

D.C. CRIMINAL REFORMS TO IMMEDIATELY MAKE
EVERYONE SAFE ACT OF 2024

APRIL 30, 2024.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. COMER, from the Committee on Oversight and Accountability,
submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 7530]

The Committee on Oversight and Accountability, to whom was referred the bill (H.R. 7530) to limit youth offender status in the District of Columbia to individuals 18 years of age or younger, to direct the Attorney General of the District of Columbia to establish and operate a publicly accessible website containing updated statistics on juvenile crime in the District of Columbia, to amend the District of Columbia Home Rule Act to prohibit the Council of the District of Columbia from enacting changes to existing criminal liability sentences, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “D. C. Criminal Reforms to Immediately Make Everyone Safe Act of 2024” or the “DC CRIMES Act of 2024”.

SEC. 2. YOUTH OFFENDERS.

(a) **LIMITING YOUTH OFFENDER STATUS IN DISTRICT OF COLUMBIA TO INDIVIDUALS 18 YEARS OF AGE OR YOUNGER.**—Section 2(6) of the Youth Rehabilitation Act of 1985 (sec. 24–901(6), D.C. Official Code) is amended by striking “24 years of age or younger” and inserting “18 years of age or younger”.

(b) **CONFORMING AMENDMENTS.**—

(1) **REPEAL CONSIDERATION OF INDIVIDUALS 18 THROUGH 24 YEARS OF AGE IN STRATEGIC PLAN FOR FACILITIES, TREATMENT, AND SERVICES.**—Section 3(a–1) of such Act (sec. 24–902(a–1), D.C. Official Code) is amended by striking paragraph (3).

(2) **COMMUNITY SERVICE FOR INDIVIDUALS UNDER ORDER OF PROBATION.**—Section 4(a)(2) of such Act (sec. 24–903(a)(2), D.C. Official Code) is amended by striking “15 to 24 years of age” and inserting “15 to 18 years of age”.

SEC. 3. ESTABLISHMENT AND OPERATION OF WEBSITE ON DISTRICT OF COLUMBIA JUVENILE CRIME STATISTICS.

(a) **ESTABLISHMENT AND OPERATION.**—Subchapter I of chapter 23 of title 16, District of Columbia Official Code, is amended by adding at the end the following new section:

“§ 16–2340a. Website of updated statistics on juvenile crime

“(a) **ESTABLISHMENT AND OPERATION OF WEBSITE.**—The Attorney General of the District of Columbia shall establish and operate a publicly accessible website which contains data on juvenile crime in the District of Columbia, including each of the following statistical measures:

“(1) The total number of juveniles arrested each year.

“(2) The total number and percentage of juveniles arrested each year, broken down by age, race, and sex.

“(3) Of the total number of juveniles arrested each year, the total number and percentage arrested for petty crime, including the following crimes:

“(A) Vandalism.

“(B) Theft.

“(C) Shoplifting.

“(4) Of the total number of juveniles arrested each year, the total number and percentage arrested for crime of violence (as defined in section 23–1331(4)).

“(5) Of the total number of juveniles arrested each year, the total number and percentage who were arrested for their first offense.

“(6) Of the total number of juveniles arrested each year, the total number and percentage who had been arrested previously.

“(7) Of the total number of juveniles arrested each year who had been arrested previously, the total number and percentage of the number of arrests.

“(8) Of the total number of juveniles arrested each year, the declination rate for prosecutions by the Office of the Attorney General for the District of Columbia.

“(9) Of the total number of juveniles sentenced each year, the number and percentage who were tried as adults.

“(10) Of the total number of juveniles prosecuted each year, the number and percentage who were not sentenced, who were sentenced to a misdemeanor, and who were sentenced to a felony.

“(11) Of the total number of juveniles sentenced each year, the number and percentage of the length of time that will be served in a correctional facility as provided by the sentence.

“(b) **UPDATES.**—The Attorney General shall update the information contained on the website on a monthly basis.

“(c) MAINTAINING ARCHIVE OF INFORMATION.—The Attorney General shall ensure that the information contained on the website is archived appropriately to provide indefinite public access to historical data of juvenile arrests and prosecutions.

“(d) FORMAT.—The Attorney General shall ensure that the information contained in the website, including historical data described in subsection (c), is available in a machine-readable format available for bulk download.

“(e) PROHIBITING DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION.—In carrying out this section, the Attorney General shall ensure that the website does not include any juvenile’s personally identifiable information.

“(f) DEFINITIONS.—In this section—

“(1) the term ‘crime’ has the meaning given the term ‘offense’ in section 23–1331(2); and

“(2) the term ‘juvenile’ has the meaning given the term ‘youth offender’ in section 2(6) of the Youth Rehabilitation Act of 1985 (sec. 24–901(6), D.C. Official Code).”

(b) CONFORMING AMENDMENTS RELATING TO AUTHORIZED RELEASE OF INFORMATION.—

(1) JUVENILE CASE RECORDS OF FAMILY COURT.—Section 16–2331, District of Columbia Official Code, is amended—

(A) by redesignating subsection (i) as subsection (j); and

(B) by inserting after subsection (h) the following new subsection:

“(i) Notwithstanding subsection (b) of this section, a person shall provide information contained in juvenile case records to the Attorney General for purposes of the website established and operated under section 16–2340a.”

(2) JUVENILE SOCIAL RECORDS OF FAMILY COURT.—Section 16–2332, District of Columbia Official Code, is amended—

(A) by redesignating subsection (h) as subsection (i); and

(B) by inserting after subsection (g) the following new subsection:

“(h) Notwithstanding subsection (b) of this section, a person shall provide information contained in juvenile social records to the Attorney General for purposes of the website established and operated under section 16–2340a.”

(3) POLICE AND OTHER LAW ENFORCEMENT RECORDS.—Section 16–2333, District of Columbia Official Code, is amended—

(A) by redesignating subsection (g) as subsection (h); and

(B) by inserting after subsection (f) the following new subsection:

“(g) Notwithstanding subsection (a) of this section, a person shall provide information contained in law enforcement records and files concerning a child to the Attorney General for purposes of the website established and operated under section 16–2340a.”

(c) EFFECTIVE DATE.—The Attorney General of the District of Columbia shall establish the website under section 16–2341, District of Columbia Official Code, as added by subsection (a), not later than 180 days after the date of the enactment of this Act.

SEC. 4. PROHIBITING COUNCIL FROM ENACTING CHANGES TO EXISTING CRIMINAL LIABILITY SENTENCES.

Section 602(a) of the District of Columbia Home Rule Act (sec. 1–206.02(a), D.C. Official Code) is amended—

(1) by striking “or” at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting “; or”; and

(3) by adding at the end the following new paragraph:

“(11) enact any act, resolution, or rule to change any criminal liability sentence in effect on the date of the enactment of the DC CRIMES Act of 2024.”

SUMMARY AND PURPOSE OF LEGISLATION

H.R. 7530 asserts Congressional control over the District by prohibiting the D.C. Council from pursuing soft-on-crime sentencing policy. Specifically, the bill would lower D.C.’s definition of a “youth” from under 25 years old to under 18, require the D.C. Attorney General to establish a public website containing statistics on juvenile crime, and prohibit D.C. from enacting any changes to criminal liability sentencing, leaving only Congress the authority to change such laws.

BACKGROUND AND NEED FOR LEGISLATION

Crime has skyrocketed in the District of Columbia (D.C.)—increasing 30 percent in 2023 compared to the previous year.¹ In 2023, homicides increased 29 percent compared to 2022, and homicides today have doubled since 2012.² Violent crime increased 37 percent and robberies increased 65 percent from 2022 to 2023.³ Motor vehicle thefts increased 107 percent between 2022 and 2023.⁴

Meanwhile, the Metropolitan Police Department (MPD) is losing many officers to early resignations. These officers often cite the D.C. Council’s restrictive laws as reasons for leaving.⁵ According to the National Fraternal Order of Police, one third of MPD officers (approx. 1,190 officers) have left the force, with 40 percent of this attrition resulting from resignations.⁶ In a February, 2023 hearing before the D.C. Council, then-D.C. police Chief Robert Contee noted the MPD needs 800 additional officers to reach full strength.⁷

Local D.C. residents are acutely aware of D.C. crime and have held community meetings to discuss the issue.⁸ Crime is also occurring right outside of Federal government buildings.⁹ In January 2024, a man was shot on the 900 block of K Street NW—just north of the White House.¹⁰ D.C. businesses have responded to rising crime by either closing their doors or relocating to safer areas.¹¹ In 2023, 52 restaurants in D.C. closed in response to the surge in violent crime.¹²

In response, the House Committee on Oversight and Accountability held two hearings regarding crime and public safety with elected officials from D.C. On March 29, 2023, the House Committee on Oversight and Accountability held a hearing titled “Overdue Oversight of the Capital City: Part 1” to conduct long overdue oversight of the D.C. Council and gain insights into the city’s crime crisis. The Committee heard directly from D.C. Council Chairman Phil Mendelson, Councilmember Charles Allen, D.C. Police Union Chairman Gregory Pemberton, and D.C. Chief Financial Officer Glen Lee. During this hearing, members of the Committee discussed D.C.’s troubling crime statistics and the D.C. Council’s lack

¹*District Crime Data at a Glance*, DC.GOV (Feb. 5, 2024), <https://mpdc.dc.gov/page/district-crime-data-glance>.

