

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5214
OFFERED BY MR. COMER OF KENTUCKY**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “District of Columbia
3 Cash Bail Reform Act of 2025”.

**4 SEC. 2. MANDATORY PRETRIAL AND POST CONVICTION DE-
5 TENTION FOR CRIME OF VIOLENCE OR DAN-
6 GEROUS CRIME.**

7 (a) PRETRIAL DETENTION.—Section 23–1322, Dis-
8 trict of Columbia Official Code, is amended—

9 (1) in subsection (a), by striking “with an of-
10 fense” and inserting “with an offense, other than a
11 crime of violence or dangerous crime (as such terms
12 are defined in section 1331 of this title),”; and

13 (2) by adding at the end the following new sub-
14 section:

15 “(j) Notwithstanding any other provision of this sec-
16 tion, the judicial officer shall order each person charged
17 with a crime of violence or a dangerous crime (as such

1 terms are defined in section 1331 of this title) be detained
2 for the period before trial.”.

3 (b) POST CONVICTION DETENTION.—Section 23–
4 1325, District of Columbia Official Code, is amended—

5 (1) in subsection (b), by striking “unless” and
6 all that follows through “section 23–1321”; and

7 (2) in subsection (c), by striking “unless” and
8 all that follows through “section 23–1321”; and

9 (3) by adding at the end the following new sub-
10 section:

11 “(d) This provisions of this section shall apply with
12 respect to a person convicted of a crime of violence or a
13 dangerous crime (as such terms are defined in section
14 1331 of this title).”.

15 (c) CHANGES TO DEFINITION OF DANGEROUS
16 CRIME.—Section 23–1331(3), D.C. Official Code, is
17 amended—

18 (1) in subparagraph (E), by striking “Burglary
19 or attempted burglary” and inserting “Burglary in
20 the first degree, attempted burglary in the first de-
21 gree, or burglary with a dangerous weapon”; and

22 (2) in subparagraph (G), by striking “Robbery
23 or attempted robbery” and inserting “Robbery in
24 the first degree, attempted robbery in the first de-
25 gree, or robbery with a dangerous weapon”.

1 (d) CHANGES TO DEFINITION OF CRIME OF VIO-
2 LENCE.—Section 23–1331(4), D.C. Official Code, is
3 amended—

4 (1) by striking “burglary” and inserting “bur-
5 glary in the first degree, attempted burglary in the
6 first degree, or burglary with a dangerous weapon’”;
7 and

8 (2) by striking “robbery” and inserting “rob-
9 bery in the first degree, attempted robbery in the
10 first degree, or robbery with a dangerous weapon”.

11 (e) CONFORMING AMENDMENTS.—

12 (1) REMOVAL OF CRIME OF VIOLENCE AND
13 DANGEROUS CRIME FROM PRETRIAL RELEASE PRO-
14 CEDURES.—Section 23–1322, District of Columbia
15 Official Code, is further amended—

16 (A) in subsection (b)(1), by striking sub-
17 paragraph (A) and redesignating subparagraphs
18 (B) through (D) as subparagraphs (A) through
19 (C), respectively;

20 (B) by amending subsection (c) to read as
21 follows:

22 “(c) Subject to rebuttal by the person, it shall be pre-
23 sumed that no condition or combination of conditions of
24 release will reasonably assure the safety of any other per-

1 son and the community if the judicial officer finds that
2 there is probable cause to believe that the person—

3 “(1) has threatened, injured, intimidated, or at-
4 tempted to threaten, injure, or intimidate a law en-
5 forcement officer, an officer of the court, or a pro-
6 spective witness or juror in any criminal investiga-
7 tion or judicial proceeding;

8 “(2) violated section 3 of the Act of July 8,
9 1932 (sec. 22–4503, D.C. Official Code), section
10 4(a) of such Act (sec. 22–4504(a), D.C. Official
11 Code), or section 4(a-1) of such Act (sec. 22–
12 4504(a)(1), D.C. Official Code); or

13 “(3) violated the Firearm Control Regulations
14 Act of 1975 (sec. 7–2508.01 et seq., D.C. Official
15 Code) while on probation, parole, or supervised re-
16 lease for committing a dangerous crime or a crime
17 of violence (as such terms are defined in section
18 1331 of this title) and while armed with or having
19 readily available a firearm, imitation firearm, or
20 other deadly or dangerous weapon as described in
21 section 2(a) of the Act of July 8, 1832 (sec. 22–
22 4502(a), D.C. Official Code).”;

23 (C) in subsection (e)(1), by striking “is a
24 crime of” and all that follows through “, or”;
25 and

1 (D) by striking subsection (f)(3).

2 (2) REMOVAL OF MURDER OFFENSES FROM
3 PRETRIAL RELEASE PROCEDURES.—Section 23–
4 1325, District of Columbia Official Code, as amend-
5 ed by subsection (b), is amended by striking sub-
6 section (a) and redesignating subsections (b)
7 through (d) as (a) through (c), respectively.

