

119TH CONGRESS
2D SESSION

H. R. 10098

To provide for the imposition of the death penalty for certain crimes
committed in the District of Columbia, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 13, 2026

Ms. MACE introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for the imposition of the death penalty for certain
crimes committed in the District of Columbia, and for
other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Restoring the Death
5 Penalty in the District of Columbia Act” or “Restoring
6 the Death Penalty in DC Act”.

1 **SEC. 2. PROVIDING FOR DEATH PENALTY IN DISTRICT OF**
2 **COLUMBIA.**

3 (a) DEATH PENALTY.—Title 23, District of Colum-
4 bia Official Code, is amended by inserting after chapter
5 15 the following new chapter:

6 **“CHAPTER 17—DEATH PENALTY**

7 **“§ 23–1701. Sentence of death**

8 “A defendant who has been found guilty of any of
9 the following offenses shall be sentenced to death after
10 consideration of the factors under section 23–1702 of this
11 chapter and in the course of a hearing held pursuant to
12 such section, if it is determined that the imposition of a
13 such a sentence is justified:

14 “(1) An offense described in section 798 of an
15 Act to establish a code of law for the District of Co-
16 lumbia, approved March 3, 1901 (sec. 22–2101,
17 D.C. Official Code) (murder in the first degree).

18 “(2) An offense described in section 799 of
19 such Act (sec. 22–2102, D.C. Official Code) (murder
20 in the first degree - placing obstructions upon or dis-
21 placement of railroads).

22 “(3) An offense described in section 802a of
23 such Act (sec. 22–2106, D.C. Official Code) (murder
24 of law enforcement officer or public safety em-
25 ployee).

1 “(4) An offense described in section 802b of
2 such Act (sec. 22–2107, D.C. Official Code) (solicitation of murder).
3

4 “(5) An offense described in section 207 of the
5 Anti-Sexual Abuse Act of 1994 (sec. 22–3008, D.C.
6 Official Code) (first degree child sexual abuse).

7 “(6) An offense described in section 103 of the
8 Ant-Terrorism Act of 2002 (sec. 22–3153, D.C. Official Code) (acts of terrorism).
9

10 “(7) An offense described in section 105 of
11 such Act (sec. 22–3155, D.C. Official Code) (use,
12 dissemination, or detonation of a weapon of mass
13 destruction).

14 “(8) An offense described in section 406 of the
15 District of Columbia Uniform Controlled Substance
16 Act of 1991 (sec. 48–904.06, D.C. Official Code)
17 (distribution to minors) which results in the death of
18 a minor.

19 **“§ 23–1702. Factors to be considered in determining**
20 **whether a sentence of death is justified**

21 “(a) AGGRAVATING FACTORS.—In determining
22 whether a defendant shall be sentenced to death under section 23–1701 of this chapter, the finder of fact shall consider each of the following aggravating factors for which
23 notice has been given and determine which, if any, exist:
24
25

1 “(1) The death, or injury resulting in death, oc-
2 curred during the commission or attempted commis-
3 sion of a crime of violence or dangerous crime.

4 “(2) The defendant has previously been con-
5 victed of a crime of violence or a dangerous crime.

6 “(3) The defendant, in the commission of the
7 offense, or in escaping apprehension for the commis-
8 sion of the offense, knowingly created a grave risk
9 of death to not less than 1 other person in addition
10 to the victim of such offense.

11 “(4) The defendant committed the offense in an
12 especially heinous, cruel, or depraved manner in that
13 it involved the use of torture or serious physical
14 abuse to the victim.

15 “(5) The defendant procured the commission of
16 the offense by payment, or promise of payment, of
17 anything of pecuniary value.

18 “(6) The defendant committed the offense as
19 consideration for the receipt, or in the expectation of
20 the receipt, of anything of pecuniary value.

21 “(7) The defendant committed the offense after
22 substantial planning and premeditation.

23 “(8) The defendant has previously been con-
24 victed of not less than 2 Federal, State, including
25 any political subdivision of a State, or District of

1 Columbia offenses punishable by a term of imprison-
2 ment of more than 1 year and which were committed
3 on different occasions and involved the distribution
4 of a controlled substance.

5 “(9) The victim was particularly vulnerable due
6 to old age, youth, or infirmity.

7 “(10) The defendant, during the commission of
8 the offense, was in, or escaped from, the lawful cus-
9 tody of a law enforcement officer or place of lawful
10 confinement.

