

D.C. LAW 4-152

DISTRICT OF COLUMBIA BAIL AMENDMENT ACT OF 1982

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

SEPTEMBER 17, 1982

To amend provisions of the District of Columbia Code relating to release and pretrial detention; 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 Bail Amendment Act of 1982".

Sec. 2. D.C. Code, sec. 23-1321 is amended as follows:

- (a) The section heading is amended by striking the word "noncapital" and inserting the phrase "other than first degree murder" in lieu thereof;
- (b) Subsection (a) (D.C. Code, sec. 23-1321(a)) is amended by striking the phrase "an offense punishable by death" and inserting the phrase "murder in the first degree" in lieu thereof;
- (c) Subsections "(c)", "(d)", "(e)", "(f)", "(g)", and "(h)" are redesignated as "(d)", "(e)", "(f)", "(g)", "(h)", and "(i)" respectively; and
- (d) A new subsection (c) is added to read as follows:
 - (c) In considering the conditions of release described in subsections (a)(3) and (4), the judicial officer may upon his own motion, or shall upon the motion of the United States attorney, conduct an inquiry into the source of the property to be offered as collateral to secure a bond, and may decline to accept the use as collateral of property if the judicial officer finds that, because of its source, the property will not reasonably assure the appearance of the person as required."

Sec. 3. D.C. Code, sec. 23-1322 is amended as follows:

- (a) Subsection (d) (D.C. Code, sec. 23-1322(d)) is amended by adding at the end thereof a new paragraph (4) to read as follows:
 - (4) Notwithstanding the sixty calendar day provision of paragraph (2)(A), any such person may be detained for an additional period not to exceed thirty days from the date of the expiration of such sixty calendar day period on the basis of a petition submitted by the United States attorney and approved by the judicial officer. Such additional period of detention may be granted only on the basis of good cause shown and shall be granted only for the additional time required to prepare for the expedited trial of such person. For the purposes of determining the maximum period of detention under this section, such a period not to exceed ninety days, the period begins on the date the defendant is first detained after arrest, and includes the days detained pending a detention hearing and the days in confinement on temporary detention under subsection (e) whether or not continuous with full pretrial detention."
- (b) Subsection (e) (D.C. Code, sec. 23-1322(e)) is amended as follows:
 - (1) The first sentence is amended by striking the phrase "five calendar days" and inserting the phrase "five days (excluding Saturdays, Sundays, and legal holidays)" in lieu thereof;
 - (2) The first sentence is amended by striking the word "State" and inserting the phrase "District of Columbia, State, Territory," in lieu thereof; and
 - (3) The second sentence is amended by striking the word "State" and inserting the phrase "District of Columbia, State, Territory," in lieu thereof; and

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(c) A new subsection (f) is added to read as follows:

"(f) The judicial officer may, after a finding (unless waived by the defendant) of probable cause that an offense has been committed and that the defendant committed it, detain for a period not to exceed three days (excluding Saturdays, Sundays, and legal holidays) a person who is charged with the commission of a dangerous crime, as defined in section 23-1331(3), or a crime of violence, as defined in section 23-1331(4), at a time when on bond as a result of a charge in another pending case in order to allow consideration of any violation of the conditions of release in the prior case."

Sec. 4. D.C. Code, sec. 23-1325 is amended as follows:

- (a) The section heading is amended by striking the word "capital" and inserting the phrase "first degree murder" in lieu thereof; and
- (b) Subsection (a) (D.C. Code, sec 23-1325(a)) is amended by striking the phrase "an offense punishable by death" and inserting the phrase "murder in the first degree" in lieu thereof.

Sec. 5. The table of contents for chapter 13 of title 23 of the District of Columbia Code is amended as follows:

- (a) By striking the phrase "23-1321. Release in noncapital cases prior to trial." and inserting the phrase "23-1321. Release in other than first degree murder cases prior to trial." in lieu thereof; and
- (b) By striking the phrase "23-1325. Release in capital cases or after conviction." and inserting the phrase "23-1325. Release in first degree murder cases or after conviction." in lieu thereof.

Sec. 6. This act shall take effect after a 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 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)).

Source

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. 4-127 on first and second readings, July 6, 1982 July 20, 1982, respectively. Following the signature of the Mayor on July 21, 1982, this legislation was assigned Act No. 4-223, published in the August 13, 1982, edition of the D.C. Register, (Vol. 29 page 3479) and transmitted to Congress on July 21, 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 4-152, effective September 17, 1982.