

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL



ATTORNEY GENERAL
KARL A. RACINE

June 30, 2021

The Honorable Phil Mendelson
Chairman, Council of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Suite 504
Washington, D.C. 20004

Dear Chairman Mendelson:

I am writing to transmit to the Council of the District of Columbia the *Redefinition of Child Amendment Act of 2021* ("bill") for consideration and enactment. The bill updates the definition of the word "child" in District law and is intended to advance public safety and achieve better outcomes for children by increasing our ability to rehabilitate youth who violate the law.

Because of the way "child" is defined in current law, 16- and 17-year-olds alleged to have committed certain crimes can be prosecuted as adults, without review by a judge. The bill would modernize the definition of "child" so that allegations of law violations by individuals under 18 years of age will be subject to juvenile delinquency proceedings in Family Court unless a judge transfers the matter to adult court. Cases involving young offenders could still be moved to adult court if a judge determines that the juvenile system cannot successfully rehabilitate a child and a transfer is necessary to protect public safety.

This legislation would align District law with decades of scientific research that tell us the brain is not fully developed at ages 16 and 17, and that young people, even those who commit serious crimes, can change and grow into upstanding and valuable members of our community. It will maximize our chances of rehabilitating youth who violate the law, improving public safety, reducing victimization, and increasing fairness for District children.

The Office of the Attorney General looks forward to working with the Council to continue to update District law to protect public safety and increase equity. If you have any questions, you may contact me, or your staff may contact Deputy Attorney General Emily Gunston at (202) 805-7638.

Sincerely,

A handwritten signature in dark ink, appearing to be 'KARL A. RACINE'.

Karl A. Racine
Attorney General for the District of Columbia

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Chairman Phil Mendelson
at the request of the Attorney General

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Chairman Mendelson, at the request of the Attorney General, introduced the following bill,
which was referred to the Committee on _____

To amend section 16-2301(3) of the District of Columbia Official Code to modernize the
definition of the word “child” so that allegations of law violations by individuals under
18 years of age will be subject to juvenile delinquency proceedings in Family Court
unless a judge transfers the matter to adult court.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
act may be cited as the “Redefinition of Child Amendment Act of 2021”.

Sec. 2. Section 16-2301(3) of Title 16 of the District of Columbia Official Code is
amended to read as follows:

“(3) The term “child” means an individual who is under 18 years of age, except
that the term “child” does not include an individual who is sixteen years of age or older and
charged with a traffic offense. For the purposes of this subchapter, the term “child” also includes
a person under the age of twenty-one who is charged with a delinquent act committed before the
respondent attained the age of eighteen.”.

Sec. 3. Fiscal impact statement.

1 The Council adopts the fiscal impact statement in the committee report as the fiscal
2 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
3 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

4 Sec. 4. Effective date.

5 This act shall take effect following approval by the Mayor (or in the event of veto by the
6 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
7 provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December
8 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of
9 Columbia Register.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
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ATTORNEY GENERAL
KARL A. RACINE



Legal Counsel Division

MEMORANDUM

TO: Ronan Gulstone
Director
Office of Policy and Legislative Affairs

FROM: Brian K. Flowers
Deputy Attorney General
Legal Counsel Division

DATE: June 24, 2021

SUBJECT: Legal Sufficiency Review of Draft Bill, the “Redefinition of Child Amendment Act of 2021”
(AE-21-308)

This is to Certify that this Office has reviewed the above-referenced legislation and has found it to be legally sufficient. If you have any questions regarding this certification, please do not hesitate to contact me at 724-5524.

Brian K. Flowers

Brian K. Flowers