



District of Columbia Sentencing and Criminal Code Revision Commission

441 4th St, NW, Suite 430 South, Washington, DC 20001
Telephone (202) 727-8822 Fax (202) 727-7929

MINUTES OF FULL COMMISSION MEETING

November 17, 2015

One Judiciary Square, Suite 430S, Washington, DC 20001

Voting Members in Attendance:

Frederick Weisberg
Paul Butler
Laura Hankins
Renata Cooper

Donald Braman
Julie Samuels (via phone)
Molly Gill
Cedric Hendricks

Robert Morin
Dave Rosenthal

Non-Voting Members in Attendance:

Stephen Husk
Judi Garrett

Chanell Autrey

Staff in Attendance:

Barbara Tombs-Souvey
Richard Schmechel
Bryson Nitta

Michael Serota
Jinwoo Park
Mia Hebb

LaToya Wesley

Guest:

Briane Knight
Katherine Lampron

- I. The meeting was called to order by Chairman Weisberg at 5:10 p.m.
- II. The minutes from October 27, 2015, meeting were amended and approved. A question was raised as to whether the minutes should reflect that the Commission should notify the Council of the unlikelihood the Criminal Code Revision project will be completed by the statutory deadline. Chairman Weisberg indicated that the agency's Performance Hearing would be the appropriate place to address that issue with the Council.
- III. Discussion and Approval of the Criminal Code Revision Project's Approach to Drafting General Provisions – Action Item, Richard Schmechel.

Discussion and Approval of the Criminal Code Project's Approach to Drafting General Provisions: Richard Schmechel stated that the General Provisions were preliminarily approved by the CCR Committee and that an agency review was conducted approximately a year ago. Mr. Schmechel provided an overview of CCR Committee's draft General Provisions as set forth in the memorandum. Mr. Schmechel then discussed several key points of the General Provisions:

- The Definition of General Provisions
- Three Functions of the General Provisions
- Why General Provisions are Necessary
- Explanation of Element Analysis
 - (a) Breaking an Offense into circumstance and result elements
 - (b) Specifying the Corresponding Culpable Mental States
- The definition of the Four Culpable Mental States
 - 1. Purposely;
 - 2. Knowingly (or Intentionally);
 - 3. Recklessly; and
 - 4. Negligently

Richard Schmechel provided several hypotheticals where both element analysis and a corresponding mental state were applied to an offense. He then opened the floor to address any concerns or questions regarding the draft general provisions. Several questions and recommendations were raised by Commission members.

Commission Action #1: The Commission voted to approve the Committee's continued approach to drafting general provisions to include the element analysis approach. The Criminal Code Revision staff will redraft the prior transmittal memorandum and forward this information to the Council and Mayor by 10-0 vote.

Meeting Adjourned: 6:45 p.m.

NEXT MEETING:
December 15, 2015
One Judiciary Square (441 4th St., NW), Room 430S.