

# IRAA and IRAA Related Legislation

B21-0683 CYJAA

IRAA 1.0

Comprehensive Youth Justice Amendment Act  
of 2016  
Signed 12/7/2016

As of Feb 2019 – 98 Eligible, avg age 40.9

- Department of Youth Rehabilitation Services, to **end the commitment to the Department of Youth Rehabilitation Services of children under 10 years of age, to terminate the commitment of status offenders on their 18th birthday,**
- to allow the sharing of juvenile information between agencies for the purpose of providing services
- To evaluate efficacy of **diversion programs,**
- To authorize the **sealing of juvenile arrest records;**
- **To transfer juveniles to Department of Youth Rehabilitation Services custody;** to restrict the use of room confinement of juveniles, to ban the use of disciplinary segregation of juveniles, to remove juveniles from adult correctional facilities.
- **To establish a Board of Indeterminate Sentence and Parole for the District of Columbia** and to determine its functions, and for other purposes to
  - **eliminate mandatory minimums for juveniles charged as adults,**
  - to ban the use of juvenile life sentences without parole,
  - and to allow for sentence review for individuals who have served 20 years or more in prison for crimes committed as juveniles;
- By October 1, 2018, the Attorney General shall develop a pilot program, in collaboration with community partners, to **provide victim-offender mediation as an alternative to the prosecution of juveniles**
- The court may reduce a term of imprisonment imposed upon a defendant for an offense committed before the defendant's 18th a series of conditions are met.

One section addresses the Incarceration Reduction Amendment Act of 2016 created a new procedure for individuals who have been sentenced for D.C. Code offenses as juveniles, have served twenty years in prison, and have not yet come up for parole, to petition the D.C. Superior Court to have their sentences reviewed. As of Feb 2019, 98 individuals in BOP have been eligible and at that time, 39 of these were housed in DoC. 23 in CTF and 16 in CDF.

B22-0255

IRAA 2.0

Omnibus Public Safety and  
Justice Amendment Act  
Signed 1/30/19

Estimated 200 Eligible individuals

One section amends IRAA to decrease the number of years required to be served before petitioning from 20 to 15 and include 2 individuals who have come up for parole. This bill is now undergoing congressional review and is expected to become law in three months.

B23-0127

IRAA 3.0

Second Look Amendment Act  
Intr 2/5/19  
Under Council Review

583 eligible: estimate from US Atty

The purpose of Bill 23-0127, the “Second Look Amendment Act of 2019”, is to align the age before which individuals must have committed an IRAA-eligible offense with similar criminal justice sentencing reforms for young adults passed by the Council and jurisdictions across the country. Instead of individuals having to have committed an eligible offense before age 18, the proposed legislation would raise the age to before age 25. The bill also would require all individuals brought back to the District from the Bureau of Prisons for their IRAA hearing to be housed in the Department of Corrections’ (“DOC”) Correctional Treatment Facility, rather than in the Central Detention Facility.

In addition, the hearing will review the status of IRAA’s implementation, including the statute itself, the assignment of legal representation to petitioners, the petition process, the experiences of those held in DOC on writs while their petition is pending, reentry planning for those in DOC’s care, and the post-release reentry experience. The goal of the Committee’s IRAA oversight is to reflect on the statute since its passage and create opportunities for partnerships and improvements to support successful reentry for those released.

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Department of Youth Rehabilitation Services, to end the commitment to the Department of Youth Rehabilitation Services of children under 10 years of age, to terminate the commitment of status offenders on their 18th birthday, to allow the sharing of juvenile information between agencies for the purpose of providing services and evaluating the efficacy of **diversion programs**, and to authorize the **sealing of juvenile arrest records**; to amend section 23-1322 of the District of Columbia Official Code **to transfer juveniles adjudicated pursuant to Chapter 23 of Title 16 of the District of Columbia Official Code to Department of Youth Rehabilitation Services** custody; to restrict the use of room confinement of juveniles, to ban the use of disciplinary segregation of juveniles, to remove juveniles from adult correctional facilities.

To establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes to **eliminate mandatory minimums for juveniles charged as adults**, to ban the use of juvenile life sentences without parole, and to allow for sentence review for individuals who have served 20 years or more in prison for crimes committed as juveniles;

Other: conditions of confinement stipulated. "Room" confinement permitted only under specific circumstances. Documentation and reporting required.

By October 1, 2018, the Attorney General shall develop a pilot program, in collaboration with community partners, to **provide victim-offender mediation as an alternative to the prosecution of juveniles** in cases deemed appropriate by the Attorney General; provided, that participation in the mediation pilot program established pursuant to this paragraph shall be voluntary for both the victim and the offender."

**The court may reduce a term of imprisonment imposed upon a defendant for an offense committed before the defendant's 18th birthday if:**

"(IXA) The defendant was sentenced pursuant to section 3 and has served at least 20 years in prison and not yet become eligible under section 4 for release on parole from the sentence imposed; or "(B) The defendant was sentenced pursuant to section 3a or was committed pursuant to section 4 of the Youth Rehabilitation Amendment Act of 1985, effective December 7, 1985 (D.C. Law 6-69; D.C. Official Code § 24-903), and has served at least 20 years in prison; and

"(2) The court finds, after considering the factors set forth in subsection (c) of this section, that the defendant is not a danger to the safety of any person or the community and that the interests of justice warrant a sentence modification.

"(b1) A defendant convicted as an adult of an offense committed before his or her 18<sup>th</sup> birthday may file an application for a sentence modification under this section. The application shall be in the form of a motion to reduce the sentence. The application may include affidavits or other written material. The application shall be filed with the sentencing court and a copy shall be served on the United States Attorney. "(2) The court may direct the parties to expand the record by submitting additional written materials related to the motion. The court shall hold a hearing on the motion at which the ENROLLED ORIGINAL defendant and the defendant's counsel shall be given an opportunity to speak on the defendant's behalf. The court may permit the parties to introduce evidence.

"(3) The defendant shall be present at any hearing conducted under this section unless the defendant waives the right to be present. Any proceeding under this section may occur by video teleconferencing and the requirement of a defendant's presence is satisfied by participation in the video teleconference.

"(4) The court shall issue an opinion in writing stating the reasons for granting or denying the application under this section.

"(c) The court, in determining whether to reduce a term of imprisonment pursuant to subsection (a) of this section, shall consider:

"(1) The defendant's age at the time of the offense;

"(2) The nature of the offense and the history and characteristics of the defendant;

"(3) Whether the defendant has substantially complied with the rules of the institution to which he or she has been confined and whether the defendant has completed any educational, vocational, or other program, where available;

"(4) Any report or recommendation received from the United States Attorney.....

IRAA