

AN ACT

**D.C. ACT 21-568**

---

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**DECEMBER 7, 2016**

To amend Title 16 of the District of Columbia Official Code to strengthen the presumption against pre-disposition detention of a child, to reduce the number of unnecessary arrests of children, to ban the secure detention of status offenders, to transfer juveniles adjudicated pursuant to Chapter 23 of Title 16 of the District of Columbia Official Code to the custody of the Department of Youth Rehabilitation Services, to end the commitment to the Department of Youth Rehabilitation Services of children under 10 years of age, to terminate the commitment of status offenders on their 18<sup>th</sup> birthday, to allow the sharing of juvenile information between agencies for the purpose of providing services and evaluating the efficacy of diversion programs, and to authorize the sealing of juvenile arrest records; to amend section 23-1322 of the District of Columbia Official Code to transfer juveniles adjudicated pursuant to Chapter 23 of Title 16 of the District of Columbia Official Code to Department of Youth Rehabilitation Services custody; to restrict the use of room confinement of juveniles, to ban the use of disciplinary segregation of juveniles, to remove juveniles from adult correctional facilities, and to end the detention of juveniles adjudicated pursuant to Chapter 23 of Title 16 of the District of Columbia Official Code in adult facilities; to amend the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010 to require the establishment of a victim-offender mediation program; to amend the Revised Statutes of the District of Columbia to require the Metropolitan Police Department to cooperate with the Criminal Justice Coordinating Council in its review of the root causes of juvenile delinquency; to amend the Criminal Justice Coordinating Council for the District of Columbia Establishment Act of 2001 to require the Criminal Justice Coordinating Council to conduct an analysis of the root causes of juvenile delinquency; to amend An Act To create a Department of Corrections in the District of Columbia to require the Department of Corrections to cooperate with the Criminal Justice Coordinating Council in its review of the root causes of juvenile delinquency; to amend An Act To establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes to eliminate mandatory minimums for juveniles charged as adults, to ban the use of juvenile life sentences without parole, and to allow for sentence review for individuals who have served 20 years or more in prison for crimes committed as juveniles; to amend the Department of Youth Rehabilitation Services Establishment Act of 2004 to better inform the families of committed juveniles about their commitment and the resources available to them, to require the Department of

**ENROLLED ORIGINAL**

Youth Rehabilitation Services to cooperate with the Criminal Justice Coordinating Council in its review of the root causes of juvenile delinquency, and to require the agency to collect information regarding the effectiveness of its rehabilitation programs from other agencies; to amend Chapter 3 of Title 13 of the District of Columbia Official Code to allow for constructive notice when a defendant cannot be found after diligent efforts or who by concealment seeks to avoid the service of process and to reduce the cost of providing notice in child custody cases; and to amend the District of Columbia Theft and White Collar Crimes Act of 1982 to repeal the Fraud Prevention Fund authorization.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Comprehensive Youth Justice Amendment Act of 2016".

**TITLE I. YOUTH SERVICES AND REHABILITATION ENHANCEMENT.**

Sec. 101. Short title.

This title may be cited as the "Strengthening Youth Services and Rehabilitation Amendment Act of 2016".

Sec. 102. Title 16 of the District of Columbia Official Code is amended as follows:

(a) Section 16-1031 is amended by adding a new subsection (c) to read as follows:

"(c)(1) Notwithstanding subsections (a) and (b) of this section, a law enforcement officer shall not be required to arrest a person who is under 18 years of age when there is probable cause to believe that the person has committed an intrafamily offense that does not constitute intimate partner violence.

"(2) If a person is not arrested under paragraph (1) of this section, the person shall be diverted to a program that provides behavioral health and community support services."

(b) Section 16-2301 is amended by adding a new paragraph (46) to read as follows:

"(46) The term "penal institution" shall have the same meaning as provided in § 22-2603.01(6)."

(c) Section 16-2310(a) is amended as follows:

(1) The lead-in language is amended by striking the phrase "or in need of supervision".

(2) Paragraph (1) is amended to read as follows:

"(1) to protect the person or property of others from significant harm, or".

(d) Section 16-2312(a) is amended as follows:

(1) Paragraph (2) is amended by striking the phrase "or a child in need of supervision".

