

COUNCIL OF THE DISTRICT OF COLUMBIA

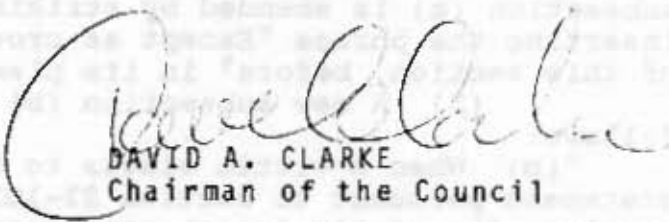
NOTICE

D.C. LAW 7-229

"Victims Rights Amendment Act of 1988".

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. 7-72 on first and second readings, June 28, 1988, and July 12, 1988, respectively. Following the signature of the Mayor on August 1, 1988, this legislation was assigned Act No. 7-236, published in the August 12, 1988, edition of the D.C. Register, (Vol. 35 page 6155) and transmitted to Congress on January 23, 1989 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 7-229, effective May 10, 1989.

  
DAVID A. CLARKE  
Chairman of the Council

Dates Counted During the 60-day Congressional Review Period:

January 24,25,26,27,30,31  
February 1,2,3,6,7,8,9,21,22,23,24,27,28  
March 1,2,3,6,7,8,9,10,13,14,15,16,17,20,21,22,23  
April 3,4,5,6,7,10,11,12,13,14,17,18,19,25,26,27,28  
May 1,2,3,4,5,8,9

MAY 10 1989

AN ACT

Codification,  
District of Columbia Code  
(1989 Supplement)

D.C. ACT 7 - 236

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUG 01 1988

To amend title 23 of the District of Columbia Code to provide victims of violent crime with the opportunity to file a victim impact statement and to require a sentencing court to consider a victim impact statement as part of the record prior to sentencing.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Victims Rights Amendment Act of 1988".

Sec. 2. Title 23 of the District of Columbia Code is amended as follows:

Section  
23-103

(a) Section 23-103 is amended as follows:

- (1) The existing text is designated as subsection (a).
- (2) The first sentence of the newly designated subsection (a) is amended by striking the word "Before" and inserting the phrase "Except as provided in subsection (b) of this section, before" in its place.

(3) A new subsection (b) is added to read as follows:

"(b) When a victim elects to file a victim impact statement pursuant to section 23-103a, the court shall disclose the victim impact statement portion of the presentence report at a reasonable time prior to imposing sentence to the defendant's counsel and to the prosecuting attorney."

(b) A new section 23-103a is added to read as follows:  
"Sec. 23-103a. Victim impact statement.

New, Section  
23-103a

"(a) For the purposes of this section, the term:

"(1) "Court" means Superior Court of the District of Columbia.

"(2) "Crime of violence" means any of the following or an attempt to commit any of the following offenses: assault, forcible sodomy, kidnapping, maliciously

disfiguring another, manslaughter, murder, rape, robbery, or sodomy of a child less than 16 years of age.

"(3)(A) "Victim of a crime of violence" means any person who is killed or physically injured in the District of Columbia:

"(i) As a result of a crime of violence;

"(ii) While assisting lawfully to apprehend a person reasonably suspected of having committed or attempted a crime of violence;

"(iii) While assisting a person against whom a crime of violence has been committed or attempted if the assistance was rendered in a reasonable manner; or

"(iv) While attempting to prevent the commission of a crime of violence.

"(B) The term "victim of a crime of violence" shall not include any person who committed or aided in the commission of the crime of violence or who was injured or killed as an indirect result of his or her participation in an unlawful and criminal activity.

"(b) Each victim of any crime of violence, or 1 representative of the immediate family of the victim if the victim has died, shall have the right to submit prior to the imposition of sentence a written victim impact statement containing information concerning any emotional, psychological, financial, or physical harm done to or loss suffered by the victim of the crime of violence. This statement shall be made a part of the presentence report filed by the Probation Division of the court. The court shall consider the victim impact statement in determining the appropriate sentence.

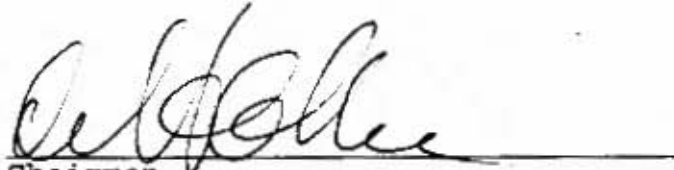
"(c) Each victim of a crime of violence, or a representative of the immediate family of the victim if the victim has died, shall be notified pursuant to court rule of the right to file a victim impact statement."

(c) The table of contents for the title is amended by adding a new section 23-103a to read as follows: TOC, Title 23

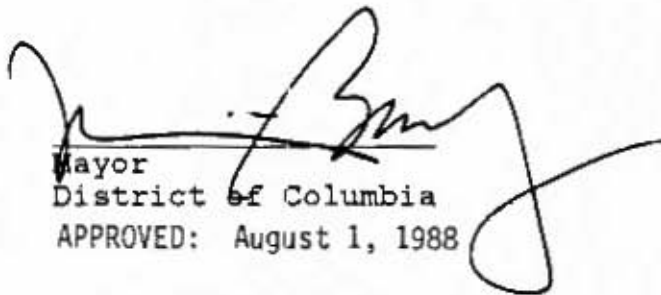
"Section 23-103a. Victim impact statement."

Sec. 3. 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)(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)), and publication in either the District of Columbia Register, the District of Columbia

Statutes-at-Large, or the District of Columbia Municipal Regulations.



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED: August 1, 1988



**COUNCIL OF THE DISTRICT OF COLUMBIA**  
Council Period Seven

**RECORD OF OFFICIAL COUNCIL VOTE**

DOCKET NO: B7-72

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 6-28-88

VOICE VOTE: Approved

Recorded vote on request

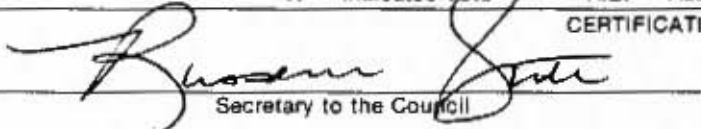
Absent: all present

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					NATHANSON					THOMAS SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

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

**CERTIFICATION RECORD**

  
Secretary to the Council

7-21-88  
Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 7-12-88

VOICE VOTE: Approved

Recorded vote on request

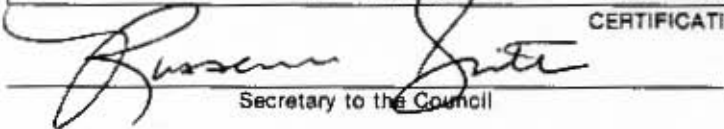
Absent: Thomas and Winter

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					NATHANSON					THOMAS, SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

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

**CERTIFICATION RECORD**

  
Secretary to the Council

7-21-88  
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					NATHANSON					THOMAS, SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

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

**CERTIFICATION RECORD**

\_\_\_\_\_  
Secretary to the Council

\_\_\_\_\_  
Date