²*Id.*

³*Id.*

⁴*Id.*

⁵Megan Cloherty, *DC’s police chief says recruiting officers is harder due to new laws*, WTOP NEWS (Feb. 24, 2023), <https://wtop.com/dc/2023/02/dc-police-chief-blames-recruiting-struggles-on-new-laws/>.

⁶Letter from Patrick Yoes, National President, National Fraternal Order of Police, to Kevin McCarthy, Speaker of the House, Hakeem Jeffries, Minority Leader of the House, et. al. (Mar. 28, 2023), <https://fop.net/letter/h-j-res-42-a-resolution-disapproving-the-adoption-of-the-comprehensive-policing-and-justice-reform-amendment-act-cpjraa-by-the-washington-d-c-city-council/>.

⁷*Id.*

⁸Sierra Fox, *Community demands accountability for juvenile crimes at carjacking panel in Southeast*, FOX 5 (Jan. 31, 2024), <https://www.fox5dc.com/news/community-demands-accountability-for-juvenile-crimes-at-carjacking-panel-in-southeast>.

⁹*MPD Investigating Man’s Overnight Crime Spree, Leaving 1 Dead and 1 with Critical Injuries*, DC.GOV (Jan. 30, 2024), <https://mpdc.dc.gov/release/mpd-investigating-man%E2%80%99s-overnight-crime-spree-leaving-1-dead-and-1-critical-injuries>.

¹⁰*Id.*

¹¹Nikolas Lanum, *DC business owner warns of ‘out of control’ prices and crime after 52 restaurants shut down*, FOX NEWS (Dec. 29, 2023), <https://www.foxnews.com/media/dc-business-owner-control-prices-crime-52-restaurants-shut-down>.

¹²*Id.*

of support for various law enforcement agencies within the District.¹³

On May 16, 2023, the House Committee on Oversight and Accountability held a hearing titled “Overdue Oversight of the Capital City: Part 2.” The Committee heard from D.C. Mayor Muriel Bowser and U.S. Attorney for D.C. Matthew Graves. D.C. Police Chief Robert Contee III and City Administrator Kevin Donahue were present at the hearing to assist Mayor Bowser in answering questions. During this hearing, Committee members continued to inquire about D.C.’s crime crisis, with an emphasis on prosecution rates and police officer retention.¹⁴

It is the view of the Committee that the D.C. Council’s continued enactment of irresponsible, soft-on-crime policies endanger residents of, and visitors to, our nation’s capital. In January 2023, the D.C. Council passed the Revised Criminal Code Act of 2022 (RCCA) (D.C. Act 24–789), which eliminated mandatory minimum sentences for all crimes except first degree murder, eliminated life sentences, reduced maximum penalties for violent crimes, and established other crime reforms.¹⁵

RCCA gained widespread disapproval from policy leaders across the political spectrum. D.C. Mayor Muriel Bowser vetoed this legislation, citing in a public letter that the Act “does not make us safer” and contains “controversial policy proposals” such as expanding jury rights and expanding eligibility for individuals to have their sentences reheard by a court.¹⁶ The Washington Post editorial board published an article titled “D.C.’s crime bill could make the city more dangerous.”¹⁷ Congress responded by blocking the RCCA from taking effect by enacting the bipartisan H.J. Res. 26 into law (P.L. 118–1).¹⁸

The D.C. Council then passed another bill, the Comprehensive Policing and Justice Reform Amendment Act of 2022 (D.C. Act 24–781), which targeted DC Metropolitan Police Department (MPD) officers and their ability to combat rising crime.¹⁹ Some of the policies included in this Act include a prohibition of the use of neck restraints—despite these chokehold techniques already being banned by the D.C. Council in 1985;²⁰ prohibiting officers from viewing body-cam footage when writing initial reports of an incident; requiring the Mayor to publicly release the names of officers in all instances of “serious use of force;” and enabling protesters and criminals to target police officers. Congress advanced H.J. Res. 42 to prevent the D.C. Act from becoming law²¹, but President Biden

¹³ *Overdue Oversight of the Capital City: Part 1: Hearing Before H. Comm. on Oversight & Accountability*, 118 Cong.

¹⁴ *Overdue Oversight of the Capital City: Part 2: Hearing Before H. Comm. on Oversight & Accountability*, 118 Cong.

¹⁵ Revised Criminal Code Act of 2022, D.C. Act 24–789.

¹⁶ Letter from Mayor Muriel Bowser, Mayor, D.C., to Phil Mendelson, Chairman, Council of D.C. (Jan. 4, 2023).

¹⁷ *D.C.’s crime bill could make the city more dangerous*, THE WASH. POST (15 Jan. 2023).

¹⁸ Disapproving the action of the District of Columbia Council in approving the Revised Criminal Code Act of 2022, Pub. L. No. 118–1 (2023).

¹⁹ Comprehensive Policing and Justice Reform Amendment Act of 2022, D.C. Act 24–781.

²⁰ Limitation on the Use of the Chokehold Act of 1985, D.C. Law 6–77.

²¹ Disapproving the action of the District of Columbia Council in approving the Comprehensive Policing and Justice Reform Amendment Act of 2022, H.J. Res. 41 (2023).

vetoed the bipartisan disapproval resolution, ensuring D.C.’s anti-police reforms went into effect.²²

Congress must exercise its constitutional responsibility to oversee the safety of residents and visitors in D.C.²³ The D.C. CRIMES Act achieves this goal by lowering D.C.’s legal definition of a “youth” offender from under 25 years old to under 18, requiring the D.C. Attorney General to publish juvenile crime statistics on a public website, and prohibiting the D.C. Council from enacting any further changes to D.C.’s mandatory minimum sentences and sentencing guidelines.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

- The short title is the “D.C. Criminal Reforms to Immediately Make Everyone Safer (D.C. CRIMES) Act.”

Section 2. Youth offenders

- Subsection (a) amends the Youth Rehabilitation Act of 1985 to define a youth as someone who is 18 years old or younger, rather than 24 years old or younger.
- Subsection (b) strikes a portion of the Youth Rehabilitation act that allows a judge to sentence a youth offender less than the mandatory minimum.

Section 3. Establishment and operation of website on District of Columbia juvenile crime statistics

- Subsection (a) requires the Attorney General of D.C. to establish and operate a publicly accessible website which contains data on juvenile crime in D.C. The website will include:
 - The total number of juveniles arrested each year.
 - The total number and percentage of juveniles arrested each year, broken down by age, race, and sex.
 - Of the total number of juveniles arrested each year, the total number and percentage arrested for petty crime, including vandalism, theft, and shoplifting.
 - Of the total number of juveniles arrested each year, the total number and percentage who were arrested for their first offense.
 - Of the total number of juveniles who had been arrested previously, the total number and percentage of the number of arrests.
 - Of the total number of juveniles arrested each year, the declination rate of prosecution of the Attorney General for D.C.
 - Of the total number of juveniles sentenced each year, the number and percentage who were tried as adults.
 - Of the total number of juveniles prosecuted each year, the number and percentage who were not sentenced, who were sentenced to a misdemeanor, and who were sentenced to a felony.

²²Message to the House of Representatives—President’s Veto of H.J. Res. 42, THE WHITE HOUSE (May 25, 2023).

²³U.S. CONST. art. 1, § 8, cl. 18.

- Of the total number of juveniles sentenced each year, the number and percentage of length of time that will be served in a correctional facility.
- Subsection (a) also requires the Attorney General to monthly update the information contained on the website, archive the information to provide indefinite public access to historical data of juvenile arrests and prosecutions, and ensure the website and archived data is available in a machine-readable format for bulk download. The subsection also ensures the website will not include any juvenile’s personally identifiable information and defines “crime” and “juvenile”.
- Subsection (b) makes conforming amendments.
- Subsection (c) requires the Attorney General to establish the website within 180 of the enactment of this Act.

Section 4. Prohibiting council from enacting changes to existing criminal liability sentences

The section amends the District of Columbia Home Rule Act to prohibit the D.C. Council from enacting any legislation changing criminal liability sentences, including mandatory minimum sentences.