(2) A new paragraph (3) is amended to read as follows:

"(3) When a child is not released as provided in § 16-2311 and the child is alleged to be a child in need of supervision:

"(A) A shelter care hearing shall be commenced not later than 72 hours (excluding Sundays) after the child has been taken into custody; and

"(B) A petition shall be filed at or before the shelter care hearing."



(e) Section 16-2313 is amended as follows:

(1) Subsection (a) is amended by striking the phrase “to be neglected” wherever it appears and inserting the phrase “to be neglected or in need of supervision” in its place.

(2) Subsection (b) is amended as follows:

(A) Strike the phrase “is alleged to be in need of supervision or (except as provided in subsection (d) or (e))”.

(B) Paragraph (3) is amended by striking the phrase “or children alleged to be in need of supervision”.

(3) Subsection (d) is amended as follows:

(A) The existing text is designated as paragraph (1).

(B) The newly designated paragraph (1) is amended as follows:

(i) Strike the phrase “Except as provided in subsection (e), no” and insert the word “No” in its place.

(ii) Strike the phrase “subsection (b)(3)” and insert the phrase “subsection (b)(3); provided, that beginning October 1, 2018, no person under 18 years of age may be held in the custody of the Department of Corrections” in its place.

(C) New paragraphs (2) and (3) are added to read as follows:

“(2) All persons under 18 years of age who are in the custody of the Department of Corrections shall be transferred to the custody of the Department of Youth Rehabilitation Services before October 1, 2018.

“(3) After October 1, 2018, the Department of Corrections shall immediately inform the Superior Court if a person under 18 years of age is transferred to the Department of Corrections and transfer the individual to the Department of Youth Rehabilitation Services.”.

(4) Subsection (e) is repealed.

(f) Section 16-2320 is amended as follows:

(1) Subsection (c)(2) is amended by striking the phrase “delinquent children.” and inserting the phrase “delinquent children; provided, that legal custody shall not be transferred to a public agency for the care of delinquent children when the child in question is less than 10 years of age.” in its place.

(2) Subsection (d) is amended to read as follows:

“(d)(1) No child found in need of supervision, unless also found delinquent, shall be committed to or placed in a secure juvenile residential facility, as defined in § 22-2603.01(7), or a secure residential treatment facility for delinquent juveniles.

“(2) Except as provided in paragraph (1) of this subsection, a child found in need of supervision shall be released to the child’s parent, guardian, or custodian; provided, that the child may be committed to or placed in a foster home, group home, youth shelter, or other appropriate home for children in need of supervision if the return of the child will result in placement in, or return to, an abusive situation, or the child’s parent, guardian, or custodian is unwilling or unable to care for or supervise the child. If the return of the child will result in placement in, or return to, an abusive situation, or if the child’s parent, guardian, or custodian is unwilling or unable to care for or supervise the child, the Child and Family Services Agency shall open a neglect investigation.”.



**ENROLLED ORIGINAL**

(g) Section 16-2322 is amended as follows:

(1) Subsection (a) is amended as follows:

(A) Paragraph (4) is amended as follows:

(i) Strike the phrase "Subject to subsection (f) of this section, a" and insert the word "A" in its place.

(ii) Strike the phrase "or in need of supervision".

(B) A new paragraph (5) is added to read as follows:

"(5) Subject to subsection (f) of this section, a dispositional order vesting legal custody of a child adjudicated in need of supervision in a department, agency, or institution shall remain in force for an indeterminate period not to exceed the child's 18th birthday. Unless the order sets a minimum period for commitment of the child, or specifies that release is permitted only by order of the Division, the department, agency, or institution may release the child at any time that it appears the purpose of the disposition order has been achieved."

(2) Subsection (f) is amended as follows:

(A) Strike the word "he" and insert the phrase "the child" in its place.

(B) Strike the phrase "age." and insert the phrase "age, except that orders under this subchapter in force with respect to a child adjudicated in need of supervision, but not delinquent, terminate when the child reaches 18 years of age." in its place.

(h) Section 16-2331(c)(4)(B) is amended to read as follows:

"(B) Authorized personnel in the Mayor's Family Court Liaison, the Department of Health, the Department of Behavioral Health, the Child and Family Services Agency, the Department of Human Services, the District of Columbia Public Schools, and the Office of the Attorney General for the District of Columbia for the purpose of:

"(i) The delivery of services to:

"(I) Individuals under the jurisdiction of the Family Court, or their families; and

"(II) Youth who have been diverted by law enforcement, by the Office of the Attorney General for the District of Columbia, or pursuant to § 16-2305.02; or

"(ii) Monitoring recidivism and the efficacy of services provided to:

"(I) Individuals under the jurisdiction of the Family Court; and

"(II) Youth who have been diverted by law enforcement, by the Office of the Attorney General for the District of Columbia, or pursuant to § 16-2305.02;".

(i) Section 16-2332(c)(4)(D) is amended to read as follows:

"(D) Authorized personnel in the Mayor's Family Court Liaison, the Department of Health, the Department of Behavioral Health, the Child and Family Services Agency, the Department of Human Services, the District of Columbia Public Schools, and the Office of the Attorney General for the District of Columbia for the purpose of:

"(i) The delivery of services to:

"(I) Individuals under the jurisdiction of the Family Court, or their families; and



## ENROLLED ORIGINAL

“(II) Youth who have been diverted by law enforcement, by the Office of the Attorney General for the District of Columbia, or pursuant to § 16-2305.02; or

“(ii) Monitoring recidivism and the efficacy of services provided to:

“(I) Individuals under the jurisdiction of the Family Court; and

“(II) Youth who have been diverted by law enforcement, by the Office of the Attorney General for the District of Columbia, or pursuant to § 16-2305.02;”.

(j) Section 16-2333(b)(4)(C) is amended to read as follows:

“(C) Authorized personnel in the Mayor’s Family Court Liaison, the Department of Health, the Department of Behavioral Health, the Child and Family Services Agency, the Department of Human Services, the District of Columbia Public Schools, and the Office of the Attorney General for the District of Columbia for the purpose of:

“(i) The delivery of services to:

“(I) Individuals under the jurisdiction of the Family Court or their families; or

“(II) Youth who have been diverted by law enforcement, by the Office of the Attorney General for the District of Columbia, or pursuant to § 16-2305.02; and

“(ii) Monitoring recidivism and the efficacy of services provided to:

“(I) Individuals under the jurisdiction of the Family Court; and

“(II) Youth who have been diverted by law enforcement, by the Office of the Attorney General for the District of Columbia, or pursuant to § 16-2305.02;”.

(k) Section 16-2335(a) is amended by striking the phrase “who has been the subject of a petition” and inserting the phrase “who has been taken into custody pursuant to section 16-2309 or has been the subject of a petition” in its place.

(l) Section 16-2336 is amended by striking the phrase “16-2335” and inserting the phrase “16-2335 and 16-2335.02” in its place.

Sec. 103. Section 23-1322(g)(2) of the District of Columbia Official Code is amended by striking the phrase “appeal;” and inserting the phrase “appeal; provided, that after October 1, 2018, if the person is younger than 18 years of age, direct that the person be transferred to the custody of the Department of Youth Rehabilitation Services, subject to the federal standards under 28 C.F.R. § 115.14;” in its place.

## TITLE II. IMPROVING CONDITIONS OF CONFINEMENT.

Sec. 201. Short title.

This title may be cited as the “Improving the Conditions of Confinement of Juveniles Act of 2016”.

Sec. 202. Definitions.

For the purposes of this title, the term:

**ENROLLED ORIGINAL**

(1) "Juvenile" means any individual under 18 years of age and any child, as defined in D.C. Official Code § 16-2301(3).

(2) "Penal institution" shall have the same meaning as provided in section 2(6) of An Act To prohibit the introduction of contraband into the District of Columbia penal institutions, approved December 15, 1941 (55 Stat. 800; D.C. Official Code § 22-2603.01(6)).

(3) "Room confinement" means the involuntary restriction of a juvenile alone, other than during normal sleeping hours or facility-wide lockdowns, in a cell, room, or other area.

(4) "Secure juvenile facility" means a secure juvenile residential facility, as defined in section 2(7) of An Act To prohibit the introduction of contraband into the District of Columbia penal institutions, approved December 15, 1941 (55 Stat. 800; D.C. Official Code § 22-2603.01(7)), or a secure residential treatment facility for juveniles that is owned, operated, or under the control of the Department of Youth Rehabilitation Services.

**Sec. 203. Limitations on the use of room confinement.**

(a) Penal institutions and secure juvenile facilities shall not use room confinement on a juvenile for the purposes of discipline, punishment, administrative convenience, retaliation, or staffing shortages.

(b)(1) Except as provided in subsection (c) of this section, a penal institution or secure juvenile facility may use room confinement on a juvenile as a temporary response to behavior that threatens:

(A) Imminent harm to the juvenile or others; or

(B) Imminent danger to the safe or secure operation of the penal institution or secure juvenile facility.

(2) A penal institution or secure juvenile facility may use room confinement pursuant to paragraph (1) of this section if there is no other reasonable means to eliminate the condition; provided, that:

(A) Room confinement is used only to the extent necessary to eliminate the condition identified;

(B) Facility staff promptly notifies the juvenile of the specific conditions that resulted in the use of room confinement;

(C) Room confinement takes place under the least restrictive conditions practicable and consistent with the individualized rationale for placement; and

(D) Facility staff develops a plan that will allow the youth to leave room confinement and return to the general population as soon as possible.

(c) Facility staff at a penal institution or secure juvenile facility may grant a juvenile's request for room confinement; provided, that the juvenile is free at any time to revoke his or her request for confinement and be immediately returned to the general population.

(d) Except for room confinement occurring under subsection (c) of this section, a health or mental health professional shall conduct a mental health screening on a juvenile placed in room confinement within one hour after placement. After a screening, the penal institution or secure juvenile facility shall provide mental health services to the juvenile, if necessary.



**ENROLLED ORIGINAL**

(e) Except for room confinement occurring under subsection (c) of this section, room confinement shall be used for the briefest period of time possible and not for a time to exceed 6 hours. After 6 hours, the youth shall be returned to the general population, transported to a mental health facility upon the recommendation of a mental health professional, transferred to the medical unit in the facility, or provided special individualized programming that may include:

(1) Development of an individualized plan to improve the juvenile's behavior, created in consultation with the juvenile, mental health or health staff, and the juvenile's family members that identifies the causes and purposes of the negative behavior as well as concrete goals that the juvenile understands and that he or she can work toward to be removed from special programming.

(2) In-person supervision by and interaction with staff members;

(3) In-person provision of educational services;

(4) Involvement of the juvenile in other aspects of the facility's programming, unless the involvement threatens the safety of the juvenile or staff or the security of the facility; and

(5) Daily review with the juvenile of his or her progress toward the goals outlined in his or her plan.

(f) For each use of room confinement, facility staff shall document the following, if applicable:

(1) The name of the juvenile;

(2) The date and time the juvenile was placed in room confinement;

(3) The name and position of the person authorizing placement of the juvenile in room confinement;

(4) The staff involved in the conditions leading to the use of room confinement;

(5) The date and time the juvenile was released from room confinement;

(6) A description of the conditions leading to the use of room confinement or if room confinement was upon request by the juvenile;

(7) The alternative actions to room confinement that were attempted and found unsuccessful or the reason that alternatives were not possible;

(8) Any incident reports describing the condition that led to the period of room confinement; and

(9) Any referrals and contacts with qualified medical and mental health professionals, including the date, time, and person contacted.

(g) On March 1, 2018, and annually thereafter, the Department of Youth Rehabilitation Services and the Department of Corrections shall submit a report to the Mayor and the Council that includes steps each agency has taken to reduce the unnecessary use of room confinement for juveniles and a summary of any information collected pursuant to subsection (f) of this section, including, for each penal institution or secure juvenile facility:

(1) The total number of incidents in which room confinement was utilized in the prior year;

(2) The average length of time juveniles spent in room confinements in the prior year;

**ENROLLED ORIGINAL**

- (3) The longest period of time that any juvenile was in room confinement; and
- (4) The greatest number of times that any juvenile was in room confinement.

