



District of Columbia Sentencing Commission
441 Fourth Street NW, Suite 430 South, Washington, D.C. 20001
(202) 727-8822 – Fax (202) 727-7929

Hon. Milton C. Lee
Chairperson

Linden Fry
Executive Director

****SENTENCING GUIDELINES ALERT****

DATE: May 8, 2024
EFFECTIVE DATE: Immediate
RULES AFFECTED: Appendix C and C-1 (Offense Rankings)

On April 30, 2024, the District of Columbia Sentencing Commission discussed and ranked the new felony offenses and enhancements contained in Secure DC¹ (permanent legislation) and the Secure DC Emergency Act² (emergency legislation). The emergency legislation went into effect on March 12, 2024, while the permanent legislation has a projected law date of May 18, 2024, pending Congressional review.³ An updated PDF version of the 2023 Guidelines Manual will be issued containing the new and updated rankings discussed in this Alert when the permanent legislation goes into effect. The new Appendix C/C-I listing for each offense is attached to this alert.

A. NEW OR MODIFIED OFFENSES

1) Directing Organized Retail Theft (D.C. Code § 22-3211.01)

The new offense of Directing Organized Retail Theft was ranked in Master Group 8. The Court shall apply the ranking to pleas/verdicts entered on or after March 12, 2024.

2) Possessing a Firearm with Intent to Sell, Offer for Sale, or Make Available for Sale (D.C. Code § 7-2507.06(a)(5))

The new offense of Possessing a Firearm with Intent to Sell, Offer for Sale, or Make Available for Sale was ranked in Master Group 8. The Court shall apply the ranking to pleas/verdicts entered on or after March 12, 2024.

3) Strangulation (D.C. Code § 22-404.05)

The new offense of Strangulation (unarmed) was ranked in Master Group 8. The Court shall apply the ranking to pleas/verdicts entered on or after March 12, 2024.

The new offense of Strangulation also includes an enhancement that, if applicable, increases the fine and/or maximum penalty by 1 ½ times the initial penalty. The enhancement should be

¹ Secure DC Omnibus Amendment Act of 2024, 2024 D.C. Legis. B. 345, (D.C. 2024) (formerly the “Accountability and Victim Protection Amendment Act of 2023”).

² Secure DC Omnibus Emergency Amendment Act of 2024, D.C. Act 25-410, eff. Mar. 12, 2024, exp. June 6, 2024.

³ The Emergency legislation went into immediate effect on March 12, 2024, and expires on June 6, 2024. The portions of the permanent legislation not contained in the Emergency legislation will not become law until the full bill goes into effect.

The new offense of Possession of a Sawed-off Shotgun or Ghost Gun was ranked in Master Group 8. The Court shall apply the ranking to pleas/verdicts entered on or after **March 12, 2024.**

9) Possession of a Machine Gun (D.C. Code § 22-4514(c)(2))

The new offense of Possession of a Machine Gun was ranked in Master Group 8. The Court shall apply the ranking to pleas/verdicts entered on or after **March 12, 2024.**

10) Possession of a Sawed-off Shotgun, Ghost Gun, or Machine Gun – 2nd+ offense or prior felony (D.C. Code § 22-4514(c)(3))⁵

The new offenses of Possession of a Sawed-off Shotgun, Ghost Gun, and Machine Gun also include an enhancement, that, if applicable, increases the fine and/or maximum penalty. **Possession of a Sawed-off Shotgun, Ghost Gun, or Machine Gun– 2nd+ offense or prior felony was ranked in Master Group 8.** The Court shall apply the ranking to pleas/verdicts entered on or after **March 12, 2024.**

11) Misdemeanor Sexual Abuse, 3 or More Prior Convictions (D.C. Code § 22-3006(b)(1))

The new offense of Misdemeanor Sexual Abuse, 3 or More Prior Convictions was ranked in Master Group 8. The Court shall apply the ranking to pleas/verdicts entered on or after **March 12, 2024.**

12) Misdemeanor Child Sexual Abuse, 3 or More Prior Convictions (D.C. Code § 22-3010.01(a-1)(1))

The new offense of Misdemeanor Child Sexual Abuse, 3 or More Prior Convictions was ranked in Master Group 8. The Court shall apply the ranking to pleas/verdicts entered on or after **March 12, 2024.**

13) Unlawful Discharge of a Weapon (D.C. Code § 22-4503.01)

The new offense of Unlawful Discharge of a Weapon was ranked in Master Group 9. The Court shall apply the ranking to pleas/verdicts entered on or after **March 12, 2024.**

14) Unlawful Possession of a Firearm (D.C. § 22-4503)

Secure DC added an additional element for disqualifying a person from having a firearm in their possession, however, it did not amend the penalty. Therefore, **the offense ranking remained the same.**

B. ENHANCEMENTS

Secure DC includes enhancements for several current and newly created offenses. These enhancements, if applicable, may increase the fine and/or the maximum penalties by 1 ½ times the

