of Mr.

¹⁶ The CCRC issued its First Draft of Report # 11 Extortion, Trespass, and Burglary, on August 11, 2017.

¹⁷ The CCRC issued its First Draft of Report # 8 Property Offense Definitions, Aggregation, and Multiple Convictions, on August 11, 2017.

¹⁸ The CCRC issued its First Draft of Report #14, Definitions for Offenses Against Person, on December 21, 2017.

¹⁹ The CCRC issued its First Draft of Report #15, Assault and Offensive Physical Contact Offenses, on December 21, 2017.

²⁰ The CCRC issued its First Draft of Report #16, Robbery, on December 21, 2017.

²¹ The CCRC issued its First Draft of Report #17, Criminal Menace and Criminal Threat Offenses, on December 21, 2017.

²² Pending Council legislation would extend the CCRC's statutory funding and authorization one year, to September 30, 2019. See B22-0754 - Fiscal Year 2019 Local Budget Act of 2018, and B22-0753 - Fiscal Year 2019 Budget Support Act of 2018. If such an extension occurs, the agency will create a new Work Plan and Schedule to include development of a wider array of reform recommendations and to optimize efficiency.

Nitta. Hiring to backfill the vacancy began immediately, and as of March 31 an offer had been extended and accepted by a local attorney. The new attorney was scheduled to begin employment with the CCRC in early April 2018. Given the CCRC's small (five person) staff, the loss of one person for several months caused a significant slowdown in the agency's work during the second quarter. Training of the new staff attorney in the third quarter, and the loss of Mr. Nitta's unique knowledge of some areas of District law are expected to cause residual delays going forward.

Council Oversight. On February 15, 2018 the CCRC Executive Director testified before the Committee on the Judiciary and Public Safety as part of the regular performance oversight hearings on District agencies.

Community Outreach. On January 11, 2018 the CCRC Executive Director gave a public presentation at the John A. Wilson building on design flaws in the current D.C. Code as part of a series of talks hosted by the Lab in the Office of the City Administrator. Staff of several Councilmembers and other District officials were in attendance. The presentation was followed by an audience question and answer period, and an interview that was the basis for an episode of the Podcast @ DC.²³

CONCLUSION

The CCRC's work in the second quarter of FY 2018 focused primarily on preparation and issuance to its Advisory Group of first draft recommendations for several new offenses against persons that would replace existing statutes. These offenses against persons include common and serious crimes such as: murder, manslaughter, child abuse, and child neglect. Staff also discussed Advisory Group written comments on conspiracy liability and issued draft recommendations for statutory provisions regarding solicitation and renunciation of a criminal offense. In total, staff issued 3 new draft reports to the Advisory Group containing draft reform recommendations, and the Advisory Group met three times during the second quarter to discuss new and previously circulated draft recommendation.

Pursuant to its earlier data request, in February 2018 the agency also received a corrected Superior Court data set on adult offenses with a disposition date during the years 2010-2016. Working with the Lab in the Office of the City Administrator, the agency was engaged in cleaning and analyzing the data set in the second quarter.

All agency draft recommendations, as well as minutes for the agency's Advisory Group meetings are available on the CCRC website at www.ccrcc.dc.gov. For additional details or questions about the CCRC's activities or operation, please contact the agency's Executive Director, Richard Schmechel.

²³ <https://soundcloud.com/user-768286365>



D.C. Criminal Code Reform Commission

2017 Annual Report*

SUBMITTED TO THE COUNCIL
January 18, 2018

DISTRICT OF COLUMBIA CRIMINAL CODE REFORM COMMISSION
441 FOURTH STREET, NW, SUITE 1C001 SOUTH
WASHINGTON, DC 20001
PHONE: (202) 442-8715

*This document also serves as the agency's report on activities for the quarter that ended Dec. 31, 2017.

INTRODUCTION

The D.C. Criminal Code Reform Commission (CCRC) is pleased to present its Annual Report for calendar year 2017, in compliance with its statutory mandate.¹ To avoid unnecessary duplication, this Annual Report also serves as the agency's quarterly report on activities for the first quarter of fiscal year 2018 that ended on December 31, 2017.²

The CCRC began operation as a new, independent District agency on October 1, 2016, pursuant to language in the Council of the District of Columbia's Fiscal Year 2017 Budget Support Act of 2016. The CCRC is tasked with submitting to the Mayor and the Council comprehensive criminal code reform recommendations that revise the language of the District's criminal statutes within specified parameters, with a statutory deadline of October 1, 2018.³ In preparing these reform recommendations, the CCRC is required to consult with a Code Revision Advisory Group, a statutorily designated group of stakeholders who review and provide information and suggestions on proposals prepared by the CCRC. The Advisory Group consists of 5 voting members and 2 nonvoting members.⁴ A majority vote of the Advisory Group is required for any

¹ The CCRC's statutory mandate for an annual report requires that:

The Commission shall file an annual report with the Council before March 31 of each year that includes: (1) A summary and copy of all recommendations for reforms to criminal statutes developed by the Commission during the previous calendar year; (2) A summary and copy of comments received from the Advisory Group during the previous calendar year and their disposition; (3) A summary of other Commission activities during the previous calendar year; (4) A description of any problems discovered with prior Commission work or changes to prior work that are necessary due to legislative changes or court rulings; (5) A description of any issues that could delay or prevent the Commission from timely fulfilling its statutory duties; and (6) A work plan and schedule, or revisions to an existing work plan and schedule, for carrying out the responsibilities of the Commission to meet statutory requirements.

D.C. Code § 3-154(b).

² The CCRC's statutory mandate for quarterly reports states that: "The Commission shall file quarterly reports with the Council that provide a summary of activities during the prior quarter." D.C. Code § 3-154(a).

³ The CCRC's mandate states:

By October 1, 2018, the Commission shall submit to the Mayor and the Council comprehensive criminal code reform recommendations that revise the language of the District's criminal statutes to: (1) Use clear and plain language; (2) Apply consistent, clearly articulated definitions; (3) Describe all elements, including mental states, that must be proven; (4) Reduce unnecessary overlap and gaps between criminal offenses; (5) Eliminate archaic and unused offenses; (6) Adjust penalties, fines, and the gradation of offenses to provide for proportionate penalties; (7) Organize existing criminal statutes in a logical order; (8) Identify any crimes defined in common law that should be codified, and propose recommended language for codification, as appropriate; (9) Identify criminal statutes that have been held to be unconstitutional and recommend their removal or amendment; (10) Propose such other amendments as the Commission believes are necessary; and (11) Enable the adoption of Title 22 as an enacted title of the District of Columbia Official Code.

D.C. Code § 3-152(a).

⁴ The current voting members of the Advisory Group are: Don Braman, Associate Professor of Law, George Washington University School of Law (Council Appointee); Paul Butler, Professor of Law, Georgetown University Law Center (Council Appointee); Renata Kendrick Cooper, Special Counsel for Policy and Legislative Affairs, United States Attorney's Office for the District of Columbia (Designee of the United States Attorney for the District of Columbia); Laura Hankins, General Counsel, Public Defender Service for the District of Columbia (Designee of the Director of the Public Defender Service for the District of Columbia); and Dave Rosenthal, Senior Assistant Attorney General, Office of the Attorney General (Designee of the Attorney General for the District of Columbia).

recommendations to be submitted to the Council and the Mayor.⁵ In preparing its reform recommendations the CCRC also reviews criminal code reforms in other jurisdictions, changes to criminal offenses recommended by the American Law Institute, and best practices recommended by criminal law experts.⁶

This Annual Report is divided into six sections, each corresponding to one of the CCRC's statutory requirements for its Annual Report.⁷

I. SUMMARY OF REFORM RECOMMENDATIONS DEVELOPED IN 2017

The agency's development of reforms to criminal statutes in 2017 followed the agency's Work Plan and Schedule issued with its 2016 Annual Report on February 9, 2017. Specifically, the CCRC's activities in 2017 have focused on completing Phase 1 (Recommendations regarding enactment of Title 22 of the D.C. Code and other minor amendments to criminal statutes), beginning and substantially completing Phase 2 (creation of a General Part providing definitions, interpretive rules, and culpability principles), and beginning Phase 3 (revision of specific offenses). Apart from some preliminary data analysis and review of offense gradations, work on Phase 4 (penalty proportionality) did not occur in 2017.

Phase 1.

- Regarding Phase 1, the CCRC's first major report to the Council and Mayor was completed and issued on May 5, 2017. Issuance of *Report #1: Recommendations for Enactment of D.C. Code Title 22 and Other Changes to Criminal Statutes* completed Phase 1. The report addressed several of the agency's statutory mandates that require minor, often technical changes to District criminal statutes.⁸ Appendices to the report included: A) detailed information on affected statutes; B) Advisory Group comments; C) relevant crime statistics; and D) an appendix containing a draft bill that would enact the proposed changes into law. Several of the agency's Advisory Group members provided

The current non-voting members of the Advisory Group are: Kate Mitchell, Committee Director, Committee on the Judiciary and Public Safety (Designee of the Chairperson of the Council Committee on the Judiciary and Public Safety); and Helder Gil, Chief of Staff, Office of the of the Deputy Mayor for Public Safety and Justice (Designee of the Deputy Mayor for Public Safety and Justice).

⁵ Criminal Code Reform Commission Establishment Act of 2016, Bill 21-669, Section 3123, Fiscal Year 2017 Budget Support Act of 2016 (June 21, 2016).

⁶ *Id.*

⁷ See *supra* note 1.

⁸ D.C. Code § 3-152(a) (“(1) Use clear and plain language; (2) Apply consistent, clearly articulated definitions; (3) Describe all elements, including mental states, that must be proven; (5) Eliminate archaic and unused offenses; (7) Organize existing criminal statutes in a logical order; (8) Identify any crimes defined in common law that should be codified, and propose recommended language for codification, as appropriate; (9) Identify criminal statutes that have been held to be unconstitutional and recommend their removal or amendment; (10) Propose such other amendments as the Commission believes are necessary . . .”).

written and oral comments in the development of the recommendations, and the vote to approve the report was unanimous.

- Adoption of the CCRC’s recommendations in *Report #1: Recommendations for Enactment of D.C. Code Title 22 and Other Changes to Criminal Statutes* would significantly improve the District’s criminal statutes, particularly Title 22 of the D.C. Code, which includes most crimes that are not concerned with regulation of an industry. Several archaic and unused offenses, such as “Playing Games in Streets,”⁹ would be repealed, and outdated references, such as to the “Workhouse of the District of Columbia,” would be updated. Language in current statutes that has been ruled unconstitutional by District courts would be amended and the specter of common law crimes, whose authority is old judicial opinions, rather than legislation, would be definitively ended. Title 22 of the D.C. Code, the title originally designed to contain only criminal offenses, would be reorganized such that non-criminal and procedural matters are moved to other titles. And Title 22 would be “enacted” as law of its own, easing the administrative burden of future amendments to Title 22.

Phase 2.

- Regarding Phase 2, in 2017 the CCRC developed draft recommendations regarding a wide variety of general provisions and circulated them to its Advisory Group for review.¹⁰ Work for this phase addresses several of the agency’s statutory mandates,¹¹ and began in late 2016 with the issuance of multiple draft recommendations.¹² The CCRC’s Phase 2 recommendations for a set of general provisions are intended to prescribe definitions and rules of liability that apply to all revised offenses (e.g. theft, assault, etc.). Such general provisions are essential tools to improve the completeness, consistency, and

⁹ D.C. Code § 22-1308:

It shall not be lawful for any person or persons to play the game of football, or any other game with a ball, in any of the streets, avenues, or alleys in the City of Washington; nor shall it be lawful for any person or persons to play the game of bandy, shindy, or any other game by which a ball, stone, or other substance is struck or propelled by any stick, cane, or other substance in any street, avenue, or alley in the City of Washington, under a penalty of not more than \$5 for each and every such offense.

¹⁰ Staff’s estimate of the time necessary to complete draft general provisions—particularly inchoate offenses such as attempts, conspiracy, solicitation, and accomplice liability—in the agency’s Work Plan and Schedule (2-9-17) was inaccurate. By the end of 2017 the CCRC had developed and distributed draft recommendations for most expected general provisions. However, solicitation and accomplice liability, and a provision on merger, remain issues for 2018 that will require staff time that had been planned to revise additional offenses. The agency’s updated Work Plan and Schedule (1-12-18) reflects the new estimate for completion of general provision recommendations.

¹¹ D.C. Code § 3-152(a) (“(1) Use clear and plain language; (2) Apply consistent, clearly articulated definitions; (3) Describe all elements, including mental states, that must be proven; (7) Organize existing criminal statutes in a logical order; (10) Propose such other amendments as the Commission believes are necessary . . .”).

¹² See *First Draft of Report #2, Recommendations for Chapter 2 of the Revised Criminal Code: Basic Requirements of Offense Liability* (December 21, 2016). The report contained general provisions establishing a voluntariness requirement, a causation requirement, a culpable mental state requirement, a hierarchy of culpable mental states, and rules of interpretation applicable to the culpable mental state requirement.

precision of specific offenses. The CCRC’s draft general provisions follow the design of the American Law Institute’s Model Penal Code (MPC), which has been adopted by a majority of states and has recently been adopted by the D.C. Court of Appeals (DCCA) to resolve statutory ambiguity.¹³

- Specifically in 2017, the CCRC issued new draft recommendations concerning principles of liability in instances of accidents, mistakes, and where the defendant is intoxicated.¹⁴ The CCRC also issued draft recommendations providing general rules of interpretation for revised offenses,¹⁵ and liability rules for situations where the defendant attempted¹⁶ or conspired¹⁷ to commit a crime. The CCRC also created draft standardized penalty classes (e.g. setting a Class 2 felony at a maximum of 45 years imprisonment, a fine of \$250,000 or both)¹⁸ and revised several penalty enhancements that apply to all revised offenses.¹⁹ The CCRC discussed these drafts with its Advisory Group and received many written comments from Advisory Group members (see Annual Report section II, below). Updates to the draft general provisions distributed to the Advisory Group in late 2016 also were issued in 2017.²⁰

Phase 3.

- Regarding Phase 3, in 2017 the CCRC developed draft recommendations regarding a wide variety of specific offenses and circulated them to its Advisory Group for review.²¹

¹³ See, e.g., *Carrell v. United States*, 165 A.3d 314, 320, 324 (D.C. 2017) (*en banc*).

¹⁴ First Draft of Report #3 - Recommendations for Chapter 2 of the Revised Criminal Code: Mistake, Deliberate Ignorance, and Intoxication (March 13, 2017).

¹⁵ First Draft of Report #4 – Recommendations for Chapter 1 of the Revised Criminal Code: Preliminary Provisions (March 13, 2017).

¹⁶ First Draft of Report #7, Definition of a Criminal Attempt (June 7, 2017); First Draft of Report #13, Criminal Attempt Penalties (December 21, 2017).

¹⁷ First Draft of Report #12, Definition of a Criminal Conspiracy (November 6, 2017).

¹⁸ First Draft of Report #5, Recommendations for Chapter 8 of the RCC – Offense Classes and Penalties (May 5, 2017).

¹⁹ First Draft of Report #6, Penalty Enhancements (June 7, 2017).

²⁰ Third Draft of Report No. 2: Recommendations for Chapter 2 of the Revised Criminal Code— Basic Requirements of Offense Liability (December 21, 2017).

²¹ Staff’s estimate of the time necessary to complete draft revised offenses—particularly drug offenses—in the agency’s Work Plan and Schedule (2-9-17) was inaccurate. By the end of 2017 the CCRC had not developed or distributed draft recommendations for revised controlled substance offenses to its Advisory Group. After significant preparatory work, the decision was made in 2017 to postpone work on drug offenses at least until after revision of offenses against persons. Extended, unanticipated leave by lead staff on drug reform work, the Congressional appropriations bar on Council changes to drug offense penalties, and the greater importance of completing serious offenses against persons (murder, assault, sex assault, robbery, etc.) weighed in favor of postponing drug offenses rather than risk the timeline for completion of offenses against persons. The agency’s updated Work Plan and Schedule (1-12-18) reflects the new estimate for completion of recommendations for revised offenses and does not include drug offenses. Depending on the speed of staff work and Advisory Group feedback in 2018, the CCRC may be able to propose revision of some drug offenses before the scheduled September 2018 sunset. Staff developed and distributed draft recommendations for expected property offenses and most offenses against persons, though on a slightly delayed timeline.

Work for this phase addresses several of the agency’s statutory mandates.²² The Phase 3 recommendations modernize the structure and language of the most serious, frequently-sentenced District offenses, consistent with the general definitions, rules, and principles for establishing liability established by the general provisions developed in Phase 2. Draft recommendations for specific offenses differentiate gradations in liability but do not propose specific penalties or fines, which will be addressed in Phase 4.

- Specifically in 2017, the CCRC issued new draft recommendations concerning dozens of revised property offenses and offenses against persons. The draft recommendations for revised property offenses include theft and damage to property offenses,²³ fraud and stolen property offenses,²⁴ and extortion, trespass, and burglary offenses.²⁵ In addition, the CCRC developed drafts of revised definitions for property offenses and other provisions concerning the aggregation of amounts in property offense charges.²⁶ The CCRC’s draft revisions to offenses against persons include robbery,²⁷ assault,²⁸ and threats²⁹ charges, as well as revised definitions³⁰ for these offenses. The CCRC discussed the property offense drafts with its Advisory Group and received many written comments from Advisory Group members (see Annual Report section II, below). Discussion and written comments on draft offenses against persons are scheduled for early 2018.

A copy of the CCRC recommendations completed in 2017, *Report #1: Recommendations for Enactment of D.C. Code Title 22 and Other Changes to Criminal Statutes*, is attached as Appendix A to this Annual Report.

The recommendations developed in Phases 2, 3, and 4 will be combined, forming a single, cohesive set of reformed crimes in a new Title 22A. The combined reform recommendations will be presented in the CCRC’s second (and final) major report to the Council and Mayor by the statutory deadline of September 30, 2018. A copy of the draft CCRC recommendations’

²² D.C. Code § 3-152(a) (“(1) Use clear and plain language; (2) Apply consistent, clearly articulated definitions; (3) Describe all elements, including mental states, that must be proven; 4) Reduce unnecessary overlap and gaps between criminal offenses; (5) Eliminate archaic and unused offenses . . . (7) Organize existing criminal statutes in a logical order; (8) Identify any crimes defined in common law that should be codified, and propose recommended language for codification, as appropriate . . . (10) Propose such other amendments as the Commission believes are necessary . . .”).

²³ First Draft of Report #9 - Recommendations for Theft and Damage to Property Offenses (August 11, 2017).

²⁴ First Draft of Report #10 - Recommendations for Fraud and Stolen Property Offenses (August 11, 2017).

²⁵ First Draft of Report #11 - Recommendations for Extortion, Trespass, and Burglary Offenses (August 11, 2017).

²⁶ First Draft of Report #8 - Recommendations for Property Offense Definitions, Aggregation, and Multiple Convictions (August 11, 2017).

²⁷ First Draft of Report #16, Robbery (December 21, 2017).

²⁸ First Draft of Report #15, Assault and Offensive Physical Contact Offenses (December 21, 2017).

²⁹ First Draft of Report #17, Criminal Menace and Criminal threat Offenses (December 21, 2017).

³⁰ First Draft of Report #14, Definitions for Offenses Against Persons (December 21, 2017).

statutory language developed in 2017, *Compilation of Draft Revised Criminal Code Statutes To Date (December 21, 2017)* is attached as Appendix B to this Annual Report.³¹

II. SUMMARY OF COMMENTS RECEIVED FROM THE CCRC ADVISORY GROUP IN 2017

In preparing its reform recommendations, the CCRC is statutorily required to consult with a Code Revision Advisory Group, a statutorily designated group of stakeholders who review and provide information and suggestions on proposals prepared by the CCRC. The Advisory Group consists of 5 voting members and 2 nonvoting members.³² Advisory Group members have the opportunity to provide written comments³³ on all draft recommendations developed by the CCRC, and additional oral discussion on draft recommendations is held during the Advisory Group's monthly meetings. All Advisory Group recommendations are considered and the CCRC's final recommendations have and shall continue to be based on the comments received.³⁴

In January 2017 the CCRC received written comments from the Advisory Group on the first draft of *Report #1: Recommendations for Enactment of D.C. Code Title 22 and Other Changes to Criminal Statutes*. Those written comments are summarized here and reproduced in Appendix C attached to this Annual Report, along with the memorandum the CCRC provided to the Advisory Group addressing their comments.

