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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To require mandatory pretrial and post conviction detention for crimes of violence and dangerous crimes and require mandatory cash bail for certain offenses that pose a threat to public safety or order in the District of Columbia, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. STEFANIK introduced the following bill; which was referred to the
Committee on _____

A BILL

To require mandatory pretrial and post conviction detention for crimes of violence and dangerous crimes and require mandatory cash bail for certain offenses that pose a threat to public safety or order in the District of Columbia, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “District of Columbia
5 Cash Bail Reform Act”.

1 **SEC. 2. MANDATORY PRETRIAL AND POST CONVICTION DE-**
2 **TENTION FOR CRIME OF VIOLENCE OR DAN-**
3 **GEROUS CRIME.**

4 (a) PRETRIAL DETENTION.—Section 23–1322, Dis-
5 trict of Columbia Official Code, is amended—

6 (1) in subsection (a), by striking “with an of-
7 fense” and inserting “with an offense, other than a
8 crime of violence or dangerous crime (as such terms
9 are defined in section 1331 of this title),”; and

10 (2) by adding at the end the following new sub-
11 section:

12 “(j) Notwithstanding any other provision of this sec-
13 tion, the judicial officer shall order each person charged
14 with a crime of violence or a dangerous crime (as such
15 terms are defined in section 1331 of this title) be detained
16 for the period before trial.”.

17 (b) POST CONVICTION DETENTION.—Section 23–
18 1325, District of Columbia Official Code, is amended—

19 (1) in subsection (b), by striking “unless” and
20 all that follows through “section 23–1321”; and

21 (2) in subsection (c), by striking “unless” and
22 all that follows through “section 23–1321”; and

23 (3) by adding at the end the following new sub-
24 section:

25 “(d) This provisions of this section shall apply with
26 respect to a person convicted of a crime of violence or a

1 dangerous crime (as such terms are defined in section
2 1331 of this title).”.

3 (c) CHANGES TO DEFINITION OF DANGEROUS
4 CRIME.—Section 23–1331(3), D.C. Official Code, is
5 amended—

6 (1) in subparagraph (E), by striking “Burglary
7 or attempted burglary” and inserting “Burglary in
8 the first degree, attempted burglary in the first de-
9 gree, or burglary with a dangerous weapon”; and

10 (2) in subparagraph (G), by striking “Robbery
11 or attempted robbery” and inserting “Robbery in
12 the first degree, attempted robbery in the first de-
13 gree, or robbery with a dangerous weapon”.

14 (d) CHANGES TO DEFINITION OF CRIME OF VIO-
15 LENCE.—Section 23–1331(4), D.C. Official Code, is
16 amended—

17 (1) by striking “burglary” and inserting “bur-
18 glary in the first degree, attempted burglary in the
19 first degree, or burglar with a dangerous weapon’”;
20 and

21 (2) by striking “robbery” and inserting “rob-
22 bery in the first degree, attempted robbery in the
23 first degree, or robbery with a dangerous weapon”.

24 (e) CONFORMING AMENDMENTS.—

1 (1) REMOVAL OF CRIME OF VIOLENCE AND
2 DANGEROUS CRIME FROM PRETRIAL RELEASE PRO-
3 CEDURES.—Section 23–1322, District of Columbia
4 Official Code, is further amended—

5 (A) in subsection (b)(1), by striking sub-
6 paragraph (A) and redesignating subparagraphs
7 (B) through (D) as subparagraphs (A) through
8 (C), respectively;

9 (B) by amending subsection (c) to read as
10 follows:

11 “(c) Subject to rebuttal by the person, it shall be pre-
12 sumed that no condition or combination of conditions of
13 release will reasonably assure the safety of any other per-
14 son and the community if the judicial officer finds that
15 there is probable cause to believe that the person—

16 “(1) has threatened, injured, intimidated, or at-
17 tempted to threaten, injure, or intimidate a law en-
18 forcement officer, an officer of the court, or a pro-
19 spective witness or juror in any criminal investiga-
20 tion or judicial proceeding;

21 “(2) violated section 3 of the Act of July 8,
22 1932 (sec. 22–4503, D.C. Official Code), section
23 4(a) of such Act (sec. 22–4504(a), D.C. Official
24 Code), or section 4(a-1) of such Act (sec. 22–
25 4504(a)(1), D.C. Official Code); or

1 “(3) violated the Firearm Control Regulations
2 Act of 1975 (sec. 7–2508.01 et seq., D.C. Official
3 Code) while on probation, parole, or supervised re-
4 lease for committing a dangerous crime or a crime
5 of violence (as such terms are defined in section
6 1331 of this title) and while armed with or having
7 readily available a firearm, imitation firearm, or
8 other deadly or dangerous weapon as described in
9 section 2(a) of the Act of July 8, 1832 (sec. 22–
10 4502(a), D.C. Official Code).”;

11 (C) in subsection (e)(1), by striking “is a
12 crime of” and all that follows through “, or”;
13 and

14 (D) by striking subsection (f)(3).

