

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

*Codification
District of
Columbia
Official Code*

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To amend section 16-705 of the District of Columbia Official Code to require that trials be jury demandable where a defendant charged with more than one offense is exposed to a cumulative maximum fine of more than \$4,000 or a cumulative maximum term of imprisonment of more than 2 years, and to require that a jury determine non-jury demandable offenses for a defendant where the jury is deciding jury demandable offenses for that defendant at the same trial.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Misdemeanor Jury Trial Act of 2002".

Sec. 2. Section 16-705 of the District of Columbia Official Code is amended as follows:

Amend
§ 16-705

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

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

(A) Designate the existing language as subparagraph (A).

(B) New subparagraph (A) is amended as follows:

(i) Strike the phrase "the case involves an offense" and insert the phrase "The defendant is charged with an offense" in its place.

(ii) Strike the phrase "court), and" at the end and insert the phrase "court); or" in its place.

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

"(B) The defendant is charged with 2 or more offenses which are punishable by a cumulative fine or penalty of more than \$4,000 or a cumulative term of imprisonment of more than 2 years; and".

(2) Paragraph (2) is amended to read as follows:

"(2) The defendant demands a trial by jury, the trial shall be by jury, unless the defendant in open court expressly waives trial by jury and requests trial by the court, and the court and the prosecuting officer consent thereto. In the case of a trial by the court, the judge's verdict shall have the same force and effect as that of a jury."

(b) A new subsection (b-1) is added to read as follows:

"(b-1) If a defendant in a criminal case is charged with 2 or more offenses and the offenses include at least one jury demandable offense and one non-jury demandable offense, the trial for all offenses charged against that defendant shall be by jury unless the defendant in open court expressly waives trial by jury and requests trial by the court, and the court and the prosecuting officer consent thereto. In the case of a trial without a jury, the trial shall be by a single judge, whose verdict shall have the same force and effect as that of a jury."

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report 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. 4. 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.

Chairman
Council of the District of Columbia

Mayor
District of Columbia