LEGISLATIVE HISTORY

H.R. 7530, the DC CRIMES Act, was introduced on March 5, 2024, by Representative Byron Donalds. The following Representatives are cosponsors of the bill: Andy Biggs (R–AZ), William Timmons (R–SC), Gary Palmer (R–AL), and Andrew Clyde (R–GA). The bill was referred to the Committee on Oversight and Accountability. The Committee on Oversight and Accountability held a hearing related to and used for development and consideration of the bill on March 29, 2023. The Committee considered H.R. 7530 at a business meeting on March 7, 2024, and ordered the bill as amended favorably reported by a recorded vote.

COMMITTEE CONSIDERATION

On March 7, the Committee met in open session and ordered the bill, H.R. 7530, favorably reported with an amendment in the nature of a substitute, by a roll call vote of 21–19, a quorum being present.

ROLL CALL VOTES

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the following roll call vote occurred during the Committee’s consideration of H.R. 7530:

The first roll call vote was on Amendment #1 offered by Ms. Mace to the Amendment in the Nature of a Substitute to H.R. 7530. The amendment was agreed to in a recorded vote of 20–19, with one Member voting “present.”

The second roll call vote was on favorably reporting H.R. 7530. The bill was agreed to in a recorded vote of 21–19.

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY
 118TH CONGRESS
 RATIO 26-21
 ROLL CALL

Vote on: Mace Amendment to ANS to H.R. 7530, the D.C. CRIMES Act
 Date: 3/7/2024

VOTE #: 7

Republicans	Aye	No	Present	Democrats	Aye	No	Present
MR. COMER (KY) <i>(Chairman)</i>		X		MR. RASKIN (MD) <i>(Ranking Member)</i>	X		
MR. JORDAN (OH)				MS. NORTON (DC)	X		
MR. TURNER (OH)				MR. LYNCH (MA)	X		
MR. GOSAR (AZ)				MR. CONNOLLY (VA)	X		
MS. FOXX (NC)		X		MR. KRISHNAMOORTHY (IL)	X		
MR. GROTHMAN (WI)		X		MR. KHANNA (CA)	X		
MR. CLOUD (TX)		X		MR. MFUME (MD)	X		
MR. PALMER (AL)		X		MS. OCASIO-CORTEZ (NY)	X		
MR. HIGGINS (LA)		X		MS. PORTER (CA)			
MR. SESSIONS (TX)		X		MS. BUSH (MO)	X		
MR. BIGGS (AZ)		X		MS. BROWN (OH)	X		
MS. MACE (SC)	X			MS. STANSBURY (NM)	X		
MR. LATURNER (KS)		X		MR. GARCIA (CA)	X		
MR. FALLON (TX)		X		MR. FROST (FL)	X		
MR. DONALDS (FL)		X		MS. LEE of PENNSYLVANIA (PA)	X		
MR. PERRY (PA)		X		MR. CASAR (TX)	X		
MR. TIMMONS (SC)		X		MS. CROCKETT (TX)	X		
MR. BURCHETT (TN)		X		MR. GOLDMAN (NY)	X		
MS. GREENE OF GEORGIA (GA)		X		MR. MOSKOWITZ (FL)			
MRS. MCCLAIN (MI)		X		MS. TLAIB (MI)	X		
MRS. BOEBERT (CO)		X		MS. PRESSLEY (MA)	X		
MR. FRY (SC)							
MRS. LUNA (FL)			X				
MR. LANGWORTHY (NY)		X					
MR. BURLISON (MO)		X					
MR. WALTZ (FL)							

Roll Call Totals: Ayes: 20 Nays: 19 Present: 1
 Passed: X Failed:

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY
 118TH CONGRESS
 RATIO 26-21
 ROLL CALL

Vote on: Final Passage - H.R. 7530, the D.C. CRIMES Act
 Date: 3/7/2024

VOTE #: 8

Republicans	Aye	No	Present	Democrats	Aye	No	Present
MR. COMER (KY) <i>(Chairman)</i>	X			MR. RASKIN (MD) <i>(Ranking Member)</i>		X	
MR. JORDAN (OH)				MS. NORTON (DC)		X	
MR. TURNER (OH)				MR. LYNCH (MA)		X	
MR. GOSAR (AZ)				MR. CONNOLLY (VA)		X	
MS. FOXX (NC)	X			MR. KRISHNAMOORTHY (IL)		X	
MR. GROTHMAN (WI)	X			MR. KHANNA (CA)		X	
MR. CLOUD (TX)	X			MR. MFUME (MD)		X	
MR. PALMER (AL)	X			MS. OCASIO-CORTEZ (NY)		X	
MR. HIGGINS (LA)	X			MS. PORTER (CA)			
MR. SESSIONS (TX)	X			MS. BUSH (MO)		X	
MR. BIGGS (AZ)	X			MS. BROWN (OH)		X	
MS. MACE (SC)	X			MS. STANSBURY (NM)		X	
MR. LATURNER (KS)	X			MR. GARCIA (CA)		X	
MR. FALLON (TX)	X			MR. FROST (FL)		X	
MR. DONALDS (FL)	X			MS. LEE of PENNSYLVANIA (PA)		X	
MR. PERRY (PA)	X			MR. CASAR (TX)		X	
MR. TIMMONS (SC)	X			MS. CROCKETT (TX)		X	
MR. BURCHETT (TN)	X			MR. GOLDMAN (NY)		X	
MS. GREENE OF GEORGIA (GA)	X			MR. MOSKOWITZ (FL)			
MRS. MCCLAIN (MI)	X			MS. TLAIB (MI)		X	
MRS. BOEBERT (CO)	X			MS. PRESSLEY (MA)		X	
MR. FRY (SC)							
MRS. LUNA (FL)	X						
MR. LANGWORTHY (NY)	X						
MR. BURLISON (MO)	X						
MR. WALTZ (FL)							

Roll Call Totals: Ayes: 21 Nays: 19 Present:
 Passed: X Failed: _____

EXPLANATION OF AMENDMENTS

During Committee consideration of the bill, Representative James Comer (R–KY), Chairman of the Committee, offered an amendment in the nature of a substitute that made certain technical changes to the bill. The amendment in the nature of a substitute, as amended, passed by voice vote.

Representative Nancy Mace (R–SC) offered an amendment to Representative James Comer’s amendment in the nature of a substitute. The amendment offered by Representative Nancy Mace (R–SC) struck a provision that removed judicial discretion that allows youth offenders to be sentenced below the mandatory minimum for a crime. The amendment to the amendment in the nature of a substitute passed by a roll call vote.

LIST OF RELATED COMMITTEE HEARINGS

In accordance with House rule XIII, clause 3(c)(6), (1) The following hearing was used to develop or consider H.R. 7530:

On March 29, 2023, the House Committee on Oversight and Accountability held a hearing titled “Overdue Oversight of the Capital City: Part I” with Mr. Phil Mendelson, Chairman, D.C. Council; Mr. Charles Allen, Councilmember, D.C. Council; Mr. Gregory Pemberton, Chairman, D.C. Police Union; and Mr. Glen Lee, Chief Financial Officer, Washington, D.C.

(2) The following hearing related to H.R. 7530 was held:

On May 16, 2023, the House Committee on Oversight and Accountability held a hearing titled “Overdue Oversight of the Capital City: Part 2” with D.C. Mayor Muriel Bowser and U.S. Attorney for D.C. Matthew Graves.

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee’s oversight findings and recommendations are reflected in the Background and Need for Legislation section above.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee’s performance goals or objectives of this bill are to limit youth offender status in the District of Columbia to individuals 18 years of age or younger, to direct the Attorney General of the District of Columbia to establish and operate a publicly accessible website containing updated statistics on juvenile crime in the District of Columbia, to amend the District of Columbia Home Rule Act to prohibit the Council of the District of Columbia from enacting changes to existing criminal liability sentences, and for other purposes.

APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch where the bill relates to the terms and conditions of employment or access to public services and accommodations. This bill does not relate to em-

ployment or access to public services and accommodations in the legislative branch.

DUPLICATION OF FEDERAL PROGRAMS

In accordance with clause 3(c)(5) of rule XIII no provision of this bill establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

DISCLOSURE OF DIRECTED RULE MAKINGS

This bill does not direct the completion of any specific rule makings within the meaning of section 551 of title 5, U.S.C.

FEDERAL ADVISORY COMMITTEE ACT STATEMENT

The Committee finds that this legislation does not direct the establishment of advisory committees within the definition of Section 5(b) of the appendix to title 5, U.S.C.

UNFUNDED MANDATES REFORM ACT STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

EARMARK IDENTIFICATION

This bill does not include any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the House of Representatives.

COMMITTEE COST ESTIMATE

Pursuant to clause 3(d)(1) of rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974. At the time this report was filed, the estimate was not available.

NEW BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

Pursuant to clause 3(c)(2) of rule XIII, the Committee finds that H.R. 7530 would result in no new or increased budget authority.

Pursuant to clause 3(c)(3) of rule XIII of the House of Representatives, at the time this report was filed, the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 was not available.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

The requirements of clause 3(e) of rule XIII of the Rules of the House of Representatives apply to H.R. 7530.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

DISTRICT OF COLUMBIA OFFICIAL CODE

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**TITLE 16—PARTICULAR ACTIONS,
PROCEEDINGS AND MATTERS.**

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CHAPTER 23—FAMILY DIVISION PROCEEDINGS.

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**SUBCHAPTER I—PROCEEDINGS REGARDING
DELINQUENCY, NEGLECT, OR NEED OF SUPERVISION.**

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§ 16-2331. Juvenile case records; confidentiality; inspection and disclosure.

(a) For the purposes of this section, the term “juvenile case records” means the following records of a case over which the Family Court has jurisdiction under section 11-1101(13):

- (1) Notices filed with the court by an arresting officer pursuant to this subchapter;
- (2) The docket of the court and entries therein;
- (3) Complaints, petitions, and other legal papers filed in the case;
- (4) Transcripts of proceedings before the court;
- (5) Findings, verdicts, judgments, orders, and decrees; and
- (6) Other writings filed in proceedings before the court, other than social records.

(b) Except as otherwise provided in this section and in section 16-2333.01, juvenile case records shall be kept confidential and shall not be open to inspection, nor shall information from records inspected be divulged to unauthorized persons.

(c) Subject to the limitations of subsection (f) of this section, the following entities and persons may inspect juvenile case records:

- (1) The Courts:
 - (A) Judges and professional staff of the Superior Court; and
 - (B) Any court in which the respondent is charged or convicted as a respondent in a delinquency matter, or status offense, or as a defendant in a criminal offense, or the court’s probation staff.
- (2) Family Court case participants:

- (A) The Attorney General and his assistants assigned to the Family Court;
 - (B) The respondent and any attorney for the respondent without regard to the age of the respondent at the time of the inspection and without regard to the existence of a pending Family Court case;
 - (C) The parents or guardians and any attorney for them without regard to the age of the respondent at the time of the inspection and without regard to the existence of a pending Family Court case;
 - (D) Unless the release of the information is otherwise prohibited by law or includes mental health information, each victim, or the immediate family member or custodians of each victim if the victim is a child or is deceased or incapacitated, and their duly authorized attorneys, at the discretion of the Attorney General and when the information relates to:
 - (i) Release status;
 - (ii) The level of respondent's placement;
 - (iii) Stay-away orders imposed;
 - (iv) Respondent's participation in diversion or a consent decree;
 - (v) The offenses charged in the petition;
 - (vi) The terms of any plea agreements, findings, or verdicts related to the adjudication of the case; or
 - (vii) Commitment or probational status;
 - (E) Unless the release of information is otherwise prohibited by law or includes mental health information, each eyewitness, or the immediate family members or custodians of each eyewitness if the eyewitness is a child or is deceased or incapacitated, and their duly authorized attorneys, at the discretion of the Attorney General or of the respondent's attorney and when the information relates to:
 - (i) Release status;
 - (ii) The level of respondent's placement;
 - (iii) Stay-away orders imposed;
 - (iv) Respondent's participation in diversion or a consent decree;
 - (v) The offenses charged in the petition;
 - (vi) The terms of any plea agreements, findings, or verdicts related to the adjudication of the case; or
 - (vii) Commitment or probational status; and
 - (F) Public or private agencies or institutions providing supervision or treatment or having custody of the child, if supervision, treatment, or custody is under order of the Family Court;
- (3) Other court case participants and law enforcement:
- (A) The United States Attorney for the District of Columbia, his assistants, and any other prosecuting attorneys, or defense attorneys, when necessary for the discharge of their official duties;
 - (B) Any law enforcement personnel when necessary for the discharge of their official duties;

- (C) The Pretrial Services Agency of the District of Columbia when necessary for the discharge of its official duties; and
 - (D) The Court Services and Offender Supervision Agency for the District of Columbia when necessary for the discharge of its official duties;
- (4) Government agencies and entities:
- (A) The Mayor in accordance with [§ 50-1403.02];
 - (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];
 - (C) The Child Fatality Review Committee for the purposes of examining past events and circumstances surrounding deaths of children in the District of Columbia or of children who are either residents or wards of the District of Columbia, or for the discharge of its official duties;
 - (D) The Children's Advocacy Center and the public and private agencies and institutions that are members of the multidisciplinary investigation team, for purposes of carrying out their official duties, except that only information contained in the records, and not the records or copies of the records, may be provided pursuant to this subparagraph;
 - (E) The Child and Family Services Agency, for the purposes of carrying out its official duties;
 - (F) The Juvenile Abscondence Review Committee for the purposes of examining circumstances and events surrounding any homicide, assault with intent to kill, and assault with a deadly weapon committed in the District by or to a juvenile in abscondence; and
 - (G) The Violence Fatality Review Committee for the purposes of examining past events and circumstances surrounding suicides and homicides, as that term is defined in [§ 5-1431.01(e)], or for the discharge of its official duties.
- (5) Other persons having a professional interest in the protection, welfare, treatment, and rehabilitation of the respond-

ent or of a member of the respondent's family, or in the work of the Superior Court, if authorized by rule or special order of the court.

(d) The prosecuting attorney inspecting records pursuant to subsection (c)(3)(A) of this section may divulge the contents to the extent required in the prosecution of a criminal case, and the United States Attorney for the District of Columbia and his assistants may inspect a transcript of the testimony of any witness and divulge the contents to the extent required by the prosecution of the witness for perjury, without, wherever possible, naming or otherwise revealing the identity of a child under the jurisdiction of the Family Court.

(e) Notwithstanding subsection (b) of this section, the Family Court, upon application of the Attorney General, may order the release of certain information contained in the case record if:

(1) The respondent has escaped from detention or from the custody of the Department of Youth Rehabilitation Services and is likely to pose a danger or threat of bodily harm to another person;

(2) Release of the information is necessary to protect the public safety and welfare; and

(3) The respondent has been charged with a crime of violence as defined in section 23-1331(4).

(f) Notwithstanding subsections (b) and (c) of this section, the Superior Court may by rule or special order provide that particular items or classes of items in juvenile case records shall not be open to inspection except pursuant to rule or special order; but, in dispositional proceedings after an adjudication, no item considered by the judge (other than identification of the sources of confidential information) shall be withheld from inspection:

(1) In delinquency or need of supervision cases, by the attorney for the child; or

(2) In neglect cases, by the attorney for the child and an attorney for the parent, guardian, or other custodian of the child.

(g) The Superior Court may by rule or special order provide procedures for the inspection or copying of juvenile case records by persons entitled to inspect them. No person receiving any record or information pursuant to this section may publish or use it for any purpose other than that for which it was received without a special order of the court.

(h)(1) Notwithstanding subsection (b) of this section, for every respondent against whom the Office of the Attorney General has filed a petition for the following:

(A) A crime of violence (as defined in section 23-1331(4));

(B) A weapons offense;

(C) Unauthorized use of a vehicle;

(D) Theft in the first degree where the property obtained or used is a motor vehicle (as defined in section 22-3215(a)); or

(E) The Office of the Attorney General has filed 3 or more petitions against the respondent, and the respondent is not detained by the Family Court pursuant to section 16-2313(b)(3), the Family Court shall provide, within 48 hours of the decision not to detain the respondent, the following case record information to the Chief of the Metropolitan Police Department ("Chief"):