**Sec. 204. Age-appropriate housing for youth.**

(a) On October 1, 2017, and on a quarterly basis thereafter, the Mayor shall provide a report to the Council that includes:

(1) The greatest number of juveniles housed in the Correctional Treatment Facility or the Central Detention Facility at any one time during the preceding quarter;

(2) The lowest number of unused beds for juveniles at secure juvenile facilities at any one time during the preceding quarter; and

(3) The number of consecutive quarters that the lowest number of unused beds at secure juvenile facilities, as determined in paragraph (2) of this subsection, has exceeded the greatest number of juveniles housed in the Correctional Treatment Facility or the Central Detention Facility, as determined in paragraph (1) of this subsection, if any.

(b) All juveniles housed at the Correctional Treatment Facility or the Central Detention Facility shall be transferred to available space in secure juvenile facilities within 6 months after a determination that there have been 4 consecutive quarters of excess capacity, as determined under subsection (a)(3) of this section.

**TITLE III. INCARCERATION REDUCTION.**

**Sec. 301. Short title.**

This title may be cited as the “Incarceration Reduction Amendment Act of 2016”.

**Sec. 302. Section 101(a) of the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, effective May 27, 2010 (D.C. Law 18-160; D.C. Official Code § 1-301.81(a)), is amended by adding a new paragraph (3) to read as follows:**

“(3) By October 1, 2018, the Attorney General shall develop a pilot program, in collaboration with community partners, to provide victim-offender mediation as an alternative to the prosecution of juveniles in cases deemed appropriate by the Attorney General; provided, that participation in the mediation pilot program established pursuant to this paragraph shall be voluntary for both the victim and the offender.”.

**Sec. 303. Section 386 of the Revised Statutes of the District of Columbia (D.C. Official Code § 5-113.01), is amended as follows:**

(a) Designate the existing text as subsection (a).

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

“(b) The Metropolitan Police force shall cooperate with the Criminal Justice Coordinating Council by sharing records to the extent otherwise permissible under the law for the purpose of preparing the report described in section 1505(b-3) of the Criminal Justice Coordinating Council for the District of Columbia Establishment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 22-4234(b-3)).”.



## ENROLLED ORIGINAL

Sec. 304. Section 1505 of the Criminal Justice Coordinating Council for the District of Columbia Establishment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 22-4234), is amended by adding new subsections (b-2) and (b-3) to read as follows:

(a) New subsections (b-2) and (b-3) are added to read as follows:

“(b-2) By October 1, 2018, and every 2 years thereafter, the CJCC shall conduct a voluntary survey of individuals under 21 years of age currently committed to the Department of Youth Rehabilitation Services or incarcerated at the Department of Corrections on their perspective on the causes of youth crime and the prevalence of adverse childhood experiences, such as housing instability, childhood abuse, family instability, substance abuse, mental illness, family criminal involvement, or other factors deemed relevant by the CJCC.

“(b-3) On October 1, 2018, and every 2 years thereafter, the CJCC shall submit a report to the Mayor and the Council containing an analysis of the root causes of youth crime and the prevalence of adverse childhood experiences among justice-involved youth, such as housing instability, childhood abuse, family instability, substance abuse, mental illness, family criminal involvement, or other factors deemed relevant by the CJCC that incorporates the results of the survey conducted pursuant to subsection (b-2) of this section.”.

Sec. 305. Section 2(b) of An Act To create a Department of Corrections in the District of Columbia, approved June 27, 1946 (60 Stat. 320; D.C. Official Code § 24-211.02(b)), is amended as follows:

(a) Paragraph (4) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(b) Paragraph (5) is amended by striking the period and inserting the phrase “; and” in its place.

(c) A new paragraph (9) is added to read as follows:

“(9) Cooperating with the Criminal Justice Coordinating Council by sharing data and allowing access to individuals under 21 years of age to the extent otherwise permissible under the law for the purpose of preparing the report described in section 1505(b-3) of the Criminal Justice Coordinating Council for the District of Columbia Establishment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 22-4234(b-3)).”.

