



D.C. Criminal Code Reform Commission

441 Fourth Street, NW, Suite 1C001S, Washington, D.C. 20001
(202) 442-8715 www.ccrdc.gov

February 6, 2020

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 in the Committee on the Judiciary and Public Safety's correspondence dated December 23, 2019. The responses of the Criminal Code Reform Commission (CCRC) are presented below for your review, with four 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

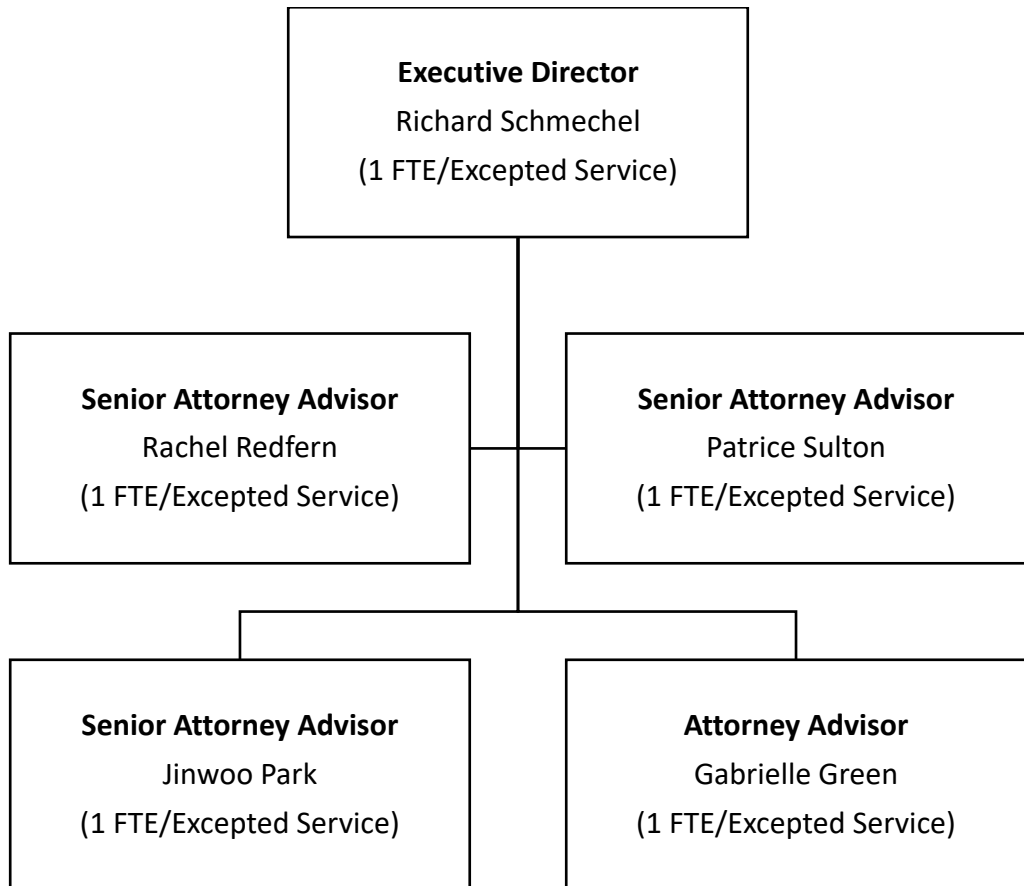
Attachments

1. Appendix A - CCRC Advisory Group Agendas and Minutes FY19 and FY20 (To Date)
2. Appendix B - Agency Work Plan and Schedule (2-6-20)
3. Appendix C - CCRC Schedule A

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 2/6/20 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.**

No changes were made to the basic staff structure in the prior year.

However, in FY 19 one employee resigned to take an academic position. That position was filled briefly by an attorney who resigned after a few months for a federal position. Attorney Advisor Gabrielle Green was hired early in 2020 to fill this position. Also, in 2019 Ms. Patrice Sulton was promoted from Attorney Advisor to Senior Attorney Advisor.

2. **Please provide a current Schedule A for the agency which identifies each position by program and activity, with the employee's 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 C. Please note that the Schedule A was created 1/27/20 and reflects 5 filled, continuing 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 during FY19 and FY20, to date. 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 FY19 and FY20, to date;**

None.

- b. **A list of travel expenses, arranged by employee for FY19 and FY20, to date, including the justification for travel.**

Richard Schmechel

- \$124.00 for travel to an American Law Institute (ALI) meeting "Model Penal Code: Sexual Assault and Related Offenses," in Philadelphia PA on October 24, 2019. The meeting provided feedback on draft recommendations by the ALI regarding sex assault offenses.
- \$143.00 for travel to an ALI meeting "Model Penal Code: Sexual Assault and Related Offenses," in Philadelphia PA on October 12, 2018. The meeting provided feedback on draft recommendations by the ALI regarding sex assault offenses.

5. Please list all memoranda of understanding (“MOU”) entered into by the agency during FY19 and FY20, 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.

The OFRM MOU provides funding for use of the District Purchase Card, the primary means of purchasing for the agency, given its small size. The OCTO MOU provides funding for basic IT services—internet and phone—for the agency. Both run on fiscal year basis.

| FY 2019 MEMORANDA OF UNDERSTANDING (MOU) - BUYER SUMMARY | | | | |
|--|----------------------------------|------------------|------------|-----------|
| DISTRICT OF COLUMBIA CRIMINAL CODE REFORM COMMISSION (MA0) | | | | |
| SELLING AGENCY | DESCRIPTION OF SERVICES PROVIDED | AMOUNT | START DATE | END DATE |
| OFRM | Purchase/Travel Card | \$ 13,550 | 10/1/2018 | 9/30/2019 |
| OCTO | IT Assessment | \$ 5,000 | 10/1/2018 | 9/30/2019 |
| | | \$ - | | |
| TOTAL | | \$ 18,550 | | |

| FY 2019 MEMORANDA OF UNDERSTANDING (MOU) - SELLER SUMMARY | | | | |
|--|----------------------------------|-------------|------------|----------|
| DISTRICT OF COLUMBIA CRIMINAL CODE REFORM COMMISSION (MA0) | | | | |
| BUYING AGENCY | DESCRIPTION OF SERVICES PROVIDED | AMOUNT | START DATE | END DATE |
| None | | \$ - | | |
| TOTAL | | \$ - | | |

| FY 2020 MEMORANDA OF UNDERSTANDING (MOU) - BUYER SUMMARY | | | | |
|--|----------------------------------|------------------|------------|-----------|
| DISTRICT OF COLUMBIA CRIMINAL CODE REFORM COMMISSION (MA0) | | | | |
| SELLING AGENCY | DESCRIPTION OF SERVICES PROVIDED | AMOUNT | START DATE | END DATE |
| OFRM | Purchase/Travel Card | \$ 5,000 | 10/1/2019 | 9/30/2020 |
| OCTO | IT Assessment | \$ 5,376 | 10/1/2019 | 9/30/2020 |
| OCTO | DCNet/Non-DCNet Assessment | \$ 6,600 | 10/1/2019 | 9/30/2020 |
| TOTAL | | \$ 16,976 | | |

| FY 2020 MEMORANDA OF UNDERSTANDING (MOU) - SELLER SUMMARY | | | | |
|--|----------------------------------|-------------|------------|----------|
| DISTRICT OF COLUMBIA CRIMINAL CODE REFORM COMMISSION (MA0) | | | | |
| BUYING AGENCY | DESCRIPTION OF SERVICES PROVIDED | AMOUNT | START DATE | END DATE |
| None | | \$ - | | |
| TOTAL | | \$ - | | |

6. Please list the ways, other than MOU, in which the agency collaborated with analogous agencies in other jurisdictions, with federal agencies, or with non-governmental organizations in FY19 and FY20, to date.

The CCRC’s Advisory Group, per the CCRC statute, includes representatives of the Deputy Mayor for Public Safety, the Council Committee on the Judiciary and Public Safety, the Attorney General for the District of Columbia, the Director of the Public Defender Service for the District of Columbia, and the United States Attorney for the District of Columbia. The CCRC continually works with these institutions and their representatives to develop criminal code reform recommendations.

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

7. For FY19 and FY20, to date, please list all intra-District transfers to or from the agency, and include a narrative description of the purpose of each transfer.

The OFRM transfer provides funding for use of the District Purchase Card, the primary means of purchasing for the agency, given its small size. The OCTO transfer provides funding for basic IT services—internet and phone—for the agency.

| FY 2019 Intra-District Summary - BUYER | | | |
|--|---|-------------------------|---------------------|
| DISTRICT OF COLUMBIA CRIMINAL CODE REFORM COMMISSION (MA0) | | | |
| SELLING AGENCY | DESCRIPTION OF SERVICES PROVIDED | FUNDING SENT | FUNDING DUE |
| OFRM | Purchase/Travel Card | 13,550 | 0 |
| OCTO | IT Assessment | 5,000 | 0 |
| TOTAL | | 18,550 | 0 |
| FY 2019 Intra-District Summary - SELLER | | | |
| DISTRICT OF COLUMBIA CRIMINAL CODE REFORM COMMISSION (MA0) | | | |
| BUYING AGENCY | DESCRIPTION OF SERVICES PROVIDED | FUNDING RECEIVED | FUNDING OWED |
| None | | 0 | 0 |
| TOTAL | | 0 | 0 |

| FY 2020 Intra-District Summary - BUYER | | | |
|--|----------------------------------|---------------|-------------|
| DISTRICT OF COLUMBIA CRIMINAL CODE REFORM COMMISSION (MA0) | | | |
| SELLING AGENCY | DESCRIPTION OF SERVICES PROVIDED | FUNDING SENT | FUNDING DUE |
| OFRM | Purchase/Travel Card | 5,000 | 0 |
| OCTO | IT Assessment | 5,376 | 0 |
| OCTO | DCNet/Non DCNet Assessment | 6,600 | 0 |
| TOTAL | | 16,976 | 0 |

| FY 2020 Intra-District Summary - SELLER | | | |
|--|----------------------------------|------------------|--------------|
| DISTRICT OF COLUMBIA CRIMINAL CODE REFORM COMMISSION (MA0) | | | |
| BUYING AGENCY | DESCRIPTION OF SERVICES PROVIDED | FUNDING RECEIVED | FUNDING OWED |
| None | | 0 | 0 |
| TOTAL | | 0 | 0 |

8. For FY19 and FY20, 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;
- f. Whether expenditures from the fund are regulated by statute or policy; and
- g. The current fund balance.

No special purpose revenue funds of any kind.

9. For FY19 and FY20, to date, please list all purchase card spending by the agency, the employee making each expenditure, and the general purpose of each expenditure.

| Transaction Date | Amount | Purchaser | Purpose |
|------------------|------------|-----------|-------------------------------------|
| 10/04/2018 | 182.51 | J. Park | Office supplies |
| 10/04/2018 | 2,951.85 | J. Park | Legal Research Materials / Services |
| 10/11/2018 | 17.80 | J. Park | Office supplies |
| 10/16/2018 | 199.45 | J. Park | WMATA (Metro) |
| 10/17/2018 | 1,400.00 | J. Park | Social Science Materials / Services |
| 10/31/2018 | 30.74 | J. Park | Office supplies |
| 11/16/2018 | 317.90 | J. Park | WMATA (Metro) |
| 11/30/2018 | (1,134.52) | J. Park | Social Science Materials / Services |

Criminal Code Reform Commission (CCRC) 2020 Performance Oversight Hearing Questions & Responses

| Transaction Date | Amount | Purchaser | Purpose |
|-------------------------|---------------|------------------|-------------------------------------|
| 12/16/2018 | 15.99 | J. Park | Legal Research Materials / Services |
| 12/17/2018 | 219.55 | J. Park | WMATA (Metro) |
| 01/11/2019 | 180.00 | J. Park | Legal Research Materials / Services |
| 01/11/2019 | 84.00 | J. Park | Legal Research Materials / Services |
| 01/16/2019 | 204.40 | J. Park | WMATA (Metro) |
| 02/19/2019 | 247.75 | J. Park | WMATA (Metro) |
| 03/11/2019 | 199.99 | J. Park | Office supplies |
| 03/18/2019 | 251.85 | J. Park | WMATA (Metro) |
| 04/06/2019 | 26.34 | J. Park | Legal Research Materials / Services |
| 04/16/2019 | 255.40 | J. Park | WMATA (Metro) |
| 04/17/2019 | 33.95 | J. Park | Legal Research Materials / Services |
| 04/17/2019 | 3,900.00 | J. Park | Social Science Materials / Services |
| 04/17/2019 | 3,000.00 | J. Park | Social Science Materials / Services |
| 05/16/2019 | 232.50 | J. Park | WMATA (Metro) |
| 05/17/2019 | 76.87 | J. Park | Legal Research Materials / Services |
| 05/20/2019 | 100.00 | J. Park | WMATA (Metro) |
| 05/29/2019 | 100.00 | J. Park | WMATA (Metro) |
| 06/10/2019 | 2,900.00 | J. Park | Social Science Materials / Services |
| 06/10/2019 | 3,000.00 | J. Park | Social Science Materials / Services |
| 06/11/2019 | 407.04 | J. Park | Social Science Materials / Services |
| 06/12/2019 | 1,920.00 | J. Park | Social Science Materials / Services |
| 06/17/2019 | 163.35 | J. Park | WMATA (Metro) |
| 06/24/2019 | 100.00 | J. Park | WMATA (Metro) |
| 07/16/2019 | 93.60 | J. Park | WMATA (Metro) |
| 08/05/2019 | 84.00 | J. Park | Legal Research Materials / Services |
| 08/07/2019 | 223.75 | J. Park | Legal Research Materials / Services |
| 08/12/2019 | 100.00 | J. Park | WMATA (Metro) |
| 08/15/2019 | 15.99 | J. Park | Office supplies |
| 08/16/2019 | 152.50 | J. Park | WMATA (Metro) |
| 08/19/2019 | 59.98 | J. Park | Office supplies |
| 08/20/2019 | 22.89 | J. Park | Office supplies |
| 08/21/2019 | 746.13 | J. Park | Office supplies |
| 08/26/2019 | 41.73 | J. Park | Office supplies |
| 08/27/2019 | 18.77 | J. Park | Office supplies |
| 09/09/2019 | 50.00 | J. Park | WMATA (Metro) |
| 09/16/2019 | 341.00 | J. Park | WMATA (Metro) |
| 09/18/2019 | 320.00 | J. Park | Social Science Materials / Services |
| 10/10/2019 | 160.00 | J. Park | Social Science Materials / Services |
| 10/16/2019 | 211.75 | J. Park | WMATA (Metro) |
| 10/22/2019 | 19.50 | J. Park | Office supplies |
| 11/07/2019 | 1,763.30 | J. Park | Legal Research Materials / Services |

| Transaction Date | Amount | Purchaser | Purpose |
|------------------|--------|-----------|-------------------------------------|
| 11/18/2019 | 229.95 | J. Park | WMATA (Metro) |
| 11/21/2019 | 49.95 | J. Park | Legal Research Materials / Services |
| 12/02/2019 | 56.25 | J. Park | Legal Research Materials / Services |
| 12/16/2019 | 166.85 | J. Park | WMATA (Metro) |
| 01/06/2020 | 84.00 | J. Park | Legal Research Materials / Services |
| 01/09/2020 | 25.57 | J. Park | Office supplies |
| 01/08/2020 | 30.00 | J. Park | WMATA (Metro) |
| 01/14/2020 | 24.78 | J. Park | Office supplies |
| 01/16/2020 | 180.10 | J. Park | WMATA (Metro) |
| 01/15/2020 | 50.00 | J. Park | WMATA (Metro) |
| 01/24/2020 | 156.00 | J. Park | Legal Research Materials / Services |

10. Please list all capital projects in the financial plan for the agency or under the agency’s purview in FY19 and FY20, to date, and provide an update on each project, including the amount budgeted, actual dollars spent, and any remaining balances. In addition, please provide:

- a. An update on all capital projects begun, in progress, or concluded in FY18, FY19, and FY20, to date, including the amount budgeted, actual dollars spent, and any remaining balances;**
- b. An update on all capital projects planned for the four-year financial plan;**
- c. A description of whether the capital projects begun, in progress, or concluded in FY18, FY19, and FY20, to date, had an impact on the operating budget of the agency. If so, please provide an accounting of such impact; and**
- d. A description and the fund balance for each existing allotment in each capital project under the agency’s purview.**

None.

11. Please provide a list of all budget enhancement requests (including capital improvement needs) for FY19 and FY20, to date. For each, include a description of the need and the amount of funding requested.

The CCRC made no budget enhancement request for FY 19.

For FY 20, the CCRC requested that the Council maintain the agency’s budget to provide full funding for current staff levels, with no capital budget. This request to the Council represented a budget enhancement for FY 20 of \$367,000 from local funds (to a total of approximately \$734,000 in local funds) as compared to the Mayor’s budget recommendation which would have halved the agency’s funding. The Council’s FY 20 budget subsequently maintained full funding for the agency as the agency had requested. To date, there have been no further budget enhancement requests by the agency for FY 20.

12. Please list, in chronological order, each reprogramming in FY19 and FY20, to date, that impacted the agency, including those that moved funds into the agency, out of the agency, or within the agency. Include known, anticipated reprogrammings, as well as the revised, final budget for your agency after the reprogrammings. For each reprogramming, list the date, amount, rationale, and reprogramming number.

| DISTRICT OF COLUMBIA CRIMINAL CODE REFORM COMMISSION (MA0) | | | | | | | |
|--|-------|-----------|------------|---------|----------|---------------------------------------|------------|
| FY 2019 REPROGRAMMING LIST | | | | | | | |
| | LOCAL | | | | | Starting Budget | \$723,873 |
| FISCAL YEAR | FUND | DATE | SOAR DOC # | Program | Activity | DESCRIPTION | AMOUNT |
| 2019 | 0100 | 9/30/2019 | BJFBDQ12 | Various | 1090 | Year-End reprogramming to FB0 and DQ0 | (\$22,400) |
| 2019 | 0100 | | | | | | |
| Final Budget | | | | | | | \$701,473 |

| DISTRICT OF COLUMBIA CRIMINAL CODE REFORM COMMISSION (MA0) | | | | | | | |
|--|---------------------|------|------------|---------|----------|-----------------|--------|
| FY 2019 REPROGRAMMING LIST | | | | | | | |
| | INTRA-DISTRIC FUNDS | | | | | Starting Budget | \$0 |
| FISCAL YEAR | FUND | DATE | SOAR DOC # | Program | Activity | DESCRIPTION | AMOUNT |
| 2019 | | | | | | N/A | \$0 |
| 2019 | | | | | | | \$0 |
| Final Budget | | | | | | | \$0 |

| DISTRICT OF COLUMBIA CRIMINAL CODE REFORM COMMISSION (MA0) | | | | | | | |
|--|-------|------|------------|---------|----------|-----------------|-----------|
| FY 2020 REPROGRAMMING LIST | | | | | | | |
| | LOCAL | | | | | Starting Budget | \$723,217 |
| FISCAL YEAR | FUND | DATE | SOAR DOC # | Program | Activity | DESCRIPTION | AMOUNT |
| 2020 | 0100 | | | | | None | \$0 |
| 2020 | 0100 | | | | | | \$0 |
| Final Budget | | | | | | | \$723,217 |

| DISTRICT OF COLUMBIA CRIMINAL CODE REFORM COMMISSION (MA0) | | | | | | | |
|--|----------------------|------|------------|---------|----------|-----------------|--------|
| FY 2020 REPROGRAMMING LIST | | | | | | | |
| | INTRA-DISTRICT FUNDS | | | | | Starting Budget | \$0 |
| FISCAL YEAR | FUND | DATE | SOAR DOC # | Program | Activity | DESCRIPTION | AMOUNT |
| 2020 | | | | | | N/A | \$0 |
| 2020 | | | | | | | |
| Final Budget | | | | | | | \$0 |

- 13. Please list each grant or sub-grant received by your agency in FY19 and FY20, to date. List the date, amount, source, purpose of the grant or sub-grant received, and amount expended.**

None.

- a. How many FTEs are dependent on grant funding? 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?**

None. No FTEs dependent on grant funding.

- 14. Please list each grant or sub-grant granted by your agency in FY19 and FY20, to date. List the date, amount, source, and purpose of the grant or sub-grant granted.**

None.

- 15. Please list each contract, procurement, and lease, entered into or extended and option years exercised by your agency during FY19 and FY20, to date. For each contract, procurement, or lease, please provide the following information, where applicable:**

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

Purchase Order 607906-V2

- a. Party: YouGov America Inc.
- b. Nature: Administration of web-based surveys of demographically representative panel of District voters.
- c. Amount: \$17,700 (budgeted and actually spent)
- d. Term: NA (Initiated May 2019; Completed June 2019)
- e. Competitively Bid: Yes
- f. Contract Monitor: OCP Contracting Specialist Uranus Anderson / CCRC Richard Schmechel – No Issues
- g. Funding Source: Local funds

- 16. 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.

- 17. Please list all settlements entered into by the agency or by the District on behalf of the agency in FY19 or FY20, to date, and provide the parties' names, the date the settlement was entered into, the amount of the settlement, and if related to litigation, the case name, docket number, 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, excessive use of force, etc.).**

None.

- 18. Please list the administrative complaints or grievances that the agency received in FY19 and FY20, to date, broken down by source. Please describe the process utilized to respond to any complaints and grievances received and any changes to agency policies or procedures that have resulted from complaints or grievances received. For any complaints or grievances that were resolved in FY19 or FY20, to date, describe the resolution.**

None.

- 19. Please describe the agency's procedures for investigating allegations of sexual harassment, sexual misconduct, or discrimination committed by or against agency employees. List and describe any allegations relating to the agency or its employees in FY19 and FY20, to date, and whether and how those allegations were resolved (e.g. a specific disciplinary action, such as re-training, employee transfer, suspension, or termination).**

The agency policy is to follow the District Personnel Manual in investigating complaints and grievances. The agency has 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.

The CCRC has not received any allegations of sexual harassment or misconduct in FY19 and FY20, to date.

- a. Please also identify whether the agency became aware of any similar matters in FY19 or FY20, to date, through means other than an allegation, and if so,**

how the matter was resolved (e.g. sexual harassment was reported to the agency, but not by the victim).

None.

- 20. Please provide the Committee with a list of the total workers' compensation payments paid by the agency or on the agency's behalf in FY19 and FY20, to date, including the number of employees who received workers' compensation payments, in what amounts, and for what reasons.**

None.

- 21. Please list and describe any ongoing investigations, audits, or reports on the agency or any employee of the agency, or any investigations, studies, audits, or reports on the agency or any employee of the agency that were completed during FY19 and FY20, to date.**

None.

- 22. Please describe any spending pressures the agency experienced in FY19 and any anticipated spending pressures for the remainder of FY20. Include a description of the pressure and the estimated amount. If the spending pressure was in FY19, describe how it was resolved, and if the spending pressure is in FY20, describe any proposed solutions.**

The CCRC did not experience any spending pressures in FY19 and at this time has no anticipated spending pressures for the remainder of FY20.

- 23. Please provide a copy of the agency's FY19 performance plan. Please explain which performance plan objectives were completed in FY19, 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.

- 24. Please provide a copy of your agency's FY20 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.

- 25. Please describe any regulations promulgated by the agency in FY19 or FY20, to date, and the status of each.**

None.

- 26. Please provide the number of FOIA requests for FY19 and FY20, to date, that were submitted to your agency. Include the number granted, partially granted, denied, and pending. In addition, please provide the average response time, the estimated number of FTEs required to process requests, the estimated number of hours spent responding to these requests, and the cost of compliance.**

None.

- 27. Please provide a list of all studies, research papers, reports, and analyses that the agency prepared or contracted for during FY19 and FY20, 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.**

All the following documents are required reports per the agency's statute and have previously been distributed to the full Council and are available on the Council's Legislative Information Management System (LIMS) or the agency's website, www.ccrc.dc.gov.

- CCRC 2019 Annual Report & FY19 Report on First Quarter Activities [upload to CCRC website pending]
- [CCRC FY 2019 Fourth Quarter Report of Activities](#)
- [CCRC FY 2019 Third Quarter Report of Activities](#)
- [CCRC FY 2019 Second Quarter Report of Activities](#)
- [2019 CCRC Budget Oversight Hearing Testimony](#)
- [CCRC Responses to Performance Oversight Questions](#)
- [CCRC 2018 Annual Report and Appendices](#)
- [CCRC FY 2018 Fourth Quarter Report of Activities](#)

In addition, the following reports and analyses contain draft code revision recommendations and other background information for the agency's Advisory Group. The title of the document indicates the topic / purpose of the report. The documents are available on the agency's website (and hardcopies are also available to the Committee upon request). These FY19 and FY20 (to date) reports total over 2000 pages.

- [Additional Advisory Group Comments on First Draft of Report #36](#)
- [Revised Comments to DC Criminal Code Reform Commission for First Draft of Report #36](#)
- [Advisory Group Written Comments on First Draft of Report #36](#)
- [First Draft of Report #36, Cumulative Update to Chapters 3, 7 and the Special Part of the Revised Criminal Code](#)
- [Advisory Group Memo #22 - Supplemental Materials to the First Draft of Report #36](#)
- [Advisory Group Written Comments on First Draft of Report #35 \(Received 5-20-19\)](#)
- [Comments on First Draft of Report #35, Cumulative Update to Sections 201-213 of the Revised Criminal Code](#)
- [First Draft of Report #35: Cumulative Update to Sections 201-213 of the Revised Criminal Code](#)
- [Advisory Group Memorandum #21: Supplemental Materials to the First Draft of Report #35](#)
- [First Draft of Report #34 - De Minimis Defense](#)
- [Advisory Group Written Comments on First Draft of Report #44](#)
- [First Draft of Report #45 – Fraudulent Advertising and Fraudulent Registration](#)
- [First Draft of Report #44 – Trademark Counterfeiting](#)

- [Second Draft of Report #9: Recommendations for Theft and Damage to Property Offenses](#)
- [Advisory Group Written Comments on First Drafts of Reports #37 and #38](#)
- [Advisory Group Memorandum #23: Supplemental Materials to the First Draft of Report #37](#)
- [First Draft of Report #37 - Controlled Substance and Related Offenses](#)
- [First Draft of Report #38 – Enlistment of Minors and Maintaining Location to Distribute or Manufacture Controlled Substances](#)
- [Advisory Group Written Comments on First Draft of Reports #42-49](#)
- [First Draft of Report #49 – Parental Kidnapping and Related Statutes](#)
- [First Draft of Report #48 –Incest](#)
- [First Draft of Report #43 – Blackmail](#)
- [First Draft of Report #42 – Obscenity, Privacy, and Related Offenses](#)
- [Advisory Group Memo #29 - Supplemental Materials to the First Draft of Report #42](#)
- [Advisory Group Written Comments on First Drafts of Reports #26-#28](#)
- [First Draft of Report #33 - Correctional Facility Contraband](#)
- [First Draft of Report #32 - Tampering with a Detection Device](#)
- [First Draft of Report #31 - Escape from Institution or Officer](#)
- [Advisory Group Written Comments on First Draft of Report #46](#)
- [First Draft of Report #47 – Illegal Vending](#)
- [First Draft of Report #46 – Possession of an Open Container of Alcohol](#)
- [Advisory Group Written Comments on First Draft of Reports #39 and #40](#)
- [First Draft of Report #40 - Self-Defense Sprays](#)
- [First Draft of Report #39 - Weapon Offenses and Related Provisions](#)
- [Advisory Group Memo #24 - Supplemental Materials to the First Draft of Report #39](#)
- [Advisory Group Written Comments on First Draft of Report #41](#)
- [Advisory Group Memorandum #28 - Statistics on District Adult Criminal Charges and Convictions](#)
- [Appendix D to Advisory Group Memorandum #28 - DC Superior Court Criminal Division Adult Charges and Convictions Disposed](#)
- [First Draft of Report #41 - Ordinal Ranking of Maximum Imprisonment Penalties](#)
- [Advisory Group Memo #26 – DC Code Statutory Penalties and Voluntary Sentencing Guidelines](#)
- [Advisory Group Memo #27 – Public Opinion Surveys on Ordinal Ranking of Offenses](#)
- [Advisory Group Memo #25 - Second Look and Related Provisions in Other Jurisdictions](#)

28. Please list in descending order the top 25 overtime earners in your agency in FY19 and FY20, 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. Please describe the process the agency uses to determine which employees are granted overtime.

None.

29. For FY19 and FY20, 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.

30. For FY19 and FY20, to date, please list each employee separated from the agency with separation pay. State the amount and number of weeks of pay. Also, for each, state the reason for the separation.

None.

- 31. Please provide the name of each employee who was or is on administrative leave in FY19 and FY20, to date. In addition, for each employee identified, please provide: (1) their position; (2) a brief description of the reason they were placed on leave; (3) the dates they were/are on administrative leave; (4) whether the leave was/is paid or unpaid; and (5) their current status.**

None.

- 32. Please provide each collective bargaining agreement that is currently in effect 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.

- 33. If there are any boards, commissions, or task forces associated with your agency, please provide a chart listing the names, number of years served, agency affiliation, and attendance of each member. Include any vacancies. Please also attach agendas and minutes of each board, commission, or task force meeting in FY19 or FY20, to date, if minutes were prepared. Please inform the Committee if the board, commission, or task force did not convene during any month.**

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. There are no vacancies.

| Name | Confirmation / Appointment Date or Start of Appointment | Term | FY19 & FY20 To Date Meeting Attendance |
|---------------|---|--------------|--|
| Donald Braman | 10/18/16 - Appointed by Council | 10/1/16 - | 10/16 |
| Paul Butler | 10/18/16 – Appointed by Council | 10/1/16 - | 9/16 |

| | | | |
|------------------------|--|----|--------------------|
| Renata Kendrick Cooper | 10/1/16 - Designee of the United States Attorney for the District of Columbia | NA | 6/16 ¹ |
| Laura Hankins | 10/1/16 - Designee of the Director of the Public Defender Service for the District of Columbia | NA | 14/16 ² |
| Dave Rosenthal | 10/1/16 - Designee of the Attorney General for the District of Columbia | NA | 14/16 |
| Helder Gil | 10/1/16 - Designee of the Deputy Mayor for Public Safety and Justice | NA | 0/16 |
| Kevin Whitfield | 2/25/18 - Designee of the Chairperson of the Council Committee on the Judiciary and Public Safety (Prior designees in place since 10/1/16) | NA | 9/16 |

The Advisory Group did not meet in January 2019 due to the federal shutdown’s effect on two Advisory Group members. The Advisory Group also did not meet in August 2019 due to Advisory Group member availability, however an additional meeting was held in late June to provide extra meeting time. Copies of the agendas and minutes of all Advisory Group meetings are posted on the agency’s website at <https://ccrc.dc.gov/page/ccrc-advisory-group> and are attached as Appendix A (CCRC Advisory Group Agendas and Minutes FY18 and FY19 (To Date)).

34. 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 October 1, 2020. 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*. An additional report with the agency’s recommendations to-date is planned for issuance by September 30, 2020.

¹ One or more other attorney(s) from this office was present at 8 Advisory Group meetings in FY19 – FY20 when the Designee was not present.

² One or more other attorney(s) from this office was present at 1 Advisory Group meetings in FY19 – FY20 when the Designee was not present.

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.

- 35. Please provide a list of any additional training or continuing education opportunities made available to agency employees. For each additional training or continuing education program, please provide the subject of the training, the names of the trainers, and the number of agency employees that were trained.**

The CCRC staff receives training through a variety of standard classes provided by DCHR (e.g., cybersecurity, use of the District Purchase Card, ethics, sexual harassment awareness, etc.). On an ad hoc basis, staff are provided the opportunity to use work time to attend relevant D.C. Bar and community events for training and educational purposes. For example, one employee participated in a D.C. Bar Ethics Training in FY19.

- 36. Please describe any initiatives that the agency implemented in FY19 or FY20, 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 FY19 or FY20, 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 annual ethics, cybersecurity, and sexual harassment awareness trainings; 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.

- 37. What are the agency's top five priorities? Please explain how the agency expects to address these priorities in FY20. How did the agency address its top priorities listed for this question last year?**

In FY20, the agency's top five priorities are as follows:

- Priority #1: Finalize all CCRC reform recommendations for *statutory language* to date, reconciling Advisory Group comments with each other and statutory mandate. The CCRC's top priority for FY20 is finalization of all its draft statutory language reform recommendations to-date. Finalization of this language involves three main steps. First, an across-the-board update is planned for release to the Advisory Group in February 2020. Second, a final voting draft is planned for release to the CCRC Advisory Group in May-July.³ Third, an Advisory Group vote on the CCRC recommendations in June-September.
- Priority #2: Finalize all CCRC *penalty* reform recommendations for all offenses revised to date. The CCRC's second priority for FY20 is finalization of all its draft recommendations for reforming the punishments—imprisonment and fines—authorized for all offenses the agency has reviewed and recommended for revision. Finalization of this language involves four main steps. First, an across-the-board update is planned for release to the Advisory Group in February 2020 that will include updates to recommendations for the penalty classifications assigned to particular offenses and their relative ordering. Second, in March 2020 agency recommendations will be submitted to the Advisory Group regarding the absolute imprisonment and fine penalties for each penalty class, and general penalty enhancements. Third, along with the agency's recommended statutory language a final voting draft of penalty recommendations is planned for release to the CCRC Advisory Group in May-July.⁴ Fourth, along with the agency's recommended statutory language an Advisory Group vote on the CCRC recommendations in June-September. Proportionality is also addressed in the recommendations for reform of the statutory language for each particular offense as these recommendations often involve grading the offense according to the seriousness of the conduct involved.
- Priority #3: Develop and issue summaries of CCRC recommendations. The CCRC's third priority for FY20 is to create and distribute with all recommendations approved by the agency's Advisory Group accessible summaries on the effect and importance of the CCRC reforms, as well as relevant statistics. The CCRC's legal commentary, totaling nearly 2,000 pages, exhaustively reviews how and why current law is recommended for change. While a useful reference, more general, macro-level summaries of the CCRC final recommendations will be developed to highlight major changes and their rationale. This summary is planned for issuance in July-September 2020.⁵
- Priority #4: Develop and issue recommendations for additional general justification defenses. The agency's fourth priority for FY20 is the development of reform recommendations that will codify, for the first time in the District, several general justification defenses—e.g. self-defense, defense of property. Neither Congress nor the Council has legislatively addressed the scope of these

³ The precise timing depends on several factors, including: the nature and extent of Advisory Group comments on the February 2020 update; the possibility of a Council roundtable regarding CCRC recommendations in September 2020; Advisory Group member availability; and CCRC staffing.

⁴ *Id.*

⁵ *Id.*

defenses. The agency has already issued draft recommendations to codify some special justification defenses (e.g., parental discipline, emergency health services, and effective consent) which will be updated as part of the broader update to existing reform recommendations in February 2020. However, the CCRC plans to issue first draft recommendations for remaining general justification defenses on or by April 2020. Depending on the nature and extent of Advisory Group comments on those drafts, as well as other agency workflow, the CCRC will seek to develop and issue final recommendations regarding these justification defenses on or by September 2020.

- Priority #5: Develop and issue recommendations for revision of District obstruction of justice, bail reform act violations, and prostitution-type offenses and related provisions. The agency's fifth priority for FY20 is the development of new reform recommendations for criminal statutes concerning obstruction of justice, bail reform act violations, prostitution, and a few other matters. These offenses, along with several others identified for reform in FY20 in the agency's Work Plan and Schedule sequence in Appendix B, are common (comprising several percent of all District crimes adjudicated annually) and/or serious (obstruction of justice is the most prominent major felony not addressed by the CCRC to-date). The extent of progress the agency will make on these offenses in FY20 depends on available staffing and Advisory Group comments.

In FY19, the agency's top five priorities were 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 was an across-the-board update of all its draft reform recommendations, for all general provisions, crimes, and related statutes. This update was successfully completed in the form of the "First Draft of Report #35: Cumulative Update to Sections 201-213 of the Revised Criminal Code" and "First Draft of Report #36, Cumulative Update to Chapters 3, 7 and the Special Part of the Revised Criminal Code," issued to the Advisory Group March 12, 2019, and April 15, 2019, respectively. The reports updated all agency draft recommendations except the general provisions introducing the revised statutes and provisions on "Offense Classes, Penalties, & Enhancements" which were held pending the development of penalty recommendations in FY20. The agency received about 135 pages of written comments from its Advisory Group members on the draft reports.
- 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 was to develop comprehensive recommendations for reforming the punishments—imprisonment and fines—authorized for all offenses it has reviewed and recommended for revision. More specifically, in FY19 the agency sought to "create an ordinal ranking of revised offenses by seriousness and match groups of these offenses (of similar seriousness) to standardized penalty classes. These draft recommendations were successfully developed in FY19 in the form of the "First Draft of Report #41 - Ordinal Ranking of Maximum Imprisonment Penalties," issued to the Advisory Group in October 3, 2019. The agency

received about 25 pages of written comments from its Advisory Group members on the draft report.

- Priority #3: Develop recommendations for revision of District controlled substance offenses and related provisions. The agency’s third priority for FY19 was the development of reform recommendations for criminal statutes concerning controlled substances. These draft recommendations were successfully developed in FY19 in the form of the “First Draft of Report #37 - Controlled Substance and Related Offenses” and “First Draft of Report #38 – Enlistment of Minors and Maintaining Location to Distribute or Manufacture Controlled Substances,” issued to the Advisory Group July 12, 2019. The agency received about 17 pages of written comments from its Advisory Group members on the draft reports.
- Priority #4: Develop recommendations for revision of District weapon possession offenses and related provisions. The agency’s fourth priority for FY19 was the development of reform recommendations for criminal statutes concerning possession of dangerous weapons (including firearms). These draft recommendations were successfully developed in FY19 in the form of the “First Draft of Report #40 - Self-Defense Sprays” and “First Draft of Report #39 - Weapon Offenses and Related Provisions” issued to the Advisory Group August 5, 2019. The agency received about 25 pages of written comments from its Advisory Group members on the draft reports.
- Priority #5: Develop recommendations for general justification defenses. The agency’s fifth priority for FY19 was the development of reform recommendations that would codify, for the first time in the District, general justification defenses— e.g. self-defense, defense of property. The agency successfully completed first draft recommendations for several special justification defenses (e.g., parental discipline, emergency health services, and effective consent) as part of the “First Draft of Report #36, Cumulative Update to Chapters 3, 7 and the Special Part of the Revised Criminal Code,” released to the agency’s Advisory Group in April 15, 2019. However, the agency did not complete drafts for other general justification defenses (e.g. self-defense) due chiefly to unanticipated changes in agency staffing.

38. Please list each new program implemented by the agency during FY19 and FY20, to date. For each initiative, please provide:

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

None. The agency consists of one program.

39. How does the agency measure programmatic success? Please discuss any changes to outcomes measurement in FY19 and FY20, to date.

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.

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

See response to Question #39, above.

41. Please identify whether, and if so, in what way, the agency engaged The Lab @ DC in FY19 or FY20, to date.

The CCRC engaged minimally with The Lab @ DC in FY19. The extent of work in this timeframe was that the Lab @ DC provided initial feedback on a draft public opinion survey design and methodology. Due in part to the loss of staff with relevant skills, the Lab @ DC recommended that the agency seek a private sector expert to perform the statistical analysis of DC Court data that the Lab had previously provided for the CCRC. The CCRC MOU with the Lab expired at the close of FY19 and was not renewed, upon mutual agreement.

42. 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.

43. Please explain the impact on your agency of any legislation passed at the federal level during FY19 and FY20, 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.⁶ 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

⁶ Section 809 of 113 P.L. 235.

relating to drug paraphernalia, or changes regarding possession of a weapon in connection with a drug offense.

- 44. Please describe any steps the agency took in FY19 and FY20, to date, to improve the transparency of agency operations, including any website upgrades or major revisions.**

In FY20 the agency reorganized and updated its website to improve transparency. All draft criminal code reform recommendations are posted on the website.

- 45. Please identify all electronic databases maintained by your agency, including the following:**
- a. A detailed description of the information tracked within each system;**
 - b. The age of the system and any discussion of substantial upgrades that have been made or are planned to the system; and**
 - c. Whether the public can be granted access to all or part of each system.**

No electronic databases are maintained.

- 46. Please provide a detailed description of any new technology acquired in FY19 and FY20, to date, including the cost, where it is used, and what it does. Please explain if there have there been any issues with implementation.**

None.

- 47. Please provide a detailed description of how the CCRC plans to meet the statutory mandate of providing criminal code reform recommendations by October 1, 2020. Please include the agency's current work plan and schedule.**

Overall, the CCRC's development of code reform recommendations has followed 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 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: Final draft of most provisions expected May/June 2020; first and second drafts of general defenses in progress with final draft of justification defenses (only) expected September 2020. 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 addressed prior Advisory Group comments was released in March 2019, with a second update of all general provisions planned for release in February 2020. Remaining general provisions planned for development in FY20 consist chiefly of general defenses (e.g. self-defense), with draft recommendations for justification defenses planned for release to the CCRC Advisory Group on or by April 2020.

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: Final draft of offenses against persons, property offenses, weapon offenses, drug offenses, and multiple public order and drug offenses (accounting for the crimes responsible for over 85% of adult convictions in recent years) is expected May/June 2020. The CCRC has issued to its Advisory Group and received back written comments on most District property offenses and offenses against persons, controlled substance, and some public order and other offenses. An update of all draft reform recommendations for specific offenses that addressed prior Advisory Group comments was released in March 2019 with a second update of these and additional privacy provisions planned for release in February 2020. Time permitting, revision of additional offenses, including obstruction of justice, bail reform act violations, prostitution, and a few other matters is planned for second half of FY20. See the sequence in the Work Plan and Schedule for further details. If all these additional offense reform recommendations were completed, the reformed offenses would account for the crimes that are responsible for nearly 95% of adult convictions in recent years.

Phase 4. Review all reformed offenses together as a whole, creating an ordinal ranking of offense severity, creating standardized penalty classes with set punishments (imprisonment and fines), and classifying all individual offenses. Phase 4 recommendations are intended to provide proportionate penalties for all reformed District offenses.

- Status: Final draft of ordinal ranking, penalty classes, and all (to date) revised offenses expected May/June 2020. The CCRC has issued to its Advisory Group and received back written comments on the ordinal ranking of penalties and classification of individual offenses. An update of the classification of individual offenses is planned for release in February 2020, with new draft recommendations regarding the absolute punishments (including statutory and mandatory minimums) for each class and general penalty enhancements in March 2020. The CCRC in 2020 will update its analysis of Superior Court adult dispositions with 2019 data and may expand its survey of public opinion regarding penalties.

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

In preparing its reform recommendations, the CCRC consults with its Advisory Group, a group of Council appointees and statutorily-designated 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 Title 22 and other D.C. Code offenses, comprised of a general part (providing common definitions and rules of liability applicable to revised offenses) and a new special part (consisting of dozens of particular offenses); 2) a detailed legal commentary explaining how and why the revisions change current District law; 3) an appendix providing a copy of all Advisory Group written comments on the drafts and final versions of recommendations; and 4) appendices providing statistical information on charging and sentencing, practices in other jurisdictions, and other background information.

