

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Revised Criminal Code Act of 2022 to amend the definitions of comparable offense and possession of a firearm by an unauthorized person so that individuals convicted of felonies under current law may later be charged with possession of a firearm by an unauthorized person after the effective date of the Revised Criminal Code Act of 2022, to amend the elements required to establish an unauthorized use of a motor vehicle offense and penalties for the offense, to amend first degree burglary to clarify that a person does not have to directly perceive the actor while the actor is inside, to amend elements for resisting arrest, to amend blocking a public way to include public and private blocking, to increase the penalties for unauthorized use of a motor vehicle, first degree burglary, carrying a dangerous weapon, possession of a firearm by an unauthorized person, robbery, and carjacking, to create new penalty enhancements for carjacking and robbery offenses, and to repeal section 202 of Title II that expands the right to a jury trial, to repeal section 205(b) of Title II that expands modifications of imposed terms of imprisonment, and to change the applicability date to January 1, 2027.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Revised Criminal Code Amendment Act of 2023”.

Sec. 2. The Revised Criminal Code Act of 2022, enacted January 17, 2023 (D.C. Act 24-789), is amended as follows:

(a) Section 22A-101 is amended as follows:

(1) Paragraph (20) is amended to read as follows:

“(20) Comparable Offense” means an offense committed against the District of Columbia, a state, a federally recognized Indian tribe, or the United States and its

1 territories that involved conduct that would, if committed in the District of Columbia, either  
2 constitute or be substantially similar to:

3 “(A) An offense under this title or other District law; or

4 “(B) An offense under District law no more than six months before  
5 the applicability date of this act.”

6 (b) Section 22A-3203 is amended as follows:

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

8 (A) The lead-in language is amended by striking the word “actor” and  
9 inserting the phrase “actor in fact” in its place.

10 (B) Paragraph (1) is amended by striking the phrase “Knowingly operates”  
11 and inserting the word “Uses or operates” in its place.

12 (2) Subsection (c) is amended to read as follows:

13 “(c) *Penalties.* Unauthorized use of a motor vehicle is a Class 6 felony.”.

14 (c) Section 22A-3801 is amended as follows:

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

16 (A) Paragraph (3) is amended by striking the semicolon at the end and  
17 inserting the phrase “; and” in its place.

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

20 (C) Paragraph (5) is repealed.

21 (2) Subsection (d) is amended as follows:

22 (A) Paragraph (1) is amended to read as follows:

23 “(1) First degree burglary is a Class 3 felony.”.

1 (B) Paragraph (2) is amended by striking the phrase “Class 8” and  
2 inserting the phrase “Class 5” in its place.

3 (d) Section 22A-4404(a)(2)(ii) is amended by striking the word “substantial.”

4 (e) Section 22A-5203 is amended to read as follows:

5 “22A-5203. Blocking passage.

6 “(a) *Offense.* An actor commits blocking passage when the actor:

7 “(1) Knowingly blocks a:

8 “(A) Street, sidewalk, bridge, path, passageway, entrance or exit of any  
9 public building or enclosure; or

10 “(B) The entrance or exit of any private building or enclosure, without the  
11 consent of the owner of that building or enclosure or any other person authorized to consent to  
12 such blocking; and

13 “(2) Continues or resumes the blocking after receiving a law enforcement  
14 officer’s order that, in fact, is lawful, to stop.

15 “(b) *Prosecutorial authority.* The Attorney General for the District of Columbia shall  
16 prosecute violations of this section.

17 “(c) *Penalties.* Blocking passage is a Class C misdemeanor.”.

18 (f) Section 22A-5104(f) is amended as follows:

19 (1) Paragraph (1) is amended by striking the phrase “Class 8” and inserting the  
20 phrase “Class 7” in its place.

21 (2) Paragraph (2) is amended by striking the phrase “Class 9” and inserting the  
22 phrase “Class 8 in its place.

