

# ENROLLMENT(S)

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# COUNCIL OF THE DISTRICT OF COLUMBIA


## NOTICE

### D.C. LAW 10- 256

#### **"Public Safety and Law Enforcement Support Amendment Act of 1994".**

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198 "the Act", the Council of the District of Columbia adopted Bill No. 10-628 on first and second readings, November 6, 1994 and December 6, 1994, respectively. Following the signature of the Mayor on December 27, 1994, pursuant to Section 404(e) of "the Act", and was assigned Act No. 10-375, and published in the January 6, 1995, edition of the D.C. Register (Vol. 41 page 20) and transmitted to Congress on February 3, 1995 for a 60-day review, in accordance with Section 602(c)(2) of the Act.

The Council of the District of Columbia hereby gives notice that the 60-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 10-256, effective May 23, 1995.

  
DAVID A. CLARKE  
Chairman of the Council

#### Dates Counted During the 60-day Congressional Review Period:

Feb.	3,6,7,8,9,10,13,14,15,16,21,22,23,24,27,28
Mar.	1,2,3,6,7,8,9,10,13,14,15,16,17,20,21,22,23,24,27, 28,29,30,31
Apr.	3,4,5,6,7,
May	1,2,3,4,5,8,9,10,11,12,15,16,17,18,19,22

Codification

AN ACT

District of Columbia Code

D.C. ACT 10-375

(1995 Supplement)

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 27, 1994

To amend An Act To establish a code of law for the District of Columbia to increase the range of permissible sentences for manslaughter, to require the court to impose a sentence of life without parole for a defendant convicted of murdering a police officer or other law enforcement officer in the line of duty, and to add 2 new aggravating circumstances which would permit the court to impose a sentence of life without parole for a defendant convicted of first degree murder; to amend the District of Columbia Theft and White Collar Crimes Act of 1982 to change the maximum penalty for obstruction of justice from 10 years imprisonment to the maximum penalty for the underlying offense; and to amend title 14 of the District of Columbia Code to allow a party to impeach his or her own witness and to provide for the admission of prior inconsistent statements as substantive evidence.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Public Safety and Law Enforcement Support Amendment Act of 1994".

Sec. 2. An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Code § 22-2404 *et seq.*), is amended as follows:

(a) Section 801(c) (D.C. Code § 22-2404(c)) is amended to read as follows:

Section  
22-2404

"Whoever is guilty of murder in the second degree shall be sentenced to a maximum period of incarceration of not less than 20 years and not more than life. Notwithstanding any other provision of law, where the maximum sentence imposed is life imprisonment, a minimum sentence shall be imposed which shall not exceed 20 years imprisonment."

(b) Section 801a(b) (D.C. Code § 22-2404.1 (b)) is amended as follows:

Section  
22-2404.1

(1) By striking the phrase "; or" in paragraph (9) and inserting a semicolon in its place.

(2) By striking the period at the end of paragraph (10) and inserting a semicolon in its place; and

(3) By adding 2 new paragraphs (11) and (12) to read as follows:

"(11) The murder is committed after substantial planning; or

"(12) At the time of the commission of the murder, the defendant had previously been convicted and sentenced, whether in a court of the District of Columbia, of the United States, or of any state, for (A) murder, (B) manslaughter, (C) any attempt, solicitation, or conspiracy to commit murder, (D) assault with intent to kill, (E) assault with intent to murder, or (F) at least twice, for any offense or offenses, described in Section 1 of An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Code § 22-3201(f)), whether committed in the District of Columbia or any other state, or the United States. A person shall be considered as having been convicted and sentenced twice for an offense or offenses when the initial sentencing for the conviction in the first offense preceded the commission of the second offense and the initial sentencing for the second offense preceded the commission of the instant murder."

(c) Section 802 (D.C. Code § 22-2405) is amended to read as follows:

Section  
22-2405

"Whoever is guilty of manslaughter shall be sentenced to a period of imprisonment not exceeding 30 years."

(d) A new section 802a is added to read as follows:

New  
Section  
22-2406

"Sec. 802a. Murder of law enforcement officer.

"(a) Whoever, with deliberate and premeditated malice, and with knowledge or reason to know that the victim is a law enforcement officer, kills any Metropolitan Police Officer or any other local, Federal, or state law enforcement officer engaged in, or on account of, the performance of such officer's official duties and such killing results, is guilty of murder of a law enforcement officer, and shall be sentenced to life without parole. It shall not be a defense to this charge that the victim was acting unlawfully by seizing or attempting to seize the defendant or another person.

"(b) For purposes of subsection (a) of this section the term "local law enforcement officer" means the deputy and assistant; the Director, deputy directors and officers of the District of Columbia Department of Corrections; the Director, members and officers of the District of Columbia Board of Parole; any probation or pretrial services officer of the District of Columbia; and Metro Transit police officers. For the same purposes, the term 'state law enforcement officer' means a state, county, or municipal officer performing functions comparable to those performed by a Metropolitan Police Officer or by a "local law enforcement officer," as that term is defined in this subsection, and includes, but is not limited to, state, county, or municipal police officers, sheriffs, correctional officers, parole officers, and probation and pretrial services officers."

