



District of Columbia Sentencing and Criminal Code Revision Commission

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Telephone (202) 727-8822 Fax (202) 727-7929

MINUTES OF FULL COMMISSION MEETING

June 18, 2013

One Judiciary Square, Suite 430S
Washington, DC 20001

Members in Attendance:

Frederick Weisberg
Julie Samuels
Thomas Kane
Laura Hankins
Melanie Bates
Harold Cushenberry

Paul Butler
Renata Kendrick Cooper
Molly Gill
Donald Braman
Meghan Murphy

Dave Rosenthal
Ramsey Johnson
Michael Anzallo
Stephen Husk

Staff in Attendance:

Barbara Tombs-Souvey
Richard Schmechel
Anu Shrestha
Linden Fry (via conf. call)

Mia Hebb
Thurman Sanders
Leah Branch

Jessica Peterson
Rachel Redfern
Michael Serota

Guests:

Gerry Roth, Data System Project Manager

- I. The meeting was called to order by Chairman Weisberg at 5:00 p.m.
- II. The minutes from the May 21, 2013, meeting were reviewed, amended, and approved.
- III. Data System Project Update – Informational Item, Gerry Roth, Project Manager:

Status of interim CSOSA Solution: Gerry Roth stated that the Commission and CSOSA have agreed upon an interim solution to allow for the transfer of criminal history information from CSOSA to the Commission. The interim solution is scheduled for integration into the new data system in Release Three, in October 2013.

Key Projects Activities: Mr. Roth reported that the data system project is on schedule and moving forward as planned and minor “bug-fixes” issues are being addressed. Mr. Roth stated that the functional testing between the Commission, CJCC, and the Court is complete. Mr. Roth reported that the initial planning and development of Release Two, which will contain additional statistical analysis capabilities, is on target for delivery on August 30, 2013.

IV. Criminal Code Revision Project Quarterly Report Overview - Informational Item, Richard Schmechel, Project Director:

Discussion of Key Project Activities: Richard Schmechel reported that the Criminal Code Revision Committee had met twice a month during the past quarter. He noted that the Committee's discussions primarily focused on drafting new code provisions that would establish clear and consistent mental state definitions for most offenses. Mr. Schmechel used the District's assault statute as an example of how new mental state definitions could help resolve confusion in current case law. Mr. Schmechel noted that all jurisdictions that have undergone a comprehensive criminal code revision have adopted new mental state definitions that apply to most offenses. In concluding his presentation Mr. Schmechel stated that the Committee's work during the next quarter would continue to focus on drafting provisions regarding mental state definitions and other general provisions, following the Project Management Plan previously approved by the Commission.

Questions from Commission Members: Commission members asked several questions, including the availability of model legislation. Mr. Schmechel said that the Committee was examining many jurisdictions' code language, as well as prior proposals in the District, as it prepares its recommendations for code revision.

V. Discussion and Approval of Proposed Rankings - Action Item, Linden Fry, General Counsel:

Discussion of Proposed Offense Rankings: Linden Fry gave an overview of the discussion at the Commission's May meeting, and the Ranking Committee further discussion relating to the ranking of "while armed sex offenses." The Committee agreed on two proposed rankings: (1) to move second degree sex abuse while armed from Master Group 5 to Master Group 4; (2) to rank third degree sex abuse while armed in Master Group 5.

Mr. Fry then discussed the rankings of terrorism offenses contained in Title 22, Chapter 31B of the D.C. Code. Mr. Fry stated that the Committee discussed the terrorism rankings and was able to reach agreement on most of the proposed rankings except for armed and unarmed attempt/conspiracy to commit first degree murder and murder of law enforcement an act of terrorism. Mr. Fry asked the Commission to discuss and review these proposed rankings.

Commission Action #1: The Commission voted to move second degree sex abuse while armed from Master Group 5 to Master Group 4 and to rank third degree sex abuse while armed in Master Group 5. The vote passed with 10 to 0.

Commission Action #2: The Commission agreed to defer the ranking of Acts of Terrorism for further discussion before it is ranked at the September 17, 2013, Commission meeting.

Meeting Adjourned: 6:25 pm

NEXT MEETING:

Tuesday, September 17, 2013, One Judiciary Square (441 4th St., NW), Room 430S.