11 “(11) The defendant has previously been con-
12 victed of not less than 2 Federal, State, including
13 any political subdivision of a State, or District of
14 Columbia offenses punishable by a term of imprison-
15 ment of more than 1 year and which were committed
16 on different occasions and involved the infliction of,
17 or attempted infliction of, serious bodily injury or
18 death upon another person.

19 “(12) The defendant has previously been con-
20 victed of a Federal, State, including any political
21 subdivision of a State, or District of Columbia of-
22 fense resulting in the death of a person, for which
23 a sentence of life imprisonment or a sentence of
24 death was authorized by statute.

1 “(13) The defendant committed the offense
2 against—

3 “(A) a Federal, State, or local law enforce-
4 ment officer or any such former officer during
5 or because of the performance of his or her offi-
6 cial duties;

7 “(B) a judicial officer, former judicial offi-
8 cer, prosecutor, or former prosecutor, during or
9 because of his or her official duties; or

10 “(C) a Federal, State, local, or District of
11 Columbia government official—

12 “(i) while he or she is engaged in the
13 performance of his or her official duties;

14 “(ii) because of the performance of his
15 or her official duties; or

16 “(iii) because of his or her status as
17 an official.

18 “(14) The offense was committed against a wit-
19 ness or potential witness committed at any time dur-
20 ing the criminal process for the purpose of impeding
21 or deterring prosecution of any crime.

22 “(15) The offense was committed during the
23 term of imprisonment of such person.

1 “(16) The defendant previously has been con-
2 victed of committing an offense against a person
3 who has not attained 18 years of age.

4 “(17) The defendant committed the offense as
5 part of their membership or association with a crimi-
6 nal street gang.

7 “(18) The defendant has been convicted of com-
8 mitting a sex offense against a person who has not
9 attained 18 years of age.

10 “(19) Any other aggravating factor for which
11 notice has been given.

12 “(b) MITIGATING FACTORS.—In determining wheth-
13 er a defendant shall be sentenced to death under section
14 23–1701 of this chapter, the finder of fact shall consider
15 any mitigating factor, including the following:

16 “(1) The defendant’s capacity to appreciate the
17 wrongfulness of the defendant’s conduct or to con-
18 form conduct to the requirements of law was signifi-
19 cantly impaired, regardless of whether the capacity
20 was so impaired as to constitute a defense to the
21 charge.

22 “(2) The defendant was under unusual and
23 substantial duress, regardless of whether the duress
24 was of such a degree as to constitute a defense to
25 the charge.

1 “(3) The defendant is punishable as a principal
2 in the offense, which was committed by another, but
3 the defendant’s participation was relatively minor,
4 regardless of whether the participation was so minor
5 as to constitute a defense to the charge.

6 “(4) Another defendant, or defendants, equally
7 culpable in the crime, will not be punished by death.

8 “(5) The defendant did not have a significant
9 prior history of other criminal conduct.

10 “(6) The defendant committed the offense
11 under severe mental or emotional disturbance.

12 “(7) The victim consented to the criminal con-
13 duct that resulted in the victim’s death.

14 “(8) Other factors in the defendant’s back-
15 ground, record, or character or any other cir-
16 cumstance of the offense that mitigates against the
17 imposition of a sentence of death.

18 “(c) DEFINITIONS.—In this section:

19 “(1) CRIME OF VIOLENCE; DANGEROUS
20 CRIME.—The terms ‘crime of violence’ and ‘dan-
21 gerous crime’ have the meanings given such terms in
22 section 23–1331.

23 “(2) LAW ENFORCEMENT OFFICER.—The term
24 ‘law enforcement officer’ is a person authorized by
25 law to conduct or engage in the prevention, inves-

1 tigation, or prosecution or adjudication of an of-
2 fense, and includes peace officers, corrections offi-
3 cers, and firemen.

4 **“§ 23–1703. Special hearing to determine whether a**
5 **sentence of death is justified**

6 “(a) NOTICE BY THE GOVERNMENT.—

7 “(1) IN GENERAL.—If, in a case involving an
8 offense described in section 23–1701 of this chapter,
9 the attorney for the Government believes that the
10 circumstances of the offense are such that a sen-
11 tence of death is justified under this chapter, the at-
12 torney shall, at a reasonable time before the trial or
13 before acceptance by the court of a plea of guilty,
14 sign and file with the court, and serve on the de-
15 fendant, a notice—

16 “(A) stating that the Government believes
17 that the circumstances of the offense are such
18 that, if the defendant is convicted, a sentence of
19 death is justified under this chapter and that
20 the Government will seek the sentence of death;
21 and

22 “(B) setting forth the aggravating factor
23 or factors describe in section 23–1702(a) of this
24 chapter that the Government, if the defendant

1 is convicted, proposes to prove as justifying a
2 sentence of death.

