

COUNCIL OF THE DISTRICT OF COLUMBIA

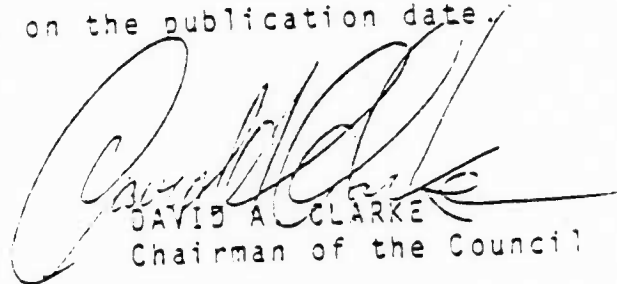
NOTICE

D.C. Law 4-166

"District of Columbia Mandatory-Minimum Sentences Initiative of 1981".

Pursuant to Amendment #1 of the District of Columbia Self Government and Governmental Reorganization Act, P.L. 93-198, "the Act", the electors of the District of Columbia voted on Initiative No. 9 on September 14, 1982. On October 12, 1982, the Board of Elections and Ethics certified the Election results as 84,012 for the Initiative and 32,333 against the Initiative. Following the certification of the results, the Chairman of the Council of the District of Columbia transmitted Initiative No. 9 to Congress on October 21, 1982. This Initiative was resubmitted January 6, 1983 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 4-166, effective March 9, 1983. The Initiative was published in the March 11, 1983 edition of the D.C. Register, (Vol. 30 page 1082), and became binding upon the public on the publication date. (See D.C. Code §1-1602.)

  
DAVID A. CLARKE  
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January	6, 25, 26, 27, 28, 31
February	1, 2, 3, 4, 7, 8, 9, 10, 11, 14, 15, 16, 17, 22, 23, 24, 25, 28
March	1, 2, 3, 4, 7, 8

D.C. LAW 4-166

EFFECTIVE  
DATE MAR 09 1983

SHORT TITLE

DISTRICT OF COLUMBIA  
MANDATORY-MINIMUM SENTENCES INITIATIVE OF 1981

SUMMARY STATEMENT

Provides that persons convicted of committing crimes of violence while armed with a firearm shall be sentenced to mandatory-minimum terms of five years for first offenses and ten years for second offenses. Provides that persons convicted of manufacturing, distributing or possessing with intent to manufacture or distribute certain controlled drugs shall be sentenced to mandatory-minimum terms of from one year to four years, depending on the classification of drug involved. Provides that any person sentenced under these provisions shall not be paroled or have his sentence suspended until he has been imprisoned for the full mandatory-minimum term.

INITIATIVE MEASURE NO. 9

BY THE PEOPLE OF THE DISTRICT OF COLUMBIA

To implement mandatory-minimum sentences for those convicted under certain laws of the District of Columbia.

BE IT ENACTED BY THE PEOPLE OF THE DISTRICT OF COLUMBIA, That this measure may be cited as the "District of Columbia Mandatory-Minimum Sentences Initiative of 1981."

Sec. 2. The purpose of this initiative is to propose to the registered qualified electors of the District of Columbia the question of imposing mandatory-minimum sentences for those who are convicted of committing a crime of violence, as defined in Title 22, Section 3201, when armed with a firearm; or for knowingly or intentionally manufacturing, distributing or possessing with intent to manufacture or distribute a controlled substance.

Sec. 3. Title 22, Section 3202 of the District of Columbia Criminal Code, titled "Committing Crime When Armed-- Added Punishment," is amended as follows:

(a)(1) Immediately following the phrase, "which may be up to life imprisonment;", insert

"and shall, if convicted of such offenses while armed with any pistol or firearm, be imprisoned for a mandatory-minimum term of not less than five (5) years;".

(a)(2) Immediately following the phrase, "which may be up to life imprisonment;", insert

"and shall, if convicted of such second offense while armed with any pistol or firearm, be imprisoned for a mandatory-minimum term of not less than ten (10) years."

Sec. 4. Subsection (c) of Title 22, Section 3202, shall be repealed.

