

ENROLLMENT(S)

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(5)

COUNCIL OF THE DISTRICT OF COLUMBIA

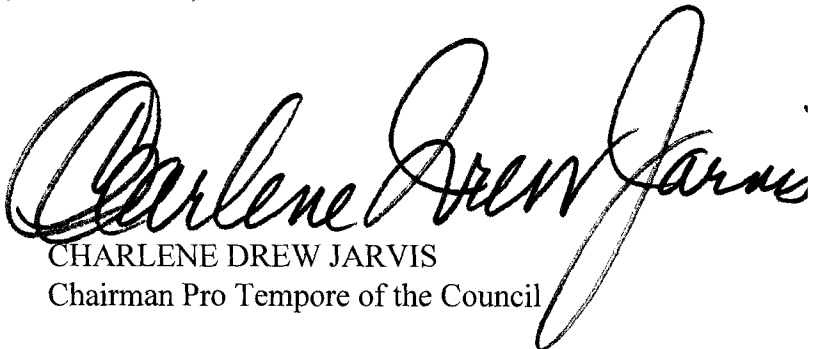
NOTICE

D.C. LAW 11-179

"Juvenile Detention and Speedy Trial Act of 1996".

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. 11-475 on first and second readings, June 19, 1996 and July 3, 1996, respectively. Following the signature of the Mayor on July 22, 1996, pursuant to Section 404(e) of "the Act", and was assigned Act No. 11-329, and published in the August 9, 1996, edition of the D.C. Register (Vol. 43 page 4243) and transmitted to Congress on January 10, 1997 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 11-179, effective April 9, 1997.



CHARLENE DREW JARVIS
Chairman Pro Tempore of the Council

Dates Counted During the 30-day Congressional Review Period:

Feb. 3,4,5,6,7,10,11,12,13,24,25,26,27,28

Mar. 3,4,5,6,10,11,12,13,14,17,18,19,20,21

Apr. 7,8

AN ACT
D.C. ACT 11-329

*Codification
District of
Columbia
Code
1997 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JULY 22, 1996

To amend title 16 of the District of Columbia Code to limit the length of time a juvenile remains in secure detention.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Juvenile Detention and Speedy Trial Act of 1996".

Sec. 2. Section 16-2310 of the District of Columbia Code is amended by adding a new subsection (e) to read as follows:

**Section
16-2310**

"(e) Fact finding hearings for children placed in secure detention shall be held within the time limits provided in this subsection.

"(1) Except as provided in this subsection, whenever a child has been placed in secure detention prior to a fact finding hearing pursuant to D.C. Code §§ 16-2310 through 16-2313, the fact finding hearing set forth in D.C. Code § 16-2316 shall commence not later than 30 days from the date at which the Division authorized the child to be detained pursuant to D.C. Code § 16-2312, unless the child is charged with murder, assault with intent to kill, first degree sexual abuse, burglary in the first degree, or robbery while armed, in which case the fact finding hearing shall commence not later than 45 days from the date at which the Division authorized the child to be securely detained.

"(2) Upon motion of the Corporation Counsel, for good cause shown, or by or on behalf of the child consistent with the Rules of the Superior Court, the fact finding hearing of a child securely detained may be continued, and the child continued in secure detention for additional periods not to exceed 30 days each.

"(3) In determining whether good cause has been shown as required by paragraph (2) of this subsection, the Division shall take into account, among other appropriate matters, and shall state its findings on the record, as to whether:

"(A) There has been or will be a delay resulting from other proceedings concerning the child, including, but not limited to, examinations to determine the mental competency or physical capacity of the child; from a hearing with respect to other charges against the child; from any interlocutory or expedited appeal; from the making, or consideration by the Division, of any pretrial motions; and from any proceeding relating to the transfer of the

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child pursuant to D.C. Code § 16-2307;

"(B) Any essential witness is absent or unavailable. For purposes of this subparagraph, an essential witness shall be considered absent when his or her whereabouts are unknown or cannot be determined by due diligence and shall be considered unavailable when his or her presence for the hearing cannot be obtained by due diligence;

"(C) Despite the exercise of due diligence, necessary autopsies, medical examinations, fingerprint examinations, ballistic tests, drug analysis, or other scientific tests have not been completed; or

"(D) The ends of justice served by continuing the period of detention outweigh the interests of the child and public in a speedy trial.

"(4) Upon motion by or on behalf of the child, a child in secure detention shall be released from custody if the fact finding hearing is not commenced within the time period set forth in this subsection."

Sec. 3. Applicability date.

The provisions of this act shall be applicable 120 days after the effective date of this act.

Sec. 4. Fiscal impact statement.

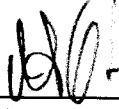
The Office of the Corporation Counsel and the Superior Court of the District of Columbia have stated that implementation of this act will cost at least \$300,000 for Fiscal Year 1997. However, the Council approved an additional \$150,000 for each agency in their respective FY 1997 budgets to cover the costs of implementing this act.

Sec. 5. Effective date.

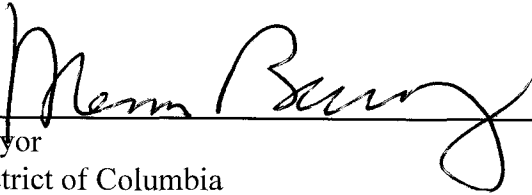
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto), approval by the Financial Responsibility and Management Assistance Authority Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(c)), and a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Self-Government and

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Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: July 22, 1996



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD ELEVEN

RECORD OF OFFICIAL COUNCIL VOTE

B11-475

Docket No.

[] ITEM ON CONSENT CALENDAR

ADOPTED FIRST READING, 06-19-96

[X] ACTION & DATE

[X] VOICE VOTE

RECORDED VOTE ON REQUEST

APPROVED

CHMN. CLARKE, BRAZIL, JARVIS AND WHITTINGTON

ABSENT

[] ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

[Signature]
Secretary to the Council

July 10, 1996
Date

[] ITEM ON CONSENT CALENDAR

ADOPTED FINAL READING, 7-3-96

[X] ACTION & DATE

[X] VOICE VOTE

RECORDED VOTE ON REQUEST

APPROVED

EVANS, RAY, SMITH AND THOMAS

ABSENT

[] ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X-indicates no

AB-Absent

NV-Present not voting

CERTIFICATION RECORD

[Signature]
Secretary to the Council

July 10, 1996
Date

[] ITEM ON CONSENT CALENDAR

[] ACTION & DATE

[] VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT

[] ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date