For Report #1, the CCRC timely received written comments from the Office of the Attorney General for the District of Columbia (OAG), the U.S. Attorney's Office for the District of Columbia (USAO), and the Public Defender Service for the District of Columbia (PDS). The majority of the comments suggested clarifications to the wording of the Report or additional technical amendments to criminal statutes, and the CCRC made the suggested changes in the second draft of Report #1 and its accompanying appendices. Several Advisory Group written comments raised substantive questions regarding: 1) the effect of repealing several archaic and unused property damage offenses on the scope of the remaining property offenses; 2) the effect of enactment on court decisions construing the laws contained in Title 22; 3) whether the District of Columbia Court of Appeals would consider legislative intent in conducting statutory interpretation of an enacted title; and 4) how best to establish the legislative intent behind enacting Title 22.

³¹ Copies of the draft commentary entries explaining the draft recommendations' statutory language in Appendix B—totaling nearly 1,000 pages—are available on the CCRC website at <https://ccrc.dc.gov/page/ccrc-documents>.

³² See footnote #4, above, for a list of current members of the Advisory Group.

³³ D.C. Code § 3-153(c) (“The Commission shall provide drafts of its recommended reforms to criminal statutes to the Advisory Group in the form of reports. Advisory Group members may provide to the Commission written comments in response to those recommendations within a reasonable period of time, to be determined by the Executive Director, but not less than one month.”).

³⁴ D.C. Code § 3-153(d) (“The Commission shall consider all written comments that are timely received from Advisory Group members under subsection (c) of this section and propose all final recommendations to the Council based on the comments received.”).

In response to these Advisory Group comments on Report #1, the CCRC addressed the concern about the effect of repealing several property damage offenses by removing those offenses from the Report and the draft legislation. Those offenses are no longer recommended for repeal as part of this enactment legislation and will be discussed in conjunction with more comprehensive review of the District's property offenses (see Work Plan and Schedule in Part VI of this Annual Report). To address the concern about the effect of enactment on court decisions interpreting the laws contained in Title 22, the CCRC added additional language to the Statement of Legislative Intent contained in the prefatory section of the enactment bill that states that enactment is not intended to indicate legislative approval or disapproval of any court decisions interpreting the laws therein. Regarding the relevant canons of statutory construction that the District of Columbia Court of Appeals could use to determine legislative intent, the CCRC added text to the Report noting recent trends in the case law.

The Advisory Group members provided no additional comments to the second (voting) draft of Report #1. On April 5, 2017, the voting members of the Advisory Group unanimously approved *Report #1: Recommendations for Enactment of D.C. Code Title 22 and Other Changes to Criminal Statutes*.

In 2017, the CCRC also received nearly 90 pages of written comments on other draft reports summarized in Part I of this Annual Report. Specifically, the following voting members provided written comments to draft reports in 2017, regarding the following topics:

- *First Draft of Report # 2, Recommendations for Chapter 2 of the Revised Criminal Code - Basic Requirements of Offense Liability.*
 - On 2/22/17 the Designee of the Attorney General (OAG) submitted 8 pages of written comments on all sections of the draft.
 - On 2/22/17 the Designee of the United States Attorney for the District of Columbia (USAO) submitted 3 pages of written comments on the definition of possession, the definition of causation, and the culpable mental state of recklessness.
- *First Draft of Report #3 - Recommendations for Chapter 2 of the Revised Criminal Code: Mistake, Deliberate Ignorance, and Intoxication.*
 - On 4/24/17, OAG submitted 3 pages of written comments on all sections of the draft.
 - On 4/24/17, the Designee of the Director of the Public Defender Service (PDS) submitted 5 pages of written comments on all sections of the draft.
 - On 4/24/17, USAO submitted 2 pages of written comments on all sections of the draft.
- *First Draft of Report #4 – Recommendations for Chapter 1 of the Revised Criminal Code: Preliminary Provisions.*
 - On 4/24/17, OAG submitted 2 pages of written comments on the rules of interpretation and the interaction of Title 22A with other District laws.

- On 4/24/17, USAO submitted 2 pages of written comments on the rule of lenity.
- *Second Draft of Report #2, Recommendations for Chapter 2 of the Revised Criminal Code - Basic Requirements of Offense Liability.*
 - On 6/15/17, OAG submitted 3 pages of written comments on the draft hierarchy of culpable mental states.
- *First Draft of Report #5, Recommendations for Chapter 8 of the RCC – Offense Classes and Penalties.*
 - On 6/15/17, OAG submitted 5 pages of written comments on offense classifications, authorized terms of imprisonment, and authorized fines.
 - On 6/16/17, PDS submitted 5 pages of written comments on authorized terms of imprisonment.
- *First Draft of Report #6, Penalty Enhancements.*
 - On 7/17/17, OAG submitted 3 pages of written comments on all sections of the draft.
 - On 7/18/17, PDS submitted 4 pages of written comments on the draft repeat offender and hate crime penalty enhancements.
 - On 7/21/17, USAO submitted 1 page of written comments on the draft limitation on penalty enhancements and the hate crime penalty enhancement.
- *First Draft of Report #7, Definition of a Criminal Attempt.*
 - On 7/18/17, PDS submitted 3 pages of written comments on all sections of the draft.
 - On 7/21/17, USAO submitted 1 page of written comments on all sections of the draft.
- *First Draft of Report #8 - Recommendations for Property Offense Definitions, Aggregation, and Multiple Convictions.*
 - On 11/3/17, USAO submitted 5 pages of written comments on the draft definitions of “coercion,” “consent,” “deceive,” and “effective consent,” as well as the limitation on convictions for multiple property offenses.
 - On 11/3/17, PDS submitted 7 pages of written comments on the draft revisions to the definitions of “coercion,” “deceive and deception,” “dwelling,” “financial injury,” “motor vehicle,” and “services,” as well as the limitation on convictions for multiple property offenses.
- *First Draft of Report #9 - Recommendations for Theft and Damage to Property Offenses.*
 - On 11/3/17, USAO submitted 4 pages of written comments on the draft revisions to unauthorized use of a motor vehicle, shoplifting, and criminal graffiti.
 - On 11/3/17, PDS submitted 6 pages of written comments on the draft revisions to theft, unauthorized use of a motor vehicle, shoplifting, arson, reckless burning, criminal damage to property, and criminal graffiti.
- *First Draft of Report #10 - Recommendations for Fraud and Stolen Property Offenses.*

- On 11/3/17, USAO submitted 5 pages of written comments on the draft revisions to fraud, identity theft, and financial exploitation of a vulnerable adult or elderly person.
- On 11/3/17, PDS submitted 2 pages of written comments on the draft revisions to check fraud, unlawful labeling of a recording, and alteration of a motor vehicle identification number.
- *First Draft of Report #11 - Recommendations for Extortion, Trespass, and Burglary Offenses.*
 - On 11/3/17, USAO submitted 3 pages of written comments on the draft revisions to criminal obstruction of a public way, unlawful demonstration, burglary, and possession of burglary and theft tools.
 - On 11/3/17, PDS submitted 3 pages of written comments on the draft revisions to burglary and trespass.
- *First Draft of Report #12, Definition of a Criminal Conspiracy.*
 - On 12/18/17, PDS submitted 4 pages of written comments on all sections of the draft.
 - On 12/19/17, OAG submitted 3 pages of written comments on all sections of the draft.

III. SUMMARY OF OTHER COMMISSION ACTIVITIES IN 2017

In addition to its primary mission of developing criminal code reform recommendations, the agency has engaged in a variety of supporting activities, including the following highlights.

Data.

- On January 31, 2017 the agency received a partial response to a request to the D.C. Sentencing Commission for data on District charging and sentencing. The CCRC staff, with help from the Lab @ DC in the Office of the City Administrator, subsequently analyzed the information that was made available.
- On April 19, 2017, the agency formally executed a Memorandum of Understanding (MOU) with the Office of the City Administrator (OCA) concerning provision of data analysis services by the OCA's Lab @ DC to the CCRC. OCA agreed to provide these services at no cost to the CCRC, resulting in a substantial savings to the CCRC's budget.
- On May 8, 2017 the agency submitted a request to the D.C. Superior Court for data on District charging, sentencing, and other relevant statistics.
- On July 17, 2017, the CCRC completed a Data Use Agreement (DUA) with the D.C. Superior Court in connection with its May 8, 2017 request certain data on District charging, sentencing, and other relevant statistics. The DUA restricts the CCRC's ability to conduct certain analyses on, and share, the requested data.

- On August 7, 2017 the agency received a data set in response to its May 8, 2017 request to the D.C. Superior Court.
- On September 6, 2017, the agency formally issued a request to the Metropolitan Police Department (MPD), through the Lab @ DC at the Office of the City Administrator (OCA), for certain data on District arrests and citations. The data request was not fulfilled by September 30 (but has since been received in early October).
- On September 7, 2017, after consultation with D.C. Superior Court staff, a follow-up data request was made to the D.C. Superior Court. Unfortunately, on beginning its analysis the CCRC discovered that the data set provided on August 7, 2017 did not distinguish charges and convictions for attempt (versus completed) crimes, and only provided the latest sentence for convictions (versus the initial sentence). The follow-up request of September 8, 2017 was for a data set distinguishing these matters. (As of the date of this report in 2018, an updated data set had not been received.)

Council Testimony.

- On February 16, 2017 CCRC Executive Director Richard Schmechel testified before the Committee on the Judiciary and Public Safety at the agency's annual performance oversight hearing.
- On February 17, 2017 the agency submitted written testimony to the Committee on the Judiciary and Public Safety for the record of its public oversight roundtable on Sentencing in the District of Columbia: Agency Roles and Responsibilities held on February 9, 2017.
- On June 22, 2017, the agency submitted written testimony to the Committee on the Judiciary and Public Safety for the record of its June 22, 2017, Hearing on the Sexual Assault Victims' Rights Amendment Act of 2017. The CCRC's testimony related only to Section 5 of the bill, which would establish a new criminal offense entitled "Unlawful removal of another person's clothing."
- On October 19, 2017 the agency submitted written testimony to the Committee on the Judiciary and Public Safety for the record of its October 17, 2017, Hearing on the Sexual Fare Evasion Decriminalization Act of 2017.

Staffing.

- In the spring of 2017 a member of the agency's staff was trained and became an Equal Employment Opportunity (EEO) Counselor.
- On April 20-21, 2017 three agency staff attended a Rutgers Law School conference entitled "Theorizing Criminal Law Reform."
- On May 23, 2017 three agency staff attended the American Law Institute Annual Meeting discussion of "Model Penal Code: Sexual Assault and Related Offenses."
- On May 30, 2017 three legal interns joined the agency for the summer, providing *pro bono* legal research in aid of the CCRC's mission for the following ten weeks.

- On August 30, 2017 the CCRC welcomed a new, part-time legal intern to provide *pro bono* legal research to the agency during the fall semester.
- On October 13, 2017 the Executive Director attended an American Law Institute meeting entitled “Model Penal Code: Sexual Assault and Related Offenses.”
- On October 26, 2017 the Executive Director attended the Charles Koch Institute Conference: Advancing Justice.
- On October 27, 2017 two agency staff attended a George Washington University School of Law Symposium, “The Challenge of Crime in a Free Society: 50 Years Later.”
- In 2017 staff attended in-person trainings provided by the District that are required for use of the District’s Purchase Card and PASS systems (3 trainings) and becoming an EEO Counselor (1 training). All agency staff attended annual ethics training per consultation with the D.C. Board of Ethics and Government Accountability (BEGA).

Transparency & Community Outreach.

- Throughout 2017 the agency posted all its draft and final recommendations regarding criminal code reform to the agency’s website to provide maximum transparency.
- On September 7, 2017, the CCRC Executive Director and an agency attorney gave a presentation to judges of the District of Columbia Court of Appeals on the agency’s mission and recent work. The presentation was followed by a lively discussion during which several judges expressed strong support for the agency’s mission.

IV. STATUS OF PRIOR COMMISSION WORK

The CCRC is not aware of any problems with or changes that are necessary to its prior work due to legislative changes or court rulings. The agency monitors appellate decisions and legislation on a weekly basis and has incorporated changes into its draft recommendations as necessary. For example, the agency’s draft recommendations for revising the District’s threats and related statutes had to be rewritten (prior to issuance to the Advisory Group) in light of the D.C. Court of Appeals’ recent en banc decision on culpable mental states for a criminal threat charge in *Carrell v. United States*, 165 A.3d 314, 317 (D.C. 2017).

V. ISSUES POTENTIALLY DELAYING OR PREVENTING COMMISSION WORK

The Work Plan and Schedule attached as Appendix D to this Annual Report describes the number and type of recommendations for code revision that the CCRC expects to submit to the Council and Mayor. The Work Plan and Schedule also contains a section labeled “Limitations & Assumptions” that provides detail on various factors that may affect the CCRC’s ability to timely fulfill its statutory mandate.

However, there are two matters of particular concern. The first is the possibility of significant staff attrition and/or hiring difficulties due to the agency's current statutory sunset date of October 1, 2018. The agency's staff has developed unique expertise with the code revision process. In case of staff departure prior to the sunset, it will be extremely difficult to attract highly qualified individuals (given the time-limited nature of the employment) and train them in time to significantly advance agency work. In January 2018 one employee resigned and the time-limited nature of the agency's current authorization has complicated hiring for the vacancy. Should the agency's statutory authorization be extended, advanced notice of this intent, to the degree possible, could be crucial to retaining and/or attracting replacement staff in 2018.

Second, under the agency's statute, its Advisory Group's voting members must approve by majority vote all final recommendations of the CCRC before they may be transmitted to the Mayor and Council. To date, no Advisory Group members have stated that they cannot support the agency's draft recommendations, and the differences of opinion that are apparent in Advisory Group members' comments to the agency do not appear to jeopardize final approval. However, the possibility remains that Advisory Group members, perhaps even a majority, may yet raise fundamental objections to the agency's proposals. Should such objections be raised, significant additional time may be needed for staff to restructure its proposals and reengage the Advisory Group with respect to the revisions.

VI. WORK PLAN AND SCHEDULE FOR COMMISSION WORK

See Appendix D, attached.



FY 2017 Fourth Quarter Report

SUBMITTED TO THE COUNCIL
November 20, 2017

DISTRICT OF COLUMBIA CRIMINAL CODE REFORM COMMISSION
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PREFACE

The Criminal Code Reform Commission (CCRC) submits this quarterly report summarizing its recent activities, as required by statute.¹ This report concerns the fourth quarter of FY 2017, from July 1 through September 30, 2017. The CCRC's last quarterly report, on the third quarter of FY 2017, was submitted to the Council August 29, 2017.²

CCRC STATUTORY AUTHORITY

The CCRC began operation as a new, independent District agency on October 1, 2016, pursuant to the Council of the District of Columbia's Fiscal Year 2017 Budget Support Act of 2016. The CCRC is tasked with submitting to the Mayor and the Council comprehensive criminal code reform recommendations to revise the language of the District's criminal statutes within specified parameters, with a statutory deadline of October 1, 2018.³ In preparing these reform recommendations, the CCRC is required to consult with a Code Revision Advisory Group (Advisory Group), a statutorily designated group of stakeholders who review and provide information and suggestions on proposals prepared by the CCRC. The Advisory Group consists of 5 voting members and 2 nonvoting members.⁴ Approval by a majority of the Advisory Group is required for final recommendations to be submitted to the Council and the Mayor.⁵ In

¹ D.C. Code Ann. § 3-154(a) ("The Commission shall file quarterly reports with the Council that provide a summary of activities during the prior quarter.").

² Available online at <http://lims.dccouncil.us/Legislation/RC22-0079?FromSearchResults=true>.

³ The CCRC's mandate states:

By October 1, 2018, the Commission shall submit to the Mayor and the Council comprehensive criminal code reform recommendations that revise the language of the District's criminal statutes to: (1) Use clear and plain language; (2) Apply consistent, clearly articulated definitions; (3) Describe all elements, including mental states, that must be proven; (4) Reduce unnecessary overlap and gaps between criminal offenses; (5) Eliminate archaic and unused offenses; (6) Adjust penalties, fines, and the gradation of offenses to provide for proportionate penalties; (7) Organize existing criminal statutes in a logical order; (8) Identify any crimes defined in common law that should be codified, and propose recommended language for codification, as appropriate; (9) Identify criminal statutes that have been held to be unconstitutional and recommend their removal or amendment; (10) Propose such other amendments as the Commission believes are necessary; and (11) Enable the adoption of Title 22 as an enacted title of the District of Columbia Official Code.

D.C. Code § 3-152(a).

⁴ The current voting members of the Advisory Group are: Don Braman, Associate Professor of Law, George Washington University School of Law (Council Appointee); Paul Butler, Professor of Law, Georgetown University Law Center (Council Appointee); Renata Kendrick Cooper, Special Counsel for Policy and Legislative Affairs, United States Attorney's Office for the District of Columbia (Designee of the United States Attorney for the District of Columbia); Laura Hankins, General Counsel, Public Defender Service for the District of Columbia (Designee of the Director of the Public Defender Service for the District of Columbia); and Dave Rosenthal, Senior Assistant Attorney General, Office of the Attorney General (Designee of the Attorney General for the District of Columbia). The current non-voting members of the Advisory Group are: Kate Mitchell, Committee Director, Committee on the Judiciary and Public Safety, (Designee of the Chairperson of the Council Committee on the Judiciary and Public Safety); and Helder Gil, Legislative and Policy Advisor, Office of the City Administrator (Designee of the Deputy Mayor for Public Safety and Justice).

⁵ D.C. Code § 3-153(e).

preparing its reform recommendations the CCRC also reviews criminal code reforms in other jurisdictions, changes to criminal offenses recommended by the American Law Institute, and best practices recommended by criminal law experts.⁶

NOTABLE CCRC ACTIVITIES JULY – SEPTEMBER 2017

Development of Reform Recommendations

The CCRC's work to develop recommendations for reform of District criminal statutes is guided by the Work Plan and Schedule that was first provided to the Council on February 9, 2017, as part of the agency's Annual Report. The Work Plan and Schedule divides the development of code reform recommendations under the CCRC's statutory mandate into four Phases. The CCRC's activities during the fourth quarter of FY 2017 continued its work on Phase 2 (General Provisions for a new Title 22A) and Phase 3 (Reformed Offenses for a new Title 22A) of the Work Plan and Schedule.

As part of Phase 2, the CCRC continued its development of reform recommendations to the Council and Mayor that provide a standard toolkit of rules, definitions, and principles for establishing criminal liability that will apply to all reformed offenses. Such work addresses several of the agency's statutory mandates.⁷ Specifically, in the fourth quarter, CCRC staff reviewed possible changes to its draft recommendations regarding general penalty enhancements⁸ and attempt liability⁹ in response to Advisory Group comments received by July 21, 2017. Discussion of these draft recommendations and the Advisory Group's comments were agenda items for the July 5 and September 6 Advisory Group meetings. Specific concerns and solutions were discussed, and few or no major objections were raised as to the core features of the proposed recommendations in the First Drafts of Report No. 6 and No. 7. CCRC staff also began work on draft recommendations regarding conspiracy liability, but these were not released during the fourth quarter.

As part of Phase 3, the CCRC issued its first set of draft reform recommendations for specific District offenses to its Advisory Group for comment. These recommendations were delivered in four draft reports, as follows.

⁶ *Id.*

⁷ D.C. Code § 3-152(a) (“(1) Use clear and plain language; (2) Apply consistent, clearly articulated definitions; (3) Describe all elements, including mental states, that must be proven; ...(7) Organize existing criminal statutes in a logical order; (8) Identify any crimes defined in common law that should be codified, and propose recommended language for codification, as appropriate; ...(10) Propose such other amendments as the Commission believes are necessary . . .”).

⁸ The CCRC issued its First Draft of Report No. 6, Penalty Enhancements, on June 7, 2017.

⁹ The CCRC issued its First Draft of Report No. 7, Definition of a Criminal Attempt, on June 7, 2017.

