

AN ACT

*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Summer
Supp.

West Group
Publisher

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the District of Columbia Good Time Credits Act of 1986 and An Act To establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes to permit the United States Parole Commission to terminate legal custody over a parolee before expiration of the parolee's sentence, to require that, in the interests of administering a fair and proportionate system of parole, a parolee shall receive credit toward the completion of the sentence for all time served on parole unless the United States Parole Commission orders the parolee not receive such credit under the circumstances set forth in this act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Equitable Street Time Credit Amendment Act of 2008".

Sec. 2. Section 5(a) of the District of Columbia Good Time Credits Act of 1986, effective April 11, 1987 (D.C. Law 6-218; D.C. Official Code § 24-221.03(a)), is amended by striking the phrase "or on parole" both times it appears and inserting the phrase ", or on parole in accordance with section 6 of An Act To establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes, approved July 15, 1932 (47 Stat. 698; D.C. Official Code § 24-406)," in its place.

Amend
§ 24-221.03

Sec. 3. An Act To establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes, approved July 15, 1932 (47 Stat. 696; D.C. Official Code § 24-403 *passim*), is amended as follows:

(a) Section 4 (D.C. Official Code § 24-404) is amended as follows:

(1) Subsection (a) is amended to read as follows:

Amend
§ 24-404

"(a) Whenever it shall appear to the United States Parole Commission ("Commission") that there is a reasonable probability that a prisoner will live and remain at liberty without violating the law, that his or her release is not incompatible with the welfare of society, and that

he or she has served the minimum sentence imposed or the prescribed portion of his or her sentence, as the case may be, the Commission may authorize his or her release on parole upon such terms and conditions as the Commission shall from time to time prescribe. While on parole, a parolee shall remain in the legal custody and under the control of the Attorney General of the United States or his or her authorized representative until:

“(1) The expiration of the maximum of the term or terms specified in his or her sentence without regard to good time allowance; or

“(2) The Commission terminates legal custody over such parolee under subsection (a-1) of this section.”.

(2) New subsections (a-1) and (a-2) are added to read as follows:

“(a-1) (1) Upon its own motion or upon request of a parolee, the Commission may terminate legal custody over the parolee before expiration of the parolee’s sentence.

“(2) Two years after a parolee's release on parole, and at least annually thereafter, the Commission shall review that parolee's status to determine the need for continued legal custody and may terminate legal custody over the parolee if, in its discretion, the Commission determines that continued legal custody is no longer needed.

“(3) Five years after a parolee's release on parole, the Commission shall terminate legal custody over the parolee unless the Commission determines, after a hearing, that legal custody of the parolee should not be terminated because there is a likelihood that the parolee will violate any criminal law.

“(4) If the Commission does not terminate legal custody under paragraph (3) of this subsection, the Commission:

“(A) May conduct a hearing annually, if the parolee so requests, to determine whether to terminate legal custody of the parolee; and

“(B) Shall conduct a hearing every 2 years to determine whether to terminate legal custody of the parolee.

“(5) In calculating a time period under this subsection, the Commission shall exclude:

“(A) Any period of release on parole before the most recent such release; and

“(B) Any period served in confinement on any other sentence.

“(a-2)(1) The provisions of subsection (a-1) of this section shall apply to a person who is on parole on or after the effective date of the Equitable Street Time Credit Amendment Act of 2008, passed on 2nd reading on December 16, 2008 (Enrolled version of Bill 17-750)(“Equitable Act”).

“(2) For a person released on parole prior to the effective date of the Equitable Act, determinations by the Commission whether to terminate legal custody under subsection (a-1)(2) or (3) of this section, as applicable, shall be made within one year after the effective date of the Equitable Act.”.

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

(A) Strike the phrase “subsection (a)” and insert the phrase “subsections (a), (a-1), and (a-2)” in its place.

(B) Strike the phrase “Board of Parole” and insert the word “Commission” in its place.

(b) Section 6 (D.C. Official Code § 24-406) is amended as follows:

Amend
§ 24-406

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

(A) Strike the phrase “Board of Parole” and insert the phrase “United States Parole Commission (“Commission”)” in its place.

(B) Strike the word “Board” wherever it appears and insert the word “Commission” in its place.

(C) Strike the word “terminate” and insert the word “revoke” in its place.

(D) Strike the last sentence.

(2) Subsection (b) is repealed.

(3) New subsections (c) and (d) are added to read as follows:

“(c)(1) Except as provided in paragraphs (2) and (3) of this subsection, a parolee shall receive credit toward completion of the sentence for all time served on parole.

“(2) If a parolee is convicted of a crime committed during a period of parole, the Commission:

“(A) Shall order that the parolee not receive credit for that period of parole if the crime is punishable by a term of imprisonment of more than one year; or

“(B) Shall order that the parolee not receive credit for that period of parole if the crime is punishable by a term of imprisonment of one year or less unless the Commission determines that such forfeiture of credit is not necessary to protect the public welfare.

“(3) If, during the period of parole, a parolee intentionally refuses or fails to respond to any reasonable request, order, summons, or warrant of the Commission or any member or agent of the Commission, the Commission may order that the parolee not receive credit for the period of time that the Commission determines that the parolee failed or refused to respond to such a request, order, summons, or warrant.

“(d) The provisions of subsection (c) of this section shall apply only to any period of parole that is being served on or after the effective date of the Equitable Act, and shall not apply to any period of parole that was revoked prior to the effective date of the Equitable Act.”.

Sec. 4. Fiscal impact statement.

The Council adopts the December 16, 2008 fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of

ENROLLED ORIGINAL

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