

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
COMMITTEE REPORT**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

TO: All Councilmembers

FROM: Chairman Phil Mendelson
Committee of the Whole

DATE: December 15, 2020

SUBJECT: Report on PR 23-1003, “District of Columbia Sentencing Commission Molly M. Gill Reappointment Resolution of 2020”

The Committee of the Whole, to which PR 23-1003, “District of Columbia Sentencing Commission Molly M. Gill Reappointment Resolution of 2020,” was referred, reports favorably thereon and recommends approval by the Council.

CONTENTS

I.	Background and Need.....	1
II.	Legislative Chronology.....	4
III.	Position of the Executive.....	4
IV.	Comments of Advisory Neighborhood Commissions.....	4
V.	Summary of Testimony	4
VI.	Impact on Existing Law.....	5
VII.	Fiscal Impact.....	5
VIII.	Section-By-Section Analysis.....	5
IX.	Committee Action.....	5
X.	Attachments.....	6

I. BACKGROUND AND NEED

On November 2, 2020, PR 23-1003, the “District of Columbia Sentencing Commission Molly M. Gill Reappointment Resolution of 2020” was introduced by Chairman Mendelson. PR 23-1003 was referred to the Committee of the Whole on November 10, 2020. The purpose of PR 23-1003 is to reappoint Ms. Gill as a member of the District of Columbia Sentencing Commission for a 3-year term to end July 2, 2023.

Ms. Gill is a Ward 6 resident. She graduated from Oral Roberts University, where she received a degree in Government/Organizational & Interpersonal Communications. Ms. Gill subsequently obtained her law degree from the University of Minnesota Law School, where she also served as a staff member on the institution’s Journal of Law and Inequality. Currently, she serves as the Vice President of Policy for Families Against Mandatory Minimums (FAMM). In this role, she works with lawmakers to improve the criminal justice system—ensuring that crimes are defined appropriately and that punishments are individualized, humane, and just.

As evidenced by her attached resume, Ms. Gill has a strong interest in criminal justice and sentencing issues in particular. She served as a law clerk while in law school to the Honorable John L. Holahan in the Hennepin County District Court. Also, while in law school, she worked as a Gang Unit Law Clerk with the Gang Violence Unit for the Hennepin County Attorney's Office. Since 2007, Ms. Gill has worked with FMM both in communications and in legislative strategy and project management. Through this work, she has appeared on national and local media programs and as a guest lecturer for the American University Washington Semester Program. She has also published a range of articles, including many focused-on sentencing issues.

The origin of the Commission was the creation of a pilot program by the Council in 1998, tasking the then-named Advisory Commission on Sentencing with the development of sentencing guidelines.¹ The resulting product, a set of voluntary sentencing guidelines, was then monitored by the Commission, which collected, reviewed, and analyzed data from judges and criminal justice practitioners. After widespread success under the pilot program, with close to 90 percent judicial compliance with the voluntary guidelines (well above average compared with other jurisdictions), the Council passed the Sentencing and Criminal Code Revision Commission Amendment Act of 2007² to allow the Commission to continue its important work in monitoring the impact of the guidelines, and updating and amending them as needed. This review helps ensure the continued success of these guidelines in reducing unwarranted disparity in sentencing with due regard for public safety and other criminal justice concerns.

Previously, the Commission was part of the Sentencing and Criminal Code Revision Commission (SCCRC). The SCCRC had a bifurcated mission, tasked with establishing and monitoring the effectiveness of voluntary sentencing guidelines and for recommending revisions to the District's criminal code. However, the bifurcated role created issues with SCCRC's ability to complete the Criminal Code Reform Project. The Committee on Judiciary noted that there were difficulties in reaching consensus on the intended scope of the Project revisions that led to an inability for the Project to be completed by its statutory deadline.³ Further, there were concerns among judges on the SCCRC in voting for statutory changes to the criminal code that they may be called to interpret."⁴

In response to these concerns, the Council approved the Criminal Code Reform Commission Establishment Act of 2016,⁵ which established the Criminal Code Reform Commission as an independent and separate agency from the Sentencing Commission. The goal was to create an independent agency that would be more effective and would eliminate the administrative hurdles preventing the Criminal Code Reform Project from effectuating its mission.⁶

¹ Advisory Commission on Sentencing Establishment Act of 1998, effective October 16, 1998 (D.C. Law 12-167; D.C. Official Code § 3-101 *et seq.*).

² D.C. Law 17-25; D.C. Official Code § 3-101 *et seq.*

³ Committee on Judiciary, Committee Budget Report, "Report and Recommendations of the Committee on the Judiciary on the Fiscal Year 2017 Budget for Agencies under Its Purview", Page 312, May 5, 2016.

