

ENROLLED ORIGINAL

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on a temporary basis, sections 16-803 and 16-803.01 of the District of Columbia Official Code to establish the burden of proof for certain cases covered by these sections.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Criminal Record Sealing Temporary Act of 2013”.

Sec. 2. Chapter 8 of Title 16 of the District of Columbia Official Code is amended as follows:

(a) Section 16-803(i)(1) is amended to read as follows:

“(i)(1) In a motion filed under subsection (a), (c-1), or (c-2) of this section, the burden shall be on the prosecutor to establish by a preponderance of the evidence that it is not in the interests of justice to grant relief.”.

(b) Section 16-803.01(b)(2) is amended to read as follows:

“(2)(A) In all other cases under this section, the Superior Court may grant a motion to seal if it is in the interest of justice to do so. In making this determination, the court shall consider:

“(i) The interests of the movant in sealing the publicly available records of his or her arrest and related court proceedings;

“(ii) The community’s interest in retaining access to those records;

“(iii) The community’s interest in furthering the movant’s rehabilitation and enhancing the movant’s employability; and

“(iv) Any other information it considers relevant.

“(B) “The burden shall be on the movant to establish by a preponderance of the evidence that it is in the interest of justice to grant relief.”.

Sec. 3. Applicability.

This act shall apply as of June 15, 2013.

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)).

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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