

## **D.C. Act 13-406, the “Sentencing Reform Amendment Act of 2000”**

### **★ *New rules for sentences for offenses committed on or after August 5, 2000***

The District shifts from an “indeterminate” sentencing system to a “determinate” sentencing system for all criminal offenses. A sentence to imprisonment shall be for a definite term, rather than a range. For example, robbery is punishable by a term of imprisonment for not less than 2 years nor more than 15 years. In an indeterminate system, the judge may impose a sentence of 2-6 years, 3-9 years, 4-12 years, or 5-15 years. In a determinate system, the judge may impose a sentence of one number, such as 2 years, or 5 years, or 8 years.

### **★ *New penalties for offenses formerly carrying a life sentence***

The Sentencing Reform Amendment Act adjusts the authorized penalties for offenses that carried a maximum sentence of life imprisonment.

Generally, the court may impose a prison sentence of up to 60 years for first degree murder, up to 40 years for second degree murder, and up to 30 years for other offenses that carried a maximum sentence of life imprisonment. The Act provides for greater penalties in the most serious cases. If the prosecutor meets certain procedural requirements and if an “aggravating factor” is found, the court may impose a prison sentence in excess of 60 years for first degree murder or first degree murder while armed, in excess of 40 years for second degree murder while armed, or in excess of 30 years for carjacking while armed, first degree sexual abuse, first degree sexual abuse while armed, first degree child sexual abuse, or first degree child sexual abuse while armed.

The court may impose a sentence of life without release upon conviction of the following offenses: murder of police officer and the third conviction for a crime of violence.

The court may, if there is a of an aggravating circumstance, impose a sentence of life without release upon conviction of the following offenses: first degree murder, first degree sexual abuse, and first degree child sexual abuse.

The court may, if there is a finding of an aggravating circumstance, impose a sentence in excess of 60 years upon conviction of the following offense: first degree murder.

The court may, if there is a finding of an aggravating circumstance, impose a sentence in excess of 40 years upon conviction of the following offense: second degree murder.

The court may, if there is a finding of an aggravating circumstance, impose a sentence in excess of 30 years upon conviction of the following offenses: first degree sexual abuse, first degree sexual abuse while armed, first degree child sexual abuse, first

degree child sexual abuse while armed, and carjacking while armed (but not more than 45 years).

The court may impose a sentence *not to exceed 30 years* for the following offenses: first conviction for armed crime of violence or dangerous crime while armed, more than one conviction for armed crime of violence or dangerous crime while armed, obstruction of justice, kidnapping, third felony conviction, and the manufacture, transfer, or use of a Molotov cocktail.

★ *Good time credit is calculated according to federal law*

A felony offender may receive good time credit toward service of his or her sentence only as provided by federal law. Generally, an inmate may earn 54 days credit (15% per year) toward service of sentence for each year served. If a person convicted of a misdemeanor is sentenced to prison, his or her term of incarceration is reduced by any time credited toward service of the sentence as provided in the District of Columbia Good Time Credits Act of 1986.

★ *Parole is abolished, and “supervised release” is established for offenses committed on or after August 5, 2000*

An offender convicted of an offense committed on or after August 5, 2000 is not eligible for parole. The United States Parole Commission will handle all parole-related matters (hearings, release decisions, revocations, etc.) for District offenders convicted of crimes committed before August 5, 2000.

At the time of sentencing, the court will also impose on an offender convicted of a felony a term of supervision (“supervised release”) to follow his or her offender’s release from prison. The length of the term of supervised release depends on the sentence the court actually imposes, and the maximum term of imprisonment authorized by law for the offense. If the court imposes a prison sentence greater than one year, the term of supervised release is either five years if the maximum authorized term of imprisonment for the offense is 25 years or more, or three years if the maximum authorized term of imprisonment for the offense is more than one year but less than 25 years. If the court imposes a term of imprisonment of one year or less, the court shall impose a term of supervised release of not more than five years if the maximum term of imprisonment authorized for the offense is 25 years or more, or not more than three years if the maximum term of imprisonment authorized for the offense is more than one year but less than 25 years.

An offender convicted of a sex offense for which registration is required under the Sex Offender Registration Act of 1999, the court may impose a longer term of supervised release than that described in the preceding paragraph. If the offender is required to register for a ten-year period, the court may impose a term of supervised release not to exceed 10 years. If the offender is required to register for his or her lifetime, the court may impose a term of supervised release for life.

There is no supervised release for offenders convicted of misdemeanors.

★ *Amendments to the Youth Rehabilitation Amendment Act of 1985*

Young adult offenders, too, are subject to determinate sentencing. Young adult felons sentenced to terms of incarceration are eligible for good time credit calculated according to federal law, and are subject to supervised release terms following prison. These offenders serve their prison terms in facilities operated by the Federal Bureau of Prisons, rather than a District-run facility dedicated to youth offenders. A Youth Act conviction is automatically set aside if the youth offender is unconditionally discharged before the expiration of his sentence, or if the Parole Commission terminates the youth offender's term of supervised release before its expiration, or if the court unconditionally discharges a youth offender placed on probation before the end of the probation period. The United States Parole Commission may, in its discretion, set aside a Youth Act conviction if the youth offender's sentence expires before unconditional discharge.

A conviction that has been set aside may be used in certain circumstances:

1. for determining whether a person has committed a second or subsequent offense for purposes of imposing an enhanced sentence,
2. for determining an appropriate sentence if the person is subsequently convicted of another crime
3. for impeachment if the person testifies in his own defense at trial
4. for cross-examining character witnesses, or
5. for sex offender registration and notification.

★ *Custody for probationers*

As a condition of probation, the court may order any defendant convicted of a felony and sentenced to probation to remain in custody or in a community correctional center during nights, weekends, or other intervals, totaling not more than 1 year during the term of probation. Felons, then, may benefit from work release arrangement previously available only to misdemeanants.

★ *New responsibilities of the D.C. Advisory Commission on Sentencing*

In its 2002 annual report, the Commission shall include the following:

1. a survey of structured sentencing systems in use in the United States,
2. the Commission's recommendations as to which system would best serve the District of Columbia
3. the Commission's recommendations for the classification or ranking of criminal offenses in the District of Columbia
4. an analysis of data provided to it by the court regarding the length of and reasons for each sentence imposed for crimes committed on or after August 5, 2000

5. an interim assessment on the implementation of the determinate sentencing system, and
6. an assessment of sentencing practices in the District of Columbia between August 5, 1996 through August 5, 2000.

In its 2003 annual report, the Commission shall include the following:

1. Either a recommendation for a comprehensive structured sentencing system, or an explanation as to why a structured sentencing system is not needed in the District of Columbia, and
2. A final assessment on the implementation of the determinate sentencing system.