23 (g) Section 22A-5107 is amended as follows:

1 (1) Subsection (b)(2) is amended to read as follows:

2 “(2) In addition:

3 “(A) Is a fugitive from justice;

4 “(B) Has a prior conviction for what is, in fact:

5 “(i) An offense punishable by imprisonment for a term exceeding  
6 one year or a felony;

7 “(ii) An offense under this subchapter, an offense under the former  
8 Chapter 45 of the former Title 22 of the District of Columbia Official Code, as such chapter and  
9 title existed immediately prior to the applicability date of the Revised Criminal Code Act of  
10 2022, if committed immediately prior to the applicability date of the Revised Criminal Code Act  
11 of 2022, or a comparable offense, committed within 5 years of the current possession of a  
12 firearm; or

13 “(iii) An intrafamily offense, as that term is defined in § 16-  
14 1001(8), or a comparable offense, committed within 5 years of the current possession of a  
15 firearm;

16 “(C) Is subject to a final civil protection order issued under § 16-1005 or a  
17 final anti-stalking order issued under § 16-1064; or

18 “(D) Is subject to a court order that:

19 “(i)(I) Was issued after a hearing of which the actor received actual  
20 notice, and at which the actor had an opportunity to participate; or

21 “(II) Remained in effect after the person failed to appear for  
22 a hearing of which the actor received actual notice;

1                   “(ii) Restrains the actor from assaulting harassing, stalking, or  
2 threatening any other person, or requires the actor to stay away from, or have no contact with,  
3 any other person or a location; and

4                   “(iii) Requires the actor to relinquish possession of any firearms.”.

5                   (2) Subsection (e) is amended as follows:

6                   (A) Paragraph (1) is amended by striking the phrase “Class 8” and  
7 inserting the phrase “Class 6” in its place.

8                   (B) Paragraph (2) is amended by striking the phrase “Class 9” and  
9 inserting the phrase “Class 7” in its place.

10                  (h) Section 22A-2201(e) is amended as follows:

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

12                  “(1) First degree robbery is a Class 5 felony, but not withstanding § 22A-603, the  
13 maximum term of imprisonment for first degree robbery is 20 years.”.

14                  (2) Paragraph (2) is amended by striking the phrase “Class 8” and inserting the  
15 phrase “Class 6” in its place.

16                  (3) Paragraph (3) is amended by striking the phrase “Class 9” and inserting the  
17 phrase “Class 7” in its place.

18                  (4) Paragraph (4) is amended to read as follows:

19                  “(4) *Penalty enhancement for first degree robbery.* The penalty classification for  
20 first degree robbery shall be increased by two classes when the actor commits the offense:

21                          “(A) Reckless as to the fact that the complainant is a protected person; or

22                          “(B) By using or displaying what is, in fact, a dangerous weapon or  
23 imitation dangerous weapon.”.

1                   “(5) *Penalty enhancement for second degree robbery.* The penalty classification  
2 of second degree robbery shall be increased by one class when the actor commits the offense:

3                   “(A) Reckless as to the fact that the complainant is a protected person; or

4                   “(B) By using or displaying what is, in fact, a dangerous weapon or  
5 imitation dangerous weapon.

6                   “(6) *Penalty enhancement for third degree robbery.* The penalty classification of  
7 third degree robbery shall be increased by one class when the actor commits the offense:

8                   “(A) Reckless as to the fact that the complainant is a protected person; or

9                   “(B) By using or displaying what is, in fact, a dangerous weapon or  
10 imitation dangerous weapon.

11                   (i) Section 22A-2202(e) is amended as follows:

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

13                   “(1) First degree carjacking is a Class 5 felony, but notwithstanding § 22A-603,  
14 the maximum term of imprisonment for first degree carjacking is 21 years.”

15                   (2) Paragraph (2) is amended by striking the phrase “Class 7” and inserting the  
16 phrase “Class 5” in its place.

17                   (3) Paragraph (3) is amended by striking the phrase “Class 8” and inserting the  
18 phrase “Class 6” in its place.

19                   (4) Paragraph (4) is amended to read as follows:

20                   “(4) *Penalty enhancements for carjacking.* The penalty classification for first  
21 degree, second degree, or third degree carjacking shall be increased by two classes when the  
22 actor commits the offense:

23                   “(A) Reckless as to the fact that the complainant is a protected person; or

1                   “(B) By using or displaying what is, in fact, a dangerous weapon or  
2 imitation dangerous weapon.”.

3                   (5) Paragraphs (5) and (6) are repealed.

4                   (j) Section 202(a) is repealed.

5                   (k) Section 205(b) is repealed.

6                   (l) Section 501 is amended by striking the phrase “October 1, 2025” and inserting the  
7 phrase “January 1, 2027” in its place.

8                   Sec. 3. Fiscal impact statement.

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

12                  Sec. 4. Effective date.

13                  This act shall take effect following approval by the Mayor (or in the event of veto by the  
14 Mayor, action by the Council to override the veto), a 60-day period of congressional review as  
15 provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December  
16 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of  
17 Columbia Register.