

COUNCIL OF THE DISTRICT OF COLUMBIA

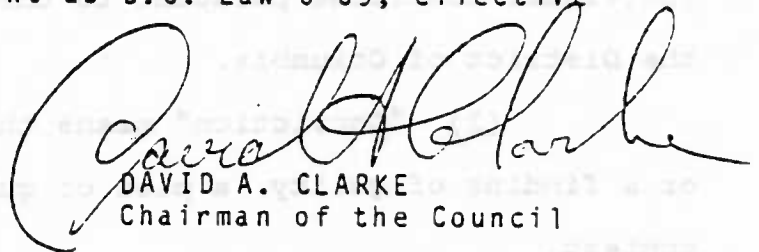
NOTICE

D.C. LAW 6-69

"Youth Rehabilitation Amendment Act  
of 1985".

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. 6-47 on first and second readings, June 25, 1985, and July 9, 1985, respectively. Following the signature of the Mayor on July 29, 1985, this legislation was assigned Act No. 6-72, published in the August 9, 1985, edition of the D.C. Register, (Vol. 32 page 4587) and transmitted to Congress on August 2, 1985 for a 60-day review, in accordance with Section 602 (c)(2) of the Act.

The Council of the District of Columbia hereby gives notice that the 60-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 6-69, effective December 7, 1985.



DAVID A. CLARKE  
Chairman of the Council

Dates Counted During the 60-day Congressional Review Period:

September 4,5,6,9,10,11,12,13,16,17,18,19,20,23,24,25,26,27,30  
October 1,2,3,4,7,8,9,10,11,16,17,18,21,22,23,24,25,28,29,30,31  
November 1,4,5,6,7,8,12,13,14,15,18,19,20,21,22  
December 2,3,4,5,6

D.C. LAW 6 - 69

AN ACT

EFFECTIVE DATE DEC 07 1985

D.C. ACT 6 - 72

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUL 29 1985

To regulate the rehabilitation and the punishment of youth offenders charged with or convicted of a criminal offense in the District of Columbia and to amend An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia to provide penalties, to prescribe rules of evidence, and for other purposes, to provide for these purposes.

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

That this act may be cited as the "Youth Rehabilitation Amendment Act of 1985".

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New,  
D.C. Code  
sec. 24-8  
(1986 sup

Sec. 2. Definitions.

For purposes of this act, the term:

- (1) "Committed youth offender" means an individual committed pursuant to this act for treatment in the District of Columbia.
- (2) "Conviction" means the judgment on a verdict or a finding of guilty, a plea of guilty, or a plea of no contest.
- (3) "Court" means the Superior Court of the District of Columbia.
- (4) "District" means the District of Columbia.
- (5) "Treatment" means corrective and preventive guidance and training designed to protect the public by correcting the antisocial tendencies of youth offenders.

(6) "Youth offender" means a person less than 22 years old convicted of a crime other than murder.

Sec. 3.(a) The Mayor shall provide facilities and personnel for the treatment and rehabilitation of youth offenders convicted under District of Columbia law and sentenced according to this act.

New,  
D.C. Code  
sec. 24-8  
(1986 sup

(b)(1) The Mayor shall periodically set aside and adapt facilities for the treatment, care, education, vocational training, rehabilitation, segregation, and protection of youth offenders.

(2) Insofar as practical, these institutions shall treat committed youth offenders only, and the youth offenders shall be segregated from other offenders, and classes of committed youth offenders shall be segregated according to their needs for treatment.

Sec. 4. (a) If the court is of the opinion that the youth offender does not need commitment, it may suspend the imposition or execution of sentence and place the youth offender on probation.

New,  
D.C. Code  
sec. 24-8  
(1986 sup

(b) If the court shall find that a convicted person is a youth offender, and the offense is punishable by imprisonment under applicable provisions of law other than this subsection, the court may sentence the youth offender for treatment and supervision pursuant to this act up to the maximum penalty of imprisonment otherwise provided by law. The youth offender shall serve the sentence of the court unless sooner released as provided in section 5 of this act.

(c) Where the court finds that a person is a youth

offender and determines that the youth offender will derive benefit from the provisions of this act, the court shall make a statement on the record of the reasons for its determination. The youth offender shall be entitled to present to the court facts that would affect the decision of the court to sentence the youth offender pursuant to the provisions of this act.

(d) If the court shall find that the youth offender will not derive benefit from treatment under subsection (b), then the court may sentence the youth offender under any other applicable penalty provision.

(e) If the court desires additional information as to whether a youth offender will derive benefit from treatment under subsection (b), the court may order that the youth offender be committed for observation and study at an appropriate classification center or agency. Within 60 days from the date of the order or an additional period that the court may grant, the court shall receive the report.

(f) Subsections (a) through (e) provide sentencing alternatives in addition to the options already available to the court.

Sec. 5. (a) A committed youth offender may be released conditionally under supervision whenever appropriate.

New,  
D.C. Code  
sec. 24-8  
(1986 sup

(b) A committed youth offender may be unconditionally discharged at the end of 1 year from the date of conditional release.

Sec. 6. (a) If the Director of the Department of Corrections ("Director") determines that a youth offender

New,  
D.C. Code  
sec. 24-8  
(1986 sup

will derive no further benefit from the treatment pursuant to this act, the Director shall notify the youth offender of this determination in a written statement that includes the following:

(1) Notice that the youth offender may appeal the Director's determination to the sentencing judge in writing within 30 days of the youth offender's receipt of the Director's statement required by this section;

(2) Specific reasons for the Director's no further benefit determination; and

(3) Notice that an appeal by the youth offender to the sentencing judge will stay any action by the Director regarding a change in the youth offender's status until the sentencing judge makes a determination on the appeal.

