



Why the U.S. Attorney's Office for the District of Columbia Supports The ACTIVE Amendment Act of 2023



Discourages Gun Offenders from Re-Arming and Increases the Likelihood that Those Who Do Will Be Caught

- Allows law enforcement to search people convicted of gun offenses for—among other things—guns that they are carrying in public places in violation of their conditions of supervision, which is consistent with similar legislation from California and other states, and court decisions affirming their constitutionality, including decisions from the U.S. Supreme Court
- Gives a judge discretion to require that a person the judge releases pending trial—notwithstanding a statutory presumption of pretrial detention—submit to searches to ensure the person is not re-arming
- Reflects the reality in the District that many individuals found with guns are released back into the community after having served little to no time in jail, and the need to break the cycle of people who are returning to the same block where they were arrested and engaging in the exact same conduct
- Draws from research showing that people convicted of gun offenses have higher rates of recidivism

Creates Additional Tools To Combat Gun Crime and Violent Crime

- Provides that a “gunshot wound” must be treated as the most serious type of injury under the law
- Ensures that the legal definitions in the District’s carjacking law cover the full range of carjackings occurring in our community
- Increases penalties for shooting a gun, including when multiple rounds are fired
- Increases penalties for machine guns—including a “switch” that can convert a semi-automatic gun into an automatic gun—and requires that sentence to be stacked on top of any other sentence
- Fills a gap in liability by criminalizing the unsafe discarding of guns and ammunition

Enhances Pretrial Detention for Gun Crime and Violent Crime

- Provides a judge with greater discretion to detain a person pending trial, where the judge has found probable cause that the person committed murder, a serious sexual offense, a violent crime, or a gun crime
- Creates greater transparency and accountability to the community when a judge releases a person pending trial despite a statutory presumption of pretrial detention, by requiring the judge to issue the same written findings they would be required to issue if the judge were to detain the person pending trial

Fosters Alternative Interventions for Low-Level, Non-Violent Misdemeanors

- Creates a Prearrest Diversion Task Force, charged with developing and implementing alternative responses where non-violent criminality is driven by root causes such as substance abuse and behavioral health needs