Sec. 306. An Act To establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes, approved July 15, 1932 (47 Stat. 697; D.C. Official Code § 24-403 *et seq.*), is amended as follows:

(a) Section 3a (D.C. Official Code § 24-403.01) is amended as follows:

(1) Subsection (c) is amended to read as follows:

“(c)(1) Except as provided under paragraph (2) of this subsection, a sentence under this section of imprisonment, or of commitment pursuant to section 4 of the Youth Rehabilitation Amendment Act of 1985, effective December 7, 1985 (D.C. Law 6-69; D.C. Official Code § 24-903), shall be for a definite term, which shall not exceed the maximum term allowed by law or be less than any minimum term required by law.



**ENROLLED ORIGINAL**

“(2) Notwithstanding any other provision of law, if the person committed the offense for which he or she is being sentenced under this section while under 18 years of age:

“(A) The court may issue a sentence less than the minimum term otherwise required by law; and

“(B) The court shall not impose a sentence of life imprisonment without the possibility of parole or release.”.

(2) A new subsection (c-1) is added to read as follows:

“(c-1) A person sentenced under this section to imprisonment, or to commitment pursuant to section 4 of the Youth Rehabilitation Amendment Act of 1985, effective December 7, 1985 (D.C. Law 6-69; D.C. Official Code § 24-903), shall serve the term of imprisonment or commitment specified in the sentence, less any time credited toward service of the sentence under subsection (d) of this section and subject to section 3c, if applicable.”.

(3) Subsection (e) is amended by striking the phrase “person convicted of” wherever it appears and inserting the phrase “person who was over 18 years of age at the time of the offense and was convicted of” in its place.

(4) Subsection (f) is amended by striking the phrase “person convicted of” and inserting the phrase “person who was over 18 years of age at the time of the offense and was convicted of” in its place.

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

“Sec. 3c. Modification of an imposed term of imprisonment for violations of law committed before 18 years of age.

“(a) Notwithstanding any other provision of law, the court may reduce a term of imprisonment imposed upon a defendant for an offense committed before the defendant’s 18th birthday if:

“(1)(A) The defendant was sentenced pursuant to section 3 and has served at least 20 years in prison and not yet become eligible under section 4 for release on parole from the sentence imposed; or

“(B) The defendant was sentenced pursuant to section 3a or was committed pursuant to section 4 of the Youth Rehabilitation Amendment Act of 1985, effective December 7, 1985 (D.C. Law 6-69; D.C. Official Code § 24-903), and has served at least 20 years in prison; and

“(2) The court finds, after considering the factors set forth in subsection (c) of this section, that the defendant is not a danger to the safety of any person or the community and that the interests of justice warrant a sentence modification.

“(b)(1) A defendant convicted as an adult of an offense committed before his or her 18<sup>th</sup> birthday may file an application for a sentence modification under this section. The application shall be in the form of a motion to reduce the sentence. The application may include affidavits or other written material. The application shall be filed with the sentencing court and a copy shall be served on the United States Attorney.

“(2) The court may direct the parties to expand the record by submitting additional written materials related to the motion. The court shall hold a hearing on the motion at which the



defendant and the defendant's counsel shall be given an opportunity to speak on the defendant's behalf. The court may permit the parties to introduce evidence.

"(3) The defendant shall be present at any hearing conducted under this section unless the defendant waives the right to be present. Any proceeding under this section may occur by video teleconferencing and the requirement of a defendant's presence is satisfied by participation in the video teleconference.

"(4) The court shall issue an opinion in writing stating the reasons for granting or denying the application under this section.

"(c) The court, in determining whether to reduce a term of imprisonment pursuant to subsection (a) of this section, shall consider:

"(1) The defendant's age at the time of the offense;

"(2) The nature of the offense and the history and characteristics of the defendant;

"(3) Whether the defendant has substantially complied with the rules of the institution to which he or she has been confined and whether the defendant has completed any educational, vocational, or other program, where available;

"(4) Any report or recommendation received from the United States Attorney;

"(5) Whether the defendant has demonstrated maturity, rehabilitation, and a fitness to reenter society sufficient to justify a sentence reduction;

"(6) Any statement, provided orally or in writing, provided pursuant to D.C. Official Code § 23-1904 or 18 U.S.C. § 3771 by a victim of the offense for which the defendant is imprisoned, or by a family member of the victim if the victim is deceased;

"(7) Any reports of physical, mental, or psychiatric examinations of the defendant conducted by licensed health care professionals;

"(8) The defendant's family and community circumstances at the time of the offense, including any history of abuse, trauma, or involvement in the child welfare system;

"(9) The extent of the defendant's role in the offense and whether and to what extent an adult was involved in the offense;

"(10) The diminished culpability of juveniles as compared to that of adults, and the hallmark features of youth, including immaturity, impetuosity, and failure to appreciate risks and consequences, which counsel against sentencing them to a lifetime in prison; and

"(11) Any other information the court deems relevant to its decision.

