

AN ACT

*Codification
District of
Columbia
Official Code*

2001 Edition

2007 Winter
Supp.

West Group
Publisher

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend Titles 16 and 23 of the District of Columbia Official Code to create a rebuttable presumption for detaining certain adults and juveniles charged with robbery or certain handgun violations pending a trial or disposition hearing.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Rebuttable Presumption to Detain Robbery and Handgun Violation Suspects Act of 2006”.

Sec. 2. Section 16-2310 of the District of Columbia Official Code is amended by adding a new subsection (a-1) to read as follows:

Amend
§ 16-2310

“(a-1)(1) There shall be a rebuttable presumption that detention is required to protect the person or property of others if the judicial officer finds by a substantial probability that the child:

“(A) Committed a dangerous crime or a crime of violence while armed with or having readily available a pistol, firearm, or imitation firearm; or

“(B) Committed CPWL, carrying a pistol without a license.

“(2) For the purposes of this subsection, the terms “dangerous crime” and “crime of violence” shall have the same meanings as provided in section 23-1331, except that these terms shall not include:

“(A) Any felony offense under Chapter 27 of Title 22 (Prostitution, Pandering);

“(B) Any felony offense under Chapter 9 of Title 48 (Controlled Substances);

“(C) Burglary; or

“(D) Arson.”.

Sec. 3. Chapter 13 of Title 23 of the District of Columbia Official Code is amended as follows:

(a) Section 23-1322(c) is amended as follows:

ENROLLED ORIGINAL

(1) Paragraph (1) is amended by striking the phrase “or imitation firearm;” and inserting the phrase “imitation firearm, or other deadly or dangerous weapon;” in its place.

Amend
§ 23-1322

(2) Paragraph (3) is amended by striking the phrase “offense; or” and inserting the phrase “offense;” in its place.

(3) Paragraph (4) is amended by striking the phrase “federal offense.” and inserting the phrase “federal offense;” in its place.

(4) New paragraphs (5), (6), and (7) are added to read as follows:

“(5) Committed 2 or more dangerous crimes or crimes of violence in separate incidents that are joined in the case before the judicial officer;

“(6) Committed a robbery in which the victim sustained a physical injury; or

“(7) Committed CPWL, carrying a pistol without a license.”.

(b) Section 23-1331 is amended by adding a new paragraph (6) to read as follows:

Amend
§ 23-1331

“(6) The term “physical injury” means bodily harm greater than transient pain or minor temporary marks.”.

Sec. 4. 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. 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 to override the veto), a 60-day period of Congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(2)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia