

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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District of
Columbia
Official Code*

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To amend, on a temporary basis, Chapter 23 of Title 16 of the District of Columbia Official Code to require that factfinding hearings be conducted within specified time frames for juveniles ordered into secure detention or ordered into shelter care, and to require the Council to contract with a nonprofit organization with expertise in juvenile justice to conduct a study evaluating the impact of the required time frames upon the administration of justice in the Family Court of the Superior Court of the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Juvenile Speedy Trial Equity Temporary Act of 2008”.

Sec. 2. Chapter 23 of Title 16 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding the phrase “16-2310.02. Six-month study of time frames.” after the phrase “16-2310.01. Separation of young children detained prior to a hearing.”.

(b) Section 16-2310 is amended as follows:

(1) Subsection (e) is amended as follows:

(A) The lead-in text is amended by striking the phrase “placed in secure detention” and inserting the phrase “ordered into secure detention or ordered into shelter care” in its place.

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

“(1)(A) Except as provided in subparagraph (B) of this paragraph and paragraph (2) of this subsection, whenever a child has been ordered into secure detention before a factfinding hearing pursuant to §§ 16-2310 through 16-2313, the factfinding hearing set forth in § 16-2316 shall commence not later than 30 days from the date at which the Family Court ordered the child to be detained pursuant to § 16-2312.

“(B) Except as provided in paragraph (2) of this subsection, whenever a child is charged with murder, assault with intent to kill, first degree sexual abuse, burglary in the

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first degree, or robbery while armed, and the child has been ordered into secure detention before a factfinding hearing pursuant to §§ 16-2310 through 16-2313, the factfinding hearing set forth in § 16-2316 shall commence not later than 45 days from the date at which the Family Court ordered the child to be detained pursuant to § 16-2312.

"(C) Except as provided in paragraph (2) of this subsection, whenever a child has been ordered into shelter care before a factfinding hearing pursuant to §§ 16-2310 through 16-2313, the factfinding hearing set forth in § 16-2316 shall commence not later than 45 days from the date at which the Family Court ordered the child to be placed in shelter care pursuant to § 16-2312."

(C) Paragraph (2) is amended to read as follows:

"(2)(A) Except as provided in subparagraphs (B) and (C) of this paragraph, upon motion of the Attorney General, for good cause shown, the factfinding hearing of a child ordered into secure detention or a child who is ordered into shelter care may be continued, and the child continued in secure detention or shelter care, for only one additional period, not to exceed 30 days.

"(B) Upon motion of the Attorney General, for good cause shown, the factfinding hearing may be continued, and the child continued in secure detention or shelter care, for additional periods not to exceed 30 days each, if:

"(i) The child is charged with murder, assault with intent to kill, or first degree sexual abuse;

"(ii) The child is charged with a crime of violence, as defined in § 23-1331(4), committed while using a pistol, firearm, or imitation firearm; or

"(iii) Despite the exercise of due diligence by the District and the federal agency, DNA evidence, analysis of controlled substances, or other evidence processed by federal agencies has not been completed.

"(C)(i) Upon a motion by or on behalf of the child consistent with the rules of the Superior Court of the District of Columbia, the factfinding hearing of a child ordered into secure detention or a child who is ordered into shelter care may be continued for additional periods not to exceed 30 days each.

"(ii) A motion made under sub-subparagraph (i) of this subparagraph shall not be construed as a waiver of the child's speedy trial rights under this section nor under the Sixth Amendment of the United States Constitution.

"(D) Additional continuances of the factfinding hearing may be granted to the Office of Attorney General if the child is no longer in either secure detention or shelter care."

(D) Paragraph (4) is amended by striking the phrase "in secure detention shall be released from custody" and inserting the phrase "in secure detention or shelter care shall be released from custody or shelter care" in its place.

(2) A new subsection (f) is added to read as follows:

"(f) No provision of this section shall be interpreted as a bar to any claim of denial of speedy trial as required by the Sixth Amendment of the United States Constitution."

(c) A new section 16-2310.02 is added to read as follows:

"§ 16-2310.02. Sixth-month study of time frames.

"(a) Subject to the availability of appropriations, the Council, no later than January 15, 2008, shall contract with a nonprofit organization with expertise in juvenile justice to conduct a 6-month study evaluating the effect upon the administration of justice in the Family Court of the Superior Court of the District of Columbia of the time frames set forth in § 16-2310(e) for conducting factfinding hearings for children ordered into secure detention or ordered into shelter care. The study shall be done in consultation with the Council, the Superior Court of the District of Columbia, the Attorney General for the District of Columbia, the District of Columbia Department of Youth Rehabilitation Services, and the Public Defender Service of the District of Columbia.

"(b) The study shall review:

"(1) The length of time that children spend in both secure detention and shelter care awaiting a plea or factfinding hearing;

"(2) The length of time that children spend in both secure detention and shelter care awaiting disposition after a factfinding hearing;

"(3) The length of time children ordered to shelter care spend in secure detention while on the shelter home waiting list;

"(4) The effect, if any, the provisions of § 16-2310(e) have on the rate at which children ordered into secure detention and children ordered into shelter care have their factfinding hearings;

"(5) Causes for delays in case processing for children ordered into secure detention and children ordered into shelter care, including the frequency of and reasons for continuances; and

"(6) The impact the time frames for conducting factfinding hearings set forth in § 16-2310(e) have on public safety.

"(c) The study shall:

"(1) Identify barriers to compliance with the time frames for conducting factfinding hearings set forth in § 16-2310(e);

"(2) Recommend whether the time frames for conducting factfinding hearings set forth in § 16-2310(e) should be adjusted; and

"(3) Make any other recommendations its authors consider appropriate."

Sec. 3. Applicability.

Section 2(b) shall apply as of January 15, 2008.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

Chairman
Council of the District of Columbia

Mayor
District of Columbia