Sec. 3. Section 502 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Code § 22-722), is amended as follows:

Section  
22-722

(a) Subsection (a) is amended as follows:

- (1) By striking the word "or" at the end of paragraph (4);
- (2) By striking the period at the end of paragraph (5) and inserting the phrase "or" in its place; and
- (3) By adding a new paragraph (6) to read as follows:

"(6) corruptly, or by threats of force, any way obstructs or impedes or endeavors to obstruct or impede the due administration of justice in any official proceeding."

(b) Subsection (b) is amended to read as follows:

"(b) Any person convicted of obstruction of justice shall be sentenced to a maximum period of incarceration of not less than 3 years and not more than life, or shall be fined not more than \$10,000, or both."

Sec. 4. Title 14 of the District of Columbia Code is amended as follows:

(a) The table of contents for Chapter 1 is amended by amending the section heading for section 14-102 to read as follows:

"§ 14-102. Impeachment of witnesses."

(b) Section 14-102 is amended to read as follows:

"§ 14-102. Impeachment of witnesses.

"(a) The credibility of a witness may be attacked by any party, including the party calling the witness.

"(b) A statement is not hearsay if the declarant testifies at the trial or hearing and is subject to cross-examination concerning the statement and the statement is (1) inconsistent with the declarant's testimony, and was given under oath subject to the penalty of perjury at a trial, hearing, or other proceeding, or in a deposition, or (2) consistent with the declarant's testimony and is offered to rebut an express or implied charge against the witness of recent fabrication or improper influence or motive or an identification of a person made after perceiving the person. Such prior statements are substantive evidence."

Sec. 5. Effective date. This act shall take effect after a 60-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(2) of the District of Columbia Self-Government and Governmental Reorganization

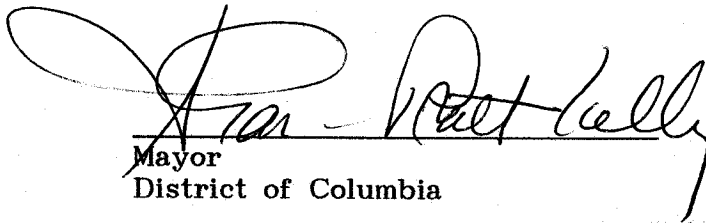
Table of  
Contents  
Title 14  
Section  
14-102

**ENROLLED ORIGINAL**

Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(2)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED: December 27, 1994



COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Ten

RECORD OF OFFICIAL COUNCIL VOTE

B10-628

DOCKET NO: \_\_\_\_\_

Item on Consent Calendar

ACTION & DATE: \_\_\_\_\_ Adopted First Reading, 11-1-94

VOICE VOTE: \_\_\_\_\_ Approved

Recorded vote on request

Absent: \_\_\_\_\_ Barry, Chavous and Thomas

ROLL CALL VOTE: - RESULT \_\_\_\_\_

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					EVANS					RAY				
BARRY					JARVIS					SMITH, JR.				
BRAZIL					LIGHTFOOT					THOMAS, SR.				
CHAVOUS					MASON									
CROPP					NATHANSON									

X - Indicates Vote      A.B. - Absent      N.V. - Present, not voting

CERTIFICATION RECORD

*[Signature]*  
Secretary to the Council

*[Signature]* December 13, 1994  
Date

Item on Consent Calendar

ACTION & DATE: \_\_\_\_\_ Adopted Final Reading, 12-6-94

VOICE VOTE: \_\_\_\_\_ Approved

Recorded vote on request

Absent: \_\_\_\_\_ Barry

ROLL CALL VOTE: - RESULT \_\_\_\_\_

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					EVANS					RAY				
BARRY					JARVIS					SMITH, JR.				
BRAZIL					LIGHTFOOT					THOMAS, SR.				
CHAVOUS					MASON									
CROPP					NATHANSON									

X - Indicates Vote      A.B. - Absent      N.V. - Present, not voting

CERTIFICATION RECORD

*[Signature]*  
Secretary to the Council

*[Signature]* December 13, 1994  
Date

Item on Consent Calendar

ACTION & DATE: \_\_\_\_\_

VOICE VOTE: \_\_\_\_\_

Recorded vote on request

Absent: \_\_\_\_\_

ROLL CALL VOTE: - RESULT \_\_\_\_\_

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					EVANS					RAY				
BARRY					JARVIS					SMITH, JR.				
BRAZIL					LIGHTFOOT					THOMAS, SR.				
CHAVOUS					MASON									
CROPP					NATHANSON									

X - Indicates Vote      A.B. - Absent      N.V. - Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date