3 “(2) GOOD CAUSE AMENDMENTS.—The court
4 may permit the attorney for the Government to
5 amend the notice upon a showing of good cause.

6 “(b) HEARING BEFORE A COURT OR JURY.—If the
7 attorney for the Government has filed the required notice
8 under subsection (a) and the defendant is found guilty of,
9 or pleads guilty to, an offense described in section 23–
10 1701 of this chapter, the judge who presided at the trial
11 or before whom the guilty plea was entered, or another
12 judge if such judge is unavailable, shall conduct a separate
13 sentencing hearing to determine the punishment to be im-
14 posed. Such hearing shall be conducted—

15 “(1) before the jury that determined the de-
16 fendant’s guilt;

17 “(2) before a jury of 12 members (or less if the
18 parties so stipulate and the court accepts) impaneled
19 for the purpose of the hearing if—

20 “(A) the defendant was convicted upon a
21 plea of guilty;

22 “(B) the defendant was convicted after a
23 trial before the court sitting without a jury;

24 “(C) the jury that determined the defend-
25 ant’s guilt was discharged for good cause; or

1 “(D) after initial imposition of a sentence
2 under this section, reconsideration of the sen-
3 tence under this section is necessary; or

4 “(3) before the court alone, upon the motion of
5 the defendant and with the approval of the attorney
6 for the Government.

7 “(c) MITIGATING AND AGGRAVATING FACTORS.—At
8 the sentencing hearing, information may be presented as
9 to any matter relevant to the sentence, including any miti-
10 gating or aggravating factor permitted or required to be
11 considered under section 23–1702. Information presented
12 may include—

13 “(1) the trial transcript and exhibits if the
14 hearing is held before a jury or judge not present
15 during the trial, or at the trial judge’s discretion;

16 “(2) any information presented by the defend-
17 ant relevant to a mitigating factor; or

18 “(3) any information presented by the Govern-
19 ment relevant to an aggravating factor for which no-
20 tice has been provided under subsection (a).

21 “(d) HEARING PROCEDURES.—

22 “(1) PRESENTENCING REPORT.—Notwith-
23 standing rule 32 of the Federal Rules of Criminal
24 Procedure, when a defendant is found guilty or
25 pleads guilty to an offense under section 23–1701 of

1 this chapter, no presentence report shall be prepared
2 for the hearing under subsection (b).

3 “(2) RULES OF EVIDENCE.—Information is ad-
4 missible regardless of its admissibility under the
5 rules governing admission of evidence at criminal
6 trials, except that information may be excluded if its
7 probative value is outweighed by the danger of cre-
8 ating unfair prejudice, confusing the issues, or mis-
9 leading the jury.

10 “(3) REBUTTAL.—The Government shall open
11 the argument. The defendant shall be permitted to
12 reply. The Government shall then be permitted to
13 reply in rebuttal. The Government and the defend-
14 ant shall be permitted to rebut any information re-
15 ceived at the hearing, and shall be given fair oppor-
16 tunity to present argument as to the adequacy of the
17 information to establish the existence of any aggra-
18 vating or mitigating factor, and as to the appro-
19 priateness in the case of imposing a sentence of
20 death.

21 “(4) BURDEN OF PROOF.—The burden of es-
22 tablishing the existence of any aggravating factor is
23 on the Government, and is not satisfied unless the
24 existence of such a factor is established beyond a
25 reasonable doubt. The burden of establishing the ex-

1 istence of any mitigating factor is on the defendant,
2 and is not satisfied unless the existence of such a
3 factor is established by a preponderance of the infor-
4 mation.

5 “(e) RETURN OF SPECIAL FINDINGS.—The jury, or
6 if there is no jury, the court, shall consider all the informa-
7 tion received during the hearing. It shall return special
8 findings identifying any aggravating factor or factors set
9 forth in section 23–1702 of this chapter found to exist
10 and any other aggravating factor for which notice has
11 been provided under subsection (a) found to exist. A find-
12 ing with respect to a mitigating factor may be made by
13 1 or more members of the jury, and any member of the
14 jury who finds the existence of a mitigating factor may
15 consider such factor established for purposes of this sec-
16 tion regardless of the number of jurors who concur that
17 the factor has been established. A finding with respect to
18 any aggravating factor must be unanimous. If no aggra-
19 vating factor set forth in section 23–1702 of this section
20 is found to exist, the court shall impose a sentence other
21 than death authorized by law.

