

The District deserves a Modern Criminal Code:

The Revised Criminal Code Act

The District of Columbia's criminal code is long overdue for revision. The 120-year old code is outdated, contains vague and unconstitutional provisions, and inconsistent penalties. The lack of clarity and consistency leads to wasted resources from arrest to sentencing, perpetuates racial disparities, and erodes justice and public safety.

The District has long recognized the need for modernizing its criminal code. The Revised Criminal Code Act (RCCA) is the result of a 16-year collaborative process led by the [D.C. Criminal Code Reform Commission](#), an independent, non-partisan agency. The Commission engaged in extensive legal and scholarly research of D.C. laws and other jurisdictions, and conducted an in depth analysis of sentencing data from D.C. courts.

The Commission received ongoing input from an [Advisory Group](#), a diverse body that included representatives from the D.C. Office of the Attorney General, the U.S. Attorney's Office for the District of Columbia, the Public Defender Service for D.C., the D.C. Council, and the Mayor's office, as well as law professors. The Commission held more than 50 public meetings and conducted surveys of hundreds of D.C. residents, before unanimously voting to advance its [recommendations](#) to the D.C. Council. After nearly two additional years of negotiation and consideration in the Council, the RCCA advanced to Congress.

As a result of this robust and comprehensive process, the RCCA makes common sense and necessary reforms and creates a criminal code that is more coherent, consistent and fair. Following best practices established by the Model Penal Code, the revised code creates a uniform system classifying criminal offenses and penalties and uses plain

language with clear definitions, elements and applicable defenses for each offense. D.C. was long overdue in joining well over half of the states, including Alabama, Missouri, and Indiana, that have all updated their criminal codes over the last several decades based on the Model Penal Code.

The revised code advances public safety by making sensible changes to penalties that better align with what judges impose in court, creating new offenses, and increasing penalties for serious offenses such as sex offenses and quadrupling the current maximum penalty for attempted murder. It increases judicial discretion by eliminating most mandatory minimum sentences and allowing judicial review of sentences after 20 years of incarceration. The revised code will also bring the District in line with most other states by restoring the right to a jury trial in misdemeanor cases by 2030.

These impactful and common sense changes also have overwhelming support from District voters with 83% supporting revisions to the criminal code in a [recent poll](#).

The District deserves a criminal code that reflects consistent and proportionate sentences, protects the rights of all involved in its criminal justice system and strengthens public safety. The RCCA will be a critical step towards achieving these goals.

83%

of District voters support revisions to the criminal code

The RCCA Advances Public Safety and Justice

Frequently Asked Questions

WHY DOES D.C. NEED TO REVISE ITS CRIMINAL CODE?

- D.C.'s criminal code is outdated, disorganized, and inconsistent. While most states underwent modernization efforts to revise their criminal code decades ago, the D.C. criminal code has not been comprehensively updated since 1901 when it was adopted by Congress.
- The current criminal code contains provisions lacking the basic definitions and fails to articulate the elements for offenses. Many statutes retain the same archaic language as 120 years ago when it was first enacted. It still has references to mules and steamboats and to offenses like prohibiting playing ball games on the street. There are statutes that prohibit the same conduct but carry different penalties.
- The lack of clarity and consistency leads to confusion in how the laws are applied, makes charging and sentencing decisions more challenging, undermines the legitimacy of the criminal statutes, and erodes confidence in the criminal justice system.

WHAT IS THE REVISED CRIMINAL CODE ACT (RCCA) ?

- D.C.'s Revised Criminal Code Act (RCCA) is the result of a 16-year comprehensive revision process led by the D.C. Criminal Code Reform Commission. This included research, consultations, public meetings, and a compilation of thousands pages of commentary.
- The RCCA is based on the Model Penal Code. Over the past 50 years, 29 states have updated their codes in accordance with the Model Penal Code including Alabama; Alaska; Arizona; Arkansas; Colorado; Connecticut; Delaware; Hawaii; Illinois; Indiana; Kansas; Kentucky; Maine; Minnesota; Missouri; Montana; New Hampshire; New Jersey; New York; North Dakota; Ohio; Oregon; Pennsylvania; South Dakota; Tennessee; Texas; Utah; Washington; Wisconsin.

- The RCCA replaces archaic and outdated language with clear definitions for each offense including the elements that must be proven for a person to be found guilty of the offense. It also codifies various defenses currently absent in the existing code.
- The RCCA also organizes criminal offenses into different classes, making it easier to understand and compare the severity of different crimes. This ensures that punishments for different crimes are more fair, consistent, and proportionate.

HOW WAS THE RCCA DRAFTED?

- The revision process was led by the D.C. Criminal Code Reform Commission which was created by the D.C. Council with a mandate of making the code clearer, more consistent, complete and proportional.
- The Commission conducted extensive legal and scholarly research of D.C.'s existing statutory and case law; analyzed a decade of charging and sentencing data; and consulted with experts from other jurisdictions.
- The revision process involved extensive input from the Criminal Code Revision Advisory Group, a body that included representatives from the D.C. Office of the Attorney General, the U.S. Attorney's Office for the District of Columbia, the Public Defender Service for D.C., the D.C. Council, and the Mayor's office, as well as law professors.
- The Commission held more than 50 meetings with the Advisory Group that were open to the public and all minutes and recordings of the meetings were posted online.
- The RCCA was also crafted with input from the greater D.C. community, with public meetings, open forums held to gather comments and feedback on the proposed revisions, and by conducting five public opinion surveys of D.C. residents over the course of the revision process.

- The five voting members of the Advisory Group unanimously approved the Commission's recommendations and advanced them to the D.C. City Council where they were considered and further negotiated over two years before advancing to Congress.

HOW DOES THE RCCA IMPACT PENALTIES AND SENTENCING?

- The RCCA imposes lengthy sentences for serious offenses such as carjacking, robbery and burglary, that are higher than current sentences imposed by D.C. judges and higher than national averages.
- It authorizes sentence enhancements and stacking of charges allowing increased penalties for offenses involving a dangerous weapon or for people convicted of multiple offenses.
- It increases the maximum penalties for number of offenses, possessing an assault weapon, or committing sexual abuse of a child, and codifies new offenses including shooting a firearm in public.
- The RCCA reduces the maximum sentences for certain offenses, to differentiate them from more serious conduct and to align them with modern sentencing practice.
- Based on the large body of evidence demonstrating the ineffectiveness of mandatory minimums, the RCCA increases judicial discretion and proportionality for broad categories of offenses by eliminating most mandatory minimum sentences.
- The RCCA allows individuals to petition a judge to review lengthy sentences after 20 years of incarceration, in accordance with most states that have this option either through judicial review or parole processes.
- The RCCA follows 35 states in ensuring jury trials in misdemeanor cases.

- The RCCA has built in a prolonged timeline for implementation to allow for training and other preparations. Effective dates for most provisions are not until 2025. Misdemeanor jury trials will be phased in beginning in 2027 and will be in place by 2030.

IS THERE PUBLIC SUPPORT FOR THE RCCA?

- The poll found that the RCCA's individual policy reforms also receive significant support:

93%

of voters support guaranteeing the right to a jury trial for any offense that carries possible jail or prison time.

85%

support adopting Second Look resentencing for anyone who has served 15 years in prison.

By a 3 to 1 margin

voters also support eliminating mandatory minimums, decriminalizing minor offenses such as panhandling, and eliminating life sentences and replacing them with a maximum sentence proportionate to the offense.