

**DISTRICT OF COLUMBIA 2006 SESSION LAWS
SIXTEENTH COUNCIL SESSION (2005 - 2006)**

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Law 16-126
Act 16-344

ADVISORY COMMISSION ON SENTENCING AMENDMENT ACT OF 2006

AN ACT to amend the Advisory Commission on Sentencing Establishment Act of 1998 to **rename the commission the District of Columbia Sentencing and Criminal Code Revision Commission**, to establish authority for the commission to analyze the District of Columbia's current criminal code and administration of existing criminal laws, and to propose reforms in the criminal code to create a uniform and coherent body of criminal law in the District of Columbia, and to revise the membership of the commission; and to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to reflect the change in name of the commission.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Advisory Commission on Sentencing Amendment Act of 2006".

Sec. 2. The Advisory Commission on Sentencing Establishment Act of 1998, effective October 16, 1998 (D.C. Law 12-167; D.C. Official Code § 3-101 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 3-101) is amended as follows:

<< DC CODE § 3-101 >>

(1) The section heading is amended by striking the phrase "Sentencing Commission" and inserting the phrase "Sentencing and Criminal Code Revision Commission" in its place.

(2) Subsection (a) is amended by striking the phrase "Sentencing Commission" and inserting the phrase "Sentencing and Criminal Code Revision Commission" in its place.

(3) Subsection (b) is amended by striking the phrase "The Commission" and inserting the phrase "In addition to the duties required under section 2a, the Commission" in its place.

(b) A new section 2a is added to read as follows:

<< DC CODE § 3-101.01 >>

"Sec. 2a. Criminal code reform.

"(a) Beginning January 1, 2007, the Commission shall also have as its purpose the preparation of comprehensive recommendations to the Council and the Mayor that:

"(1) Revise the language of criminal statutes to be clear and consistent;

"(2) In consultation with the Codification Counsel in the Office of the General Counsel for the Council of the District of Columbia, organize existing criminal statutes in a logical order;

"(3) Assess whether criminal penalties (including fines) for felonies are proportionate to the seriousness of the offense, and, as necessary, revise the penalties so they are proportionate;

"(4) Propose a rational system for classifying misdemeanor criminal statutes, determine appropriate levels of penalties for such classes; and classify misdemeanor criminal statutes in the appropriate classes;

"(5) Identify any crimes defined in common law that should be codified, and propose recommended language for codification, as appropriate;

"(6) Identify criminal statutes that have been held to be unconstitutional;

"(7) Propose such other amendments as the Commission believes are necessary; and

"(8) Enable the adoption of Title 22 as an enacted title of the District of Columbia Official Code.

"(b) No later than March 31, 2007, the Commission shall submit to the Council and the Mayor a work plan and schedule for carrying out the responsibilities authorized by this section. The work of the Commission under this section shall be completed no later than September 30, 2010.

"(c) The Commission shall submit its recommendations in the form of reports. Each report shall be accompanied by draft legislation or other specific steps for implementing the recommendations."

(c) Section 3(a) (D.C. Official Code § 3-102(a)) is amended as follows:

<< DC CODE § 3-102 >>

(1) The lead-in language is amended by striking the number "13" and inserting the number "15" in its place, and by striking the number "4" and inserting the number "5" in its place.

(2) Paragraph (1) is amended as follows:

(A) Subparagraph (B) is repealed.

(B) Subparagraph (H) is amended by striking the word "and" at the end.

(C) Subparagraph (I) is amended by striking the period at the end and inserting the phrase "; and" in its place.

(D) A new subparagraph (J) is added to read as follows:

"(J) Three professionals from established organizations, to include institutions of higher education, devoted to the research and analysis of criminal justice issues, appointed by the Council."

(3) Paragraph (2) is amended as follows:

(A) Subparagraph (C) is amended by striking the word "and" at the end.

(B) Subparagraph (D) is amended by striking the period at the end and inserting the phrase "; and" in its place.

(C) A new subparagraph (E) is added to read as follows:

"(E) One member of the Council, appointed by the Chairman of the Council."

Sec. 3. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended as follows:

<< DC CODE § 1-604.06 >>

(a) Section 406(b)(19) (D.C. Official Code § 1-604.06(b)(19)) is amended by striking the phrase "Sentencing Commission" both times it appears and inserting the phrase "Sentencing and Criminal Code Revision Commission" in its place.

<< DC CODE § 1-609.03 >>

(b) Section 903(a)(6C) (D.C. Official Code § 1-609.03(a)(6C)) is amended by striking the phrase "Sentencing Commission" and inserting the phrase "Sentencing and Criminal Code Revision Commission" in its place.

Sec. 4. Applicability.

This act shall apply as of January 1, 2007.

Sec. 5. Fiscal impact statement.

The Council adopts the February 22, 2006 fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

APPROVED: April 21, 2006.

EFFECTIVE: June 16, 2006.

DC LEGIS 16-126 (2006)

END OF DOCUMENT