Sec. 5. A new subsection (c) shall be added to Title 22, Section 3202, as follows:

"(c) Any person sentenced pursuant to paragraph (1) or (2) of subsection (a) above for a conviction of a crime of violence while armed with any pistol or firearm, shall serve a mandatory-minimum term of five (5) years, if sentenced pursuant to paragraph (1) of subsection (a), or ten (10) years, if sentenced pursuant to paragraph (2) of subsection (a), and such person shall not be released on parole, granted probation, or granted suspension of sentence, prior to serving such mandatory-minimum sentence."

Sec. 6. Subsection (d) of Title 22, Section 3202, shall be changed to subsection (e), and the remaining subsections will be changed to conform accordingly.

Sec. 7. A new subsection (d) shall be added to Title 22, Section 3202, as follows:

"(d) Except as provided in subsection (c) of this section, any person sentenced under subsection (a)(2) of this section may be released on parole in accordance with Chapter 2 of Title 24, at any time after having served the minimum sentence imposed under that subsection."

Sec. 8. Section 102 of the District of Columbia Uniform Controlled Substances Act of 1981 shall be amended to include: "Addict" means any individual who habitually uses any narcotic drug so as to endanger the public morals, health, safety, or welfare, or who is or has been so far addicted to the use of such narcotic drug as to have lost the power of self-control with reference to his addiction.", and

"retail value" means the value in the market in which the substance was being distributed, manufactured or possessed, or the amount which the person possessing such controlled substance reasonably could have expected to receive upon the sale of the controlled substance at the time and place where the controlled substance was distributed, manufactured or possessed."

Sec. 9. Section 401(c) of the District of Columbia Uniform Controlled Substances Act of 1981 shall be changed to 401(d), and the remaining subsections will be changed to conform accordingly.

Sec. 10. A new section 401(c) shall be added to the District of Columbia Uniform Controlled Substances Act of 1981, as follows:

"(c)(1) Except as hereinafter specifically provided in this subsection (c), any person who violates subsection (a)(1) or (b)(1) shall be imprisoned for a mandatory-minimum term as hereinafter prescribed and shall not be released on parole, granted probation, or granted suspension of sentence prior to serving such mandatory-minimum sentence.

"(A) Any person who violates subsection (a)(1) or (b)(1) with respect to a controlled or counterfeit substance classified in Schedule I or II, which is a narcotic drug, shall serve a mandatory-minimum sentence of not less than four (4) years;

"(B) Any person who violates subsection (a)(1) or (b)(1) with respect to any other controlled or counterfeit substance classified in Schedule I, II or III shall serve a mandatory-minimum sentence of not less than twenty (20) months;

"(C) Any person who violates subsection (a)(1) or (b)(1) with respect to any other controlled or counterfeit substance classified in Schedule IV or V shall, if the quantity of such substance or counterfeit substance involved in such violation shall exceed \$15,000 in retail value at the time of such violation, serve a mandatory-minimum sentence of not less than one (1) year."

"(c)(2) Notwithstanding the provisions of subsection (c)(1), the Court may, in its discretion, waive the mandatory-minimum sentencing provisions of subsections (A) and (B) when sentencing a person who has not been previously convicted in any jurisdiction in the United States for knowingly or intentionally manufacturing, distributing, or possessing with intent to manufacture or distribute a controlled substance included in Schedule I, II or III if the Court determines that the person was an addict at the time of the violation of subsection 401(a)(1) or (b)(1), and that such person knowingly or intentionally manufactured, distributed or possessed with

intent to manufacture or distribute a controlled substance included in Schedule I, II or III for the primary purpose of enabling the offender to obtain a narcotic drug which he required for his personal use because of his addiction to such drug."

Sec. 11. This measure shall take effect as provided for initiative measures of the Electors of the District of Columbia in section 5 of Public Law 95-526 §(3), amending the Initiative, Referendum, and Recall Charter Amendment Act of 1977 (D.C. Law 2-46), and in section 602(c) of the District of Columbia Self-Government and Government Reorganization Act.