"(d) If the court denies the defendant's 1st application under this section, a court shall entertain a 2nd application under this section no sooner than 5 years after the date that the order on the initial application becomes final. If a sentence has not been reduced after a 2nd application, a court shall entertain a 3rd and final application under this section no sooner than 5 years following the date that the order on the 2nd application becomes final. No court shall entertain a 4th or successive application under this section.

"(e) Any defendant whose sentence is reduced under this section shall be resentenced pursuant to section 3, section 3a, or section 4 of the Youth Rehabilitation Amendment Act of 1985, effective December 7, 1985 (D.C. Law 6-69; D.C. Official Code § 24-903), as applicable."



TITLE IV. YOUTH REHABILITATION ACCOUNTABILITY.

Sec. 401. Short title.

This title may be cited as the "Rehabilitation Accountability Amendment Act of 2016".

Sec. 402. The Department of Youth Rehabilitation Services Establishment Act of 2004, effective April 12, 2005 (D.C. Law 15-335; D.C. Official Code § 2-1515.01 *et seq.*), is amended as follows:

(a) Section 101(12) (D.C. Official Code § 2-1515.01(12)) is amended by striking the phrase "D.C. Official Code § 16-2301(3)" and inserting the phrase "D.C. Official Code § 16-2301(3) or other minor in the custody of the Department" in its place.

(b) Section 104 (D.C. Official Code § 2-1515.04) is amended as follows:

(1) Paragraph (13) is amended by striking the phrase "; and" and inserting a semicolon in its place.

(2) Paragraph (14) is amended by the striking the period and inserting a semicolon in its place.

(3) New paragraphs (15), (16), and (17) are added to read as follows:

"(15) Within 180 days after the effective date of the Comprehensive Youth Justice Amendment Act of 2016, passed on 2nd reading on November 1, 2016 (Enrolled version of Bill 21-683), developing a manual for families of juveniles residing in secure juvenile facilities that includes, at a minimum, information on the operation of the institution or facility as it relates to families of juveniles, information on government and community resources available for families of juveniles, and information and resources available for juveniles after leaving confinement;

"(16) Evaluating the effectiveness of rehabilitative services by collecting any available information from other District agencies on the education, employment, criminal justice, or other outcomes of persons who are either currently committed to the Department or who were committed to the Department in the previous 3 years; and

"(17) Cooperating with the Criminal Justice Coordinating Council by sharing data and allowing access to individuals under 21 years of age, to the extent otherwise permissible under the law, for the purpose of preparing the report described in section 1505(b-3) of the Criminal Justice Coordinating Council for the District of Columbia Establishment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 22-4234(b-3))."

(c) A new section 104b is added to read as follows:

"Sec. 104b. Data collection.

"(a) The Department shall request any available records on the education, employment, criminal justice, or other outcomes of persons who are either currently committed to the Department or who were committed to the Department in the previous 3 years from the following agencies:

"(1) Office of the State Superintendent of Education;

"(2) Department of Health;

"(3) Department of Behavioral Health;

"(4) Child and Family Services Agency;

"(5) Department of Human Services;



## ENROLLED ORIGINAL

“(6) District of Columbia Public Schools; and

“(7) Office of the Attorney General.

“(b) All records collected by the Department pursuant to this section shall be kept privileged and confidential pursuant to section 106.”.

(d) Section 152 (D.C. Official Code § 2-1515.52) is amended as follows:

(1) Subsection (c) is amended by striking the phrase “in the third trimester of pregnancy or in postpartum recovery” and inserting the phrase “is known to be pregnant or is in postpartum recovery” in its place.

(2) Subsection (d)(1) is amended by striking the phrase “in the third trimester of pregnancy or in postpartum recovery” and inserting the phrase “who is known to be pregnant or is in postpartum recovery” in its place.