⁴ *Id.*

⁵ D.C. Law 21-160; D.C. Official Code § 3-151 *et seq.*

⁶ *Supra* note 3.

The role of the Sentencing Commission is to revise and implement a system of voluntary sentence guidelines for use in the District of Columbia Superior Court designed to achieve the goals of consistency and adequacy of punishment with due regard for (1) the seriousness of the offense; (2) the dangerousness of the offender; (3) the need to protect the safety of the community; (4) the offender’s potential for rehabilitation; and (5) the use of alternatives to prison.⁷ In addition, on an annual basis, the Commission is required to file a report with the Council that contains an analysis of the sentences imposed and describes how it ranked a new felony offense or re-ranked any existing felony offense, and the resulting guideline sentencing options.⁸

Table 1: Membership of the District of Columbia Sentencing Commission

Resolution #	Position	Appointee	Term Expiring:
<i>PR 23-1003</i>	<i>Proposed Council Appointee</i>	<i>Molly M. Gill</i>	<i>July 2, 2023</i>
	Chief Judge of Superior Court Nominee	Judge Milton C. Lee (Chairperson)	
	Chief Judge of Superior Court Nominee	Judge Danya A. Dayson	
	Chief Judge of Superior Court Nominee	Judge Juliet J. McKenna	
	Chief Judge of Superior Court Nominee (Expert on research and analysis of sentencing issues and policies)	Julie Samuels	
	Chief Judge of Superior Court Nominee (D.C. Bar Member)	Frederick D. Cooke, Jr.	
	Chief Judge of Superior Court Nominee (D.C. Bar Member)	William Martin	
	United States Attorney for the District of Columbia, or designee	Renata Cooper	
	Director of the District of Columbia Public Defender Service, or designee	Katerina Semyonova	
	Director of Court Services and Offender Supervision Agency, or designee	Cedric Hendrick	
	Attorney General for the District of Columbia, or designee	Dave Rosenthal	
	Mayoral Appointee	Vacant	
	Director of the District of Columbia Department of Corrections, or designee (Non-Voting Member)	Eric Glover	
	Chief of the Metropolitan Police Department, or designee (Non-Voting Member)	Robert Contee	
	Director of the United States Bureau of Prison, or designee (Non-Voting Member)	Sonya D. Thompson	
	Chairperson of the United States Parole Commission, or designee (Non-Voting Member)	Stephen J. Husk	
	Chairperson of Committee on Judiciary and Public Safety, or designee (Non-Voting Member)	Councilmember Charles Allen	

⁷ D.C. Official Code § 3-101(b)(l).

⁸ D.C. Official Code §3-104.

The Commission consists of 17 members, 12 of whom are voting members and five of whom are non-voting members. The Chief Judge of the Superior Court of the District of Columbia appoints six voting members of the Commission to include: (A) three judges; (B) two members of the D.C. Bar in consultation with the President of the D.C. Bar; and (C) a professional from an established organization devoted to research and analysis of sentencing issues and policies.⁹ The Mayor and the Council each appoint one citizen of the District of Columbia member to the Commission.¹⁰ Other voting members of the Commission include the United States Attorney for the District of Columbia, Director of the District of Columbia Public Defender Services, Attorney General for the District of Columbia, and Director of the Court Services and Offender Supervision Agency for the District of Columbia.¹¹ The non-voting members of the Commission include the Director of the District of Columbia Department of Corrections, Chief of the Metropolitan Police Department, Director of the United States Bureau of Prisons, Chairperson of the United States Parole Commission, and Chairperson of the Council Committee on Judiciary and Public Safety.¹²

Ms. Gill was first appointed to the Commission in 2012¹³ and reappointed in 2018.¹⁴ During her time on the Commission, Ms. Gill has made significant contributions to the Commission, including participation in ranking and re-ranking offenses, approving substantive changes to the guidelines rules and manual, and reviewing and analyzing Commission publications that help educate the public on sentencing trends for various District offenses. Based on her expertise and experience, the Committee recommends the reappointment of Ms. Gill to the District of Columbia Sentencing Commission. Ms. Gill has the knowledge and experience to contribute to the long-term success of this Commission. The Committee recommends the adoption of PR 23-1003.