- In its First Draft of Report No. 8, submitted for Advisory Group review on August 11, 2017, the CCRC drafted recommendations for new definitions that will be consistently applied to revised property offenses, a statute concerning aggregation of values and amounts of damage for revised property offenses, and a statute limiting convictions for multiple, related property offenses. These new statutes would replace, in whole or in part, three statutes in the current D.C. Code.¹⁰
- In its First Draft of Report No. 9, submitted for Advisory Group review on August 11, 2017, the CCRC drafted recommendations for revision of various theft and damage to property offenses. The recommendations propose five new theft-type offenses¹¹ and four new damage to property-type offenses¹². These nine new offenses would replace, in whole or in part, eighteen statutes in the current D.C. Code.¹³
- In its First Draft of Report No. 10, submitted for Advisory Group review on August 11, 2017, the CCRC drafted recommendations for revision of various fraud and stolen property offenses. The recommendations propose seven new fraud-type offenses¹⁴ and four new stolen property-type offenses¹⁵. These eleven new offenses would replace, in whole or in part, nineteen statutes in the current D.C. Code.¹⁶
- In its First Draft of Report No. 11, submitted for Advisory Group review on August 11, 2017, the CCRC drafted recommendations for revision of various extortion, trespass, and burglary offenses. The recommendations propose one new extortion

¹⁰ D.C. Code § 22-3201 (definitions), § 22-3202 (aggregation of amounts received to determine grade of offense), and § 22-3203 (consecutive sentences).

¹¹ Theft, Unauthorized Use of Property, Unauthorized Use of a Vehicle, Shoplifting, and Unlawful Creation or Possession of a Recording.

¹² Arson, Reckless Burning, Criminal Damage to Property, Criminal Graffiti.

¹³ D.C. Code § 22-3211 (theft), § 22-3216 (taking property without right), § 22-3215 (unauthorized use of a motor vehicle), § 22-3213 (shoplifting), § 22-3214 (commercial piracy), § 22-301 (arson), § 22-302 (burning one's own property with intent to injure or defraud another person), § 22-3305 (placing explosives with intent to destroy or injure property), § 22-303 (malicious destruction of property), § 22-3303 (grave robbery, buying or selling bodies), § 22-3307 (destroying or defacing public records), § 22-3309 (destroying boundary markers), § 22-3310 (destroying trees or protections thereof on public grounds), § 22-3312.01 (defacing public or private property), § 22-3313 (destroying or defacing building materials for streets), § 22-3314 (destroying cemetery railing or tomb), § 22-3312.04(d) (graffiti), § 22-3312.04(d) (possession of graffiti materials),

¹⁴ Fraud, Payment Card Fraud, Check Fraud, Forgery, Identity Theft, Unlawful Labeling of a Recording, and Financial Exploitation of a Vulnerable Adult.

¹⁵ Possession of Stolen Property, Trafficking of Stolen Property, Alteration of Motor Vehicle Identification Number, and Alteration of Bicycle Identification Number.

¹⁶ D.C. Code § 22-3221 (fraud), § 22-3223 (credit card fraud), § 22-1510 (making, drawing, or uttering check, draft, or order with intent to defraud), §§ 22-3241 - § 22-3242 (forgery), §22-1402 (recording of deed, contract, or conveyance with intent to extort money), §§ 22-3227.01 - § 22-3227.04; D.C. Code §§ 22-3227.06 - § 22-3227.08 (identity theft), § 22-3214.01 (unlawful labeling of a recording), § 22-933.01 (financial exploitation of a vulnerable adult or elderly person), § 22-3232 (receiving stolen property), § 22-3231 (trafficking stolen property), § 22-3233 (altering or removing motor vehicle identification numbers), and § 22-3234 (altering or removing bicycle vehicle identification numbers).

offense¹⁷ five new trespass offenses,¹⁸ and two new burglary-type offenses¹⁹. These eight new offenses would replace, in whole or in part, eight statutes in the current D.C. Code.²⁰

Discussion of these draft recommendations for reform of District property offenses was part of the CCRC's September 6 and September 19 meetings with the Advisory Group. Advisory Group comments on the first draft property offense recommendations were not due during the fourth quarter of FY 2017. In addition to the abovementioned work on property offenses for Phase 3, staff also began to develop recommendations for revision of dozens of offenses against persons. Such offenses include various forms of assault, robbery, and criminal threats. Recommendations on these offenses were not issued to the Advisory Group during the fourth quarter, however.

When finalized, the recommendations developed in Phases 2 and 3 of the Work Plan will be combined with later work in Phase 4, forming a single, cohesive set of reform recommendations for District crimes in a new Title 22A. The combined, final reform recommendations will be presented in the CCRC's final report to the Council and Mayor by the statutory deadline of September 30, 2018.

Agency Administration & Other Activities

Data. On August 2, 2017, the CCRC completed a Data Use Agreement (DUA) with the D.C. Superior Court in connection with its May 8, 2017 request certain data on District charging, sentencing, and other relevant statistics. The DUA restricts the CCRC's ability to conduct certain analyses on, and share, the requested data. On August 7, 2017 the agency received a data set in response to its May 8, 2017 request to the D.C. Superior Court. Unfortunately, on beginning its analysis the CCRC discovered that the data set did not distinguish charges and convictions for attempt (versus completed) crimes, and only provided the latest sentence for convictions (versus the initial sentence). After consultation with D.C. Superior Court staff, a follow-up data request was made on September 8, 2017 covering for a data set distinguishing these matters. As of September 30 (and the date of this report), an updated data set had not been received. Few analyses can be performed without the additional fields in the new data set.

On September 6, 2017, the agency formally issued a request to the Metropolitan Police Department (MPD), through the Lab at the Office of the City Administrator (OCA), for certain

¹⁷ Extortion.

¹⁸ Trespass, Trespass of a Motor Vehicle, Criminal Obstruction of a Public Road or Walkway, Unlawful Demonstration, and Criminal Obstruction of a Bridge to Virginia.

¹⁹ Burglary and Possession of Burglary and Theft Tools.

²⁰ D.C. Code § 22-3251 (extortion), § 22-3252 (blackmail), § 22-3302 (unlawful entry on property), § 22-1341 (unlawful entry of a motor vehicle), § 22-1307 (crowding, obstructing, or incommoding), § 22-1323 (obstructing bridges connecting D.C. and Virginia), § 22-801 (burglary), and § 22-2501 (possession of implements of crime).

data on District arrests and citations. The data request was not fulfilled by September 30 (but has since been received in early October).

Staffing. In early August 2017 the CCRC's three legal interns completed their work providing *pro bono* legal research in aid of the agency's mission. The CCRC greatly appreciates the contributions of Mr. Jarrell Blakemore (Howard University School of Law), Ms. Melanie Dellplain (Georgetown University Law Center), and Mr. Christopher Herr (Georgetown University Law Center). Subsequently, in September 2017 the CCRC welcomed Mr. Christopher Westfall (Georgetown University Law Center) as a new, part-time legal intern to provide *pro bono* legal research to the agency.

Community Outreach. In September 2017 the CCRC Executive Director and an agency attorney gave a presentation to judges of the District of Columbia Court of Appeals on the agency's mission and recent work. The presentation was followed by a lively discussion during which several judges expressed strong support for the agency's mission.

CONCLUSION

The CCRC's work in the third quarter of FY 2017 focused primarily on preparation and issuance to its Advisory Group of first draft recommendations for dozens of new property offenses that would replace existing statutes. These property offenses include common and serious property crimes such as: theft, extortion, fraud, arson, destruction of property, and burglary. Staff also addressed Advisory Group comments on liability for criminal attempts and began drafting recommendations for criminal conspiracy and offenses against persons such as assault, robbery, and criminal threats.

Pursuant to its earlier data request, the agency also received a Superior Court data set on adult offenses with a disposition date during the years 2010-2016. However, the data set was missing key information and a second data request was issued in September 2017. No response has been received to date. A data request to MPD was also issued in September 2017 and has since been received.

All agency draft recommendations, as well as minutes for the agency's Advisory Group meetings are available on the CCRC website at www.ccrdc.gov. For additional details or questions about the CCRC's activities or operation, please contact the agency's Executive Director, Richard Schmechel.

Appendix C

(CCRC Work Plan and Schedule 1-24-19)

CCRC Agency Work Plan & Schedule (1-24-19)

This combined CCRC Agency Work Plan & Schedule (1-24-19) presents the planned activities of the D.C. Criminal Code Reform Commission (CCRC). The Work Plan & Schedule guides agency operations, subject to changes by the CCRC Executive Director to better meet the CCRC's statutory mandate with available resources.

This document consists of the following parts:

- I. Overview.
- II. Limitations & Assumptions.
- III. General Sequence of Code Reform Recommendations.
- IV. Ongoing Activities Supporting the Development of Recommendations.
- V. Schedule.

I. Overview.

This Work Plan & Schedule (1-24-19) addresses all remaining aspects of the CCRC's core statutory mandate to develop comprehensive criminal code reform recommendations that revise the language of the District's criminal statutes to:

- (1) Use clear and plain language;
- (2) Apply consistent, clearly articulated definitions;
- (3) Describe all elements, including mental states, that must be proven;
- (4) Reduce unnecessary overlap and gaps between criminal offenses;
- (5) Eliminate archaic and unused offenses;
- (6) Adjust penalties, fines, and the gradation of offenses to provide for proportionate penalties;
- (7) Organize existing criminal statutes in a logical order;
- (8) Identify any crimes defined in common law that should be codified, and propose recommended language for codification, as appropriate;
- (9) Identify criminal statutes that have been held to be unconstitutional and recommend their removal or amendment;
- (10) Propose such other amendments as the Commission believes are necessary; and
- (11) Enable the adoption of Title 22 as an enacted title of the District of Columbia Official Code.¹

On May 5, 2017, the CCRC issued to the Council and Mayor *Report #1: Recommendations for Enactment of D.C. Code Title 22 and Other Changes to Criminal Statutes*. That report contained recommendations partially or wholly responding to items (1), (5), (8), (9), and (11) of the agency's statutory responsibilities.

This Work Plan & Schedule (1-24-19) addresses the CCRC's remaining statutory responsibilities with the goal of maximizing the recommendations for comprehensive criminal code reform that are issued by the agency's statutory sunset date. These recommendations will be issued to the Council and Mayor in the form of a second major report. The second report will provide

¹ D.C. Code § 3-151 *et seq.*

recommendations for reform of the most serious, routinely-sentenced District offenses currently in use. The second report will recommend that reformed offenses be codified chiefly in a new, enacted Title 22 (hereafter, “Title 22E”), with some reformed offenses remaining in their current locations in other titles.

Consistent with the past six decades of modern American criminal code reform efforts,² the recommended Title 22 will consist of two distinct components. First, Title 22E will contain a “General Part,” which codifies key general definitions, essential interpretive rules, culpability principles applicable to all reformed offenses, as well as a coherent classification scheme for grading reformed offenses. Second, Title 22E will contain a “Special Part,” which codifies clearly articulated, reformed versions of individual offenses. Collectively, the components of the new Title 22E will provide a full and accurate statutory description of the elements for every reformed offense.

The second report will consist of draft statutory language, as well as a commentary (suitable for adoption as legislative history) that explains how and why the reformed statutes change existing District law, and appends analyses of how other jurisdictions with reformed codes treat relevant points of law, and charging, sentencing, and other relevant statistics regarding affected offenses.

In preparing its reform recommendations, the CCRC will consult with its statutorily-created Advisory Group. The Advisory Group will review, comment, and ultimately vote on all CCRC recommendations that go to the Council and Mayor. The final recommendations will be based on the Advisory Group’s comments, reconciled with each other and to be consistent with the agency’s statutory mandate, and a copy of those comments will be appended to the report. In preparing its reform recommendations, the CCRC also will review criminal code reforms in other jurisdictions, recommend changes to criminal offenses by the American Law Institute, and survey best practices recommended by criminal law experts.

In sum, by the Commission’s statutory deadline, the CCRC plans to issue final recommendations in a second report to the Council and Mayor that, per D.C. Code § 3-152, will include:

- Reformed statutory language for most serious and frequently-prosecuted District offenses;
- New statutory language that codifies consistent general provisions (e.g., mental state requirements, definitions), and at least some general defenses, applicable to reformed offenses;
- Written commentary explaining the meaning of the reformed language and how and why the reformed statutory language changes current District law;
- A record of Advisory Group written comments on draft recommendations and their disposition;
- Relevant statistical information; and
- A bill to enact Title 22 that incorporates the Commission’s reform recommendations.

² For a brief summary of the history of modern American criminal code reform efforts, see CCRC Memorandum No. 2, *Adoption of a Comprehensive General Part in the Revised Criminal Code* (December 21, 2016) available on the agency’s website at <https://ccrc.dc.gov/page/ccrc-documents>.

II. Limitations & Assumptions.

Due to time and resource constraints, the Work Plan & Schedule (1-24-19) excludes reform recommendations for many of the more than 700 criminal statutes scattered throughout the D.C. Code.³ The majority of these criminal statutes are of a regulatory nature, impose misdemeanor penalties, or do not appear to have been sentenced in recent years (or ever). A list of statutes not expected to be revised by the CCRC is provided in the schedule at the end of this document.

With that general caveat regarding the scope of the agency's work, there are several variables that may diminish the number of statutory sections that the CCRC expects to be able to review. These variables include:

- Agency staff loss or unanticipated extended leave;
- New court decisions or legislation (District or federal) affecting draft recommendations;
- Delays in preparation of recommendations for statutory sections other than current offenses (see below);
- Advisory Group comments requiring additional drafts of issued recommendations; and
- Advisory Group disagreement that delays a vote to approve the final recommendations.

Of these matters, two are of particular concern. The first is the possibility of significant staff attrition and/or extended leave. The agency's staff is comprised of just five people and has developed unique expertise with the code revision process. In case of staff departure, it will be extremely difficult to attract highly qualified individuals (given the time-limited nature of the employment) and train them in time to significantly advance agency work before the agency's statutory deadline. Extended leave by agency staff also could significantly diminish the number of criminal statutes for which the agency will develop recommendations.

Second, under the agency's statute, the CCRC's Advisory Group's voting members must approve by majority vote all final recommendations of the CCRC before they may be transmitted to the Mayor and Council. To date, no Advisory Group members have stated that they cannot support the agency's draft recommendations, and the differences of opinion that are apparent in Advisory Group members' comments to the agency do not appear to jeopardize final approval. However, the possibility remains that Advisory Group members, perhaps even a majority, may yet raise fundamental objections to the agency's proposals. Should such objections be raised, significant additional time may be needed for staff to restructure its proposals and reengage the Advisory Group with respect to any revisions.

It should also be noted that the federal government shutdown that began in late 2018 has adversely affected the operation of the CCRC's Advisory Group, two of whom are federal employees. With these Advisory Group members unavailable, the CCRC has had to cancel Advisory Group meetings, with consequent delays in the review of draft recommendations. The federal shutdown has also delayed a D.C. Superior Court response to the agency's latest data request.

In making the work schedule at the end of this document, the CCRC has assessed these variables to the best of its ability based on its prior experience working on code reform. However, unexpected changes in these variables could affect the agency's timely completion.

³ This estimate is based on an internal review by CCRC staff of the D.C. Code.

III. General Sequence of Code Reform Recommendations.

The CCRC's development of code reform recommendations follows four general sequential (though overlapping) phases, which can be summarized as follows:

- *Phase 1.* Facilitate enactment of Title 22 of the D.C. Code, which contains most District offenses, and propose other minor amendments to District criminal statutes. Phase 1 recommendations ease the administrative burden of future amendments to District criminal laws and redress technical errors.
 - Phase 1 was completed May 5, 2017, when the CCRC issued to the Council and Mayor *Report #1: Recommendations for Enactment of D.C. Code Title 22 and Other Changes to Criminal Statutes.*
- *Phase 2.* Develop key general definitions, essential interpretive rules, and the most important culpability principles applicable to all reformed offenses, including general defenses (e.g. self defense). Phase 2 recommendations facilitate the clear and comprehensive drafting of reformed offenses, which will be consistently interpreted and applied by the courts.
- *Phase 3.* Develop reformed individual offenses consistent with general provisions using language that is accessible, intuitive, and complete. Phase 3 recommendations facilitate the clear articulation and consistent interpretation of District offenses.
- *Phase 4.* Review all reformed offenses together as a whole, creating an ordinal ranking of offense severity and establishing the classification of all individual offenses. Phase 4 recommendations facilitate proportionate penalties for all reformed District offenses.

These four phases follow an overarching logic: prepare Title 22 for reform, create a general framework applicable to all reformed offenses, reform offenses using that general framework, and then reform the penalties for all offenses to be proportionate.

It is important to note, however, that it is neither possible nor desirable for the CCRC to issue or finalize all the recommendations for each phase before starting the next phase. The development of some of the Phase 2 recommendations (e.g., the planned recommendations regarding codification of general defenses) require significant staff time by one staff member, such that, in order to accomplish as much as possible by the CCRC's statutory deadline, work on Phase 3 recommendations must commence before completion of Phase 2. It is also expected, however, that work on later phases may reveal the need to rework aspects of earlier phases. Consequently, while the general sequence of code reform work is fixed, some overlap in the completion of phases is necessary. The CCRC has structured the planned release of individual recommendations to ensure that members of the Advisory Group have the information necessary to provide informed comments and feedback on distributed materials.

Below is a more detailed overview of how Phases 2, 3, and 4 are expected to operate in the remainder of 2019.

Phase 2. General Provisions for a Title 22E.

Per Phase 2, the CCRC is developing a standard toolkit of rules, definitions, and principles for establishing criminal liability, including general defenses, that will apply to all reformed offenses. The CCRC is also developing a coherent classification scheme for grading offenses and setting penalties, as well as penalty enhancements that apply to many or all offenses. (Note, however, that the development of draft recommendations for penalty classes and general penalty enhancements during this phase will describe the penalty classes and differentiate gradations in penalty enhancements, but will not propose specific penalties or fines for any offenses. Recommendations for specific penalties or fines, including for penalty enhancements, is addressed in Phase 4.) Phase 2 work addresses several of the agency's statutory mandates.⁴

- *Phase 2 New Recommendations to Be Drafted in 2019*⁵:
 - § 22E-4XX. General Provisions Governing Justification Defenses.
 - § 22E-4XX. Choice of Evils.
 - § 22E-4XX. Execution of Public Duty.
 - § 22E-4XX. Law Enforcement Authority.
 - § 22E-4XX. Special Responsibility for Care, Discipline, or Safety Defense.
 - § 22E-4XX. Effective Consent Defense.
 - § 22E-4XX. Defense of Person.
 - § 22E-4XX. Defense of Property.

- *Key Dates*:
 - An update to all draft general provisions that incorporates Advisory Group comments is planned for release in March 2019. A second cumulative update to all general provisions is planned for the fall of 2019.
 - To maximize the Advisory Group's time for review, the CCRC will issue new recommendations developed in Phase 2 as they become available. Draft recommendations regarding justification defenses for persons with special responsibilities and effective consent are planned for release to the Advisory Group in March 2019. A second issuance of justification defenses is planned on or by August 2019.

Phase 3. Reformed Offenses for a New Title 22E.

Per Phase 3, the CCRC is developing recommendations for modernizing the structure and language of the most serious, frequently-sentenced District offenses, consistent with the general definitions, rules, and principles for establishing liability established by the General Part. Draft recommendations for specific offenses differentiate gradations in liability but do not propose specific penalties or fines (work which is addressed in Phase 4). Work for this phase addresses several of the agency's statutory mandates.⁶

⁴ D.C. Code § 3-152(a) (“(1) Use clear and plain language; (2) Apply consistent, clearly articulated definitions; (3) Describe all elements, including mental states, that must be proven;...(7) Organize existing criminal statutes in a logical order;...(10) Propose such other amendments as the Commission believes are necessary...”).

⁵ The designation “§ 22E-XXXX” is used to denote the location of the provision in the CCRC's draft recommendations, while corresponding D.C. Code offenses, where applicable, are listed in square brackets.