Currently, the CCRC's statutory authorization is set to expire on October 1, 2020. However, the CCRC is requesting a legislative extension of the agency's mandate and funding into FY21 as part of the District's FY21 budget. Such an extension will allow the CCRC to complete reform recommendations for most defenses and offenses currently prosecuted in the District that the agency has not yet reached. An extension would also make agency staff available should legislation regarding the CCRC recommendations be introduced in FY20. On the other hand, if there is no legislative extension of the agency past October 1, 2020, the agency will need to narrowly focus its work on finalization of its existing draft work for the remainder of FY20 instead of developing new recommendations.⁷ The agency's planned work on additional defenses, obstruction of justice, public corruption, bribery, and prostitution-related offenses in the second half of FY20 may not be feasible depending on staff attrition in the final months.

For more details of how the CCRC plans to meet its statutory mandate, please see the agency's current Work Plan and Schedule sequence, attached as Appendix B.

- 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.**

⁷ 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 draft reform recommendations for offenses that accounted for over 85% of all adult felony and misdemeanor convictions in recent years. If the agency’s mandate is extended into FY21 and work proceeds on schedule, the CCRC expects to issue draft recommendations to crimes that cumulatively 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 certain 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 sequence in Appendix B, specifies groupings of offenses in need of review and an order of priority for review of those groups of offenses.

A secondary, and welcome, challenge since last year’s oversight hearing has been adjusting the workflow of staff to address the increased number of written comments on new and prior draft recommendations from one of the agency’s Advisory Group members. Reviewing and, in many cases, incorporating the recommendations in these written comments has significantly increased the workload of staff beyond what was anticipated based on prior levels of Advisory Group written comments. The agency’s work products benefit from this development, but it has significantly diverted staff resources from drafting new recommendations as had been planned.

48. Please discuss the work of the Code Revision Advisory Group, including the number of meetings that have occurred in FY19 and FY20, to date.

In FY19 and FY20, to date, the Advisory Group has received and reviewed (or is in the process of reviewing) over eighteen drafts reports containing draft criminal code reform recommendations. These materials total over 1000 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. Since the third quarter of FY19 the representatives of the District of Columbia Attorney General, the United States Attorney for the District of Columbia, and the District of Columbia Public Defender Service have provided written comments on nearly every draft report circulated for review. Other Advisory Group members—including the representative of the Council’s Committee on the Judiciary and Public Safety—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 FY19 and FY20, to date, there have been 16 meetings of the CCRC Advisory Group

a. How many additional Advisory Group meetings does the CCRC anticipate holding in FY20?

The Advisory Group currently has 8 additional meetings planned for FY20, on the following dates:

- Wednesday, March 4
- Wednesday, April 1
- Wednesday, May 6
- Wednesday, June 3
- Wednesday, June 24
- Wednesday, July 1
- Wednesday, August 5
- Wednesday, September 2

Additional meetings may be scheduled, as necessary, to facilitate issuance of the CCRC's recommendations.

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. Where consistent with the agency's statutory responsibilities and other members' input, changes suggested in the Advisory Group's comments will be reflected 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. Another Appendix will address how the CCRC has or has not incorporated the Advisory Group's written comments.

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

Besides oversight and budget hearings for the agency, in FY19 and FY20, to date, the CCRC has offered testimony at the following Council hearings:

- October 23, 2019 Hearing on Bill 23-0409 and Bill 23-0435;
- October 17, 2019 Hearing on B23-318, the Community Safety and Health Amendment Act of 2019;
- June 24, 2019 Hearing on B23-134, the Community Harassment Prevention Amendment Act of 2019; and
- October 4, 2018 Hearing on the Protecting Immigrants from Extortion Amendment Act of 2018.

50. Please list any reports or analyses that the CCRC plans to release in the remainder of FY20.

The CCRC currently plans to issue the following reports and analyses:

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

51. 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, 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 beyond FY20.

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 (including 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



D.C. Criminal Code Reform Commission
441 Fourth Street, NW, Suite 1C001S, Washington, D.C. 20001
(202) 442-8715 www.ccrdc.dc.gov

**D.C. CRIMINAL CODE REFORM COMMISSION
NOTICE OF PUBLIC MEETING
WEDNESDAY, OCTOBER 3, 2018 AT 10:00 AM
441 4TH STREET N.W., ROOM 1112, WASHINGTON, D.C., 20001**

The D.C. Criminal Code Reform Commission (CCRC) will hold a meeting of its Criminal Code Revision Advisory Group (Advisory Group) on Wednesday, October 3, 2018 at 10am. The meeting will be held in Room 1112 of the Citywide Conference Center on the 11th Floor of 441 Fourth St., N.W., Washington, DC. The planned meeting agenda is below. Any changes to the meeting agenda will be posted on the agency's website, <http://ccrc.dc.gov/page/ccrc-meetings>. For further information, contact Richard Schmechel, Executive Director, at (202) 442-8715 or richard.schmechel@dc.gov.

MEETING AGENDA

- I. Welcome and Announcements.
- II. Discussion of Advisory Group Written Comments on:
 - (A) First Draft of Report #23, *Disorderly Conduct and Public Nuisance*;
 - (B) First Draft of Report #24, *Failure to Disperse and Rioting*; and
 - (C) First Draft of Report #25, *Merger*.
- III. Adjournment.



D.C. Criminal Code Reform Commission

441 Fourth Street, NW, Suite 1C001S, Washington, DC 20001

(202) 442-8715 www.ccrc.dc.gov

MINUTES OF PUBLIC MEETING

WEDNESDAY, OCTOBER 3, 2018 at 10:00 AM

CITYWIDE CONFERENCE CENTER, 11th FLOOR OF 441 4th STREET NW
WASHINGTON, D.C. 20001

On Wednesday, October 3, 2018, at 10:00 am, the D.C. Criminal Code Reform Commission (CCRC) held a meeting of its Criminal Code Reform Advisory Group (Advisory Group). The meeting was held in Room 1112 at 441 Fourth St., N.W., Washington, D.C. The meeting minutes are below. For further information, contact Richard Schmechel, Executive Director, at (202) 442-8715 or richard.schmechel@dc.gov.

Commission Staff in Attendance:

Richard Schmechel (Executive Director)

Rachel Redfern (Chief Counsel for
Management & Legislation)

Michael Serota (Chief Counsel for Policy
& Planning) by phone

Jinwoo Park (Attorney Advisor)

Patrice Sulton (Attorney Advisor)

Advisory Group Members and Guests in Attendance:

Laura Hankins (Designee of the Director of
the Public Defender Service for the District
District of Columbia)

Katarina Semyonova (Visiting Attendee of
the Public Defender Service for the of
Columbia) to 11:45

Kevin Whitfield (Representative of the D.C.
Council Committee on the Judiciary and
Public Safety) to 11:40

Dave Rosenthal (Designee of the Attorney
General for the District of Columbia) from
11:30

Renata Kendrick Cooper (Designee of the United
States Attorney for the District of Columbia) from
10:20

I. Welcome and Announcements

- a. The Executive Director noted that Advisory Group written comments on first drafts of reports # 26-30, which were distributed on September 26, are due December 21, 2018. Although the distributed documents themselves state a due date of December 19, since the email providing the documents stated a due date of December 21 that later date will be the effective due date.
- b. The Executive Director noted that staff is working on updates and second drafts of earlier reports based on Advisory Group comments, and new documents are planned for distribution at the end of January 2019. Advisory Group comments on the September 26 set of reports are expected to be incorporated into revised drafts to be produced by January 2019. From late December 2018 to late January 2019 staff will distribute for Advisory Group review a few draft recommendations for review.
- c. The Executive Director also noted that after these updates, staff plans to develop first draft recommendations relating to controlled substance offenses and weapon offenses.
- d. The Executive Director also noted that the next Advisory Group meeting is scheduled for November 7, 2018.

II. The Advisory Group discussed Advisory Group Written Comments to First Draft of Report No. 25: Merger.

- a. The Advisory Group discussed the Public Defender Service's (PDS) suggestion to restructure the merger provision as a mandatory rule instead of a presumption. Staff noted that it agrees with this suggestion, and in a subsequent draft plans to eliminate the presumption language and clarify that the merger rule is mandatory.
- b. The Advisory Group discussed the Office of the Attorney General's (OAG) suggestion to clarify, by statute, that the merger principle governing logically inconsistent offenses, RCC § 22A-212(a)(3), entails a pure legal analysis (i.e., the offenses must be logically inconsistent *as a matter of law*). Staff noted that it agrees with this suggestion, and in a subsequent draft plans to statutorily incorporate relevant language already included in the explanatory note.
- c. The Advisory Group discussed comments from PDS and OAG relating to the rule of priority that governs the determination of which offense shall remain when two or more offenses merge. Staff noted that PDS' suggestion—that the offense with the longest statutory maximum sentence should remain—was the clearest and simplest of available approaches, and in a subsequent draft plans to statutorily clarify this point.
- d. The Advisory Group discussed OAG's comment concerning slight revision of RCC § 22A-212(e)(2). Staff noted that it agreed with OAG's suggestion to replace the phrase "has been affirmed" with "has been decided," and in a subsequent draft plans to statutorily incorporate this language.
- e. The Advisory Group discussed OAG's comment concerning how the merger provision applies to the situation of a defendant who has been convicted of both RCC and non-RCC offenses. Staff noted that it agreed with OAG's point that, pursuant to of RCC § 22A-103, the merger provision would not apply to convictions for non-RCC offenses, regardless of whether those convictions are accompanied by convictions for RCC offenses. Staff explained that it would consider statutory revisions to RCC § 22A-103 that more clearly communicate this point in a subsequent draft.

III. The Advisory Group discussed Advisory Group Written Comments to First Draft of Report No. 23: Disorderly Conduct and Public Nuisance.

- a. Staff discussed OAG’s comment relating to the definition of a “public building” as used in the draft public nuisance statute. Staff noted that the intent was to cover buildings that hold hearings or public meetings of record. The PDS representative noted that the proposed definition is too broad. Staff noted that it would not include government officials in a coffee shop discussing official government business.
 - i. The PDS representative asked whether relying on the definition of meeting as defined under the Open Meetings Act would be workable.
 - ii. Mr. Whitfield noted that the definition of public meeting could be a solution to narrow the scope of the definition of public buildings, but excludes courts.
- b. The Advisory Group discussed OAG’s comment regarding the requirement under the draft disorderly conduct statute that the defendant must create a risk of harm to another person. The OAG comment was concerned about whether disorderly conduct would include a person who uses fighting words that could provoke injury to the speaker.
 - i. Staff clarified that the draft disorderly conduct offense was intended to include fighting words that provoke violence toward the speaker and intended to exclude dangerous stunts that create a risk of harm to oneself. Staff asked for the group’s position on amending “bodily injury to another person” to “bodily injury to any person” to better reflect the intended meaning.
 - ii. The PDS representative noted that it is unlikely that a person who instigates violence could do so in a way that *only* creates risk of self-harm, but not harm to others. Staff offered a hypothetical in which a single person yelled fighting words at a group of people.
 - iii. Mr. Whitfield asked whether staff discussed drafting a separate fighting-words offense to address speech instead of conduct. Staff replied that it has considered drafting a separate offense but preferred the statute focus on the intent and effect of the conduct and not the manner, to avoid First Amendment concerns about content-neutrality.
- c. The PDS representative asked about the use of the word “unlawful.” Staff clarified that (1) the draft language does not require that the present conduct itself be unlawful, and (2) the draft language does not require that the reasonable observer *believe* that the present conduct is unlawful, but (3) the future result which the person believes will occur must actually be unlawful.
- d. The PDS representative raised concerns that innocent conduct could be unduly criminalized. For example, two young people who are consensually roughhousing could cause a person to reasonably believe that an unlawful bodily injury is immediate and likely. Staff explained that even consensual conduct may amount to disorderly conduct if it recklessly causes public alarm. Staff also distinguished breach of peace offenses from attempted crimes.
- e. Mr. Whitfield asked whether “unlawful” requires violation of a criminal law, or also civil laws.

- f. The USAO representative asked whether the current disorderly offense serves as a plea-down offense. The Executive Director noted that it's not clear, but it doesn't appear that it is often used as a plea down offense and noted that the completed crimes of assault, destruction of property, and theft are prosecuted by a different agency (USAO) than disorderly conduct (OAG).
- g. The PDS representative raised concerns that racial bias plays a role in perceived criminality. For example, a store security guard might quickly assume that a black teenager is poised to shoplift. Staff noted that the reckless mental state and the requirement that the belief be reasonable require a degree of objectivity. Staff also noted that, while breach-of-peace offenses are necessary to authorize police intervention, there are many procedural reforms that could address concerns about officer retaliation, racial profiling, and the direct and collateral consequences of an arrest. Most notably, the District requires or permits a full custodial arrest in many instances that other jurisdictions would require issuance of a citation instead. The Executive Director explained that the Commission will also consider recommending a low-level penalty class that places limits on police authority and may be appropriate for low level crimes such as disorderly conduct.
- h. The Advisory Group discussed OAG's comment that the revised disorderly conduct statute would change law by excluding conduct directed at law enforcement officers, such as inciting a crowd to "stone the cops." The Executive Director noted that the hypothetical raised by OAG would constitute other more serious offenses.
- i. The Advisory Group discussed OAG's comments relating to the noise provision in the draft public nuisance statute, which suggested eliminating the requirement that the defendant was located in an area open to the general public or communal area of multi-unit housing. Staff asked PDS whether it would oppose eliminating the public location requirement for all nuisance offenses. The PDS representative objected to eliminating this requirement.
- j. The Advisory Group discussed PDS's comment that suggested adding a warning requirement for disorderly conduct. The OAG representative noted that many cases of disorderly conduct do not occur in the presence of police officers, and disagreed with adding the warning requirement. The OAG representative noted that in some disorderly cases a more serious offense could have been charged, and that there's some benefit to having an alternative less serious offense.
 - i. Staff noted that some jurisdictions treat refusal to comply with a police warning as an aggravated form of disorderly conduct, and grading on this is an option. The PDS representative objected to this type of gradation structure.
- k. The Advisory Group discussed PDS's comment that "public gathering" can be defined to "means" any funeral or similar proceeding, instead of "includes." The OAG representative said he agreed with this proposal.
- l. The Advisory Group discussed PDS's suggestion that public nuisance and disorderly conduct should be jury demandable offenses. The OAG representative did not agree with this proposal, especially because many disorderly cases do not involve First Amendment concerns.

- m. The Advisory Group discussed whether language defining a “public meeting” that relies on the meaning of that term in the District’s Open Meetings Act could be incorporated into the revised public nuisance statute. The OAG representative stated he would review the open meetings act language and inform the Commission of OAG’s position.
- IV. The Advisory Group did not discuss the Advisory Group Written Comments to First Draft of Report No. 24: Failure to Disperse and Rioting.**
- a. The Executive Director noted the agenda for the next meeting will include the written comments to failure to disperse and rioting in case the Advisory Group wishes to discuss those items.
- V. Adjournment.**
- a. The meeting was adjourned at 12:00 PM.



D.C. Criminal Code Reform Commission
441 Fourth Street, NW, Suite 1C001S, Washington, D.C. 20001
(202) 442-8715 www.ccrdc.dc.gov

**D.C. CRIMINAL CODE REFORM COMMISSION
NOTICE OF PUBLIC MEETING
WEDNESDAY, NOVEMBER 7, 2018 AT 10:00 AM
441 4TH STREET N.W., ROOM 1112, WASHINGTON, D.C., 20001**

The D.C. Criminal Code Reform Commission (CCRC) will hold a meeting of its Criminal Code Revision Advisory Group (Advisory Group) on Wednesday, November 7, 2018 at 10am. The meeting will be held in Room 1112 of the Citywide Conference Center on the 11th Floor of 441 Fourth St., N.W., Washington, DC. The planned meeting agenda is below. Any changes to the meeting agenda will be posted on the agency's website, <http://ccrc.dc.gov/page/ccrc-meetings>. For further information, contact Richard Schmechel, Executive Director, at (202) 442-8715 or richard.schmechel@dc.gov.

MEETING AGENDA

- I. Welcome and Announcements.
- II. Discussion of Advisory Group Written Comments on:
 - (A) First Draft of Report #24, *Failure to Disperse and Rioting*
- III. Discussion of Draft Reports and Memoranda Currently Under Advisory Group Review:
 - (A) First Draft of Report #26, *Sexual Assault and Related Provisions*
 - (B) First Draft of Report #27, *Human Trafficking and Related Statutes*
 - (C) First Draft of Report #28, *Stalking*
 - (D) First Draft of Report #29, *Failure to Arrest*
 - (E) First Draft of Report #30, *Withdrawal Defense & Exceptions to Legal Accountability and General Inchoate Liability*
 - (F) Advisory Group Memo #20 Supplementary Materials to the First Drafts of Reports #s 26-29.
- IV. Adjournment.



D.C. Criminal Code Reform Commission

441 Fourth Street, NW, Suite 1C001S, Washington, DC 20001

(202) 442-8715 www.ccrc.dc.gov

MINUTES OF PUBLIC MEETING

WEDNESDAY, NOVEMBER 7, 2018 at 10:00 AM

**CITYWIDE CONFERENCE CENTER, 11th FLOOR OF 441 4th STREET NW
WASHINGTON, D.C. 20001**

On Wednesday, November 7, 2018, at 10:00 am, the D.C. Criminal Code Reform Commission (CCRC) held a meeting of its Criminal Code Reform Advisory Group (Advisory Group). The meeting was held in Room 1112 at 441 Fourth St., N.W., Washington, D.C. The meeting minutes are below. For further information, contact Richard Schmechel, Executive Director, at (202) 442-8715 or richard.schmechel@dc.gov.

Commission Staff in Attendance:

Richard Schmechel (Executive Director)

Rachel Redfern (Chief Counsel for
Management & Legislation)

Michael Serota (Chief Counsel for Policy
& Planning)

Jinwoo Park (Attorney Advisor)

Patrice Sulton (Attorney Advisor)

Advisory Group Members and Guests in Attendance:

Laura Hankins (Designee of the Director of
the Public Defender Service for the
District of Columbia)

Katarina Semyonova (Visiting Attendee of
the Public Defender Service for the
District of Columbia)

Kevin Whitfield (Representative of the D.C.
Council Committee on the Judiciary and
from Public Safety)

Dave Rosenthal (Designee of the Attorney
General for the District of Columbia) (absent
10:55am to 11:45am)

Renata Kendrick Cooper (Designee of the
United States Attorney for the District of
Columbia)

Professor Paul Butler (Council appointee)
(by phone until 11:47 am)

Welcome and Announcements

- a. The Executive Director noted that Advisory Group written comments on first drafts of reports # 26-30, which were distributed on September 26, 2018, will be due December 21, 2018.
- b. The Executive Director explained the sequence of the Commission's upcoming work. In late December or early January, there will be a small package of offense recommendations circulated for review. In late January or February, the Commission will circulate for review a comprehensive update to the materials that have already been discussed by the Advisory Group. Thereafter in FY 19, the Commission will circulate recommendations for drug offenses, weapons offenses, and penalties for offenses to-date. For FY 20 and beyond, the remaining offenses include primarily: several Title 23 offenses such as failure to appear; various Title 50 offenses; possession of an open container; prostitution; obstruction of justice, bribery, and related offenses; and the multitude of uncharged regulatory crimes.
- c. The Executive Director noted that in the comprehensive update coming in January or February the prefix to the revised offenses will be retitled from "22A" to "22E," to reflect that the recommended statutory language is for an enacted version of Title 22. The Executive Director clarified that, within 22E, any offenses that the CCRC does not review will be carried over verbatim, with an explicit provision in each that the revised general provisions do not apply to such offenses. The designee of the Attorney General for the District of Columbia (OAG) noted a preference for the Council to follow the approach envisioned earlier of first enacting the new code and then adding and deleting any remaining offenses as opposed to merging the old and new codes in one step.
- d. The Advisory Group discussed rescheduling the meeting in January 2019 from January 2, 2019, to January 9, 2019. Present members were available at the new time. The Executive Director will follow up by email with all members to confirm the date change.

I. The Advisory Group did not have any additional comments concerning the First Draft of Report No. 24: Failure to Disperse and Rioting.

II. The Advisory Group discussed the First Draft of Report No. 26: Sexual Assault and Related Provisions.

- a. OAG asked if the Commission considered including a threat of "embarrassment" in the definition of "coercion" in RCC § 22A-1301(3).
 - i. The Executive Director first explained that the revised definition of "coercion" maps onto current second degree and fourth degree sexual abuse, which broadly prohibit threats other than threats of "death, bodily injury, or kidnapping." Current first degree and third degree sexual abuse prohibit threats of "death, bodily injury, or kidnapping." However, the current definition of "force," which applies to first degree and third degree sexual abuse, also includes "a threat of harm sufficient to coerce or compel submission by the victim." This provision in the definition of "force" appears to render moot the delineation in types of threats of first degree through fourth degree sexual abuse. The revised sexual assault statute removes this overlap by limiting first degree and third degree to specified threats and including "coercion" in second and fourth degree sexual assault.

- ii. The Executive Director also noted that RCC § 22A-1301(3)(A) includes conduct constituting any offense against persons, some of which may include embarrassment.
 - iii. PDS noted that RCC § 22E-1301(3)(C) covers an assertion of a fact about another person that would “tend to subject that person to hatred, contempt, or ridicule, or to impair that person’s credit or repute.”
 - iv. The Council representative noted that the use of the word “embarrassment” may be preferable to “ridicule” because it is based on the perceived harm from the perspective of the victim and not the hatred or animus of the third party who ridicules them.
- b. Professor Butler raised a concern that including threats of embarrassment or ridicule may unduly expand sex offense liability. He offered a hypothetical in which a person threatens, “If you don’t have sex with me again, I will tell your family that you are gay,” and objected to including threats of non-physical harm in the definition of coercion in the sexual assault statutes, although such conduct may amount to blackmail.
- i. Staff noted that even if the RCC’s “hatred, contempt, or ridicule” does not apply in a given fact pattern, any threat, including a threat of embarrassment, that successfully causes a person to submit to a sexual act constitutes “coercion” under the revised definition. Staff would review whether “embarrass” would further clarify or confuse the current drafting.
 - ii. OAG asked for clarification as to whether the word “harm” in the revised definition of “coercion” included reputational harm.
 - 1. The Executive Director responded that the word harm was not intended to be limited to bodily injury and that staff would review the commentary to see if that was stated.
 - iii. The Executive Director noted that the “knowingly” culpable mental state in the revised second degree sexual assault statute requires that the actor not only knowingly engage in a sexual act, but also that the actor knew that the complainant submitted to the sexual act because of the coercion. “Coercion” includes explicit and implicit threats.
 - iv. Professor Butler explained that threats of embarrassment and ridicule reach a broad range of behavior. He amended the earlier hypothetical to one in which a person threatens, “If you don’t have sex with me again, I will tell everyone that you had sex with me on the first date.”
 - 1. Staff responded that under this hypothetical, it is unclear whether the person committed sexual assault. The coercion definition includes threatening to assert a fact about a person that would tend to subject that person to ridicule. Staff noted however that this is not intended to include assertions of any facts that would subject a person to ridicule of any degree. This version of coercion is adapted from blackmail, and requires threats to assert facts of a particularly sensitive nature. In addition, the catch-all provision of the coercion definition requires that the harm be sufficiently serious to compel a reasonable person to comply. It is unclear whether this hypothetical threat is sufficiently harmful to compel a reasonable person to comply per the catch-all

provision. Moreover, whether or not the hypothetical threat meets the definition of “coercion,” to be convicted, the factfinder would have to find that the threat did *cause* the other person to engage in or submit to the sexual conduct.

2. Staff further explained that sexual assault by coercion as drafted in the RCC and as exists in current District law reflects a national trend towards defining sexual assault as an intrusion on sexual autonomy, as opposed to only a sexual act committed by force or violence.
 3. Professor Butler responded that this approach is not supported by a majority of states or by the American Law Institute (“ALI”), which recently rejected a proposal to require affirmative consent and instead speaks about overcoming the will of a person of ordinary resolution. He noted that there are growing concerns about over-criminalization and unequal enforcement against poor people and people of color.
 4. The Executive Director explained to Advisory Group members that, in recent years, the ALI has endeavored to revise the sex offenses in the Model Penal Code (“MPC”). The ALI is currently considering a controversial proposal to include a sexual assault by extortion offense, which is similar in scope to sexual assault by coercion in the RCC, and current District law.
 5. The Executive Director also noted that the policy concern debated here may be partially addressed by the gradation of the offenses. The RCC’s nonconsensual sexual conduct offense (RCC § 22E-1309) maps onto the District’s current misdemeanor sex abuse statute, and would provide liability for coercing sexual conduct where the actor has a lower culpable mental state of “recklessly” as opposed to “knowingly.”
 6. Professor Butler explained that the ALI’s longstanding language distinguishes between forcible compulsion and nonconsensual sex, grading forcible compulsion most severely. The RCC would include threats of non-physical harm as a type of force, bringing it into the most serious grades of sexual assault.
 7. Staff responded that, if grading is the main issue, an option would be removing coercion from the more serious offenses but leaving it in the nonconsensual sexual conduct offense.
- c. The Executive Director explained that, with respect to the collateral consequences of a sex offense conviction, current law includes both a firm and a flexible definition of which offenses qualify for mandatory sex offender registration.
 - d. The Council representative noted that, as in blackmail, the assertion of a fact in RCC § 22A-1301(3)(C), should also include the assertion of a falsehood. Staff replied that the text or commentary should reflect that intended meaning.
 - e. PDS raised a concern about the potential of subsection (F) in the revised definition of “coercion” to inadvertently criminalize consensual exchanges of sex for drugs as sexual assault.
 - i. Staff responded that the statute does not intend to criminalize a typical transaction of this type. However, a person who withholds drugs from a

complainant who, by virtue of drug addiction or confinement to a nursing home, has virtually no other option than to comply with a demand for sex has effectively coerced the person into submission.

- ii. PDS agreed that a person who is physically confined to a nursing home may be coerced when their caretaker withholds their prescription, but disagreed that an addict who could potentially shop around for another seller was being coerced.
- iii. The Advisory Group and staff discussed the how factors influence intuitions about whether a demand for sex in exchange for drugs amounts to a sex offense, including:
 - 1. The actual severity of the addiction;
 - A. Whether the buyer may suffer physical harm from withdrawal if the drug is not provided;
 - B. The voluntariness of the victim's submission to the transaction;
 - 2. The apparent severity of the addiction (from the perspective of the seller);
 - 3. The power dynamics between the parties to the transaction;
 - 4. The language used when the threat is made to withhold the drug;
 - 5. The reasonableness of the person submitting to the act, in light of the threatened non-physical harm;
 - 6. The lawfulness of the transaction;
 - 7. The legal duties of the person who is withholding the drug;
 - A. For example, where a nursing home employee withholds medication from a patient, PDS has no objection to including that conduct in the definition of coercion;
 - 8. The nature of the sex act (a single act versus forced prostitution with others).
- f. The Council representative suggested adding the reasonableness language in subsection (G) of the revised definition of "coercion" to subsections (A)-(F) of the revised definition to ensure that a relatively absurd threat, such as a threat of a \$1 economic injury, does not amount to coercion. Staff, however, clarified that, although such an absurd threat may meet the definition of "coercion," it would likely not satisfy the causation requirement in second degree and fourth degree sexual assault that the "coercion" caused the complainant to engage in or submit to the sexual conduct or the culpable mental state that the actor knew that the coercion caused the complainant to do so. Satisfying the definition of "coercion" alone is not sufficient for liability for second degree and fourth degree sexual assault.

III. Adjournment.

- a. The meeting was adjourned at 12:08pm.



D.C. Criminal Code Reform Commission
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**D.C. CRIMINAL CODE REFORM COMMISSION
NOTICE OF PUBLIC MEETING
WEDNESDAY, DECEMBER 5, 2018 AT 10:00 AM
441 4TH STREET N.W., ROOM 1112, WASHINGTON, D.C., 20001**

The D.C. Criminal Code Reform Commission (CCRC) will hold a meeting of its Criminal Code Revision Advisory Group (Advisory Group) on Wednesday, December 5, 2018 at 10am. The meeting will be held in Room 1112 of the Citywide Conference Center on the 11th Floor of 441 Fourth St., N.W., Washington, DC. The planned meeting agenda is below. Any changes to the meeting agenda will be posted on the agency's website, <http://ccrc.dc.gov/page/ccrc-meetings>. For further information, contact Richard Schmechel, Executive Director, at (202) 442-8715 or richard.schmechel@dc.gov.

MEETING AGENDA

- I. Welcome and Announcements.
- II. Discussion of Draft Reports and Memoranda Currently Under Advisory Group Review:
 - (A) First Draft of Report #26, *Sexual Assault and Related Provisions*
 - (B) First Draft of Report #27, *Human Trafficking and Related Statutes*
 - (C) First Draft of Report #28, *Stalking*
 - (D) First Draft of Report #29, *Failure to Arrest*
 - (E) First Draft of Report #30, *Withdrawal Defense & Exceptions to Legal Accountability and General Inchoate Liability*
 - (F) Advisory Group Memo #20 Supplementary Materials to the First Drafts of Reports #s 26-29.
- III. Adjournment.



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**D.C. CRIMINAL CODE REFORM COMMISSION
NOTICE OF PUBLIC MEETING
WEDNESDAY, DECEMBER 19, 2018 AT 10:00 AM
441 4TH STREET N.W., ROOM 1112, WASHINGTON, D.C., 20001**

The D.C. Criminal Code Reform Commission (CCRC) will hold a meeting of its Criminal Code Revision Advisory Group (Advisory Group) on Wednesday, December 19, 2018 at 10am. The meeting will be held in Room 1112 of the Citywide Conference Center on the 11th Floor of 441 Fourth St., N.W., Washington, DC. The planned meeting agenda is below. Any changes to the meeting agenda will be posted on the agency's website, <http://ccrc.dc.gov/page/ccrc-meetings>. For further information, contact Richard Schmechel, Executive Director, at (202) 442-8715 or richard.schmechel@dc.gov.

MEETING AGENDA

- I. Welcome and Announcements.
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 - (E) First Draft of Report #30, *Withdrawal Defense & Exceptions to Legal Accountability and General Inchoate Liability*
 - (F) Advisory Group Memo #20 Supplementary Materials to the First Drafts of Reports #s 26-29.
- III. Adjournment.



D.C. Criminal Code Reform Commission

441 Fourth Street, NW, Suite 1C001S, Washington, DC 20001

(202) 442-8715 www.ccrc.dc.gov

MINUTES OF PUBLIC MEETING

WEDNESDAY, DECEMBER 19, 2018, at 10:00 AM

**CITYWIDE CONFERENCE CENTER, 11th FLOOR OF 441 4th STREET NW
WASHINGTON, D.C. 20001**

On Wednesday, December 19, 2018, at 10:00 am, the D.C. Criminal Code Reform Commission (CCRC) held a meeting of its Criminal Code Reform Advisory Group (Advisory Group). The meeting was held in Room 1112 at 441 Fourth St., N.W., Washington, D.C. The meeting minutes are below. For further information, contact Richard Schmechel, Executive Director, at (202) 442-8715 or richard.schmechel@dc.gov.

Commission Staff in Attendance:

Richard Schmechel (Executive Director)

Rachel Redfern (Chief Counsel for
Management & Legislation)

Michael Serota (Chief Counsel for Policy
& Planning)

Jinwoo Park (Attorney Advisor)

Patrice Sulton (Attorney Advisor)

Advisory Group Members and Guests in Attendance:

Laura Hankins (Designee of the Director of
the Public Defender Service for the District
of Columbia)

Katarina Semyonova (Visiting Attendee of
the Public Defender Service for the District
of Columbia)

Kevin Whitfield (Representative of the D.C.
Council Committee on the Judiciary and
Public Safety) from 10:35

Dave Rosenthal (Designee of the Attorney
General for the District of Columbia)

Paul Butler (Council appointee) by phone

Don Braman (Council appointee)

I. Welcome and Announcements

- a. The Executive Director noted that Advisory Group written comments on first drafts of reports # 26-30, which were distributed on September 26, 2018, are due December 21, 2018.
- b. The Executive Director noted that a small package of recommendations will be issued next week. Comments will be due seven weeks thereafter.
- c. The Commission is continuing its work on a comprehensive review and update of draft recommendations to date. Drug and weapon offense recommendations will follow. The Executive Director solicited any advance comments on potential reforms to drug and weapon offenses, formal or informal.

II. The Advisory Group discussed the First Draft of Report No. 27: Human Trafficking and Related Statutes.

- a. The Executive Director highlighted a concern that has arisen in individual conversations with Advisory Group members about the application of the anti-harboring provisions to people who provide humanitarian aid to trafficking victims, such as shelter, food, or currency. The Commission wishes to revise the draft statute to ensure these persons are not liable, and solicited any recommendations on how to best to do this.
- b. PDS objected to the use of the term “harbor” anywhere in the revised human trafficking statutes for its ambiguity and breadth. The term may criminalize conduct performed to benefit victims of human trafficking. Along with “transports” and “maintains by any means,” the term “harbor” seems to include people who have incidental relationships to a trafficking scheme. For example, PDS said that people—such as commercial drivers and landlords—who knowingly provide transportation or shelter without intending to facilitate trafficking should not be criminally liable, but are under the current District law and draft RCC statutes.
 - i. Staff noted that the verb “harbor” appears in most trafficking statutes in other jurisdictions, however, the term is not statutorily defined.
- c. Professor Braman suggested that, as in other areas of law, accomplice liability could address persons who aid, abet, or encourage, forced labor or forced commercial sex.
 - i. Staff noted that accomplice liability requires purposefully aiding and would not capture a person who acts with only knowledge or intent to aid, unlike current District law and the draft RCC statutes.
- d. Group members disagreed about whether a person who acts knowingly should be criminally liable. The group discussed a hypothetical in which a taxicab driver transports a person to an appointment knowing that the appointment is for coerced sex.
 - i. OAG distinguished between a one-time driver and a driver who routinely transports a victim at a particular time each day and posited that only the latter should be liable for trafficking.
 - ii. PDS said that a driver—even a routine driver—who knows a person is being transported to an appointment where sex will be coerced but is indifferent to the destination (e.g., a driver who would change course if the rider directed him to do so) should not be liable.
 - iii. Professor Braman said that accomplice liability handles these distinctions by allowing the factfinder to consider whether there is a criminal nexus or a stake in the venture when deciding whether the driver had the purpose to assist. He

- contrasted public welfare offenses, in which purpose can be inferred from the moment there is knowledge.
- e. The Executive Director noted that, in the hypothetical of a regular driver, there may also be liability for the separate offense of benefiting financially from the trafficking enterprise, both in current District law and the RCC.
 - f. Staff offered the phrase “knowingly provides substantial assistance or regular assistance” as a possible way to limit liability.
 - i. Professor Butler said that there is an unresolved policy disagreement about whether “knowingly providing regular assistance” should be included at all. He offered a hypothetical in which a pizza delivery driver regularly brings food to a location, knowing trafficking is occurring there.
 - ii. Staff clarified that the revised accomplice liability provision tracks current District case law and does not impose accomplice liability where a person aids with indifference (e.g., a sales clerk who sells a gun to someone knowing it will be used in a murder). Although such a person would not be liable as an accomplice to murder, he may still be liable for another offense such as trafficking the gun, depending on the policy choice that is made within the offense definition.
 - iii. Professor Butler recommended limiting trafficking liability to accomplice liability. Expanding trafficking liability beyond accomplice liability may capture innocent behavior. He offered a hypothetical in which hotel personnel regularly cleans a room after sex work.
 - iv. OAG reiterated its position that a driver who regularly and knowingly transports a trafficking victim to the site of the criminal act should be criminally liable. However, OAG agreed that a pizza delivery driver or housekeeping staff should not be liable, because their conduct occurs after the coerced sex and is not facilitating the coercion.
 - 1. PDS responded that the driver, delivery person, and housekeeping staff are similarly situated. All are providing food, transportation, or other maintenance services that are helpful to the enterprise. All have viable alternatives to not help the enterprise.
 - 2. Staff responded that it is unclear from the legislative history whether the term “maintains by any means” in the current District statute and the revised offense is intended to include all three hypotheticals.
 - 3. The Committee representative distinguished between services that are necessary to the enterprise and cases where the criminal act would occur without the service. He said an option was including an exception where the conduct is part of the person’s normal course of business.
 - g. Professor Braman explained that there are at least three approaches to consider: relying on accomplice liability, defining the main offense to include marginal participants, or separately penalizing marginal participants with a lesser penalty as part of a separate gradation or offense.
 - i. Staff explained that the current revised benefitting from human trafficking offense tracks current law and may penalize marginal participants who are not

accomplices or co-conspirators the same as primary persons involved in coercion.

1. PDS objected to criminalizing providing regular, knowing assistance and offered a hypothetical wherein a limousine driver appears for a shift and is directed by his boss (who unknowingly contracted with a trafficker) to transport a person who is a trafficking victim.
 2. Professor Butler said that the accomplice statute already addresses the culpability of persons who take action in support of another person's crime and objected to expanding accomplice liability based on the nature or severity of the offense.
- h. The Executive Director noted that another policy consideration that may have played a role in the breadth of the current statutes nationwide is the interplay between the criminal statutes and civil asset forfeiture provisions. D.C. Code 22-1838 provides the District's civil asset forfeiture law for human trafficking, and the draft RCC tracks this language. Case law from other jurisdictions indicates that law enforcement may effectively use prosecution or seizure of assets from marginal actors who provide infrastructure to the operation as a way to gather intelligence about and evidence against principals in the organization. However, he noted that there is no case law or other indicator of such practices in the District.
- i. OAG said that there must be a nexus between the asset and the criminality and seizure cannot be excessive.
 1. Staff noted that there is also ongoing Supreme Court litigation about proportionality of fines and civil asset forfeiture.
 - ii. Professor Braman said that the proper way to handle the concern about maintaining this kind of law enforcement strategy may be through civil seizure statutes. He said that the criminal code should not expand liability to reach everyone at the margins for the purpose of making those witnesses easier to "flip." Often, the more experienced player flips on the marginal player and the marginal player ends up getting all the time. Instead, he said that the code should have narrowly-scoped core statutes for serious conduct. If the legislature wants to address less serious conduct, it should draft a narrowly-scoped civil forfeiture or a separate criminal statute with a lower penalty. It is not desirable to draft broadly-scoped core statutes with big penalties just to help with those kinds of prosecutions.
- i. OAG noted that the District was recently given a low rating for its existing human trafficking laws by an advocacy group.
- j. PDS objected to the labeling of "trafficking" for conduct that is relatively less serious. PDS said that "trafficking" sounds worse than "forced commercial sex," although it includes lesser culpability. PDS suggested renaming "forced commercial sex" as trafficking and relying on accomplice liability to cover conduct that actually assists and aids in the forced commercial sex.
- i. Staff explained that the labels are relatively standard across jurisdictions. Staff said that "trafficking" is typically understood to mean transporting people who will be forced to provide labor or commercial sex acts, and actually coercing a person to provide labor or commercial sex acts is a separate offense. However, staff agreed that "human trafficking" carries a connotation of repeated conduct

and numerous trafficked persons, although the actual offenses do not require repeated conduct or more than one trafficked person.

- ii. Staff noted that forced commercial sex also constitutes sexual assault.
 - 1. PDS said it objected to forced commercial sex being prosecuted as sexual assault.
- k. The committee representative said a reform option is to narrow the benefitting from human trafficking offense to two specific modes of assistance, e.g. transportation and housing, which are the primary concern.
- l. OAG said it may recommend a different penalty structure for trafficking offenses to allow higher fines for business defendants than individual defendants.
 - i. The Executive Director noted that the District's current fine proportionality act does not include an exception for the human trafficking offenses, but does categorically allow a doubling of fines for business defendants. The RCC also provides for doubling. The Executive Director asked Advisory Group members who had participated in drafting the fine proportionality act whether there was prior Council consideration of an added fine for businesses engaged in human trafficking. Present members did not have any specific recollection.
- m. OAG asked whether CCRC staff has compiled a list of provisions that are in Title 22, but are not in Title 22A, but that will be enacted into Title 22E. The Executive Director noted that when Title 22 is enacted, the general part will not apply to any statutes that have not been revised. The Executive Director noted that conforming amendments will address these issues.

III. Adjournment.

- a. The Executive Director asked if members wished to discuss any further items on the agenda. With no further questions or comments, the meeting was adjourned at 11:31am.



D.C. Criminal Code Reform Commission
441 Fourth Street, NW, Suite 1C001S, Washington, D.C. 20001
(202) 442-8715 www.ccrdc.dc.gov

**D.C. CRIMINAL CODE REFORM COMMISSION
NOTICE OF PUBLIC MEETING
WEDNESDAY, JANUARY 9, 2019 AT 10:00 AM
441 4TH STREET N.W., ROOM 1112, WASHINGTON, D.C., 20001**

The D.C. Criminal Code Reform Commission (CCRC) will hold a meeting of its Criminal Code Revision Advisory Group (Advisory Group) on Wednesday, January 9, 2019 at 10am. The meeting will be held in Room 1112 of the Citywide Conference Center on the 11th Floor of 441 Fourth St., N.W., Washington, DC. The planned meeting agenda is below. Any changes to the meeting agenda will be posted on the agency's website, <http://ccrc.dc.gov/page/ccrc-meetings>. For further information, contact Richard Schmechel, Executive Director, at (202) 442-8715 or richard.schmechel@dc.gov.

MEETING AGENDA

- I. Welcome and Announcements.
- II. Discussion of Advisory Group Members' Written Comments on Draft Reports:
 - (A) First Draft of Report #26, *Sexual Assault and Related Provisions*
 - (B) First Draft of Report #27, *Human Trafficking and Related Statutes*
 - (C) First Draft of Report #28, *Stalking*
 - (D) First Draft of Report #29, *Failure to Arrest*
 - (E) First Draft of Report #30, *Withdrawal Defense & Exceptions to Legal Accountability and General Inchoate Liability*
- III. Adjournment.



D.C. Criminal Code Reform Commission
441 Fourth Street, NW, Suite 1C001S, Washington, D.C. 20001
(202) 442-8715 www.ccrdc.dc.gov

**D.C. CRIMINAL CODE REFORM COMMISSION
NOTICE OF PUBLIC MEETING
WEDNESDAY, FEBRUARY 6, 2019 AT 10:00 AM
441 4TH STREET N.W., ROOM 1112, WASHINGTON, D.C., 20001**

The D.C. Criminal Code Reform Commission (CCRC) will hold a meeting of its Criminal Code Revision Advisory Group (Advisory Group) on Wednesday, February 6, 2019 at 10am. The meeting will be held in Room 1112 of the Citywide Conference Center on the 11th Floor of 441 Fourth St., N.W., Washington, DC. The planned meeting agenda is below. Any changes to the meeting agenda will be posted on the agency's website, <http://ccrc.dc.gov/page/ccrc-meetings>. For further information, contact Richard Schmechel, Executive Director, at (202) 442-8715 or richard.schmechel@dc.gov.