8 **SEC. 3. REQUIRING CASH BAIL FOR RELEASE OF INDIVID-**
9 **UALS CHARGED WITH PUBLIC SAFETY OR**
10 **ORDER OFFENSES.**

11 (a) IN GENERAL.—Section 23–1321, District of Co-
12 lumbia Official Code, is amended—

13 (1) in subsection (a)—

14 (A) in paragraph (1), by striking “Re-
15 leased” and inserting “Except as provided
16 under paragraph (5), released”;

17 (B) in paragraph (3), by striking “; or”
18 and inserting a semicolon;

19 (C) in paragraph (4), by striking the pe-
20 riod at the end and inserting “; or”; and

21 (D) by adding at the end the following new
22 paragraph:

23 “(5) With respect to a person charged with a
24 public safety or order crime (as such term is defined
25 in section 1331 of this title), released only upon exe-

1 cution of a secured appearance bond (as such term
2 is defined in section 1331 of this title) and subject
3 to any requirement under subsections (b) and (c) of
4 this section as the judicial officer may order.”;

5 (2) in subsection (b), by striking “or upon exe-
6 cution of an unsecured appearance bond in an
7 amount specified by the court,” and inserting “upon
8 execution of an unsecured appearance bond in an
9 amount specified by the court, or upon a secured ap-
10 appearance bond under subsection (a)(5),”; and

11 (3) by adding at the end the following new sub-
12 section:

13 “(f) A person who is released upon the execution of
14 an appearance bond with a surety, under subsection
15 (a)(5), may be arrested by the surety, and if so arrested,
16 shall be delivered promptly to a United States marshal
17 and brought before a judicial officer in the District of Co-
18 lumbia. The judicial officer shall determine in accordance
19 with the provisions of this section 23–1322 whether to re-
20 voke the release of the person, and may absolve the surety
21 of responsibility to pay all or part of the bond in accord-
22 ance with the provisions of Rule 46 of the Federal Rules
23 of Criminal Procedure. The person so committed shall be
24 held in official detention until released pursuant to this
25 title or any other provision of law.”.

1 (b) DEFINITIONS.—

2 (1) PUBLIC SAFETY OR ORDER CRIME DE-
3 FINED.—Section 23–1331, District of Columbia Of-
4 ficial Code, is amended by adding at the end the fol-
5 lowing new paragraph:

6 “(7) The term ‘public safety or order crime’
7 means failure to appear when ordered to do so by
8 a judicial officer; obstruction of justice; fleeing from
9 a law enforcement officer; rioting; inciting a riot; de-
10 struction of property; stalking; burglary or robbery
11 (other than burglary or robbery in the first degree
12 or with a dangerous weapon); or a previous convic-
13 tion of any such offense, or substantially similar of-
14 fense, under Federal, State, or local law.”.

15 (2) SECURED APPEARANCE BOND DEFINED.—
16 Section 23–1331, District of Columbia Official Code,
17 is further amended by adding at the end the fol-
18 lowing new paragraph:

19 “(8) The term ‘secured appearance bond’
20 means an agreement to forfeit upon failing to ap-
21 pear as required, the designated property, including
22 money, as is reasonably necessary to assure the ap-
23 pearance of the person as required, and post with
24 the court the indicia of ownership of the property,
25 or a percentage of the money as the judicial officer

1 may specify; or a bail bond with solvent sureties in
2 whatever amount is reasonably necessary to assure
3 the appearance of the person as required.”.

4 (c) CONFORMING AMENDMENTS.—Section 23–1321,
5 District of Columbia Official Code, is further amended—

6 (1) in subsection (a), by striking “with an of-
7 fense” and all that follows through “shall issue” and
8 insert “with an offense, other than a crime of vio-
9 lence or dangerous crime (as such terms are defined
10 in section 1331 of this title), the judicial officer shall
11 issue”; and

12 (2) in subsection (c)—

13 (A) in paragraph (1)—

14 (i) by striking “shall” and inserting
15 “may”; and

16 (ii) in subparagraph (B), by striking
17 “Least restrictive further” and inserting
18 “Further”;

19 (B) by striking paragraph (3) and redesignig-
20 nating paragraphs (4) and (5) as paragraphs
21 (3) and (4), respectively; and

22 (C) in paragraph (4), as so redesignated,
23 by striking “additional or different conditions”
24 and inserting “any additional or different condi-
25 tion described under this subsection”.

1 **SEC. 4. APPLICABILITY.**

2 This Act, and the amendments made by this Act,
3 shall apply with respect to an individual charged with an
4 offense in the District of Columbia on or after the date
5 that is 30 days after the date of the enactment of this
6 Act.