(b) The decision of the sentencing judge on the appeal of the youth offender shall be considered a final disposition of the appeal and shall preclude further action by the Director to change the status of a youth offender for a 6-month period from the date of the sentencing judge's decision.

Sec. 7. (a) Upon the unconditional discharge of a committed youth offender before the expiration of the maximum sentence imposed upon him, the conviction shall be automatically set aside and the court shall issue to the youth offender a certificate to that effect.

New,  
D.C. Code,  
sec. 24-80  
(1986 supp

(b) Where a youth offender has been placed on probation by the court, the court may, in its discretion, unconditionally discharge the youth offender from probation

before the end of the maximum period of probation previously fixed by the court. The discharge shall automatically set aside the conviction, and the court shall issue to the youth offender a certificate to that effect.

Sec. 8. The Mayor may issue rules to implement the provisions of this act pursuant to title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1203; D.C. Code, sec. 1-1501 et seq.), including the division of responsibility between the District of Columbia Board of Parole and the District of Columbia Department of Corrections.

New,  
D.C. Code,  
sec. 24-80  
(1986 supp)

Sec. 9. Section 2(e) of An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 29, 1970 (84 Stat. 601; D.C. Code, sec. 22-3202(e)), is amended by striking the phrase "Chapter 402 of title 18 of the United States Code (Federal Youth Corrections Act)" and inserting in its place the phrase "The Youth Rehabilitation Amendment Act of 1985".

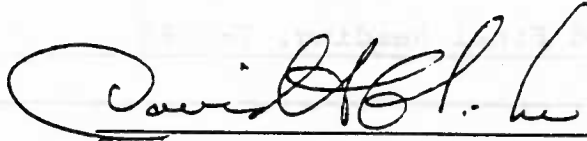
D.C. Code,  
sec. 22-31  
(1986 supp)

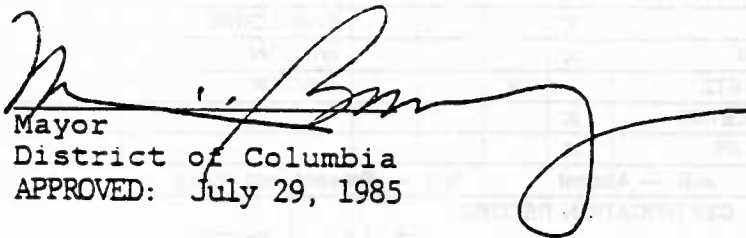
Sec. 10. (a) Except as provided in subsection (b), this act shall take effect after a 60-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c) of the District of Columbia Self-Government and Governmental Reorganization Act,

approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-233(c)).

(b) In the case of a youth offender sentenced after October 11, 1984, but before the effective date of this act, the youth offender may, by motion, petition the sentencing court for reconsideration of the youth offender's sentence pursuant to this act, but in no event shall the court be required to act upon a petition not filed with the court within 120 days of a sentence imposed between October 11, 1984, and the effective date of this act.

Note, D.C. Code sec. 24-801 to 24-807, 22-31 (1986 supp.)

  
Chairman  
Council of the District of Columbia

  
Mayor  
District of Columbia  
APPROVED: July 29, 1985



**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**Council Period Six — First Session**

**RECORD OF OFFICIAL COUNCIL VOTE**

DOCKET NO:     B 6-47    

Item on Consent Calendar

ACTION & DATE:     Adopted First Reading, 6-25-85    

VOICE VOTE: \_\_\_\_\_

Recorded vote on request

Absent: \_\_\_\_\_

ROLL CALL VOTE: — RESULT     ( 9 / 4 / 0 / 0 )    

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE	X				RAY	X				SPAULDING	X			
CRAWFORD		X			ROLARK	X				WILSON	X			
JARVIS	X				SCHWARTZ		X			WINTER		X		
KANE		X			SHACKLETON	X								
MASON	X				SMITH, JR.	X								

X — Indicates Vote      A.B. — Absent      N.V. — Present, not voting

CERTIFICATION RECORD

*Russell S. Smith*  
 Secretary to the Council

    7/11/85      
 Date

Item on Consent Calendar

ACTION & DATE:     Adopted Final Reading, 7-9-85    

VOICE VOTE: \_\_\_\_\_

Recorded vote on request

Absent: \_\_\_\_\_

ROLL CALL VOTE: — RESULT     ( 8 / 4 / 0 / 1 )    

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE	X				RAY	X				SPAULDING	X			
CRAWFORD		X			ROLARK	X				WILSON				X
JARVIS	X				SCHWARTZ		X			WINTER		X		
KANE		X			SHACKLETON	X								
MASON	X				SMITH, JR.	X								

X — Indicates Vote      A.B. — Absent      N.V. — Present, not voting

CERTIFICATION RECORD

*Russell S. Smith*  
 Secretary to the Council

    7/11/85      
 Date

Item on Consent Calendar

ACTION & DATE: \_\_\_\_\_

VOICE VOTE: \_\_\_\_\_

Recorded vote on request

Absent: \_\_\_\_\_

ROLL CALL VOTE: — RESULT     (    /    /    /    )    

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					RAY					SPAULDING				
CRAWFORD					ROLARK					WILSON				
JARVIS					SCHWARTZ					WINTER				
KANE					SHACKLETON									
MASON					SMITH, JR.									

X — Indicates Vote      A.B. — Absent      N.V. — Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date