II. LEGISLATIVE CHRONOLOGY

- | | |
|-------------------|--|
| November 2, 2020 | PR 23-1003, the “District of Columbia Sentencing Commission Molly M. Gill Reappointment Resolution of 2020” is introduced by Chairman Mendelson. |
| November 6, 2020 | Notice of Intent to Act on PR 23-1003 is published in the <i>District of Columbia Register</i> . |
| November 10, 2020 | PR 23-1003 is “read” at a legislative meeting, and the referral to the Committee of the Whole is official. |
| December 15, 2020 | The Committee of the Whole marks-up PR 23-1003. |

⁹ D.C. Official Code § 3-102.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ Sentencing and Criminal Code Revision Commission Molly Gill Appointment Resolution of 2012 (R 19-652; 59 DCR 12990).

¹⁴ District of Columbia Sentencing Commission Molly M. Gill Reappointment Resolution of 2018 (R 22-660; 65 DCR 13353).

III. POSITION OF THE EXECUTIVE

Ms. Gill is the Council's appointee to the Board. The Executive provided no comment on Ms. Gill's reappointment.

IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

The Committee received no testimony or comments from Advisory Neighborhood Commissions on PR 23-1003.

V. SUMMARY OF TESTIMONY

The Committee of the Whole did not hold a public hearing or roundtable on Ms. Gill's reappointment.

VI. IMPACT ON EXISTING LAW

Members of the Commission are appointed pursuant to section 3 of the Advisory Commission on Sentencing Establishment Act of 1998, effective October 16, 1998 (D.C. Law 12-167; D.C. Official Code § 3-102).

VII. FISCAL IMPACT

PR 23-1003 will have no fiscal impact on the District of Columbia budget or financial plan. Pursuant to D.C. Official Code § 3-102(d), members of the Commission are not entitled to compensation.

VIII. SECTION-BY-SECTION ANALYSIS

<u>Section 1</u>	States the short title of PR 23-1003.
<u>Section 2</u>	Confirms the reappointment of Molly M. Gill as a member of the District of Columbia Sentencing Commission to serve a 3-year term to end July 2, 2023.
<u>Section 3</u>	Requires that a copy of the resolution, upon adoption, be transmitted to the appointee, the chairperson of the Commission, and to the Mayor.
<u>Section 4</u>	Provides that PR 23-1003 shall take effect immediately upon the first date of publication in the District of Columbia Register.

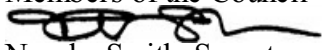
IX. COMMITTEE ACTION

X. ATTACHMENTS

1. PR 23-1003 as introduced.
2. Legal sufficiency determination.
5. Committee Print for PR 23-1003.

COUNCIL OF THE DISTRICT OF COLUMBIA
1350 Pennsylvania Avenue, N.W.
Washington D.C. 20004

Memorandum

To : Members of the Council
From :  Nyasha Smith, Secretary to the Council
Date : Monday, November 2, 2020
Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Monday, November 02, 2020. Copies are available in Room 10, the Legislative Services Division.

TITLE: "District of Columbia Sentencing Commission Molly M. Gill Reappointment Resolution of 2020", PR23-1003

INTRODUCED BY: Chairman Mendelson

The Chairman is referring this legislation to Committee of the Whole.

Attachment
cc: General Counsel
Budget Director
Legislative Services


Chairman Phil Mendelson

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6 A PROPOSED RESOLUTION
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11 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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15 To reappoint Ms. Molly M. Gill to the District of Columbia Sentencing Commission.
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17 RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
18 resolution may be cited as the “District of Columbia Sentencing Commission Molly M. Gill
19 Reappointment Resolution of 2020”.

20 Sec. 2. The Council of the District of Columbia reappoints:

21 Molly M. Gill
22 17th Street, SE
23 Washington, DC 20003
24 (Ward 6)

25 as a citizen of the District of Columbia member to the District of Columbia Sentencing
26 Commission, established by section 2 of the Advisory Commission on Sentencing Establishment
27 Act of 1998, effective October 16, 1998 (D.C. Law 12-167; D.C. Official Code § 3-101), for a 3-
28 year term to end on July 2, 2023.

29 Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution,
30 upon its adoption, to the appointee, the chairperson of the Commission, and to the Office of the
31 Mayor.

32 Sec. 4. This resolution shall take effect immediately upon the first date of publication in
33 the District of Columbia Register

Molly M. Gill

127 17th St. SE, Apt. B, Washington, DC 20003 ♦ 202.243.9115 ♦ mollymgill@gmail.com

PROFESSIONAL EXPERIENCE

Families Against Mandatory Minimums (FAMM)	Washington, DC
<i>Vice President of Policy</i>	July 2017-Present
<i>Director of Federal Legislative Affairs</i>	February 2016-July 2017
<i>Government Affairs Counsel</i>	July 2012-February 2016
<i>Director of Special Projects</i>	January 2007-July 2012