⁶ D.C. Code § 3-152(a) (“(1) Use clear and plain language; (2) Apply consistent, clearly articulated definitions; (3)

- *Phase 3 New Recommendations to be Drafted in 2019*⁷:
 - Weapon possession offenses, including provisions corresponding to:
 - § 22E-41XX. While armed enhancement. [D.C. Code § 22-4502]
 - § 22E-41XX. Gun free zones enhancement. [D.C. Code § 22-4502.01]
 - § 22E-41XX. Unlawful Possession of a Firearm. [D.C. Code § 22-4503]
 - § 22E-41XX. Unlawful Discharge of a Firearm. [D.C. Code § 22-4503.01]
 - § 22E-41XX. Prohibition of Firearms from Public or Private Property. [D.C. Code § 22-4503.02]
 - § 22E-41XX. Carrying Concealed Weapons; Possession of Firearm During Crime of Violence or Dangerous Crime. [D.C. Code § 22-4504]
 - § 22E-41XX. Lack of Authority to Carry Firearm in Certain Places for Certain Purposes. [D.C. Code § 22-4504.01]
 - § 22E-41XX. Unlawful Transportation of a Firearm. [D.C. Code § 22-4504.02]
 - § 22E-41XX. Exceptions to 22-4504. [D.C. Code § 22-4505]
 - § 22E-41XX. Issue of a License to Carry a Pistol. [D.C. Code § 22-4506]
 - § 22E-41XX. Certain Sales of Pistols Prohibited. [D.C. Code § 22-4507]
 - § 22E-41XX. Transfers of Firearms Regulated. [D.C. Code § 22-4508]
 - § 22E-41XX. Dealers of Weapons to be Licensed. [D.C. Code § 22-4509]
 - § 22E-41XX. Licenses of Weapons Dealers. [D.C. Code § 22-4510]
 - § 22E-41XX. False Information in Purchase of Weapons. [D.C. Code § 22-4511]
 - § 22E-41XX. Alteration of Identifying Marks of Weapons. [D.C. Code § 22-4512]
 - § 22E-41XX. [Weapon Offense] Exceptions. [D.C. Code § 22-4513]
 - § 22E-41XX. Possession of a Prohibited Weapon. [D.C. Code § 22-4514]
 - § 22E-41XX. [Weapon Offense] Penalties. [D.C. Code § 22-4515]
 - § 22E-41XX. Manufacture, Transfer, Possession, or Use of an Explosive. [D.C. Code § 22-4515a]
 - § 22E-41XX. Severability. [D.C. Code § 22-4516]
 - § 22E-41XX. Dangerous articles, etc. [D.C. Code § 22-4517]
 - Controlled substance offenses, including provisions corresponding to:
 - D.C. Code § 48-904.01. [Controlled Substances] Prohibited Acts A.
 - D.C. Code § 48-904.02. [Controlled Substances] Prohibited Acts B.
 - D.C. Code § 48-904.03. [Controlled Substances] Prohibited Acts C.
 - D.C. Code § 48-904.03a. [Controlled Substances] Prohibited Acts D.
 - D.C. Code § 48-904.04. [Controlled Substances] Penalties Under Other Laws.
 - D.C. Code § 48-904.05. [Controlled Substances] Effect of Acquittal or Conviction Under Federal Law.

Describe all elements, including mental states, that must be proven; (4) Reduce unnecessary overlap and gaps between criminal offenses; (5) Eliminate archaic and unused offenses...(7) Organize existing criminal statutes in a logical order; (8) Identify any crimes defined in common law that should be codified, and propose recommended language for codification, as appropriate...(10) Propose such other amendments as the Commission believes are necessary...”).

⁷ The designation “§ 22E-XXXX” is used to denote the location of the provision in the CCRC’s draft recommendations, while corresponding D.C. Code offenses, where applicable, are listed in square brackets.

- D.C. Code § 48-904.06. [Controlled Substances] Distribution to Minors.
- D.C. Code § 48-904.07. [Controlled Substances] Enlistment of Minors to Distribute.
- D.C. Code § 48-904.07a. [Controlled Substances] Drug Free Zones.
- D.C. Code § 48-904.08. [Controlled Substances] Second or Subsequent Offenses.
- D.C. Code § 48-904.09. [Controlled Substances] Attempt; Conspiracy.
- D.C. Code § 48-904.10. [Controlled Substances] Possession of Drug Paraphernalia.
- D.C. Code § 48-911.01. [Controlled Substances] Consumption of Marijuana in Public Space Prohibited; Impairment Prohibited.
- D.C. Code § 48-1103. [Controlled Substances] Prohibited Acts [Paraphernalia].
- Invasions of privacy, including provisions corresponding to:
 - § 22E-1801. Nonconsensual Pornography. [D.C. Code §§ 22-3051; 22-3052; 22-3053; 22-3054; 22-3055; 22-3056; 22-3057].
 - § 22E-1802. Sexual Performance Using Minors. [D.C. Code §§ 22-3101; 22-3102; 22-3103; 22-3104]
 - § 22E-1803. Voyeurism. [D.C. Code § 22-3531]
- *Key Dates:*
 - To allow the Advisory Group to evaluate similar offenses together, the CCRC will distribute draft recommendations developed in Phase 3 in staggered clusters. Release of drug and weapon first draft recommendations are tentatively planned for release to the Advisory Group on or by June and July 2019, respectively. Draft recommendations for reform of crimes of invasion of privacy and other assorted offenses will be staggered throughout the year.
 - An update to all draft specific offenses issued prior to January 1, 2019, that incorporates Advisory Group comments is planned for release in March 2019. A second cumulative update to all specific offenses issued prior to August 1, 2019, is planned for the fall of 2019.

Phase 4. Proportionate Penalties for Title 22E Offenses.

Per Phase 4, the CCRC is evaluating the relative seriousness of reformed District offenses, and accordingly recommending proportionate penalties and fines in a manner that fulfills several CCRC mandates.⁸ Draft recommendations regarding the ranking of offense severity and classification of offenses may be comprised of two or more alternatives for Council consideration.

- *Phase 4 New Recommendations to be Drafted in 2019:*
 - Ordinal ranking of revised offenses and their gradations severity.
 - Grouping revised offenses and their gradations (using the above ordinal ranking) into standardized penalty classes with specific imprisonment and fine punishments.
 - Review of statutory repeat offender penalty enhancements.

⁸ D.C. Code § 3-152(a)(6) (“Adjust penalties, fines, and the gradation of offenses to provide for proportionate penalties.”)

- Jury demandability of crimes punishable by less than 6-month sentences.
- Mandatory minimum sentencing.

- *Key Dates:*
 - Draft recommendations for these Phase 4 topics are tentatively scheduled for release to the Advisory Group on or by August 2019.

IV. Ongoing Activities Supporting the Development of Recommendations.

The CCRC’s development of specific code reform recommendations is supported by a variety of ongoing agency work.

Monitoring District Criminal Legislation & Case Law.

The starting place for criminal code reform is existing District law, whether legislative or judicial. A sound understanding of current District law is critical to providing commentary to the Council on how CCRC recommendations affect District law, a statutory mandate for the agency.⁹ Since the inception of the CCRC, staff has conducted regular reviews of legislative and judicial developments in the District and will continue to do so until all recommendations are finalized.

Monitoring Best Practices & Other Jurisdictions’ Criminal Code Reforms.

By statute,¹⁰ the process the CCRC uses to review District statutes also involves review of reforms in other jurisdictions’ code reforms and the recommendations of criminal law experts. In recent years there has been a major surge in state-level criminal justice reforms, often through Justice Reinvestment Initiatives (JRIs) that seek to improve public safety and reduce costs. There also has been progress on new model recommendations for Sentencing and Sexual Assault through the American Law Institute (ALI). Recognizing that the public safety needs, norms and history of each jurisdiction are unique, the CCRC staff conducts a monthly review of new national developments that may be useful to the District's reform efforts.

Outreach & Collaboration.

To examine best practices and models of reform in other jurisdictions, and to better understand public perspectives on topics like penalty proportionality, the CCRC must conduct outreach to other organizations and individuals. Additional outreach to legal experts, criminal justice stakeholders, and the public is being planned for 2019.

Data Acquisition & Analysis.

The CCRC statute requires the agency to provide “charging, sentencing, and other relevant statistics” with its final recommendations to the Council and Mayor. However, such statistical information is also critical to the initial development of recommendations. For example, the sentences for a specific offense may show what District judges believe to be a proportionate

⁹ D.C. Code § 3-152(b)(3).

¹⁰ D.C. Code § 3-152(c)(2).

penalty for that offense. To acquire data, the CCRC is statutorily authorized to request information from other entities. An updated data request was made of the D.C. Superior Court in November 2018, and a new dataset is expected in 2019 that will include charging and sentencing data for the years 2009 – 2018 for all misdemeanors and felonies. The CCRC plans to work with social scientists in the Lab of the Office of the City Administrator in FY 19 to analyze the data it acquires.

Agency Legal Compliance.

The CCRC is a relatively new independent agency in the District government, and has both agency-specific¹¹ and District-wide responsibilities to operate efficiently, transparently, and lawfully. Since its inception on October 1, 2016, the CCRC has worked with a number of District agencies to set up appropriate financial, budgetary, human relations, facilities, ethics and other operations. To the best of its knowledge, the agency is fully in compliance with District rules and regulations. However, oversight of spending and the long-term development of a document retention system remain work activities for the CCRC in 2019.

Staff Development & Training.

The legal challenges of criminal code reform are unique, and the CCRC has been mostly fortunate in retaining a staff with significant experience working on such challenges. No new hiring is planned in 2019 at this time, and no vacancies are expected.

V. Schedule.

Currently, the CCRC’s statutory authorization is set to expire on October 1, 2019. However, the agency is requesting of the Mayor’s Office of Budget and Performance Management and Council a statutory extension and funding through the FY 20 District budget. The schedule below assumes continued agency operation beyond FY 19, but is designed to guide agency activity regardless of the length of the agency’s further statutory authorization. It accomplishes this by specifying *groupings of offenses and group sequence for review*. The schedule below identifies:

- (1) Most¹¹ crimes codified in the D.C. Code.
- (2) All statutory sections in Title 22, including sections with non-crime provisions that must be part of enactment of a revised Title 22; and
- (3) Those D.C. Municipal regulations that both include crimes and have been charged¹² against adults in Superior Court in recent years.

Columns A-C of the schedule specify statutory citations and names.

Column D then indicates the status of the statutory section in the CCRC’s work plan using numbers and color coding. A “1” marks statutory sections for which the agency has issued to its Advisory

¹¹ The schedule was compiled from various sources. While the list includes all Title 22 crimes and other crimes actually charged in recent years, the list is likely under-inclusive. A conservative method was used for listing regulatory provisions that reference the same penalty provision. The schedule has been updated frequently, but may contain errors.

¹² Note that the listed DCMR regulations do *not* include provisions for which there was juvenile charging, or adult arrests.

Group draft reform recommendations. A “2” marks statutory sections for which the agency expects to issue draft recommendations to its Advisory Group in FY 19. A “3” marks statutory sections that the agency expects to prioritize next, in FY 20. The extent to which the agency will address these category “3” provisions depends largely on whether the agency’s mandate is extended through all of FY 20 (allowing for reform recommendations on all or nearly all category “3” offenses) or only half of FY 20 (allowing for reform recommendations on few, if any, category “3” offenses). A “4” marks statutory sections that are second priorities, time permitting, in FY 20. A “5” marks statutory sections which are not currently planned for review by the agency through FY 20.

Column E indicates the current maximum imprisonment penalty authorized for the crime in the D.C. Code, in terms of years (“Y”), months (“M”) or days (“D”). A crime subject to more than one year imprisonment is a felony, and crimes subject to 6 months or more imprisonment are jury-demandable.

Please note that, besides administrative duties, the below schedule does not include two key types of agency work. First, continued code reform recommendations as part of Phase 2 (described above) is not included in the schedule. These additional recommendations include general defenses (e.g. use of force in self-defense) and other general provisions. Work on general defenses began in FY 19 and, with a full year extension, is planned for completion by the end of FY 20. Secondly, the schedule does not account for preparation for public outreach, legislative hearings, or roundtables on the CCRC’s preliminary or final recommendations. At this time, it is unclear whether and to what extent the agency may need to engage in these activities. The agency will work with the Council to determine whether and how it may be called upon to provide testimony or support to such legislative activity. Even though a major part of the agency’s efforts involve the development of a written commentary on the meaning and effect of recommended changes to statutory language, the ability of the Mayor or Council to call on agency staff to speak to the meaning of the agency’s final recommendations may prove critical to implementation of the agency’s work.

If this schedule is successfully completed, by the close of FY 19, the agency will have issued draft recommendations to its Advisory Group covering crimes in the D.C. Code that constituted about 80% of all adult felony and misdemeanor convictions in recent (2010-2016) years based on the CCRC’s analysis of Superior Court data. Those recommendations would be significantly reduced, however, if there is no extension of the agency’s statutory authorization and funding. The last months of FY 19 would need to be focused on finalizing the agency’s draft recommendations.¹³

Should the CCRC be extended through FY 20 and work proceed on schedule, the CCRC plans to issue draft recommendations to revise the approximately 250 crimes that accounted for over 96% of all adult convictions in recent years. Notably, operation through FY 20 would enable work on offenses against government operations, for example, obstruction of justice, bribery, and public corruption. Other offenses such as traffic crimes in Title 50 of the D.C. Code may also be reviewable with extension through FY 20.

¹³ To finalize all outstanding draft recommendations, to draft Title 22 enactment legislation, and to develop introductory and summary materials to accompany the final recommendations is expected to take 4-6 months. Consequently, whatever the expiration of the statutory authorization for the agency, agency work on new recommendations must cease 4-6 months in advance.

Criminal Code Reform Commission (CCRC) 2019 Performance Oversight Hearing Questions & Responses
Appendix C: CCRC Work Plan and Schedule 1-24-19

| | A | B | C | D |
|----|-------------------|-------------|--|---|
| 1 | D.C. Code Statute | Sub section | Name | CCRC Status 1= Draft issued; 2=Draft fy19; 3=fy20 #1 priority; 4=fy20 #2 priority; 5=No review plans |
| 2 | 01-0301.43 | | Obstruction of Council proceedings and investigations; penalty. | 5 |
| 3 | 01-0739 | | Criminal penalties. | 5 |
| 4 | 01-0909.08 | | Criminal penalties. | 5 |
| 5 | 01-1001.08 | | Qualifications of candidates and electors; nomination and election of Delegate, Chairman of the Council, members of Council, Mayor, Attorney General, and members of Board of Education; petition requirements; arrangement of ballot. | 5 |
| 6 | 01-1001.10 | | Election of electors. | 5 |
| 7 | 01-1001.14 | (a) | Corrupt election practices. | 5 |
| 8 | 01-1001.14 | (a-1)(2) | Corrupt election practices. | 5 |
| 9 | 01-1001.14 | (b)(1) | Corrupt election practices. | 5 |
| 10 | 01-1001.14 | (b)(2) | Corrupt election practices. | 5 |
| 11 | 01-1001.14 | (b)(3) | Corrupt election practices. | 5 |
| 12 | 01-1001.14 | (b)(4) | Corrupt election practices. | 5 |
| 13 | 01-1162.21 | | Penalties | 5 |
| 14 | 01-1162.32 | | Penalties; prohibition from serving as lobbyist; citizen suits. | 5 |
| 15 | 01-1163.35 | (b) | Penalties. | 5 |
| 16 | 01-1163.35 | (c) | Penalties. | 5 |
| 17 | 01-301.44a | | Independence of legislative branch information technology | 5 |
| 18 | 01-623.27 | | Representation; attorneys; fees | 5 |
| 19 | 01-744 | | Prohibition against certain persons holding certain positions | 5 |
| 20 | 02-0114 | | Filing information; penalties; separate offenses. | 5 |
| 21 | 02-0135 | | Regulation of plumbing; licensing of plumbers and gas-fitters; noncompliance. | 5 |
| 22 | 02-0381.09 | | Penalties for false representations. | 5 |
| 23 | 02-0537 | | Administrative appeals. | 5 |
| 24 | 02-0562 | | Penalties. | 5 |
| 25 | 02-0708 | (a) | Penalties. | 5 |
| 26 | 02-0708 | (b) | Penalties. | 5 |
| 27 | 02-0709 | (a) | Unintentional violations. | 5 |
| 28 | 02-0709 | (b) | Unintentional violations. | 5 |
| 29 | 02-0809 | | Penalty. | 5 |
| 30 | 02-0827 | | Effective period of regulations and licenses; publication of regulations; penalties. | 5 |
| 31 | 02-1402.64 | | Resisting the Office or Commission. | 5 |
| 32 | 02-1402.65 | | Falsifying documents and testimony. | 5 |

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| 33 | 02-1402.66 | | Arrest records. | 5 |
| 34 | 02-1403.08 | | Posting of notice of complaint in housing accommodation. | 5 |
| 35 | 02-1543 | | Curfew authority; defenses; enforcement and penalties | 5 |
| 36 | 02-1602 | | Persons who may be represented; appointment of private attorneys; determination of financial eligibility | 5 |
| 37 | 02-218.64 | | Identification of certified business enterprises in bids or proposals; false statements on certification; penalties. | 5 |
| 38 | 03-0206 | | Unlawful acts. | 5 |
| 39 | 03-0417 | | Penalties. | 5 |
| 40 | 03-0608 | | Violations of Commission rules; penalties. | 5 |
| 41 | 03-1205.09a | | Licenses for foreign doctors of eminence and authority. | 5 |
| 42 | 03-1210.01 | | Practicing without license, registration, or certification. | 5 |
| 43 | 03-1210.03 | | Certain representations prohibited. | 5 |
| 44 | 03-1210.04 | | Filing false document or evidence; false statements. | 5 |
| 45 | 03-1210.05 | | Fraudulent sale, obtaining, or furnishing of documents. | 5 |
| 46 | 03-1210.06 | | § 3–1210.06. Restrictions relating to pharmacies. | 5 |
| 47 | 03-1315 | | Sale of lottery and daily numbers games tickets by licensed agents; unauthorized sale. | 5 |
| 48 | 03-1332 | | Aiding or abetting unauthorized bingo games, raffles, or Monte Carlo night parties; penalties. | 5 |
| 49 | 03-1333 | | Forged, counterfeit or altered tickets. | 5 |
| 50 | 03-1334 | | Gambling by minor prohibited. | 5 |
| 51 | 04-0125 | | Assisting child to leave institution without authority; concealing such child; duty of police. | 5 |
| 52 | 04-0218.01 | (a) | Fraud in obtaining public assistance; repayment; liability of family members; penalties. | 5 |
| 53 | 04-0218.01 | (b) | Fraud in obtaining public assistance; repayment; liability of family members; penalties. | 5 |
| 54 | 04-0218.03 | | Unauthorized use of identification card. | 5 |
| 55 | 04-0218.05 | | Penalties. | 5 |
| 56 | 04-0324 | | Medical assistance. | 5 |
| 57 | 04-0513 | | False claims. | 5 |
| 58 | 04-0802 | | Penalties; prohibited acts. | 5 |
| 59 | 04-1303.07 | | Unauthorized disclosure of records. | 5 |
| 60 | 04-1305.09 | (a) | Penalties for violation of confidentiality. | 5 |
| 61 | 04-1305.09 | (b) | Penalties for violation of confidentiality. | 5 |
| 62 | 04-1321.07 | | Failure to make report. | 5 |
| 63 | 04-1371.14 | | Failure to make report. | 5 |
| 64 | 04-1408 | | Violations; prosecution. | 5 |

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| 65 | 04-1501.10 | | Penalties for disclosing confidential information. | 5 |
| 66 | 05-0113.33 | | Penalties; private right of action. | 5 |
| 67 | 05-0115.03 | | Neglect to make arrest for offense committed in presence. | 1 |
| 68 | 05-0117.05 | | False or fictitious reports to Metropolitan Police. | 3 |
| 69 | 05-0121.03 | | Acting without compliance with law. | 5 |
| 70 | 05-0121.05 | | Compromise of felony; withholding information; receiving compensation from person arrested or liable to arrest; permitting escape. | 5 |
| 71 | 05-0123.01 | | Prohibitions; affiliation with organization advocating strikes; conspiracy to interfere with operation of police force by strike; notice of intention to resign. | 5 |
| 72 | 05-0123.02 | | Use of unnecessary or wanton force. | 5 |
| 73 | 05-0125.03 | | Trachea hold prohibited; carotid artery hold restricted. | 5 |
| 74 | 05-0132.21 | | School safe passage emergency zones. | 5 |
| 75 | 05-0207 | | Rules and regulations. | 5 |
| 76 | 05-0407 | | Resignation without notice; engaging in strike; conspiracy to obstruct operations of Department. | 5 |
| 77 | 05-1308 | | Protection of emergency 2-way radio communications - Penalties. | 5 |
| 78 | 05-1406 | | Deaths - Notification; penalties for noncompliance. | 5 |
| 79 | 06-0506 | | Penalties. | 5 |
| 80 | 06-0601.08 | | Violation of subchapter. | 5 |
| 81 | 06-0731.04 | | Penalty. | 5 |
| 82 | 06-0808 | | Occupation of unsafe structure. | 5 |
| 83 | 06-0903 | | Condemnation procedure; occupancy of condemned buildings. | 5 |
| 84 | 06-0904 | | Occupancy of condemned building. | 5 |
| 85 | 06-0905 | | Owner to repair or demolish condemned building. | 5 |
| 86 | 06-0907 | | Failure of owner to comply with order; repair or demolition of building; cost assessed against property | 5 |
| 87 | 06-0911 | | Interference with inspection or work. | 5 |
| 88 | 06-0912 | | Destruction, removal, or concealment of copy of order of condemnation affixed to building | 5 |
| 89 | 06-0915 | | Neglect by tenants or occupants | 5 |
| 90 | 06-1110 | | Penalties; remedies; enforcement. | 5 |
| 91 | 06-1406 | | Penalties. | 5 |
| 92 | 07-0131 | | Regulations to prevent spread of communicable diseases. | 5 |
| 93 | 07-0136 | | Persons believed to be carriers of communicable diseases - Leaving detention without discharge. | 5 |