15 (2) REMOVAL OF MURDER OFFENSES FROM
16 PRETRIAL RELEASE PROCEDURES.—Section 23–
17 1325, District of Columbia Official Code, as amend-
18 ed by subsection (b), is amended by striking sub-
19 section (a) and redesignating subsections (b)
20 through (d) as (a) through (c), respectively.

21 **SEC. 3. REQUIRING CASH BAIL FOR RELEASE OF INDIVID-**
22 **UALS CHARGED WITH PUBLIC SAFETY OR**
23 **ORDER OFFENSES.**

24 (a) IN GENERAL.—Section 23–1321, District of Co-
25 lumbia Official Code, is amended—

1 (1) in subsection (a)—

2 (A) in paragraph (1), by striking “Re-
3 leased” and inserting “Except as provided
4 under paragraph (5), released”;

5 (B) in paragraph (3), by striking “; or”
6 and inserting a semicolon;

7 (C) in paragraph (4), by striking the pe-
8 riod at the end and inserting “; or”; and

9 (D) by adding at the end the following new
10 paragraph:

11 “(5) With respect to a person charged with a
12 public safety or order crime (as such term is defined
13 in section 1331 of this title), released only upon exe-
14 cution of a secured appearance bond (as such term
15 is defined in section 1331 of this title) and subject
16 to any requirement under subsections (b) and (c) of
17 this section as the judicial officer may order.”;

18 (2) in subsection (b), by striking “or upon exe-
19 cution of an unsecured appearance bond in an
20 amount specified by the court,” and inserting “upon
21 execution of an unsecured appearance bond in an
22 amount specified by the court, or upon a secured ap-
23 pearance bond under subsection (a)(5),”; and

24 (3) by adding at the end the following new sub-
25 section:

1 “(f) A person who is released upon the execution of
2 an appearance bond with a surety, under subsection
3 (a)(5), may be arrested by the surety, and if so arrested,
4 shall be delivered promptly to a United States marshal
5 and brought before a judicial officer in the District of Co-
6 lumbia. The judicial officer shall determine in accordance
7 with the provisions of this section 23–1322 whether to re-
8 voke the release of the person, and may absolve the surety
9 of responsibility to pay all or part of the bond in accord-
10 ance with the provisions of Rule 46 of the Federal Rules
11 of Criminal Procedure. The person so committed shall be
12 held in official detention until released pursuant to this
13 title or any other provision of law.”.

14 (b) DEFINITIONS.—

15 (1) PUBLIC SAFETY OR ORDER CRIME DE-
16 FINED.—Section 23–1331, District of Columbia Of-
17 ficial Code, is amended by adding at the end the fol-
18 lowing new paragraph:

19 “(7) The term ‘public safety or order crime’
20 means failure to appear when ordered to do so by
21 a judicial officer; obstruction of justice; fleeing from
22 a law enforcement officer; rioting; inciting a riot; de-
23 struction of property; stalking; burglary (other than
24 burglary in the first degree or burglary with a dan-
25 gerous weapon); robbery or a previous conviction of

1 any such offense, or substantially similar offense,
2 under Federal, State, or local law.”.

3 (2) SECURED APPEARANCE BOND DEFINED.—
4 Section 23–1331, District of Columbia Official Code,
5 is further amended by adding at the end the fol-
6 lowing new paragraph:

7 “(8) The term ‘secured appearance bond’
8 means an agreement to forfeit upon failing to ap-
9 pear as required, the designated property, including
10 money, as is reasonably necessary to assure the ap-
11 pearance of the person as required, and post with
12 the court the indicia of ownership of the property,
13 or a percentage of the money as the judicial officer
14 may specify; or a bail bond with solvent sureties in
15 whatever amount is reasonably necessary to assure
16 the appearance of the person as required.”.

17 (c) CONFORMING AMENDMENTS.—Section 23–1321,
18 District of Columbia Official Code, is further amended—

19 (1) in subsection (a), by striking “with an of-
20 fense” and all that follows through “shall issue” and
21 insert “with an offense, other than a crime of vio-
22 lence or dangerous crime (as such terms are defined
23 in section 1331 of this title), the judicial officer shall
24 issue”; and

25 (2) in subsection (c)—

1 (A) in paragraph (1)—

2 (i) by striking “shall” and inserting
3 “may”; and

4 (ii) in subparagraph (B), by striking
5 “Least restrictive further” and inserting
6 “Further”;

7 (B) by striking paragraph (3) and redesignig-
8 nating paragraphs (4) and (5) as paragraphs
9 (3) and (4), respectively; and

10 (C) in paragraph (4), as so redesignated,
11 by striking “additional or different conditions”
12 and inserting “any additional or different condi-
13 tion described under this subsection”.

14 **SEC. 4. APPLICABILITY.**

15 This Act, and the amendments made by this Act,
16 shall apply with respect to an individual charged with an
17 offense in the District of Columbia on or after the date
18 that is 30 days after the date of the enactment of this
19 Act.