- (i) Respondent's name and date of birth;
 - (ii) Last known address of the respondent;
 - (iii) Last known address of respondent's parents, guardians, caretakers, and custodians;
 - (iv) Address where the respondent will be placed and the name and address of the person into whose custody the respondent will be placed; and
 - (v) All terms of the placement or conditions of release.
- (2) Notwithstanding subsection (b) of this section, the Family Court shall provide the following case record information to the Chief for all cases in which the respondent is not detained by the Family Court pursuant to section 16-2313(b)(3) and cases in which the respondent is placed on probation pursuant to section 16-2320(c)(3):
- (A) Respondent's name and date of birth;
 - (B) All terms or conditions of any stay-away order; and
 - (C) All terms or conditions of any curfew order.
- (3) The Chief shall utilize information obtained from the Family Court and may disclose such information to law enforcement officers or law enforcement entities only as necessary to preserve public safety or the safety of the respondent. The Chief shall not otherwise disclose this information, except as authorized by this section.
- (4) If the Chief discloses information pursuant to paragraph (3) of this subsection, the Chief shall notify the recipient that the information may only be re-disclosed to law enforcement officers and only to the extent necessary to preserve public safety or the safety of the respondent. The Chief shall notify the recipient of the information that any other use or disclosure of the information shall be governed by this section and sections 16-2332 and 16-2333, and that unauthorized re-disclosure may be prosecuted under section 16-2336. Any violation of this paragraph will result in an investigation of the violation by the Inspector General of the District of Columbia.
- (5) If the petition filed against the juvenile does not result in disposition, the Family Court, within 48 hours of the entry of the decision by the court to dismiss or close the case, or the withdrawal of the petition by the Office of the Attorney General, shall notify the Chief of the Metropolitan Police Department that the case has not resulted in a disposition. The Chief shall, within 48 hours of the notification, destroy and erase from Metropolitan Police Department files the case record information received from the Family Court pursuant to this subsection and shall notify all parties and agencies to which it transmitted case record information pursuant to paragraph (3) of this subsection that the juvenile's case did not result in a disposition and any information that has been transmitted shall be destroyed and erased.
- (i) Notwithstanding subsection (b) of this section, a person shall provide information contained in juvenile case records to the Attorney General for purposes of the website established and operated under section 16-2340a.*
- [(i)]** *(j) No person shall disclose, inspect, or use records in violation of this section.*

§ 16-2332. Juvenile social records; confidentiality; inspection and disclosure.

(a) For the purposes of this section, the term “juvenile social records” means all social records made with respect to a child in any proceedings over which the Family Court has jurisdiction under section 11-1101(13), including preliminary inquiries, pre-disposition studies, and examination reports.

(b) Except as otherwise provided in this section and in section 16-2333.01, juvenile social records shall be kept confidential and shall not be open to inspection.

(c) Subject to the limitations of subsection (e) of this section, the following persons and entities may inspect juvenile social records:

(1) Courts:

(A) Judges and professional staff of the Superior Court; and

(B) Any court or its probation staff, for purposes of sentencing the child as a defendant in a criminal case;

(2) Family Court case participants:

(A) The Attorney General and his assistants assigned to the Family Court;

(B) The respondent and any attorney for the respondent without regard to the age of the respondent at the time of the inspection and without regard to the existence of a pending Family Court case; and

(C) Public or private agencies or institutions providing supervision or treatment, or having custody of the child, if the supervision, treatment, or custody is under the order of the Family Court;

(3) Other court case participants and law enforcement:

“Law enforcement officers of the United States, the District of Columbia, and other jurisdictions when a custody order has issued for the respondent, except that such records shall be limited to photographs of the child, a physical description of the child, and any addresses where the child may be found, and the law enforcement officer may not be permitted access to any other documents or information contained in the social file;

(4) Government agencies and entities:

(A) Professional employees of the Department of Youth Rehabilitation Services when necessary for the discharge of their official duties;

(B) The Child and Family Services Agency when necessary for the discharge of its official duties;

(C) The Child Fatality Review Committee for the purposes of examining past events and circumstances surrounding deaths of children in the District of Columbia or of children who are either residents or wards of the District of Columbia, or for the discharge of its official duties;

(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

(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]; and

(E) The Violence Fatality Review Committee for the purposes of examining past events and circumstances surrounding suicides and homicides, as that term is defined in [§ 5-1431.01(e)], or for the discharge of its official duties.

(5) Other persons having a professional interest in the protection, welfare, treatment, and rehabilitation of the respondent or of a member of the respondent's family, or in the work of the Family Court, if authorized by rule or special order of the court.

(d)(1) Except as otherwise provided in this section and in section 16-2333.01, records inspected pursuant to subsection (c) of this section may not be divulged to unauthorized persons.

(2)(A) Notwithstanding paragraph (1) of this subsection, health and human services information contained with juvenile social records may be divulged for the purposes of and in accordance with [Chapter 2A Title 7].

(B) For the purposes of this paragraph, the term "health and human services information" shall have the same meaning as provided in [§ 7-241(3)].

(e) Notwithstanding subsections (b) and (c) of this section, the Superior Court may by rule or special order provide that particular items or classes of items in juvenile social records shall not be open to inspection except pursuant to rule or special order; but, in dispositional proceedings after an adjudication, no item considered by the judge (other than identification of the sources of confidential information) shall be withheld from inspection:

(1) In delinquency or need of supervision cases, by the attorney for the child; or

(2) In neglect cases, by the attorney for the child and an attorney for the parent, guardian, or other custodian of the child.

(f) The Superior Court may by rule or special order provide procedures for the inspection or copying of juvenile social records by persons entitled to inspect them. No person receiving any record or information pursuant to this section may publish or use it for any purpose other than that for which it was received without a special order of the court.

(g)(1) Notwithstanding subsections (b), (c), (d), or (e) of this section, for every respondent committed to the Department of Youth Rehabilitation Services ("Department") pursuant to section 16-2320(c)(2) who has been adjudicated of:

- (A) A crime of violence (as defined in section 23-1331(4));
- (B) A weapons offense;
- (C) Unauthorized use of a vehicle;
- (D) Theft in the first degree where property obtained or used is a motor vehicle (as defined in section 22-3215(a)); or
- (E) Adjudicated 3 or more times, the Mayor may direct the Director of the Department (“Director”) to provide notice to the Chief of the Metropolitan Police Department (“Chief”) of any assignment or placement of the respondent in a Department facility or residential or other placement, including any facility operated by a contractor or agent, as soon as practicable prior to the assignment or placement.

(2) Notwithstanding subsections (b), (c), (d), or (e) of this section, for any respondent who is detained or committed to the Department, the Director shall provide notice to the Chief of any respondent who has absconded or escaped from any Department facility, or residential or other placement, including any facility or placement operated by an agent or contractor, within one hour of the absconding or escaping.

(3) Notice issued pursuant to this subsection shall include the following information, as applicable:

- (A) Respondent’s name and date of birth;
- (B) Last known address of the respondent;
- (C) Last known address of the respondent’s parents, guardians, caretakers, and custodians;
- (D) Address to which the respondent will be assigned, placed, or released and the name and address of the person into whose custody the respondent will be placed if the respondent is not placed into a Department facility; and
- (E) A recent photograph of the respondent, if available.

(4) The Chief shall utilize information obtained from the Director and may disclose such information to law enforcement persons or law enforcement entities only as necessary to preserve public safety or the safety of the respondent. The Chief shall not otherwise disclose this information, except as authorized by this section.

(5) If the Chief discloses information pursuant to paragraph (4) of this subsection, the Chief shall notify the recipient that the information may only be re-disclosed to law enforcement officers and only to the extent necessary to preserve public safety or the safety of the respondent. The Chief shall notify the recipient of the information that any other use or disclosure of the information shall be governed by this section and sections 16-2331 and 16-2333, and that unauthorized re-disclosure may be prosecuted under section 16-2336. Any violation of this paragraph will result in an investigation of the violation by the Inspector General of the District of Columbia.

(6) The Chief may make additional case-specific inquiries to the Mayor based on information disclosed under paragraph (1) of this subsection. The Mayor may direct the Director to provide such additional information, when requested by the Chief, but only as necessary to protect public safety or the safety of the respondent.

(h) Notwithstanding subsection (b) of this section, a person shall provide information contained in juvenile social records to the Attorney General for purposes of the website established and operated under section 16-2340a.

[(h)] (i) No person shall disclose, inspect, or use records in violation of this section.

§ 16-2333. Police and other law enforcement records.

(a) Except as otherwise provided in this section and in section 16-2333.01, law enforcement records and files concerning a child shall not be open to public inspection nor shall their contents or existence be disclosed to the public unless:

(1) A charge of delinquency is transferred for criminal prosecution under section 16-2307;

(1A) The record pertains to a civil Notice of Violation;

(2) The interest of national security requires; or

(3) The court otherwise orders in the interest of the child.