### TITLE V. CONSTRUCTIVE NOTICE

Sec. 501. Chapter 3 of Title 13 of the District of Columbia Official Code is amended as follows:

(a) Section 13-336(a) is amended to read as follows:

“(a) In actions specified by subsection (b) of this section, publication may be substituted for personal service of process:

“(1) Upon a defendant who cannot be found and who is shown by affidavit to be a nonresident or to have been absent from the District for at least 6 months;

“(2) Upon a defendant who cannot be found after diligent efforts or who by concealment seeks to avoid service of process; or

“(3) Against the unknown heirs or devisees of deceased persons.”.

(b) Section 13-340(a) is amended by striking the phrase “actions for divorce” and inserting the phrase “child custody proceedings, as defined in § 16-4601.01(4), or actions for divorce” in its place.

### TITLE VI. FRAUD PREVENTION FUND REPEAL

Sec. 601. Section 126n of the District of Columbia Theft and White Collar Crimes Act of 1982, effective June 8, 2001 (D.C. Law 13-301; D.C. Official Code § 22-3226.14), is repealed.

### TITLE VII. APPLICABILITY; FISCAL IMPACT; EFFECTIVE DATE.

Sec. 701. Applicability.

(a) Sections 102(c)(1)(A), (d), (e), and (f)(2), and 103, 302, 303, 304, 305, 402(b), and (c) shall apply upon the date of inclusion of their fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

**ENROLLED ORIGINAL**

(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

**Sec. 702. Fiscal impact statement.**

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

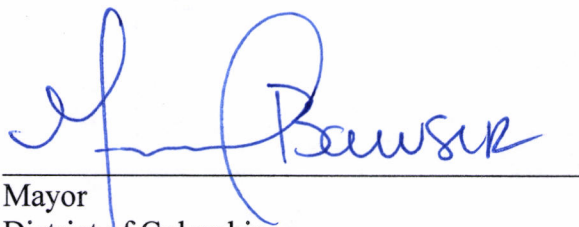
**Sec. 703. Effective date.**

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 60-day period of congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.



---

Chairman  
Council of the District of Columbia



---

Mayor  
District of Columbia

APPROVED

December 7, 2016





**COUNCIL OF THE DISTRICT OF COLUMBIA  
WASHINGTON, D.C. 20004**

Docket No. **B21-683**

[ ] ITEM ON CONSENT CALENDAR

[ X ] ACTION & DATE

**ADOPTED FIRST READING, 10/11/2016**

[ X ] VOICE VOTE

RECORDED VOTE ON REQUEST

**APPROVED**

ABSENT

[ ] ROLL CALL VOTE – Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Mendelson	X				Evans	X				Silverman	X			
Alexander	X				Grosso	X				Todd	X			
Allen	X				May	X				White	X			
Bonds	X				McDuffie	X								
Cheh	X				Nadeau	X								
X – Indicate Vote					AB – Absent					NV – Present, Not Voting				

CERTIFICATION RECORD

Secretary to the Council

Date

[ ] ITEM ON CONSENT CALENDAR

[ X ] ACTION & DATE

**ADOPTED FINAL READING, 11/01/2016**

[ X ] VOICE VOTE

RECORDED VOTE ON REQUEST

**APPROVED**

ABSENT

[ ] ROLL CALL VOTE – Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Mendelson	X				Evans	X				Silverman	X			
Alexander	X				Grosso	X				Todd	X			
Allen	X				May	X				White	X			
Bonds	X				McDuffie	X								
Cheh	X				Nadeau	X								
X – Indicate Vote					AB – Absent					NV – Present, Not Voting				

CERTIFICATION RECORD

Secretary to the Council

Date

[ ] ITEM ON CONSENT CALENDAR

[ ] ACTION & DATE

[ ] VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT

[ ] ROLL CALL VOTE – Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Mendelson					Evans					Silverman				
Alexander					Grosso					Todd				
Allen					May					White				
Bonds					McDuffie									
Cheh					Nadeau									
X – Indicate Vote					AB – Absent					NV – Present, Not Voting				

CERTIFICATION RECORD

Secretary to the Council

Date