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| 94 | 07-0138 | | Access to building for inspection | 5 |
| 95 | 07-0139 | | Interference unlawful | 5 |
| 96 | 07-0225 | | Penalties. | 5 |
| 97 | 07-0304 | (a) | Penalties; prosecutions. | 5 |
| 98 | 07-0304 | (b) | Penalties; prosecutions. | 5 |
| 99 | 07-0627 | | Extent of medical liability; transfer of patient; criminal offenses. | 5 |
| 100 | 07-0704.01 | (c) | Enforcement; penalties. | 5 |
| 101 | 07-0704.01 | (d) | Enforcement; penalties. | 5 |
| 102 | 07-0704.01 | (e) | Enforcement; penalties. | 5 |
| 103 | 07-0871.05 | | Penalties. | 5 |
| 104 | 07-1007 | | Penalties. | 5 |
| 105 | 07-1207.02 | (a) | Criminal penalties. | 5 |
| 106 | 07-1207.02 | (b) | Criminal penalties. | 5 |
| 107 | 07-1501.02 | | Penalties; prosecutions. | 5 |
| 108 | 07-1531.15 | | Sale or purchase of parts prohibited. | 5 |
| 109 | 07-1531.16 | | Other prohibited acts. | 5 |
| 110 | 07-1541.04 | | Penalties; prosecutions. | 5 |
| 111 | 07-1671.08 | | Penalties. | 5 |
| 112 | 07-1721.02 | | Sale of tobacco to minors under 18 years of age. | 5 |
| 113 | 07-1721.04 | | Self-service sale of tobacco. | 5 |
| 114 | 07-1721.05 | | Package requirements. | 5 |
| 115 | 07-1721.06 | | Prohibited sellers. | 5 |
| 116 | 07-1803.06 | | Penalties and other remedies. | 5 |
| 117 | 07-1912 | (a)(1) | Penalties; enforcement. | 5 |
| 118 | 07-1912 | (a)(2) | Penalties; enforcement. | 5 |
| 119 | 07-1912 | (a)(3) | Penalties; enforcement. | 5 |
| 120 | 07-2046 | | Criminal and civil penalties. | 5 |
| 121 | 07-2108 | (f) | Enforcement and penalties. | 5 |
| 122 | 07-2108 | (g) | Enforcement and penalties. | 5 |
| 123 | 07-2341.24 | | Criminal and civil penalties. | 5 |
| 124 | 07-246 | | Criminal penalties for unlawful use or disclosure | 5 |
| 125 | 07-246 | | Criminal penalties for unlawful use or disclosure | 5 |
| 126 | 07-2502.01 | | Registration requirements. | 2 |
| 127 | 07-2502.13 | | Possession of self-defense sprays. | 2 |
| 128 | 07-2505.01 | | Sales and transfers prohibited. | 5 |
| 129 | 07-2506.01 | | Persons permitted to possess ammunition. | 2 |
| 130 | 07-2507.02 | (c)(1) | Responsibilities regarding storage of firearms. | 5 |
| 131 | 07-2507.02 | (c)(2) | Responsibilities regarding storage of firearms. | 5 |
| 132 | 07-2507.06 | (a)(1) | Penalties. | 5 |
| 133 | 07-2507.06 | (a)(2)(B) | Penalties. | 5 |
| 134 | 07-2507.06 | (a)(3)(A) | Penalties. | 5 |
| 135 | 07-2507.06 | (a)(3)(B) | Penalties. | 5 |
| 136 | 07-2508.07 | | Penalties; mandatory release condition. | 5 |
| 137 | 07-2509.04 | (c) | Failure to Carry a Concealed Pistol License | 5 |
| 138 | 07-2854 | (b)(1) | Penalties. | 5 |
| 139 | 07-0744 | ((1) | Penalties. | 5 |
| 140 | 07-0744 | ((2) | Penalties. | 5 |

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| 141 | 07-0744 | ((3) | Penalties. | 5 |
| 142 | 07-0804 | | Penalty. | 5 |
| 143 | 08-0103.16 | (a)(2) | Penalties. | 5 |
| 144 | 08-0103.16 | (a)(2) | Penalties. | 5 |
| 145 | 08-0103.16 | (b)(2) | Penalties. | 5 |
| 146 | 08-0105.14 | | Penalties. | 5 |
| 147 | 08-0111.09 | | Criminal action. | 5 |
| 148 | 08-0203 | | Failure to make required connections. | 5 |
| 149 | 08-0205 | | Definitions; repair, maintenance, and renewal of water service pipes and building sewers; compensation to property owners; false claims for compensation; severability. | 5 |
| 150 | 08-0231.16 | | Criminal penalties. | 5 |
| 151 | 08-0305 | | Penalty. | 5 |
| 152 | 08-0418 | | Penalties. | 5 |
| 153 | 08-0505 | | Violations of § 8-502, § 8-504, or § 8-507. | 5 |
| 154 | 08-0604 | | Penalties. | 5 |
| 155 | 08-0632.01 | | Liabilities. | 5 |
| 156 | 08-0704 | | Collection and disposal of refuse authorized as municipal function; purchase or lease of facilities; sale of products; gratuities prohibited; mutual aid agreements for debris removal. | 5 |
| 157 | 08-0708 | | Incinerators for combustible refuse - Penalties. | 5 |
| 158 | 08-0902 | (b)(2) | Prohibition and penalties. | 5 |
| 159 | 08-0902 | (b)(3) | Prohibition and penalties. | 5 |
| 160 | 08-0902 | (b)(4) | Prohibition and penalties. | 5 |
| 161 | 08-101.05d | | Criminal penalties. | 5 |
| 162 | 08-101.05e | | False statements. | 5 |
| 163 | 08-1060 | (g) | Remedies and penalties. | 5 |
| 164 | 08-1060 | (i) | Remedies and penalties. | 5 |
| 165 | 08-1311 | | Penalties. | 5 |
| 166 | 08-1404 | | Penalties. | 5 |
| 167 | 08-1831.01 | | Release of animals. | 5 |
| 168 | 08-1906 | | Penalties. | 5 |
| 169 | 08-2103.05 | | Rodent harborage prohibited. | 5 |
| 170 | 09-0431.01 | | Permit required; exceptions. | 5 |
| 171 | 09-0433.01 | | Permit required; exceptions. | 5 |
| 172 | 09-0705 | | Penalty. | 5 |
| 173 | 09-0810 | | Penalty. | 5 |
| 174 | 09-1115.03 | 58 | Woodrow Wilson Bridge and Tunnel Compact. | 5 |
| 175 | 09-1115.03 | 59 | Woodrow Wilson Bridge and Tunnel Compact. | 5 |
| 176 | 10-0137.01 | | Authority of the Director of the Department of Recreation and Parks to regulate District parks. | 5 |
| 177 | 10-0503.12 | | Public travel in and occupancy of restricted. | 5 |
| 178 | 10-0503.13 | | Obstruct Roadway on US Capitol Grounds | 5 |
| 179 | 10-0503.14 | | Sale of goods, advertising, or begging forbidden. | 5 |

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| 180 | 10-0503.15 | | Removal or Injury of Property Forbidden | 5 |
| 181 | 10-0503.16 | (a) | Unlawful conduct Capitol Grounds | 5 |
| 182 | 10-0503.16 | (b) | Unlawful conduct. | 5 |
| 183 | 10-0503.17 | | Parades, assemblages, and displays forbidden. | 5 |
| 184 | 10-0503.20 | (d) | Protection of Congressional personnel by Capitol Police. | 5 |
| 185 | 10-0509.03 | | Penalty for violation of rules and regulations. | 5 |
| 186 | 10-1104.04 | | Penalties. | 5 |
| 187 | 10-1181.07 | | Enforcement | 5 |
| 188 | 11-0944 | | Contempt power. | 5 |
| 189 | 11-1906 | (c)(1) | Qualification of jurors. | 5 |
| 190 | 11-1906 | (d) | Qualification of jurors. | 5 |
| 191 | 11-1907 | | Summoning of prospective jurors. | 5 |
| 192 | 11-1913 | | Protection of employment of jurors. | 5 |
| 193 | 11-1915 | | Fraud in the selection process. | 5 |
| 194 | 11-2606 | | Receipt of other payments. | 5 |
| 195 | 16-0402 | | Prohibitions and penalties. | 5 |
| 196 | 16-1005 | (f) | Hearing; evidence; protection order. | 5 |
| 197 | 16-1005 | (g) | Hearing; evidence; protection order. | 5 |
| 198 | 16-1024 | (a) | [Parental kidnapping] Penalties. | 2 |
| 199 | 16-1024 | (b)(1) | [Parental kidnapping] Penalties. | 2 |
| 200 | 16-1024 | (b)(1) | [Parental kidnapping] Penalties. | 2 |
| 201 | 16-1024 | (b)(2) | [Parental kidnapping] Penalties. | 2 |
| 202 | 16-1024 | (b)(2) | [Parental kidnapping] Penalties. | 2 |
| 203 | 16-2336 | | Unlawful disclosure of records; penalties | 5 |
| 204 | 16-2348 | | Parentage records; confidentiality; inspection and disclosure. | 5 |
| 205 | 16-2364 | | Unlawful disclosure. | 5 |
| 206 | 16-2394 | | Unlawful disclosure. | 5 |
| 207 | 16-5102 | | Service of summons. | 5 |
| 208 | 18-0112 | | Taking and carrying away, or destroying, mutilating, or secreting will. | 5 |
| 209 | 19-0101.06 | | Penalties. | 5 |
| 210 | 20-0102 | | Verification. | 5 |
| 211 | 21-0591 | | Offenses and penalties. | 5 |
| 212 | 22-0301 | | Definition and penalty. (Arson) | 1 |
| 213 | 22-0302 | | Burning one's own property with intent to defraud or injure another. | 1 |
| 214 | 22-0303 | | Malicious burning, destruction, or injury of another's property. | 1 |
| 215 | 22-0303 | | Malicious burning, destruction, or injury of another's property. | 1 |
| 216 | 22-0401 | | Assault with intent to kill, rob, or poison, or to commit first degree sexual abuse, second degree sexual abuse or child sexual abuse. | 1 |
| 217 | 22-0402 | | Assault with intent to commit mayhem or with dangerous weapon. | 1 |
| 218 | 22-0403 | | Assault with intent to commit any other offense. | 1 |
| 219 | 22-0404 | (a)(1) | Assault or threatened assault in a menacing manner; stalking. | 1 |

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| 220 | 22-0404 | (a)(2) | Assault or threatened assault in a menacing manner; stalking. | 1 |
| 221 | 22-0404.01 | | Aggravated assault | 1 |
| 222 | 22-0404.02 | | Assault on a public vehicle inspection officer. | 1 |
| 223 | 22-0404.03 | | Aggravated assault on a public vehicle inspection officer. | 1 |
| 224 | 22-0405 | (b) | Assault on member of police force, campus or university special police, or fire department. | 1 |
| 225 | 22-0405 | (c) | Assault on member of police force, campus or university special police, or fire department. | 1 |
| 226 | 22-0405.01 | | Resisting arrest by individual reasonably believed to be law enforcement officer | 2 |
| 227 | 22-0406 | | Mayhem or maliciously disfiguring. | 1 |
| 228 | 22-0407 | | Threats to do bodily harm. | 1 |
| 229 | 22-0501 | | Bigamy. | 5 |
| 230 | 22-0601 | | Breaking and entering vending machines and similar devices. | 1 |
| 231 | 22-0704 | | Corrupt influence; officials. | 3 |
| 232 | 22-0711 | | [Bribery] Definitions | 3 |
| 233 | 22-0712 | | [Bribery] Prohibited acts; penalty. | 3 |
| 234 | 22-0713 | | Bribery of witness; penalty. | 3 |
| 235 | 22-0721 | | [Obstruction of Justice] Definitions. | 3 |
| 236 | 22-0722 | | [Obstruction of Justice] Prohibited acts; penalty. | 3 |
| 237 | 22-0723 | | Tampering with physical evidence; penalty. | 3 |
| 238 | 22-0801 | (a) | [First Degree Burglary] Definition and penalty. | 1 |
| 239 | 22-0801 | (b) | [Second Degree Burglary] Definition and penalty. | 1 |
| 240 | 22-0811 | (b)(1) | Contributing to the delinquency of a minor. | 4 |
| 241 | 22-0811 | (b)(2) | Contributing to the delinquency of a minor. | 4 |
| 242 | 22-0811 | (b)(3) | Contributing to the delinquency of a minor. | 4 |
| 243 | 22-0811 | (b)(4) | Contributing to the delinquency of a minor. | 4 |
| 244 | 22-0811 | (b)(5) | Contributing to the delinquency of a minor. | 4 |
| 245 | 22-0851 | (b) | Protection of District public officials. | 2 |
| 246 | 22-0851 | (c) | Protection of District public officials. | 2 |
| 247 | 22-0851 | (d) | Protection of District public officials. | 2 |
| 248 | 22-0861 | (b)(1) | Harassing, interfering with, injuring, or obstructing a police animal. | 4 |
| 249 | 22-0861 | (b)(2) | Harassing, interfering with, injuring, or obstructing a police animal. | 4 |
| 250 | 22-0901 | | [Trademark Counterfeiting] Definitions | 2 |
| 251 | 22-0902 | (b)(1) | Trademark counterfeiting. | 2 |
| 252 | 22-0902 | (b)(2) | Trademark counterfeiting. | 2 |
| 253 | 22-0902 | (b)(3) | Trademark counterfeiting. | 2 |
| 254 | 22-0931 | | Short Title | 1 |
| 255 | 22-0932 | | Definitions | 1 |
| 256 | 22-0933 | | Criminal abuse of a vulnerable adult. | 1 |
| 257 | 22-0933 | | Criminal abuse of a vulnerable adult. | 1 |
| 258 | 22-0933 | | Criminal abuse of a vulnerable adult. | 1 |
| 259 | 22-0933.01 | | Financial exploitation of a vulnerable adult or elderly person | 1 |

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| 260 | 22-0934 | | Criminal negligence. | 1 |
| 261 | 22-0934 | | Criminal negligence. | 1 |
| 262 | 22-0934 | | Criminal negligence. | 1 |
| 263 | 22-0935 | | Exception | 1 |
| 264 | 22-0936 | | Penalties | 1 |
| 265 | 22-0936.01 | | Criminal penalties for financial exploitation of a vulnerable adult or elderly person | 1 |
| 266 | 22-0937 | | Civil penalties for financial exploitation of a vulnerable adult or elderly person | 1 |
| 267 | 22-0938 | | Injunctive relief and protections | 1 |
| 268 | 22-0951 | (a)(2) | Criminal street gangs. | 3 |
| 269 | 22-0951 | (b)(2) | Criminal street gangs. | 3 |
| 270 | 22-0951 | (c)(2) | Criminal street gangs. | 3 |
| 271 | 22-1001 | (a)(1) | Definitions and penalties. | 4 |
| 272 | 22-1001 | (d) | Definitions and penalties. | 4 |
| 273 | 22-1002 | | Other cruelties to animals | 4 |
| 274 | 22-1002.01 | | Reporting requirements | 4 |
| 275 | 22-1003 | | Rest, water and feeding for animals transported by railroad company | 4 |
| 276 | 22-1004 | | Arrests without warrant authorized; notice to owner | 4 |
| 277 | 22-1005 | | Issuance of search warrants | 4 |
| 278 | 22-1006 | | Prosecution of offenders; disposition of fines | 4 |
| 279 | 22-1006.01 | | Penalty for engaging in animal fighting. | 4 |
| 280 | 22-1007 | | Impounded animals to be supplied with food and water | 4 |
| 281 | 22-1008 | | Relief of impounded animals | 4 |
| 282 | 22-1009 | | Keeping or using place for fighting or baiting of fowls or animals; arrest without warrant | 4 |
| 283 | 22-1011 | | Neglect of sick or disabled animals | 4 |
| 284 | 22-1012 | | Abandonment of maimed or diseased animal; destruction of diseased animals; disposition of animal or vehicle on arrest of driver; scientific experiments. | 4 |
| 285 | 22-1013 | | Definitions | 4 |
| 286 | 22-1015 | | Penalty for engaging in animal fighting | 4 |
| 287 | 22-1101 | (c)(1) | [Child cruelty] Definition and penalty. | 1 |
| 288 | 22-1101 | (c)(2) | [Child cruelty] Definition and penalty. | 1 |
| 289 | 22-1102 | | Refusal or neglect of guardian to provide for child under 14 years of age. | 1 |
| 290 | 22-1211 | | Tampering with a detection device. | 1 |
| 291 | 22-1301 | | Affrays. | 1 |
| 292 | 22-1307 | | Crowding, obstructing, or incommoding. | 1 |
| 293 | 22-1308 | | Playing games in streets. | 1 |
| 294 | 22-1309 | | Throwing stones or other missiles. | 4 |
| 295 | 22-1310 | | Urging dogs to fight or create disorder. | 4 |
| 296 | 22-1311 | (b) | Allowing dogs to go at large. | 4 |
| 297 | 22-1311 | (a) | Allowing dogs to go at large. | 4 |
| 298 | 22-1311 | (a) | Allowing dogs to go at large. | 4 |
| 299 | 22-1312 | | Lewd, indecent, or obscene acts; sexual proposal to a minor. | 2 |

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| 300 | 22-1313 | | Kindling bonfires. | 3 |
| 301 | 22-1314.01 | | [Access to Medical Facility] Definitions | 4 |
| 302 | 22-1314.02 | | [Access to Medical Facility] Prohibited acts. | 4 |
| 303 | 22-1317 | | Flying fire balloons or parachutes. | 1 |
| 304 | 22-1318 | | Driving or riding on footways in public grounds. | 1 |
| 305 | 22-1319 | (a) | False alarms and false reports; hoax weapons. | 3 |
| 306 | 22-1319 | (a-1) | False alarms and false reports; hoax weapons. | 3 |
| 307 | 22-1319 | (b)(3) | False alarms and false reports; hoax weapons. | 3 |
| 308 | 22-1319 | (c)(3) | False alarms and false reports; hoax weapons. | 3 |
| 309 | 22-1319 | (d)(3) | False alarms and false reports; hoax weapons. | 3 |
| 310 | 22-1321 | | Disorderly conduct. | 1 |
| 311 | 22-1322 | (b) | Rioting or inciting to riot | 1 |
| 312 | 22-1322 | (c) | Rioting or inciting to riot | 1 |
| 313 | 22-1322 | (d) | Rioting or inciting to riot | 1 |
| 314 | 22-1323 | | Obstructing Bridges Connecting D.C. and Virginia | 1 |
| 315 | 22-1341 | | Unlawful entry of a motor vehicle. | 1 |
| 316 | 22-1402 | | Recordation of deed, contract, or conveyance with intent to extort money | 1 |
| 317 | 22-1403 | | False personation before court, officers, notaries | 4 |
| 318 | 22-1404 | | Falsely Impersonating Public officer or minister | 4 |
| 319 | 22-1405 | | False personation of inspector of departments of District. | 4 |
| 320 | 22-1406 | | False personation of police officer. | 4 |
| 321 | 22-1409 | | Use of official insignia; penalty for unauthorized use. | 4 |
| 322 | 22-1502 | | Forging or imitating brands or packaging of goods | 2 |
| 323 | 22-1510 | | Making, drawing, or uttering check, draft, or order with intent to defraud; proof of intent; "credit" defined. | 1 |
| 324 | 22-1510 | | Making, drawing, or uttering check, draft, or order with intent to defraud; proof of intent; "credit" defined. | 1 |
| 325 | 22-1511 | | Fraudulent advertising. | 2 |
| 326 | 22-1512 | | Prosecution under 22-1511 | 2 |
| 327 | 22-1513 | | Penalty under 22-2511 | 2 |
| 328 | 22-1514 | | Fraudulent interference or collusion in jury selection. | 3 |
| 329 | 22-1701 | | Lotteries; promotion; sale or possession of tickets. | 4 |
| 330 | 22-1702 | | Possession of lottery or policy tickets | 4 |
| 331 | 22-1703 | | Permitting sale of lottery tickets on premises | 4 |
| 332 | 22-1704 | | Gaming; setting up gaming table; inducing play | 4 |
| 333 | 22-1705 | | Gambling premises; definition; prohibition against maintaining; forfeiture; liens; deposit of moneys in Treasury; penalty; subsequent offenses. | 4 |