(b) Inspection of such records and files is permitted by:

(1) Courts:

(A) The Superior Court, having the child currently before it in any proceedings; and

(B) Any court in which respondent is charged or convicted as a respondent in a delinquency matter, or status offense, or as a defendant in a criminal offense, or the court's probation staff, or by officials of rehabilitation or penal institutions and other rehabilitation or penal facilities to which he is committed, or by a parole board in considering his parole or discharge or in exercising supervision over him;

(2) Case participants:

(A) The child and any attorney for the child without regard to the age of the child at the time of the inspection and without regard to the existence of a pending Family Court case;

(B) Parents or guardians of the child and any attorney for them without regard to the age of the child at the time of the inspection and without regard to the existence of a pending Family Court case;

(C) Each eyewitness, victim, or the immediate family members or caretakers of the eyewitness or victim if the eyewitness or victim is a child or is deceased or incapacitated, and their duly authorized attorneys, when the records relate to the incident in which they were an eyewitness or a victim; and

(D) The officers of public and private institutions or agencies to which the child is currently committed, and those professional persons or agencies responsible for the child's supervision after release;

(3) Prosecutors and law enforcement:

(A) Law enforcement officers of the United States, the District of Columbia, and other jurisdictions when necessary for the discharge of their current official duties;

(B) The United States Attorney for the District of Columbia, his assistants, and any other prosecuting attorneys when necessary for the discharge of their official duties;

(4) Government agencies and entities:

- (A) Professional employees of the Department of Youth Rehabilitation Services when necessary for the discharge of their official duties;
 - (B) The Child Fatality Review Committee when necessary for the discharge of its official duties;
 - (C) Authorized personnel in the Mayor's Family Court Liaison, the Department of Health, the Department Mental Health, the Child and Family Services Agency, the Department of Human Services, and the District of Columbia Public Schools for the purpose of delivery of services to individuals under the jurisdiction of the Family Court, or their families;
 - (D) The Children's Advocacy Center and the public and private agencies and institutions that are members of the multi-disciplinary investigation team, for purposes of carrying out their official duties, except that only information contained in the records, and not the records of copies of the records, may be provided pursuant to this subparagraph;
 - (E) The Juvenile Abscondence Review Committee for the purposes of examining circumstances and events surrounding any homicide, assault with intent to kill, and assault with a deadly weapon committed in the District by or to a juvenile in abscondence; and
 - (F) The Violence Fatality Review Committee when necessary for the discharge of its official duties; and
- (5) Any other person, agency, or institution, by order of the court, having a professional interest in the child or in the work of the law enforcement department.
- (c) The Family Court, upon application of the Attorney General and notice and opportunity for respondent or his counsel to respond to the application, may order the release of certain information contained in the law enforcement records if:
- (1) The respondent has escaped from detention or from the custody of the Department of Youth Rehabilitation Services and is likely to pose a danger or threat of bodily harm to another person;
 - (2) Release of such information is necessary to protect the public safety and welfare; and
 - (3) The respondent has been charged with a crime of violence as defined in section 23-1331(4).
- (d) Photographs may be displayed to potential witnesses for identification purposes, in accordance with the standards of fairness applicable to adults.
- (e)(1) Certain juvenile crime information (but not records) shall not be confidential and shall be disclosable to the public strictly in accordance with the provisions of this subsection.
- (2) The public availability of the information regarding a child shall be limited to:
- (A) The child's name;
 - (B) The fact that the child was arrested;
 - (C) The charges at arrest;
 - (D) The charges in the petition filed pursuant to section 16-2305;

(E) Whether the petition resulted in an adjudication and the charges for which the child was found involved; and

(F) If the child was found involved, whether at initial disposition the child was placed on probation or committed to the custody of the Department of Youth Rehabilitation Services.

(3) The information shall be available only regarding:

(A) A juvenile who has been adjudicated delinquent of a crime of violence (as defined in section 23-1331(4)), or any felony offense under Chapter 45 of Title 22 (weapons) [§ 22-4501 et seq.] or Chapter 23 of Title 6 (Firearms Control) [Chapter 25 of Title 7, § 7-2501.01 et seq. (2001 Ed.)];

(B) A juvenile who has been adjudicated delinquent 2 or more times of:

(i) A dangerous crime (as defined in section 23-1331(3)) that is not included in subparagraph (A) of this paragraph;

(ii) Unauthorized use of a vehicle;

(iii) Theft in the first degree where the property obtained or used is a motor vehicle (as defined in section 22-3215(a));

(iv) A assault [Assault] (as defined in section 22-404(a)(2)); or

(v) Any combination thereof; and

(C) An adult offender (including a juvenile tried as an adult under this chapter) convicted of a felony or of misdemeanor assault; provided, that no more than 3 years have lapsed between the completion of his or her juvenile sentence and the adult conviction.

(4) This subsection permits the limited disclosure of information contained in records and files otherwise protected from disclosure under § 16-2333, but does not authorize disclosure of the records and files.

(5) This subsection shall apply only to individuals adjudicated after January 1, 2011, regardless of when the criminal offense occurred.

(6) Any law enforcement information shared with the public shall comply with Metropolitan Police Regulations that apply to adult criminal records, including the Duncan Ordinance (Chapter 10 of Title 1 of the District of Columbia Municipal Regulations)."

(f) Notwithstanding the confidentiality requirements of subsection (b) of this section, the Metropolitan Police Department shall make reports available to the public every 6 months of the number of children arrested in the District by the location of the police service area within which the juvenile suspect lives, and giving the location of the police service area within which the crime occurred, the charges, and the date of the crime.

(g) Notwithstanding subsection (a) of this section, a person shall provide information contained in law enforcement records and files concerning a child to the Attorney General for purposes of the website established and operated under section 16-2340a.

[(g)] *(h) No person shall disclose, inspect, or use records in violation of this section.*

* * * * *

§ 16-2340a. Website of updated statistics on juvenile crime

(a) *ESTABLISHMENT AND OPERATION OF WEBSITE.*—The Attorney General of the District of Columbia shall establish and operate a publicly accessible website which contains data on juvenile crime in the District of Columbia, including each of the following statistical measures:

(1) *The total number of juveniles arrested each year.*

(2) *The total number and percentage of juveniles arrested each year, broken down by age, race, and sex.*

(3) *Of the total number of juveniles arrested each year, the total number and percentage arrested for petty crime, including the following crimes:*

(A) *Vandalism.*

(B) *Theft.*

(C) *Shoplifting.*

(4) *Of the total number of juveniles arrested each year, the total number and percentage arrested for crime of violence (as defined in section 23-1331(4)).*

(5) *Of the total number of juveniles arrested each year, the total number and percentage who were arrested for their first offense.*

(6) *Of the total number of juveniles arrested each year, the total number and percentage who had been arrested previously.*

(7) *Of the total number of juveniles arrested each year who had been arrested previously, the total number and percentage of the number of arrests.*

(8) *Of the total number of juveniles arrested each year, the declination rate for prosecutions by the Office of the Attorney General for the District of Columbia.*

(9) *Of the total number of juveniles sentenced each year, the number and percentage who were tried as adults.*

(10) *Of the total number of juveniles prosecuted each year, the number and percentage who were not sentenced, who were sentenced to a misdemeanor, and who were sentenced to a felony.*

(11) *Of the total number of juveniles sentenced each year, the number and percentage of the length of time that will be served in a correctional facility as provided by the sentence.*

(b) *UPDATES.*—The Attorney General shall update the information contained on the website on a monthly basis.

(c) *MAINTAINING ARCHIVE OF INFORMATION.*—The Attorney General shall ensure that the information contained on the website is archived appropriately to provide indefinite public access to historical data of juvenile arrests and prosecutions.

(d) *FORMAT.*—The Attorney General shall ensure that the information contained in the website, including historical data described in subsection (c), is available in a machine-readable format available for bulk download.

(e) *PROHIBITING DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION.*—In carrying out this section, the Attorney General shall ensure that the website does not include any juvenile's personally identifiable information.

(f) *DEFINITIONS.*—In this section—

(1) *the term “crime” has the meaning given the term “offense” in section 23-1331(2); and*

(2) the term “juvenile” has the meaning given the term “youth offender” in section 2(6) of the Youth Rehabilitation Act of 1985 (sec. 24–901(6), D.C. Official Code).

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TITLE 24—PRISONERS AND THEIR TREATMENT.

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CHAPTER 9—YOUTH OFFENDER PROGRAMS.

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SUBCHAPTER I—YOUTH REHABILITATION.

§ 24–901. Definitions.

For purposes of this subchapter, the term:

- (1) “Committed youth offender” means an individual sentenced pursuant to this subchapter.
- (2) “Conviction” means the judgment on a verdict or a finding of guilty, a plea of guilty, or a plea of no contest.
- (3) “Court” means the Superior Court of the District of Columbia.
- (4) “District” means the District of Columbia.
- (5) “Treatment” means guidance for youth offenders designed to improve public safety by facilitating rehabilitation and preventing recidivism.
- (6) “Youth offender” means a person [24 years of age or younger] 18 years of age or younger at the time that the person committed a crime other than murder, first degree murder that constitutes an act of terrorism, second degree murder that constitutes an act of terrorism, first degree sexual abuse, second degree sexual abuse, and first degree child sexual abuse.

§ 24–902. Facilities, treatment, and services for youth offenders.

