

AN ACT

Bill 19-525  
Act 19-479  
effective  
October 10,  
2012

Codification  
District of  
Columbia  
Official Code  
2001 Edition

*To amend the Medical and Geriatric Parole Act of 1992 to expand the Bureau of Prisons's compassionate release procedures to include misdemeanants, to authorize the Department of Corrections to move for compassionate release under certain circumstances, and to prohibit compassionate geriatric release for persons who were convicted of murder and armed crimes.*

Compassionate  
Release  
Authorization  
Amendment  
Act of 2012

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Compassionate Release Authorization Amendment Act of 2012".

Sec. 2. The Medical and Geriatric Parole Act of 1992, effective May 15, 1993 (D.C. Law 9-271; D.C. Official Code § 24-461 et seq.), is amended as follows:

(a) Section 8 (D.C. Official Code § 24-467) is amended to read as follows:

Amend  
§ 24-467

"Sec. 8. Exceptions.

"Persons convicted of first degree murder or persons sentenced for crimes committed when armed under section 2 of An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4502), or under section 4(b) of An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 651; § 22-4504(b)), or under section 811a of An Act To establish a code of law for the District of Columbia, effective May 8, 1993 (D.C. Law 9-270; D.C. Official Code § 22-2803), shall not be eligible for geriatric parole or geriatric suspension of sentence."

(b) Section 8a (D.C. Official Code § 24-468) is amended to read as follows:

Amend  
§ 24-468

"Sec. 8a. Medical and geriatric suspension of sentence.

"(a)(1) Upon a motion by the Director of the Federal Bureau of Prisons, the court may suspend execution of the sentence of any person convicted under the District of Columbia Official Code of a felony or of a felony and a misdemeanor committed on or after August 5, 2000, and sentenced to a determinate term of imprisonment which is not subject to parole and, notwithstanding D.C. Official Code § 16-710(b), shall impose a period of probation to follow release equal to the period of incarceration that was suspended. A copy of the motion shall be served on the prosecutor and counsel for the inmate.

"(2) Upon a motion by the Director of the Department of Corrections, the court may suspend execution of the sentence of any person convicted under the District of Columbia Official Code of a felony committed on or after August 5, 2000, who has not commenced serving that sentence at the Bureau of Prisons or a Bureau of Prisons's contract facility, including the Department of Corrections, or of any person convicted under the District of Columbia Official

Code of a misdemeanor committed on or after August 5, 2000, and, notwithstanding D.C. Official Code § 16-710(b), shall impose a period of probation to follow release equal to the period of incarceration that was suspended. A copy of the motion shall be served on the prosecutor and counsel for the inmate. This paragraph shall not apply to any person who is physically present in a Department of Corrections facility pursuant to a writ of habeas corpus, at the request of a prosecutor or defense attorney, or because of a parole or supervised release detainer.

“(b)(1) The court may suspend execution of a sentence pursuant to subsection (a)(1) or (a)(2) of this section only if, after giving the prosecutor and counsel for the inmate notice and an opportunity to be heard, the court finds that:

“(A) The inmate is permanently incapacitated or terminally ill because of a medical condition that was not known to the court at the time of sentencing, and the release of the inmate under supervision is not incompatible with public safety; or

“(B) The inmate is 65 years or older and has a chronic infirmity, illness, or disease related to aging, and the release of the inmate under supervision is not incompatible with public safety.

“(2) The court shall act expeditiously on any motion submitted by the Director of the Bureau of Prisons or the Director of the Department of Corrections. If the court receives a request directly from an inmate or a representative of an inmate, the court may refer the matter to the Federal Bureau of Prisons or the Department of Corrections, as the case may be, for a motion or a statement of reasons as to why a motion will not be filed.”.

### Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report 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. 4. 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), a 60-day period of Congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.