22 “(f) RETURN OF A FINDING CONCERNING A SEN-
23 TENCE OF DEATH.—If, in the case of an offense described
24 in section 23–1701 of this chapter, an aggravating factor
25 required to be considered under section 23–1702 of this

1 chapter is found to exist, the finder of fact shall consider
2 whether all the aggravating factor or factors found to exist
3 sufficiently outweigh all the mitigating factor or factors
4 found to exist to justify a sentence of death, or, in the
5 absence of a mitigating factor, whether the aggravating
6 factor or factors alone are sufficient to justify a sentence
7 of death. Based upon this consideration, the jury by unan-
8 imous vote, or if there is no jury, the court, shall rec-
9 ommend whether the defendant should be sentenced to
10 death, to life imprisonment without possibility of release,
11 or some other lesser sentence.

12 **“§ 23–1704. Imposition of a sentence of death**

13 “Upon a recommendation under section 23–1703(f)
14 that the defendant should be sentenced to death or life
15 imprisonment without possibility of release, the court shall
16 sentence the defendant accordingly; otherwise, the court
17 shall impose any lesser sentence that is authorized by law.

18 **“§ 23–1705. Review of a sentence of death**

19 “(a) APPEAL.—In a case in which a sentence of death
20 is imposed, the sentence shall be subject to review by the
21 District of Columbia Court of Appeals upon appeal by the
22 defendant. Notice of appeal must be filed within the time
23 specified for the filing of a notice of appeal. An appeal
24 under this section may be consolidated with an appeal of

1 the judgment of conviction and shall have priority over all
2 other cases.

3 “(b) REVIEW.—The District of Columbia Court of
4 Appeals shall review the entire record in the case, includ-
5 ing—

6 “(1) the evidence submitted during the trial;

7 “(2) the information submitted during the sen-
8 tencing hearing;

9 “(3) the procedures employed in the sentencing
10 hearing; and

11 “(4) the special findings returned under section
12 23–1703 of this chapter.

13 “(c) DECISION AND DISPOSITION.—

14 “(1) IN GENERAL.—The District of Columbia
15 Court of Appeals shall address all substantive and
16 procedural issues raised on the appeal of a sentence
17 of death, and shall consider whether the sentence of
18 death was imposed under the influence of passion,
19 prejudice, or any other arbitrary factor and whether
20 the evidence supports the special finding of the ex-
21 istence of an aggravating factor required to be con-
22 sidered under section 23–1702 of this chapter.

23 “(2) RECONSIDERATION.—The District of Co-
24 lumbia Court of Appeals shall remand the case for
25 reconsideration under section 23–1703 of this chap-

1 ter for imposition of a sentence other than death
2 whenever the court of appeals finds that—

3 “(A) the sentence of death was imposed
4 under the influence of passion, prejudice, or any
5 other arbitrary factor;

6 “(B) the admissible evidence and informa-
7 tion adduced does not support the special find-
8 ing of the existence of the required aggravating
9 factor; or

10 “(C) the proceedings involved any other
11 legal error requiring reversal of the sentence
12 that was properly preserved for appeal under
13 the rules of criminal procedure.

14 “(3) HARMLESS ERROR.—The District of Co-
15 lumbia Court of Appeals shall not reverse or vacate
16 a sentence of death on account of any error which
17 can be harmless, including any erroneous special
18 finding of an aggravating factor, where the Govern-
19 ment establishes beyond a reasonable doubt that the
20 error was harmless.

21 “(4) DISPOSITION.—The District of Columbia
22 Court of Appeals shall state in writing the reasons
23 for its disposition of an appeal of a sentence of
24 death under this section.

1 **“§ 23–1706. Implementation of a sentence of death**

2 “(a) IN GENERAL.—Except as provided under sub-
3 section (c), a person who has been sentenced to death
4 under this chapter shall be committed to the custody of
5 the United States Attorney for the District of Columbia
6 until exhaustion of the procedures for appeal of the judg-
7 ment of conviction and for review of the sentence. When
8 the sentence is to be implemented, the United States At-
9 torney shall release the person sentenced to death to the
10 custody of the Director of the Department of Corrections
11 of the District of Columbia, who shall supervise implemen-
12 tation of the sentence in the District of Columbia in ac-
13 cordance with subsection (b).

