

# What is the YRA?



The Youth Rehabilitation Act of 1985 (YRA) is a District law that provides young people “under the age of 22 convicted of, and sentenced for, a crime other than homicide are eligible to have their convictions ‘set aside’ [sealed] if they successfully complete their sentence.”<sup>1</sup> The Youth Rehabilitation Amendment Act of 2018 raised the age of eligibility from 22 to 24, and also adjusted the “set aside” provision to be applied after the end of a sentence instead of at conviction, thereby expanding the eligibility for young people to apply for this provision. The following offenses are ineligible under the YRA: first degree murder that constitutes an act of terrorism, second degree murder that constitutes an act of terrorism, first degree sexual abuse, second degree sexual abuse, and first-degree child sexual abuse.<sup>2</sup>

Sentencing provisions of the amended YRA include:<sup>3</sup>

1. If the court determines that a young person would be better served by probation instead of confinement, it may suspend the sentence and place the young person on probation
  - a. As part of an order of probation, the court shall require the young person (15-to-24-years-old) to perform at least 90 hours of community service
2. If the offense for which a young person is convicted is punishable by imprisonment under applicable provisions of the law, the court may use its discretion to sentence the young person under the YRA allowing for:
  - a. The court, at its discretion, to issue a sentence less than any mandatory-minimum term otherwise required by law
  - b. The young person shall serve the court’s sentence unless released sooner
3. If the court sentences a young person under the YRA, it shall make a written statement on the record of the reasons for its determination. In using its discretion in sentencing a young person under the YRA, the court shall consider
  - a. Young person’s age at the time of the offense
  - b. Nature of the offense, including the extent of the young person’s role and to what an extent another adult was involved
  - c. Whether the young person has been previously sentenced under the YRA

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<sup>1</sup> “The Latest on the Youth Rehabilitation Amendment Act,” Charles Allen DC Council Ward 6 website visited November 4, 2021. [https://www.charlesallenward6.com/the\\_latest\\_on\\_the\\_youth\\_rehabilitation\\_amendment\\_act](https://www.charlesallenward6.com/the_latest_on_the_youth_rehabilitation_amendment_act)

<sup>2</sup> Code of the District of Columbia § 24–903. Sentencing alternatives. <https://code.dccouncil.us/us/dc/council/code/sections/24-903>

<sup>3</sup> Code of the District of Columbia § 24–903. Sentencing alternatives. <https://code.dccouncil.us/us/dc/council/code/sections/24-903>

- d. Young person's compliance with the rules of the facility to which they have been committed, and with supervision and pretrial release, if applicable
  - e. Young person's current participation in rehabilitative District programs
  - f. Young person's previous contact with the juvenile and criminal justice system
  - g. Young person's family and community circumstances at the time of the offense, including any history of abuse, trauma, or involvement in the child welfare system
  - h. Young person's ability to appreciate risks and consequences for their conduct
  - i. Reports of any physical, mental, or psychiatric examinations of the young person
  - j. Young person's use of controlled substances that are unlawful under District law
  - k. Young person's capacity for rehabilitation
  - l. Any oral or written statements provided by the victim of the offense, or a family member of the victim if the victim is deceased
  - m. Any other information the court deems relevant to its decision
4. If the court does not sentence a young person under the YRA, it shall make a written statement on the record of the reasons for its determination and may sentence the young person under any other applicable penalty provision.

“Set aside” provisions of the amended YRA include:<sup>4</sup>

1. A young person, regardless of if they were originally sentenced under the YRA, may, after the completion of probation, sentence of incarceration, supervised release, or parole (whichever is later), file a motion to have their conviction set aside under the YRA. The court may, in its discretion, set aside the conviction.
2. In making the determination for a “set aside,” the court shall consider the factors listed in DC Code §24-903(c)(2) – those conditions listed to be considered under the sentencing provisions of the YRA.
3. In any case where the conviction is set aside, the young person shall be issued a certificate to that effect.

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<sup>4</sup> Code of the District of Columbia § 24–906. Unconditional discharge sets aside conviction.  
<https://code.dccouncil.us/us/dc/council/code/sections/24-906>