MEETING AGENDA

- I. Welcome and Announcements.
- II. Discussion of Advisory Group Members' Written Comments on Draft Reports:
 - (A) First Draft of Report #26, *Sexual Assault and Related Provisions*
 - (B) First Draft of Report #27, *Human Trafficking and Related Statutes*
 - (C) First Draft of Report #28, *Stalking*
 - (D) First Draft of Report #29, *Failure to Arrest*
 - (E) First Draft of Report #30, *Withdrawal Defense & Exceptions to Legal Accountability and General Inchoate Liability*
- III. Discussion of Draft Reports Under Advisory Group Review:
 - (A) First Draft of Report #31, *Escape from Institution or Officer*
 - (B) First Draft of Report #32, *Tampering with a Detection Device*
 - (C) First Draft of Report #33, *Correctional Facility Contraband*
 - (D) First Draft of Report #34, *De Minimus Defense*
 - (E) Second Draft of Report #9, *Recommendations for Theft and Damage to Property Offense*
- IV. Adjournment.



D.C. Criminal Code Reform Commission

441 Fourth Street, NW, Suite 1C001S, Washington, DC 20001

(202) 442-8715 www.ccrdc.dc.gov

MINUTES OF PUBLIC MEETING

WEDNESDAY, FEBRUARY 6, 2019, at 10:00 AM

**CITYWIDE CONFERENCE CENTER, 11th FLOOR OF 441 4th STREET NW
WASHINGTON, D.C. 20001**

On Wednesday, February 6, 2019, at 10:00 am, the D.C. Criminal Code Reform Commission (CCRC) held a meeting of its Criminal Code Reform Advisory Group (Advisory Group). The meeting was held in Room 1112 at 441 Fourth St., N.W., Washington, D.C. The meeting minutes are below. For further information, contact Richard Schmechel, Executive Director, at (202) 442-8715 or richard.schmechel@dc.gov.

Commission Staff in Attendance:

Richard Schmechel (Executive Director)

Michael Serota (Sr. Attorney Advisor)

Rachel Redfern (Sr. Attorney Advisor)

Jinwoo Park (Attorney Advisor)

Patrice Sulton (Attorney Advisor)

Blake Allen (Law Student Intern)

Advisory Group Members and Guests in Attendance:

Laura Hankins (Designee of the Director of the Public Defender Service for the District of Columbia)

Katarina Semyonova (Visiting Attendee of the Public Defender Service for the District of Columbia)

Kenya Davis (Visiting Attendee of the United States Attorney for the District of Columbia)

Renata Kendrick Cooper (Designee of the United States Attorney for the District of Columbia)

Sharon Marcus-Kurn (Visiting Attendee of the United States Attorney for the District of Columbia)

Elana Suttentberg (Visiting Attendee of the United States Attorney for the District of Columbia)

Dave Rosenthal (Representative of the D.C. Attorney General)

Don Braman (Council appointee)

Paul Butler (Council appointee) (by phone)

I. Welcome and Announcements

- a. The Executive Director noted that the next round of written comments are due March 1, 2019. The next Advisory Group meeting will be held March 6, 2019.
- b. The Executive Director noted that a compilation of updated draft reports is forthcoming in March of 2019. It will include statutory language, redlined statutory language (showing changes from prior drafts), and a document that addresses each of the advisory group written comments. The Advisory Group will have approximately eight weeks for review of the updated reports.

II. The Advisory Group discussed the First Draft of Report No. 26: Sexual Assault and Related Provisions.

- a. USAO inquired as to what informed the agency's decision to partially narrow the current definition of "sexual act," from the current "intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire" to "intent to sexually degrade, arouse, or gratify."
 - i. USAO noted that, as drafted, the government may now be required to offer for certain sexual acts evidence that the defendant was in fact motivated by sexual gratification or arousal. USAO said this may be difficult to prove in some cases, for example, where the victim was unable to see the attacker and in cases where the perpetrator was physically unable to become aroused. USAO said that some sexual acts do not aim to gratify and are instead acts of violence and harassment. USAO posited that where the contact is penetration or oral sex, liability should attach without needing to prove a sexual intent. It also provided as an example a case of a serial offender who grabbed women's buttocks for the purpose of embarrassing them.
 - ii. Agency staff explained that other revised offenses—such as Assault and Offensive Physical Contact—provide liability for violence that is not sexual in nature. Agency staff stated that, given the higher penalties and sex offender registration requirements that accompany sexual offense convictions, it is appropriate to limit the sexual offenses to conduct that is sexual in nature. Agency staff also clarified that culpable mental state of "intent" does not require evidence of "purposeful" conduct.
 - iii. PDS distinguished between sexually degrading and arousing and explained that the government would be able to prove degradation in the cases where it cannot prove an intent to gratify.
- b. USAO asked whether the commission intends to draft conforming amendments to the sex offender registration requirements, which align with the offense elements in current law.
 - i. Agency staff responded that, after the offense definitions are completed, a conforming amendment may be necessary to sex offense registration requirements and various other provisions in statutes not directly revised, but affected by, Commission work. Agency staff also explained that the definitions in the revised code will not apply to statutes that are not revised, absent a conforming amendment.

- c. USAO asked why the commission added “intent to sexually degrade, arouse, or gratify” to oral sexual acts in subsection (B) of the revised definition of “sexual act” when such an intent requirement is absent in the current definition.
- d. Agency staff stated that the intent requirement is consistent with the other subsection of the revised definition of “sexual act” and with the revised definition of “sexual contact.” In addition, requiring the same intent in all subsections of the revised definition of “sexual act” as is required in revised the definition of “sexual contact” clarifies that offenses requiring “sexual contact” are lesser included offenses of offenses that require a “sexual act.” Under current District case law, this lesser included offense issue is unresolved.
- e. USAO stated that in practice it generally does not argue against offense that require “sexual contact” from being considered lesser included offense of offenses that require a “sexual act.” PDS and USAO discussed the particulars of this practice.
- f. Professor Butler and agency staff explained the importance of codifying best practices, instead of relying on the discretion of one prosecutor’s office at a particular moment in time.
- g. PDS asked for clarification of OAG’s written comments on RCC § 22E-1303 concerning the intersection between voluntary intoxication and willful blindness. That comment offers a hypothetical in which a person who decides to rape deliberately consumes alcohol to “get up the nerve” to rape, commits a rape, and then argues that at the time of the rape he lacked the requisite mental state (knowledge).
 - i. Agency staff explained that liability for this actor would exist under the RCC general provisions either: (1) directly, because the voluntary intoxication would not, in fact, negate the culpable mental state of knowledge; or (2) indirectly, by imputing recklessness pursuant to the RCC general intoxication provision and thereafter imputing knowledge pursuant to the RCC general provision on deliberate ignorance. Staff explained that it is also possible that the requisite knowledge could be understood to exist by application of a broader time frame which reaches the actor’s initial decision to drink. Staff also noted that forthcoming revisions to the general part commentary will address this issue.
 - ii. Professor Butler said that the imputation of knowledge may not be as simple or uncontroversial as suggested. One might argue that a person who does not have the requisite culpable mental state should be found not guilty, irrespective of the reason that the mental state was not formed.
- h. USAO inquired as to what informed the agency’s decision to limit penalty enhancements to the revised sexual assault offense only. It noted that the enhancements under current law help capture the seriousness of some other offenses, such as sexual abuse of a minor by a person who shares a significant relationship with the child. USAO offered as an example, father-daughter rape cases that do not involve force.
 - i. Agency staff explained that, in some instances, the enhancements cannot apply because they are duplicative of the elements of the offenses. For example, a significant relationship is already an element of First Degree Sexual Abuse of a Minor.

- ii. Agency staff also explained that the Commission is generally reviewing the use and effect of the District’s penalty enhancements. The Commission’s initial review suggests that penalty enhancements for matters other than weapon possession and the victim’s minority status are rarely used, and, for all types of penalty enhancements, the higher statutory maximum applicable because of the enhancement is not used. The Executive Director noted that sexual offenses, in particular, appear to have numerous possible enhancements that, in some instances, reflect conflicting policy choices that agency hopes to clarify and make consistent with other offenses. Staff noted that the agency’s penalty recommendations are still forthcoming and may adequately address concerns about the severity of punishment. The Commission invited additional data and examples of aggravating circumstances.

III. The Advisory Group discussed the First Draft of Report No. 27: Human Trafficking and Related Statutes.

- a. USAO inquired as to what informed the agency’s decision to remove fraud from the list of *per se* forms of coercion. USAO said that the provision is helpful for forced labor cases and offered a hypothetical in which a person is told they will be paid, performs the work request, and then, instead of receiving payment, they are threatened with deportation.
 - i. Agency staff responded that when fraud is used in conjunction with other coercive conduct, the trafficking offenses may still apply. However, in cases where *only* fraud was used, that the conduct is more appropriately criminalized as property crime—such as fraud and fraudulent theft of services—instead of as human trafficking. Agency staff also noted that the catchall provision can be used to capture unenumerated forms of coercion.
 - ii. PDS distinguished between theft of labor and trafficking, based on the victim’s ability to stop working or leave. Where a person is deceived into performing labor, but not coerced to perform additional labor, fraud or theft of services account for the harm inflicted. Trafficking offenses are only appropriate when a person is coerced into performing labor against his will.
- b. USAO inquired about liability for coercion that is achieved by making an implicit threat.
 - i. Agency staff clarified that explicit and implicit threats may amount to coercion.
- c. USAO asked for clarification of the term “harm.”
 - i. Agency staff responded that, although “harm” is not a defined term, it is not limited to physical injuries, and is intended to broadly include adverse effects such as financial or reputational damage.
 - ii. The Advisory Group discussed replacing the word “harm” with the words “adverse circumstances,” or “adverse outcomes,” which could help clarify that physical injuries are not required.

IV. The Advisory Group discussed the First Draft of Report No. 28: Stalking.

- a. USAO asked for clarification of the term “combination.”

- i. Agency staff agreed that the term should be stricken to make the offense definition clearer.
- b. USAO recommended amending the unwelcome communication provision to include a notice to cease that is conveyed by someone other than the complainant, on the complainant's behalf.
 - i. Agency staff said that the phrase "directly or indirectly" and the corresponding commentary criminalize communications that follow a notice to cease that is conveyed by a third party.
- c. OAG asked to clarify a footnote in the commentary about third party notice. Specifically, OAG asked whether the third party must state that it is the complainant who wants the communication to stop.
 - i. Agency staff clarified that the third party need not state that the complainant wants the communication to stop, however, the defendant must know that the complainant wants the communication to stop.
- d. USAO inquired as to what informed the agency's decision to include a notice requirement, in light of the requirement that the defendant act purposely. It offered a hypothetical in which it should be obvious to the defendant that the contact is unwelcome because the complainant runs away or begins to cry.
 - i. Agency staff clarified that the notice requirement applies only to unwelcome communications. Accordingly, a complainant need not inform a defendant that conduct such as following, threatening, or committing property crime is unwelcome. However, a defendant is not required to infer that no further communication is welcome based on something other than notice to cease, such as running away or crying.
- e. OAG asked about whether the definition of "physically following" will be codified, per PDS' written comments.
 - i. Agency staff indicated that the suggestion to codify the definition of "physically following" that appears in the draft commentary will be considered before the next draft.
 - ii. OAG requested a more precise explanation of "close proximity."
 - iii. Agency staff explained that "close proximity" is intended to mean something similar to "immediate vicinity" in the revised rioting statute. The defendant must be near enough to see or hear the complainant's activities but need not be near enough to touch the complainant.

V. The Advisory Group did not have additional comments or questions on the First Drafts of Reports No. 29-33.

VI. The Advisory Group discussed the Second Draft of Report No. 9: Recommendations for Theft and Damage to Property Offense.

- a. The Executive Director clarified that the second draft of Report #9 does not incorporate all previous advisory group comments on the first draft. Rather, the second draft adds a provision for theft from a person, which is punished as robbery under current law.

VII. Adjournment.

- a. The meeting was adjourned at 11:50am.



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**D.C. CRIMINAL CODE REFORM COMMISSION
NOTICE OF PUBLIC MEETING
WEDNESDAY, MARCH 6, 2019 AT 10:00 AM
441 4TH STREET N.W., ROOM 1112, WASHINGTON, D.C., 20001**

The D.C. Criminal Code Reform Commission (CCRC) will hold a meeting of its Criminal Code Revision Advisory Group (Advisory Group) on Wednesday, March 6, 2019 at 10am. The meeting will be held in Room 1112 of the Citywide Conference Center on the 11th Floor of 441 Fourth St., N.W., Washington, DC. The planned meeting agenda is below. Any changes to the meeting agenda will be posted on the agency's website, <http://ccrc.dc.gov/page/ccrc-meetings>. For further information, contact Richard Schmechel, Executive Director, at (202) 442-8715 or richard.schmechel@dc.gov.

MEETING AGENDA

- I. Welcome and Announcements.
- II. Discussion of Advisory Group Members' Written Comments on Draft Reports:
 - (A) First Draft of Report #31, *Escape from Institution or Officer*
 - (B) First Draft of Report #32, *Tampering with a Detection Device*
 - (C) First Draft of Report #33, *Correctional Facility Contraband*
 - (D) First Draft of Report #34, *De Minimus Defense*
 - (E) Second Draft of Report #9, *Recommendations for Theft and Damage to Property Offense*
- III. Adjournment.



D.C. Criminal Code Reform Commission

441 Fourth Street, NW, Suite 1C001S, Washington, DC 20001

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MINUTES OF PUBLIC MEETING

WEDNESDAY, MARCH 6, 2019, at 10:00 AM

**CITYWIDE CONFERENCE CENTER, 11th FLOOR OF 441 4th STREET NW
WASHINGTON, D.C. 20001**

On Wednesday, March 6, 2018, at 10:00 am, the D.C. Criminal Code Reform Commission (CCRC) held a meeting of its Criminal Code Reform Advisory Group (Advisory Group). The meeting was held in Room 1112 at 441 Fourth St., N.W., Washington, D.C. The meeting minutes are below. For further information, contact Richard Schmechel, Executive Director, at (202) 442-8715 or richard.schmechel@dc.gov.

Commission Staff in Attendance:

Richard Schmechel (Executive Director)

Michael Serota (Sr. Attorney Advisor)

Rachel Redfern (Sr. Attorney Advisor)

Jinwoo Park (Attorney Advisor)

Patrice Sulton (Attorney Advisor)

Blake Allen (Intern)

Advisory Group Members and Guests in Attendance:

Laura Hankins (Designee of the Director of the Public Defender Service for the District of Columbia)

Katarina Semyonova (Visiting Attendee of the Public Defender Service for the District of Columbia)

Dave Rosenthal (Representative of the Attorney General's Office)

Kevin Whitfield (Representative of the D.C. Council Committee on the Judiciary and Public Safety)

Don Braman (Council appointee) by phone

I. Welcome and Announcements

- a. The Executive Director said that the next Advisory Group meeting will be held April 3, 2019.
- b. The Executive Director noted that an updated draft report for most of RCC Chapter 2 (the General Part) will be distributed this week or next. A second compilation of

updated draft reports is forthcoming in early April of 2019. It will include statutory language, redlined statutory language (showing changes from prior drafts), and a document that addresses each of the advisory group written comments.

- c. The Executive Director said that staff would be developing weapon and drug offenses shortly and solicited any affirmative comments or recommendations on possible changes.

II. The Advisory Group had no further comments on the written comments received for the Second Draft of Report No. 9: Recommendations for Theft and Damage to Property Offense.

III. The Advisory Group discussed the written comments received for the First Draft of Report No. 31: Escape from Institution or Officer.

- a. The Advisory Group discussed a comment from PDS that requested greater clarity as to what constitutes leaving custody. Staff noted the commentary will be updated to clarify that “custody” requires a completed arrest, and fleeing from an officer who is attempting to make an arrest would not constitute leaving custody.
- b. The Advisory Group discussed grading distinctions in the proposed escape statute. Specifically the Advisory Group discussed whether escape from a correctional facility should be graded the same as escape from custody of an officer.
 - i. OAG noted that it would consider adopting three penalty grades, with escape from a facility constituting the highest grade, escape from an officer constituting the second grade, and failure to return or report to custody constituting the lowest grade. However, two grades, with escape from an officer and failure to return or report to custody grouped in the lowest grade, would be objected to.
- c. The Advisory Group discussed whether escape from a facility requires leaving a building, or leaving the actual facility grounds. Staff replied that escape from a facility requires actually leaving the facility grounds.
- d. The Advisory Group discussed whether staff-secure locations, such as halfway houses and group homes, should be included as a “correctional facility” for the purposes of the escape statute.
 - i. PDS stated that the escape offense should not cover juveniles, particularly juveniles leaving a shelter house or group home. PDS stated that the purpose of the juvenile justice system is not served by charging escape. Children are placed in staff-secure facilities not to serve sentences but because a home placement is not safe or sufficient for the child at that time. Charging an escape is unnecessary because the court can sanction the escape at any further detention, review, or disposition hearing and increase the level of detention.
 - ii. Professor Braman agreed with PDS and added that a child’s escape might instead be characterized as the institution’s failure to provide required care.
 - iii. OAG favors retaining an escape offense for juveniles who flee group homes or shelters. In addition to care and rehabilitation, the juvenile justice system concerns itself with public safety. The D.C. Council has rejected the argument that additional charges are unnecessary when a juvenile is already under supervision. It is important to create a record of juveniles fleeing group homes

or shelters. In some cases, an arrest and charge of escape is the only consequence available for children who leave a shelter home or group home. OAG offered an example in which a child leaves a shelter home to visit a girlfriend but appears for court and does not engage in any violent or criminal activity.

- iv. The Judiciary and Public Safety Committee representative asked if the government would apprehend a juvenile who fled a group home or shelter if escape did not criminalize this conduct. PDS replied that the government could still get a custody order from a judge. Staff said that it would research what additional authority exists to apprehend a child who has absconded were there no criminal liability for escape.
- v. PDS stated that even if escape generally applies to juveniles, it should categorically not apply to “persons in need of supervision” cases.

IV. The Advisory Group discussed the written comments received for the First Draft of Report No. 32: Tampering with a Detection Device.

- a. The Advisory Group discussed whether the tampering offense should cover tampering with a device that a person is required to wear pursuant to an order issued by a federal court or a court in another jurisdiction.
 - i. OAG noted it would approve of specifying that the tampering offense does not cover tampering with devices that are required pursuant to orders by courts in other jurisdictions.
 - ii. PDS noted it is unclear what mechanisms the federal government has to penalize people who tamper with devices and whether the inclusion of federal courts would expand offense liability. Staff said it would research this issue.
 - iii. PDS also noted that any changes to the tampering statute should not conflict with the interstate compact on adult offender supervision.
- b. The Advisory Group discussed the meaning of the words “alter,” “mask,” and “interfere.”
 - i. Responding to an alternative draft suggested by staff, OAG and PDS indicated that they would not object to deletion of the words “alter” and “mask,” provided that the word “interfere” is interpreted broadly enough to cover interfering with the operation or detectability of a device.
- c. In its written comments, OAG asked that the tampering statute cover juveniles who tamper with a detection device while they are held at a group home or shelter and, presumably, not on “pretrial release.” Staff responded that the categories in the revised statute match the language in the current law. OAG noted that it does bring tampering charges in these cases, although it is not clear which specific provision in the current statute covers these cases.

V. The Advisory Group discussed the written comments received for the First Draft of Report No. 33: Correctional Facility Contraband.

- a. The Advisory Group discussed OAG’s comment regarding the detainment authority provision. OAG noted that the detainment authority should cover people who bring contraband to a correctional facility. Staff replied that it would update language in the commentary to clarify this point.

- b. The Advisory Group discussed amending the detainment authority provision in § 22E-3403 (e) to specify that the head of the facility may detain a person pending surrender to any law enforcement agency, not only a member of the Metropolitan Police Department. PDS said it does not object to including agencies that the Mayor has authorized to make arrests at New Beginnings, such as the U.S. Park Police, in the detainment authority provision.
- c. The Advisory Group discussed exclusions to liability for correctional facility contraband. The group discussed PDS's suggestion that the exclusion be amended to include possession of a syringe, needle, or other medical device that is prescribed to the person and for which there is a medical necessity to access immediately or constantly.
 - i. Staff noted that in many cases where medication or devices are medically necessary, the person would either have consent to possess these items, or could raise a necessity defense.
 - ii. OAG said that it did not object to this exclusion for lawyers and other visitors, but noted that it would like to hear from the Department of Corrections (DOC) about potential safety concerns with allowing people at correctional facilities to possess needles or syringes. Staff noted that whether or not the contraband criminal offense does or does not include an exclusion for needles and devices prescribed to a person, DOC could retain the authority to bar inmate possession of such items and impose administrative sanctions for such behavior.
- d. The Advisory Group discussed whether the correctional facility contraband offense should be amended to include possession of contraband in staff secure locations.
 - i. PDS and OAG agreed that the scope of current law should not be expanded to include halfway houses, shelter houses, or group homes, if those locations are not included in current law.

VI. The Advisory Group discussed the written comments received for the First Draft of Report No. 34: De Minimis Defense.

- a. The Advisory Group discussed OAG's oral comment relating to an example in the commentary in which a parent steals \$100 worth of groceries. OAG suggested that the hypothetical be amended to remove the value amount, focusing only on the theft of groceries. Staff agreed that this would be a useful revision.
- b. OAG stated that while it is generally in support of a de minimis defense, it has concerns about its appropriate administration.
 - i. OAG expressed concern that a de minimis defense could invite nullification of many low-level misdemeanors on the basis that they criminalize trivial harms.
 - 1. Staff replied that in applying the de minimis provision, fact finders and judges should assume that the conduct criminalized by any offense necessarily involves non-trivial harms. The de minimis provision only seeks to capture those unusual instances that fall outside of the heartland fact patterns for a given offense.
 - ii. OAG questioned whether the blameworthiness factors codified in subsection (b) raise pure issues of fact, or mixed issues of fact and law.
 - 1. Staff replied that some aspects of the identified factors raise mixed issues of fact and law. This includes whether a particular societal

objective is “legitimate.” For example, if the defendant in a drug possession case argues that heroin makes people feel high, and that getting high is a legitimate societal objective, the court could reject this claim as a matter of law. Likewise, if the defendant in a theft case argues that his stealing food from a minority owned store sends a message that minorities aren’t welcome, and that making minorities feel unwelcome is a legitimate societal objective, the court could reject this claim as a matter of law.

- iii. OAG asked what restrictions there would be on the types of evidence a fact finder could consider in evaluating the de minimis defense.
 - 1. Staff responded that subsection (b) specifies four concrete, relatively narrow factors subject to “other appropriate considerations.” Thereafter, the commentary clarifies that “[w]hat qualifies as an “appropriate factor[]” is to be determined by the court as a matter of law, in light of general principles of fairness and efficient judicial administration.” Accordingly, these four factors, in addition to any other judicially-recognized factors, delineate the body of evidence that would be logically relevant to negating blameworthiness. The court could exclude any evidence that falls outside of this body.
 - 2. In addition, a court might also be able to preclude consideration of logically relevant evidence as a matter of common law judicial discretion. For example, a court might determine that the prejudicial impact of logically relevant evidence outweighs its probative value, and therefore exclude it on procedural grounds. Or the court might preclude the presentation of logically relevant evidence on more fundamental policy grounds—as it has in the context of a diminished capacity defense or voluntary intoxication defense.
- iv. OAG raised concerns about the lack of current District case law, which could result uncertainty about the scope and application of the de minimis defense. OAG asked whether the defense could be amended to include greater specificity.
 - 1. Staff briefly mentioned various possibilities, and invited further discussion of revisions that would address OAG’s concerns.
- v. Staff stated that if OAG or any other Advisory Group members have recommendations for specific changes to the de minimis defense, staff would welcome them.

VII. Adjournment.

- a. The meeting was adjourned at 12:00 PM.



D.C. Criminal Code Reform Commission
441 Fourth Street, NW, Suite 1C001S, Washington, D.C. 20001
(202) 442-8715 www.ccrdc.dc.gov

**D.C. CRIMINAL CODE REFORM COMMISSION
NOTICE OF PUBLIC MEETING
WEDNESDAY, APRIL 3, 2019 AT 10:00 AM
441 4TH STREET N.W., ROOM 1112, WASHINGTON, D.C., 20001**

The D.C. Criminal Code Reform Commission (CCRC) will hold a meeting of its Criminal Code Revision Advisory Group (Advisory Group) on Wednesday, April 3, 2019 at 10am. The meeting will be held in Room 1112 of the Citywide Conference Center on the 11th Floor of 441 Fourth St., N.W., Washington, DC. The planned meeting agenda is below. Any changes to the meeting agenda will be posted on the agency's website, <http://ccrc.dc.gov/page/ccrc-meetings>. For further information, contact Richard Schmechel, Executive Director, at (202) 442-8715 or richard.schmechel@dc.gov.

MEETING AGENDA

- I. Welcome and Announcements.
- II. Discussion of Draft Reports and Memoranda Currently Under Advisory Group Review:
 - (A) First Draft of Report #35, *Cumulative Update to Sections 201-213 of the Revised Criminal Code*
 - (B) Advisory Group Memo #21 Supplemental Materials to the First Draft of Report #s 35.
- III. Adjournment.



D.C. Criminal Code Reform Commission

441 Fourth Street, NW, Suite 1C001S, Washington, DC 20001

(202) 442-8715 www.ccrc.dc.gov

MINUTES OF PUBLIC MEETING

WEDNESDAY, APRIL 3, 2019, at 10:00 AM

**CITYWIDE CONFERENCE CENTER, 11th FLOOR OF 441 4th STREET NW
WASHINGTON, D.C. 20001**

On Wednesday, April 3, 2018, at 10:00 am, the D.C. Criminal Code Reform Commission (CCRC) held a meeting of its Criminal Code Reform Advisory Group (Advisory Group). The meeting was held in Room 1112 at 441 Fourth St., N.W., Washington, D.C. The meeting minutes are below. For further information, contact Richard Schmechel, Executive Director, at (202) 442-8715 or richard.schmechel@dc.gov.

Commission Staff in Attendance:

Richard Schmechel (Executive Director)
(until 10:15am)

Michael Serota (Sr. Attorney Advisor)

Jinwoo Park (Attorney Advisor)

Patrice Sulton (Attorney Advisor)

Rachel Redfern (Sr. Attorney Advisor)(by phone)

Blake Allen (Legal Intern)

Advisory Group Members and Guests in Attendance:

Laura Hankins (Designee of the Director of
the Public Defender Service for the
District of Columbia)

Katarina Semyonova (Visiting Attendee of
the Public Defender Service for the
District of Columbia)

Dave Rosenthal (Representative of the
Attorney General's Office)

Renata Kendrick Cooper (Designee of the
United States Attorney for the District
of Columbia)

Elana Suttentberg (Visiting Attendee of
United States Attorney for the District
of Columbia)

Paul Butler (Council appointee) (by phone)

I. Welcome and Announcements

1. Friday, April 12, 2019, is the deadline for comments on the First Draft of Report #35 - Cumulative Update to Sections 201-213 of the Revised Criminal Code.
2. A cumulative update will be released in the next two weeks. It will cover general inchoate offenses, merger, offenses against persons, property offenses, and other special part offenses. The update will be released together, however, the deadlines for comments will be staggered.
3. The Commission anticipates staff taking leave soon. Remaining staff will be focusing on weapon and drug recommendations to be released this summer, and the CCRC welcomes any advance notice of Advisory Group members' recommendations or concerns about these offenses.

II. The Advisory Group discussed the First Draft of Report No. 35, Cumulative Update to Sections 201-213 of the Revised Criminal Code and Advisory Group Memo #21 Supplemental Materials to the First Draft of Report # 35.

1. OAG asked for an explanation of how the government proves the second prong of the revised recklessness and negligence culpable mental states. Specifically, OAG wanted to know how the jury might be instructed on the clear blameworthiness standard, and how that standard might be argued at trial, given the moralistic and normative evaluation.
 - A. Staff referred OAG to the factors specified in the statutory definitions—i.e., the “nature and degree” of the risk disregarded by the person, the “nature and purpose” of the person’s conduct, and the “circumstances known” to the person. Staff also pointed to the accompanying Explanatory Notes, which provide a comprehensive explanation of how these factors, and the clear blameworthiness standard, operate.
 - B. Staff explained that the court can decide what qualifies as a legitimate societal interest as a matter of law—just as with the *de minimis* provision. On that point, PDS offered a hypothetical in which a person races into an intersection because he wants to get home in time to watch a football game in time. In this situation, an individual’s desire to not miss part of a football game would not be a legitimate societal interest, and therefore the judge need not allow the defendant to argue it.
 - C. OAG pointed out that the government may not have enough information to know whether the defendant’s mental state was morally blameworthy at the time of the offense. Staff responded that this is no different than determining whether a defendant acts “purposely,” “knowingly,” “maliciously,” “in the heat of passion,” in “reasonable self-defense,” or “in the absence of any justification or excuse”—all of which are currently applied District legal standards. Staff also noted that the widely-adopted Model Penal Code definitions of recklessness and negligence incorporate a similar statutory analysis; that various jurisdictions with similar statutory language simply restate that language in the jury instructions; and that it would be unworkable to codify the multi-page explanation of blameworthiness.
 - D. PDS explained that the Redbook committee may offer a standard hypothetical to explain the concept, such as the rain example that is typically used to explain direct versus circumstantial evidence.
 - E. Staff noted that similar complexity is reflected in causation under current District law.

III. Adjournment.

- a. There being no further questions, the meeting was adjourned early, at 10:30am.



D.C. Criminal Code Reform Commission
441 Fourth Street, NW, Suite 1C001S, Washington, D.C. 20001
(202) 442-8715 www.ccrdc.dc.gov

**D.C. CRIMINAL CODE REFORM COMMISSION
NOTICE OF PUBLIC MEETING
WEDNESDAY, MAY 1, 2019 AT 10:00 AM
441 4TH STREET N.W., ROOM 1112, WASHINGTON, D.C., 20001**

The D.C. Criminal Code Reform Commission (CCRC) will hold a meeting of its Criminal Code Revision Advisory Group (Advisory Group) on Wednesday, May 1, 2019 at 10am. The meeting will be held in Room 1112 of the Citywide Conference Center on the 11th Floor of 441 Fourth St., N.W., Washington, DC. The planned meeting agenda is below. Any changes to the meeting agenda will be posted on the agency's website, <http://ccrc.dc.gov/page/ccrc-meetings>. For further information, contact Richard Schmechel, Executive Director, at (202) 442-8715 or richard.schmechel@dc.gov.

MEETING AGENDA

- I. Welcome and Announcements.
- II. Discussion of Advisory Group Comments on First Draft of Report #35, *Cumulative Update to Sections 201-213 of the Revised Criminal Code*
- III. Discussion of Draft Reports and Memoranda Currently Under Advisory Group Review:
 - (A) First Draft of Report #36, *Cumulative Update to Chapters 3, 7 and the Special Part of the Revised Criminal Code*.
 - (B) Advisory Group Memo #22 Supplemental Materials to the First Draft of Report # 36.
- IV. Adjournment.



D.C. Criminal Code Reform Commission

441 Fourth Street, NW, Suite 1C001S, Washington, DC 20001

(202) 442-8715 www.ccrc.dc.gov

MINUTES OF PUBLIC MEETING

WEDNESDAY, MAY 1, 2019, at 10:00 AM

**CITYWIDE CONFERENCE CENTER, 11th FLOOR OF 441 4th STREET NW
WASHINGTON, D.C. 20001**

On Wednesday, May 1, 2019, at 10:00 am, the D.C. Criminal Code Reform Commission (CCRC) held a meeting of its Criminal Code Reform Advisory Group (Advisory Group). The meeting was held in Room 1112 at 441 Fourth St., N.W., Washington, D.C. The meeting minutes are below. For further information, contact Richard Schmechel, Executive Director, at (202) 442-8715 or richard.schmechel@dc.gov.

Commission Staff in Attendance:

Richard Schmechel (Executive Director)

Michael Serota (Sr. Attorney Advisor)
(by phone)

Jinwoo Park (Attorney Advisor)

Patrice Sulton (Attorney Advisor)

Advisory Group Members and Guests in Attendance:

Laura Hankins (Designee of the Director of the Public Defender Service for the District of Columbia)

Renata Kendrick Cooper (Designee of the United States Attorney for the District of Columbia)

Elana Suttentberg (Visiting Attendee of United States Attorney for the District of Columbia)

Jason Park (Visiting Attendee of United States Attorney for the District of Columbia)

I. Welcome and Announcements.

- a. The Executive Director noted that attorneys Michael Serota and Rachel Redfern are on leave much of this spring and summer.
- b. The Executive Director noted that the scope and sequencing of the agency's future work depends in significant part on extension of the agency's authorization and funding. He said he is hopeful that the Council will fund agency work through September 30, 2020. However, the Mayor's initial budget includes only a six-month extension.

- c. The Executive Director said that written comments on Chapter 3 and Section 214 are due on May 13, 2019. Written comments on the remainder of the materials in the cumulative updates are due July 8, 2019.
- d. The Executive Director said that recommendations on weapons offenses and drug offenses will be issued next, in mid-July. Depending on the agency's extension and expectations of the Council, recommendations on a cluster of offenses involving invasions of privacy (e.g., lewdness, non-consensual pornography, sexual extortion) and obstruction of justice may be issued thereafter.
- e. USAO said that they anticipate submitting written comments on the cumulative updates and requested an extension of one or two weeks to the May deadline. The Executive Director explained that the deadlines were, in significant part, due to staff capacity, but will take this request under advisement and inform the Advisory Group of any changes.

II. The Advisory Group discussed the First Draft of Report No. 35, Cumulative Update to Sections 201-213 of the Revised Criminal Code.

- a. USAO recommended substituting "reasonably foreseeable" for "not too unforeseeable" in Section 204, Legal Cause Defined. USAO also recommended deleting the clause "not too dependent upon another's volitional conduct, to have a just bearing on the person's liability" in Section 204, Legal Cause Defined. USAO said that they believed these changes would not significantly shift the causation provisions but would be less confusing.
- b. There were no other comments or discussion on Report #35.

III. The Advisory Group discussed First Draft of Report #36, Cumulative Update to Chapters 3, 7 and the Special Part of the Revised Criminal Code and Advisory Group Memo #22 Supplemental Materials to the First Draft of Report # 36.

- a. The Executive Director noted one significant organizational change is that the National Legal Trends have been moved to an Appendix with a caveat that they have not been updated to reflect changes in law since the First Drafts of each report were issued.
- b. USAO asked whether the next draft of the offenses included in Report #36 will be the final draft.
 - i. The Executive Director said that the timing and development would depend significantly on the agency's extension and Council input on any particular timing requirements for issuing recommendations. However, he said that he expects there will be at least one more opportunity to review updated recommendations (after this round of written comments) before a final vote. He said that some offenses may be finalized, for example in early 2020, while work continues on other provisions. The Executive Director said that the extent and scope of further revisions also depends on possible changes in the law (e.g. court rulings) that require discrete updates to particular offenses.
- c. There were no comments from the group at this time on Chapter 3.
- d. There were no comments from the group at this time on Section 214, Merger.
- e. There were no comments from the group at this time on the cumulative updates to the Special Part.

IV. Adjournment.

- a. The meeting was adjourned at 10:40 a.m.



D.C. Criminal Code Reform Commission
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**D.C. CRIMINAL CODE REFORM COMMISSION
NOTICE OF PUBLIC MEETING
WEDNESDAY, JUNE 5, 2019 AT 10:00 AM
441 4TH STREET N.W., ROOM 1112, WASHINGTON, D.C., 20001**

The D.C. Criminal Code Reform Commission (CCRC) will hold a meeting of its Criminal Code Revision Advisory Group (Advisory Group) on Wednesday, June 5, 2019 at 10am. The meeting will be held in Room 1112 of the Citywide Conference Center on the 11th Floor of 441 Fourth St., N.W., Washington, DC. The planned meeting agenda is below. Any changes to the meeting agenda will be posted on the agency's website, <http://ccrc.dc.gov/page/ccrc-meetings>. For further information, contact Richard Schmechel, Executive Director, at (202) 442-8715 or richard.schmechel@dc.gov.

MEETING AGENDA

- I. Welcome and Announcements.
- II. Discussion of Advisory Group Comments on the recommendations for Section 214 and Chapter 3 in the First Draft of Report #36, *Cumulative Update to Chapters 3, 7 and the Special Part of the Revised Criminal Code*.
- III. Discussion of Draft Reports and Memoranda Currently Under Advisory Group Review:
 - (A) First Draft of Report #36, *Cumulative Update to Chapters 3, 7 and the Special Part of the Revised Criminal Code*.
 - (B) Advisory Group Memo #22 Supplemental Materials to the First Draft of Report # 36.
- IV. Adjournment.



D.C. Criminal Code Reform Commission
441 Fourth Street, NW, Suite 1C001S, Washington, DC 20001
(202) 442-8715 www.ccrc.dc.gov

MINUTES OF PUBLIC MEETING

WEDNESDAY, JUNE 5, 2019, at 10:00 AM
CITYWIDE CONFERENCE CENTER, 11th FLOOR OF 441 4th STREET NW
WASHINGTON, D.C. 20001

On Wednesday, June 5, 2019, at 10:00 am, the D.C. Criminal Code Reform Commission (CCRC) held a meeting of its Criminal Code Reform Advisory Group (Advisory Group). The meeting was held in Room 1112 at 441 Fourth St., N.W., Washington, D.C. The meeting minutes are below. For further information, contact Richard Schmechel, Executive Director, at (202) 442-8715 or richard.schmechel@dc.gov.

Commission Staff in Attendance:

| | |
|--|---------------------------------------|
| Richard Schmechel (Executive Director) | Michael Serota (Sr. Attorney Advisor) |
| Jinwoo Park (Attorney Advisor) (by phone until 11:30 a.m.) | Patrice Sulton (Attorney Advisor) |
| Rebecca Fallk (Intern) | Melissa Barbee (Intern) |

Advisory Group Members and Guests in Attendance:

| | |
|--|--|
| Laura Hankins (Designee of the Director of the Public Defender Service for the District of Columbia) | Katarina Semyonova (Visiting Attendee of the Public Defender Service for the District of Columbia) |
| Dave Rosenthal (Representative of the Office of the Attorney General of the District of Columbia) | Renata Kendrick Cooper (Designee of the United States Attorney for the District of Columbia) |
| Elana Suttenger (Visiting Attendee of United States Attorney for the District of Columbia) | Kevin Whitfield (Representative of the D.C. Council Committee on the Judiciary and Public Safety) |
| Paul Butler (Council appointee) | Don Braman (Council appointee) |

I. Welcome and Announcements.

- a. The Executive Director noted the Advisory Group meeting scheduled for July 3, 2019, has been moved to June 26, 2019. The Advisory Group meeting scheduled for August 7, 2019, has been moved to July 31, 2019. The Commission welcomes requests for individual meetings with Advisory Group members as needed.

II. The Advisory Group discussed First Draft of Report #36, Cumulative Update to Chapters 3, 7 and the Special Part of the Revised Criminal Code and Advisory Group Memo #22 Supplemental Materials to the First Draft of Report # 36.

- a. There were no comments from the group at this time on the revised homicide offenses in Chapter 11 of RCC Title 22E.
- b. The group discussed USAO's written comments on the definition of attempt, received on May 20, 2019.

- i. Staff asked USAO for clarification of its proposed revisions to the culpability of attempt, which would allow the phrase "with the intent to engage in conduct constituting that offense" to constitute the sole culpable mental state requirement governing general attempt liability under RCC § 22E-301.
- ii. USAO noted that it recommended deleting the word "planning" from section 301(a) because it effectively adds an element of premeditation that is not required under current law.
 1. Staff explained that the word "planning" was not intended to add this additional element, and that the RCC would clarify this point.
- iii. Staff further explained its request for clarification as to how the USAO proposed language would relate to the result and circumstance elements of the target offense.
 1. Staff offered a hypothetical in which a demolition operator comes dangerously close to destroying a building that—unbeknownst to him—is occupied by an elderly homeless person who snuck in at the last moment. In such a scenario, it can be said that the demolition operator both intended and came dangerously close to engaging in the conduct that would constitute aggravated reckless manslaughter, but did not intend the result element (death) or the circumstance element (an elderly person) that comprise the offense.
 2. Staff explained that under one construction of USAO's recommended language the blameless demolition operator could be convicted of this form of attempted homicide, which would constitute a form of strict liability and a marked expansion of attempt liability.
 3. Staff further noted that even if USAO's proposed language were read to imply a recklessness default and/or simply preserve the mental state requirements governing the target offense, this would still in some ways constitute a marked expansion of attempt liability (e.g., by allowing for reckless attempt liability, which is barred in nearly every jurisdiction in America).
 4. Drawing on this hypothetical and analysis, staff highlighted the important explanatory and clarificatory roles of the RCC language which USAO recommended for deletion. Staff also noted that the

RCC approach is largely consistent with District law and national legal trends as a matter of policy, and that any derogations primarily serve the interests of providing further clarity.