14 “(b) METHODS OF EXECUTION.—

15 “(1) IN GENERAL.—Except as provided under
16 paragraph (2), a person sentenced to death under
17 this chapter and released under subsection (a) to the
18 custody of the Director of the Department of Cor-
19 rections of the District of Columbia for the imple-
20 mentation of such sentence shall have such sentence
21 implemented by electrocution.

22 “(2) ELECTION OF ALTERNATE METHOD OF
23 EXECUTION.—A person sentenced to death under
24 this chapter may elect to have such sentence imple-
25 mented by lethal injection, firing squad, lethal gas,
26 or nitrogen hypoxia. Such an election may be made

1 in writing not later than 14 days before the date on
2 which the sentence of death is to be implemented, or
3 such election shall be considered waived. If, for any
4 reason, a person so sentenced receives a stay of exe-
5 cution, or the execution date has passed, an election
6 for an alternate method of execution shall be consid-
7 ered to have expired but may be reelected. If a per-
8 son so sentenced at any point waives the right to
9 elect an alternate method of execution, such person
10 may not retract such waiver.

11 “(3) UNAVAILABILITY OF ALTERNATE METHOD
12 OF EXECUTION.—If an alternate method of execu-
13 tion described in paragraph (2) is not available on
14 the date on which such method is to be imple-
15 mented, the person sentenced to death under this
16 chapter who elected such alternate method shall
17 have such sentence implemented by electrocution,
18 unless such person elects a different, available alter-
19 nate method of execution under paragraph (2).

20 “(4) NOTIFICATION OF ALTERNATE METHOD.—
21 Each person sentenced to death under this chapter
22 shall be provided written notification of such per-
23 son’s right to elect an alternate method of execution
24 under paragraph (2).

1 “(5) PROHIBITION ON DELAY OF SENTENCE
 2 DUE TO UNAVAILABILITY OF METHOD OF EXECU-
 3 TIONS.—The implementation of a sentence of death
 4 under this chapter may not be delayed as a result
 5 of the unavailability of any selected method of execu-
 6 tion selected under this subsection by a person sen-
 7 tenced to death under this chapter.

8 “(c) EXCEPTIONS.—A sentence of death shall not be
 9 carried out upon—

10 “(1) a woman while she is pregnant;

11 “(2) a person who has not attained the age of
 12 18; or

13 “(3) a person who, as a result of mental dis-
 14 ability, lacks the mental capacity to understand the
 15 death penalty and why it was imposed on that per-
 16 son.”.

17 (b) CONFORMING AMENDMENTS.—

18 (1) DISTRICT OF COLUMBIA CODE.—Section
 19 801(a) of an Act to establish a code of law for the
 20 District of Columbia, approved March 3, 1901 (sec.
 21 22–2104, D.C. Official Code), is amended—

22 (A) by striking “first degree” and insert-
 23 ing “first degree, if not a sentence of death as
 24 provided for in chapter 17 of title 23,”;

1 (B) by inserting “a sentence of death or”
2 after “intends to seek”; and

3 (C) by inserting “to death or” after “shall
4 be sentenced”.

5 (2) TITLE 18, UNITED STATES CODE.—

6 (A) IN GENERAL.—Chapter 228 of title
7 18, United States Code, is amended by adding
8 at the end the following:

9 **“§ 3599A. State defined**

10 “For the purposes of this chapter, the term ‘State’
11 includes the District of Columbia.”.

12 (B) CLERICAL AMENDMENT.—The table of
13 sections for chapter 228 of title 18, United
14 States Code, is amended by adding at the end
15 the following:

“3599A. State defined.”.

16 (3) TITLE 28, UNITED STATES CODE.—

17 (A) IN GENERAL.—Chapter 154 of title
18 28, United States Code, is amended by adding
19 at the end the following:

20 **“§ 2267. State defined**

21 “For the purposes of this chapter, the term ‘State’
22 includes the District of Columbia.”.

23 (B) CLERICAL AMENDMENT.—The table of
24 sections for chapter 154 of title 28, United

1 States Code, is amended by adding at the end
2 the following:

“2267. State defined.”.

3 **SEC. 3. EFFECTIVE DATE.**

4 The Act, and the amendment made by this Act, shall
5 apply with respect to offenses committed on and after the
6 date of the enactment of this Act.

7 **SEC. 4. SEVERABILITY.**

8 If any provision of this Act or any amendment made
9 by this Act, or the application of a provision of this Act
10 or an amendment made by this Act to any person or cir-
11 cumstance, is held to be unconstitutional, the remainder
12 of this Act, and the application of the provision or amend-
13 ment to any person or circumstance, shall not be affected
14 by such holding.

○