



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

January 19, 2016

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

Voting Members in Attendance:

Frederick Weisberg	Donald Braman	Marvin Turner
Paul Butler	Julie Samuels	Dave Rosenthal
Laura Hankins	Molly Gill	Ronald Gainer
Renata Cooper	Cedric Hendricks	

Non-Voting Members in Attendance:

Stephen Husk	Chanell Autrey (for Kenyan McDuffie)
Judi Garrett	Katherine Lampron (for Maria Amato)
Michael Anzallo	

Staff in Attendance:

Barbara Tombs-Souvey	Michael Serota	LaToya Wesley
Richard Schmechel	Linden Fry	Matthew Graham
Robel Maru	Mia Hebb	

- I. The meeting was called to order by Chairman Weisberg at 5:10 p.m.
- II. The minutes from November 17, 2015, meeting were amended and approved.
- III. Introduction of New Staff Members – Informational Item, Barbara Tombs-Souvey
 - a) Robel Maru –Data Management Specialist
 - b) Matthew Graham- Research Analyst

Introduction of New Staff Members: Barbara Tombs-Souvey introduced the agency's new staff members: Data Management Specialist Robel Maru and Research Analyst Matthew Graham to the Commission. Mr. Maru and Mr. Graham proceeded to introduce themselves to the Commission and briefly discussed their educational and professional experiences. Chairman Weisberg and the Commission welcomed them both.

- IV. Posting of Criminal Code Revision Documents – Action Item, Judge Weisberg

Posting of Criminal Code Revision Documents: Chairman Weisberg initiated a discussion with members regarding which Criminal Code Revision Project (CCRP) materials should be posted on the Commission's website. Currently, the only CCRP related materials posted on the website are those contained in the agency's Annual

Reports. Members were asked if the website should contain draft proposals or documents reviewed by the full Commission. Commission Members discussed several concerns regarding the posting of draft proposed legislation. After consideration, the Commission agreed to post only approved final documents on the website.

V. Discussion of the Criminal Code Reform Commission Amendment Act of 2015 - Informational Item, Judge Weisberg

Criminal Code Reform Commission Amendment Act of 2015: Chairman Weisberg reviewed the Criminal Code Reform Commission Amendment Act of 2015, with the Commission. The Act was introduced to the Council on December 1, 2015 by Chairman Mendelson and Councilmember McDuffie. The focus of the bill is to remove responsibility for criminal code reform from the Sentencing and Criminal Code Revision Commission and to create a new independent agency known as the Criminal Code Reform Commission. Chairman Weisberg asked Councilman McDuffie's representative, Chanell Autrey, to provide an overview of the Act on behalf of the Council.

Ms. Autrey distributed a memorandum from Councilman McDuffie to the Commission Members and staff which discussed the bill and interim plan for the Criminal Code Revision Project. Ms. Autrey stated that the existing project should continue as set forth in the project plan while the bill works its way through the legislative process. She relayed that the Council understands that the project plan will not be completed by the expiration of the project's statutory mandate on September 30, 2016.

Ms. Autrey opened the floor for questions or concerns. Commission Members raised several questions and concerns about the bill and the expectations of the Council for the work of the CCRP before the bill is enacted. Ms. Autrey stated that the bill's comment period was extended for another week and she encouraged written comments from the Commission's Membership.

VI. Discussion and Approval of the Criminal Code Project's Approach to Revising Property Offenses – Action Item, Richard Schmechel

Approval of the Criminal Code Project's Approach to Revising Property Offenses: Richard Schmechel gave a brief overview of the key features of the Criminal Code Revision Committee's Draft General Provisions, Element Analysis and four Culpable Mental States. These topics were initially discussed at the Commission's November 2015 meeting.

Mr. Schmechel then gave a step-by-step demonstration of how the key features of the general provisions and elements analysis could apply to property offenses:

Step #1: Identify the offense's circumstances and result elements

- Circumstance
- Result

Step #2: Identify the culpable mental states for each circumstance and result element

- Purposely

- Knowingly
- Recklessly
- Negligently

Step #3: Redraft the Offense to specify circumstance and result elements with their corresponding culpable mental states.

- Rule of Distribution
- Strict Liability

Mr. Schmechel provided an overview of the approach to revising the Property Offenses as set forth in the memorandum. Mr. Schmechel also provided examples of how applying the draft general provisions could improve property offenses. Mr. Schmechel opened the floor to address any concerns or questions.

Commission Action #1: The Commission voted to approve the approach used by the CCR Committee to applying the draft general provisions to the property offenses by 10-0 vote with one abstention.

Meeting Adjourned: 6:45 p.m.

NEXT MEETING:
February 16, 2016
One Judiciary Square (441 4th St., NW), Room 430S.