



D.C. Criminal Code Reform Commission

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(202) 442-8715 www.ccrc.dc.gov

MINUTES OF PUBLIC MEETING WEDNESDAY, NOVEMBER 4, 2020, at 10:00 AM

On Wednesday, November 4, 2020, at 10:00 am, the D.C. Criminal Code Reform Commission (CCRC) held a meeting of its Criminal Code Reform Advisory Group (Advisory Group). The meeting was held telephonically at (650) 479-3208 (access code: 172 181 6573). The meeting minutes are below. For further information, contact Richard Schmechel, Executive Director, at (202) 442-8715 or richard.schmechel@dc.gov.

Commission Staff in Attendance:

Richard Schmechel (Executive Director)

Rachel Redfern (Senior Attorney Advisor)

Jinwoo Park (Senior Attorney Advisor)

Patrice Sulton (Senior Attorney Advisor)

Margarita Bronshteyn (Social Scientist)

Advisory Group Members and Guests in Attendance:

Laura Hankins (Designee of the Director of the Public Defender Service for the District of Columbia)

Don Braman (Council appointee)

Dave Rosenthal (Designee of the Attorney General of the District of Columbia)

Katerina Semyonova (Visiting Attendee of the Public Defender Service for the District of Columbia)

Seema Gajwani (Visiting Attendee of the Office of the Attorney General of the District of Columbia)

Elana Suttenger (Designee of the Acting United States Attorney's Office for the District Columbia)

I. Welcome and Announcements.

- a. Elana Suttenger has been appointed the designee to the Advisory Group by the Acting U.S. Attorney for the District of Columbia. The CCRC thanks former designee Renata Kendrick Cooper for her years of work with the agency and formally welcomes Elana Suttenger.
- b. The Executive Director introduced Margarita Bronshteyn, who recently joined CCRC as a social scientist.

- c. The Executive Director noted that the deadline for written comments on outstanding draft reports is November 9.
- d. The Executive Director noted the CCRC is continuing to work on a comprehensive update to all recommendations that will address the comments we have received. The agency expects to issue that update in December.
- e. The next Advisory Group meeting is December 2, 2020, at 10:00a.m.

II. The group discussed the First Draft of Report #65, Contributing to the Delinquency of a Minor.

- a. OAG said further clarification about criminal liability for providing alcohol to a minor may be necessary. A child's possession or consumption of alcohol may not be construed as a criminal offense (D.C. Code § 25-1002).
 - i. The Executive Director said that, although the current statute's characterization isn't entirely clear the commentary notes the CCRC position that D.C. Code § 25-1002 establishes an offense but limits the prosecutorial jurisdiction for bringing a charge against persons under 21. He said that staff would reevaluate the drafting but welcomed Advisory Group comments.
 - ii. USAO noted that the drafting solution used here, whatever it may be, might also apply to the Developmental Incapacity Defense, a point that USAO previously raised as needing clarification. USAO did not offer specific draft language at the time.

III. The group did not have any comments at this time on the First Draft of Report #63, Misrepresentation as a District of Columbia Entity; the First Draft of Report #64, Allowing Dogs To Go At Large; the First Draft of Report #66, Defense of Self, Others, or Property; or the First Draft of Report #67, Entrapment, Duress, and Mental Disease or Defect Defenses.

IV. Adjournment.

- a. There being no more questions or concerns raised by the Advisory Group, the meeting was adjourned at 10:35a.m.