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| 334 | 22-1706 | | Three Card Monte | 4 |
| 335 | 22-1707 | | "Gaming table" defined | 4 |
| 336 | 22-1708 | | Gambling pools and bookmaking; athletic contest defined. | 4 |
| 337 | 22-1713 | (c) | Corrupt influence in connection with athletic contests. | 4 |
| 338 | 22-1713 | (d) | Corrupt influence in connection with athletic contests. | 4 |
| 339 | 22-1714 | | Immunity of witnesses; record | 4 |
| 340 | 22-1801 | | "Writing" and "paper defined. | 2 |
| 341 | 22-1802 | | "Anything of value" defined. | 2 |
| 342 | 22-1803 | | Attempts to commit crime | 1 |
| 343 | 22-1804 | | Second Conviction | 1 |
| 344 | 22-1804a | | Penalty for felony after at least 2 prior felony convictions | 1 |
| 345 | 22-1805 | | Persons advising, inciting, or conniving at criminal offense to be charged as principals | 1 |
| 346 | 22-1805a | (a)(1) | Conspiracy | 1 |
| 347 | 22-1805a | (a)(2) | Conspiracy | 1 |
| 348 | 22-1806 | | Accessories after the fact | 3 |
| 349 | 22-1807 | | Punishment for offenses not covered by provisions of Code | 1 |
| 350 | 22-1808 | | Offenses committed beyond District | 3 |
| 351 | 22-1809 | | Prosecutions. | 3 |
| 352 | 22-1810 | | Threatening to kidnap or injure a person or damage his property. | 1 |
| 353 | 22-1831 | | [Human trafficking] Definitions. | 1 |
| 354 | 22-1832 | | [Human trafficking] Forced labor | 1 |
| 355 | 22-1833 | | [Human trafficking] Trafficking in labor or commercial sex acts. | 1 |
| 356 | 22-1834 | | [Human trafficking] Sex trafficking of children. | 1 |
| 357 | 22-1835 | | [Human trafficking] Unlawful conduct with respect to documents in furtherance of human trafficking. | 1 |
| 358 | 22-1836 | | [Human trafficking] Benefitting financially from human trafficking. | 1 |
| 359 | 22-1837 | | [Human trafficking] Penalties. | 1 |
| 360 | 22-1838 | | [Human trafficking] Forfeiture. | 1 |
| 361 | 22-1839 | | [Human trafficking] Reputation or opinion evidence. | 1 |
| 362 | 22-1840 | | [Human trafficking] Civil Action. | 1 |
| 363 | 22-1841 | | [Human trafficking] Data collection and dissemination. | 1 |
| 364 | 22-1842 | | [Human trafficking] Training program. | 1 |
| 365 | 22-1843 | | [Human trafficking] Public posting of human trafficking hotline | 1 |
| 366 | 22-1901 | | [Incest] Definition and penalty. | 2 |
| 367 | 22-1931 | | Obstructing, preventing, or interfering with reports to or requests for assistance from law enforcement agencies, medical providers, or child welfare agencies. | 3 |

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| 368 | 22-2001 | | [Kidnapping] Definition and penalty; conspiracy. | 1 |
| 369 | 22-2101 | | Murder in the first degree - Purposeful killing; killing while perpetrating certain crimes. | 1 |
| 370 | 22-2102 | | Murder in the first degree - Placing obstructions upon or displacement of railroads. | 1 |
| 371 | 22-2103 | | Murder in the second degree. | 1 |
| 372 | 22-2104 | | Penalty for murder in first and second degree. | 1 |
| 373 | 22-2104.01 | | Sentencing procedure for murder in the first degree. | 1 |
| 374 | 22-2105 | | Penalty for manslaughter. (Voluntary Manslaughter) | 1 |
| 375 | 22-2105 | | Penalty for manslaughter. (Involuntary Manslaughter) | 1 |
| 376 | 22-2106 | | Murder of law enforcement officer. | 1 |
| 377 | 22-2107 | (a) | Penalty for solicitation of murder or other crime of violence. | 1 |
| 378 | 22-2107 | (b) | Penalty for solicitation of murder or other crime of violence. | 1 |
| 379 | 22-2201 | | Certain obscene activities and conduct declared unlawful | 2 |
| 380 | 22-2301 | | [Panhandling] Definitions. | 3 |
| 381 | 22-2302 | | [Panhandling] Prohibited acts. | 3 |
| 382 | 22-2303 | | [Panhandling] Permitted activity. | 3 |
| 383 | 22-2304 | | [Panhandling] Penalties. | 3 |
| 384 | 22-2305 | | [Panhandling] Conduct of persecutions. | 3 |
| 385 | 22-2306 | | [Panhandling] Disclosure. | 3 |
| 386 | 22-2402 | | Perjury. | 3 |
| 387 | 22-2403 | | Subornation of perjury. | 3 |
| 388 | 22-2404 | | False swearing. | 3 |
| 389 | 22-2405 | | False statements. | 3 |
| 390 | 22-2501 | | Possession of implements of crime; penalty. | 1 |
| 391 | 22-2601 | | Escape from institution or officer. | 1 |
| 392 | 22-2603.01 | | [CONTRABAND] Definitions. | 1 |
| 393 | 22-2603.02 | (b) | Unlawful possession of contraband. | 1 |
| 394 | 22-2603.02 | (a) | Unlawful possession of contraband. | 1 |
| 395 | 22-2603.02 | (c) | Unlawful possession of contraband. | 1 |
| 396 | 22-2603.03 | | [CONTRABAND] Penalties. | 1 |
| 397 | 22-2603.04 | | [CONTRABAND] Detainment power. | 1 |
| 398 | 22-2701 | | Engaging in prostitution or soliciting for prostitution. | 3 |
| 399 | 22-2701.01 | | Definitions. | 3 |
| 400 | 22-2703 | | Suspension of sentence; conditions; enforcement. | 3 |
| 401 | 22-2704 | | Abducting or enticing child from his or her home for purposes of prostitution; harboring such child. | 3 |
| 402 | 22-2705 | (c)(1) | Pandering; inducing or compelling an individual to engage in prostitution. | 3 |

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| 403 | 22-2705 | (c)(2) | Pandering; inducing or compelling an individual to engage in prostitution. | 3 |
| 404 | 22-2706 | (b)(1) | Compelling an individual to live life of prostitution against his or her will. | 3 |
| 405 | 22-2706 | (b)(2) | Compelling an individual to live life of prostitution against his or her will. | 3 |
| 406 | 22-2707 | (b)(1) | Procuring; receiving money or other valuable thing for arranging assignation. | 3 |
| 407 | 22-2707 | (b)(2) | Procuring; receiving money or other valuable thing for arranging assignation. | 3 |
| 408 | 22-2708 | | Causing spouse or domestic partner to live in prostitution. | 3 |
| 409 | 22-2709 | | Detaining an individual in disorderly house for debt there contracted. | 3 |
| 410 | 22-2710 | | Procuring for house of prostitution. | 3 |
| 411 | 22-2711 | | Procuring for third persons. | 3 |
| 412 | 22-2712 | | Operating house of prostitution. | 3 |
| 413 | 22-2713 | | Premises occupied for lewdness, assignation, or prostitution declared nuisance. | 3 |
| 414 | 22-2714 | | Abatement of nuisance under 22-2713 by injunction--temporary injunction. | 3 |
| 415 | 22-2715 | | Abatement of nuisance under 22-2713 by injunction--trial; dismissal of complaint; prosecution; costs. | 3 |
| 416 | 22-2716 | | Violation of injunction granted under § 22-2714. | 3 |
| 417 | 22-2717 | | Order of abatement; sale of propoerty; entry of closed premises punishable as contempt. | 3 |
| 418 | 22-2718 | | Disposition of proceeds of sale. | 3 |
| 419 | 22-2719 | | Bond for abatement; order for delivery of premises; effect of release. | 3 |
| 420 | 22-2720 | | Tax for maintaining such nuisance. | 3 |
| 421 | 22-2722 | | Keeping bawdy or disorderly houses. | 3 |
| 422 | 22-2723 | | Property subject to seizure and forfeiture. | 3 |
| 423 | 22-2724 | | Impoundment | 3 |
| 424 | 22-2725 | | Anti-prostitution vehicle impoundment proceeds fund. | 3 |
| 425 | 22-2751 | | Definitions. | 3 |
| 426 | 22-2752 | | Engaging in an unlawful protest targeting a residence | 3 |
| 427 | 22-2801 | | Robbery. | 1 |
| 428 | 22-2802 | | Attempt to commit robbery | 1 |
| 429 | 22-2803 | (b)(2) | Armed Carjacking. | 1 |
| 430 | 22-2803 | (a)(2) | Carjacking. | 1 |
| 431 | 22-3001 | | [Sexual Abuse] Definitions. | 1 |
| 432 | 22-3002 | | First degree sexual abuse. | 1 |
| 433 | 22-3003 | | Second degree sexual abuse. | 1 |
| 434 | 22-3004 | | Third degree sexual abuse. | 1 |
| 435 | 22-3005 | | Fourth degree sexual abuse. | 1 |
| 436 | 22-3006 | | Misdemeanor sexual abuse. | 1 |
| 437 | 22-3007 | | Defense to sexual abuse. | 1 |

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| 438 | 22-3008 | | First degree child sexual abuse. | 1 |
| 439 | 22-3009 | | Second degree child sexual abuse. | 1 |
| 440 | 22-3009.01 | | First degree sexual abuse of a minor. | 1 |
| 441 | 22-3009.02 | | Second degree sexual abuse of a minor. | 1 |
| 442 | 22-3009.03 | | First degree sexual abuse of a secondary education student | 1 |
| 443 | 22-3009.04 | | Second degree sexual abuse of a secondary education student | 1 |
| 444 | 22-3010 | | Enticing a child or minor. | 1 |
| 445 | 22-3010.01 | | Misdemeanor sexual abuse of a child or minor. | 1 |
| 446 | 22-3010.02 | | Arranging for a sexual contact with a real or fictitious child. | 1 |
| 447 | 22-3011 | | Defenses to child sexual abuse and sexual abuse of a minor. | 1 |
| 448 | 22-3012 | | State of mind proof requirement. | 1 |
| 449 | 22-3013 | | First degree sexual abuse of a ward, patient, client, or prisoner. | 1 |
| 450 | 22-3014 | | Second degree sexual abuse of a ward, patient, client, or prisoner. | 1 |
| 451 | 22-3015 | | First degree sexual abuse of a patient or client. | 1 |
| 452 | 22-3016 | | Second Degree Sexual Abuse of a Patient or Client | 1 |
| 453 | 22-3017 | | Defenses to sexual abuse of a ward, patient, or client. | 1 |
| 454 | 22-3018 | | Attempts to commit sexual offenses | 1 |
| 455 | 22-3019 | | No immunity from prosecution for spouses or domestic partners. | 1 |
| 456 | 22-3020 | | Aggravating circumstances. | 1 |
| 457 | 22-3020.51 | | Definitions. | 2 |
| 458 | 22-3020.52 | | Reporting requirements and privileges. | 2 |
| 459 | 22-3020.53 | | Defense to non-reporting. | 2 |
| 460 | 22-3020.54 | | Penalties. | 2 |
| 461 | 22-3020.55 | | Immunity from liability. | 2 |
| 462 | 22-3021 | | Reputation or opinion evidence of victim's past sexual behavior inadmissible. | 2 |
| 463 | 22-3022 | | Admissibility of other evidence of victim's past sexual behavior. | 2 |
| 464 | 22-3023 | | Prompt reporting. | 2 |
| 465 | 22-3024 | | Privilege inapplicable for spouses or domestic partners | 2 |
| 466 | 22-3051 | | [Non-consensual pornography] Definitions. | 2 |
| 467 | 22-3052 | | Unlawful disclosure. | 2 |
| 468 | 22-3053 | | First-degree unlawful publication. | 2 |
| 469 | 22-3054 | | Second-degree unlawful publication. | 2 |
| 470 | 22-3055 | | [Non-consensual pornography] Exclusions. | 2 |
| 471 | 22-3056 | | [Non-consensual pornography] Affirmative defenses. | 2 |
| 472 | 22-3057 | | [Non-consensual pornography] Jurisdiction. | 2 |
| 473 | 22-3101 | | [Sexual performance using minors] Definitions. | 2 |

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| 474 | 22-3102 | | [Sexual performance using minors] Prohibited acts. | 2 |
| 475 | 22-3103 | | [Sexual performance using minors] Penalties | 2 |
| 476 | 22-3104 | | [Sexual performance using minors] Affirmative defenses. | 2 |
| 477 | 22-3131 | | [Stalking] Short title. | 1 |
| 478 | 22-3132 | | [Stalking] Definitions. | 1 |
| 479 | 22-3133 | | Stalking | 1 |
| 480 | 22-3133 | | Stalking | 1 |
| 481 | 22-3133 | | Stalking | 1 |
| 482 | 22-3134 | | [Stalking] Penalties. | 1 |
| 483 | 22-3135 | | [Stalking] Jurisdiction. | 1 |
| 484 | 22-3151 | | [Terrorism] Short title. | 3 |
| 485 | 22-3152 | | [Terrorism] Definitions. | 3 |
| 486 | 22-3153 | | Acts of terrorism; penalties | 3 |
| 487 | 22-3154 | | Manufacture or possession of a weapon of mass destruction. | 3 |
| 488 | 22-3155 | | Use, dissemination, or detonation of a weapon of mass destruction. | 3 |
| 489 | 22-3156 | | [Terrorism] Jurisdiction. | 3 |
| 490 | 22-3201 | | Definitions. | 1 |
| 491 | 22-3202 | | Aggregation of amounts received to determine grade of offense. | 1 |
| 492 | 22-3203 | | Consecutive sentences. | 1 |
| 493 | 22-3204 | | Case referral. | 1 |
| 494 | 22-3211 | | Penalties for theft | 1 |
| 495 | 22-3211 | | Theft | 1 |
| 496 | 22-3212 | | Penalties for theft | 1 |
| 497 | 22-3213 | | Shoplifting | 1 |
| 498 | 22-3214 | | Commercial Piracy | 1 |
| 499 | 22-3214.01 | | Deceptive Labeling | 1 |
| 500 | 22-3214.01 | | Deceptive Labeling | 1 |
| 501 | 22-3214.02 | | Unlawful operation of a recording device in a motion picture theater. | 2 |
| 502 | 22-3215 | (d)(1) | UUV | 1 |
| 503 | 22-3215 | (d)(2)(A) | UUV | 1 |
| 504 | 22-3215 | (d)(2)(A) | UUV | 1 |
| 505 | 22-3215 | (d)(4) | UUV | 1 |
| 506 | 22-3216 | | TPWR | 1 |
| 507 | 22-3218.01 | | [Theft of Utility Service] Definitions. | 5 |
| 508 | 22-3218.02 | | [Theft of Utility Service] Unlawful acts | 5 |
| 509 | 22-3218.03 | | [Theft of Utility Service] Presumptions and rebuttal evidence. | 5 |
| 510 | 22-3218.04 | | [Theft of Utility Service] Penalties for violation. | 5 |
| 511 | 22-3221 | (a)(1) | Fraud | 1 |
| 512 | 22-3221 | (a)(2) | Fraud | 1 |
| 513 | 22-3221 | (b)(1) | Fraud | 1 |
| 514 | 22-3221 | (b)(2) | Fraud | 1 |
| 515 | 22-3222 | | Penalties for fraud. | 1 |
| 516 | 22-3223 | (d)(1) | Credit Card Fraud | 1 |

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| 517 | 22-3223 | (d)(2) | Credit Card Fraud | 1 |
| 518 | 22-3224 | | Fraudulent registration. | 1 |
| 519 | 22-3224.01 | | Jurisdiction. | 1 |
| 520 | 22-3225.01 | | [Insurance fraud] Definitions. | 5 |
| 521 | 22-3225.02 | | [Insurance fraud] Insurance fraud in the first degree | 5 |
| 522 | 22-3225.03 | | Insurance fraud in the second degree | 5 |
| 523 | 22-3225.03a | | [Insurance fraud] Misdemeanor insurance fraud | 5 |
| 524 | 22-3225.04 | | [Insurance fraud] Penalties. | 5 |
| 525 | 22-3225.05 | | [Insurance fraud] Restitution. | 5 |
| 526 | 22-3225.06 | | [Insurance fraud] Indemnity. | 5 |
| 527 | 22-3225.07 | | [Insurance fraud] Practitioners. | 5 |
| 528 | 22-3225.08 | | [Insurance fraud] Investigation and report of insurance fraud. | 5 |
| 529 | 22-3225.09 | | [Insurance fraud] Insurance fraud prevention and detection. | 5 |
| 530 | 22-3225.10 | | [Insurance fraud] Regulations. | 5 |
| 531 | 22-3225.11 | | [Insurance fraud] Limited law enforcement authority. | 5 |
| 532 | 22-3225.12 | | [Insurance fraud] Annual anti-fraud activity reporting requirement. | 5 |
| 533 | 22-3225.13 | | [Insurance fraud] Immunity. | 5 |
| 534 | 22-3225.14 | | [Insurance fraud] Prohibition of solicitation. | 5 |
| 535 | 22-3225.15 | | [Insurance fraud] Jurisdiction. | 5 |
| 536 | 22-3226.01 | | [Telephone fraud] Definitions. | 5 |
| 537 | 22-3226.02 | | [Telephone fraud] Application for a certificate of registration of telephone solicitor. | 5 |
| 538 | 22-3226.03 | | [Telephone fraud] Surety bond requirements for telephone solicitors. | 5 |
| 539 | 22-3226.04 | | [Telephone fraud] Penalties. | 5 |
| 540 | 22-3226.05 | | [Telephone fraud] Restitution. | 5 |
| 541 | 22-3226.06 | | [Telephone fraud] Telephone Solicitation | 5 |
| 542 | 22-3226.06 | | [Telephone fraud] Telephone Solicitation | 5 |
| 543 | 22-3226.06 | | [Telephone fraud] Telephone Solicitation | 5 |
| 544 | 22-3226.07 | | [Telephone fraud] Deceptive acts and practices prohibited. | 5 |
| 545 | 22-3226.08 | | [Telephone fraud] Abusive telemarketing acts or practices. | 5 |
| 546 | 22-3226.09 | | [Telephone fraud] Civil penalties. | 5 |
| 547 | 22-3226.10 | | [Telephone fraud] Criminal penalties. | 5 |
| 548 | 22-3226.11 | | [Telephone fraud] Private right of action. | 5 |
| 549 | 22-3226.12 | | [Telephone fraud] Statute of limitations period. | 5 |
| 550 | 22-3226.13 | | [Telephone fraud] Task force to combat fraud. | 5 |
| 551 | 22-3226.15 | | [Telephone fraud] General disclosures. | 5 |
| 552 | 22-3227.01 | | [Identity Theft] Definitions. | 1 |
| 553 | 22-3227.02 | | [Identity Theft] Identify Theft | 1 |
| 554 | 22-3227.02 | | [Identity Theft] Identify Theft | 1 |
| 555 | 22-3227.03 | | [Identity Theft] Penalties for identity theft. | 1 |

