

A RESOLUTION

**Proposed
Resolution
20-132**

See
**Emergency
Act
D.C. Act 20-45
20 DCSTAT 1300**

To declare the existence of an emergency with respect to the need to establish fines for criminal offenses, except where exempted by specific reference, proportional to the imprisonment term for each offense and to add a fine to any criminal offense that is currently punishable by a term of imprisonment but not by a fine; to establish the maximum alternative fine penalty involving pecuniary gain or loss at twice the gain or loss that has been alleged and proved; to exempt certain offenses from the fine proportionality in order to retain large fines for those offenses, to exempt certain offenses from fine proportionality in order to retain the progressive fine structure for subsequent offenses; to make conforming amendments to acts codified in Titles 22, 48, 50, and enacted titles of the District of Columbia Official Code; to clarify that the provisions of this act cannot be applied retroactively; and to provide a definitive applicability date for the act of June 1, 2013.

**Criminal Fine
Proportion-
ality
Emergency
Declaration
Resolution of
2013**

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Criminal Fine Proportionality Emergency Declaration Resolution of 2013”.

Sec. 2. (a) The Council unanimously approved the Criminal Fine Proportionality Amendment Act of 2012, signed by the Mayor on January 23, 2013 (D.C. Act 19-641; 60 DCR 2064), on second reading at the November 1, 2012, Legislative Meeting. The legislation was transmitted to Congress on February 27, 2013, and is currently undergoing the 60-day Congressional review required of legislation that amends the criminal code.

(b) The provisions of D.C. Act 19-641 makes fines for criminal offenses, with few exceptions, proportional to the corresponding imprisonment term for the offense. The legislation imposes an organizational structure to criminal fines in the District that re-calibrates fine penalties to be more fair and justifiable. At present, individual penalty provisions scattered throughout the District of Columbia Official Code specify that a person convicted of an offense may be sentenced to not more than a particular term of imprisonment, not more than a particular fine, or both. Over time, amendments to these provisions—or a failure to update through amendment—has resulted in widespread disparity in the penalties for different offenses. D.C. Act 19-641 remedies this disparity with regard to criminal fines by setting the maximum fine in proportion to the maximum term of imprisonment for nearly all offenses.

(c) This legislation is the product of a statutory mandate to bring penalty proportionality to the District’s criminal code. Penalty proportionality refers to the penalty for an offense, the term of imprisonment and fine, being in balance, or “proportionate”, to the seriousness of the associated offense. D.C. Act 19-641, by linking the maximum fine for an offense to the maximum imprisonment term, makes major strides toward ensuring that like punishments for criminal offenses are associated with like seriousness.

(d) D.C. Act 19-641 is projected to become law on June 18, 2013, although this date can change as a result of factors outside of the District’s control. In order to provide a definitive

applicability date for the effectiveness of the new fine structure in D.C. Act 19-641, it is necessary to enact the legislation on an emergency basis with a stated applicability date. Doing so ensures clarity in the law and that the public is on notice of the change in criminal penalties. Thus, the Criminal Fine Proportionality Emergency Amendment Act of 2013 provides a definitive start date of June 1, 2013.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Criminal Fine Proportionality Emergency Amendment Act of 2013 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.