

COUNCIL OF THE DISTRICT OF COLUMBIA


NOTICE

D.C. LAW 3-113

"District of Columbia Death Penalty Repeal Act of 1980".

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. 3-395, on first and second readings, November 12, 1980 and December 9, 1980, respectively. Following the signature of the Mayor on December 17, 1980, this legislation was assigned Act No. 3-307, published in the December 26, 1980, edition of the D.C. Register, (Vol. 27 page 5624) and transmitted to Congress on January 7, 1981 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 3-113 effective February 26, 1981.


ARRINGTON DIXON
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30
February 2, 3, 4, 5, 6, 17, 18, 19, 20, 23, 24, 25

D.C. LAW 3-113

EFFECTIVE DATE FEB 26 1981

AN ACT

D.C. ACT 3-307

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DEC 17 1980

To repeal provisions of law for the application of the penalty of death and to substitute in lieu thereof the penalty of life imprisonment, and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the "District of Columbia Death Penalty Repeal Act of 1980".

Sec. 2. Section 801 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Code, sec. 22-2404) is amended as follows:

CODIFICATION
D.C. Code,
sec. 22-2404

(a) By striking the phrase "death by electrocution unless the jury by unanimous vote recommends life imprisonment; or if the jury, having determined by unanimous vote the guilt of the defendant as charged, is unable to agree as to punishment it shall inform the court and the court shall thereupon have jurisdiction to impose and

shall impose either a sentence of death by electrocution or life imprisonment" and inserting the phrase "life imprisonment" in lieu thereof; and

(b) By striking the following paragraphs:

"Cases tried prior to the effective date of this Act and which are before the court for the purpose of sentence or resentence shall be governed by the provisions of law in effect prior to the effective date of this Act: Provided, That the judge may, in his sole discretion, consider circumstances in mitigation and in aggravation and make a determination as to whether the case in his opinion justifies a sentence of life imprisonment, in which event he shall sentence the defendant to life imprisonment. Such a sentence of life imprisonment shall be in accordance with the provisions of this Act.

"In any case tried under this Act as amended where the penalty prescribed by law upon conviction of the defendant is death except in cases otherwise provided, the jury returning a verdict of guilty may by unanimous vote fix the punishment at life imprisonment; and thereupon the

court shall sentence him accordingly; but if the jury shall not thus prescribe the punishment the court shall sentence the defendant to suffer death by electrocution unless the jury by its verdict indicates that it is unable to agree upon the punishment, in which case the court shall sentence the defendant to death or life imprisonment."

Sec. 3. Sections 23-1701 through 23-1705 of the District of Columbia Code are repealed.

D.C. Code,
secs. 23-1701 -
23-1705

Sec. 4. Section 3 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. 697; D.C. Code, sec. 24-203) is amended as follows:

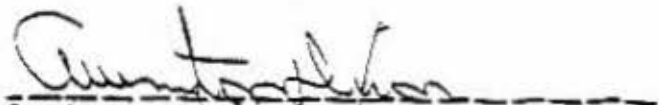
D.C. Code,
sec. 24-203

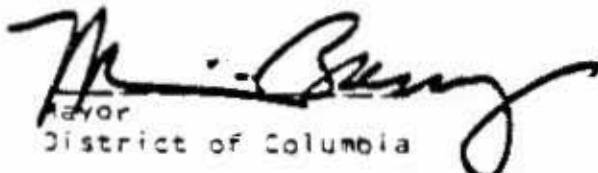
(a) by striking from the title the phrase "and death"; and

(b) by striking the last sentence of subsection (a).

Sec. 5. This act shall take effect after a thirty (30) 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 502(c)(2) of the District of
Columbia Self-Government and Governmental
Reorganization Act, approved December 24, 1973 (37
Stat. 813; D.C. Code, sec. 1-147(c)(2)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED: December 17, 1980

COUNCIL OF THE DISTRICT OF COLUMBIA

RECORD OF OFFICIAL COUNCIL ACTION

DOCKET NO: B 3-395

ACTION: Adopted First Reading, Consent Calendar 11-12-80

VOICE VOTE: Unanimous

Absent: Kane

ROLL CALL VOTE:

COUNCIL MEMBER	DATE	TIME	NO.	NAME	COUNCIL MEMBER	DATE	TIME	NO.	NAME	COUNCIL MEMBER	DATE	TIME	NO.	NAME
DIXON					KANE					SPACKLETON				
KATNER					MASON					SPACKLETON				
CLARKE					MOORE					WATSON				
WISBY					RYAN									
WRIGHT					ROTHMAN									

CERTIFICATION OF RECORD

[Signature]
Secretary to the Council

ACTION: Adopted Final Reading, Consent Calendar 12-9-80

VOICE VOTE: Unanimous

Absent: Clarke

ROLL CALL VOTE:

COUNCIL MEMBER	DATE	TIME	NO.	NAME	COUNCIL MEMBER	DATE	TIME	NO.	NAME	COUNCIL MEMBER	DATE	TIME	NO.	NAME
DIXON					WRIGHT					SPACKLETON				
KATNER					MASON					SPACKLETON				
CLARKE					MOORE					WATSON				
WISBY					RYAN									
WRIGHT					ROTHMAN									

CERTIFICATION OF RECORD

[Signature]
Secretary to the Council

ACTION: _____

VOICE VOTE: _____

Absent: _____

ROLL CALL VOTE:

COUNCIL MEMBER	DATE	TIME	NO.	NAME	COUNCIL MEMBER	DATE	TIME	NO.	NAME	COUNCIL MEMBER	DATE	TIME	NO.	NAME
DIXON					WRIGHT					SPACKLETON				
KATNER					MASON					SPACKLETON				
CLARKE					MOORE					WATSON				
WISBY					RYAN									
WRIGHT					ROTHMAN									

CERTIFICATION OF RECORD

Secretary to the Council