5. USAO observed that its written comments may have not distinguished two relevant issues: current District case law, which actually requires intent to commit the crime, versus the intent to engage in conduct constituting an offense proposed by USAO. USAO said that it will revisit its research, confer with its appellate division, and follow up with Commission staff.
- iv. Staff explained that the same culpability/drafting issues arise in the context of USAO's proposed revisions to the RCC definitions of solicitation and conspiracy under sections 302 and 303.
 1. Focusing on solicitation, staff noted that USAO's revisions would leave a bare purpose to solicit conduct constituting an offense to be the sole culpable mental state requirement governing general solicitation liability section 302. Staff discussed various ways in which this bare purpose requirement could be construed.
 2. USAO noted that attempt may require a different solution than solicitation and conspiracy, but that it would further consider the issue.
 - v. OAG requested that the Commission circulate something following any follow-up between the Commission and USAO so that others have an opportunity to comment on USAO's position.
 1. The Executive Director explained that, while 2020 planning is dependent on the timing necessary for legislative consideration of the Commission's work, the Commission expects there will be at least one more draft and another opportunity for comment, likely in the late Fall or Winter, before a final draft is circulated for a vote.
 2. Advisory Group written comments received late will be distributed and made a part of the record, but may not be part of the agency's next draft recommendations. The Commission faces particular staffing pressures regarding changes to the draft Chapters 2 and 3 of the RCC.
 - c. USAO raised for discussion the issue of whether the revised attempt statute would replace all of the "AWI" offenses, e.g., assault with intent to rape, assault with intent to rob, and whether the scope of such attempt liability would be as extensive.
 - i. Staff confirmed that the revised attempt provision will replace all AWI offenses under the RCC. Staff explained that this is generally consistent with modern legal trends, and that given that revised attempt statute adopts a dangerous proximity standard (as opposed a mere substantial step), there is very little difference, if any, between the scope of liability for attempt and AWI. Staff noted that the dangerous proximity test is typically understood to attach liability *before* an assault has even occurred, and based on DCCA case law, attempt liability may well be more expansive in scope than AWI offenses.
 - ii. USAO noted that there are different penalties for criminal attempts and AWI offenses under current law.
 - iii. Staff explained that although penalty recommendations have not been issued, the Commission has recommended that the penalty for any attempt be equal to

- one half of the penalty for a completed offense, and is not, at this time, aware of any need to deviate from uniform application of that penalty across all revised offenses.
- iv. USAO explained that it heavily relies on AWI offenses in practice. USAO offered a hypothetical in which a person breaks into someone's home, attacks someone, and states that they intend to commit a rape.
 - v. Staff explained its belief that this hypothetical would amount to an attempted rape under current District law. For example, current case law has held that a person does not have to enter or even immediately next to a bank to be guilty of bank robbery. In addition, the RCC commentary gives numerous examples which further clarify this point.
 - vi. USAO noted that its practice has been to charge AWI in such cases, even though the facts might amount to an attempt. USAO also explained that, in some instances, the intervention of a Good Samaritan prevents AWI conduct from coming dangerously close to a completed offense.
 - vii. Staff reiterated that, although case law has not yet addressed this specific sex crime fact pattern, it seems clear based on the DCCA's bank robbery/attempt opinion that a person who has succeeded in physically assaulting someone while stating an intention to commit rape has committed attempted rape under current District law. Staff also noted the common law principal that dangerous proximity is broader than (i.e. precedes) assault, while highlighting one DCCA case which noted the similarity between the two standards.
 - viii. USAO noted that the revised assault statute is now narrower because it requires bodily injury, while menacing involves frightening conduct. USAO also stated that, although AWI and assault may significantly overlap, one involves proof of intent whereas the other involves proof of conduct.
 - ix. Professor Butler explained that in some instances evidence of dangerous proximity may corroborate intent in a significant way as compared to AWI offenses which may allow a factfinder to infer intent based on stereotypes. He cited a case involving a black man was convicted of raping white woman on very thin evidence.
 - x. USAO offered a hypothetical in which a person shoots at someone and misses, which is commonly charged as assault with intent to kill.
 - 1. Staff explained that this hypothetical amounts to a completed attempt.
- d. The Executive Director noted that penalty recommendations are forthcoming and may be issued as early as September or October 2019. The revised code's 50% rule for attempts—which makes the code more consistent—will be a change in law for many offenses because current law is so varied. Moreover, given that many offenses now have multiple degrees, there will be a greater array of some attempt penalties than in current law.
 - e. There were no comments from the group at this time on RCC § 22E-214, Merger.
 - f. The group discussed various drafting style choices in the special part.
 - i. OAG recommended repeating the name of the offense in the italicized subheading for each degree in the offense definition. OAG stated that it may make charging documents clearer, without making any substantive change to the offenses.

1. Staff noted the Rules of Interpretation in the General Part (RCC § 22E-102(c)) addresses the effect of headings and captions, and that the titles are non-substantive.
 2. The Committee representative noted codification counsel may be inclined to make its own non-substantive changes to the style and format of the revised statutes. Examples include adding lead-in language and renumbering.
 3. USAO emphasized the importance of retaining the language and structure upon which the Advisory Group relied when drafting comments and recommendations, explaining that the group expected the recommendations would retain their final form after review by codification counsel.
 4. OAG noted its legal counsel division has concerns about the current formatting and organization that OAG has raised. For example, the subsections that cross-reference the definitions in RCC § 22E-701 may prove problematic if a term is erroneously omitted.
 5. Professor Butler recommended determining and clarifying what role codification counsel will play when it reviews the final recommendations.
 6. Staff noted that one approach may be to meet with codification counsel and explain why the revised code should not be modified in the same manner other titles are modified.
 7. The Committee representative recommended including a preliminary statement with the agency's recommendations that explains why Title 22 must be read differently than the remainder of the D.C. Code.
 8. Professor Braman recommended clarifying that the Commission's goals include changing the way criminal codes are drafted, with the expectation that future legislation will follow a new, modern format.
 9. Staff noted that it aims to style the revised code in a format that is as easy as practicable for non-lawyers to understand.
 10. USAO noted that it must be easily searchable online.
- ii. Staff asked the group whether it preferred the current approach of cross-referencing a list of definitions in RCC § 22E-701 to defining every term inside of each offense statute. The Commission recognized that the cross-references are arguably superfluous, but explained that it expected the current approach would be easiest for practitioners to navigate.
1. OAG noted the danger of confusion if a cross-reference to a definition is inadvertently omitted. For example, under current law, the term "dangerous weapon" is defined in some sections and undefined in others, leaving an open question as to its meaning.
 2. USAO explained that the revised code helpfully avoids the confusion entirely the confusion that arises under current law, by

- defining all terms for the entire revised code, whether a cross-reference is noted or not.
3. Staff explained the current draft continues to define terms inside of an offense statute if either (1) the term appears only in that statute or (2) the term has a different meaning in that statute than it does elsewhere in the code.
 4. OAG recommended defining a term inside the offense statute only if it has a different meaning in the offense statute than it does elsewhere in the code. OAG recommends defining all other terms in the master list, RCC § 22E-701, even if the term appears only once, so that it can be easily cross-referenced when drafting future legislation.
 5. PDS, OAG, and USAO agreed that the cross-references to RCC § 22E-701 are helpful as a signal to the reader and should be retained.
- iii. Staff asked the group whether including the lead-in phrase “Except as provided” is helpful or misleading, where an offense includes exclusions from liability.
1. USAO stated that the language serves as a helpful flag to the reader.
 2. PDS noted, however, that such language may be misleading insofar as similar flags are not included for general and specific defenses.
 3. The Committee representative stated that the current drafting practice is to begin the exclusion from liability with “Notwithstanding section X, no person shall be guilty...”
 4. The group agreed that the “except as provided” language should be deleted and the “notwithstanding” language should be added. This approach makes clear that the exclusion applies to all of the degrees in a given section.
- g. Staff noted that a number of style recommendations that were received in the written comments will be addressed, e.g., changing “conspiracy” to “agreement,” and changing “defendant” to “actor.”
- h. USAO inquired whether the change to the reasonable mistake of age defense (requiring recklessness), was intended to apply only to the revised sexual abuse of a minor offense and not also to stalking, trafficking, and other offenses with an age element.
- i. Staff confirmed that the change was intended to apply to sexual abuse of a minor only.

III. Adjournment.

- a. The meeting was adjourned at 11:41 a.m.



D.C. Criminal Code Reform Commission
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(202) 442-8715 www.ccrdc.dc.gov

**D.C. CRIMINAL CODE REFORM COMMISSION
NOTICE OF PUBLIC MEETING
WEDNESDAY, JUNE 26, 2019 AT 10:00 AM
441 4TH STREET N.W., ROOM 1112, WASHINGTON, D.C., 20001**

The D.C. Criminal Code Reform Commission (CCRC) will hold a meeting of its Criminal Code Revision Advisory Group (Advisory Group) on Wednesday, June 26, 2019 at 10am. The meeting will be held in Room 1112 of the Citywide Conference Center on the 11th Floor of 441 Fourth St., N.W., Washington, DC. The planned meeting agenda is below. Any changes to the meeting agenda will be posted on the agency's website, <http://ccrc.dc.gov/page/ccrc-meetings>. For further information, contact Richard Schmechel, Executive Director, at (202) 442-8715 or richard.schmechel@dc.gov.

MEETING AGENDA

- I. Welcome and Announcements.
- II. Discussion of Advisory Group Comments on the recommendations for Section 214 and Chapter 3 in the First Draft of Report #36, *Cumulative Update to Chapters 3, 7 and the Special Part of the Revised Criminal Code*.
- III. Discussion of Draft Reports and Memoranda Currently Under Advisory Group Review:
 - (A) First Draft of Report #36, *Cumulative Update to Chapters 3, 7 and the Special Part of the Revised Criminal Code*.
 - (B) Advisory Group Memo #22 Supplemental Materials to the First Draft of Report # 36.
- IV. Adjournment.



D.C. Criminal Code Reform Commission
441 Fourth Street, NW, Suite 1C001S, Washington, DC 20001
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MINUTES OF PUBLIC MEETING

WEDNESDAY, JUNE 26, 2019, at 10:00 AM
CITYWIDE CONFERENCE CENTER, 11th FLOOR OF 441 4th STREET NW
WASHINGTON, D.C. 20001

On Wednesday, June 26, 2019, at 10:00 am, the D.C. Criminal Code Reform Commission (CCRC) held a meeting of its Criminal Code Reform Advisory Group (Advisory Group). The meeting was held in Room 1112 at 441 Fourth St., N.W., Washington, D.C. The meeting minutes are below. For further information, contact Richard Schmechel, Executive Director, at (202) 442-8715 or richard.schmechel@dc.gov.

Commission Staff in Attendance:

| | |
|--|---------------------------------------|
| Richard Schmechel (Executive Director) | Michael Serota (Sr. Attorney Advisor) |
| Jinwoo Park (Attorney Advisor) | Patrice Sulton (Attorney Advisor) |
| Rebecca Fallk (Intern) | Melissa Barbee (Intern) |

Advisory Group Members and Guests in Attendance:

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|--|--|
| Katarina Semyonova (Visiting Attendee of the Public Defender Service for the District of Columbia) | Dave Rosenthal (Representative of the Attorney General's Office) |
|--|--|

Elana Suttentberg (Visiting Attendee of United States Attorney for the District Columbia)

I. Welcome and Announcements.

- a. The Executive Director noted that the Advisory Group next meeting will be on July 31, 2019, at 10:00 a.m. The agenda will address comments received on the First Draft of Report #36. The agenda also will address the recommendations on controlled substances and/or firearms that will be issued next. There will be at least 4 weeks before written comments on these new recommendations are due. The recommendations may be released together or staggered.
- b. The Executive Director will be less accessible in early July. Please contact Jinwoo Park or Patrice Sulton with any urgent questions.

II. The Advisory Group discussed First Draft of Report #36, Cumulative Update to Chapters 3, 7 and the Special Part of the Revised Criminal Code and Advisory Group Memo #22 Supplemental Materials to the First Draft of Report #36.

- a. The Executive Director noted that USAO submitted updated written comments on Report #36 on June 19, 2019.
- b. OAG asked for clarification as to whether the revised blocking a public way offense (RCC § 22E-4203) applies to a person who is standing at a private entryway. Staff clarified that the offense is limited to government-owned land and buildings. Unwanted entries onto private property remain separately criminalized as trespass (RCC § 22E-2601).
- c. USAO asked for clarification of the rationale for how enhancements for firearms will appear and operate in the RCC, noting that some offenses retain the enhancements that exist under current law while others do not.
 - i. Staff explained that this organizational and substantive question serves many purposes and the overall effect of this treatment of firearm enhancements should be clearer after the weapons offense and penalties recommendations are issued soon.
 - ii. Currently, the RCC uses either sentencing gradations or penalty enhancements to amplify the maximum sentence for certain offenses against persons (e.g., robbery, assault, sex assault). After additional recommendations are issued, it will be easier to assess how the various enhancements stack and magnify other penalty enhancements.
 - iii. The forthcoming weapons recommendations will also include liability for possessing a firearm in connection with certain crimes, akin to the current PFCV offense.
 - iv. The RCC burglary offense does not currently include an elevated gradation or an enhancement for displaying or using a weapon, as the crime does not require any interaction with a person and empirical research shows such encounters are relatively rare. However, the Commission expects that there will be additional liability for possessing a firearm in connection with commission of burglary—per the forthcoming firearm offense recommendations. The Commission may revisit that burglary recommendation after the weapons recommendations are issued.
- d. OAG recommended reordering the unlawful labeling of a recording offense (RCC § 22E-2207), so that it appears either at the end of the fraud chapter or at the end of the theft chapter, so that it more logically follows related offenses.
- e. USAO requested a one- or two-week extension for written comments on Report #36.
 - i. The Executive Director responded that the Commission is unable to accommodate an extension for this round of written comments. Hopefully at the September meeting the Commission will be able to provide an update on the sequence of work for the next year to aid members' prioritization of their reviews.
- f. OAG asked for clarification as to why rioting (RCC § 22E-4301) requires seven people whereas failure to disperse (RCC § 22E-4302) requires eight.

- i. Staff explained that rioting requires the defendant participate in a melee of eight people in total, whereas failure to disperse require the defendant refuse to leave the immediate vicinity of a melee of the same size.
 - g. USAO asked for clarification as to the intended effect of the bracketed jury trial provisions.
 - i. Staff explained the bracketed language signals an intent to provide a jury trial irrespective of the penalty assigned at a later date. These are offenses that frequently involve the exercise of civil liberties and are noted in the commentary. There will be a further opportunity to comment on jury demandability after penalties recommendations are issued.

III. Adjournment.

- a. The meeting was adjourned at 10:34 a.m.



D.C. Criminal Code Reform Commission
441 Fourth Street, NW, Suite 1C001S, Washington, D.C. 20001
(202) 442-8715 www.ccrdc.dc.gov

**D.C. CRIMINAL CODE REFORM COMMISSION
NOTICE OF PUBLIC MEETING
WEDNESDAY, JULY 31, 2019 AT 10:00 AM
441 4TH STREET N.W., ROOM 1112, WASHINGTON, D.C., 20001**

The D.C. Criminal Code Reform Commission (CCRC) will hold a meeting of its Criminal Code Revision Advisory Group (Advisory Group) on Wednesday, July 31, 2019 at 10am. The meeting will be held in Room 1112 of the Citywide Conference Center on the 11th Floor of 441 Fourth St., N.W., Washington, DC. The planned meeting agenda is below. Any changes to the meeting agenda will be posted on the agency's website, <http://ccrc.dc.gov/page/ccrc-meetings>. For further information, contact Richard Schmechel, Executive Director, at (202) 442-8715 or richard.schmechel@dc.gov.

MEETING AGENDA

- I. Welcome and Announcements.
- II. Discussion of Advisory Group Comments Due July 8, 2019 on the First Draft of Report #36, *Cumulative Update to Chapters 3, 7 and the Special Part of the Revised Criminal Code*
- III. Discussion of Draft Reports and Memoranda Currently Under Advisory Group Review:
 - (A) First Draft of Report #37, *Controlled Substance Offenses and Related Provisions*;
 - (B) First Draft of Report #38, *Enlistment of Minors & Maintaining Location to Manufacture Controlled Substances*; and
 - (C) Advisory Group Memo #23 Supplemental Materials to the First Draft of Reports # 36-37.
- IV. Adjournment.



D.C. Criminal Code Reform Commission
441 Fourth Street, NW, Suite 1C001S, Washington, DC 20001
(202) 442-8715 www.ccrc.dc.gov

MINUTES OF PUBLIC MEETING

WEDNESDAY, JULY 31, 2019, at 10:00 AM
CITYWIDE CONFERENCE CENTER, 11th FLOOR OF 441 4th STREET NW
WASHINGTON, D.C. 20001

On Wednesday, July 31, 2019, at 10:00 am, the D.C. Criminal Code Reform Commission (CCRC) held a meeting of its Criminal Code Reform Advisory Group (Advisory Group). The meeting was held in Room 1112 at 441 Fourth St., N.W., Washington, D.C. The meeting minutes are below. For further information, contact Richard Schmechel, Executive Director, at (202) 442-8715 or richard.schmechel@dc.gov.

Commission Staff in Attendance:

Richard Schmechel (Executive Director)

Michael Serota (Sr. Attorney Advisor)
(by phone)

Rachel Redfern (Sr. Attorney Advisor)

Patrice Sulton (Attorney Advisor)

Advisory Group Members and Guests in Attendance:

Laura Hankins (Designee of the Director of Public Defender Service for the District of Columbia)

Elana Suttentberg (Visiting Attendee of the United States Attorney for the District of Columbia)

Dave Rosenthal (Designee of the Attorney General of the District of Columbia)

Don Braman (Council Appointee)

Paul Butler (Council Appointee) (by phone)

I. Welcome and Announcements.

- a. The Executive Director noted this is Michael Serota's last Advisory Group meeting. The Commission appreciates his enormous contributions to the success of the project.
- b. The next Advisory Group meeting will take place on Wednesday, September 4, 2019.
- c. Next week, the Executive Director will send an email with the proposed meeting dates through September 2020, extending the current default meeting time on the first Wednesday of each month.

- d. Next week, the Commission will issue a report with recommendations for weapons offenses and related provisions. Written comments will be due in mid or late September.

II. The Advisory Group discussed the Advisory Group Comments on the First Draft of Report #36, Cumulative Update to Chapters 3, 7 and the Special Part of the Revised Criminal Code, and Advisory Group Memo #22 Supplemental Materials to the First Draft of Report #36.

- a. USAO, OAG, and PDS submitted written comments on Report #36 on July 8, 2019.
- b. The group discussed the definition of “bodily injury” in RCC § 22E-701.
 - i. Staff asked OAG to clarify the concern underlying its recommendation to redraft the definition to read, “‘bodily injury’ means physical pain, illness, scratch, bruise, abrasion, or any impairment of physical condition.”
 - ii. OAG clarified that it is not obvious that the phrase “impairment of physical condition” is intended to include a scratch, etc., because these injuries do not impair a bodily function.
 - iii. USAO agreed with OAG’s position and had no objection to OAG’s proposed language.
- c. The group discussed RCC § 22E-1301, sexual assault.
 - i. Staff asked OAG to clarify the concern underlying its recommendation that the word “overcomes” be placed with the phrase “overcomes resistance” in first degree and third degree sexual assault.
 - ii. OAG clarified that its recommendation is intended to be a grammatical drafting point about what or who “overcomes” refers to and not a substantive change.
 - iii. The Executive Director asked if reordering the relevant language in first degree and third degree sexual assault would address OAG’s concern and OAG said that it would.
- d. The group discussed the use of the phrase “under civil law” in several revised provisions, including the revised offenses of criminal abuse and criminal neglect of minors, criminal abuse and criminal neglect of vulnerable adults and elderly persons, trespass, burglary, and the definition of “position of trust with or authority over.”
 - i. Staff asked USAO to clarify the concern underlying its recommendation to remove the words “under civil law.”
 - ii. USAO explained that in some instances—particularly the special responsibility for care and discipline and property offenses—its recommendation is intended to clarify the drafting of the statute and not to substantively change the law.
 - iii. Staff noted that, with respect to custodial relationships, the drafting options include: (1) incorporating a lengthy laundry list of relationships recognized in District law; or (2) using more general language about the nature of the relationship. The RCC attempts to describe the nature of the relationship by a general reference to civil standards governing adult-child interactions.
 - iv. USAO agreed that it may be appropriate to look to civil law in some cases in which a custodial relationship or property rights are disputed.

However, in other cases, the rights of the people involved are obvious. USAO voiced concern that, in those cases, a cross-reference to civil law might mislead a reader to believe that a comprehensive review of the vast and confusing universe of civil law is required. USAO suggested the reference to civil law may remain in the offense commentary but be removed from the statutory language.

- v. PDS stated that, where rights are obvious, civil law provides a clear answer. However, for fact patterns where rights are less obvious, the revised language makes clear to the reader that civil law is the final determinative factor as to whether criminal liability will attach.
- vi. Professor Braman distinguished between custodial relationships (e.g., *in loco parentis*) and property rights. With respect to relationships between people, the drafting should either refer to some general legal responsibility or to a comprehensive list of relationships, which may prove difficult.
- vii. USAO clarified that, in the context of the revised justification defense for special responsibility for care, discipline, or safety, RCC § 22E-4XX, its main objection to the revised custodial relationships is not the reference to civil law, but the expansion of the class of people who can invoke *in loco parentis*. It should be limited to the parent or legal guardian, as it is under current law, and not broadened to include a person acting with the effective consent of a parent or guardian.
- viii. PDS objected to limiting *in loco parentis* to a parent or legal guardian only, explaining that it does not account for growing and changing ideas of family.
- ix. OAG offered a hypothetical in which a grandmother serves as a child's primary caregiver without formally petitioning a court for parental rights. OAG asked for clarification as to whether "under civil law" is intended to exclude said grandmother. OAG also asked for clarification as to whether the revised language is intended to include a day care employee charged with supervising a child during specified hours of the day.
- x. Staff noted that the terms "parent" and "guardian" are used in different and sometimes conflicting ways in the D.C. Code. In the revised statute, the terms effectively serve as placeholders for the range of relationships defined in civil law. Staff noted that the Commission will also issue recommendations for other general defenses.
- xi. USAO pointed out that there is also a catchall in the USAO proposed (b)(2) for someone who is acting in the role of parent.
- xii. Staff explained that the effective consent provision in the CCRC draft, which isn't included in the USAO proposed version, is intended to include less formal relationships, such as a neighbor who is babysitting.
- xiii. OAG noted that in many instances, a neighbor or day care worker may have permission to supervise and not have permission to physically discipline.
- xiv. Staff explained that, through the references to civil law and effective consent, the RCC aims to allow for flexibility to cover the instances described by OAG. For example, a parent may specify through a contract

- with a day care provider or agreement with a neighbor whether physical restraint, discipline, or isolation are permitted.
- xv. PDS noted that *in loco parentis* is not a full, unqualified defense. There are limits on degree of injury for which it is available.
 - xvi. USAO noted that there is also a reasonableness requirement in the defense.
- e. The group discussed the number of gradations in the revised theft offense, RCC § 22E-2101.
- i. Staff asked USAO to clarify the concern underlying its recommendation to reduce the number of gradations.
 - ii. USAO stated that its objection is not substantive, but a style point.
 - iii. Staff asked USAO its position as to whether the differences in value warrant separate treatment as a penalty matter.
 - iv. USAO stated that, at this time it could not say, the penalty recommendations will inform its position as to whether the gradation distinctions are proportionate.
 - v. USAO noted that in some cases loss of a small value to one victim could have a greater impact than the loss of a large value to another victim.
 - vi. Staff noted that the District's current two-tier structure has fewer gradations than most other jurisdictions, and some jurisdictions have more gradations than that proposed in the RCC.
- f. The group discussed RCC § 22E-1205, offensive physical contact.
- i. USAO said that in addition to its written comments about making offensive physical contact a lesser included offense of assault, it wished to raise the possibility of lowering the culpable mental state from knowledge to recklessness (which would aid making the offense a lesser included, given the reckless culpable mental state for assault).
 - ii. Staff noted that there may be examples of reckless offensive physical contact that are not intuitively criminal. Staff offered a hypothetical in which a person recklessly brushes by someone riding the Metrorail (not inflicting bodily injury and not amounting to an assault).
 - iii. PDS offered a hypothetical in which a person sneezes on another person.
 - iv. Staff also noted that both degrees of the revised offensive physical contact require an intent that the contact be offensive, which effectively raises the mental state above recklessness. Assault does not include a similar intent requirement. Staff said that it is not uncommon to require a higher culpable mental state for an actus reus that is less serious. For example, homicide is one of the few offenses that provides liability for negligence because the actus reus is the most serious.
 - v. USAO offered a hypothetical in which a person recklessly brushes past another person on the Metrorail and causes the most minor of bodily injuries, such as causing a small scratch. USAO said that is counterintuitive that such an encounter amounts to an assault, whereas if the same conduct leaves no "bodily injury," as defined in the RCC, it does not amount to offensive physical conduct.

- vi. Staff said that, regardless of the culpable mental state differences, there may be ways of redrafting the offensive physical contact offense as a lesser included of assault. However, staff noted that, as drafted, the harm involved in causing offensive physical contact is categorically different than causing a “bodily injury,” as defined in the RCC.
- vii. USAO noted that, where the government does not have evidence of a bodily injury in an assault case (e.g., an encounter is caught on video tape but a witness is uncooperative), it would be useful to have the option of obtaining a conviction for offensive physical contact without having to prove pain or injury.
- viii. PDS objected to USAO’s reasoning, stating that, at a certain point, such trivial conduct should not be a crime.
- g. The Executive Director asked if there were further questions or comments on the First Draft of Report #36. Nothing being raised, the next agenda item was discussed.

III. The Advisory Group discussed First Draft of Report #37, Controlled Substance Offenses and Related Provisions.

- a. OAG asked for clarification of the revised trafficking counterfeit substances offense. OAG believes that current D.C. Code § 48-904.01(c) prohibits labeling an uncontrolled substance as a controlled substance. However, the penalties provision in the revised statute accounts only for the amount of a mislabeled or misrepresented controlled substance. OAG noted that no other offense in current law appears to address labeling an uncontrolled substance as a controlled substance. OAG recommended a separate penalty be provided for such a fact pattern.
 - i. Staff explained that the revised statute did not intend to narrow current District law and kept the current definition of “controlled substance,” D.C. Code § 22-48-904.02, which refers to a “controlled substance.”
 - ii. The Advisory Group reviewed the current statute which provides: “‘Counterfeit substance’ means a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance.”
 - iii. Staff noted the referent of the phrase “or the container or labeling of which” appears to be a controlled substance, not any substance. However, staff said it was not aware of any case law on point, and will review this question in greater detail.
 - iv. OAG said that its limited review of case law did not find anything on point either.
 - v. Professor Butler noted that where fake drugs are being sold and there is a legal impossibility, the government may proceed on an attempt theory.
 - vi. Staff noted that the where fake drugs are being sold, a person has also committed fraud, a property crime.
- b. OAG noted that it is searching for legislative history to better understand the rationale for the exception to liability for 50-year-old paraphernalia.

- i. OAG and staff agreed that the legislative history for these offenses and definitions is very scant.
- ii. Staff explained that, although there are many improvements that could be made to the schedules and definitions in the current District drug offenses, the RCC left most intact because there are broader implications for civil provisions in Title 48 that rely on them.
- c. The Executive Director asked if there were further questions or comments on the First Draft of Report #37. Nothing was raised.

IV. Adjournment.

- a. The meeting was adjourned early at 11:22 a.m.



D.C. Criminal Code Reform Commission
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**D.C. CRIMINAL CODE REFORM COMMISSION
NOTICE OF PUBLIC MEETING
WEDNESDAY, SEPTEMBER 4, 2019 AT 10:00 AM
441 4TH STREET N.W., ROOM 1112, WASHINGTON, D.C., 20001**

The D.C. Criminal Code Reform Commission (CCRC) will hold a meeting of its Criminal Code Revision Advisory Group (Advisory Group) on Wednesday, September 4, 2019 at 10am. The meeting will be held in Room 1112 of the Citywide Conference Center on the 11th Floor of 441 Fourth St., N.W., Washington, DC. The planned meeting agenda is below. Any changes to the meeting agenda will be posted on the agency's website, <http://ccrc.dc.gov/page/ccrc-meetings>. For further information, contact Richard Schmechel, Executive Director, at (202) 442-8715 or richard.schmechel@dc.gov.

MEETING AGENDA

- I. Welcome and Announcements.
- II. Discussion of Draft Reports and Memoranda Currently Under Advisory Group Review:
 - (A) First Draft of Report #39, *Weapon Offenses and Related Provisions*;
 - (B) First Draft of Report #40, *Self-Defense Sprays*;
 - (C) Advisory Group Mem #24, Supplemental Materials to the First Draft of Report #39
 - (D) First Draft of Report #37, *Controlled Substance Offenses and Related Provisions*;
 - (E) First Draft of Report #38, *Enlistment of Minors & Maintaining Location to Manufacture Controlled Substances*; and
 - (F) Advisory Group Memo #23 Supplemental Materials to the First Draft of Reports # 36-37.
- III. Adjournment.



D.C. Criminal Code Reform Commission
441 Fourth Street, NW, Suite 1C001S, Washington, DC 20001
(202) 442-8715 www.ccrc.dc.gov

MINUTES OF PUBLIC MEETING

WEDNESDAY, SEPTEMBER 4, 2019, at 10:00 AM
CITYWIDE CONFERENCE CENTER, 11th FLOOR OF 441 4th STREET NW
WASHINGTON, D.C. 20001

On Wednesday, September 4, 2019, at 10:00 am, the D.C. Criminal Code Reform Commission (CCRC) held a meeting of its Criminal Code Reform Advisory Group (Advisory Group). The meeting was held in Room 1112 at 441 Fourth St., N.W., Washington, D.C. The meeting minutes are below. For further information, contact Richard Schmechel, Executive Director, at (202) 442-8715 or richard.schmechel@dc.gov.

Commission Staff in Attendance:

Richard Schmechel (Executive Director)

Rachel Redfern (Sr. Attorney Advisor)

Jinwoo Park (Attorney Advisor)

Patrice Sulton (Attorney Advisor)

Nathaniel Wenstrup (Attorney Advisor)

Advisory Group Members and Guests in Attendance:

Laura Hankins (Designee of the Director of Public Defender Service for the District of Columbia) (until 11:00 a.m.)

Katarina Semyonova (Visiting Attendee of the Public Defender Service for the District of Columbia)

Elana Suttentberg (Visiting Attendee of United States Attorney for the District Columbia)

Dave Rosenthal (Representative of the Attorney General's Office)

Kevin Whitfield (Representative of the D.C. Council Committee on the Judiciary and Public Safety)(until 11:30 a.m.)

Paul Butler (Council Appointee)
(by phone)

I. Welcome and Announcements.

- a. The Executive Director introduced Attorney Advisor Nathaniel Wenstrup, who joined the Commission in August.
- b. The Executive Director noted that he provided the meeting schedule for FY 2020 via email to all Advisory Group members. He noted that additional meetings may be necessary in FY 2020. The next Advisory Group meeting will take place on Wednesday, October 2, 2019.
- c. Written comments on reports related to controlled substances are due on September 16, 2019. Comments on reports related to weapons are due on September 30, 2019.

II. The Advisory Group discussed the First Draft of Report #37, Controlled Substance Offenses and Related Provisions and Advisory Group Memorandum #23, Supplemental Materials to the First Draft of Report #37.

- a. The Executive Director noted that grading drug offenses based on weight aligns the revised statutes with the majority of other jurisdictions. The quantities selected for each drug are intended to be proportionate to each other, that is, roughly the same number of dosages for each substance. The Commission welcomes input with respect to the appropriate quantities, based on current practice and scientific expertise.
- b. OAG asked about the rationale behind grading some Schedule II drugs the same as most Schedule I drugs in first degree, but not grading all Schedule I drugs as first degree. OAG noted that Schedule I drugs are those that are designated as having no lawful purpose and may be more dangerous than Schedule II drugs.
 - i. Staff explained that the substances graded as first degree in the RCC are those that are defined as “abusive or narcotic,” under current law. This aspect of the gradation structure is consistent with the existing penalty provisions, although the current penalties do not account for drug quantities.
- c. The group discussed how weights will be calculated when a substance is impure.
 - i. OAG and PDS agreed that the weight for purposes of liability should exclude non-consumables such as containers used to transport the substance. For example, tobacco, marijuana, and cutting agents would be measured for controlled substance weight, whereas a cigarette carton, a person’s clothing, and bong water would not, even though the latter contain a measureable amount of a controlled substance.
 - ii. Staff noted that the Commission considered, but ultimately rejected, including a purity requirement. Staff noted that it did not find any other jurisdictions that grade based on the pure quantity of a controlled substance.
 - iii. USAO suggested amending the Commentary to make clear that the government only needs to offer proof of “a compound or mixture containing the controlled substance.”
 - iv. PDS offered a hypothetical in which law enforcement instructs or encourages a person to engage in conduct that increases the weight of the mixture. For example, as part of a sting operation, an officer may tell a person to dilute liquid PCP among twenty cigarettes instead of only three,

or to hide marijuana flower in a coffee can. This would artificially raise liability.

- v. PDS noted that, even if quantities are limited to consumables, the weight of an edible product may differ dramatically from the weight of the product in its pure form.
- vi. The group discussed mixtures of multiple controlled substances. For example, if a small amount of fentanyl is mixed with a large amount of marijuana, a person may then be charged with a large amount of fentanyl.
 - 1. The Council representative recommended asking the Department of Forensic Sciences about its testing capabilities with respect to purity and quantity. In particular, it may be helpful to understand how a large quantity that is multi-layered and not uniform would be tested.
 - 2. Staff noted that this hypothetical may be most effectively addressed through a merger provision.
- d. The Executive Director noted that the average sentences for drug offenses are much lower than the 30-year maximum available under current law and much lower than the national averages. The revised grading structure and penalty recommendations will better align the code with current District practice.
- e. Professor Butler explained that it is also important to consider unequal enforcement of the drug laws in the District. White residents are rarely charged with drug offenses, whereas African American residents are frequently targeted for sting and undercover operations.
 - i. The Executive Director noted that this fall, as the agency addresses penalties, race and gender data will be made available with other court data on charging and convictions.
- f. PDS asked for clarification as to the rationale for each of the quantities in the draft recommendations. PDS noted this could help guide the Council in determining relevant quantities for grading new controlled substances.
 - i. The Council representative suggested that the council could start using the lowest quantity thresholds, and adjust upwards depending on the potency or harmfulness of the substance.
 - ii. OAG noted that the quantities may influence the market. For example, a dealer may sell 25 grams of marijuana at a time to avoid the significant penalty increase for possession of an ounce or more.
- g. OAG asked why the agency did not make the radius for drug free zones consistent with the radius for gun free zones, to avoid confusion. OAG agreed that the 1000 feet in current law is high, but noted that 100 feet is only the length of three school buses. Moreover, the 300 feet used in weapons offenses is more intuitive because it is roughly the size of a football field or a city block.
 - i. The Executive Director explained that a longer distance was used for gun offenses because they are long-range weapons. The rationale is to protect school children from deliberate or accidental discharge.
 - ii. The Executive Director noted that the radius is calculated from the property grounds, not the school building itself.

- III. The Advisory Group discussed the First Draft of Report #38 Enlistment of Minors and Maintaining Location to Distribute or Manufacture Controlled Substances:**
- a. The Executive Director noted that, subsequent to release of the draft report, staff became aware that D.C. Code § 48-904.02(a)(5) criminalizes conduct that is nearly identical to the conduct in D.C. Code § 48-904.07 that was recommended for repeal. A future draft will likely recommend repeal of this statute for the same reasons included in this report, such as overlap with accessory liability. Each offense is charged at most a couple times a year, with even fewer convictions.
 - b. The Executive Director explained that the recommendations for controlled substances and weapons are careful to not tamper with definitions that apply to other parts of the code, such as pharmacy and firearm regulations.
- IV. The Advisory Group discussed the First Draft of Report #39, Weapon Offenses and Related Provisions; Advisory Group Memo #24, Supplemental Materials to the First Draft of Report #39; and the First Draft of Report #40, Self-Defense Sprays:**
- a. OAG noted that RCC § 22E-4114(b)(3)(C) appears to change current law in a way not noted in the draft report by not separately requiring that “the purchaser is personally known to the seller or shall present clear evidence of his or her identity,” in addition to being of sound mind and over 21 years of age.
 - i. The Council representative noted that terms such as “identity,” which appears in this statute and in RCC § 22E-4116, are undefined and ambiguous. The Council representative recommended copying or cross-referencing the identification requirements in the regulations governing the sale of firearms.
 - ii. Staff explained that the revised statutes did not intend to change the scope of the current law. Staff will take these recommendations under review. However, staff is wary of changes to the civil provisions in current Title 22 that may require an extensive review and changes to similar provisions in other Titles and the DCMR.
 - b. OAG and the Council representative stated that RCC § 22E-4105 should reflect law as to persons who are subject to an Extreme Risk Protection Order (ERPO), which does not restrain a person from assaulting, stalking, threatening or harassing another person.
 - i. Staff explained that the ERPO legislation did not amend D.C. Code § 22-4503. Instead, it states that a person who complies with an ERPO cannot be prosecuted for unlawful possession of a firearm.
 - ii. The Council representative stated that the Council intended to punish a person who violates an ERPO under the lower penalties provided separately in the ERPO statute.
 - c. OAG stated that the forthcoming penalty recommendations may impact prosecutorial jurisdiction.
 - i. Staff explained that, based on its review, the current case law (e.g., *Crawley, Hall*) does not clearly hold that maximum penalties affect prosecutorial jurisdiction, instead drawing a line based on whether a statute is in the nature of a police regulation.
 - ii. OAG said it believes, based on case law, that it may not prosecute any felony offenses, including possession of multiple restricted bullets and

possession of a large-capacity ammunition feeding device. These charges are currently prosecuted by USAO. A charging agreement often serves to work out prosecutorial authority.

- iii. Staff solicited comments on prosecutorial authority and home rule issues in further detail and requested a copy of a the current charging agreement between USAO and OAG.
- d. The Council representative asked for clarification as to which Title 7 provisions will be revised.
 - i. The Executive Director explained that, unless the Commission's statutory mandate is extended beyond this fiscal year, it will not make any further recommendations about firearms regulations. Memo #24 includes a chart in Appendix B showing the correlation between the current statutes and the revised statutes.
- e. USAO asked for clarification as to whether the revised definitions will apply to the Title 22 offenses that are not revised.
 - i. The Executive Director confirmed that the revised definitions will not apply to offenses that are not revised.

V. Adjournment.

- a. There being no further questions or comments from Advisory Group members, the meeting was adjourned at 11:41 a.m.



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**D.C. CRIMINAL CODE REFORM COMMISSION
NOTICE OF PUBLIC MEETING
WEDNESDAY, OCTOBER 2, 2019 AT 10:00 AM
441 4TH STREET N.W., ROOM 1112, WASHINGTON, D.C., 20001**

The D.C. Criminal Code Reform Commission (CCRC) will hold a meeting of its Criminal Code Revision Advisory Group (Advisory Group) on Wednesday, October 2, 2019 at 10am. The meeting will be held in Room 1112 of the Citywide Conference Center on the 11th Floor of 441 Fourth St., N.W., Washington, DC. The planned meeting agenda is below. Any changes to the meeting agenda will be posted on the agency's website, <http://ccrc.dc.gov/page/ccrc-meetings>. For further information, contact Richard Schmechel, Executive Director, at (202) 442-8715 or richard.schmechel@dc.gov.

MEETING AGENDA

- I. Welcome and Announcements.
- II. Discussion of Advisory Group Written Comments on Draft Reports:
 - (A) First Draft of Report #37, *Controlled Substance Offenses and Related Provisions*;
 - (B) First Draft of Report #38, *Enlistment of Minors & Maintaining Location to Manufacture Controlled Substances*;
 - (C) First Draft of Report #39, *Weapon Offenses and Related Provisions*; and
 - (D) First Draft of Report #40, *Self-Defense Sprays*.
- III. Adjournment.



D.C. Criminal Code Reform Commission

441 Fourth Street, NW, Suite 1C001S, Washington, DC 20001

(202) 442-8715 www.ccrdc.dc.gov

MINUTES OF PUBLIC MEETING

WEDNESDAY, OCTOBER 2, 2019, at 10:00 AM

**CITYWIDE CONFERENCE CENTER, 11th FLOOR OF 441 4th STREET NW
WASHINGTON, D.C. 20001**

On Wednesday, October 2, 2019, at 10:00 am, the D.C. Criminal Code Reform Commission (CCRC) held a meeting of its Criminal Code Reform Advisory Group (Advisory Group). The meeting was held in Room 1112 at 441 Fourth St., N.W., Washington, D.C. The meeting minutes are below. For further information, contact Richard Schmechel, Executive Director, at (202) 442-8715 or richard.schmechel@dc.gov.

Commission Staff in Attendance:

Richard Schmechel (Executive Director)

Rachel Redfern (Senior Attorney Advisor)

Jinwoo Park (Senior Attorney Advisor)

Patrice Sulton (Senior Attorney Advisor)

Nathaniel Wenstrup (Attorney Advisor)

Advisory Group Members and Guests in Attendance:

Laura Hankins (Designee of the Director of the Public Defender Service for the District of Columbia)

Katarina Semyonova (Visiting Attendee of the Public Defender Service for the District of Columbia) (until 11:25 a.m.)

Elana Suttentberg (Visiting Attendee of Office of the United States Attorney for the District Columbia)

Stephen Rickard (Visiting Attendee of Office of the United States Attorney for the District of Columbia) (until 11:15 a.m.)

Dave Rosenthal (Designee of the D.C. Attorney General)

Don Braman (Council Appointee) (by phone) (until 11:30 a.m.)

Kevin Whitfield (Designee of the Chair of the D.C. Council Committee on the Judiciary and Public Safety) (by phone, from 10:20 a.m. to 11:30 a.m.)

I. Welcome and Announcements.

- a. The Executive Director noted that the next meeting will be held on November 6, 2019.
- b. Tomorrow, the Commission will release the First Draft of Report #41 – Ordinal Ranking of Maximum Imprisonment Penalties.

- i. The Commission seeks comments on the ordinal rankings (what should be graded up or down). At this time, CCRC is seeking input on the relative distribution and spread, not on the maximum penalties for each class. Members may, but are not required to, comment on the penalty models listed at the top of the page.
- ii. CCRC will provide a PDF and Excel format, which will enable CRAG members to submit a revised spreadsheet, if they so choose. The files will include a second worksheet, organized by penalty.
- iii. PDS noted that the Sentencing Commission took a similar approach, requiring members to sort felony offenses into 10 boxes, without making recommendations about imprisonment time.
- iv. The Executive Directed noted that the Report is based on the current RCC offenses, although there may be future changes to offense elements and gradations. Members may, but are not required to, offer additional comments on the penalties assigned to hypothetical offenses and offense gradations
- v. CCRC also seeks comments on jury demandability recommendations as specified in the document.
- vi. CCRC notes that the Report includes nine felony classes, in contrast to the eight classes in a prior draft of the RCC’s general part.
- vii. OAG asked whether other jurisdictions that have comprehensively revised their criminal codes have adopted a similar classification scheme.
 1. The Executive Director noted that the reform jurisdictions vary. Most have offense classifications. The models included in the Report align with many of the maximum penalties in current law. The CCRC’s initial report on classification of penalties, issued two or three years ago, addresses these matters more.
- viii. USAO asked whether it may comment on whether an offense should be classified as a felony or a misdemeanor.
 1. The Executive Director confirmed that those comments are welcome, as well as more specific comments on which felony or misdemeanor class.
- ix. USAO asked whether the felony classifications are intended to correspond to the Master Group assignments in the Sentencing Guidelines.
 1. The Executive Director explained the penalty classes in the report do not correspond to Master Group assignments. The Sentencing Commission is tasked with developing the Guidelines. The CCRC will not make any recommendations about Guidelines.
- x. The Executive Director noted that the report recommends dollar value thresholds for the property offenses double (e.g., \$250 to \$500, \$2,500 to \$5,000).
 1. OAG asked whether CCRC is inviting comments on the dollar value thresholds themselves.

