

COUNCIL OF THE DISTRICT OF COLUMBIA


NOTICE

D.C. LAW 4-104

"District of Columbia Criminal Statute of Limitations Act of 1982".

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. 4-121 on first and second readings, February 9, 1982 and February 23, 1982, respectively. Following the signature of the Mayor on March 10, 1982, this legislation was assigned Act No. 4-165, published in the April 2, 1982 edition of the D.C. Register, (Vol. 29 page 1401) and transmitted to Congress on March 15, 1982 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 4-104, effective April 30, 1982.


ARRINGTON DIXON
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

| | |
|-------|--|
| March | 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29, 30, 31 |
| April | 1, 2, 5, 6, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29 |

D.C. LAW 4-104

EFFECTIVE DATE APR 30 1982

AN ACT

D.C. ACT 4-165

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAR 10 1982

To create a local criminal statute of limitations, 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 Criminal Statute of Limitations Act of 1982".

Sec. 2. Title 23, Chapter 1, of the D.C. Code is amended by adding to the end thereof the following new section to read as follows:

"Section 23-113. Limitations on actions for criminal violations.

"(a) Time Limitations.

"(1) A prosecution for murder in the first or second degree may be commenced at any time.

"(2) Except as provided in paragraph (4), a prosecution for a felony other than murder in first or second degree is barred if not commenced within six (6) years after it is committed.

"(3) Except as provided in paragraph (4), a prosecution for any other criminal offense is barred if not commenced within three (3) years after it is committed.

CODIFICATION
New
D.C. Code,
sec. 23-113

"(4) A prosecution for a felony or a misdemeanor may be brought within three (3) years:

"(A) after a public officer or employee has left office, for any completed offense based on official conduct; or

"(B) after a fraud or breach of fiduciary trust has been, or reasonably should have been, discovered for any completed offense based on that fraud or breach of fiduciary trust; even if barred by the provisions of paragraphs (2) and (3):

PROVIDED, That, in no case shall this provision extend the period of limitations to more than nine (9) years in the case of a felony nor more than six (6) years in the case of a misdemeanor.

"(b) Time When Offense Committed. An offense is committed either when every element occurs, or, if a legislative purpose to prohibit a continuing course of conduct plainly appears, at the time when the course of conduct, or the defendant's complicity therein, is terminated. Time starts to run on the day after the offense is committed or completed.

"(c) Commencement of Prosecution. A prosecution is commenced when:

- "(1) an indictment is entered;
- "(2) an information is filed; or
- "(3) a complaint is filed before a judicial

officer empowered to issue an arrest warrant:

PROVIDED, That such warrant is issued without unreasonable delay. A prosecution for an offense necessarily included in the offense charged shall be considered to have been timely commenced, even though the period of limitation for such included offense has expired, if the period of limitation has not expired for the offense charged and if there was, after the close of the evidence at trial, sufficient evidence as a matter of law to sustain a conviction for the offense charged.

"(d) Suspension of Period of Limitation. The period of limitation for an offense, and any necessarily included offense, does not run during any time when a prosecution against the defendant for that offense is pending in the courts of the District of Columbia.

"(e) Extended Period for Commencement of New Prosecution. If a timely complaint, indictment, or information is dismissed for any error, defect, insufficiency, or irregularity, a new prosecution may be commenced within three (3) months after the dismissal becomes final even though the period of limitation has expired at the time of the dismissal or will expire within three (3) months thereafter.

"(f) Fugitives from Justice. No statute of limitations shall extend to any person fleeing from


justice."

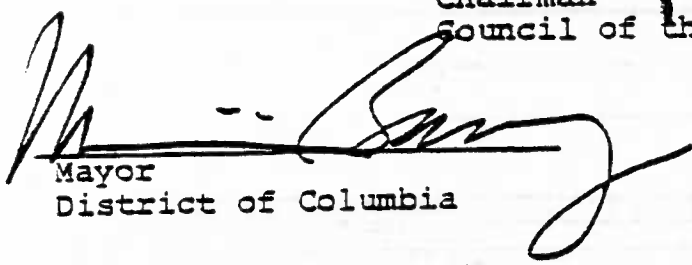
Sec. 3. The table of section catchlines in Title 23, Chapter 1, of the D.C. Code is amended by adding the following phrase to the end thereof to read as follows:

"Section 23-113. Limitations on actions for criminal violations."

Sec. 4. Effective Date.

This act shall take effect after a 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 602(c)(2) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-233(c)(2)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia

APPROVED: March 10, 1982



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Four
First Session

DOCKET NO: B 4-121

Item on Consent Calendar

ACTION: Adopted First Reading, 2-9-82

VOICE VOTE: Unanimous

Absent: all present

ROLL CALL VOTE:

| COUNCIL MEMBER | AYE | NAY | N.V. | A.B. | COUNCIL MEMBER | AYE | NAY | N.V. | A.B. | COUNCIL MEMBER | AYE | NAY | N.V. | A.B. |
|----------------|-----|-----|------|------|----------------|-----|-----|------|------|----------------|-----|-----|------|------|
| CEMN. DIXON | | | | | KANE | | | | | SHACKLETON | | | | |
| WINTER | | | | | MASON | | | | | SPAULDING | | | | |
| CLARKE | | | | | MOORE, JR. | | | | | WILSON | | | | |
| CRAWFORD | | | | | RAY | | | | | | | | | |
| JARVIS | | | | | ROLARK | | | | | | | | | |

X - Indicates Vote A.B. - Absent N.V. - Not Voting

CERTIFICATION OF RECORD

Walter A. ...
Secretary to the Council

2/23/82
Date

Item on Consent Calendar

ACTION: Adopted Final Reading, 2-23-82

VOICE VOTE: Unanimous

Absent: all present

ROLL CALL VOTE:

| COUNCIL MEMBER | AYE | NAY | N.V. | A.B. | COUNCIL MEMBER | AYE | NAY | N.V. | A.B. | COUNCIL MEMBER | AYE | NAY | N.V. | A.B. |
|----------------|-----|-----|------|------|----------------|-----|-----|------|------|----------------|-----|-----|------|------|
| CEMN. DIXON | | | | | KANE | | | | | SHACKLETON | | | | |
| WINTER | | | | | MASON | | | | | SPAULDING | | | | |
| CLARKE | | | | | MOORE, JR. | | | | | WILSON | | | | |
| CRAWFORD | | | | | RAY | | | | | | | | | |
| JARVIS | | | | | ROLARK | | | | | | | | | |

X - Indicates Vote A.B. - Absent N.V. - Not Voting

CERTIFICATION OF RECORD

Walter A. ...
Secretary to the Council

2/23/82
Date

Item on Consent Calendar

ACTION: _____

VOICE VOTE: _____

Absent: _____

ROLL CALL VOTE:

| COUNCIL MEMBER | AYE | NAY | N.V. | A.B. | COUNCIL MEMBER | AYE | NAY | N.V. | A.B. | COUNCIL MEMBER | AYE | NAY | N.V. | A.B. |
|----------------|-----|-----|------|------|----------------|-----|-----|------|------|----------------|-----|-----|------|------|
| CEMN. DIXON | | | | | KANE | | | | | SHACKLETON | | | | |
| WINTER | | | | | MASON | | | | | SPAULDING | | | | |
| CLARKE | | | | | MOORE, JR. | | | | | WILSON | | | | |
| CRAWFORD | | | | | RAY | | | | | | | | | |
| JARVIS | | | | | ROLARK | | | | | | | | | |

X - Indicates Vote A.B. - Absent N.V. - Not Voting

CERTIFICATION OF RECORD

Secretary to the Council

Date