



Council of the **DISTRICT OF COLUMBIA**

☐ Code of the District of Columbia

§ 24-403.03. Modification of an imposed term of imprisonment for violations of law committed before 25 years of age.

(a) Notwithstanding any other provision of law, the court shall reduce a term of imprisonment imposed upon a defendant for an offense committed before the defendant's 25th birthday if:

(1) The defendant was sentenced pursuant to [§ 24-403](#) or [§ 24-403.01](#), or was committed pursuant to [§ 24-903](#), and has served at least 15 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 the defendant's 25th 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 testimony, examinations, or 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. The court may consider any records related to the underlying offense.

(3)(A) Except as provided in subparagraph (B) of this paragraph, 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.

(B) During a period of time for which the Mayor has declared a public health emergency pursuant to [§ 7-2304.01](#), a defendant in the custody of the Bureau of Prisons who committed the offense for which the defendant has filed the application for sentence modification after the defendant's 18th birthday but before the defendant's 25th birthday may not petition the court to return to the Department of Corrections for a proceeding under this section.

(4) The court shall issue an opinion in writing stating the reasons for granting or denying the application under this section, but the court may proceed to sentencing immediately after granting the application.

(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 history and characteristics of the defendant;

(3) Whether the defendant has substantially complied with the rules of the institution to which the defendant 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 [§ 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 another person was involved in the offense;

(10) The diminished culpability of juveniles and persons under age 25, as compared to that of older adults, and the hallmark features of youth, including immaturity, impetuosity, and failure to appreciate risks and consequences, which counsel against sentencing them to lengthy terms in prison, despite the brutality or cold-blooded nature of any particular crime, and the defendant's personal circumstances that support an aging out of crime; and

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

(d) If the court denies or grants only in part the defendant's 1st application under this section, a court shall entertain a 2nd application under this section no sooner than 3 years after the date that the order on the initial application becomes final. If the court denies or grants only in part the defendant's 2nd application under this section, a court shall entertain a 3rd and final application under this section no sooner than 3 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)(1) Any defendant whose sentence is reduced under this section shall be resentenced pursuant to [§ 24-403](#), [§ 24-403.01](#), or [§ 24-903](#), as applicable.

(2) Notwithstanding any other provision of law, when resentencing a defendant under this section, the court:

(A) May issue a sentence less than the minimum term otherwise required by law; and

(B) Shall not impose a sentence of life imprisonment without the possibility of parole or release.

(f) The version of this section that was effective from May 10, 2019, to April 27, 2021 shall apply to all proceedings initiated under this section in any District of Columbia court, including any appeals thereof, by defendants who were eligible under this section prior to April 27, 2021 and shall apply to all proceedings under this section in any District of Columbia court, including any appeals thereof, that were pending prior to the April 27, 2021.

(g) In considering applications filed by defendants for offenses committed after the defendant's 18th birthday, the court shall endeavor to prioritize consideration of the applications of defendants who have been incarcerated the longest; except, that the inability to identify those defendants shall not delay the court acting on other applications

under this section.

(h) Notwithstanding any other law, if a District government workforce development program requires District residency as a condition of program eligibility, the residency requirement shall be waived for defendants resentenced pursuant to this section.

(i) Beginning in Fiscal Year 2022, the Office of Victim Services and Justice Grants shall, on an annual basis, issue a grant of \$200,000 to an organization that provides advocacy, case, management, and legal services, for the purpose of developing and offering restorative justice practices for survivors of violent crimes who seek such practices, such as for survivors impacted by post-conviction litigation.

[\(July 15, 1932, 47 Stat. 697, ch. 492, § 3c; as added Apr. 4, 2017, D.C. Law 21-238, § 306\(b\), 63 DCR 15312; May 10, 2019, D.C. Law 22-313, § 16\(b\), 66 DCR 1627; Apr. 27, 2021, D.C. Law 23-274, § 601, 68 DCR 001034.\)](#)

Applicability

Applicability of [D.C. Law 23-274: § 1501 of D.C. Law 23-274](#) provided that the creation of subsection (i) of this section by [§ 601 of D.C. Law 23-274](#) is subject to the inclusion of the law's fiscal effect in an approved budget and financial plan. Therefore that amendment has not been implemented.

Emergency Legislation

[For temporary \(90 days\) amendment of this section, see § 5 of Criminal Justice Coordinating Council Information Sharing Congressional Review Emergency Amendment Act of 2020 \(D.C. Act 23-423, Oct. 26, 2020, 67 DCR 12830\).](#)

[For temporary \(90 days\) amendment of this section, see § 5 of Criminal Justice Coordinating Council Information Sharing Emergency Amendment Act of 2020 \(D.C. Act 23-357, Aug. 5, 2020, 67 DCR 9658\).](#)

[For temporary \(90 days\) amendment of this section, see § 5 of Criminal Justice Coordinating Council Information Sharing Congressional Review Emergency Amendment Act of 2019 \(D.C. Act 23-138, Oct. 23, 2019, 66 DCR 14313\).](#)

[For temporary \(90 days\) amendment of this section, see § 5 of Criminal Justice Coordinating Council Information Sharing Emergency Amendment Act of 2019 \(D.C. Act 23-106, July 24, 2019, 66 DCR 9754\).](#)

Temporary Legislation

[For temporary \(225 days\) amendment of this section, see § 5 of Criminal Justice Coordinating Council Information Sharing Temporary Amendment Act of 2020 \(D.C. Law 23-150, Dec. 3, 2020, 67 DCR 9902\).](#)

[For temporary \(225 days\) amendment of this section, see § 5 of Criminal Justice Coordinating Council Information Sharing Temporary Amendment Act of 2019 \(D.C. Law 23-41, Jan. 10, 2020, 66 DCR 13139\).](#)

Current through

Oct. 25, 2021

Last codified Emergency Law:

[Act 24-411 effective Oct. 25, 2021](#)

Last codified D.C. Law:

[Law 23-209 effective Apr. 1, 2022](#)

Last codified Federal Law:

[Public Law 116-283 approved Jan. 1, 2021](#)

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