2. The Executive Director confirmed that comments on both the property value thresholds and the classification of those gradations are welcome.
 - xi. CCRC will also provide, as background, a sortable spreadsheet of statutory maxima for current D.C. Code offenses, denoting which offenses have been revised and will be revised.
 - xii. CCRC will also provide, as background, a sortable version of Appendix C from the Voluntary Sentencing Guidelines Manual.
 - xiii. CCRC will also provide, via email to Advisory Group members, non-public court data about sentences imposed in recent years. The CCRC hopes to be able to send out a copy of the data that can be discussed in the Advisory Group meeting soon, but first needs to check with the Court.
- c. Tomorrow, CCRC will also release an updated compilation of RCC statutes, including the drug and weapon offenses, the updated property offense dollar value thresholds, jury demandability, and other formatting/typographical corrections.
- d. Next week, CCRC will provide the results of a series of surveys of D.C. voters, concerning public opinion of the relative severity of various types of conduct.
- e. The Executive Director noted recent correspondence from a District resident upset about certain criminal penalties and her experience with the criminal justice system. He said that, as the agency begins discussion of penalties, it is to be expected that there may be sharp disagreement, as there is among some members of the public. He expressed his hope that the agency's discussions would remain civil and respectful of the fact that reasonable people may strongly disagree about such matters.
- f. OAG asked when comments will be due.
 - i. The Executive Director noted that comments will be due in six weeks, or roughly in mid-November.
- g. OAG asked whether the report will be discussing minima.
 - i. The Executive Director noted that minima and absolute numbers for maxima will be discussed at a later time. First, the agency wants to establish a basic ordinal ranking of maxima.

II. The Advisory Group discussed the written comments on the First Draft of Report #37, Controlled Substance Offenses and Related Provisions:

- a. Staff asked for clarification of USAO's comment about adding "quantity or mixture" for third degree trafficking.
 - i. USAO explained that it sometimes has to dismiss heroin, synthetic marijuana and, perhaps, other cases, based on DCCA precedent. USAO noted that the current controlled substance schedules specifically include mixtures or compounds containing cocaine, ecognine, methamphetamine, phenmetrazine, and phencyclidine. However, the schedules do not explicitly include mixtures or compounds containing opium poppy, poppy straw, or opium. Therefore, under current DCCA case law, a measurable amount of a mixture containing any amount of cocaine, ecognine, etc. constitutes a controlled substance. However, a measurable amount of a mixture containing trace amounts of opium is *not* sufficient for controlled substance offenses.

- ii. USAO noted that adding the “compound or mixture” language with respect to opium, opium poppy, or poppy straw would change current District law.
- b. Staff asked for clarification of USAO’s comment about striking “in furtherance of” from the while armed enhancement. Staff asked whether there would be any situations in which a person carried or had readily available a firearm that had no relationship at all to trafficking of a controlled substance, in which the penalty enhancement should not apply.
 - i. USAO explained that the presence of the gun during a drug crime adds a risk of danger and raised concerns about the government’s ability to prove that the gun was used in furtherance of a crime.
 - ii. Staff noted that the government is required to prove the gun was used “in furtherance of” a crime under federal law.
 - iii. USAO responded that federal law alternatively allows the government to prove that the gun was used or carried.
 - iv. PDS asked USAO whether it would oppose requiring that the person use or carry the weapon (excluding mere possession).
 - v. USAO stated that it prefers the government only have to prove that the weapon is readily available.
- c. The Advisory Group discussed the defense to trafficking of a controlled substance when a person gives away without receiving payment in return, or without any expectation of future financial gain.
 - i. OAG noted that, in some instances, there may be no observable exchange of drugs for remuneration but, nevertheless, there is an understanding that there will be an exchange later.
 - 1. USAO provided an example in which an officer occupying an observation post sees one dealer provide a large quantity of drugs from a car to a lower-level dealer on the street.
 - ii. Staff asked about OAG’s proposal to limit the defense. OAG had proposed that the defense only apply to distributions of quantities sufficient for a “single use.” Staff asked what would constitute a “single use.”
 - iii. OAG distinguished between an amount that is suitable for personal use (including by many people or by one person over an extended period of time) and an amount that is suitable for a “single use” by one person. OAG noted that it did not have a specific quantity in mind, but said that there should be some reasonable limit to the quantity of controlled substance subject to the defense.
 - iv. PDS said that it would augment its written comments with a recommendation that the offense include as an element (not as a defense) that person *expects* to receive financial gain.
 - v. USAO noted that its objections are based on the challenges they would face proving cases at trial and not to the theoretical underpinnings of the defense definition. For example, allowing a defense for someone who gives drugs to a friend at a party may enable every defendant in a

trafficking case to disingenuously claim that they were planning to give away their stockpile of drugs to friends for free.

1. PDS responded that, although it is important to consider how cases will be proved at trial, that should not be the foremost consideration when determining what conduct should constitute a crime.
 2. The Executive Director noted that, in such a case, the mere possession of a stockpile of drugs is criminal under the RCC, even in cases where trafficking cannot be proven.
 3. A USAO representative stated that giving someone a line of cocaine at a party is substantively more serious than possessing it for yourself only.
- vi. PDS offered a hypothetical in which a person provides many doses of a drug for attendees of a party to personally use and enjoy together.
 - vii. OAG stated that such a person should not have the benefit of the defense that the distribution was not for monetary remuneration. That defense should be reserved for scenarios in which a person shares a single use with another individual.
 - viii. Staff invited the group to share any case law or other legal authority that succinctly articulates the “single use” quantity as defined by OAG.
- d. Staff noted that USAO’s written comments objecting to decriminalizing possession of paraphernalia for purposes other than manufacturing specifically addressed paraphernalia for distribution, but not for personal use. Staff asked USAO whether it opposes decriminalizing possession of pipes and other items used for the ingestion of drugs.
- i. USAO did not take an official position with respect to decriminalization, but did note that possession of a pipe is much less serious than possession of zips and a scale.
 - ii. USAO also noted that its opposition to decriminalization of paraphernalia is not ranked as highly in its hierarchy of comments.
- e. Staff asked OAG about its recommendation to define first degree possession of a controlled substance as possession of any schedule I or II substance. Staff asked whether there are any specific substances that would be improperly penalized under the RCC draft recommendation.
- i. OAG explained that, given that Schedule I drugs have been determined to be (and defined to be) the most dangerous, it is illogical to exclude some of them from first degree liability solely because they are not also defined to be abusive and narcotic. OAG recommends a change in District law.
 - ii. Staff noted that grading the offense could lead to unexpected results. For example, psilocybin is a Schedule I drug, whereas methamphetamine is in Schedule II. Under OAG’s proposal, possession of both substances would be subject to the same penalties. Staff asked for a more detailed recommendation about which specific substances should be graded as first degree.
 - iii. OAG noted that it is reviewing changes to how each schedule is defined.

- f. PDS highlighted a significant racial disparity in prosecutions of drug crimes. PDS stated that it is fair and important to think about writing drug offenses in a way that limits the opportunity for racist enforcement of the law. PDS cited to the Council hearings concerning decriminalization of marijuana and noted that the same racial justice arguments apply to other drug offenses.
 - i. The Executive Director noted that when court data is shared with the Advisory Group, it will include demographic data such as the race of the defendants.
- g. Staff asked OAG whether it would oppose amending the trafficking of drug paraphernalia offense to only apply to paraphernalia for manufacturing controlled substances.
 - i. OAG said that the recommendation should be consistent. If selling paraphernalia used for distributing or ingesting controlled substances should be criminalized, possession of such paraphernalia should also be criminalized.
 - ii. OAG explained that, foremost, the commentary should explain the discrepancy between sales and possession. Secondly, OAG's recommendation is to make the two types of conduct equally legal.
 - iii. PDS asked why ingestion paraphernalia is regarded as dangerous, absent the presence of drugs. PDS noted that many objects, such as syringes and bowls, have other legitimate uses.
 - iv. Staff noted that criminalizing ingestion paraphernalia enables a law enforcement officer to arrest a person they observed using drugs. For example, if a person injects themselves with a syringe, they have consumed the evidence of drug possession.
- h. Staff asked OAG about its recommendation to criminalize knowingly using a building, vehicle, or watercraft with the intent to manufacture methamphetamine therein. Staff asked whether the proposed offense would include using a building with the intent to manufacture methamphetamine there in the future.
 - i. OAG explained that running a meth lab poses dangers such as a risk of explosion and gases affecting neighbors.
 - ii. OAG said that its intent was to criminalize use of buildings where methamphetamine is actually being, or has been, manufactured.
- i. Staff asked PDS to clarify its recommendation about expanding D.C. Code § 48-904.01(e)(1) probation.
 - i. PDS said that, in addition to proposing that this disposition be available to people who have already been sentenced under it previously, it should also be available to people who were convicted of previous possessory offenses who did *not* receive a 904.01(e) sentence.
- j. Staff asked PDS to clarify whether its recommendation to change "public youth center" to "public recreation center" in the drug and weapon offenses was intended to be a substantive change or drafting point only.
 - i. PDS said that this recommendation is not intended to be a substantive change.
 - ii. USAO proposed also adding any "community center."

III. The Advisory Group discussed the written comments on the First Draft of Report #39, Weapon Offenses and Related Provisions:

- a. Staff noted an error in the commentary to RCC § 7-2502.01. It does not fully replace 7-2507.06 (Penalties). As reflected on page 5 of Memo #24, paragraph (a)(1) of the current statute, concerning firearm sales, is retained.
- b. Staff noted an error in the statutory language for RCC § 22E-4105(b)(2)(C)(i). This provision should include the word “and” at the end.
 - i. OAG indicated it will ask the Council representative about why having a firearm in violation of an Extreme Risk Protection Order was assigned its own penalty instead of added as a predicate for unlawful possession of a firearm under D.C. Code § 22-4503(a)(5).
 - ii. USAO noted that the current law does not include stay away/no contact orders.
 1. Staff noted that there is no clear indication from the legislative history as to why these orders were not included.
- c. Staff asked for clarification of OAG’s comment: “OAG notes that giving a jury trial right when it is not constitutionally required does not improve the consistency and proportionality of the revised code. Rather, depending on the penalty which is established, this paragraph would give a jury right when a person is charged with the attempt version of this offense and would not give a jury right to a person who is charged with a different offense that has the same incarceration exposure.”
 - i. OAG said it opposes expanding the right to jury trial where it is not required by the penalty or some clearly articulated legal or policy grounds.
 - ii. Staff encouraged Advisory Group members to include in comments on the First Draft of Report #41 any legal or policy principles that should be considered when deciding whether an offense should be jury demandable.

IV. Adjournment.

- a. The meeting was adjourned at 12:00 p.m.



D.C. Criminal Code Reform Commission
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**D.C. CRIMINAL CODE REFORM COMMISSION
NOTICE OF PUBLIC MEETING
WEDNESDAY, NOVEMBER 6, 2019 AT 10:00 AM
441 4TH STREET N.W., ROOM 1112, WASHINGTON, D.C., 20001**

The D.C. Criminal Code Reform Commission (CCRC) will hold a meeting of its Criminal Code Revision Advisory Group (Advisory Group) on Wednesday, November 6, 2019 at 10am. The meeting will be held in Room 1112 of the Citywide Conference Center on the 11th Floor of 441 Fourth St., N.W., Washington, DC. The planned meeting agenda is below. Any changes to the meeting agenda will be posted on the agency's website, <http://ccrc.dc.gov/page/ccrc-meetings>. For further information, contact Richard Schmechel, Executive Director, at (202) 442-8715 or richard.schmechel@dc.gov.

MEETING AGENDA

- I. Welcome and Announcements.
- II. Discussion of Advisory Group Written Comments on Draft Reports:
 - (A) First Draft of Report #39, *Weapon Offenses and Related Provisions*; and
 - (B) First Draft of Report #40, *Self-Defense Sprays*.
- III. Discussion of Draft Reports and Memoranda Currently Under Advisory Group Review:
 - (A) First Draft of Report #41, Ordinal Ranking of Maximum Imprisonment Penalties;
 - (B) Advisory Group Memorandum #26, D.C. Code Statutory Penalties and Voluntary Sentencing Guidelines; and
 - (C) Advisory Group Memorandum #27, Public Opinion Surveys on Ordinal Ranking of Offenses.
- IV. Adjournment.

This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at opengovoffice@dc.gov.



D.C. Criminal Code Reform Commission
441 Fourth Street, NW, Suite 1C001S, Washington, DC 20001
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MINUTES OF PUBLIC MEETING

WEDNESDAY, NOVEMBER 6, 2019, at 10:00 AM
CITYWIDE CONFERENCE CENTER, 11th FLOOR OF 441 4th STREET NW
WASHINGTON, D.C. 20001

On Wednesday, November 6, 2019, at 10:00 am, the D.C. Criminal Code Reform Commission (CCRC) held a meeting of its Criminal Code Reform Advisory Group (Advisory Group). The meeting was held in Room 1112 at 441 Fourth St., N.W., Washington, D.C. The meeting minutes are below. For further information, contact Richard Schmechel, Executive Director, at (202) 442-8715 or richard.schmechel@dc.gov.

Commission Staff in Attendance:

Richard Schmechel (Executive Director)

Rachel Redfern (Senior Attorney Advisor)

Jinwoo Park (Senior Attorney Advisor)

Patrice Sulton (Senior Attorney Advisor)

Nathaniel Wenstrup (Attorney Advisor)

Advisory Group Members and Guests in Attendance:

Laura Hankins (Designee of the Director of The Public Defender Service for the District of Columbia) (from 10:15 am)

Katerina Semyonova (Visiting Attendee of The Public Defender Service for the District of Columbia) (by phone)

Elana Suttentberg (Visiting Attendee of The Office of the United States Attorney for the District of Columbia)

Stephen Rickard (Visiting Attendee of The Office of the United States Attorney for the District of Columbia)

Dave Rosenthal (Designee of the D.C. Attorney General)

Don Braman (Council Appointee) (by phone until 11:00 am)

Kevin Whitfield (Designee of the D.C. Council Committee on the Judiciary and Public Safety)

- I. Welcome and Announcements.**
 - a. The Executive Director thanked Attorney Advisor Nathaniel Wenstrup for his contributions to the Commission's work.
 - b. The agency currently hiring a new attorney advisor and is actively looking for applicants.
 - c. Comments on the First Draft of Report #41 are due November 15, 2019.
 - d. The week of November 18, 2019, the Commission will issue another batch of reports with recommendations related to privacy, obscenity, pornography, and property. Comments will be due six or seven weeks thereafter, in early January (deadlines may be extended in the event of a lengthy government shutdown).
 - e. The next meeting will be held on December 4, 2019. It will discuss comments on Report #41 and the forthcoming batch of reports.
- II. The Advisory Group discussed the written comments on the First Draft of Report #39, Weapon Offenses and Related Provisions and the First Draft of Report #40, Self-Defense Sprays:**
 - a. The Executive Director noted that the agency is continuing to reexamine the Home Rule issues that were in the Advisory Group comments, particularly in light of a recent DCCA opinion.
 - b. The group did not have any further comments on the weapons reports at this time.
- III. The Advisory Group discussed the First Draft of Report #41, Ordinal Ranking of Maximum Imprisonment Penalties:**
 - a. The Executive Director noted the penalty recommendations are subject to change, as the offense elements are updated. At this time, the Commission aims to identify areas of agreement and concern with respect to the relative ordinal rankings before finalizing recommendations for statutory maxima. The Commission invites questions about how to understand the charts, court data, and survey data that were provided.
 - b. USAO asked for clarification about Columns BD-BZ in Appendix D to Memo #28.
 - i. The Executive Director explained that Column BD represents the median length of prison sentences for adult convictions in the Superior Court of the District of Columbia. Column BH (the .975 quantile) is intended to roughly represent the high end of the prison sentences imposed. The highest quantile (1.0) appears to include a significant number of data entry errors. Many of the entries would amount to illegal sentences and may be the result of inputting years instead of months or entering enhancements incorrectly.
 - c. USAO asked whether the maxima proposed in Report #41 correspond to the high end of the prison sentences imposed in the current court data.
 - i. The Executive Director said that court data is just one consideration that staff reviewed in developing the maxima proposed in Report #41.
 - ii. The Executive Director also explained that the RCC offenses, the basis of Report #41, typically do not have a one-to-one correspondence to offenses under current District law. Enhancements and offense elements differ. Moreover, there is a complex nest of other factors to consider, such as whether other offenses were also charged or dismissed, whether the sentence was run consecutive or concurrent to other sentences, and whether any mandatory minima applied.

- iii. The Executive Director encouraged Advisory Group members, in their review of Report #41, to consider particular fact patterns and how such patterns would be charged under the revised code, and what the seriousness the various charges carried. For example, depending on the fact pattern, what might be charged as a single count of burglary under current law and appear in court data may be charged as multiple, separate offenses under the RCC, together imposing liability equal to or greater than burglary under current law.
- d. USAO asked whether the court data reflects only the most serious charge in each case.
 - i. The Executive Director explained that the data reflects the sentence imposed for each individual charge.
 - ii. The Sentencing Commission has published other data, such as criminal history score, but only for felony offenses.
 - iii. Advisory Group members are encouraged to notify the CCRC of any apparent errors in the data. Notably, there may be multiple entries for the same offense. (Column C includes a macro-citation that may be helpful.)
- e. USAO asked whether the Commission is committed to having only a one-class increase between each grade of an individual offense.
 - i. The Executive Director explained that the Commission welcomes recommendations that include larger spans between the degrees of an offense, and noted that some of the ordinal rankings in Report #41 do this.
 - ii. OAG noted that it may also recommend that some offenses include a different number of degrees, to make them more proportionate with other offenses.
- f. The Executive Director encouraged Advisory Group members to include in their comments the concern or policy rationale that underlies each comment, so that it is easier to fashion a remedy that addresses all members' concerns at once.
 - i. The Council representative noted that it will be most helpful for the Council to see positions on ordinal rankings before seeing positions as to absolute numbers.
- g. USAO noted that some of the current sentencing data may be artificially inflated by plea negotiations. It offered an example in which a person who is eligible for a repeat enhancement in a burglary case is permitted to plead guilty without the enhancement or to plead to an attempt. In such a case, the sentence may be higher than usual, to account for the defendant's criminal history.
 - i. The Executive Director noted that there appears to be very little use of the repeat offender enhancement per the court data, or of the senior/minor victim enhancement, and virtually no use of other enhancements that are available under current District law. It may be that enhancements are charged more frequently under the revised code.
 - ii. The Executive Director anticipates differing policy positions as to whether the use of enhancements (of a single class, multiple classes, or a fixed term of years) is appropriate. In some cases, enhancements may "double-count" a person's culpability and exacerbate disparities.
- h. OAG asked for more clarification on the design of the public surveys. For example, how were the milestone offenses (e.g., intentional killing, serious injury) selected?

- i. The Executive Director explained the District worked with a group at George Washington University to design the survey, and it follows the basic model used in some other jurisdictions. The vendor, YouGov, uses a panel system controlling for D.C. demographics, as opposed to cold calling and soliciting input. For web-based surveys, this approach is considered the gold standard; it has outperformed Pew in terms of accuracy. Background materials on the Yougov methodology were distributed to the Advisory Group.
 - ii. Milestones map onto offenses in current District law with which Advisory Group members and other stakeholders are already familiar (e.g., murder, manslaughter, aggravated assault, felony assault, simple assault). However, survey respondents were not informed of that fact.
 - iii. The survey is a rough tool and measures only relative (not absolute) severity. The tests were conducted at different times with different panels of respondents, all of whom are registered voters. There are some extreme outlier responses (e.g., ranking possession of an open container of alcohol as equivalent to homicide) and other noise in the system. The mean average is not always the most accurate measure to use as a statistical matter, and the median or mode is the better indicator of central tendency for ratings near the bottom or top of the ratings.
- i. USAO asked whether District statutes governing backup time will remain in place. For example, under current law, a five-year statutory max effectively amounts to a maximum of three years imposed upfront, with two years of supervised release.
 - i. The Executive Director said that the Commission has no current plans to issue any recommendations to revise statutes concerning backup time.
 - ii. The Executive Director said that this is one of many factors that makes it especially difficult to compare statutory maxima from other jurisdictions. Offense definitions, guidelines, and parole systems vary greatly from state to state. The time served and time imposed may be more accurate measures.
- j. The Executive Director invited input as to what other information may be helpful (e.g., court data on sentencing judges) in assessing penalty proportionality.
- k. PDS asked whether any other group members found the data surprising.
 - i. The Council representative noted that the survey results with regard to felony murder were higher than some academic experts appear to recommend.
 - ii. The Executive Director noted that many aspects of the survey data are notable. For example, causing a moderate injury with a firearm was ranked as more serious than causing a serious injury without a weapon, indicating the effect of a weapon's use. Burglary without committing an additional offense inside was ranked quite low, but burglary combined with a serious offense was ranked higher.
- l. USAO asked about whether the data reflects the sentence that was imposed even if execution of some or part of the sentence is suspended.

- i. The Executive Director explained that the spreadsheet can be expanded to show additional columns, which indicate how much of the sentence was suspended.
- ii. The data concern the initial (first in time) sentence and does not show whether the suspended time was imposed later, after revocation of probation.

IV. Adjournment.

- a. The meeting was adjourned at 11:30 am.



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**D.C. CRIMINAL CODE REFORM COMMISSION
NOTICE OF PUBLIC MEETING
WEDNESDAY, DECEMBER 4, 2019 AT 10:00 AM
441 4TH STREET N.W., ROOM 1112, WASHINGTON, D.C., 20001**

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MEETING AGENDA

- I. Welcome and Announcements.
- II. Discussion of Advisory Group Written Comments on First Draft of Report #41, *Ordinal Ranking of Maximum Imprisonment Penalties*.
- III. Discussion of Draft Reports and Memoranda Currently Under Advisory Group Review:
 - (A) Advisory Group Memorandum #26, *D.C. Code Statutory Penalties and Voluntary Sentencing Guidelines*; and
 - (B) Advisory Group Memorandum #27, *Public Opinion Surveys on Ordinal Ranking of Offenses*;
 - (C) Advisory Group Memorandum #28, *Statistics on District Adult Criminal Charges and Convictions*;
 - (D) First Draft of Report #42, *Obscenity, Privacy, and Related Offenses*;
 - (E) Advisory Group Memorandum #29, *Supplemental Materials to First Draft of Report #42*;
 - (F) First Draft of Report #43, *Blackmail*
 - (G) First Draft of Report #44, *Trademark Counterfeiting*
 - (H) First Draft of Report #45, *Fraudulent Advertising and Fraudulent Registration*
 - (I) First Draft of Report #46, *Possession of an Open Container of Alcohol*
 - (J) First Draft of Report #47, *Illegal Vending*
 - (K) First Draft of Report #48, *Incest*
 - (L) First Draft of Report #49, *Parental Kidnapping*
- IV. Adjournment.

This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at opengovoffice@dc.gov.



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| Laura Hankins (Designee of the Director of The Public Defender Service for the District of Columbia) | Katerina Semyonova (Visiting Attendee of The Public Defender Service for the District of Columbia) (by phone) |
| Elana Suttentberg (Visiting Attendee of The Office of the United States Attorney for the District of Columbia) | Kevin Whitfield (Designee of the D.C. Council Committee on the Judiciary and Public Safety) |
| Dave Rosenthal (Designee of the District of Columbia Attorney General) | Paul Butler (Council Appointee) (by phone) |
| Don Braman (Council Appointee) | |

I. Welcome and Announcements.

- a. The Executive Director noted the next Advisory Group meeting will be held on January 8, 2020.
- b. The deadline for written comments on materials currently under review is January 15, 2020. This deadline may be extended by one week to accommodate the holidays and any government shutdown. The Executive Director will email about any extensions.
- c. The CCRC is currently working on a cumulative update to all recommendations, planned to be issued in February 2020. As with the last cumulative update, it will include a catalog of responses to each of the written Advisory Group comments.
- d. The CCRC anticipates completing a voting draft of the RCC in 2020.

II. The Advisory Group discussed the First Draft of Report #41, Ordinal Ranking of Maximum Imprisonment Penalties:

- a. The Advisory Group discussed the relative severity of sex offenses.
 - i. In its written comments, OAG recommended increasing the penalty for nonconsensual sexual conduct.¹ OAG noted that arranging for sexual conduct with minor² is graded higher, even though it is an inchoate offense.
 - ii. The Executive Director explained that the revised nonconsensual sexual conduct offense replaces a 180-day misdemeanor in current law that broadly encompasses more serious conduct such as enticing, sex abuse, and sex abuse of a minor that is also separately criminalized with heightened penalties. Like the current misdemeanor sexual abuse statute in current law, the revised nonconsensual sexual conduct is similar to a lesser included offense, but the revised nonconsensual sexual conduct offense increases the penalty for first degree (involving a sexual act) to a felony.
 - iii. Ms. Suttenger explained that the current misdemeanor sex abuse offense is often charged in what is colloquially termed “butt-grab” cases, where it is difficult to prove use of force sufficient to overcome. It also functions as an attractive plea-down option for offenses that would otherwise require sex offender registration.³ Ms. Suttenger stated that USAO prefers to retain a non-jury demandable misdemeanor sex offense, to preserve prosecutorial and judicial resources.
- b. The Advisory Group discussed jury demandability.
 - i. The Executive Director noted that the written comments recommend three rather different approaches to jury demandability:
 - 1. PDS recommended making all offenses that are punishable by incarceration jury demandable, just as they would be for a person who is facing immigration consequences.⁴ PDS’s recommendation

¹ RCC § 22E-1307; currently classified as a Class 9 felony for first degree and a Class A misdemeanor for second degree.

² RCC § 22E-1306; currently classified as a Class 8 felony.

³ Misdemeanor sex abuse against requires registration only if the complainant is a minor.

⁴ *Bado v. United States*, 186 A.3d 1243 (D.C. 2018).

- noted that defendants may not want to disclose their immigration status in court.
2. OAG recommended drawing a bright line based on maximum penalty: all offenses punishable as Class A or B misdemeanors are jury demandable and all (completed or inchoate) offenses that are punishable as Class C, D, or E misdemeanors are not.
 3. USAO recommended not expanding the right to a jury trial beyond what is currently authorized by current law.
- ii. The group discussed the impact of providing jury trials in all cases on the efficiency of the criminal justice system.
1. The Executive Director noted that the District is in a minority nationally in not providing jury trials in all crimes involving incarceration. Fewer than a dozen jurisdictions are in this group and several of those afford juries in more circumstances than the District.
 2. Ms. Suttenger stated that it takes parties longer to prepare for a jury trial and noted that some misdemeanor calendars, such as domestic violence calendars, have four trials scheduled per day.
 3. Ms. Semyonova stated that the delay is a function of the indictment clock. Citing the *Ugast* opinion, she disagreed with the assertion that jury trials would overburden the system or the jury pool. Katya Semyonova also stated that the trial call is improperly used as a case screening tool in misdemeanor courtrooms.
 4. Mr. Rosenthal noted that providing a jury trial in minor cases, such as a mass arrest of hundreds of protestors, may interrupt felony calendars, adversely impacting the defendants and victims who are awaiting trial in those more serious cases.
 5. Mr. Whitfield stated that it is important to fund the system at a level that allows the full process to take place and cautioned against removing process due to financial considerations. The representative explained that when resources are lacking, it should inform prosecutorial priorities but not affect the rights of defendants.
 6. Professor Butler stated that efficiency is not most relevant consideration, noting democracy is expensive. Professor Butler also noted that when he was a Special AUSA, there were nine or ten misdemeanor jury trials per calendar per day without difficulty.
 7. Professor Braman explained that there are many ways to increase efficiency. For example, some jurisdictions require officers to call and clear with the prosecutors before making an arrest. This approach reduces number of arrests and the number of no papered cases. It also educates police officers about what is and is not arrestable, reducing officers' frustration. Professor Braman also stated that the CCRC's mandate is not to make the system more efficient but to make it more fair.
- iii. The group discussed the impact of providing jury trials on due process.

1. Professor Butler, citing to the concurring opinion in *Bado v. United States*, characterized the current system of denying jury trials in misdemeanor cases as dreadful and anti-democratic. Professor Butler emphasized the importance of the perception of fairness, noting that it was very important to him as a defendant in criminal case to know that he had the same rights as similar-situated people in other jurisdictions.
 2. Mr. Whitfield expressed concern about the denial of the right to a jury trial corrupting the core analysis when fashioning penalties, which should be the nature of the conduct and culpability. The representative also explained that the charging decision process should be based on evidence and not gaming the system to make it easier to secure a conviction. The representative noted that North Carolina allows an immediate right to a new trial by a jury if a defendant is found guilty after a bench trial. In South Carolina (which permits nonlawyers to serve as judges), a defendant is entitled to a jury trial for any offense that carries jail time.
 3. Mr. Rosenthal stated that he did not think court statistics necessarily support the commonly-held belief that juries are more likely to acquit than judges.
 4. The Executive Director said that conflating factors (such as plea bargaining and evidentiary issues) make court statistics an unreliable indicator of the probability of success at trial.
- iv. The Executive Director asked the group to specify any relevant considerations to distinguishing some offenses rather than other as jury demandable, other than maximum penalty.
1. Ms. Hankins stated that a jury trial should be available for all offenses punishable by over six month incarceration, all offenses that would be deportable (irrespective of the defendant's personal immigration status), all offenses that require sex offender registration or gun offender registration, all offenses that trigger a felony recidivism enhancement, and all attempts to commit an offense that would otherwise be jury demandable.
 2. The Executive Director noted that it may be difficult to discern which RCC offenses are deportable and invited PDS to specify the specific offenses or a clear standard for determining such offenses.
- c. The Advisory Group discussed the relative severity of the revised burglary offenses.
- i. The Executive Director noted that the revised burglary offense is, in many ways, broader than common law burglary.⁵ For example, it does not require *forced* entry or an intent to commit a crime *inside* the premises. He noted that many criminal law experts have argued for getting rid of burglary as a distinct crime and relying on other statutes and attempt

⁵ The Executive Director distributed an overview of the burglary offense written by Wayne LaFave. 3 Subst. Crim L. § 21.1(g) (3d ed.).

- liability to sanction burglary-type behavior. The Executive Director provided a copy of an analysis to this effect by Professor Wayne LaFave.
- ii. The Executive explained that there are examples of burglaries that involve egregious conduct and egregious harms (e.g., a home invasion with intent to commit an offense against persons). However, while cases involving these fact patterns are commonly thought of as “burglaries” under current law, they also amount to very serious offenses under the RCC (e.g., attempted assault, attempted sexual assault, attempted murder) and current law. Under the RCC, the most egregious conduct in the fact pattern drives the maximum penalty. The additional penalty for the burglary offense effectively operates like an enhancement for engaging in other criminal conduct in a location that warrants treating it more seriously. The penalty for the revised burglary offense should reflect how much *additional* liability is warranted given the particular trauma that may occur by virtue of the protected location. The First Draft of Report #41 proposes five years, three years, and one year of additional exposure. Convictions for burglary in the RCC would be in addition to liability for predicate behavior which could be sentenced consecutively.
 - iii. The Executive Director noted that USAO stated, in its written comments, that the maximum penalty for each offense should accommodate the most serious version of that offense. The Executive Director said that such an approach is incomplete because it is important to consider the entire constellation of penalties available under the RCC for a given fact pattern, the entire liability a defendant faces for their behavior. Focusing on the penalty for one offense can be misleading as to the penalty exposure a defendant faces. The RCC focuses on ensuring the overall penalty a defendant faces for behavior is proportionate. In contrast with the current D.C. Code, the revised burglary statute reflects the belief that the underlying predicate conduct should be the main source of criminal liability, rather than letting one offense, burglary, do all the work accounting for the most egregious types of conduct that occur during a burglary.
 - iv. Ms. Suttenger stated that the RCC approach may not always result in longer sentences in every case. For example, a judge may impose a sentence for a burglary offense to run concurrent to the sentence for the predicate offense.
 1. The Executive Director said that the CCRC’s goal is to make the amount of authorized, available punishment sufficient, not to ensure judges reach particular outcomes in particular cases.
 - v. The Executive Director noted that the 30-year penalty under current law is not supported by practice in other jurisdictions, and District practice, while much lower, is still unusually high compared to the rest of the country. BJS statistics indicates that among all state prisoners across the country, where burglary is the most serious offense in the case, 78.3% of burglaries are punished by less than 3 years incarceration; 91.5% less than 5 years; 98.1% less than 10 years; and 99.7% less than 20 years.

- vi. The Executive Director said that the CCRC public opinion surveys of District residents do not support anything near a 30 year sentence for burglary, nor do the District Superior court data where the high end (97.5%) of unenhanced burglary sentences is 10 years and enhanced burglary sentences is 15 years. It appears that, because the maximum penalty is so high, that charge subsumes the role of the more egregious conduct (e.g., assault) in that location. The District's penalties are much more severe than other states and still not near the statutory maximum. The most egregious facts are addressed through other aspects of the RCC.
- vii. Ms. Suttenger stated that the trauma caused by invading the location (which may lead to nightmares) is not subordinate to the harm caused by other conduct. Ms. Suttenger stated that the maximum should be high enough to accommodate the worst case for a person with the highest criminal history score.
 - 1. Mr. Rosenthal agreed that there is a distinctive harm to burglary, stating that butt grab on the street is very different than waking up to a butt grab in your home.
 - 2. Ms. Hankins said that neither USAO nor OAG written comments raise this point on the six-month penalty for trespass by knowingly entering or remaining in a dwelling.
- viii. The Executive Director agreed that there is a distinct, serious, and potentially traumatic harm inflicted by virtue of committing an offense in a location such as a dwelling. That is why the RCC draft recommends providing felony-level liability for the offense. However, the 30-year maximum in current law is not supported by other jurisdictions, survey evidence, or current District practice as evident in court statistics.
- ix. The Executive Director urged the group to review the spreadsheet that organizes the RCC offenses by severity and consider which offenses are comparable to burglary assuming there is separate liability for the predicate harm. The Executive Director also encouraged the group to consider what other RCC liability is available for a given fact pattern, giving special attention to attempt liability, which has become a more robust charge in the RCC and does a lot of work. The Executive Director noted that USAO written comments provided one such hypothetical involving a simple assault and threat to commit a sex assault during a burglary, and said this was a helpful test for the RCC—does the RCC authorize adequate punish for such conduct, not just in one offense, but cumulatively? The Executive Director encouraged the group to ensure that the event that happened is adequately punished by the entire revised code and the array of offenses available for prosecution, and not by each offense in isolation.

III. Adjournment.

- a. The meeting was adjourned at 12:00 pm.



D.C. Criminal Code Reform Commission
441 Fourth Street, NW, Suite 1C001S, Washington, D.C. 20001
(202) 442-8715 www.ccrdc.dc.gov

**D.C. CRIMINAL CODE REFORM COMMISSION
NOTICE OF PUBLIC MEETING
WEDNESDAY, JANUARY 8, 2020 AT 10:00 AM
441 4TH STREET N.W., ROOM 1112, WASHINGTON, D.C., 20001**

The D.C. Criminal Code Reform Commission (CCRC) will hold a meeting of its Criminal Code Revision Advisory Group (Advisory Group) on Wednesday, January 8, 2020 at 10am. The meeting will be held in Room 1112 of the Citywide Conference Center on the 11th Floor of 441 Fourth St., N.W., Washington, DC. The planned meeting agenda is below. Any changes to the meeting agenda will be posted on the agency's website, <http://ccrc.dc.gov/page/ccrc-meetings>. For further information, contact Richard Schmechel, Executive Director, at (202) 442-8715 or richard.schmechel@dc.gov.

MEETING AGENDA

- I. Welcome and Announcements.
- II. Discussion of Draft Reports and Memoranda Currently Under Advisory Group Review:
 - (A) Advisory Group Memorandum #26, *D.C. Code Statutory Penalties and Voluntary Sentencing Guidelines*; and
 - (B) Advisory Group Memorandum #27, *Public Opinion Surveys on Ordinal Ranking of Offenses*;
 - (C) Advisory Group Memorandum #28, *Statistics on District Adult Criminal Charges and Convictions*;
 - (D) First Draft of Report #42, *Obscenity, Privacy, and Related Offenses*;
 - (E) Advisory Group Memorandum #29, *Supplemental Materials to First Draft of Report #42*;
 - (F) First Draft of Report #43, *Blackmail*
 - (G) First Draft of Report #44, *Trademark Counterfeiting*
 - (H) First Draft of Report #45, *Fraudulent Advertising and Fraudulent Registration*
 - (I) First Draft of Report #46, *Possession of an Open Container of Alcohol*
 - (J) First Draft of Report #47, *Illegal Vending*
 - (K) First Draft of Report #48, *Incest*
 - (L) First Draft of Report #49, *Parental Kidnapping*
- III. Discussion of Advisory Group Written Comments on First Draft of Report #41, *Ordinal Ranking of Maximum Imprisonment Penalties*.
- IV. Adjournment.

This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at opengovoffice@dc.gov.



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MINUTES OF PUBLIC MEETING

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CITYWIDE CONFERENCE CENTER, 11th FLOOR OF 441 4th STREET NW
WASHINGTON, D.C. 20001

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Commission Staff in Attendance:

| | |
|--|--|
| Richard Schmechel (Executive Director) | Jinwoo Park (Senior Attorney Advisor) |
| Patrice Sulton (Senior Attorney Advisor) | Rachel Redfern (Senior Attorney Advisor) |
| Gabrielle Green (Attorney Advisor) | Blair Martinez (Legal Fellow) |

Advisory Group Members and Guests in Attendance:

| | |
|--|---|
| Laura Hankins (Designee of the Director of The Public Defender Service for the District Of Columbia) | Elana Suttentberg (Designee of the United States Attorney for the District of Columbia) |
| Kevin Whitfield (Designee of the D.C. Council Committee on the Judiciary and Public Safety) (by phone) | Dave Rosenthal (Designee of the D.C. Attorney General) |
| Don Braman (Council Appointee) | |

I. Welcome and Announcements.

- a. The Executive Director welcomed Gabrielle Green, a new attorney advisor with the CCRC, and Blair Martinez, a legal fellow and GW Law School student who will work with the agency for the semester.
- b. The Executive Director noted that the deadline for written comments on the First Drafts of Reports #42-49 has been extended from January 15, 2020 to January 24, 2020.
- c. The Executive Director said that the CCRC plans to issue another update to the revised code around mid-February. The update will include appendices that address Advisory Group comments, as well as any new changes made by CCRC staff.
 - i. The Executive Director also stated that the comments to reports #42-49 will be incorporated into the updated materials to be produced in February, 2020.
- d. The Executive Director noted that the CCRC currently intends to produce a version of the criminal code for a vote by the Advisory Group in June, 2020.
- e. The Executive Director noted that although the Council may provide a funding extension, the CCRC currently is proceeding under the assumption that work will terminate in September, 2020.

II. The Advisory Group discussed the Draft Reports #42 - #49 and Memoranda #26 - #28 Currently Under Advisory Group Review.

- a. The OAG representative noted that its office is still coming to a decision about whether the scope of the offense should be narrowed to exclude possession of open containers outside of a vehicle.
 - i. With respect to open containers in vehicles, OAG stated it may recommend that offense be consistent with the current impaired driving statutes.
 - ii. Specifically, OAG notes that it may recommend altering the definitions to be consistent with the current definitions under Title 50, instead of relying on definitions used in Federal statutes.
 - iii. OAG noted that current impaired driving statutes include both operating a vehicle and being in physical control of the vehicle while under the influence of alcohol. OAG may recommend that the open container statute should be amended to include possessing an open container while being in physical control of the vehicle.
- b. The OAG representative asked whether other jurisdictions have alternate civil enforcement mechanisms in place to address decriminalized conduct. The OAG representative specifically referenced the CCRC recommendation to decriminalize vending without a license as an example.
 - i. The Executive Director noted that developing a civil regulatory regime to address decriminalized conduct may be beyond the scope of the CCRC's statutory mandate to address criminal statutes. The CCRC may note if other jurisdictions have implemented alternate enforcement mechanisms and may choose to issue decriminalization recommendation, but the Council will have to decide how to further address civil enforcement.
 - ii. The PDS Representative noted that this issue arose with decriminalization of possession of marijuana. It was unclear how to create a civil enforcement mechanism to penalize public use of marijuana.

- iii. The Executive Director noted that with respect to illegal vending, there are civil remedies currently in place, which would not be changed by decriminalization.
- iv. The OAG representative said that current practice is that law enforcement relies on criminal remedies, not the civil remedies.
- c. The OAG representative asked whether the CCRC's recommendation with respect to possession of an open container would have any effect on criminalization of public use of marijuana.
 - i. The Executive Director said that public consumption of marijuana would still be criminalized, but not public possession of alcohol or public intoxication.
- d. The Executive Director asked if there were any other general questions relating to Reports #26-28. The Executive Director noted that the CCRC works with an outside data analyst to analyze the Superior Court data. The CCRC may request additional data from the Court, and may request additional analysis of prior and additional data.
 - i. Don Braman asked if for the purposes of work with the Commission, Advisory Group members could have access to the court data.
 - ii. The Executive Director said that the CCRC cannot provide the raw data, but that Advisory Group members may request of the Executive Director that additional analysis to be performed by the outside data analyst.

III. The Advisory Group discussed Written Comments on First Draft of Report #41, Ordinal Ranking of Maximum Imprisonment Penalties.

- a. The Executive Director noted that the CCRC hopes to produce some commentary with respect to at least some penalty recommendations, but that due to time constraints, it likely would not provide commentary discussing the rationale for every penalty recommendation.
- b. The Executive Director noted that in general, the public opinion surveys and court data were taken seriously in making penalty recommendations. The survey responses were particularly relevant to recommendations with respect to penalties for weapons, and the Executive Director suggested Advisory Group members review the survey results for a direct examination of District voters opinions.
- c. The Executive Director said that the February update will include fairly brief commentary with respect to comments about penalty recommendations, but that the CCRC intends to produce more detailed commentaries at a later time.

IV. Adjournment.

- a. The meeting was adjourned at 11:00 pm.



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**D.C. CRIMINAL CODE REFORM COMMISSION
NOTICE OF PUBLIC MEETING
WEDNESDAY, FEBRUARY 5, 2020 AT 10:00 AM
441 4TH STREET N.W., ROOM 1112, WASHINGTON, D.C., 20001**

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MEETING AGENDA

- I. Welcome and Announcements.
- II. Discussion of Advisory Group Written Comments on:
 - (A) First Draft of Report #42, *Obscenity, Privacy, and Related Offenses*;
 - (B) First Draft of Report #43, *Blackmail*
 - (C) First Draft of Report #44, *Trademark Counterfeiting*
 - (D) First Draft of Report #45, *Fraudulent Advertising and Fraudulent Registration*
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 - (F) First Draft of Report #47, *Illegal Vending*
 - (G) First Draft of Report #48, *Incest*
 - (H) First Draft of Report #49, *Parental Kidnapping*
- III. Adjournment.

This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at opengovoffice@dc.gov.



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MINUTES OF PUBLIC MEETING

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| Elana Suttentberg (Designee of United States Attorney for the District Columbia) | Dave Rosenthal (Designee of the D.C. Attorney General) |
| Paul Butler (Council Appointee) (by phone) | Don Braman (Council Appointee) |

I. Welcome and Announcements.

- a. The Executive Director noted staff expects to issue a comprehensive update the end of next week or the following week. It will include updated drafts and a disposition of comments received on all RCC recommendations to date except for Chapter 6. It will

also include an updated spreadsheet listing the ordinal ranking of penalties for each RCC offense and jury demandability recommendations. Advisory Group members will have about 8 weeks for written comments. In mid-March, staff expects to issue an update to Chapter 6, including penalty enhancements and absolute numbers for each penalty class.