LEGISLATIVE STRATEGY AND PROJECT MANAGEMENT

- **Develop and coordinate legislative advocacy campaigns and strategies**, including identifying state and federal sentencing and prison reform opportunities, meeting with legislative staff and allies, drafting and advocating for passage of legislation, and producing written and oral analyses of relevant sentencing laws, bills, regulations, sentencing guidelines, prison policies, and data compilations.
- **Plan and execute briefings** on Capitol Hill and in state legislatures to educate lawmakers and staff; meet with state and federal executive branch officials to promote FAMM policies; engage other advocates to assist in FAMM events and presentations.
- **Create grassroots advocacy strategies** to engage FAMM's constituents in sentencing reform efforts; assist families and prisoners in one-on-one advocacy with lawmakers.
- **Recruit, interview, hire, and supervise contract lobbyists at state and federal level.**
- **Ensure compliance with lobbying registration and reporting requirements.**
- **Design and develop online policy resource library** providing lawmakers, prisoners, and family members with summaries of state and federal sentencing laws and prison policies and plain-language guidance for understanding reforms.
- **Research, write, and supervise design and production of reports**, legal resources, factsheets, case summaries, data compilations, white papers, digital video and advertisements, and bill analyses on sentencing and prison reform legislation, laws, cases, and reforms nationwide. This includes the end-to-end production and publicizing of in-depth reports on the history of mandatory sentencing laws and the findings of a qualitative survey of 2,000 federal prisoners on prison programs, education, and jobs.
- **Hire, train, and supervise** legal interns, a policy associate, and other key staff.

COMMUNICATIONS AND MESSAGING

- **Provide interviews to the media** and speak on panels, in prisons, at conferences and college seminars, and on television and radio programs.
- **Write and edit opinion editorials**, letters to the editor, press releases, testimony for state legislative, congressional, and U.S. Sentencing Commission hearings, fundraising appeals and foundation proposals, website content, and legislative updates and action alerts to constituents.
- **Develop polling and national messaging strategies** to gauge public opinion and raise awareness of sentencing and prison reform issues. This includes identifying and recruiting a coalition of other advocacy organizations, hiring and directing pollsters, securing project funding from donors, and managing timeline for and execution of national and state polling and focus groups.

Molly M. Gill

Leonard, O'Brien, Spencer, Gale & Sayre, Ltd.
Associate Attorney

Minneapolis, MN
October 2005-September 2006

- Represented and advised clients in all stages of civil, commercial, creditors' remedies, construction, and legal malpractice matters; drafted legal documents; negotiated terms of business and real estate transaction contracts.

Hennepin County Attorney's Office, Gang Violence Unit
Gang Unit Law Clerk

Minneapolis, MN
February 2004-June 2005

- Performed legal research and drafted memoranda, motions, and responses to a wide variety of civil rights and constitutional claims for a team of six prosecutors.
- Interviewed victims, police officers, and witnesses to gather facts for briefs and trials.
- Served as co-counsel on various violent felony cases, assisting with all phases of trial.
- Managed prosecution of juvenile misdemeanor cases.

Honorable John L. Holahan, Hennepin County District Court
Judicial Law Clerk

Minneapolis, MN
May-August 2003

- Conducted legal research and drafted opinions, memoranda, orders, and judgments.

CIVIC EXPERIENCE

D.C. Sentencing Commission
Commissioner

Washington, DC
October 2012-Present

Contribute to maintenance, review, and improvement of D.C. Sentencing Guidelines and sentencing data presented to the general public and policymakers.

EDUCATION and BAR ADMISSIONS

University of Minnesota Law School, Minneapolis, MN
J.D. *cum laude* 2005

- *Journal of Law and Inequality* Staff Member, 2003-2004
- Dean's List, 2002-2005; Misdemeanor Prosecution Clinic, 2004

Oral Roberts University, Tulsa, OK
B.A. *summa cum laude* 2002

- Major/Minor: Government/Organizational & Interpersonal Communications
- Outstanding Senior Paper Award: "*For the kingdom to be well*": *Civil rights and America, 1955-1965*

Bar Admission: DC Court of Appeals (admitted 2008)

TECHNICAL and DATABASE PROFICIENCY

Microsoft Office, WordPress, Salsa Labs, Blackbaud/Luminate, FiscalNote, Twitter, Facebook

7 A RESOLUTION

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9 23-1003
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12 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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14 _____
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28 Act of 1998, effective October 16, 1998 (D.C. Law 12-167; D.C. Official Code § 3-101), for a 3-
29 year term to end on July 2, 2023.

30 Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution,
31 upon its adoption, to the appointee, the chairperson of the Commission, and to the Office of the
32 Mayor.

33 Sec. 4. This resolution shall take effect immediately.