(a) The Mayor shall provide facilities, treatment, and services for the developmentally appropriate care, custody, subsistence, education, workforce training, and protection of the following youth offenders:

- (1) Those pending trial on charges of having committed misdemeanor or felony offenses under District law; and
- (2) Those convicted of misdemeanor or felony offenses under District law and who are in the District’s care or custody.

(a-1)(1) By September 30, 2019, the Mayor shall develop and submit to the Council a strategic plan for providing the facilities, treatment, and services for youth offenders required by subsection (a) of this section.

(2) The strategic plan shall include recommendations for adopting and implementing inter-agency programming by District agencies to address the following:

- (A) The educational, workforce development, behavioral and physical health care, housing, family, and reentry needs of

youth offenders before commitment, while in District or federal care or custody, and upon reentry;

(B) The availability of a continuum of developmentally appropriate, community-based services for youth offenders before commitment, while in District care or custody, and upon reentry;

(C) Best practices in restorative justice for victims, youth offenders, including for youth offenders convicted of violent offenses, and persons at risk of becoming youth offenders;

(D) The expansion of diversion programs for persons at risk of becoming youth offenders; and

(E) Outreach by the District to committed youth offenders in District or federal care or custody to identify needs for services and plan for reentry.

[(3) In developing the strategic plan required by this subsection, the Mayor shall consult with community-based organizations with expertise in juvenile justice issues and justice system-involved young adults 18 through 24 years of age.]

(c) The federal Bureau of Prisons is authorized to provide facilities, treatment, and services for the developmentally appropriate care, custody, subsistence, education, workforce training, segregation, and protection of youth offenders convicted of felony offenses under District law and in federal care or custody.

§ 24-903. Sentencing alternatives.

(a)(1) If the court determines that a youth offender would be better served by probation instead of confinement, it may suspend the imposition or execution of sentence and place the youth offender on probation.

(2) The court, as part of an order of probation of a youth offender [15 to 24 years of age] *15 to 18 years of age*, shall require the youth offender to perform not fewer than 90 hours of community service for a District government agency, a nonprofit, or a community service organization, unless the court determines that an order of community service would be unreasonable.

(2A) A positive test for use of marijuana, or a violation of § 48-1201, shall not be considered a violation of an order of probation unless the judicial officer expressly prohibits the use or possession of marijuana, as opposed to controlled substances generally, as a condition of probation.

(3) By September 30, 2019, the Mayor shall develop and furnish to the court a youth offender community service plan. The plan shall include:

(A) Procedures to certify a nonprofit or community service organization for participation in the program;

(B) A list of agencies of the District government or non-profit or community service organizations to which a youth offender may be assigned for community service work;

(C) A description of the community service work to be performed by a youth offender in each of the named agencies or organizations;

(D) Procedures to monitor the attendance and performance of a youth offender assigned to community service work;

(E) Procedures to report to the court a youth offender's absence from a court-ordered community service work assignment; and

(F) Procedures to notify the court that a youth offender has completed the community service ordered by the court.

(4) If the court unconditionally discharges a youth offender from probation pursuant to § 24-906(b), the court may discharge the youth offender from any uncompleted community service requirement in excess of 90 hours. The court shall not discharge the youth offender from completion of the minimum of 90 hours of community service.

(b)(1) If the offense for which a youth offender is convicted is punishable by imprisonment under applicable provisions of law other than this subsection, the court may use its discretion in sentencing the youth offender pursuant to this subchapter, up to the maximum penalty of imprisonment otherwise provided by law.

(2) Notwithstanding any other law, the court may, in its discretion, issue a sentence less than any mandatory-minimum term otherwise required by law.

(3) The youth offender shall serve the court's sentence unless released sooner as provided in § 24-904.

(c)(1) If the court sentences a youth offender under this subchapter, the court shall make a written statement on the record of the reasons for its determination. Any statement concerning or related to the youth offender's contacts with the juvenile justice system or child welfare authorities, or medical and mental health records, shall be conducted at the bench and placed under seal. The youth offender shall be entitled to present to the court facts that would affect the court's sentencing decision.

(2) In using its discretion in sentencing a youth offender under this subchapter, the court shall consider:

(A) The youth offender's age at the time of the offense;

(B) The nature of the offense, including the extent of the youth offender's role in the offense and whether and to what extent an adult was involved in the offense;

(C) Whether the youth offender was previously sentenced under this subchapter;

(D) The youth offender's compliance with the rules of the facility to which the youth offender has been committed, and with supervision and pretrial release, if applicable;

(E) The youth offender's current participation in rehabilitative District programs;

(F) The youth offender's previous contacts with the juvenile and criminal justice systems;

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

(H) The youth offender's ability to appreciate the risks and consequences of the youth offender's conduct;

(I) Any reports of physical, mental, or psychiatric examinations of the youth offender conducted by licensed health care professionals;

(J) The youth offender's use of controlled substances that are unlawful under District law;

(K) The youth offender's capacity for rehabilitation;

(L) Any oral or written statement provided pursuant to § 23-1904 or 18 U.S.C. § 3771 by a victim of the offense, or by a family member of the victim if the victim is deceased; and

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

(d) If the court does not sentence a youth offender under this subchapter, the court shall make a written statement on the record of the reasons for its determination and may sentence the youth offender under any other applicable penalty provision. Any statement concerning or related to the youth offender's contacts with the juvenile justice system or child welfare authorities, or medical and mental health records, shall be conducted at the bench and placed under seal.

(e) If the court desires additional information as to whether a youth offender will benefit from sentencing under subsection (b) of this section, the court may order that the youth offender be committed for observation and study at an appropriate classification center or agency. Within 60 days from the date of the order or an additional period that the court may grant, the court shall receive the report.

(f) Subsections (a) through (e) of this section provide sentencing alternatives in addition to the options already available to the court.

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DISTRICT OF COLUMBIA HOME RULE ACT

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TITLE VI—RESERVATION OF CONGRESSIONAL AUTHORITY

* * * * *

LIMITATIONS ON THE COUNCIL

SEC. 602. (a) The Council shall have no authority to pass any act contrary to the provisions of this Act except as specifically provided in this Act, or to—

(1) impose any tax on property of the United States or any of the several States;

(2) lend the public credit for support of any private undertaking;

(3) enact any act, or enact any act to amend or repeal any Act of Congress, which concerns the functions or property of the United States or which is not restricted in its application exclusively in or to the District;

(4) enact any act, resolution, or rule with respect to any provision of title 11 of the District of Columbia Code (relating to organization and jurisdiction of the District of Columbia courts);

(5) impose any tax on the whole or any portion of the personal income, either directly or at the source thereof, of any individual not a resident of the District (the terms "individual" and "resident" to be understood for the purposes of this para-

graph as they are defined in section 4 of title I of the District of Columbia Income and Franchise Tax Act of 1947);

(6) enact any act, resolution, or rule which permits the building of any structure within the District of Columbia in excess of the height limitations contained in section 5 of the Act of June 1, 1910 (D.C. Code, sec. 5-405), and in effect on the date of enactment of this Act;

(7) enact any act, resolution, or regulation with respect to the Commission of Mental Health;

(8) enact any act or regulation relating to the United States District Court for the District of Columbia or any other court of the United States in the District other than the District courts, or relating to the duties or powers of the United States attorney or the United States Marshal for the District of Columbia;

(9) enact any act, resolution, or rule with respect to any provision of title 23 of the District of Columbia Code (relating to criminal procedure), or with respect to any provision of any law codified in title 22 or 24 of the District of Columbia Code (relating to crimes and treatment of prisoners), or with respect to any criminal offense pertaining to articles subject to regulation under chapter 32 of title 22 of the District of Columbia Code, during the forty-eight full calendar months immediately following the day on which the members of the Council first elected pursuant to this Act take office; **[or]**

(10) enact any act, resolution, or rule with respect to the District of Columbia Financial Responsibility and Management Assistance Authority established under section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995**[.]**; *or*

(11) enact any act, resolution, or rule to change any criminal liability sentence in effect on the date of the enactment of the DC CRIMES Act of 2024.

(b) Nothing in this Act shall be construed as vesting in the District government any greater authority over the National Zoological Park, the National Guard of the District of Columbia, the Washington Aqueduct, the National Capital Planning Commission, or, except as otherwise specifically provided in this Act, over any Federal agency, than was vested in the Commissioner prior to the effective date of title IV of this Act.