- b. The Advisory Group's next meeting will be held on March 4, 2020 and the agenda will concern the updated recommendations.

II. The Advisory Group discussed the written comments on the First Draft of Report #49, Parental Kidnapping.

- a. The Executive Director asked if USAO agreed with the OAG analysis and recommendation that parental kidnapping be prosecuted by USAO, citing *In re Crawley*, 978 A.2d 608 (D.C. 2009); *In re Hall*, 31 A.3d 453, 456 (D.C. 2011); and *In re Prosecution of Nicco Settles*, 218 A.3d 235 (D.C. 2019).
 - i. The USAO representative said she was not able to identify a case in which the office had charged only parental kidnapping. It did identify a case in which it charged parental kidnapping and simple assault. In that case consent from OAG was not sought under D.C. Code § 23-101.
- b. USAO noted that, as a global issue, it would be helpful to clarify in the statutory language which party has the burden of proof for affirmative defenses and exclusions from liability.
 - i. The Executive Director said that the Commission plans to address the burden of proof and burden of production for all exclusions, defenses, and affirmative defenses in the RCC's General Part.

III. The Advisory Group did not have any comments at this time on the First Drafts of Reports #42 – 49.

IV. Adjournment.

- a. The meeting was adjourned at 10:25 am.

Appendix B

Appendix B - CCRC Work Plan and Schedule (2-6-20)

Introduction

This “CCRC Work Plan and Schedule (2-6-20)” describes planned activities of the D.C. Criminal Code Reform Commission (CCRC) and includes a detailed “Work Sequence” that specifically describes the additional statutory sections for which the CCRC plans to issue reform recommendations. 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.

As of February 6, 2020, the CCRC is on track to issue reform recommendations by the close of FY 20 for revised offenses against persons, property offenses, weapon offenses, drug offenses, and multiple public order and drug offenses that correspond to District crimes which cumulatively accounted for over 85% of adult convictions in recent years. If the agency’s mandate and staffing is extended into FY 21 and work proceeds on schedule, the CCRC expects to be able to issue reform recommendations by April 1, 2021 that correspond to District crimes which cumulatively accounted for over 96% of adult convictions in recent years.

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. Work Sequence.

I. Overview.

This Work Plan & Schedule 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 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 in FY 20. The second report will provide recommendations for reform of many 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 additional reformed offenses remaining in their current locations in other titles. (Should the agency's work be extended into FY 21, recommendations for additional reformed offenses will be issued in a third, final report.)

Consistent with the past six decades of modern American criminal code reform efforts, the recommended Title 22 will consist of two distinct components.² First, Title 22E will contain a "General Part," which provides a legislative statement of the key general definitions, essential interpretive rules, and most important 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

¹ D.C. Code § 3-151 *et seq.*

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>).

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 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; and
- Relevant statistical and other information.

II. Limitations & Assumptions.

Due to time and resource constraints, the Work Plan & Schedule 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 expected or not expected to be revised by the CCRC is provided in the work sequence 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;

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

- New court decisions or legislation (District or federal) affecting draft recommendations;
- 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 could also 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 the revisions.

In making the work sequence 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 any of these variables could significantly hinder the agency's ability to complete the Work Plan & Schedule.

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

- 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 are intended to facilitate the clear and comprehensive drafting of reformed offenses, which will be consistently interpreted and applied by the courts.
 - As of February 2020, near final draft recommendations have been completed for most Phase 2 items, with the major exception of general defenses.
- *Phase 3.* Develop reformed 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.
 - As of February 2020, near final draft recommendations have been completed for many Phase 3 items, including offenses against persons, property offenses, weapon offenses, drug offenses, and multiple public order offenses. Major remaining Phase 3 items include offenses against government operations and many public order and transportation 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 are intended to facilitate proportionate penalties for all reformed District offenses.
 - As of February 2020, near final draft recommendations have been completed that specify penalty classes for near-final Phase 3 items. In March 2020, recommendations for the punishments (maximum and minimum for each penalty class will be issued).

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 Phases 2-4 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. With that in mind, 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.

For more information on these phases and how they have been advanced, please see the agency's past quarterly and annual reports, provided to the Council and available on LIMS and the CCRC website at www.ccrdc.dc.gov. These reports continually update the agency's progress in terms of these four phases.

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.⁴ Since the inception of the CCRC, staff has conducted a weekly review 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,⁵ 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 regular reviews of new national developments that may be useful to the District's reform efforts.

⁴ D.C. Code § 3-152(b)(3).

⁵ D.C. Code § 3-152(c)(2).

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 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 December 2019, and a new dataset is expected in 2020 that will include charging and sentencing data for the year 2019. This will supplement prior data received for the years 2009 – 2018 for all misdemeanors and felonies. The CCRC will contract with experts, as necessary, to perform statistical analysis of this data.

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.

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. Employee development and training is critical to maintaining the staff's unique skills and motivation. No resignations or new hiring is expected in 2020 at this time.

V. Specific Work Sequence

The work sequence describes current agency priorities that will be pursued whether the agency's current sunset date of October 1, 2020, holds, or if there is an extension of the CCRC into FY 21. Extension of the agency's sunset date into FY 21 would allow for issuance of additional code reform recommendations, and provide for a more orderly drawdown of operations. Without an extension, the sequence of work would remain the same, however the FY 20 progress on that sequence would be significantly diminished.⁶ Whatever time it is

⁶ Staff resignations are expected in the months prior to the agency sunset, whenever that may be. Loss of current staff would significantly undermine the agency's capabilities due to the specialized nature of the work, the very small staff, and time to train up new staff. Consequently, while an extension into FY 21 will allow the agency to develop several new criminal code reform recommendations, a major benefit of extension into FY 21 is that the

provided, the agency will maximize the District offenses it reviews, prioritizing work per the tiered work sequence.

The below work sequence identifies:

1. Most⁷ 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 charged⁸ against adults in Superior Court in recent years.

Columns A-C of the table specify statutory citations and names under the current D.C. Code.

Column D 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. Column E indicates the current maximum imprisonment amount in months only, designating the many “180 day” penalties as “5.9” months to contrast with “6 month” penalties. Column F indicates current minimum imprisonment penalties, both statutory and mandatory minimums.

Column G 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 Group draft reform recommendations. A “2” marks statutory sections for which the agency plans to issue new draft recommendations to its Advisory Group in the current FY 20 Second and Third Quarters. A “3” marks statutory sections that the agency expects to prioritize in FY 20, though little or no progress on these new items is expected if the agency sunsets October 1, 2020. A “4” marks statutory sections that are priorities, time permitting, in FY 21. A “5” marks statutory sections which are not currently planned for review by the agency, most of which are regulatory crimes never charged in the District.

As the table makes evident, the agency cannot revise all District crimes with its current time and resources. Hundreds of crimes exist in the D.C. Code and Municipal Regulations that have never been charged in Superior Court in recent years, and mostly concern regulatory violations. The CCRC has no plans to review such offenses at present. However, by prioritizing the most

agency will be able to retain staffing and continue full activities through FY 20. Full operation into FY 20, in turn, will allow the agency to pursue criminal code reform recommendations for the Mayor and Council on many critical matters, including obstruction of justice and public corruption offenses and codification of self-defense provisions.

⁷ The table 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 table has been updated frequently, but may contain errors.

⁸ Note that the listed DCMR regulations do not include provisions for which there was juvenile charging, or adult arrests or convictions.

common and serious offenses in current use (tiers 1-4 in column G), it is possible to revise the crimes that accounted for over 96% of all adult convictions in recent years. That goal is reachable if the CCRC is extended into FY 21, but the agency will fall short of the goal if it sunsets at the end of FY 20.

Please note that the agency's work on several code reform recommendations are not included in the below table. These additional recommendations include general defenses (e.g. use of force in self-defense) and miscellaneous other general provisions. Legislative codification of general criminal defenses will provide clarity, consistency, and democratic confidence in the scope and meaning of these defenses, rather than relying solely on judicial opinions to establish criminal defenses as in the District. The CCRC in FY 20 plans to develop recommendations for codification and an accompanying legal commentary regarding at least seven general justification defenses that are codified in most other jurisdictions nationally, including: Choice of Evils; Execution of Public Duty; Law Enforcement Authority; Special Responsibility for Care, Discipline, or Safety Defense (parents, custodians, caretakers, and emergency medical personnel); Effective Consent Defense; Defense of Person; and Defense of Property. Should the agency be extended into FY 21, the CCRC also will seek to develop recommendations for codification and accompanying commentary regarding excuse defenses, including Duress and Insanity.

Also, please note that the work sequence does not account for preparation for legislative hearings or roundtables on the CCRC's preliminary or final recommendations, or purely administrative matters. 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. However, 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 adoption and implementation of the agency's work. The agency stands ready to provide testimony or support to such legislative activity upon request.

This planned work sequence is subject to change based on feedback from the Council and Mayor about the overall timeline for the CCRC's work, agency staffing, and discovery of efficiencies in developing recommendations for offenses in tandem.

CCRC Work Sequence (2-6-20)

| | A | B | C | D | E | F | G |
|----|------------------------------------|-------------|--|-----------------------------------|---------------------|------------|--|
| | D.C. Code Statute or DCMR Citation | Sub section | Name | Max Prison D=day M=month Y = year | Max Prison (Months) | Min Prison | CCRC Status 1= Drafted; 2=FY20 Q2-Q3; 3=FY20 Q4; 4=FY 21 Q1-Q2; 5=No |
| 1 | | | | | | | |
| 2 | 0024DCMR2301.3 | | Possession of BB Gun | 0 | | 0 | 1 |
| 3 | 0024DCMR502.1 | | Vending Without a License | 0 | | 0 | 1 |
| 4 | 0024DCMR502.2 | | Vending Without a License | 0 | | 0 | 1 |
| 5 | 05-0115.03 | | Neglect to make arrest for offense committed in presence. | Y02 | 24.00 | 0 | 1 |
| 6 | 07-2502.01 | | Registration requirements. | Y01 | 12.00 | 0 | 1 |
| 7 | 07-2502.12 | | Definition of self-defense sprays. | | | | 1 |
| 8 | 07-2502.13 | | Possession of self-defense sprays. | Y01 | 12.00 | 0 | 1 |
| 9 | 07-2502.15 | | Possession of stun guns. | Y01 | 12.00 | 0 | 1 |
| 10 | 07-2505.03 | (d) | Microstamping | Y01 | 12.00 | 0 | 1 |
| 11 | 07-2506.01 | | Persons permitted to possess ammunition. | Y01 | 12.00 | 0 | 1 |
| 12 | 07-2507.02 | (c)(2) | Responsibilities regarding storage of firearms. | Y05 | 60.00 | 0 | 1 |
| 13 | 07-2507.02 | (c)(1) | Responsibilities regarding storage of firearms. | D180 | 5.90 | 0 | 1 |
| 14 | 16-1024 | (b)(2) | [Parental kidnapping] Penalties. | Y01 | 12.00 | 0 | 1 |
| 15 | 16-1024 | (b)(1) | [Parental kidnapping] Penalties. | M06 | 6.00 | 0 | 1 |
| 16 | 16-1024 | (b)(2) | [Parental kidnapping] Penalties. | D060 | 2.00 | 0 | 1 |
| 17 | 16-1024 | (a) | [Parental kidnapping] Penalties. | 0 | | 0 | 1 |
| 18 | 16-1024 | (b)(1) | [Parental kidnapping] Penalties. | 0 | | 0 | 1 |
| 19 | 22-0301 | | Definition and penalty. (Arson) | Y10 | 120.00 | Y01 | 1 |
| 20 | 22-0302 | | Burning one's own property with intent to defraud or injure another. | Y15 | 180.00 | 0 | 1 |
| 21 | 22-0303 | | Malicious burning, destruction, or injury of another's property. | Y10 | 120.00 | 0 | 1 |
| 22 | 22-0303 | | Malicious burning, destruction, or injury of another's property. | D180 | 5.90 | 0 | 1 |
| 23 | 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. | Y15 | 180.00 | Y02 | 1 |
| 24 | 22-0402 | | Assault with intent to commit mayhem or with dangerous weapon. | Y10 | 120.00 | 0 | 1 |
| 25 | 22-0403 | | Assault with intent to commit any other offense. | Y05 | 60.00 | 0 | 1 |
| 26 | 22-0404 | (a)(2) | Assault or threatened assault in a menacing manner; stalking. | Y03 | 36.00 | 0 | 1 |
| 27 | 22-0404 | (a)(1) | Assault or threatened assault in a menacing manner; stalking. | D180 | 5.90 | 0 | 1 |
| 28 | 22-0404.01 | | Aggravated assault | Y10 | 120.00 | 0 | 1 |
| 29 | 22-0404.02 | | Assault on a public vehicle inspection officer. | D180 | 5.90 | 0 | 1 |
| 30 | 22-0404.03 | | Aggravated assault on a public vehicle inspection officer. | Y10 | 120.00 | 0 | 1 |
| 31 | 22-0405 | (c) | Assault on member of police force, campus or university special police, or fire department. | Y10 | 120.00 | 0 | 1 |
| 32 | 22-0405 | (b) | Assault on member of police force, campus or university special police, or fire department. | M06 | 6.00 | 0 | 1 |
| 33 | 22-0406 | | Mayhem or maliciously disfiguring. | Y10 | 120.00 | 0 | 1 |
| 34 | 22-0407 | | Threats to do bodily harm. | M06 | 6.00 | 0 | 1 |

CCRC Work Sequence (2-6-20)

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| 35 | 22-0601 | | Breaking and entering vending machines and similar devices. | Y03 | 36.00 | 0 | 1 |
| 36 | 22-0801 | (a) | [First Degree Burglary] Definition and penalty. | Y30 | 360.00 | Y05 | 1 |
| 37 | 22-0801 | (b) | [Second Degree Burglary] Definition and penalty. | Y15 | 180.00 | Y02 | 1 |
| 38 | 22-0851 | (b) | Protection of District public officials. | Y05 | 60.00 | 0 | 1 |
| 39 | 22-0851 | (c) | Protection of District public officials. | Y03 | 36.00 | 0 | 1 |
| 40 | 22-0851 | (d) | Protection of District public officials. | Y03 | 36.00 | 0 | 1 |
| 41 | 22-0901 | | [Trademark Counterfeiting] Definitions | | | | 1 |
| 42 | 22-0902 | (b)(3) | Trademark counterfeiting. | Y10 | 120.00 | 0 | 1 |
| 43 | 22-0902 | (b)(2) | Trademark counterfeiting. | Y03 | 36.00 | 0 | 1 |
| 44 | 22-0902 | (b)(1) | Trademark counterfeiting. | D180 | 5.90 | 0 | 1 |
| 45 | 22-0931 | | Short Title | | | | 1 |
| 46 | 22-0932 | | Definitions | | | | 1 |
| 47 | 22-0933 | | Criminal abuse of a vulnerable adult. | Y20 | 240.00 | 0 | 1 |
| 48 | 22-0933 | | Criminal abuse of a vulnerable adult. | Y10 | 120.00 | 0 | 1 |
| 49 | 22-0933 | | Criminal abuse of a vulnerable adult. | D180 | 5.90 | 0 | 1 |
| 50 | 22-0933.01 | | Financial exploitation of a vulnerable adult or elderly person | Y10 | 120.00 | 0 | 1 |
| 51 | 22-0934 | | Criminal negligence. | Y20 | 240.00 | 0 | 1 |
| 52 | 22-0934 | | Criminal negligence. | Y10 | 120.00 | 0 | 1 |
| 53 | 22-0934 | | Criminal negligence. | D180 | 5.90 | 0 | 1 |
| 54 | 22-0935 | | Exception | | | | 1 |
| 55 | 22-0936 | | Penalties | | | | 1 |
| 56 | 22-0936.01 | | Criminal penalties for financial exploitation of a vulnerable adult or elderly person | | | | 1 |
| 57 | 22-0937 | | Civil penalties for financial exploitation of a vulnerable adult or elderly person | | | | 1 |
| 58 | 22-0938 | | Injunctive relief and protections | | | | 1 |
| 59 | 22-1101 | (c)(1) | [Child cruelty] Definition and penalty. | Y15 | 180.00 | 0 | 1 |
| 60 | 22-1101 | (c)(2) | [Child cruelty] Definition and penalty. | Y10 | 120.00 | 0 | 1 |
| 61 | 22-1102 | | Refusal or neglect of guardian to provide for child under 14 years of age. | M03 | 3.00 | 0 | 1 |
| 62 | 22-1211 | | Tampering with a detection device. | D180 | 5.90 | 0 | 1 |
| 63 | 22-1301 | | Affrays. | D180 | 5.90 | 0 | 1 |
| 64 | 22-1307 | | Crowding, obstructing, or incommoding. | D090 | 3.00 | 0 | 1 |
| 65 | 22-1308 | | Playing games in streets. | 0 | | 0 | 1 |
| 66 | 22-1312 | | Lewd, indecent, or obscene acts; sexual proposal to a minor. | D090 | 3.00 | 0 | 1 |
| 67 | 22-1317 | | Flying fire balloons or parachutes. | 0 | | 0 | 1 |
| 68 | 22-1318 | | Driving or riding on footways in public grounds. | 0 | | 0 | 1 |
| 69 | 22-1321 | | Disorderly conduct. | D090 | 3.00 | 0 | 1 |
| 70 | 22-1322 | (d) | Rioting or inciting to riot | Y10 | 120.00 | 0 | 1 |
| 71 | 22-1322 | (b) | Rioting or inciting to riot | D180 | 5.90 | 0 | 1 |
| 72 | 22-1322 | (c) | Rioting or inciting to riot | D180 | 5.90 | 0 | 1 |
| 73 | 22-1323 | | Obstructing Bridges Connecting D.C. and Virginia | D030 | 1.00 | 0 | 1 |
| 74 | 22-1341 | | Unlawful entry of a motor vehicle. | D090 | 3.00 | 0 | 1 |

CCRC Work Sequence (2-6-20)

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| 75 | 22-1402 | | Recordation of deed, contract, or conveyance with intent to extort money | D180 | 5.90 | 0 | 1 |
| 76 | 22-1502 | | Forging or imitating brands or packaging of goods | D180 | 5.90 | 0 | 1 |
| 77 | 22-1510 | | Making, drawing, or uttering check, draft, or order with intent to defraud; proof of intent; "credit" defined. | Y03 | 36.00 | Y01 | 1 |
| 78 | 22-1510 | | Making, drawing, or uttering check, draft, or order with intent to defraud; proof of intent; "credit" defined. | D180 | 5.90 | 0 | 1 |
| 79 | 22-1511 | | Fraudulent advertising. | D060 | 2.00 | 0 | 1 |
| 80 | 22-1512 | | Prosecution under 22-1511 | | | | 1 |
| 81 | 22-1513 | | Penalty under 22-2511 | | | | 1 |
| 82 | 22-1801 | | "Writing" and "paper defined. | | | | 1 |
| 83 | 22-1802 | | "Anything of value" defined. | | | | 1 |
| 84 | 22-1803 | | Attempts to commit crime | | | | 1 |
| 85 | 22-1804 | | Second Conviction | | | | 1 |
| 86 | 22-1804a | | Penalty for felony after at least 2 prior felony convictions | | | | 1 |
| 87 | 22-1805 | | Persons advising, inciting, or conniving at criminal offense to be charged as principals | | | | 1 |
| 88 | 22-1805a | (a)(2) | Conspiracy | Y15 | 180.00 | 0 | 1 |
| 89 | 22-1805a | (a)(1) | Conspiracy | Y05 | 60.00 | 0 | 1 |
| 90 | 22-1807 | | Punishment for offenses not covered by provisions of Code | Y05 | 60.00 | 0 | 1 |
| 91 | 22-1810 | | Threatening to kidnap or injure a person or damage his property. | Y20 | 240.00 | 0 | 1 |
| 92 | 22-1831 | | [Human trafficking] Definitions. | | | | 1 |
| 93 | 22-1832 | | [Human trafficking] Forced labor | Y20 | 240.00 | 0 | 1 |
| 94 | 22-1833 | | [Human trafficking] Trafficking in labor or commercial sex acts. | Y20 | 240.00 | 0 | 1 |
| 95 | 22-1834 | | [Human trafficking] Sex trafficking of children. | Y20 | 240.00 | 0 | 1 |
| 96 | 22-1835 | | [Human trafficking] Unlawful conduct with respect to documents in furtherance of human trafficking. | Y05 | 60.00 | 0 | 1 |
| 97 | 22-1836 | | [Human trafficking] Benefitting financially from human trafficking. | Y20 | 240.00 | 0 | 1 |
| 98 | 22-1837 | | [Human trafficking] Penalties. | | | | 1 |
| 99 | 22-1838 | | [Human trafficking] Forfeiture. | | | | 1 |
| 100 | 22-1839 | | [Human trafficking] Reputation or opinion evidence. | | | | 1 |
| 101 | 22-1840 | | [Human trafficking] Civil Action. | | | | 1 |
| 102 | 22-1841 | | [Human trafficking] Data collection and dissemination. | | | | 1 |
| 103 | 22-1842 | | [Human trafficking] Training program. | | | | 1 |
| 104 | 22-1843 | | [Human trafficking] Public posting of human trafficking hotline | | | | 1 |
| 105 | 22-1901 | | [Incest] Definition and penalty. | Y12 | 144.00 | 0 | 1 |
| 106 | 22-2001 | | [Kidnapping] Definition and penalty; conspiracy. | Y30 | 360.00 | 0 | 1 |
| 107 | 22-2101 | | Murder in the first degree - Purposeful killing; killing while perpetrating certain crimes. | LIFE | LIFE | Y30 | 1 |
| 108 | 22-2102 | | Murder in the first degree - Placing obstructions upon or displacement of railroads. | LIFE | LIFE | Y30 | 1 |

CCRC Work Sequence (2-6-20)

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| 109 | 22-2103 | | Murder in the second degree. | LIFE | LIFE | 0 | 1 |
| 110 | 22-2104 | | Penalty for murder in first and second degree. | | | | 1 |
| 111 | 22-2104.01 | | Sentencing procedure for murder in the first degree. | | | | 1 |
| 112 | 22-2105 | | Penalty for manslaughter. (Voluntary Manslaughter) | Y30 | 360.00 | 0 | 1 |
| 113 | 22-2105 | | Penalty for manslaughter. (Involuntary Manslaughter) | Y30 | 360.00 | 0 | 1 |
| 114 | 22-2106 | | Murder of law enforcement officer. | LIFE | LIFE | LIFE | 1 |
| 115 | 22-2107 | (a) | Penalty for solicitation of murder or other crime of violence. | Y20 | 240.00 | 0 | 1 |
| 116 | 22-2107 | (b) | Penalty for solicitation of murder or other crime of violence. | Y10 | 120.00 | 0 | 1 |
| 117 | 22-2201 | | Certain obscene activities and conduct declared unlawful | D180 | 5.90 | 0 | 1 |
| 118 | 22-2501 | | Possession of implements of crime; penalty. | Y05 | 60.00 | Y01 | 1 |
| 119 | 22-2601 | | Escape from institution or officer. | Y05 | 60.00 | 0 | 1 |
| 120 | 22-2603.01 | | [CONTRABAND] Definitions. | | | | 1 |
| 121 | 22-2603.02 | (a) | Unlawful possession of contraband. | Y10 | 120.00 | 0 | 1 |
| 122 | 22-2603.02 | (b) | Unlawful possession of contraband. | Y02 | 24.00 | 0 | 1 |
| 123 | 22-2603.02 | (c) | Unlawful possession of contraband. | Y01 | 12.00 | 0 | 1 |
| 124 | 22-2603.03 | | [CONTRABAND] Penalties. | | | | 1 |
| 125 | 22-2603.04 | | [CONTRABAND] Detainment power. | | | | 1 |
| 126 | 22-2801 | | Robbery. | Y15 | 180.00 | Y02 | 1 |
| 127 | 22-2802 | | Attempt to commit robbery | | | | 1 |
| 128 | 22-2803 | (b)(2) | Armed Carjacking. | Y40 | 480.00 | Y15 | 1 |
| 129 | 22-2803 | (a)(2) | Carjacking. | Y21 | 252.00 | Y07 | 1 |
| 130 | 22-3001 | | [Sexual Abuse] Definitions. | | | | 1 |
| 131 | 22-3002 | | First degree sexual abuse. | LIFE | LIFE | 0 | 1 |
| 132 | 22-3003 | | Second degree sexual abuse. | Y20 | 240.00 | 0 | 1 |
| 133 | 22-3004 | | Third degree sexual abuse. | Y10 | 120.00 | 0 | 1 |
| 134 | 22-3005 | | Fourth degree sexual abuse. | Y05 | 60.00 | 0 | 1 |
| 135 | 22-3006 | | Misdemeanor sexual abuse. | D180 | 5.90 | 0 | 1 |
| 136 | 22-3007 | | Defense to sexual abuse. | | | | 1 |
| 137 | 22-3008 | | First degree child sexual abuse. | LIFE | LIFE | 0 | 1 |
| 138 | 22-3009 | | Second degree child sexual abuse. | Y10 | 120.00 | 0 | 1 |
| 139 | 22-3009.01 | | First degree sexual abuse of a minor. | Y15 | 180.00 | 0 | 1 |
| 140 | 22-3009.02 | | Second degree sexual abuse of a minor. | Y07.5 | 90.00 | 0 | 1 |
| 141 | 22-3009.03 | | First degree sexual abuse of a secondary education student | Y10 | 120.00 | 0 | 1 |
| 142 | 22-3009.04 | | Second degree sexual abuse of a secondary education student | Y05 | 60.00 | 0 | 1 |
| 143 | 22-3010 | | Enticing a child or minor. | Y05 | 60.00 | 0 | 1 |
| 144 | 22-3010.01 | | Misdemeanor sexual abuse of a child or minor. | D180 | 5.90 | 0 | 1 |
| 145 | 22-3010.02 | | Arranging for a sexual contact with a real or fictitious child. | Y05 | 60.00 | 0 | 1 |
| 146 | 22-3011 | | Defenses to child sexual abuse and sexual abuse of a minor. | | | | 1 |
| 147 | 22-3012 | | State of mind proof requirement. | | | | 1 |

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| 148 | 22-3013 | | First degree sexual abuse of a ward, patient, client, or prisoner. | Y10 | 120.00 | 0 | 1 |
| 149 | 22-3014 | | Second degree sexual abuse of a ward, patient, client, or prisoner. | Y05 | 60.00 | 0 | 1 |
| 150 | 22-3015 | | First degree sexual abuse of a patient or client. | Y10 | 120.00 | 0 | 1 |
| 151 | 22-3016 | | Second Degree Sexual Abuse of a Patient or Client | Y05 | 60.00 | 0 | 1 |
| 152 | 22-3017 | | Defenses to sexual abuse of a ward, patient, or client. | | | | 1 |
| 153 | 22-3018 | | Attempts to commit sexual offenses | | | | 1 |
| 154 | 22-3019 | | No immunity from prosecution for spouses or domestic partners. | | | | 1 |
| 155 | 22-3020 | | Aggravating circumstances. | | | | 1 |
| 156 | 22-3020.51 | | Definitions. | | | | 1 |
| 157 | 22-3020.52 | | Reporting requirements and privileges. | | | | 1 |
| 158 | 22-3020.53 | | Defense to non-reporting. | | | | 1 |
| 159 | 22-3020.54 | | Penalties. | | | | 1 |
| 160 | 22-3020.55 | | Immunity from liability. | | | | 1 |
| 161 | 22-3021 | | Reputation or opinion evidence of victim's past sexual behavior inadmissible. | | | | 1 |
| 162 | 22-3022 | | Admissibility of other evidence of victim's past sexual behavior. | | | | 1 |
| 163 | 22-3023 | | Prompt reporting. | | | | 1 |
| 164 | 22-3024 | | Privilege inapplicable for spouses or domestic partners | | | | 1 |
| 165 | 22-3051 | | [Non-consensual pornography] Definitions. | | | | 1 |
| 166 | 22-3052 | | Unlawful disclosure. | D180 | 5.90 | 0 | 1 |
| 167 | 22-3053 | | First-degree unlawful publication. | Y03 | 36.00 | 0 | 1 |
| 168 | 22-3054 | | Second-degree unlawful publication. | D180 | 5.90 | 0 | 1 |
| 169 | 22-3055 | | [Non-consensual pornography] Exclusions. | | | | 1 |
| 170 | 22-3056 | | [Non-consensual pornography] Affirmative defenses. | | | | 1 |
| 171 | 22-3057 | | [Non-consensual pornography] Jurisdiction. | | | | 1 |
| 172 | 22-3101 | | [Sexual performance using minors] Definitions. | | | | 1 |
| 173 | 22-3102 | | [Sexual performance using minors] Prohibited acts. | Y10 | 120.00 | 0 | 1 |
| 174 | 22-3103 | | [Sexual performance using minors] Penalties | Y20 | 240.00 | 0 | 1 |
| 175 | 22-3104 | | [Sexual performance using minors] Affirmative defenses. | | | | 1 |
| 176 | 22-3131 | | [Stalking] Short title. | | | | 1 |
| 177 | 22-3132 | | [Stalking] Definitions. | | | | 1 |
| 178 | 22-3133 | | Stalking | Y10 | 120.00 | 0 | 1 |
| 179 | 22-3133 | | Stalking | Y05 | 60.00 | 0 | 1 |
| 180 | 22-3133 | | Stalking | Y01 | 12.00 | 0 | 1 |
| 181 | 22-3134 | | [Stalking] Penalties. | | | | 1 |
| 182 | 22-3135 | | [Stalking] Jurisdiction. | | | | 1 |
| 183 | 22-3201 | | Definitions. | | | | 1 |
| 184 | 22-3202 | | offense. | | | | 1 |
| 185 | 22-3203 | | Consecutive sentences. | | | | 1 |
| 186 | 22-3204 | | Case referral. | | | | 1 |
| 187 | 22-3211 | | Theft | Y10 | 120.00 | 0 | 1 |
| 188 | 22-3211 | | Penalties for theft | D180 | 5.90 | 0 | 1 |

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| 189 | 22-3212 | | Penalties for theft | | | | 1 |
| 190 | 22-3213 | | Shoplifting | D090 | 3.00 | 0 | 1 |
| 191 | 22-3214 | | Commerical Piracy | D180 | 5.90 | 0 | 1 |
| 192 | 22-3214.01 | | Deceptive Labeling | Y05 | 60.00 | 0 | 1 |
| 193 | 22-3214.01 | | Deceptive Labeling | Y01 | 12.00 | 0 | 1 |
| 194 | 22-3214.02 | | Unlawful operation of a recording device in a motion picture theater. | D090 | 3.00 | 0 | 1 |
| 195 | 22-3215 | (d)(2)(A) | UUV | Y10 | 120.00 | 0 | 1 |
| 196 | 22-3215 | (d)(2)(A) | UUV | Y10 | 120.00 | Y05 | 1 |
| 197 | 22-3215 | (d)(1) | UUV | Y05 | 60.00 | 0 | 1 |
| 198 | 22-3215 | (d)(4) | UUV | Y03 | 36.00 | 0 | 1 |
| 199 | 22-3216 | | TPWR | D090 | 3.00 | 0 | 1 |
| 200 | 22-3221 | (a)(1) | Fraud | Y10 | 120.00 | 0 | 1 |
| 201 | 22-3221 | (b)(1) | Fraud | Y03 | 36.00 | 0 | 1 |
| 202 | 22-3221 | (a)(2) | Fraud | D180 | 5.90 | 0 | 1 |
| 203 | 22-3221 | (b)(2) | Fraud | D180 | 5.90 | 0 | 1 |
| 204 | 22-3222 | | Penalties for fraud. | | | | 1 |
| 205 | 22-3223 | (d)(2) | Credit Card Fraud | Y10 | 120.00 | 0 | 1 |
| 206 | 22-3223 | (d)(1) | Credit Card Fraud | D180 | 5.90 | 0 | 1 |
| 207 | 22-3224 | | Fraudulent registration. | D090 | 3.00 | 0 | 1 |
| 208 | 22-3224.01 | | Jurisdiction. | | | | 1 |
| 209 | 22-3227.01 | | [Identity Theft] Definitions. | | | | 1 |
| 210 | 22-3227.02 | | [Identity Theft] Identify Theft | Y10 | 120.00 | 0 | 1 |
| 211 | 22-3227.02 | | [Identity Theft] Identify Theft | D180 | 5.90 | 0 | 1 |
| 212 | 22-3227.03 | | [Identity Theft] Penalties for identity theft. | | | | 1 |
| 213 | 22-3227.04 | | [Identity Theft] Restitution. | | | | 1 |
| 214 | 22-3227.05 | | [Identity Theft] Correction of public records. | | | | 1 |
| 215 | 22-3227.06 | | [Identity Theft] Jurisdiction. | | | | 1 |
| 216 | 22-3227.07 | | [Identity Theft] Limitations. | | | | 1 |
| 217 | 22-3227.08 | | [Identity Theft] Police reports. | | | | 1 |
| 218 | 22-3231 | | Trafficking in stolen property | Y10 | 120.00 | 0 | 1 |
| 219 | 22-3232 | (c)(1) | Receiving stolen property | Y07 | 84.00 | 0 | 1 |
| 220 | 22-3232 | (c)(2) | Receiving stolen property | D180 | 5.90 | 0 | 1 |
| 221 | 22-3233 | (b)(2) | Altering or removing motor vehicle identification numbers. | Y05 | 60.00 | 0 | 1 |
| 222 | 22-3233 | (b)(1) | Altering or removing motor vehicle identification numbers. | D180 | 5.90 | 0 | 1 |
| 223 | 22-3234 | | Altering or removing bicycle identification numbers. | D180 | 5.90 | 0 | 1 |
| 224 | 22-3241 | (a) | Forgery | Y10 | 120.00 | 0 | 1 |
| 225 | 22-3241 | (b) | Forgery | Y05 | 60.00 | 0 | 1 |
| 226 | 22-3241 | (c) | Forgery | Y03 | 36.00 | 0 | 1 |
| 227 | 22-3242 | | Penalties for forgery | | | | 1 |
| 228 | 22-3251 | | Extortion | Y10 | 120.00 | 0 | 1 |
| 229 | 22-3252 | | Blackmail | Y05 | 60.00 | 0 | 1 |
| 230 | 22-3301 | | Forcible entry and detainer | Y01 | 12.00 | 0 | 1 |

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| 231 | 22-3302 | (b) | Unlawful Entry | M06 | 6.00 | 0 | 1 |
| 232 | 22-3302 | (a)(1) | Unlawful Entry | D180 | 5.90 | 0 | 1 |
| 233 | 22-3303 | | Grave robbery; buying or selling dead bodies. | Y03 | 36.00 | Y01 | 1 |
| 234 | 22-3305 | | Placing explosives with intent to destroy or injure property. | Y10 | 120.00 | Y02 | 1 |
| 235 | 22-3306 | | Defacing books, manuscripts, publications, or works of art. | D180 | 5.90 | 0 | 1 |
| 236 | 22-3307 | | Destroying or defacing public records. | D180 | 5.90 | 0 | 1 |
| 237 | 22-3309 | | Destroying boundary markers. | D180 | 5.90 | 0 | 1 |
| 238 | 22-3310 | ((1)) | Destroying vines, bushes, shrubs, trees or protections thereof; penalty. | D090 | 3.00 | 0 | 1 |
| 239 | 22-3310 | ((2)) | Destroying vines, bushes, shrubs, trees or protections thereof; penalty. | D030 | 1.00 | 0 | 1 |
| 240 | 22-3312.01 | | Defacing public or private property. | D180 | 5.90 | 0 | 1 |
| 241 | 22-3312.04 | (d) | Penalties | D180 | 5.90 | 0 | 1 |
| 242 | 22-3312.04 | (e) | Penalties | 0 | | 0 | 1 |
| 243 | 22-3312.05 | | [Graffiti] Definitions. | | | | 1 |
| 244 | 22-3313 | | Destroying or defacing building material for streets | 0 | | 0 | 1 |
| 245 | 22-3314 | | Destroying cemetery railing or tomb. | 0 | | 0 | 1 |
| 246 | 22-3318 | | Malicious pollution of water | Y03 | 36.00 | Y01 | 1 |
| 247 | 22-3319 | | Placing obstructions on or displacement of railway tracks | Y10 | 120.00 | 0 | 1 |
| 248 | 22-3320 | | Obstructing public road; removing milestones | U | | U | 1 |
| 249 | 22-3321 | | Obstructing public highway | 0 | | 0 | 1 |
| 250 | 22-3322 | | Fines under 22-3321 to be collected in name of united states. | | | | 1 |
| 251 | 22-3531 | (f)(2) | Voyeurism | Y05 | 60.00 | 0 | 1 |
| 252 | 22-3531 | (f)(1) | Voyeurism | Y01 | 12.00 | 0 | 1 |
| 253 | 22-3571.01 | | Fines for criminal offenses. | | | | 1 |
| 254 | 22-3571.02 | | Applicability of fine proportionality provision. | | | | 1 |
| 255 | 22-3601 | | Enhanced penalty for crimes against senior citizen victims. | | | | 1 |
| 256 | 22-3602 | | Enhanced penalty for committing certain dangerous and violent crimes against a citizen patrol member. | | | | 1 |
| 257 | 22-3611 | | Enhanced penalty for committing crime of violence against minors. | | | | 1 |
| 258 | 22-3701 | | [Bias-related crime] Definitions. | | | | 1 |
| 259 | 22-3702 | | [Bias-related crime] Collection and publication of data. | | | | 1 |
| 260 | 22-3703 | | [Bias-related crime] Bias-related crime. | | | | 1 |
| 261 | 22-3704 | | [Bias-related crime] Civil action. | | | | 1 |
| 262 | 22-3751 | | Enhanced penalties for offenses committed against taxicab drivers. | | | | 1 |
| 263 | 22-3751.02 | | Enhanced penalties for offenses committed against transit operators and Metrorail station managers. | | | | 1 |
| 264 | 22-3752 | | [Transportation worker enhancement] Enumerated offenses. | | | | 1 |

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| 1 | | | | | | | |
| 265 | 22-4501 | | Definitions. | | | | 1 |
| 266 | 22-4502 | | Additional penalty for committing crime when armed. | | | | 1 |
| 267 | 22-4502.01 | | Gun free zones; enhanced penalty. | | | | 1 |
| 268 | 22-4503 | | Unlawful possession of firearm. | Y10 | 120.00 | Y01 | 1 |
| 269 | 22-4503.01 | | Unlawful discharge of a firearm. | Y01 | 12.00 | 0 | 1 |
| 270 | 22-4503.02 | | Prohibition of firearms from public or private property. | | | | 1 |
| 271 | 22-4504 | (b) | Carrying concealed weapons; possession of weapons during commission of crime of violence; penalty. | Y15 | 180.00 | Y05 | 1 |
| 272 | 22-4504 | (c) | Unlawful possession of firearm. | Y10 | 120.00 | Y02 | 1 |
| 273 | 22-4504 | (a)(2) | Carrying concealed weapons; possession of weapons during commission of crime of violence; penalty. | Y10 | 120.00 | 0 | 1 |
| 274 | 22-4504 | (a)(1) | Carrying concealed weapons; possession of weapons during commission of crime of violence; penalty. | Y05 | 60.00 | 0 | 1 |
| 275 | 22-4504.01 | | Authority to carry firearm in certain places and for certain purposes. | | | | 1 |
| 276 | 22-4504.02 | | Lawful transportation of firearms. | | | | 1 |
| 277 | 22-4505 | | Exceptions to § 22-4504. | | | | 1 |
| 278 | 22-4506 | | Issue of a license to carry a pistol. | | | | 1 |
| 279 | 22-4507 | | Certain sales of pistols prohibited. | | | | 1 |
| 280 | 22-4508 | | Transfers of firearms regulated. | | | | 1 |
| 281 | 22-4509 | | Dealers of weapons to be licensed. | | | | 1 |
| 282 | 22-4510 | | Licenses of weapons dealers; records; by whom granted; conditions | Y01 | 12.00 | 0 | 1 |
| 283 | 22-4510 | | Licenses of weapons dealers; records; by whom granted; conditions. | | | | 1 |
| 284 | 22-4511 | | False information in purchase of weapons prohibited | Y01 | 12.00 | 0 | 1 |
| 285 | 22-4512 | | Alteration of identifying marks of weapons prohibited. | Y01 | 12.00 | 0 | 1 |
| 286 | 22-4513 | | Exceptions. | | | | 1 |
| 287 | 22-4514 | (c) | Possession of certain dangerous weapons prohibited; exceptions | Y10 | 120.00 | 0 | 1 |
| 288 | 22-4514 | | Possession of certain dangerous weapons prohibited; exceptions | Y01 | 12.00 | 0 | 1 |
| 289 | 22-4515 | | Penalties | | | | 1 |
| 290 | 22-4515a | (d) | Manufacture, transfer, use, possession, or transportation of Molotov cocktails, or other explosives for unlawful purposes, prohibited; definitions; penalties. | Y05 | 60.00 | Y01 | 1 |
| 291 | 22-4516 | | Severability. | | | | 1 |
| 292 | 22-4517 | | Dangerous articles; definition; taking and destruction; procedure. | | | | 1 |
| 293 | 23-1328 | (a)(1) | Offenses committed during release. | Y05 | 60.00 | | 1 |
| 294 | 23-1328 | (a)(2) | Offenses committed during release. | D180 | 5.90 | | 1 |
| 295 | 25-1001 | | Possession of Open Container | D090 | 3.00 | 0 | 1 |
| 296 | 48-0904.01 | (a)(2)(A) | Prohibited acts A; penalties | Y30 | 360.00 | 0 | 1 |
| 297 | 48-0904.01 | (b)(2)(A) | Prohibited acts A; penalties | Y30 | 360.00 | 0 | 1 |
| 298 | 48-0904.01 | (a)(2)(B) | Prohibited acts A; penalties | Y05 | 60.00 | 0 | 1 |

