

ENROLLMENT(S)

kwiktag® 103 247 716



COUNCIL OF THE DISTRICT OF COLUMBIA

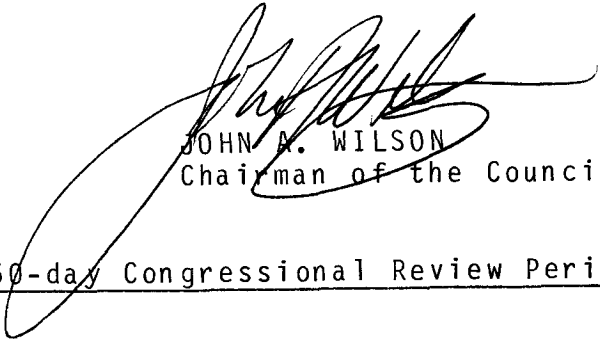
NOTICE

D.C. LAW 9-153

"First Degree Murder Amendment Act of 1992".

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. 9-118 on first and second readings, April 7, 1992, and May 6, 1992, respectively. Following the signature of the Mayor on May 28, 1992, this legislation was assigned Act No. 9-213, published in the June 5, 1992, edition of the D.C. Register, (Vol. 39 page 3868) and transmitted to Congress on May 29, 1992 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 9-153, effective September 26, 1992.



JOHN A. WILSON
Chairman of the Council

Dates Counted During the 60-day Congressional Review Period:

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

AN ACT

Codification

District of Columbia Code

D.C. ACT 9-213

1993 Supplement

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 28, 1992

To amend An Act To establish a code of law for the District of Columbia to expand the definition of felony murder and to provide for the application of a penalty of life imprisonment without parole for first degree murder.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "First Degree Murder Amendment Act of 1992".

Sec. 2. An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Code §22-2401, et seq.), is amended as follows:

(a) Section 798 (D.C. Code §22-2401) is amended to read as follows: "Whoever, being of sound memory and discretion, kills another purposely, either of deliberate and premeditated malice or by means of poison, or in perpetrating or attempting to perpetrate any offense punishable by imprisonment in the penitentiary, or without purpose so to do kills another in perpetrating or in attempting to perpetrate any arson, as defined in section 820 or section 821, rape, mayhem, robbery, or kidnaping, or in perpetrating or attempting to perpetrate any housebreaking while armed with or using a dangerous weapon, or in perpetrating or attempting to perpetrate a felony involving a controlled substance, is guilty of murder in the first degree."

Section 22-2401

(b) Section 801(a) (D.C. Code §22-2404(a)), is amended to read as follows:

Section 22-2404

"(a) The punishment of murder in the first degree shall be life imprisonment, except that the court may impose a punishment of life imprisonment without parole in accordance with section 801a. The prosecution shall notify the defendant in writing at least 30 days prior to trial that it intends to seek a sentence of life imprisonment without parole as provided in section 801a, provided that, no person who was less than 18 years of age at the time the murder was committed shall be sentenced to life imprisonment without parole."

(c) Section 801(b) (D.C. Code §22-2404(b)), is amended to read as follows:

Section 22-2404

"(b) Notwithstanding any other provision of law, a person convicted of first-degree murder and upon whom a sentence of life imprisonment is imposed shall be eligible for parole only after the expiration of 30 years from the date of the commencement of the sentence."

(d) A new section 801a is added to read as follows:

"Sec. 801a. Sentencing procedure for first-degree murder.

"(a) If a defendant is convicted of first-degree murder, and if the prosecution has given the notice required under section 801(a), a separate sentencing procedure shall be conducted as soon as practicable after the trial has been completed to determine whether to impose a sentence of life imprisonment or life imprisonment without possibility of parole.

"(b) In determining the sentence, the court shall consider whether, beyond a reasonable doubt, any of the following aggravating circumstances exist:

"(1) The murder was committed in the course of kidnaping or abduction, or an attempt to kidnap or abduct;

"(2) The murder was committed for hire;

"(3) The murder was committed for the purpose of avoiding or preventing a lawful arrest or effecting an escape from custody;

"(4) The murder was especially heinous, atrocious or cruel;

"(5) The murder was a drive-by or random shooting;

"(6) There was more than 1 offense of murder in the first degree arising out of 1 incident;

"(7) The murder was committed because of the victim's race, color, religion, national origin or sexual orientation;

"(8) The murder was committed while committing or attempting to commit a robbery, arson, rape, or sexual offense;

"(9) The murder was committed because the victim was or had been a witness in any criminal investigation or judicial proceeding, or the victim was capable of providing or had provided assistance in any criminal investigation or judicial proceeding; or

"(10) The murder victim was especially vulnerable due to age or a mental or physical infirmity.

"(c) The court shall state in writing whether, beyond a reasonable doubt, 1 or more of the aggravating circumstances exist. If the court finds that 1 or more aggravating circumstances exist, a sentence of life imprisonment without parole may be imposed.

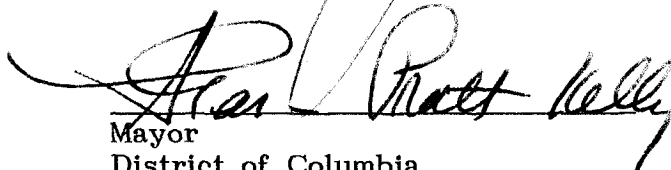
"(d) If the trial court is reversed on appeal because of error only in the separate sentencing procedure, any new proceeding before the trial court shall pertain only to the issue of sentencing."

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 §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: May 28, 1992



COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Nine

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: B9-118

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 4-7-92

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. WILSON					JARVIS					ROLARK				
BRAZIL					LIGHTFOOT					SMITH, JR.				
CRAWFORD					MASON					THOMAS, SR.				
CROPP					NATHANSON									
EVANS					RAY									

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

CERTIFICATION RECORD

Dezli Jones
Secretary to the Council

May 13, 1992
Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 5-6-92

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. WILSON					JARVIS					ROLARK				
BRAZIL					LIGHTFOOT					SMITH, JR.				
CRAWFORD					MASON					THOMAS, SR.				
CROPP					NATHANSON									
EVANS					RAY									

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

CERTIFICATION RECORD

Dezli Jones
Secretary to the Council

May 13, 1992
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. WILSON					JARVIS					ROLARK				
BRAZIL					LIGHTFOOT					SMITH, JR.				
CRAWFORD					MASON					THOMAS, SR.				
CROPP					NATHANSON									
EVANS					RAY									

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

CERTIFICATION RECORD

Secretary to the Council

Date