



Criminal Law and Individual Rights Community

The D.C. Bar Criminal Law and Individual Rights Community Issues the following Statement Supporting the D.C. Council’s Review of Revised Criminal Code Act of 2021 (Bill 24-416).

The views expressed only represent those of the Criminal Law and Individual Rights Community¹ of the District of Columbia Bar, the Public Interest and Courts Community² of the District of Columbia Bar, and the D.C. Affairs Community³ of the District of Columbia Bar, and not those of the D.C. Bar or of its Board of Governors.

The D.C. Bar’s Criminal Law and Individual Rights (“CLIR”) Community’s Steering Committee expresses support for the D.C. Council’s implementation of a deliberative process to revise D.C.’s century-old criminal code. The Council’s proposed Revised Criminal Code Act of 2021 (“RCCA”) reflects the recommendations of an independent Criminal Code Reform Commission that engaged in 16 years of research, collaboration, and consensus building to identify revisions which would provide an updated, fairer, and more proportional code. The CLIR Community consists of D.C. Bar members whose collective practices address a wide array of criminal law issues and positions on the law. Thus, this Statement is not intended to endorse the content of that Act’s revisions but, rather, to endorse the long-needed updating of D.C.’s criminal code. Unlike most states, D.C. did not revise its criminal code after the American Law Institute issued its Model Penal

¹ On or before November 10, 2022, elected members of the CLIR’s Steering Committee reviewed and voted to adopt this public statement.

² On or before December 16, 2022, elected members of the Public Interest and Courts Steering Committee reviewed and voted to adopt this public statement.

³ On or before November 30, 2022, elected members of the DC Affairs Steering Committee reviewed and voted to adopt this public statement.



Code in the 1960s. Although D.C.'s 1901 criminal code has been amended piecemeal, it has never undergone such a comprehensive revision.

The D.C. Council passed the RCCA by unanimous votes on November 1 and 15, 2022. Although the Act's proposed revisions have been the subject of vigorous review, comment, and sometimes criticism, and although we recognize that continued evaluation may occur even after any enactment, we support the deliberative process that produced the Act's proposed revisions. This process included working with an Advisory Group composed of the U.S. Attorney's Office, the Office of the Attorney General, Public Defender Services, and legal experts who advocated for best practices from across the country. The process was also supported by documentation in support of the Commission's recommendations. In 2021, those recommendations were forwarded to the Council's Committee on the Judiciary and Public Safety where they underwent three public hearings with input from a range of stakeholders that included residents, crime victims, attorneys in criminal practice, formerly incarcerated residents, and academic experts. The Committee then made changes to the recommendations to reflect feedback received from advocates and prosecutors.

Although the Act may not be one all stakeholders in the city's criminal justice system agree on every aspect of, we believe the process has been fair and inclusive and thus support the Act's advancement through the legislative process.