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| 299 | 48-0904.01 | (b)(2)(B) | Prohibited acts A; penalties | Y05 | 60.00 | 0 | 1 |
| 300 | 48-0904.01 | (a)(2)(C) | Prohibited acts A; penalties | Y03 | 36.00 | 0 | 1 |
| 301 | 48-0904.01 | (b)(2)(C) | Prohibited acts A; penalties | Y03 | 36.00 | 0 | 1 |
| 302 | 48-0904.01 | (d)(2) | Prohibited acts A; penalties | Y03 | 36.00 | 0 | 1 |
| 303 | 48-0904.01 | (a)(2)(D) | Prohibited acts A; penalties | Y01 | 12.00 | 0 | 1 |
| 304 | 48-0904.01 | (b)(2)(D) | Prohibited acts A; penalties | Y01 | 12.00 | 0 | 1 |
| 305 | 48-0904.01 | (d)(1) | Prohibited acts A; penalties | D180 | 5.90 | 0 | 1 |
| 306 | 48-0904.01 | (a)(2)(B) | Prohibited acts A; penalties | D180 | 5.90 | 0 | 1 |
| 307 | 48-0904.02 | | Prohibited acts B; penalties | Y01 | 12.00 | 0 | 1 |
| 308 | 48-0904.03 | | Prohibited acts C; penalties | Y04 | 48.00 | 0 | 1 |
| 309 | 48-0904.03a | | Prohibited acts D; penalties | Y25 | 300.00 | Y05 | 1 |
| 310 | 48-0904.04 | | Penalties under other laws. | | | | 1 |
| 311 | 48-0904.05 | | Effect of acquittal or conviction under federal law. | | | | 1 |
| 312 | 48-0904.06 | (a) | Distribution to minors | Y60 | 720.00 | 0 | 1 |
| 313 | 48-0904.06 | (b) | Distribution to minors | Y10 | 120.00 | 0 | 1 |
| 314 | 48-0904.07 | (b)(2) | Enlistment of minors to distribute | Y20 | 240.00 | 0 | 1 |
| 315 | 48-0904.07 | (b)(1) | Enlistment of minors to distribute | Y10 | 120.00 | 0 | 1 |
| 316 | 48-0904.07a | | Drug free zones. | U | | U | 1 |
| 317 | 48-0904.08 | | Second or subsequent offenses. | | | | 1 |
| 318 | 48-0904.09 | | Attempt; conspiracy. | | | | 1 |
| 319 | 48-0904.10 | | Possession of drug paraphernalia | D180 | 5.90 | 0 | 1 |
| 320 | 48-0911.01 | | Consumption of marijuana in public space prohibited; impairment prohibited. | D060 | 2.00 | 0 | 1 |
| 321 | 48-1103 | (c) | Prohibited acts | Y08 | 96.00 | 0 | 1 |
| 322 | 48-1103 | (b) | Prohibited acts | M06 | 6.00 | 0 | 1 |
| 323 | 48-1103 | (e)(4) | Prohibited acts | D180 | 5.90 | 0 | 1 |
| 324 | 48-1103 | (a) | Prohibited acts | D030 | 1.00 | 0 | 1 |
| 325 | 50-2203.01 | | Negligent homicide | Y05 | 60.00 | 0 | 1 |
| 326 | 22-2301 | | [Panhandling] Definitions. | | | | 2 |
| 327 | 22-2302 | | [Panhandling] Prohibited acts. | D090 | 3.00 | 0 | 2 |
| 328 | 22-2303 | | [Panhandling] Permitted activity. | | | | 2 |
| 329 | 22-2304 | | [Panhandling] Penalties. | | | | 2 |
| 330 | 22-2305 | | [Panhandling] Conduct of persecutions. | | | | 2 |
| 331 | 22-2306 | | [Panhandling] Disclosure. | | | | 2 |
| 332 | 22-2701 | | Engaging in prostitution or soliciting for prostitution. | D090 | 3.00 | 0 | 2 |
| 333 | 22-2701.01 | | Definitions. | | | | 2 |
| 334 | 22-2703 | | Suspension of sentence; conditions; enforcement. | | | | 2 |
| 335 | 22-2704 | | Abducting or enticing child from his or her home for purposes of prostitution; harboring such child. | Y20 | 240.00 | 0 | 2 |
| 336 | 22-2705 | (c)(2) | Pandering; inducing or compelling an individual to engage in prostitution. | Y20 | 240.00 | 0 | 2 |
| 337 | 22-2705 | (c)(1) | Pandering; inducing or compelling an individual to engage in prostitution. | Y05 | 60.00 | 0 | 2 |
| 338 | 22-2706 | (b)(2) | Compelling an individual to live life of prostitution against his or her will. | Y20 | 240.00 | 0 | 2 |
| 339 | 22-2706 | (b)(1) | Compelling an individual to live life of prostitution against his or her will. | Y15 | 180.00 | 0 | 2 |

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| 340 | 22-2707 | (b)(2) | Procuring; receiving money or other valuable thing for arranging assignation. | Y20 | 240.00 | 0 | 2 |
| 341 | 22-2707 | (b)(1) | Procuring; receiving money or other valuable thing for arranging assignation. | Y05 | 60.00 | 0 | 2 |
| 342 | 22-2708 | | Causing spouse or domestic partner to live in prostitution. | Y10 | 120.00 | 0 | 2 |
| 343 | 22-2709 | | Detaining an individual in disorderly house for debt there contracted. | Y05 | 60.00 | 0 | 2 |
| 344 | 22-2710 | | Procuring for house of prostitution. | Y05 | 60.00 | 0 | 2 |
| 345 | 22-2711 | | Procuring for third persons. | Y05 | 60.00 | 0 | 2 |
| 346 | 22-2712 | | Operating house of prostitution. | Y05 | 60.00 | 0 | 2 |
| 347 | 22-2713 | | Premises occupied for lewdness, assignation, or prostitution declared nuisance. | | | | 2 |
| 348 | 22-2714 | | Abatement of nuisance under 22-2713 by injunction--temporary injunction. | | | | 2 |
| 349 | 22-2715 | | Abatement of nuisance under 22-2713 by injunction--trial; dismissal of complaint; prosecution; costs. | | | | 2 |
| 350 | 22-2716 | | Violation of injunction granted under § 22-2714. | M06 | 6.00 | M03 | 2 |
| 351 | 22-2717 | | Order of abatement; sale of propoerty; entry of closed premises punishable as contempt. | | | | 2 |
| 352 | 22-2718 | | Disposition of proceeds of sale. | | | | 2 |
| 353 | 22-2719 | | Bond for abatement; order for delivery of premises; effect of release. | | | | 2 |
| 354 | 22-2720 | | Tax for maintaining such nuisance. | | | | 2 |
| 355 | 22-2722 | | Keeping bawdy or disorderly houses. | Y05 | 60.00 | 0 | 2 |
| 356 | 22-2723 | | Property subject to seizure and forfeiture. | | | | 2 |
| 357 | 22-2724 | | Impoundment | | | | 2 |
| 358 | 22-2725 | | Anti-prostitution vehicle impoundment proceeds fund. | | | | 2 |
| 359 | 22-2751 | | Definitions. | | | | 2 |
| 360 | 22-2752 | | Engaging in an unlawful protest targeting a residence | D090 | 3.00 | 0 | 2 |
| 361 | 23-0585 | (b)(2) | Violation of condition of release on citation; failure to appear. | Y05 | 60.00 | 0 | 2 |
| 362 | 23-0585 | (b)(1) | Violation of condition of release on citation; failure to appear. | 0 | | 0 | 2 |
| 363 | 23-0703 | | Failure to appear | Y05 | 60.00 | 0 | 2 |
| 364 | 23-1327 | (a)(1) | Penalties for failure to appear. | Y05 | 60.00 | Y01 | 2 |
| 365 | 23-1327 | (a)(2) | Penalties for failure to appear. | D180 | 5.90 | D090 | 2 |
| 366 | 23-1327 | (a)(3) | Penalties for failure to appear. | D180 | 5.90 | 0 | 2 |
| 367 | 23-1329 | | Penalties for violation of conditions of release. | M06 | 6.00 | 0 | 2 |
| 368 | 05-0117.05 | | False or fictitious reports to Metropolitan Police. | D030 | 1.00 | 0 | 3 |
| 369 | 22-0405.01 | | Resisting arrest by individual reasonably believed to be law enforcement officer | M06 | 6.00 | 0 | 3 |
| 370 | 22-0704 | | Corrupt influence; officials. | Y05 | 60.00 | M06 | 3 |
| 371 | 22-0711 | | [Bribery] Definitions | | | | 3 |
| 372 | 22-0712 | | [Bribery] Prohibited acts; penalty. | Y10 | 120.00 | 0 | 3 |
| 373 | 22-0713 | | Bribery of witness; penalty. | Y05 | 60.00 | 0 | 3 |
| 374 | 22-0721 | | [Obstruction of Justice] Definitions. | | | | 3 |

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| 375 | 22-0722 | | [Obstruction of Justice] Prohibited acts; penalty. | Y30 | 360.00 | Y03 | 3 |
| 376 | 22-0723 | | Tampering with physical evidence; penalty. | Y03 | 36.00 | 0 | 3 |
| 377 | 22-0861 | (b)(2) | Harassing, interfering with, injuring, or obstructing a police animal. | Y10 | 120.00 | 0 | 3 |
| 378 | 22-0861 | (b)(1) | Harassing, interfering with, injuring, or obstructing a police animal. | D180 | 5.90 | 0 | 3 |
| 379 | 22-0951 | (c)(2) | Criminal street gangs. | Y10 | 120.00 | 0 | 3 |
| 380 | 22-0951 | (b)(2) | Criminal street gangs. | Y05 | 60.00 | 0 | 3 |
| 381 | 22-0951 | (a)(2) | Criminal street gangs. | M06 | 6.00 | 0 | 3 |
| 382 | 22-1319 | (d)(3) | False alarms and false reports; hoax weapons. | Y10 | 120.00 | 0 | 3 |
| 383 | 22-1319 | (c)(3) | False alarms and false reports; hoax weapons. | Y05 | 60.00 | 0 | 3 |
| 384 | 22-1319 | (b)(3) | False alarms and false reports; hoax weapons. | Y01 | 12.00 | 0 | 3 |
| 385 | 22-1319 | (a) | False alarms and false reports; hoax weapons. | M06 | 6.00 | 0 | 3 |
| 386 | 22-1319 | (a-1) | False alarms and false reports; hoax weapons. | M06 | 6.00 | 0 | 3 |
| 387 | 22-1403 | | False personation before court, officers, notaries | Y05 | 60.00 | Y01 | 3 |
| 388 | 22-1404 | | Falsely Impersonating Public officer or minister | Y03 | 36.00 | Y01 | 3 |
| 389 | 22-1405 | | False personation of inspector of departments of District. | 0 | | 0 | 3 |
| 390 | 22-1406 | | False personation of police officer. | D180 | 5.90 | 0 | 3 |
| 391 | 22-1409 | | Use of official insignia; penalty for unauthorized use. | Y01 | 12.00 | 0 | 3 |
| 392 | 22-1514 | | Fraudulent interference or collusion in jury selection. | D180 | 5.90 | 0 | 3 |
| 393 | 22-1806 | | Accessories after the fact | | | | 3 |
| 394 | 22-1808 | | Offenses committed beyond District | | | | 3 |
| 395 | 22-1809 | | Prosecutions. | | | | 3 |
| 396 | 22-1931 | | Obstructing, preventing, or interfering with reports to or requests for assistance from law enforcement agencies, medical providers, or child welfare agencies. | D180 | 5.90 | 0 | 3 |
| 397 | 22-2402 | | Perjury. | Y10 | 120.00 | 0 | 3 |
| 398 | 22-2403 | | Subornation of perjury. | Y10 | 120.00 | 0 | 3 |
| 399 | 22-2404 | | False swearing. | Y03 | 36.00 | 0 | 3 |
| 400 | 22-2405 | | False statements. | D180 | 5.90 | 0 | 3 |
| 401 | 22-3151 | | [Terrorism] Short title. | | | | 3 |
| 402 | 22-3152 | | [Terrorism] Definitions. | | | | 3 |
| 403 | 22-3153 | | Acts of terrorism; penalties | | | | 3 |
| 404 | 22-3154 | | Manufacture or possession of a weapon of mass destruction. | LIFE | LIFE | 0 | 3 |
| 405 | 22-3155 | | Use, dissemination, or detonation of a weapon of mass destruction. | LIFE | LIFE | 0 | 3 |
| 406 | 22-3156 | | [Terrorism] Jurisdiction. | | | | 3 |
| 407 | 0018DCMR1101 | | Loaning Vehicle Registration and Misuse of Tags (Improper Tags) | D030 | 1.00 | 0 | 4 |
| 408 | 0018DCMR1101.1 | | Loaning Vehicle Registration and Misuse of Tags | D030 | 1.00 | 0 | 4 |
| 409 | 0018DCMR1101.1-X | | Loaning Vehicle Registration and Misuse of Tags (Display of Tags) | D030 | 1.00 | 0 | 4 |
| 410 | 0018DCMR1104.2 | | Falsified Vehicle Registration or Tags (Registration or Tags) | D030 | 1.00 | 0 | 4 |

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| | A | B | C | D | E | F | G |
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| 411 | 0018DCMR1104.3 | | Falsified Vehicle Registration or Tags (Title) | D030 | 1.00 | 0 | 4 |
| 412 | 0018DCMR1104.4 | | Falsified Vehicle Registration or Tags (Counterfeit Tags) | D030 | 1.00 | 0 | 4 |
| 413 | 0018DCMR1110.2 | | Improper Conduct with Vehicle License (Loaning Permit) | D010 | 0.30 | 0 | 4 |
| 414 | 0018DCMR1200.8 | | Tampering with Secured Bike or Personal Mobility Device | D010 | 0.30 | 0 | 4 |
| 415 | 0018DCMR2000.2 | | Failure to Obey Police Officer | 0 | | 0 | 4 |
| 416 | 0018DCMR2200.12 | | Motor Vehicle Speeding 30 MPH Over Limit | D090 | 3.00 | 0 | 4 |
| 417 | 0019DCMR1309.1 | | Gambling On or Near Public Property | 0 | | 0 | 4 |
| 418 | 0024DCMR100.1 | | Unlawful Occupation of a Public Space at the Dock at Washington Harbour | 0 | | 0 | 4 |
| 419 | 0024DCMR121.1 | | Unauthorized Temporary Abode | 0 | | 0 | 4 |
| 420 | 0024DCMR2100.3 | | Crossing Police Line | 0 | | 0 | 4 |
| 421 | 0024DCMR500.5 | | Soliciting Ticket Sales | 0 | | 0 | 4 |
| 422 | 22-0501 | | Bigamy. | Y07 | 84.00 | Y02 | 4 |
| 423 | 22-0811 | (b)(5) | Contributing to the delinquency of a minor. | Y10 | 120.00 | 0 | 4 |
| 424 | 22-0811 | (b)(3) | Contributing to the delinquency of a minor. | Y05 | 60.00 | 0 | 4 |
| 425 | 22-0811 | (b)(4) | Contributing to the delinquency of a minor. | Y05 | 60.00 | 0 | 4 |
| 426 | 22-0811 | (b)(2) | Contributing to the delinquency of a minor. | Y03 | 36.00 | 0 | 4 |
| 427 | 22-0811 | (b)(1) | Contributing to the delinquency of a minor. | M06 | 6.00 | 0 | 4 |
| 428 | 22-1001 | (d) | Definitions and penalties. | Y05 | 60.00 | 0 | 4 |
| 429 | 22-1001 | (a)(1) | Definitions and penalties. | D180 | 5.90 | 0 | 4 |
| 430 | 22-1002 | | Other cruelties to animals | D180 | 5.90 | 0 | 4 |
| 431 | 22-1002.01 | | Reporting requirements | | | | 4 |
| 432 | 22-1003 | | Rest, water and feeding for animals transported by railroad company | | | | 4 |
| 433 | 22-1004 | | Arrests without warrant authorized; notice to owner | | | | 4 |
| 434 | 22-1005 | | Issuance of search warrants | | | | 4 |
| 435 | 22-1006 | | Prosecution of offenders; disposition of fines | | | | 4 |
| 436 | 22-1006.01 | | Penalty for engaging in animal fighting. | Y05 | 60.00 | 0 | 4 |
| 437 | 22-1007 | | Impounded animals to be supplied with food and water | | | | 4 |
| 438 | 22-1008 | | Relief of impounded animals | | | | 4 |
| 439 | 22-1009 | | Keeping or using place for fighting or baiting of fowls or animals; arrest without warrant | Y05 | 60.00 | 0 | 4 |
| 440 | 22-1011 | | Neglect of sick or disabled animals | D180 | 5.90 | 0 | 4 |
| 441 | 22-1012 | | Abandonment of maimed or diseased animal; destruction of diseased animals; disposition of animal or vehicle on arrest of driver; scientific experiments. | D180 | 5.90 | 0 | 4 |
| 442 | 22-1013 | | Definitions | | | | 4 |
| 443 | 22-1015 | | Penalty for engaging in animal fighting | | | | 4 |
| 444 | 22-1309 | | Throwing stones or other missiles. | 0 | | 0 | 4 |
| 445 | 22-1310 | | Urging dogs to fight or create disorder. | 0 | | 0 | 4 |
| 446 | 22-1311 | (b) | Allowing dogs to go at large. | 0 | | 0 | 4 |

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| 1 | | | | | | | |
| 447 | 22-1311 | (a) | Allowing dogs to go at large. | 0 | | 0 | 4 |
| 448 | 22-1311 | (a) | Allowing dogs to go at large. | 0 | | 0 | 4 |
| 449 | 22-1313 | | Kindling bonfires. | 0 | | 0 | 4 |
| 450 | 22-1314.01 | | [Access to Medical Facility] Definitions | | | | 4 |
| 451 | 22-1314.02 | | [Access to Medical Facility] Prohibited acts. | D180 | 5.90 | 0 | 4 |
| 452 | 22-1701 | | Lotteries; promotion; sale or possession of tickets. | Y03 | 36.00 | 0 | 4 |
| 453 | 22-1702 | | Possession of lottery or policy tickets | D180 | 5.90 | 0 | 4 |
| 454 | 22-1703 | | Permitting sale of lottery tickets on premises | D180 | 5.90 | 0 | 4 |
| 455 | 22-1704 | | Gaming; setting up gaming table; inducing play | Y05 | 60.00 | 0 | 4 |
| 456 | 22-1705 | | Gambling premises; definition; prohibition against maintaining; forfeiture; liens; deposit of moneys in Treasury; penalty; subsequent offenses. | D180 | 5.90 | 0 | 4 |
| 457 | 22-1706 | | Three Card Monte | D180 | 5.90 | 0 | 4 |
| 458 | 22-1707 | | "Gaming table" defined | | | | 4 |
| 459 | 22-1708 | | Gambling pools and bookmaking; athletic contest defined. | D180 | 5.90 | 0 | 4 |
| 460 | 22-1713 | (c) | Corrupt influence in connection with athletic contests. | Y05 | 60.00 | Y01 | 4 |
| 461 | 22-1713 | (d) | Corrupt influence in connection with athletic contests. | Y01 | 12.00 | 0 | 4 |
| 462 | 22-1714 | | Immunity of witnesses; record | | | | 4 |
| 463 | 22-3312.02 | | Defacing or burning cross or religious symbol; display of certain emblems | D180 | 5.90 | 0 | 4 |
| 464 | 22-3312.03 | | Wearing hoods or masks. | D180 | 5.90 | 0 | 4 |
| 465 | 22-3401 | | Use of "District of Columbia" or similar designation by private detective or collection agency - Prohibited | D090 | 3.00 | 0 | 4 |
| 466 | 22-3402 | | Use of "District of Columbia" or similar designation by private detective or collection agency - Penalty. | | | | 4 |
| 467 | 22-3403 | | Use of "District of Columbia" or similar designation by private detective or collection agency - prosecutions for violations. | | | | 4 |
| 468 | 22-4015 | | Penalties; mandatory release condition | D180 | 5.90 | 0 | 4 |
| 469 | 22-4331 | | Penalties; prosecutions. | D090 | 3.00 | 0 | 4 |
| 470 | 22-4402 | | Throwing or depositing matter in Potomac River. | M06 | 6.00 | 0 | 4 |
| 471 | 22-4403 | | Deposits of deleterious matter in Rock Creek or Potomac River. | D090 | 3.00 | 0 | 4 |
| 472 | 22-4404 | | Penalties for violation of § 22-4403. | | | | 4 |
| 473 | 35-0216 | | Failure to pay established fare or to present valid | D010 | 0.30 | 0 | 4 |
| 474 | 50-2201.04 | (c-1)(1) | Speeding and reckless driving | D180 | 5.90 | 0 | 4 |
| 475 | 50-2201.04 | (c)(1) | Speeding and reckless driving | D090 | 3.00 | 0 | 4 |
| 476 | 50-2201.04b | | Operation of all-terrain vehicles and dirt bikes | D030 | 1.00 | 0 | 4 |
| 477 | 50-2201.05b | | Fleeing from a law enforcement officer in a motor vehicle | U | | U | 4 |
| 478 | 50-2201.05c | (d)(1)(B) | Leaving after colliding. | Y01 | 12.00 | 0 | 4 |
| 479 | 50-2201.05c | (d)(2)(A) | Leaving after colliding. | D030 | 1.00 | 0 | 4 |
| 480 | 50-2201.05d | | Object falling or flying from vehicle. | D060 | 2.00 | 0 | 4 |
| 481 | 50-2201.06 | | Garage keeper to report cars damaged in accidents | 0 | | 0 | 4 |
| 482 | 50-2201.28 | | Right-of-way at crosswalks. | D030 | 1.00 | 0 | 4 |
| 483 | 50-2206.11 | | Driving under the influence of alcohol or a drug. | D180 | 5.90 | 0 | 4 |

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| | | | Driving under the influence of alcohol or a drug; commercial vehicle. | D180 | 5.90 | 0 | 4 |
| 484 | 50-2206.12 | | Operating a vehicle while impaired. | D090 | 3.00 | 0 | 4 |
| 485 | 50-2206.14 | | Operating under the influence of alcohol or a drug; horse-drawn vehicle. | D090 | 3.00 | 0 | 4 |
| 486 | 50-2206.16 | | Operating under the influence of alcohol or a drug; watercraft. | D180 | 5.90 | 0 | 4 |
| 487 | 50-2206.31 | | Operating a watercraft while impaired. | D030 | 1.00 | 0 | 4 |
| 488 | 50-2206.33 | | Additional penalty for impaired operating with a minor in the watercraft. | U | | D005 | 4 |
| 489 | 50-2206.36 | | Exception for serious offenders. | D010 | 0.30 | 0 | 4 |
| 490 | 50-2302.03 | | Exceptions for serious offenders. | D010 | 0.30 | 0 | 4 |
| 491 | 50-2303.02 | | Obstruction of Council proceedings and investigations; penalty. | Y02 | 24.00 | 0 | 5 |
| 492 | 01-0301.43 | | Criminal penalties. | Y01 | 12.00 | 0 | 5 |
| 493 | 01-0739 | | Criminal penalties. | Y01 | 12.00 | 0 | 5 |
| 494 | 01-0909.08 | | 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. | M06 | 6.00 | 0 | 5 |
| 495 | 01-1001.08 | | Election of electors. | D030 | 1.00 | 0 | 5 |
| 496 | 01-1001.10 | | Corrupt election practices. | Y05 | 60.00 | 0 | 5 |
| 497 | 01-1001.14 | (a) | Corrupt election practices. | Y05 | 60.00 | 0 | 5 |
| 498 | 01-1001.14 | (a-1)(2) | Corrupt election practices. | Y05 | 60.00 | 0 | 5 |
| 499 | 01-1001.14 | (b)(1) | Corrupt election practices. | Y01 | 12.00 | 0 | 5 |
| 500 | 01-1001.14 | (b)(2) | Corrupt election practices. | Y01 | 12.00 | 0 | 5 |
| 501 | 01-1001.14 | (b)(3) | Corrupt election practices. | Y01 | 12.00 | 0 | 5 |
| 502 | 01-1001.14 | (b)(4) | Corrupt election practices. | M06 | 6.00 | 0 | 5 |
| 503 | 01-1162.21 | | Penalties | Y01 | 12.00 | 0 | 5 |
| 504 | 01-1162.32 | | Penalties; prohibition from serving as lobbyist; citizen suits. | M12 | 12.00 | 0 | 5 |
| 505 | 01-1163.35 | (c) | Penalties. | Y05 | 60.00 | 0 | 5 |
| 506 | 01-1163.35 | (b) | Penalties. | M06 | 6.00 | 0 | 5 |
| 507 | 01-301.44a | | Independence of legislative branch information technology | Y05 | 60.00 | 0 | 5 |
| 508 | 01-623.27 | | Representation; attorneys; fees | Y01 | 12.00 | 0 | 5 |
| 509 | 01-744 | | Prohibition against certain persons holding certain positions | Y01 | 12.00 | 0 | 5 |
| 510 | 02-0114 | | Filing information; penalties; separate offenses. | D090 | 3.00 | 0 | 5 |
| 511 | 02-0135 | | Regulation of plumbing; licensing of plumbers and gas-fitters; noncompliance. | D030 | 1.00 | 0 | 5 |
| 512 | 02-0381.09 | | Penalties for false representations. | Y01 | 12.00 | 0 | 5 |
| 513 | 02-0537 | | Administrative appeals. | 0 | | 0 | 5 |
| 514 | 02-0562 | | Penalties. | D030 | 1.00 | 0 | 5 |
| 515 | 02-0708 | (a) | Penalties. | Y01 | 12.00 | 0 | 5 |
| 516 | 02-0708 | (b) | Penalties. | Y01 | 12.00 | 0 | 5 |
| 517 | 02-0709 | (b) | Unintentional violations. | Y01 | 12.00 | 0 | 5 |

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| 518 | 02-0709 | (a) | Unintentional violations. | 0 | | 0 | 5 |
| 519 | 02-0809 | | Penalty. | 030 PER DA | 1.00 | 0 | 5 |
| 520 | 02-0827 | | Effective period of regulations and licenses; publication of regulations; penalties. | 030 PER DA | 1.00 | 0 | 5 |
| 521 | 02-1402.64 | | Resisting the Office or Commission. | D010 | 0.30 | 0 | 5 |
| 522 | 02-1402.65 | | Falsifying documents and testimony. | D010 | 0.30 | 0 | 5 |
| 523 | 02-1402.66 | | Arrest records. | D010 | 0.30 | 0 | 5 |
| 524 | 02-1403.08 | | Posting of notice of complaint in housing accommodation. | D010 | 0.30 | 0 | 5 |
| 525 | 02-1543 | | Curfew authority; defenses; enforcement and penalties | 0 | | 0 | 5 |
| 526 | 02-1602 | | Persons who may be represented; appointment of private attorneys; determination of financial eligibility | Y01 | 12.00 | 0 | 5 |
| 527 | 02-218.64 | | Identification of certified business enterprises in bids or proposals; false statements on certification; penalties. | Y01 | 12.00 | 0 | 5 |
| 528 | 03-0206 | | Unlawful acts. | Y01 | 12.00 | 0 | 5 |
| 529 | 03-0417 | | Penalties. | D090 | 3.00 | 0 | 5 |
| 530 | 03-0608 | | Violations of Commission rules; penalties. | Y01 | 12.00 | 0 | 5 |
| 531 | 03-1205.09a | | Licenses for foreign doctors of eminence and authority. | 0 | | 0 | 5 |
| 532 | 03-1210.01 | | Practicing without license, registration, or certification. | Y01 | 12.00 | 0 | 5 |
| 533 | 03-1210.03 | | Certain representations prohibited. | Y02 | 24.00 | 0 | 5 |
| 534 | 03-1210.04 | | Filing false document or evidence; false statements. | Y03 | 36.00 | 0 | 5 |
| 535 | 03-1210.05 | | Fraudulent sale, obtaining, or furnishing of documents. | Y04 | 48.00 | 0 | 5 |
| 536 | 03-1210.06 | | § 3–1210.06. Restrictions relating to pharmacies. | Y05 | 60.00 | 0 | 5 |
| 537 | 03-1315 | | Sale of lottery and daily numbers games tickets by licensed agents; unauthorized sale. | M06 | 6.00 | 0 | 5 |
| 538 | 03-1332 | | Aiding or abetting unauthorized bingo games, raffles, or Monte Carlo night parties; penalties. | M06 | 6.00 | 0 | 5 |
| 539 | 03-1333 | | Forged, counterfeit or altered tickets. | Y01 | 12.00 | 0 | 5 |
| 540 | 03-1334 | | Gambling by minor prohibited. | D030 | 1.00 | 0 | 5 |
| 541 | 04-0125 | | Assisting child to leave institution without authority; concealing such child; duty of police. | 0 | | 0 | 5 |
| 542 | 04-0218.01 | (a) | Fraud in obtaining public assistance; repayment; liability of family members; penalties. | Y01 | 12.00 | 0 | 5 |
| 543 | 04-0218.01 | (b) | Fraud in obtaining public assistance; repayment; liability of family members; penalties. | U | | U | 5 |
| 544 | 04-0218.03 | | Unauthorized use of identification card. | Y01 | 12.00 | 0 | 5 |
| 545 | 04-0218.05 | | Penalties. | D180 | 5.90 | 0 | 5 |
| 546 | 04-0324 | | Medical assistance. | D030 | 1.00 | 0 | 5 |
| 547 | 04-0513 | | False claims. | D180 | 5.90 | 0 | 5 |
| 548 | 04-0802 | | Penalties; prohibited acts. | Y01 | 12.00 | 0 | 5 |
| 549 | 04-1303.07 | | Unauthorized disclosure of records. | 0 | | 0 | 5 |
| 550 | 04-1305.09 | (a) | Penalties for violation of confidentiality. | D180 | 5.90 | 0 | 5 |
| 551 | 04-1305.09 | (b) | Penalties for violation of confidentiality. | D180 | 5.90 | 0 | 5 |
| 552 | 04-1321.07 | | Failure to make report. | D180 | 5.90 | 0 | 5 |
| 553 | 04-1371.14 | | Failure to make report. | D030 | 1.00 | 0 | 5 |
| 554 | 04-1408 | | Violations; prosecution. | D090 | 3.00 | 0 | 5 |

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| 1 | | | | | | | |
| 555 | 04-1501.10 | | Penalties for disclosing confidential information. | D180 | 5.90 | 0 | 5 |
| 556 | 05-0113.33 | | Penalties; private right of action. | Y01 | 12.00 | 0 | 5 |
| 557 | 05-0121.03 | | Acting without compliance with law. | M11D029 | 11.90 | 0 | 5 |
| 558 | 05-0121.05 | | Compromise of felony; withholding information; receiving compensation from person arrested or liable to arrest; permitting escape. | U | | U | 5 |
| 559 | 05-0123.01 | | Prohibitions; affiliation with organization advocating strikes; conspiracy to interfere with operation of police force by strike; notice of intention to resign. | M06 | 6.00 | 0 | 5 |
| 560 | 05-0123.02 | | Use of unnecessary or wanton force. | U | | U | 5 |
| 561 | 05-0125.03 | | Trachea hold prohibited; carotid artery hold restricted. | Y01 | 12.00 | 0 | 5 |
| 562 | 05-0132.21 | | School safe passage emergency zones. | M06 | 6.00 | 0 | 5 |
| 563 | 05-0207 | | Rules and regulations. | M06 | 6.00 | 0 | 5 |
| 564 | 05-0407 | | Resignation without notice; engaging in strike; conspiracy to obstruct operations of Department. | M06 | 6.00 | 0 | 5 |
| 565 | 05-1308 | | Protection of emergency 2-way radio communications - Penalties. | D090 | 3.00 | 0 | 5 |
| 566 | 05-1406 | | Deaths - Notification; penalties for noncompliance. | 0 | | 0 | 5 |
| 567 | 06-0506 | | Penalties. | D030 | 1.00 | 0 | 5 |
| 568 | 06-0601.08 | | Violation of subchapter. | M06 | 6.00 | D030 | 5 |
| 569 | 06-0731.04 | | Penalty. | D010 | 0.30 | 0 | 5 |
| 570 | 06-0808 | | Occupation of unsafe structure. | D030 | 1.00 | 0 | 5 |
| 571 | 06-0903 | | Condemnation procedure; occupancy of condemned buildings. | 0090 PER DA | 3.00 | 0 | 5 |
| 572 | 06-0904 | | Occupancy of condemned building. | 0090 PER DA | 3.00 | 0 | 5 |
| 573 | 06-0905 | | Owner to repair or demolish condemned building. | 0090 PER DA | 3.00 | 0 | 5 |
| 574 | 06-0907 | | Failure of owner to comply with order; repair or demolition of building; cost assessed against property | 0090 PER DA | 3.00 | 0 | 5 |
| 575 | 06-0911 | | Interference with inspection or work. | 0090 PER DA | 3.00 | 0 | 5 |
| 576 | 06-0912 | | Destruction, removal, or concealment of copy of order of condemnation affixed to building | 0090 PER DA | 3.00 | 0 | 5 |
| 577 | 06-0915 | | Neglect by tenants or occupants | 0090 PER DA | 3.00 | 0 | 5 |
| 578 | 06-1110 | | Penalties; remedies; enforcement. | 0090 PER DA | 3.00 | 0 | 5 |
| 579 | 06-1406 | | Penalties. | D090 | 3.00 | 0 | 5 |
| 580 | 07-0131 | | Regulations to prevent spread of communicable diseases. | D090 | 3.00 | 0 | 5 |
| 581 | 07-0136 | | Persons believed to be carriers of communicable diseases - Leaving detention without discharge. | D090 | 3.00 | 0 | 5 |
| 582 | 07-0138 | | Access to building for inspection | D090 | 3.00 | 0 | 5 |
| 583 | 07-0139 | | Interference unlawful | D090 | 3.00 | 0 | 5 |
| 584 | 07-0225 | | Penalties. | D090 | 3.00 | 0 | 5 |
| 585 | 07-0304 | (b) | Penalties; prosecutions. | D090 | 3.00 | 0 | 5 |
| 586 | 07-0304 | (a) | Penalties; prosecutions. | 0 | | 0 | 5 |
| 587 | 07-0627 | | Extent of medical liability; transfer of patient; criminal offenses. | Y03 | 36.00 | 0 | 5 |
| 588 | 07-0704.01 | (d) | Enforcement; penalties. | D180 | 5.90 | 0 | 5 |
| 589 | 07-0704.01 | (e) | Enforcement; penalties. | D180 | 5.90 | 0 | 5 |

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| 1 | | | | | | | |
| 590 | 07-0704.01 | (c) | Enforcement; penalties. | D030 | 1.00 | 0 | 5 |
| 591 | 07-0744 | ((1)) | Penalties. | 0 | | 0 | 5 |
| 592 | 07-0744 | ((2)) | Penalties. | 0 | | 0 | 5 |
| 593 | 07-0744 | ((3)) | Penalties. | 0 | | 0 | 5 |
| 594 | 07-0804 | | Penalty. | 0 | | 0 | 5 |
| 595 | 07-0871.05 | | Penalties. | Y01 | 12.00 | 0 | 5 |
| 596 | 07-1007 | | Penalties. | D090 | 3.00 | 0 | 5 |
| 597 | 07-1207.02 | (b) | Criminal penalties. | D090 | 3.00 | 0 | 5 |
| 598 | 07-1207.02 | (a) | Criminal penalties. | D060 | 2.00 | 0 | 5 |
| 599 | 07-1501.02 | | Penalties; prosecutions. | M06 | 6.00 | 0 | 5 |
| 600 | 07-1531.15 | | Sale or purchase of parts prohibited. | Y05 | 60.00 | 0 | 5 |
| 601 | 07-1531.16 | | Other prohibited acts. | Y05 | 60.00 | 0 | 5 |
| 602 | 07-1541.04 | | Penalties; prosecutions. | D090 | 3.00 | 0 | 5 |
| 603 | 07-1671.08 | | Penalties. | 0 | | 0 | 5 |
| 604 | 07-1721.02 | | Sale of tobacco to minors under 18 years of age. | D030 | 1.00 | 0 | 5 |
| 605 | 07-1721.04 | | Self-service sale of tobacco. | D090 | 3.00 | 0 | 5 |
| 606 | 07-1721.05 | | Package requirements. | D030 | 1.00 | 0 | 5 |
| 607 | 07-1721.06 | | Prohibited sellers. | D030 | 1.00 | 0 | 5 |
| 608 | 07-1803.06 | | Penalties and other remedies. | Y01 | 12.00 | 0 | 5 |
| 609 | 07-1912 | (a)(1) | Penalties; enforcement. | 0 | | 0 | 5 |
| 610 | 07-1912 | (a)(2) | Penalties; enforcement. | 0 | | 0 | 5 |
| 611 | 07-1912 | (a)(3) | Penalties; enforcement. | 0 | | 0 | 5 |
| 612 | 07-2046 | | Criminal and civil penalties. | M06 | 6.00 | 0 | 5 |
| 613 | 07-2108 | (g) | Enforcement and penalties. | D090 | 3.00 | 0 | 5 |
| 614 | 07-2108 | (f) | Enforcement and penalties. | 0 | | 0 | 5 |
| 615 | 07-2341.24 | | Criminal and civil penalties. | D180 | 5.90 | 0 | 5 |
| 616 | 07-246 | | Criminal penalties for unlawful use or disclosure | D180 | 5.90 | 0 | 5 |
| 617 | 07-246 | | Criminal penalties for unlawful use or disclosure | D060 | 2.00 | 0 | 5 |
| 618 | 07-2505.01 | | Sales and transfers prohibited. | Y01 | 12.00 | 0 | 5 |
| 619 | 07-2507.06 | (a)(1) | Penalties. | Y10 | 120.00 | 0 | 5 |
| 620 | 07-2507.06 | (a)(3)(A) | Penalties. | Y10 | 120.00 | Y01 | 5 |
| 621 | 07-2507.06 | (a)(2)(B) | Penalties. | Y01 | 12.00 | 0 | 5 |
| 622 | 07-2507.06 | (a)(3)(B) | Penalties. | Y01 | 12.00 | 0 | 5 |
| 623 | 07-2508.07 | | Penalties; mandatory release condition. | M12 | 12.00 | 0 | 5 |
| 624 | 07-2509.04 | (c) | Failure to Carry a Concealed Pistol License | D180 | 5.90 | 0 | 5 |
| 625 | 07-2854 | (b)(1) | Penalties. | D030 | 1.00 | 0 | 5 |
| 626 | 08-0103.16 | (a)(2) | Penalties. | Y01 | 12.00 | 0 | 5 |
| 627 | 08-0103.16 | (b)(2) | Penalties. | M06 | 6.00 | 0 | 5 |
| 628 | 08-0103.16 | (a)(2) | Penalties. | D090 | 3.00 | 0 | 5 |
| 629 | 08-0105.14 | | Penalties. | Y01 PER DAY | 12.00 | 0 | 5 |
| 630 | 08-0111.09 | | Criminal action. | Y01 | 12.00 | 0 | 5 |
| 631 | 08-0203 | | Failure to make required connections. | 0 | | 0 | 5 |
| 632 | 08-0205 | | Definitions; repair, maintenance, and renewal of water service pipes and building sewers; compensation to property owners; false claims for compensation; severability. | Y01 | 12.00 | 0 | 5 |
| 633 | 08-0231.16 | | Criminal penalties. | Y01 | 12.00 | 0 | 5 |

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| 1 | | | | | | | |
| 634 | 08-0305 | | Penalty. | Y01 | 12.00 | 0 | 5 |
| 635 | 08-0418 | | Penalties. | D090 | 3.00 | 0 | 5 |
| 636 | 08-0505 | | Violations of § 8-502, § 8-504, or § 8-507. | M06 | 6.00 | 0 | 5 |
| 637 | 08-0604 | | Penalties. | D015 | 0.50 | 0 | 5 |
| 638 | 08-0632.01 | | Liabilities. | Y05 | 60.00 | 0 | 5 |
| 639 | 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. | 0 | | 0 | 5 |
| 640 | 08-0708 | | Incinerators for combustible refuse - Penalties. | D060 | 2.00 | 0 | 5 |
| 641 | 08-0902 | (b)(3) | Prohibition and penalties. | Y05 | 60.00 | 0 | 5 |
| 642 | 08-0902 | (b)(4) | Prohibition and penalties. | Y05 | 60.00 | 0 | 5 |
| 643 | 08-0902 | (b)(2) | Prohibition and penalties. | D090 | 3.00 | 0 | 5 |
| 644 | 08-101.05d | | Criminal penalties. | Y01 | 12.00 | 0 | 5 |
| 645 | 08-101.05e | | False statements. | M06 | 6.00 | 0 | 5 |
| 646 | 08-1060 | (g) | Remedies and penalties. | M12 | 12.00 | 0 | 5 |
| 647 | 08-1060 | (i) | Remedies and penalties. | D030 | 1.00 | 0 | 5 |
| 648 | 08-1311 | | Penalties. | Y01 | 12.00 | 0 | 5 |
| 649 | 08-1404 | | Penalties. | Y01 PER DAY | 12.00 | 0 | 5 |
| 650 | 08-1831.01 | | Release of animals. | D180 | 5.90 | 0 | 5 |
| 651 | 08-1906 | | Penalties. | D090 | 3.00 | 0 | 5 |
| 652 | 08-2103.05 | | Rodent harborage prohibited. | D090 | 3.00 | 0 | 5 |
| 653 | 09-0431.01 | | Permit required; exceptions. | M06 | 6.00 | 0 | 5 |
| 654 | 09-0433.01 | | Permit required; exceptions. | M06 | 6.00 | 0 | 5 |
| 655 | 09-0705 | | Penalty. | M06 | 6.00 | 0 | 5 |
| 656 | 09-0810 | | Penalty. | M06 | 6.00 | 0 | 5 |
| 657 | 09-1115.03 | 58 | Woodrow Wilson Bridge and Tunnel Compact. | Y01 | 12.00 | 0 | 5 |
| 658 | 09-1115.03 | 59 | Woodrow Wilson Bridge and Tunnel Compact. | D030 | 1.00 | 0 | 5 |
| 659 | 10-0137.01 | | Authority of the Director of the Department of Recreation and Parks to regulate District parks. | D090 | 3.00 | 0 | 5 |
| 660 | 10-0503.12 | | Public travel in and occupancy of restricted. | M06 | 6.00 | 0 | 5 |
| 661 | 10-0503.13 | | Obstruct Roadway on US Capitol Grounds | M06 | 6.00 | 0 | 5 |
| 662 | 10-0503.14 | | Sale of goods, advertising, or begging forbidden. | M06 | 6.00 | 0 | 5 |
| 663 | 10-0503.15 | | Removal or Injury of Property Forbidden | M06 | 6.00 | 0 | 5 |
| 664 | 10-0503.16 | (a) | Unlawful conduct Capitol Grounds | Y05 | 60.00 | 0 | 5 |
| 665 | 10-0503.16 | (b) | Unlawful conduct. | M06 | 6.00 | 0 | 5 |
| 666 | 10-0503.17 | | Parades, assemblages, and displays forbidden. | M06 | 6.00 | 0 | 5 |
| 667 | 10-0503.20 | (d) | Protection of Congressional personnel by Capitol Police. | Y01 | 12.00 | 0 | 5 |
| 668 | 10-0509.03 | | Penalty for violation of rules and regulations. | M06 | 6.00 | 0 | 5 |
| 669 | 10-1104.04 | | Penalties. | D010 | 0.30 | 0 | 5 |
| 670 | 10-1181.07 | | Enforcement | D090 | 3.00 | 0 | 5 |
| 671 | 11-0944 | | Contempt power. | U | | 0 | 5 |
| 672 | 11-1906 | (d) | Qualification of jurors. | D090 | 3.00 | 0 | 5 |
| 673 | 11-1906 | (c)(1) | Qualification of jurors. | D007 | 0.25 | 0 | 5 |
| 674 | 11-1907 | | Summoning of prospective jurors. | D007 | 0.25 | 0 | 5 |