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| 556 | 22-3227.04 | | [Identity Theft] Restitution. | 1 |
| 557 | 22-3227.05 | | [Identity Theft] Correction of public records. | 1 |
| 558 | 22-3227.06 | | [Identity Theft] Jurisdiction. | 1 |
| 559 | 22-3227.07 | | [Identity Theft] Limitations. | 1 |
| 560 | 22-3227.08 | | [Identity Theft] Police reports. | 1 |
| 561 | 22-3231 | | Trafficking in stolen property | 1 |
| 562 | 22-3232 | (c)(1) | Receiving stolen property | 1 |
| 563 | 22-3232 | (c)(2) | Receiving stolen property | 1 |
| 564 | 22-3233 | (b)(1) | Altering or removing motor vehicle identification numbers. | 1 |
| 565 | 22-3233 | (b)(2) | Altering or removing motor vehicle identification numbers. | 1 |
| 566 | 22-3234 | | Altering or removing bicycle identification numbers. | 1 |
| 567 | 22-3241 | (a) | Forgery | 1 |
| 568 | 22-3241 | (b) | Forgery | 1 |
| 569 | 22-3241 | (c) | Forgery | 1 |
| 570 | 22-3242 | | Penalties for forgery | 1 |
| 571 | 22-3251 | | Extortion | 1 |
| 572 | 22-3252 | | Blackmail | 1 |
| 573 | 22-3301 | | Forcible entry and detainer | 1 |
| 574 | 22-3302 | (a)(1) | Unlawful Entry | 1 |
| 575 | 22-3302 | (b) | Unlawful Entry | 1 |
| 576 | 22-3303 | | Grave robbery; buying or selling dead bodies. | 1 |
| 577 | 22-3305 | | Placing explosives with intent to destroy or injure property. | 1 |
| 578 | 22-3306 | | Defacing books, manuscripts, publications, or works of art. | 1 |
| 579 | 22-3307 | | Destroying or defacing public records. | 1 |
| 580 | 22-3309 | | Destroying boundary markers. | 1 |
| 581 | 22-3310 | ((1)) | Destroying vines, bushes, shrubs, trees or protections thereof; penalty. | 1 |
| 582 | 22-3310 | ((2)) | Destroying vines, bushes, shrubs, trees or protections thereof; penalty. | 1 |
| 583 | 22-3311 | | Disorderly conduct in public buildings or grounds; injury to or destruction of United States property. | 5 |
| 584 | 22-3312.01 | | Defacing public or private property. | 1 |
| 585 | 22-3312.02 | | Defacing or burning cross or religious symbol; display of certain emblems | 4 |
| 586 | 22-3312.03 | | Wearing hoods or masks. | 4 |
| 587 | 22-3312.04 | (d) | Penalties | 1 |
| 588 | 22-3312.04 | (e) | Penalties | 1 |
| 589 | 22-3312.05 | | [Graffiti] Definitions. | 1 |
| 590 | 22-3313 | | Destroying or defacing building material for streets | 1 |
| 591 | 22-3314 | | Destroying cemetery railing or tomb. | 1 |
| 592 | 22-3318 | | Malicious pollution of water | 1 |
| 593 | 22-3319 | | Placing obstructions on or displacement of railway tracks | 1 |
| 594 | 22-3320 | | Obstructing public road; removing milestones | 1 |

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| 595 | 22-3321 | | Obstructing public highway | 1 |
| 596 | 22-3322 | | Fines under 22-3321 to be collected in name of united states. | 1 |
| 597 | 22-3401 | | Use of "District of Columbia" or similar designation by private detective or collection agency - Prohibited | 4 |
| 598 | 22-3402 | | Use of "District of Columbia" or similar designation by private detective or collection agency - Penalty. | 4 |
| 599 | 22-3403 | | Use of "District of Columbia" or similar designation by private detective or collection agency - prosecutions for violations. | 4 |
| 600 | 22-3531 | (f)(1) | Voyeurism | 2 |
| 601 | 22-3531 | (f)(2) | Voyeurism | 2 |
| 602 | 22-3571.01 | | Fines for criminal offenses. | 1 |
| 603 | 22-3571.02 | | Applicability of fine proportionality provision. | 1 |
| 604 | 22-3601 | | Enhanced penalty for crimes against senior citizen victims. | 2 |
| 605 | 22-3602 | | Enhanced penalty for committing certain dangerous and violent crimes against a citizen patrol member. | 2 |
| 606 | 22-3611 | | Enhanced penalty for committing crime of violence against minors. | 2 |
| 607 | 22-3701 | | [Bias-related crime] Definitions. | 1 |
| 608 | 22-3702 | | [Bias-related crime] Collection and publication of data. | 1 |
| 609 | 22-3703 | | [Bias-related crime] Bias-related crime. | 1 |
| 610 | 22-3704 | | [Bias-related crime] Civil action. | 1 |
| 611 | 22-3751 | | Enhanced penalties for offenses committed against taxicab drivers. | 2 |
| 612 | 22-3751.02 | | Enhanced penalties for offenses committed against transit operators and Metrorail station managers. | 2 |
| 613 | 22-3752 | | [Transportation worker enhancement] Enumerated offenses. | 2 |
| 614 | 22-3803 | | [Sexual Psychopaths] Definitions. | 5 |
| 615 | 22-3804 | | [Sexual Psychopaths] Filing of statement. | 5 |
| 616 | 22-3805 | | [Sexual Psychopaths] Right to counsel. | 5 |
| 617 | 22-3806 | | [Sexual Psychopaths] Examination by psychiatrists. | 5 |
| 618 | 22-3807 | | [Sexual Psychopaths] When hearing is required. | 5 |
| 619 | 22-3808 | | [Sexual Psychopaths] Hearing; commitment. | 5 |
| 620 | 22-3809 | | [Sexual Psychopaths] Parole; discharge. | 5 |
| 621 | 22-3810 | | [Sexual Psychopaths] Stay of criminal proceedings. | 5 |
| 622 | 22-3811 | | [Sexual Psychopaths] Criminal law unchanged. | 5 |
| 623 | 22-3531 | | [HIV Testing of Certain Criminal Offenders] Definitions. | 5 |

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| 624 | 22-3531 | | [HIV Testing of Certain Criminal Offenders] Testing and counseling | 5 |
| 625 | 22-3531 | | [HIV Testing of Certain Criminal Offenders] Rules. | 5 |
| 626 | 22-4001 | | [Sex offender registration] Definitions. | 5 |
| 627 | 22-4002 | | [Sex offender registration] Registration period. | 5 |
| 628 | 22-4003 | | [Sex offender registration] Certification duties of the Superior Court. | 5 |
| 629 | 22-4004 | | [Sex offender registration] Dispute resolution procedures in the Superior Court. | 5 |
| 630 | 22-4005 | | [Sex offender registration] Duties of the Department of Corrections. | 5 |
| 631 | 22-4006 | | [Sex offender registration] Duties of the Department of Mental Health. | 5 |
| 632 | 22-4007 | | [Sex offender registration] Registration functions of the Court Services and Offender Supervision Agency. | 5 |
| 633 | 22-4008 | | [Sex offender registration] Verification functions of the Court Services and Offender Supervision Agency. | 5 |
| 634 | 22-4009 | | [Sex offender registration] Change of address or other information. | 5 |
| 635 | 22-4010 | | [Sex offender registration] Maintenance and release of sex offender registration information by the Court Services and Offender Supervision Agency. | 5 |
| 636 | 22-4011 | | [Sex offender registration] Community notification and education duties of the Metropolitan Police Department. | 5 |
| 637 | 22-4012 | | [Sex offender registration] Interagency coordination. | 5 |
| 638 | 22-4013 | | [Sex offender registration] Immunity. | 5 |
| 639 | 22-4014 | | [Sex offender registration] Duties of sex offenders. | 5 |
| 640 | 22-4015 | | Penalties; mandatory release condition | 4 |
| 641 | 22-4016 | | not required for offenses between consenting adults. | 5 |
| 642 | 22-4017 | | [Sex offender registration] Freedom of Information Act exception. | 5 |
| 643 | 22-4131 | | [DNA Testing and Post-Conviction Relief for Innocent Persons] Definitions. | 5 |
| 644 | 22-4132 | | [DNA Testing and Post-Conviction Relief for Innocent Persons] Pre-conviction DNA testing. | 5 |
| 645 | 22-4133 | | [DNA Testing and Post-Conviction Relief for Innocent Persons] Post-conviction DNA testing. | 5 |
| 646 | 22-4134 | | [DNA Testing and Post-Conviction Relief for Innocent Persons] Preservation of evidence | 5 |

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| 647 | 22-4135 | | [DNA Testing and Post-Conviction Relief for Innocent Persons] Motion to vacate a conviction or grant a new trial on the ground of actual innocence. | 5 |
| 648 | 22-4151 | | [DNA Sample Collection] Qualifying offenses. | 5 |
| 649 | 22-4201 | | [National Insitute of Justice Appropriations] Technical assistance and research. | 5 |
| 650 | 22-4231 | | [Criminal Justice Coordinating Council] Definitions. | 5 |
| 651 | 22-4232 | | [Criminal Justice Coordinating Council] Establishment of the Criminal Justice Coordinating Council. | 5 |
| 652 | 22-4233 | | [Criminal Justice Coordinating Council] Membership. | 5 |
| 653 | 22-4234 | | [Criminal Justice Coordinating Council] Duties. | 5 |
| 654 | 22-4235 | | [Criminal Justice Coordinating Council] Administrative support. | 5 |
| 655 | 22-4241 | | [Criminal Justice Coordinating Council] Authorizing federal officials. | 5 |
| 656 | 22-4242 | | [Criminal Justice Coordinating Council] Annual reporting requirement. | 5 |
| 657 | 22-4243 | | [Criminal Justice Coordinating Council] Federal contribution to Criminal Justice Coordinating Council. | 5 |
| 658 | 22-4244 | | [Criminal Justice Coordinating Council] District of Columbia Criminal Justice Coordinating Council defined. | 5 |
| 659 | 22-4251 | | Comprehensive Homicide Elimination Strategy Task Force. | 5 |
| 660 | 22-4331 | | Penalties; prosecutions. | 4 |
| 661 | 22-4402 | | Throwing or depositing matter in Potomac River. | 4 |
| 662 | 22-4403 | | Deposits of deleterious matter in Rock Creek or Potomac River. | 4 |
| 663 | 22-4404 | | Penalties for violation of § 22-4403. | 4 |
| 664 | 22-4501 | | Definitions. | 2 |
| 665 | 22-4502 | | Additional penalty for committing crime when armed. | 2 |
| 666 | 22-4502.01 | | Gun free zones; enhanced penalty. | 2 |
| 667 | 22-4503 | | Unlawful possession of firearm. | 2 |
| 668 | 22-4504 | (c) | Unlawful possession of firearm. | 2 |
| 669 | 22-4503.01 | | Unlawful discharge of a firearm. | 2 |
| 670 | 22-4503.02 | | Prohibition of firearms from public or private property. | 2 |
| 671 | 22-4504 | (a)(1) | Carrying concealed weapons; possession of weapons during commission of crime of violence; penalty. | 2 |

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| 672 | 22-4504 | (a)(2) | Carrying concealed weapons; possession of weapons during commission of crime of violence; penalty. | 2 |
| 673 | 22-4504 | (b) | Carrying concealed weapons; possession of weapons during commission of crime of violence; penalty. | 2 |
| 674 | 22-4504.01 | | Authority to carry firearm in certain places and for certain purposes. | 2 |
| 675 | 22-4504.02 | | Lawful transportation of firearms. | 2 |
| 676 | 22-4505 | | Exceptions to § 22-4504. | 2 |
| 677 | 22-4506 | | Issue of a license to carry a pistol. | 2 |
| 678 | 22-4507 | | Certain sales of pistols prohibited. | 2 |
| 679 | 22-4508 | | Transfers of firearms regulated. | 2 |
| 680 | 22-4509 | | Dealers of weapons to be licensed. | 2 |
| 681 | 22-4510 | | Licenses of weapons dealers; records; by whom granted; conditions. | 2 |
| 682 | 22-4510 | | Licenses of weapons dealers; records; by whom granted; conditions | 2 |
| 683 | 22-4511 | | False information in purchase of weapons prohibited | 2 |
| 684 | 22-4512 | | Alteration of identifying marks of weapons prohibited. | 2 |
| 685 | 22-4513 | | Exceptions. | 2 |
| 686 | 22-4514 | | Possession of certain dangerous weapons prohibited; exceptions | 2 |
| 687 | 22-4514 | (c) | Possession of certain dangerous weapons prohibited; exceptions | 2 |
| 688 | 22-4515 | | Penalties | 2 |
| 689 | 22-4515a | (d) | Manufacture, transfer, use, possession, or transportation of Molotov cocktails, or other explosives for unlawful purposes, prohibited; definitions; penalties. | 2 |
| 690 | 22-4516 | | Severability. | 2 |
| 691 | 22-4517 | | Dangerous articles; definition; taking and destruction; procedure. | 2 |
| 692 | 23-0542 | | Interception, disclosure, and use of wire or oral communications prohibited. | 5 |
| 693 | 23-0543 | | Possession, sale, distribution, manufacture, assembly, and advertising of wire or oral communication intercepting devices prohibited. | 5 |
| 694 | 23-0585 | (b)(1) | Violation of condition of release on citation; failure to appear. | 3 |
| 695 | 23-0585 | (b)(2) | Violation of condition of release on citation; failure to appear. | 3 |
| 696 | 23-0703 | | Failure to appear | 3 |
| 697 | 23-1103 | | Procuring business through official or attorney for a consideration prohibited. | 5 |
| 698 | 23-1104 | | Attorneys procuring employment through official or bondsman for a consideration prohibited | 5 |

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| 699 | 23-1105 | | Receiving other than regular fee for bonding prohibited; bondsmen prohibited from endeavoring to secure dismissal or settlement. | 5 |
| 700 | 23-1107 | | Bondsmen prohibited from entering place of detention unless requested by prisoner; record of visit to be kept. | 5 |
| 701 | 23-1108 | | Qualifications of bondsmen; rules to be prescribed by courts; list of agents to be furnished; renewal of authority to act; detailed records to be kept; penalties and disqualifications. | 5 |
| 702 | 23-1109 | | Giving advance information of proposed raid prohibited. | 5 |
| 703 | 23-1110 | | Designation of official to take bail or collateral when court is not in session; issuance of citations. | 5 |
| 704 | 23-1327 | (a)(1) | Penalties for failure to appear. | 3 |
| 705 | 23-1327 | (a)(2) | Penalties for failure to appear. | 3 |
| 706 | 23-1327 | (a)(3) | Penalties for failure to appear. | 3 |
| 707 | 23-1328 | (a)(1) | Offenses committed during release. | 1 |
| 708 | 23-1328 | (a)(2) | Offenses committed during release. | 1 |
| 709 | 23-1329 | | Penalties for violation of conditions of release. | 3 |
| 710 | 24-0241.05 | | Suspension of work release privilege; violations of work release plan. | 5 |
| 711 | 24-0251.04 | (b) | Procedures. | 5 |
| 712 | 25-0434 | | Influencing the application process. | 5 |
| 713 | 25-0772 | | Unlawful importation of beverages. | 5 |
| 714 | 25-0781 | | Sale to minors or intoxicated persons prohibited. | 5 |
| 715 | 25-0785 | (c)(1) | Delivery, offer, or otherwise making available to persons under 21; penalties. | 5 |
| 716 | 25-0831 | (a) | Penalty for violation where no specific penalty provided; additional penalty for failure to perform certain required acts. | 5 |
| 717 | 25-0831 | (b) | Penalty for violation where no specific penalty provided; additional penalty for failure to perform certain required acts. | 5 |
| 718 | 25-1001 | | Possession of Open Container | 3 |
| 719 | 25-1002 | (c)(1)(A) | Purchase, possession or consumption by persons under 21; misrepresentation of age; penalties. | 5 |
| 720 | 25-1002 | (c)(4)(D) | Purchase, possession or consumption by persons under 21; misrepresentation of age; penalties. | 5 |
| 721 | 26-0103 | | Banking businesses to be organized under local or federal provisions; approval of Commissioner of the Department of Insurance, Securities, and Banking required; liquidation of solvent institutions; discontinuance of operation; violations; establishment of international banking facility. | 5 |

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| 722 | 26-0107 | | Restriction on use of words "bank" and "trust company"; violations. | 5 |
| 723 | 26-0204 | | Object; supervision by federal board; strict compliance with provisions required; exception; violations. | 5 |
| 724 | 26-0323 | | Penalties. | 5 |
| 725 | 26-0551.21 | | Penalty for violation of final order. | 5 |
| 726 | 26-0634 | | Requirements for international banking corporation activities. | 5 |
| 727 | 26-0907 | | Violations | 5 |
| 728 | 26-1023 | (a) | Criminal Penalties | 5 |
| 729 | 26-1023 | (b) | Criminal Penalties | 5 |
| 730 | 26-1023 | (c) | Criminal Penalties | 5 |
| 731 | 26-1335 | | Compliance required of foreign corporations or companies. | 5 |
| 732 | 28-2305 | | Contract to assign future salary or wages. | 5 |
| 733 | 28-3313 | | Penalties | 5 |
| 734 | 28-3817 | | Health spa sales. | 5 |
| 735 | 28-4502 | | Contract, combination, or conspiracy to restrain trade | 5 |
| 736 | 28-4503 | | Monopolization | 5 |
| 737 | 28-4505 | (h) | Civil investigative demand. | 5 |
| 738 | 28-4505 | (l) | Civil investigative demand. | 5 |
| 739 | 28-4607 | | Penalties | 5 |
| 740 | 31-0202 | | General duties of Commissioner; companies or associations to file certain information; service of legal process; rules and regulations. | 5 |
| 741 | 31-0603 | | Statements to be filed by beneficial owners, directors, or officers; sales restrictions; exemptions; equity security defined; rules and regulations; violations; effective date. | 5 |
| 742 | 31-0710 | (d)(2) | Sanctions | 5 |
| 743 | 31-0710 | (d)(3) | Sanctions | 5 |
| 744 | 31-0710 | (e) | Sanctions | 5 |
| 745 | 31-1305 | | Cooperation of officers, owners, and employees | 5 |
| 746 | 31-2408.01 | | Uninsured Motorist Fund. | 5 |
| 747 | 31-2413 | | Penalties; adjudications | 5 |
| 748 | 31-2502.09 | | Making or publishing material false statements | 5 |
| 749 | 31-2502.39 | | Persons not to act for unauthorized companies | 5 |
| 750 | 31-2502.42 | | Violations of provisions | 5 |
| 751 | 31-3431 | | Principal office, books, records, and files of the health maintenance organization to be in the District. | 5 |
| 752 | 31-3521 | | Sanctions for violations. | 5 |
| 753 | 31-4310 | | Representation of financial standing - Alien companies; violations. | 5 |
| 754 | 31-4415 | | Capital stock records | 5 |
| 755 | 31-4601 | | Violations | 5 |

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| 756 | 31-5201 | | Maintenance of reinsurance reserve fund by life and fire insurance companies or associations; suspension or revocation of license for insolvency or impairment of capital; aiding unlicensed companies or associations; issuance of license. | 5 |
| 757 | 31-5204 | | Principal office and books, records, and files of corporation to be in District; exception; reincorporation of certain corporations; violations; prosecutions. | 5 |
| 758 | 31-5332 | (a) | Penalties | 5 |
| 759 | 31-5332 | (b) | Penalties | 5 |
| 760 | 31-5332 | (c) | Penalties | 5 |
| 761 | 31-5332 | (d) | Penalties | 5 |
| 762 | 31-5606.04 | (a) | Criminal penalties | 5 |
| 763 | 31-5606.04 | (b) | Criminal penalties | 5 |
| 764 | 31-5606.04 | (c) | Criminal penalties | 5 |
| 765 | 32-0213 | (b) | Penalties | 5 |
| 766 | 32-0220 | | Persons selling merchandise to minor for resale or distribution to ascertain that minor wears badge; penalties; exception | 5 |
| 767 | 32-0221 | | Loitering around business establishments prohibited during school hours; penalty | 5 |
| 768 | 32-0414 | | Penalties | 5 |
| 769 | 32-0812 | | Penalties for violation of subchapter; jurisdiction; prosecution | 5 |
| 770 | 32-0902 | | Use prohibited; exceptions. | 5 |
| 771 | 32-1010 | | Penalties; prosecution | 5 |
| 772 | 32-1121 | (a) | Criminal penalties | 5 |
| 773 | 32-1121 | (b) | Criminal penalties | 5 |
| 774 | 32-1121 | (c) | Criminal penalties | 5 |
| 775 | 32-1307 | | Penalties | 5 |
| 776 | 32-1308.01 | (1)(4) | Administrative actions on employee complaints. | 5 |
| 777 | 32-1308.01 | (1)(5) | Administrative actions on employee complaints. | 5 |
| 778 | 32-1516 | | Invalid agreements | 5 |
| 779 | 32-1530 | | Attorney fees | 5 |
| 780 | 32-1533 | | Penalty for misrepresentation | 5 |
| 781 | 32-1539 | | Failure to secure payment of compensation | 5 |
| 782 | 32-213 | | Penalties. | 5 |
| 783 | 34-0301 | | Public Service Commission; general powers | 5 |
| 784 | 34-0701 | | False statements in securing approval for stock issue | 5 |
| 785 | 34-0702 | | Demanding or receiving greater or less than established rates | 5 |
| 786 | 34-0704 | | Rebates | 5 |
| 787 | 34-0705 | | Failure or refusal to furnish information; furnishing false information; failure to keep proper accounts | 5 |