(c)(1) Except acts of the Council which are submitted to the President in accordance with the Budget and Accounting Act, 1921, any act which the Council determines according to section 412(a), should take effect immediately because of emergency circumstances, and acts proposing amendments to title IV of this Act and except as provided in section 462(c) and section 472(d)(1), the Chairman of the Council shall transmit to the Speaker of the House of Representatives, and the President of the Senate a copy of each act passed by the Council and signed by the Mayor, or vetoed by the Mayor and repassed by two-thirds of the Council present and voting, each act passed by the Council and allowed to become effective by the Mayor without his signature, and each initiated act and act subject to referendum which has been ratified by a majority of the registered qualified electors voting on the initiative or referendum. Except as provided in paragraph (2), such act

shall take effect upon the expiration of the 30-calendar-day period (excluding Saturdays, Sundays, and holidays, and any day on which neither House is in session because of an adjournment sine die, a recess of more than three days, or an adjournment of more than three days) beginning on the day such act is transmitted by the Chairman to the Speaker of the House of Representatives and the President of the Senate, or upon the date prescribed by such act, whichever is later, unless during such 30-day period, there has been enacted into law a joint resolution disapproving such act. In any case in which any such joint resolution disapproving such an act has, within such 30-day period, passed both Houses of Congress and has been transmitted to the President, such resolution, upon becoming law, subsequent to the expiration of such 30-day period, shall be deemed to have repealed such act, as of the date such resolution becomes law. The provisions of section 604, except subsections (d), (e), and (f) of such section, shall apply with respect to any joint resolution disapproving any act pursuant to this paragraph.

(2) In the case of any such Act transmitted by the Chairman with respect to any Act codified in title 22, 23, or 24 of the District of Columbia Code, such act shall take effect at the end of the 60-day period beginning on the day such act is transmitted by the Chairman to the Speaker of the House of Representatives and the President of the Senate unless, during such 60-day period, there has been enacted into law a joint resolution disapproving such act. In any case in which any such joint resolution disapproving such an act has, within such 60-day period, passed both Houses of Congress and has been transmitted to the President, such resolution, upon becoming law subsequent to the expiration of such 60-day period shall be deemed to have repealed such act, as of the date such resolution becomes law. The provisions of section 604, relating to an expedited procedure for consideration of joint resolutions, shall apply to a joint resolution disapproving such Act as specified in this paragraph.

(3) The Council shall submit with each Act transmitted under this subsection an estimate of the costs which will be incurred by the District of Columbia as a result of the enactment of the Act in each of the first 4 fiscal years for which the Act is in effect, together with a statement of the basis for such estimate.

* * * * *

MINORITY VIEWS

We strongly oppose H.R. 7530 because we support home rule for the District of Columbia.

I. DEMOCRACY AND AUTONOMY

The Merriam-Webster dictionary defines democracy as “government by the people” and “a government in which the supreme power is vested in the people and exercised by them directly or indirectly through a system of representation usually involving periodically held free elections.”¹ By definition, the United States is a democracy, but its capital is not.

The principles of no taxation without representation and consent of the governed helped launch the American Revolution and are enshrined in the Declaration of Independence. Yet, D.C. residents, who pay all federal taxes, have no voting representation in Congress, and Congress has plenary authority over D.C.²

The Majority claims Congress has a constitutional duty to legislate on local D.C. matters. That is false. The Majority chooses to legislate on local D.C. matters only when it thinks it can score political points.

Despite giving Congress plenary authority over D.C., the Framers expected Congress to establish a local government for D.C.³ Indeed, Congress has established various forms of local government for D.C. since 1802.⁴ The U.S. Supreme Court has held that “there is no constitutional barrier to the delegation by Congress to the District of Columbia of full legislative power.”⁵

In 1973, Congress passed the D.C. Home Rule Act, which established an elected chief executive (the D.C. Mayor) and an elected legislature (the D.C. Council) for D.C.⁶ The intent of the Home Rule Act is to, among other things, “grant to the inhabitants of the District of Columbia powers of local self-government” and “relieve Congress of the burden of legislating upon essentially local District matters.”⁷ H.R. 7530, which would prohibit the D.C. Council from ever changing “any criminal liability sentence,” amend D.C.’s Youth Rehabilitation Amendment Act of 1985 (YRA), and require the D.C. Attorney General to post on a public website information about crime, clearly contravenes the intent of the Home Rule Act.

¹Merriam-Webster Dictionary, *Definition of “Democracy”* (online at www.merriam-webster.com/dictionary/democracy) (accessed Feb 6, 2024).

²U.S. Const. art. I, § 8, cl. 17.

³ “[A] municipal legislature for local purposes, derived from their own suffrages, will of course be allowed them.” The Federalist No. 43, at 240–241 (James Madison) (Clinton Rossiter ed., 1961).

⁴ See House Committee on the District of Columbia, *Governance of the Nation’s Capital: A Summary History of the Forms and Powers of Local Government for the District of Columbia, 1790 to 1973*, 101st Cong. (1990).

⁵ *District of Columbia v. John R. Thompson Co., Inc.*, 346 U.S. 100, 109 (1953).

⁶ Pub. L. No. 93–198 (1973).

⁷ *Id.*

D.C. Mayor Muriel Bowser and D.C. Council Chair Phil Mendelson urged the Committee to oppose this bill.⁸ The D.C. Council has 13 members, who are elected by, and accountable to, D.C. residents. Congress has 535 voting members, none of whom are elected by, or accountable to, D.C. residents. Two days before the Committee’s business meeting on H.R. 7530, the Council passed a sweeping bill, the Secure DC Omnibus Amendment Act of 2024, intended to reduce crime.⁹

Instead of interfering in local D.C. matters, Congress should finally pass the D.C. statehood bill, H.R. 51, the Washington, D.C. Admission Act.

II. PROHIBITION ON D.C. COUNCIL

H.R. 7530 is a radical bill. It would strip the D.C. Council of authority over criminal laws, though the scope of the authority withdrawn is unknown. Under H.R. 7530, the Council may not “enact any act, resolution, or rule to change any criminal liability sentence in effect on the date of the enactment of the DC CRIMES Act of 2024.”

H.R. 7530 is also a poorly drafted bill. The term “criminal liability sentence” is neither defined in the bill nor a term of art, and we do not know what the Majority intends the term to mean. Courts, not legislatures, impose sentences on individuals convicted of crimes. Whatever the term means, the one thing that is clear is that the Council would no longer have the authority to change, including increase, any criminal liability sentence in effect on the date of the enactment of the bill, regardless of the circumstances.

III. YOUTH REHABILITATION ACT

D.C.’s YRA gives the adult court discretion to use sentencing alternatives for a person under the age of 25 at the time that the person committed a crime other than murder, sexual abuse, and child sexual abuse.¹⁰ The YRA also allows the court, at the completion of a sentence for such a person, to “set aside,” or seal, the conviction.¹¹ The YRA is not unique. Six states have laws like the YRA, five of which are represented by Republicans on the Committee, including Florida, the home state of the sponsor of H.R. 7530.¹² If members of the Majority do not like the laws of their states, we recommend they petition their state legislatures for changes, rather than meddle in local D.C. matters.

IV. CRIME IN RED STATES

The Majority also seems to suggest that crime occurs only in D.C. and other blue cities and states. In fact, the murder rate is higher in red states than blue states. For each year from 2000 to

⁸ Letter from District of Columbia Mayor Muriel Bowser and Council of the District of Columbia Chair Phil Mendelson to Chairman James Comer and Ranking Member Jamie Raskin, Committee on Oversight and Accountability (Mar. 6, 2024).

⁹ D.C. Act 25–411.

¹⁰ D.C. Law 6–69.

¹¹ *Id.*

¹² Columbia University Justice Lab, *Time for Change: A National Scan and Analysis of Hybrid Justice Systems for Emerging Adults* (July 2023) (online at <https://static1.squarespace.com/static/5c6458c07788975dfd586d90/t/64b5c336101e34528d39e3f4/1689633591368/Time+for+Change+%282023%29+Full+Report.pdf>).

2020, the murder rate in the 25 states that voted for President Trump was higher than the murder rate in the 25 states that voted for President Biden.¹³ If the Majority wants to combat crime—in both red and blue jurisdictions—they should work with us to pass federal gun violence prevention legislation, such as requiring universal background checks for gun purchases and banning assault weapons and large-capacity magazines.

V. CONCLUSION

All Americans are born equal; all of us have unalienable rights, including the rights to life, liberty, and the pursuit of happiness; government exists legitimately only resting on the consent of the governed; and no people should be governed or taxed without their own direct representation. For these reasons, we strongly oppose H.R. 7530 and any other effort to undermine the will of D.C. voters and their elected representatives. The American citizens who live in D.C. want statehood for D.C., and Congress should heed their calls.

JAMIE RASKIN,
Ranking Member.



¹³Third Way, *The Two-Decade Red State Murder Problem* (Jan. 27, 2023) (online at <https://thirdway.org/report/the-two-decade-red-state-murder-problem>).