

COUNCIL OF THE DISTRICT OF COLUMBIA

20 DCSTAT 2412

D.C. Act 20-168, effective September 30, 2013 (Expiration date December 28, 2013)

AN ACT

Bill 20-436

**Emergency
Declaration
Res. 20-270
20 DCStat 2655**

**Codification
District of
Columbia
Official Code
2001 Edition**

**Criminal
Record
Sealing
Congressional
Review
Emergency
Act of 2013**

To amend, on an emergency basis, due to Congressional review, 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 Congressional Review Emergency 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:

**Note,
§ 16-803**

“(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:

**Note,
§ 16-803.01**

“(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 September 29, 2013.

**Applicable
September 29,
2013**

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director for Bill 20-334 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.

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), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).