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| 675 | 11-1913 | | Protection of employment of jurors. | D030 | 1.00 | 0 | 5 |
| 676 | 11-1915 | | Fraud in the selection process. | Y02 | 24.00 | 0 | 5 |
| 677 | 11-2606 | | Receipt of other payments. | Y01 | 12.00 | 0 | 5 |
| 678 | 16-0402 | | Prohibitions and penalties. | Y01 | 12.00 | 0 | 5 |
| 679 | 16-1005 | (f) | Hearing; evidence; protection order. | D180 | 5.90 | 0 | 5 |
| 680 | 16-1005 | (g) | Hearing; evidence; protection order. | D180 | 5.90 | 0 | 5 |
| 681 | 16-2336 | | Unlawful disclosure of records; penalties | D090 | 3.00 | 0 | 5 |
| 682 | 16-2348 | | Parentage records; confidentiality; inspection and disclosure. | D090 | 3.00 | 0 | 5 |
| 683 | 16-2364 | | Unlawful disclosure. | D090 | 3.00 | 0 | 5 |
| 684 | 16-2394 | | Unlawful disclosure. | D090 | 3.00 | 0 | 5 |
| 685 | 16-5102 | | Service of summons. | D180 | 5.90 | 0 | 5 |
| 686 | 18-0112 | | Taking and carrying away, or destroying, mutilating, or secreting will. | Y05 | 60.00 | 0 | 5 |
| 687 | 19-0101.06 | | Penalties. | 0 | | 0 | 5 |
| 688 | 20-0102 | | Verification. | Y10 | 120.00 | Y02 | 5 |
| 689 | 21-0591 | | Offenses and penalties. | Y03 | 36.00 | 0 | 5 |
| 690 | 22-3218.01 | | [Theft of Utility Service] Definitions. | | | | 5 |
| 691 | 22-3218.02 | | Theft of Utility Service] Unlawful acts | D060 | 2.00 | 0 | 5 |
| 692 | 22-3218.03 | | Theft of Utility Service] Presumptions and rebuttal evidence. | | | | 5 |
| 693 | 22-3218.04 | | Theft of Utility Service] Penalties for violation. | D180 | 5.90 | 0 | 5 |
| 694 | 22-3225.01 | | [Insurance fraud] Definitions. | | | | 5 |
| 695 | 22-3225.02 | | [Insurance fraud] Insurance fraud in the first degree | Y15 | 180.00 | 0 | 5 |
| 696 | 22-3225.03 | | Insurance fraud in the second degree | Y05 | 60.00 | 0 | 5 |
| 697 | 22-3225.03a | | [Insurance fraud] Misdemeanor insurance fraud | D180 | 5.90 | 0 | 5 |
| 698 | 22-3225.04 | | [Insurance fraud] Penalties. | | | | 5 |
| 699 | 22-3225.05 | | [Insurance fraud] Restitution. | | | | 5 |
| 700 | 22-3225.06 | | [Insurance fraud] Indemnity. | | | | 5 |
| 701 | 22-3225.07 | | [Insurance fraud] Practitioners. | | | | 5 |
| 702 | 22-3225.08 | | [Insurance fraud] Investigation and report of insurance fraud. | | | | 5 |
| 703 | 22-3225.09 | | [Insurance fraud] Insurance fraud prevention and detection. | | | | 5 |
| 704 | 22-3225.10 | | [Insurance fraud] Regulations. | | | | 5 |
| 705 | 22-3225.11 | | [Insurance fraud] Limited law enforcement authority. | | | | 5 |
| 706 | 22-3225.12 | | [Insurance fraud] Annual anti-fraud activity reporting requirement. | | | | 5 |
| 707 | 22-3225.13 | | [Insurance fraud] Immunity. | | | | 5 |
| 708 | 22-3225.14 | | [Insurance fraud] Prohibition of solicitation. | | | | 5 |
| 709 | 22-3225.15 | | [Insurance fraud] Jurisdiction. | | | | 5 |
| 710 | 22-3226.01 | | [Telephone fraud] Definitions. | | | | 5 |
| 711 | 22-3226.02 | | [Telephone fraud] Application for a certificate of registration of telephone solicitor. | | | | 5 |
| 712 | 22-3226.03 | | [Telephone fraud] Surety bond requirements for telephone solicitors. | | | | 5 |
| 713 | 22-3226.04 | | [Telephone fraud] Penalties. | | | | 5 |

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| 1 | | | | | | | |
| 714 | 22-3226.05 | | [Telephone fraud] Restitution. | | | | 5 |
| 715 | 22-3226.06 | | [Telephone fraud] Telephone Solicitation | Y04 | 48.00 | 0 | 5 |
| 716 | 22-3226.06 | | [Telephone fraud] Telephone Solicitation | Y03 | 36.00 | 0 | 5 |
| 717 | 22-3226.06 | | [Telephone fraud] Telephone Solicitation | M06 | 6.00 | 0 | 5 |
| 718 | 22-3226.07 | | [Telephone fraud] Deceptive acts and practices prohibited. | | | | 5 |
| 719 | 22-3226.08 | | [Telephone fraud] Abusive telemarketing acts or practices. | | | | 5 |
| 720 | 22-3226.09 | | [Telephone fraud] Civil penalties. | | | | 5 |
| 721 | 22-3226.10 | | [Telephone fraud] Criminal penalties. | | | | 5 |
| 722 | 22-3226.11 | | [Telephone fraud] Private right of action. | | | | 5 |
| 723 | 22-3226.12 | | [Telephone fraud] Statute of limitations period. | | | | 5 |
| 724 | 22-3226.13 | | [Telephone fraud] Task force to combat fraud. | | | | 5 |
| 725 | 22-3226.15 | | [Telephone fraud] General disclosures. | | | | 5 |
| 726 | 22-3311 | | Disorderly conduct in public buildings or grounds; injury to or destruction of United States property. | M06 | 6.00 | 0 | 5 |
| 727 | 22-3803 | | [Sexual Psychopaths] Definitions. | | | | 5 |
| 728 | 22-3804 | | [Sexual Psychopaths] Filing of statement. | | | | 5 |
| 729 | 22-3805 | | [Sexual Psychopaths] Right to counsel. | | | | 5 |
| 730 | 22-3806 | | [Sexual Psychopaths] Examination by psychiatrists. | | | | 5 |
| 731 | 22-3807 | | [Sexual Psychopaths] When hearing is required. | | | | 5 |
| 732 | 22-3808 | | [Sexual Psychopaths] Hearing; commitment. | | | | 5 |
| 733 | 22-3809 | | [Sexual Psychopaths] Parole; discharge. | | | | 5 |
| 734 | 22-3810 | | [Sexual Psychopaths] Stay of criminal proceedings. | | | | 5 |
| 735 | 22-3811 | | [Sexual Psychopaths] Criminal law unchanged. | | | | 5 |
| 736 | 22-3901 | | [HIV Testing of Certain Criminal Offenders] Definitions. | | | | 5 |
| 737 | 22-3902 | | [HIV Testing of Certain Criminal Offenders] Testing and counseling | | | | 5 |
| 738 | 22-3903 | | [HIV Testing of Certain Criminal Offenders] Rules. | | | | 5 |
| 739 | 22-4001 | | [Sex offender registration] Definitions. | | | | 5 |
| 740 | 22-4002 | | [Sex offender registration] Registration period. | | | | 5 |
| 741 | 22-4003 | | [Sex offender registration] Certification duties of the Superior Court. | | | | 5 |
| 742 | 22-4004 | | [Sex offender registration] Dispute resolution procedures in the Superior Court. | | | | 5 |
| 743 | 22-4005 | | [Sex offender registration] Duties of the Department of Corrections. | | | | 5 |
| 744 | 22-4006 | | [Sex offender registration] Duties of the Department of Mental Health. | | | | 5 |
| 745 | 22-4007 | | [Sex offender registration] Registration functions of the Court Services and Offender Supervision Agency. | | | | 5 |
| 746 | 22-4008 | | [Sex offender registration] Verification functions of the Court Services and Offender Supervision Agency. | | | | 5 |
| 747 | 22-4009 | | [Sex offender registration] Change of address or other information. | | | | 5 |

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| 748 | 22-4010 | | [Sex offender registration] Maintenance and release of sex offender registration information by the Court Services and Offender Supervision Agency. | | | | 5 |
| 749 | 22-4011 | | [Sex offender registration] Community notification and education duties of the Metropolitan Police Department. | | | | 5 |
| 750 | 22-4012 | | [Sex offender registration] Interagency coordination. | | | | 5 |
| 751 | 22-4013 | | [Sex offender registration] Immunity. | | | | 5 |
| 752 | 22-4014 | | [Sex offender registration] Duties of sex offenders. | | | | 5 |
| 753 | 22-4016 | | [Sex offender registration] No change in age of consent; registration not required for offenses between consenting adults. | | | | 5 |
| 754 | 22-4017 | | [Sex offender registration] Freedom of Information Act exception. | | | | 5 |
| 755 | 22-4131 | | [DNA Testing and Post-Conviction Relief for Innocent Persons] Definitions. | | | | 5 |
| 756 | 22-4132 | | [DNA Testing and Post-Conviction Relief for Innocent Persons] Pre-conviction DNA testing. | | | | 5 |
| 757 | 22-4133 | | [DNA Testing and Post-Conviction Relief for Innocent Persons] Post-conviction DNA testing. | | | | 5 |
| 758 | 22-4134 | | [DNA Testing and Post-Conviction Relief for Innocent Persons] Preservation of evidence | Y05 | 60.00 | 0 | 5 |
| 759 | 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 |
| 760 | 22-4151 | | [DNA Sample Collection] Qualifying offenses. | | | | 5 |
| 761 | 22-4201 | | [National Insitute of Justice Appropriations] Technical assistance and research. | | | | 5 |
| 762 | 22-4231 | | [Criminal Justice Coordinating Council] Definitions. | | | | 5 |
| 763 | 22-4232 | | [Criminal Justice Coordinating Council] Establishment of the Criminal Justice Coordinating Council. | | | | 5 |
| 764 | 22-4233 | | [Criminal Justice Coordinating Council] Membership. | | | | 5 |
| 765 | 22-4234 | | [Criminal Justice Coordinating Council] Duties. | | | | 5 |
| 766 | 22-4235 | | [Criminal Justice Coordinating Council] Administrative support. | | | | 5 |
| 767 | 22-4241 | | [Criminal Justice Coordinating Council] Authorizing federal officials. | | | | 5 |
| 768 | 22-4242 | | [Criminal Justice Coordinating Council] Annual reporting requirement. | | | | 5 |
| 769 | 22-4243 | | [Criminal Justice Coordinating Council] Federal contribution to Criminal Justice Coordinating Council. | | | | 5 |
| 770 | 22-4244 | | [Criminal Justice Coordinating Council] District of Columbia Criminal Justice Coordinating Council defined. | | | | 5 |
| 771 | 22-4251 | | Comprehensive Homicide Elimination Strategy Task Force. | | | | 5 |

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| 772 | 23-0542 | | Interception, disclosure, and use of wire or oral communications prohibited. | Y05 | 60.00 | 0 | 5 |
| 773 | 23-0543 | | Possession, sale, distribution, manufacture, assembly, and advertising of wire or oral communication intercepting devices prohibited. | Y05 | 60.00 | 0 | 5 |
| 774 | 23-1103 | | Procuring business through official or attorney for a consideration prohibited. | D060 | 2.00 | D010 | 5 |
| 775 | 23-1104 | | Attorneys procuring employment through official or bondsman for a consideration prohibited | D060 | 2.00 | D010 | 5 |
| 776 | 23-1105 | | Receiving other than regular fee for bonding prohibited; bondsmen prohibited from endeavoring to secure dismissal or settlement. | D060 | 2.00 | D010 | 5 |
| 777 | 23-1107 | | Bondsmen prohibited from entering place of detention unless requested by prisoner; record of visit to be kept. | D060 | 2.00 | D010 | 5 |
| 778 | 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. | M06 | 6.00 | 0 | 5 |
| 779 | 23-1109 | | Giving advance information of proposed raid prohibited. | D060 | 2.00 | D010 | 5 |
| 780 | 23-1110 | | Designation of official to take bail or collateral when court is not in session; issuance of citations. | D180 | 5.90 | 0 | 5 |
| 781 | 24-0241.05 | | Suspension of work release privilege; violations of work release plan. | D180 | 5.90 | 0 | 5 |
| 782 | 24-0251.04 | (b) | Procedures. | Y05 | 60.00 | 0 | 5 |
| 783 | 25-0434 | | Influencing the application process. | D090 | 3.00 | 0 | 5 |
| 784 | 25-0772 | | Unlawful importation of beverages. | M06 | 6.00 | 0 | 5 |
| 785 | 25-0781 | | Sale to minors or intoxicated persons prohibited. | 0 | | 0 | 5 |
| 786 | 25-0785 | (c)(1) | Delivery, offer, or otherwise making available to persons under 21; penalties. | D180 | 5.90 | 0 | 5 |
| 787 | 25-0831 | (b) | Penalty for violation where no specific penalty provided; additional penalty for failure to perform certain required acts. | Y03 | 36.00 | 0 | 5 |
| 788 | 25-0831 | (a) | Penalty for violation where no specific penalty provided; additional penalty for failure to perform certain required acts. | Y01 | 12.00 | 0 | 5 |
| 789 | 25-1002 | (c)(4)(D) | Purchase, possession or consumption by persons under 21; misrepresentation of age; penalties. | D030 | 1.00 | 0 | 5 |
| 790 | 25-1002 | (c)(1)(A) | Purchase, possession or consumption by persons under 21; misrepresentation of age; penalties. | 0 | | 0 | 5 |
| 791 | 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. | Y01 | 12.00 | 0 | 5 |

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| 792 | 26-0107 | | Restriction on use of words "bank" and "trust company"; violations. | 0 | | 0 | 5 |
| 793 | 26-0204 | | Object; supervision by federal board; strict compliance with provisions required; exception; violations. | Y02 | 24.00 | 0 | 5 |
| 794 | 26-0323 | | Penalties. | 0 | | 0 | 5 |
| 795 | 26-0551.21 | | Penalty for violation of final order. | Y01 | 12.00 | 0 | 5 |
| 796 | 26-0634 | | Requirements for international banking corporation activities. | Y01 | 12.00 | 0 | 5 |
| 797 | 26-0907 | | Violations | D090 | 3.00 | D030 | 5 |
| 798 | 26-1023 | (c) | Criminal Penalties | Y05 | 60.00 | 0 | 5 |
| 799 | 26-1023 | (b) | Criminal Penalties | Y03 | 36.00 | 0 | 5 |
| 800 | 26-1023 | (a) | Criminal Penalties | Y01 | 12.00 | 0 | 5 |
| 801 | 26-1335 | | Compliance required of foreign corporations or companies. | Y01 | 2.00 | 0 | 5 |
| 802 | 28-2305 | | Contract to assign future salary or wages. | D060 | 2.00 | 0 | 5 |
| 803 | 28-3313 | | Penalties | Y01 | 12.00 | 0 | 5 |
| 804 | 28-3817 | | Health spa sales. | 0 | | 0 | 5 |
| 805 | 28-4502 | | Contract, combination, or conspiracy to restrain trade | Y01 | 12.00 | 0 | 5 |
| 806 | 28-4503 | | Monopolization | Y01 | 12.00 | 0 | 5 |
| 807 | 28-4505 | (h) | Civil investigative demand. | Y01 | 12.00 | 0 | 5 |
| 808 | 28-4505 | (l) | Civil investigative demand. | 0 | | 0 | 5 |
| 809 | 28-4607 | | Penalties | Y01 | 12.00 | 0 | 5 |
| 810 | 31-0202 | | General duties of Commissioner; companies or associations to file certain information; service of legal process; rules and regulations. | 0 | | 0 | 5 |
| 811 | 31-0603 | | Statements to be filed by beneficial owners, directors, or officers; sales restrictions; exemptions; equity security defined; rules and regulations; violations; effective date. | D030 | 1.00 | 0 | 5 |
| 812 | 31-0710 | (e) | Sanctions | Y05 | 60.00 | Y03 | 5 |
| 813 | 31-0710 | (d)(3) | Sanctions | Y03 | 36.00 | Y01 | 5 |
| 814 | 31-0710 | (d)(2) | Sanctions | 0 | | 0 | 5 |
| 815 | 31-1305 | | Cooperation of officers, owners, and employees | Y01 | 12.00 | 0 | 5 |
| 816 | 31-2408.01 | | Uninsured Motorist Fund. | Y01 | 12.00 | 0 | 5 |
| 817 | 31-2413 | | Penalties; adjudications | D030 | 1.00 | 0 | 5 |
| 818 | 31-2502.09 | | Making or publishing material false statements | Y05 | 60.00 | 0 | 5 |
| 819 | 31-2502.39 | | Persons not to act for unauthorized companies | Y01 | 12.00 | 0 | 5 |
| 820 | 31-2502.42 | | Violations of provisions | Y01 | 12.00 | 0 | 5 |
| 821 | 31-3431 | | Principal office, books, records, and files of the health maintenance organization to be in the District. | 0 | | 0 | 5 |
| 822 | 31-3521 | | Sanctions for violations. | Y01 | 12.00 | 0 | 5 |
| 823 | 31-4310 | | Representation of financial standing - Alien companies; violations. | 0 | | 0 | 5 |
| 824 | 31-4415 | | Capital stock records | 0 | | 0 | 5 |
| 825 | 31-4601 | | Violations | 0 | | 0 | 5 |

CCRC Work Sequence (2-6-20)

| | A | B | C | D | E | F | G |
|-----|------------------------------------|-------------|--|-----------------------------------|---------------------|------------|--|
| | D.C. Code Statute or DCMR Citation | Sub section | Name | Max Prison D=day M=month Y = year | Max Prison (Months) | Min Prison | CCRC Status 1= Drafted; 2=FY20 Q2-Q3; 3=FY20 Q4; 4=FY 21 Q1-Q2; 5=No |
| 1 | | | | | | | |
| 826 | 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. | D060 | 2.00 | D010 | 5 |
| 827 | 31-5204 | | Principal office and books, records, and files of corporation to be in District; exception; reincorporation of certain corporations; violations; prosecutions. | D090 | 3.00 | 0 | 5 |
| 828 | 31-5332 | (d) | Penalties | Y10 | 120.00 | 0 | 5 |
| 829 | 31-5332 | (a) | Penalties | Y01 | 12.00 | D030 | 5 |
| 830 | 31-5332 | (b) | Penalties | Y01 | 12.00 | D030 | 5 |
| 831 | 31-5332 | (c) | Penalties | 0 | | 0 | 5 |
| 832 | 31-5606.04 | (a) | Criminal penalties | Y01 | 12.00 | 0 | 5 |
| 833 | 31-5606.04 | (b) | Criminal penalties | U | | U | 5 |
| 834 | 31-5606.04 | (c) | Criminal penalties | U | | U | 5 |
| 835 | 32-0213 | (b) | Penalties | D030 | 1.00 | D010 | 5 |
| 836 | 32-0220 | | Persons selling merchandise to minor for resale or distribution to ascertain that minor wears badge; penalties; exception | D030 | 1.00 | D010 | 5 |
| 837 | 32-0221 | | Loitering around business establishments prohibited during school hours; penalty | D030 | 1.00 | D010 | 5 |
| 838 | 32-0414 | | Penalties | Y01 | 12.00 | 0 | 5 |
| 839 | 32-0812 | | Penalties for violation of subchapter; jurisdiction; prosecution | D090 | 3.00 | 0 | 5 |
| 840 | 32-0902 | | Use prohibited; exceptions. | D030 | 1.00 | 0 | 5 |
| 841 | 32-1010 | | Penalties; prosecution | M06 | 6.00 | 0 | 5 |
| 842 | 32-1121 | (a) | Criminal penalties | M06 | 6.00 | 0 | 5 |
| 843 | 32-1121 | (b) | Criminal penalties | M06 | 6.00 | 0 | 5 |
| 844 | 32-1121 | (c) | Criminal penalties | M06 | 6.00 | 0 | 5 |
| 845 | 32-1307 | | Penalties | D030 | 1.00 | 0 | 5 |
| 846 | 32-1308.01 | (l)(4) | Administrative actions on employee complaints. | D060 | 2.00 | 0 | 5 |
| 847 | 32-1308.01 | (l)(5) | Administrative actions on employee complaints. | D060 | 2.00 | 0 | 5 |
| 848 | 32-1516 | | Invalid agreements | 0 | | 0 | 5 |
| 849 | 32-1530 | | Attorney fees | Y01 | 12.00 | 0 | 5 |
| 850 | 32-1533 | | Penalty for misrepresentation | Y01 | 12.00 | 0 | 5 |
| 851 | 32-1539 | | Failure to secure payment of compensation | Y01 | 12.00 | 0 | 5 |
| 852 | 32-213 | | Penalties. | D030 | 1.00 | D010 | 5 |
| 853 | 34-0301 | | Public Service Commission; general powers | 0 | | 0 | 5 |
| 854 | 34-0701 | | False statements in securing approval for stock issue | Y01 | 12.00 | 0 | 5 |
| 855 | 34-0702 | | Demanding or receiving greater or less than established rates | 0 | | 0 | 5 |
| 856 | 34-0704 | | Rebates | 0 | | 0 | 5 |
| 857 | 34-0705 | | Failure or refusal to furnish information; furnishing false information; failure to keep proper accounts | 0 | | 0 | 5 |
| 858 | 34-0707 | | Destruction of apparatus or appliance of Commission | D030 | 1.00 | 0 | 5 |
| 859 | 34-0731 | | Prosecution for violation of rules | 0 | | 0 | 5 |
| 860 | 34-1264.02 | (c) | Cable theft | Y10 | 120.00 | 0 | 5 |

CCRC Work Sequence (2-6-20)

| | A | B | C | D | E | F | G |
|-----|------------------------------------|-------------|--|-----------------------------------|---------------------|------------|--|
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| 1 | | | | | | | |
| 861 | 34-1264.02 | (b)(2) | Cable theft | Y01 | 12.00 | 0 | 5 |
| 862 | 34-1264.02 | (b)(3) | Cable theft | Y01 | 12.00 | 0 | 5 |
| 863 | 34-1264.02 | (b)(4) | Cable theft | Y01 | 12.00 | 0 | 5 |
| 864 | 34-1264.02 | (b)(5) | Cable theft | Y01 | 12.00 | 0 | 5 |
| 865 | 34-1264.02 | (b)(1) | Cable theft | M06 | 6.00 | 0 | 5 |
| 866 | 34-2304 | (e) | Appointment of receiver | M06 | 6.00 | 0 | 5 |
| 867 | 34-2304 | (e) | Appointment of receiver | D030 | 1.00 | 0 | 5 |
| 868 | 34-2401.20 | | Unlawful tapping of water pipe; penalty | Y01 | 12.00 | 0 | 5 |
| 869 | 34-2401.22 | | Penalty for damaging or defacing water pipes | Y02 | 24.00 | 0 | 5 |
| 870 | 34-2502 | | Penalty for refusal to remove conduits | 0 | | 0 | 5 |
| 871 | 35-0211 | | Removal of disused tracks; penalty for noncompliance. | 0 | | 0 | 5 |
| 872 | 35-0251 | (c) | Unlawful conduct on public passenger vehicles. | D090 | 3.00 | 0 | 5 |
| 873 | 35-0251 | (d) | Unlawful conduct on public passenger vehicles. | D090 | 3.00 | 0 | 5 |
| 874 | 35-0251 | (b) | Unlawful conduct on public passenger vehicles. | 0 | | 0 | 5 |
| 875 | 36-0102 | | Unauthorized use or sale of registered bottles. | 0 | | 0 | 5 |
| 876 | 36-0130 | | Prosecutions; penalties | 0 | | 0 | 5 |
| 877 | 36-0153 | | Unauthorized use, defacing, or sale of registered vessel | Y01 | 12.00 | D010 | 5 |
| 878 | 36-0202 | | Unauthorized use of registered label; injunctive relief. | Y01 | 12.00 | M03 | 5 |
| 879 | 36-0302.05 | | Violations; notice, order, injunction, and penalties. | D090 | 3.00 | 0 | 5 |
| 880 | 36-0304.01 | | Prohibition on conversions. | 0 | | 0 | 5 |
| 881 | 37-201.16 | | Substitutes for dry measure prohibited. | U | | U | 5 |
| 882 | 37-201.32 | | Penalties; conduct of prosecutions. | M06 | 6.00 | 0 | 5 |
| 883 | 38-0203 | | Enforcement; penalties. | D005 | 0.15 | 0 | 5 |
| 884 | 38-0303 | | Regulations determining tuition requirement; penalties; prosecutions. | D090 | 3.00 | 0 | 5 |
| 885 | 38-0303 | | Regulations determining tuition requirement; penalties; prosecutions. | D030 | 1.00 | 0 | 5 |
| 886 | 38-0312 | | False information; penalty. | D090 | 3.00 | 0 | 5 |
| 887 | 38-1312 | | Violations; penalties | 0 | | 0 | 5 |
| 888 | 38-1403 | | Penalty for failure to register | D090 | 3.00 | D030 | 5 |
| 889 | 39-0108 | | Confidentiality of circulation records | 0 | | 0 | 5 |
| 890 | 41-0204 | | False statements; failure to render termination statement; "Attorney General" defined | Y01 | 12.00 | 0 | 5 |
| 891 | 42-1121 | | Illegal acts relating to stamps and other devices; penalties. | Y03 | 36.00 | 0 | 5 |
| 892 | 42-1708 | | Additional criminal penalties. | Y01 | 12.00 | 0 | 5 |
| 893 | 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. | M06 | 6.00 | 0 | 5 |
| 894 | 42-1904.17 | | Penalties; prosecution by Attorney General. | M06 | 6.00 | 0 | 5 |
| 895 | 42-2435 | | Criminal penalties | Y01 | 12.00 | 0 | 5 |
| 896 | 42-3131.02 | | Inspection of buildings for violative conditions; interference with inspection | M03 | 3.00 | 0 | 5 |
| 897 | 42-3131.10 | | Penalties for noncompliance | 0 | | 0 | 5 |
| 898 | 42-3304 | | Penalties | D030 | 1.00 | 0 | 5 |
| 899 | 42-3405.10 | | Penalties | M06 | 6.00 | 0 | 5 |
| 900 | 42-3509.08 | | Inspection of rental housing | M03 | 3.00 | 0 | 5 |

CCRC Work Sequence (2-6-20)

| | A | B | C | D | E | F | G |
|-----|------------------------------------|-------------|--|-----------------------------------|---------------------|------------|--|
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| 1 | | | | | | | |
| 901 | 43-0120 | | Keeping and exhibiting dead bodies. | D090 | 3.00 | 0 | 5 |
| 902 | 44-0151.15 | (b) | Criminal penalties | Y03 | 36.00 | 0 | 5 |
| 903 | 44-0151.15 | (a) | Criminal penalties | Y01 | 12.00 | 0 | 5 |
| 904 | 44-0151.15 | (b) | Criminal penalties | D180 | 5.90 | 0 | 5 |
| 905 | 44-0212 | | Penalties and enforcement | D090 | 3.00 | 0 | 5 |
| 906 | 44-0416 | | Violations and penalties for noncompliance. | D010 | 0.30 | 0 | 5 |
| 907 | 44-0509 | (f)(2) | Penalties; enforcement. | D180 | 5.90 | 0 | 5 |
| 908 | 44-0509 | (a) | Penalties; enforcement. | D090 | 3.00 | 0 | 5 |
| 909 | 44-0509 | (d)(1)(A) | Penalties; enforcement. | D090 | 3.00 | 0 | 5 |
| 910 | 44-0553 | | Penalties for unauthorized released of criminal information. | D030 | 1.00 | 0 | 5 |
| 911 | 44-0609 | | Violations and penalties for noncompliance. | 0 | | 0 | 5 |
| 912 | 44-1712 | | Penalties; prosecutions; actions to enjoin. | D060 | 2.00 | 0 | 5 |
| 913 | 46-0224.02 | | Parent locator service | M03 | 3.00 | 0 | 5 |
| 914 | 46-0225.02 | | Criminal contempt remedy for failure to pay child support | D180 | 5.90 | 0 | 5 |
| 915 | 46-0421 | | Violations; prosecutions. | M06 | 6.00 | 0 | 5 |
| 916 | 47-0102 | | Total indebtedness not to be increased | Y10 | 120.00 | 0 | 5 |
| 917 | 47-0351.15 | | Penalties | 0 | | 0 | 5 |
| 918 | 47-0391.03 | | Powers of Authority | Y01 | 12.00 | 0 | 5 |
| 919 | 47-0813 | | Classes of property. | D180 | 5.90 | 0 | 5 |
| 920 | 47-0821 | | Assessments--General duties of Mayor; appointment of assessors; submission of information by property owners. | D180 | 5.90 | 0 | 5 |
| 921 | 47-0828 | | Violations of assessment provisions | Y01 | 12.00 | 0 | 5 |
| 922 | 47-0850.02 | | Residential property tax relief--One-time filing, notification of change in eligibility, liability for tax, audit. | D180 | 5.90 | 0 | 5 |
| 923 | 47-0863 | | Reduced tax liability for property owners over age 65 and for property owners with disabilities; rules. | D180 | 5.90 | 0 | 5 |
| 924 | 47-1805.02 | | Returns - Persons required to file | 0 | | 0 | 5 |
| 925 | 47-1805.04 | | Returns - Divulgence of information | Y01 | 12.00 | 0 | 5 |
| 926 | 47-2014 | | Assumption or refund of tax by vendor unlawful; penalties | M06 | 6.00 | 0 | 5 |
| 927 | 47-2018 | | Secrecy of returns; reciprocity | Y01 | 12.00 | 0 | 5 |
| 928 | 47-2026 | | Certificate of registration | 0 | | 0 | 5 |
| 929 | 47-2106 | | Penalty for conducting false "closing-out sales" and for violation of this chapter; prosecutions | D090 | 3.00 | 0 | 5 |
| 930 | 47-2405 | | Transportation of cigarettes | Y03 | 36.00 | 0 | 5 |
| 931 | 47-2406 | | Offenses relating to stamps | Y05 | 60.00 | 0 | 5 |
| 932 | 47-2408 | (c) | Records; reports; returns | Y01 | 12.00 | 0 | 5 |
| 933 | 47-2408 | (d) | Records; reports; returns | Y01 | 12.00 | 0 | 5 |
| 934 | 47-2409 | | Seizure and forfeiture of property | Y01 | 12.00 | 0 | 5 |
| 935 | 47-2419 | | Documentation. | Y03 | 36.00 | 0 | 5 |
| 936 | 47-2421 | | Prohibitions on gray market cigarettes. | Y03 | 36.00 | 0 | 5 |
| 937 | 47-2604 | | Penalty for engaging in business without license or certificate of authority | 0 | | 0 | 5 |

CCRC Work Sequence (2-6-20)

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| 1 | | | | | | | |
| 938 | 47-2707 | | Prosecutions | D060 | 2.00 | 0 | 5 |
| 939 | 47-2808 | | Auctioneers; temporary licenses; penalty for failure to account. | M06 | 6.00 | 0 | 5 |
| 940 | 47-2809.01 | | Body art establishments. | M03 | 3.00 | 0 | 5 |
| 941 | 47-2811 | | Massage establishments; Turkish, Russian, or medicated baths. | D090 | 3.00 | 0 | 5 |
| 942 | 47-2828 | | Failure to Obtain Business License with Housing Residential Endorsement | D090 | 3.00 | 0 | 5 |
| 943 | 47-2839.01 | | Security agencies. | Y01 | 12.00 | 0 | 5 |
| 944 | 47-2846 | | Penalties | D090 | 3.00 | 0 | 5 |
| 945 | 47-2850 | | Rules governing the business of furnishing towing services for motor vehicles. | D090 | 3.00 | 0 | 5 |
| 946 | 47-2853.26 | | False representation of authority to practice. | Y01 | 12.00 | 0 | 5 |
| 947 | 47-2853.27 | | Fines and penalties; criminal violations. | Y01 | 12.00 | 0 | 5 |
| 948 | 47-2853.73 | | Certain representations prohibited. | Y01 | 12.00 | 0 | 5 |
| 949 | 47-2853.76e | | Prohibitions and penalties. | M03 | 3.00 | 0 | 5 |
| 950 | 47-2853.83 | | Certain representations prohibited. | Y01 | 12.00 | 0 | 5 |
| 951 | 47-2883.02 | | Bond requirements. | D090 | 3.00 | 0 | 5 |
| 952 | 47-2883.04 | | Penalty | D090 | 3.00 | 0 | 5 |
| 953 | 47-2884.16 | | Penalties for violation of part; loan declared void; pledge returned. | D090 | 3.00 | 0 | 5 |
| 954 | 47-2885.20 | | Penalties; prosecutions; injunction. | M06 | 6.00 | 0 | 5 |
| 955 | 47-2886.14 | | Unlawful acts. | Y01 | 12.00 | 0 | 5 |
| 956 | 47-2887.13 | | Prohibited conduct. | M06 | 6.00 | 0 | 5 |
| 957 | 47-2888.07 | (a) | Penalties. | D090 | 3.00 | 0 | 5 |
| 958 | 47-2888.07 | (b) | Penalties. | D090 | 3.00 | 0 | 5 |
| 959 | 47-2888.07 | (c) | Penalties. | D090 | 3.00 | 0 | 5 |
| 960 | 47-2907 | | Restaurants, hotels, barber shops, bathing houses, ice cream saloons, and soda fountains required to serve well-behaved persons. | 0 | | 0 | 5 |
| 961 | 47-3409 | | Divulging information obtained from Internal Revenue Service prohibited; penalties | D090 | 3.00 | 0 | 5 |
| 962 | 47-3506 | | Administration and enforcement - Qualifying nonprofit housing organizations and cooperative housing associations | D180 | 5.90 | 0 | 5 |
| 963 | 47-3719 | | Secrecy of returns. | Y01 | 12.00 | 0 | 5 |
| 964 | 47-4101 | (a) | Attempt to evade or defeat tax | Y10 | 120.00 | 0 | 5 |
| 965 | 47-4101 | (b) | Attempt to evade or defeat tax | D180 | 5.90 | 0 | 5 |
| 966 | 47-4102 | (a) | Failure to collect or pay over tax | Y10 | 120.00 | 0 | 5 |
| 967 | 47-4102 | (b) | Failure to collect or pay over tax | D180 | 5.90 | 0 | 5 |
| 968 | 47-4103 | (a) | Failure to pay tax, make return, keep records, or supply information | D180 | 5.90 | 0 | 5 |
| 969 | 47-4103 | (b) | Failure to pay tax, make return, keep records, or supply information | D180 | 5.90 | 0 | 5 |
| 970 | 47-4104 | | Fraudulent statements or failure to make statements to employee | D180 | 5.90 | 0 | 5 |

CCRC Work Sequence (2-6-20)

| | A | B | C | D | E | F | G |
|------|------------------------------------|-------------|---|----------------------------------|---------------------|------------|--|
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| 971 | 47-4105 | | Fraudulent withholding information or failure to supply information to employer | D180 | 5.90 | 0 | 5 |
| 972 | 47-4106 | (a) | Fraud and false statements | D180 | 5.90 | 0 | 5 |
| 973 | 47-4106 | (b) | Fraud and false statements | D180 | 5.90 | 0 | 5 |
| 974 | 47-4106 | (c) | Fraud and false statements | D180 | 5.90 | 0 | 5 |
| 975 | 47-4106 | (d) | Fraud and false statements | D180 | 5.90 | 0 | 5 |
| 976 | 47-4107 | (a) | Attempt to interfere with administration of District of Columbia revenue laws | D180 | 5.90 | 0 | 5 |
| 977 | 47-4107 | (b) | Attempt to interfere with administration of District of Columbia revenue laws | D180 | 5.90 | 0 | 5 |
| 978 | 47-4405 | | Collections through third party contractors | D180 | 5.90 | 0 | 5 |
| 979 | 47-4406 | | Secrecy of returns | D180 | 5.90 | 0 | 5 |
| 980 | 48-0109 | | Prosecutions; violations | Y01 | 12.00 | 0 | 5 |
| 981 | 48-0702 | | Prohibitions. | 0 | | 0 | 5 |
| 982 | 48-0921.02 | | Search warrants; issuance, execution and return; property inventory; filing of proceedings; interference with service | Y02 | 240.00 | 0 | 5 |
| 983 | 48-1004 | | Prohibition. (Congregating in Drug Free Zone) | D180 | 5.90 | 0 | 5 |
| 984 | 49-0106 | | Rules for parades and encampments | 0 | | 0 | 5 |
| 985 | 49-0205 | | Penalty for selling, pawning, injuring, or retaining public property | M02 | 2.00 | 0 | 5 |
| 986 | 49-0507 | | Witnesses; compulsory attendance | D030 | 1.00 | 0 | 5 |
| 987 | 50-0326 | | Modernization of taxicabs. | D180 | 5.90 | 0 | 5 |
| 988 | 50-0329.05 | (a)(2) | Fleeing from a public vehicle inspection officer in a public vehicle-for-hire. | Y05 | 60.00 | 0 | 5 |
| 989 | 50-0329.05 | (a)(1) | Fleeing from a public vehicle inspection officer in a public vehicle-for-hire. | D180 | 5.90 | 0 | 5 |
| 990 | 50-0405 | (b)(1) | Penalties | M06 | 6.00 | 0 | 5 |
| 991 | 50-0505 | | Disclosure of damages or defects in used motor vehicles; violations; penalties | 0 | | 0 | 5 |
| 992 | 50-0607 | | Penalties | M06 | 6.00 | 0 | 5 |
| 993 | 50-1215 | | False statements as to liens; violations of law chapter | Y01 | 12.00 | 0 | 5 |
| 994 | 50-1301.74 | | Failure to return license or registration; penalty | D030 | 1.00 | 0 | 5 |
| 995 | 50-1301.75 | | Penalty for violations of chapter | D090 | 3.00 | 0 | 5 |
| 996 | 50-1331.08 | | Penalties | D180 | 5.90 | 0 | 5 |
| 997 | 50-1401.01 | (d) | Fee; examination; age requirements; lost permits; provisions for armed forces personnel; contents; operation without permit prohibited; restrictions for minors | D090 | 3.00 | 0 | 5 |
| 998 | 50-1401.02 | | Exemptions | D030 | 1.00 | 0 | 5 |
| 999 | 50-1403.01 | | Revocation or suspension; new permit after revocation; nonresidents; penalty for operation with revoked or suspended license | Y01 | 12.00 | 0 | 5 |
| 1000 | 50-1403.03 | | Suspension of minor's motor vehicle operator's permit for alcohol violation | D180 | 5.90 | 0 | 5 |
| 1001 | 50-1501.04 | | Unlawful acts; penalty | D030 | 1.00 | 0 | 5 |
| 1002 | 50-1507.03 | | Registration | D180 | 5.90 | 0 | 5 |

CCRC Work Sequence (2-6-20)

| | A | B | C | D | E | F | G |
|------|------------------------------------|-------------|---|-----------------------------------|---------------------|------------|---|
| 1 | D.C. Code Statute or DCMR Citation | Sub section | Name | Max Prison D=day M=month Y = year | Max Prison (Months) | Min Prison | CCRC Status 1= Drafted; 2=FY20 Q2-Q3; 3=FY20 Q4; 4=FY 21 Q1-Q2; 5=No |
| 1003 | 50-1912 | | Penalty. | D090 | 3.00 | 0 | 5 |
| 1004 | 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. | Y01 | 12.00 | 0 | 5 |
| 1005 | 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. | D090 | 3.00 | 0 | 5 |
| 1006 | 50-2303.07 | | Identification of pedestrian offenders | 0 | | 0 | 5 |
| 1007 | 50-2421.04 | | Removal of abandoned and dangerous vehicles from public space; penalties | D090 | 3.00 | 0 | 5 |
| 1008 | 50-2421.09 | | Procedures for reclaiming impounded vehicles; lien; penalties | D090 | 3.00 | 0 | 5 |
| 1009 | 50-2421.10 | | Disposal of unclaimed vehicles; penalties; auction admission fees | Y01 | 12.00 | 0 | 5 |
| 1010 | 51-0113 | | Payment of employer contributions | Y01 | 12.00 | 0 | 5 |
| 1011 | 51-0117 | | Records and reports; inspection; penalties for violation | D090 | 3.00 | 0 | 5 |
| 1012 | 51-0118 | | Protection of rights and benefits; child support obligations | M06 | 6.00 | 0 | 5 |
| 1013 | 51-0119 | (b) | Penalties for false statements or representations | M06 | 6.00 | 0 | 5 |
| 1014 | 51-0119 | (a) | Penalties for false statements or representations | D060 | 2.00 | 0 | 5 |
| 1015 | 51-0119 | (c) | Penalties for false statements or representations | D060 | 2.00 | 0 | 5 |

Appendix C

DISTRICT OF COLUMBIA CRIMINAL CODE REFORM COMMISSION (MA0)
FY 2020 SCHEDULE A (as of January 27, 2020)

| Vacant Status | FTE |
|---------------|----------|
| Filled | 5 |
| Vacant | 0 |
| Total | 5 |

| Agency Code | Fiscal Year | Position# | Program Code | Activity Code | Filled, Vacant or Frozen | Position Title | Employee Name | Hire Date | Grade | Step | Salary | Fringe Benefits | FTE | Reg/Temp /Term | Hiring Status | Filled By Law Y/N |
|---------------------------|-------------|-----------|--------------|---------------|--------------------------|----------------------|---------------------|-----------|-------|------|----------------|-----------------|----------|----------------|---------------|-------------------|
| MA0 | 2020 | 00001748 | 1001 | 1010 | Filled | Sr. Attorney Advisor | Sulton,Patrice A | 4/2/2018 | 8 | 0 | 101,455 | 22,320 | 1 | Reg | | |
| MA0 | 2020 | 00047268 | 1001 | 1010 | Filled | Executive Director | Schmechel,Richard S | 11/5/2012 | 9 | 0 | 141,280 | 31,082 | 1 | Reg | | |
| MA0 | 2020 | 00075456 | 1001 | 1010 | Filled | Sr. Attorney Advisor | Park,Jinwoo | 9/9/2013 | 8 | 0 | 105,905 | 23,299 | 1 | Reg | | |
| MA0 | 2020 | 00075457 | 1001 | 1010 | Filled | Attorney Advisor | Green,Gabrielle M | 1/6/2020 | 7 | 0 | 95,500 | 21,010 | 1 | Reg | | |
| MA0 | 2020 | 00075475 | 1001 | 1010 | Filled | Sr. Attorney Advisor | Redfern,Rachel S | 1/14/2013 | 8 | 0 | 113,622 | 24,997 | 1 | Reg | | |
| Agency Grand Total | | | | | | | | | | | 557,762 | 122,708 | 5 | | | |