⁵ This ranking solely impacts if the prohibited weapon is a Sawed-off Shotgun, Ghost Gun, or Machine Gun. All other prohibited weapons under D.C. Code § 22-4514 remain ranked the same under the previously ranked offense of Possession of a Prohibited Weapon – 2nd+ Offense or prior felony.

initial penalty. The enhancements should be treated in the same manner as other 1 ½ enhancements listed in Appendix H of the Manual, as seen below:

15) Crime of Violence Against Another Person While on Department of Parks and Recreation Property (D.C. Code § 22-3603)

Crime of Violence Against Another Person While on Department of Parks and Recreation Property 1 ½ times the upper number D.C. Code § 22-3603

16) Crime of Violence Against Vulnerable Adult (D.C. Code § 22-3604)

Crime of Violence Against Vulnerable Adult 1 ½ times the upper number D.C. Code § 22-3604

17) Transportation Provider Enhancement (D.C. Code § 22-3751)

Transportation Provider Enhancement 1 ½ times the upper number D.C. Code § 22-3751

18) Transit Operator Enhancement (D.C. Code § 22-3751.01(a))⁶

Transit Operator Enhancement 1 ½ times the upper number D.C. Code § 22-3751.01(a)

19) Mass Transit Passenger Enhancement (D.C. Code § 22-3751.01(a-1))

Mass Transit Passenger Enhancement 1 ½ times the upper number D.C. Code § 22-3751.01(a-1)

Please note: The emergency legislation is in effect for 90 days. The Commission will continue to monitor additional developments.

As with any modification to the Guidelines, practitioner feedback is always welcome. Feel free to forward any questions or comments to the Commission at scdc@dc.gov or (202) 727-8822.

Sincerely,



⁶ Expands the current Enhancement to include Metrorail station employees.

Linden Fry
Executive Director

Offense	D.C. Code (2001)	Offense Severity Group	Maximum Statutory Penalty (Years)	Backup Time (Years)	Maximum prison term that can be imposed (Years)	Supervised Release If > 1 year, years If ≤ 1 year, up to years	Minimum (Years)	Violent/Dangerous	Fine (Dollars)
Directing Organized Retail Theft	22-3211.01	M 8	15	2	13	3			37,500
Endangerment with a Firearm	22-4503.03(b)	M 8	5	2	3	3			12,500
Endangerment with a Firearm – 5 or more projectiles or prior felony	22-4503.03(c)	M 8 ^e	10	2	8	3			25,000
Misdemeanor Sexual Abuse, 3 or More Prior Convictions	22-3006(b)(1)	M 8	3	1	2	3 or SOR		V	12,500
Misdemeanor Child Sexual Abuse, 3 or More Prior Convictions	22-3010.01(a-1)(1)	M 8	3	1	2	3 or SOR		V	12,500
Possessing a Firearm with Intent to Sell, Offer for Sale, or Make Available for Sale	7-2507.06(a)(5)	M 8	10	2	8	3	not <2		25,000
Possessing a Firearm with the Importer's or Manufacturer's Serial Number Removed, Obliterated, or Altered	22-4503(c-1)	M 8	5	2	3	3	not <2		12,500
Possession of a Sawed-off Shotgun or Ghost Gun	22-4514(c)(1)	M 8	5	2	3	3			12,500
Possession of a Machine Gun	22-4514(c)(2)	M 8	5	2	3	3			12,500
Possession of a Prohibited Weapon – 2 nd + offense or prior felony	22-4514(c)(3)	M 9	10	2	8	3			25,000
Possession of a Sawed-off Shotgun, Ghost Gun, or Machine Gun– 2 nd + offense or prior felony	22-4514(c)(3)	M 8	10	2	8	3			25,000
Receive, Possess, Conceal, Store, Barter, Sell, or Dispose of Any Stolen Firearm or Stolen Ammunition	22-4503(c-2)	M 8	5	2	3	3	not <2		12,500
Strangulation	22-404.05	M 8 ^e	5	2	3	3		V	12,500
Strangulation w/a*	22-404.05 22-4502	M 6	30	5	30	5	M5 1st firearm M10 2nd firearm M5 2nd other	V	75,000

Unlawful Discharge of a Firearm	22-4503.01	M 9	2	1	2	3			12,500
Unlawful Discarding of Firearms and Ammunition	22-4503.04	M 8	5	2	3	3			12,500
Unlawful Discarding of Firearms and Ammunition – prior felony	22-4503.04(d)(1)	M 8 ^e	10	2	8	3			25,000
Crime of Violence Against Another Person While on Dept. of Parks and Recreation Property	22-3603		1½ x the term						1½ x the fine
Crime of Violence Against Vulnerable Adult	22-3601		1½ x the term						1½ x the fine
Transportation Provider, Offenses Against	22-3751		1½ x the term						1½ x the fine
Transit Operator, Offenses Against	22-3751.01(a)		1½ x the term						1½ x the fine
Mass Transit Passenger, Offenses Against	22-3751.01(a-1)		1½ x the term						1½ x the fine
Strangulation – Serious Bodily Injury, Stay Away, or Prior Intrafamily Offense	22-404.04(c)		1½ x the term						1½ x the fine