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| 788 | 34-0707 | | Destruction of apparatus or appliance of Commission | 5 |
| 789 | 34-0731 | | Prosecution for violation of rules | 5 |
| 790 | 34-1264.02 | (b)(1) | Cable theft | 5 |
| 791 | 34-1264.02 | (b)(2) | Cable theft | 5 |
| 792 | 34-1264.02 | (b)(3) | Cable theft | 5 |
| 793 | 34-1264.02 | (b)(4) | Cable theft | 5 |
| 794 | 34-1264.02 | (b)(5) | Cable theft | 5 |
| 795 | 34-1264.02 | (c) | Cable theft | 5 |
| 796 | 34-2304 | (e) | Appointment of receiver | 5 |
| 797 | 34-2304 | (e) | Appointment of receiver | 5 |
| 798 | 34-2401.20 | | Unlawful tapping of water pipe; penalty | 5 |
| 799 | 34-2401.22 | | Penalty for damaging or defacing water pipes | 5 |
| 800 | 34-2502 | | Penalty for refusal to remove conduits | 5 |
| 801 | 35-0211 | | Removal of disused tracks; penalty for noncompliance. | 5 |
| 802 | 35-0216 | | Failure to pay established fare or to present valid transfer; entry by rear exit door prohibited | 4 |
| 803 | 35-0251 | (b) | Unlawful conduct on public passenger vehicles. | 5 |
| 804 | 35-0251 | (c) | Unlawful conduct on public passenger vehicles. | 5 |
| 805 | 35-0251 | (d) | Unlawful conduct on public passenger vehicles. | 5 |
| 806 | 36-0102 | | Unauthorized use or sale of registered bottles. | 5 |
| 807 | 36-0130 | | Prosecutions; penalties | 5 |
| 808 | 36-0153 | | Unauthorized use, defacing, or sale of registered vessel | 5 |
| 809 | 36-0202 | | Unauthorized use of registered label; injunctive relief. | 5 |
| 810 | 36-0302.05 | | Violations; notice, order, injunction, and penalties. | 5 |
| 811 | 36-0304.01 | | Prohibition on conversions. | 5 |
| 812 | 37-201.16 | | Substitutes for dry measure prohibited. | 5 |
| 813 | 37-201.32 | | Penalties; conduct of prosecutions. | 5 |
| 814 | 38-0203 | | Enforcement; penalties. | 5 |
| 815 | 38-0303 | | Regulations determining tuition requirement; penalties; prosecutions. | 5 |
| 816 | 38-0303 | | Regulations determining tuition requirement; penalties; prosecutions. | 5 |
| 817 | 38-0312 | | False information; penalty. | 5 |
| 818 | 38-1312 | | Violations; penalties | 5 |
| 819 | 38-1403 | | Penalty for failure to register | 5 |
| 820 | 39-0108 | | Confidentiality of circulation records | 5 |
| 821 | 41-0204 | | False statements; failure to render termination statement; "Attorney General" defined | 5 |
| 822 | 42-1121 | | Illegal acts relating to stamps and other devices; penalties. | 5 |
| 823 | 42-1708 | | Additional criminal penalties. | 5 |

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| 824 | 42-1904.02 | | No offer or disposition of unit prior to registration; current public offering statement; right of cancellation by purchaser; form therefor prescribed by Mayor. | 5 |
| 825 | 42-1904.17 | | Penalties; prosecution by Attorney General. | 5 |
| 826 | 42-2435 | | Criminal penalties | 5 |
| 827 | 42-3131.02 | | Inspection of buildings for violative conditions; interference with inspection | 5 |
| 828 | 42-3131.10 | | Penalties for noncompliance | 5 |
| 829 | 42-3304 | | Penalties | 5 |
| 830 | 42-3405.10 | | Penalties | 5 |
| 831 | 42-3509.08 | | Inspection of rental housing | 5 |
| 832 | 43-0120 | | Keeping and exhibiting dead bodies. | 5 |
| 833 | 44-0151.15 | (a) | Criminal penalties | 5 |
| 834 | 44-0151.15 | (b) | Criminal penalties | 5 |
| 835 | 44-0151.15 | (b) | Criminal penalties | 5 |
| 836 | 44-0212 | | Penalties and enforcement | 5 |
| 837 | 44-0416 | | Violations and penalties for noncompliance. | 5 |
| 838 | 44-0509 | (a) | Penalties; enforcement. | 5 |
| 839 | 44-0509 | (d)(1)(A) | Penalties; enforcement. | 5 |
| 840 | 44-0509 | (f)(2) | Penalties; enforcement. | 5 |
| 841 | 44-0553 | | Penalties for unauthorized released of criminal information. | 5 |
| 842 | 44-0609 | | Violations and penalties for noncompliance. | 5 |
| 843 | 44-1712 | | Penalties; prosecutions; actions to enjoin. | 5 |
| 844 | 46-0224.02 | | Parent locator service | 5 |
| 845 | 46-0225.02 | | Criminal contempt remedy for failure to pay child support | 5 |
| 846 | 46-0421 | | Violations; prosecutions. | 5 |
| 847 | 47-0102 | | Total indebtedness not to be increased | 5 |
| 848 | 47-0351.15 | | Penalties | 5 |
| 849 | 47-0391.03 | | Powers of Authority | 5 |
| 850 | 47-0813 | | Classes of property. | 5 |
| 851 | 47-0821 | | Assessments--General duties of Mayor; appointment of assessors; submission of information by property owners. | 5 |
| 852 | 47-0828 | | Violations of assessment provisions | 5 |
| 853 | 47-0850.02 | | Residential property tax relief--One-time filing, notification of change in eligibility, liability for tax, audit. | 5 |
| 854 | 47-0863 | | Reduced tax liability for property owners over age 65 and for property owners with disabilities; rules. | 5 |
| 855 | 47-1805.02 | | Returns - Persons required to file | 5 |
| 856 | 47-1805.04 | | Returns - Divulgence of information | 5 |
| 857 | 47-2014 | | Assumption or refund of tax by vendor unlawful; penalties | 5 |
| 858 | 47-2018 | | Secrecy of returns; reciprocity | 5 |
| 859 | 47-2026 | | Certificate of registration | 5 |

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| 860 | 47-2106 | | Penalty for conducting false "closing-out sales" and for violation of this chapter; prosecutions | 5 |
| 861 | 47-2405 | | Transportation of cigarettes | 5 |
| 862 | 47-2406 | | Offenses relating to stamps | 5 |
| 863 | 47-2408 | (c) | Records; reports; returns | 5 |
| 864 | 47-2408 | (d) | Records; reports; returns | 5 |
| 865 | 47-2409 | | Seizure and forfeiture of property | 5 |
| 866 | 47-2419 | | Documentation. | 5 |
| 867 | 47-2421 | | Prohibitions on gray market cigarettes. | 5 |
| 868 | 47-2604 | | Penalty for engaging in business without license or certificate of authority | 5 |
| 869 | 47-2707 | | Prosecutions | 5 |
| 870 | 47-2808 | | Auctioneers; temporary licenses; penalty for failure to account. | 5 |
| 871 | 47-2809.01 | | Body art establishments. | 5 |
| 872 | 47-2811 | | Massage establishments; Turkish, Russian, or medicated baths. | 5 |
| 873 | 47-2828 | | Failure to Obtain Business License with Housing Residential Endorsement | 5 |
| 874 | 47-2839.01 | | Security agencies. | 5 |
| 875 | 47-2846 | | Penalties | 5 |
| 876 | 47-2850 | | Rules governing the business of furnishing towing services for motor vehicles. | 5 |
| 877 | 47-2853.26 | | False representation of authority to practice. | 5 |
| 878 | 47-2853.27 | | Fines and penalties; criminal violations. | 5 |
| 879 | 47-2853.73 | | Certain representations prohibited. | 5 |
| 880 | 47-2853.76e | | Prohibitions and penalties. | 5 |
| 881 | 47-2853.83 | | Certain representations prohibited. | 5 |
| 882 | 47-2883.02 | | Bond requirements. | 5 |
| 883 | 47-2883.04 | | Penalty | 5 |
| 884 | 47-2884.16 | | Penalties for violation of part; loan declared void; pledge returned. | 5 |
| 885 | 47-2885.20 | | Penalties; prosecutions; injunction. | 5 |
| 886 | 47-2886.14 | | Unlawful acts. | 5 |
| 887 | 47-2887.13 | | Prohibited conduct. | 5 |
| 888 | 47-2888.07 | (a) | Penalties. | 5 |
| 889 | 47-2888.07 | (b) | Penalties. | 5 |
| 890 | 47-2888.07 | (c) | Penalties. | 5 |
| 891 | 47-2907 | | Restaurants, hotels, barber shops, bathing houses, ice cream saloons, and soda fountains required to serve well-behaved persons. | 5 |
| 892 | 47-3409 | | Divulging information obtained from Internal Revenue Service prohibited; penalties | 5 |
| 893 | 47-3506 | | Administration and enforcement - Qualifying nonprofit housing organizations and cooperative housing associations | 5 |
| 894 | 47-3719 | | Secrecy of returns. | 5 |
| 895 | 47-4101 | (a) | Attempt to evade or defeat tax | 5 |
| 896 | 47-4101 | (b) | Attempt to evade or defeat tax | 5 |
| 897 | 47-4102 | (a) | Failure to collect or pay over tax | 5 |

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| 898 | 47-4102 | (b) | Failure to collect or pay over tax | 5 |
| 899 | 47-4103 | (a) | Failure to pay tax, make return, keep records, or supply information | 5 |
| 900 | 47-4103 | (b) | Failure to pay tax, make return, keep records, or supply information | 5 |
| 901 | 47-4104 | | Fraudulent statements or failure to make statements to employee | 5 |
| 902 | 47-4105 | | Fraudulent withholding information or failure to supply information to employer | 5 |
| 903 | 47-4106 | (a) | Fraud and false statements | 5 |
| 904 | 47-4106 | (b) | Fraud and false statements | 5 |
| 905 | 47-4106 | (c) | Fraud and false statements | 5 |
| 906 | 47-4106 | (d) | Fraud and false statements | 5 |
| 907 | 47-4107 | (a) | Attempt to interfere with administration of District of Columbia revenue laws | 5 |
| 908 | 47-4107 | (b) | Attempt to interfere with administration of District of Columbia revenue laws | 5 |
| 909 | 47-4405 | | Collections through third party contractors | 5 |
| 910 | 47-4406 | | Secrecy of returns | 5 |
| 911 | 48-0109 | | Prosecutions; violations | 5 |
| 912 | 48-0702 | | Prohibitions. | 5 |
| 913 | 48-0904.01 | (d)(1) | Prohibited acts A; penalties | 2 |
| 914 | 48-0904.01 | (a)(2)(A) | Prohibited acts A; penalties | 2 |
| 915 | 48-0904.01 | (a)(2)(B) | Prohibited acts A; penalties | 2 |
| 916 | 48-0904.01 | (a)(2)(B) | Prohibited acts A; penalties | 2 |
| 917 | 48-0904.01 | (a)(2)(C) | Prohibited acts A; penalties | 2 |
| 918 | 48-0904.01 | (a)(2)(D) | Prohibited acts A; penalties | 2 |
| 919 | 48-0904.01 | (b)(2)(A) | Prohibited acts A; penalties | 2 |
| 920 | 48-0904.01 | (b)(2)(B) | Prohibited acts A; penalties | 2 |
| 921 | 48-0904.01 | (b)(2)(C) | Prohibited acts A; penalties | 2 |
| 922 | 48-0904.01 | (b)(2)(D) | Prohibited acts A; penalties | 2 |
| 923 | 48-0904.01 | (d)(2) | Prohibited acts A; penalties | 2 |
| 924 | 48-0904.02 | | Prohibited acts B; penalties | 2 |
| 925 | 48-0904.03 | | Prohibited acts C; penalties | 2 |
| 926 | 48-0904.03a | | Prohibited acts D; penalties | 2 |
| 927 | 48-0904.04 | | Penalties under other laws. | 2 |
| 928 | 48-0904.05 | | Effect of acquittal or conviction under federal law. | 2 |
| 929 | 48-0904.06 | (a) | Distribution to minors | 2 |
| 930 | 48-0904.06 | (b) | Distribution to minors | 2 |
| 931 | 48-0904.07 | (b)(1) | Enlistment of minors to distribute | 2 |
| 932 | 48-0904.07 | (b)(2) | Enlistment of minors to distribute | 2 |
| 933 | 48-0904.07a | | Drug free zones. | 2 |
| 934 | 48-0904.08 | | Second or subsequent offenses. | 2 |
| 935 | 48-0904.09 | | Attempt; conspiracy. | 2 |
| 936 | 48-0904.10 | | Possession of drug paraphernalia | 2 |
| 937 | 48-0911.01 | | Consumption of marijuana in public space prohibited; impairment prohibited. | 2 |
| 938 | 48-0921.02 | | Search warrants; issuance, execution and return; property inventory; filing of proceedings; interference with service | 5 |

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| 939 | 48-1004 | | Prohibition. (Congregating in Drug Free Zone) | 5 |
| 940 | 48-1103 | (a) | Prohibited acts | 3 |
| 941 | 48-1103 | (b) | Prohibited acts | 3 |
| 942 | 48-1103 | (c) | Prohibited acts | 3 |
| 943 | 48-1103 | (e)(4) | Prohibited acts | 3 |
| 944 | 49-0106 | | Rules for parades and encampments | 5 |
| 945 | 49-0205 | | Penalty for selling, pawning, injuring, or retaining public property | 5 |
| 946 | 49-0507 | | Witnesses; compulsory attendance | 5 |
| 947 | 50-0326 | | Modernization of taxicabs. | 5 |
| 948 | 50-0329.05 | (a)(1) | Fleeing from a public vehicle inspection officer in a public vehicle-for-hire. | 5 |
| 949 | 50-0329.05 | (a)(2) | Fleeing from a public vehicle inspection officer in a public vehicle-for-hire. | 5 |
| 950 | 50-0405 | (b)(1) | Penalties | 5 |
| 951 | 50-0505 | | Disclosure of damages or defects in used motor vehicles; violations; penalties | 5 |
| 952 | 50-0607 | | Penalties | 5 |
| 953 | 50-1215 | | False statements as to liens; violations of law chapter | 5 |
| 954 | 50-1301.74 | | Failure to return license or registration; penalty | 5 |
| 955 | 50-1301.75 | | Penalty for violations of chapter | 5 |
| 956 | 50-1331.08 | | Penalties | 5 |
| 957 | 50-1401.01 | (d) | Fee; examination; age requirements; lost permits; provisions for armed forces personnel; contents; operation without permit prohibited; restrictions for minors | 5 |
| 958 | 50-1401.02 | | Exemptions | 5 |
| 959 | 50-1403.01 | | Revocation or suspension; new permit after revocation; nonresidents; penalty for operation with revoked or suspended license | 5 |
| 960 | 50-1403.03 | | Suspension of minor's motor vehicle operator's permit for alcohol violation | 5 |
| 961 | 50-1501.04 | | Unlawful acts; penalty | 5 |
| 962 | 50-1507.03 | | Registration | 5 |
| 963 | 50-1912 | | Penalty. | 5 |
| 964 | 50-2201.03 | (d) | Mayor to make rules; Department of Transportation; Director; Congressional and Council parking; title fees; common carriers; penalties; prosecutions; publication of regulations; excise tax; impoundment for outstanding violations. | 5 |
| 965 | 50-2201.03 | (f) | Mayor to make rules; Department of Transportation; Director; Congressional and Council parking; title fees; common carriers; penalties; prosecutions; publication of regulations; excise tax; impoundment for outstanding violations. | 5 |
| 966 | 50-2201.04 | (c)(1) | Speeding and reckless driving | 4 |
| 967 | 50-2201.04 | (c-1)(1) | Speeding and reckless driving | 4 |

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| | A | B | C | D |
|-----|----------------|-----------|---|---|
| 968 | 50-2201.04b | | Operation of all-terrain vehicles and dirt bikes | 4 |
| 969 | 50-2201.05b | | Fleeing from a law enforcement officer in a motor vehicle | 4 |
| 970 | 50-2201.05c | (d)(1)(B) | Leaving after colliding. | 4 |
| 971 | 50-2201.05c | (d)(2)(A) | Leaving after colliding. | 4 |
| 972 | 50-2201.05d | | Object falling or flying from vehicle. | 4 |
| 973 | 50-2201.06 | | Garage keeper to report cars damaged in accidents | 4 |
| 974 | 50-2201.28 | | Right-of-way at crosswalks. | 4 |
| 975 | 50-2203.01 | | Negligent homicide | 1 |
| 976 | 50-2206.11 | | Driving under the influence of alcohol or a drug. | 4 |
| 977 | 50-2206.12 | | Driving under the influence of alcohol or a drug; commercial vehicle. | 4 |
| 978 | 50-2206.14 | | Operating a vehicle while impaired. | 4 |
| 979 | 50-2206.16 | | Operating under the influence of alcohol or a drug; horse-drawn vehicle. | 4 |
| 980 | 50-2206.31 | | Operating under the influence of alcohol or a drug; watercraft. | 4 |
| 981 | 50-2206.33 | | Operating a watercraft while impaired. | 4 |
| 982 | 50-2206.36 | | Additional penalty for impaired operating with a minor in the watercraft. | 4 |
| 983 | 50-2302.03 | | Exception for serious offenders. | 4 |
| 984 | 50-2303.02 | | Exceptions for serious offenders. | 4 |
| 985 | 50-2303.07 | | Identification of pedestrian offenders | 5 |
| 986 | 50-2421.04 | | Removal of abandoned and dangerous vehicles from public space; penalties | 5 |
| 987 | 50-2421.09 | | Procedures for reclaiming impounded vehicles; lien; penalties | 5 |
| 988 | 50-2421.10 | | Disposal of unclaimed vehicles; penalties; auction admission fees | 5 |
| 989 | 51-0113 | | Payment of employer contributions | 5 |
| 990 | 51-0117 | | Records and reports; inspection; penalties for violation | 5 |
| 991 | 51-0118 | | Protection of rights and benefits; child support obligations | 5 |
| 992 | 51-0119 | (a) | Penalties for false statements or representations | 5 |
| 993 | 51-0119 | (b) | Penalties for false statements or representations | 5 |
| 994 | 51-0119 | (c) | Penalties for false statements or representations | 5 |
| 995 | | | | |
| 996 | 18DCMR1101 | | Loaning Vehicle Registration and Misuse of Tags (Improper Tags) | 4 |
| 997 | 18DCMR1101.1 | | Loaning Vehicle Registration and Misuse of Tags | 4 |
| 998 | 18DCMR1101.1-X | | Loaning Vehicle Registration and Misuse of Tags (Display of Tags) | 4 |
| 999 | 18DCMR1104.2 | | Falsified Vehicle Registration or Tags (Registration or Tags) | 4 |

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| | A | B | C | D |
|------|---------------|---|---|---|
| 1000 | 18DCMR1104.3 | | Falsified Vehicle Registration or Tags (Title) | 4 |
| 1001 | 18DCMR1104.4 | | Falsified Vehicle Registration or Tags (Counterfeit Tags) | 4 |
| 1002 | 18DCMR1110.2 | | Improper Conduct with Vehicle License (Loaning Permit) | 4 |
| 1003 | 18DCMR1200.8 | | Tampering with Secured Bike or Personal Mobility Device | 4 |
| 1004 | 18DCMR2000.2 | | Failure to Obey Police Officer | 4 |
| 1005 | 18DCMR2200.12 | | Motor Vehicle Speeding 30 MPH Over Limit | 4 |
| 1006 | 19DCMR1309.1 | | Gambling On or Near Public Property | 4 |
| 1007 | 24DCMR100.1 | | Unlawful Occupation of a Public Space at the Dock at Washington Harbour | 4 |
| 1008 | 24DCMR121.1 | | Unauthorized Temporary Abode | 4 |
| 1009 | 24DCMR2100.3 | | Crossing Police Line | 4 |
| 1010 | 24DCMR2301.3 | | Possession of BB Gun | 4 |
| 1011 | 24DCMR500.5 | | Soliciting Ticket Sales | 4 |
| 1012 | 24DCMR502.1 | | Vending Without a License | 4 |
| 1013 | 24DCMR502.2 | | Vending Without a License | 4 |