

APPENDIX IX: ENACTMENT OF TITLE 22 AND CRIMINAL CODE
AMENDMENTS ACT OF 2017

Note: All statute texts are taken from the online LexisNexis District of Columbia Official Code. The texts in the Official Code are current through April 5, 2016. The text of the enacted title 22 reflects the revisions discussed in the Report on Recommendations for Enactment of D.C. Code Title 22 and Other Changes to Criminal Statutes (Report): 1) Repeal of archaic and unused offenses; 2) Technical amendments; 3) Amendment of statutes held to be unconstitutional; 4) Resolution of discrepancies between the text of the D.C. Official Code and the underlying organic legislation; and 5) Relocation of numerous statutes from Title 22.

Before the Council can vote on title 1 of the bill in this Appendix IX, the Council's Office of the General Counsel will need to update the bill to reflect any criminal laws or amendments that have become effective since April 5, 2016, to the date of the Council vote to enact Title 22, as well as any conforming amendments necessary to accommodate the relocated titles (discussed further on page 16 of the Report. In addition, footnotes in the bill highlight potential drafting issues for the Office of the General Counsel to review.

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To enact Title 22, "Criminal Offenses and Penalties," of the District of Columbia Official Code into law and repeal the underlying organic legislation without effecting substantive change to the law unless noted in the "Statement of Legislative Intent for the Enactment of Title 22" that is included in this bill; to make technical amendments to certain criminal statutes to correct outdated institutions, gendered language, and prosecutorial jurisdiction; to amend statutes that have been held by the District of Columbia Court of Appeals as unconstitutional; and to abolish common law offenses in the District by amending the reception statute in Title 45.

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Statement of Legislative Intent for the Enactment of Title 22

The Council of the District of Columbia finds it necessary to enact Title 22. The Council does not intend enactment of Title 22 to substantively change the laws therein, except for the specific changes noted in this Statement of Legislative Intent for the Enactment of Title 22.

1. The Council intends to repeal the following archaic offenses in Title 22. The text of Title 22 in the “Title 22 Enactment Act of 2016” reflects these deletions:

(1) D.C. Official Code § 22-1003, titled “Rest, water and feeding for animals transported by railroad company.”

(2) Subsection (a) of D.C. Official Code § 22-1012, titled “Abandonment of maimed or diseased animal; destruction of diseased animals; disposition of animal or vehicle on arrest of driver; scientific experiments.

(3) D.C. Official Code § 22-1308, titled “Playing games in streets.”

61 (4) D.C. Official Code § 22-3303, titled “Grave robbery; buying or selling dead
62 bodies.”

63 (5) D.C. Official Code § 22-3307, titled “Destroying or defacing public records.”

64 (6) D.C. Official Code § 22-3309, titled “Destroying boundary markers.”

65 (7) D.C. Official Code § 22-3313, titled “Destroying or defacing building
66 material for streets.”

67 (8) D.C. Official Code § 22-3314, titled “Destroying cemetery railing or tomb.”

68 (9) D.C. Official Code § 22-3319, titled “Placing obstructions on or
69 displacement of railway tracks.”

70 (10) D.C. Official Code § 22-3320, titled “Obstructing public road; removing
71 milestones.”

72 2. The Council intends to make the following technical amendments to the statutes in
73 Title 22. The text of Title 22 in the “Title 22 Enactment Act of 2016” reflects these
74 amendments:

75 (1) In D.C. Official Code § 22-302, striking the word “his” and inserting the
76 phrase “his or her” in its place.

77 (2) In D.C. Official Code § 22-722(a)(5), striking the second reference to “his”
78 and inserting the phrase “his or her” in its place.

79 (3) In D.C. Official Code § 22-811, striking subsection (e).

80 (4) In D.C. Official Code § 22-935, striking the word “he” both times it appears
81 and inserting the phrase “he or she” in its place.

82 (5) In D.C. Official Code § 22-1102, striking the phrase “in the Workhouse of the
83 District of Columbia.”

84 (6) In D.C. Official Code § 22-1311:

85 A. In subsection (a):

86 i. Striking the word “he” and inserting the phrase “he or she”
87 in its place.

88 ii. Striking the word “him” and inserting the phrase “him or her” in
89 its place.

90 B. In subsection (b), striking the word “he” and inserting the phrase “he
91 or she” in its place.

92 (7) In D.C. Official Code § 22-1317, striking the phrase “City of Washington”
93 and inserting the phrase “District of Columbia” in its place.

94 (8) In D.C. Official Code § 22-1406, striking the word “himself” and inserting the
95 phrase “himself or herself” in its place.

96 (9) In D.C. Official Code § 22-1702, striking the word “his” the second time it
97 appears and inserting the phrase “his or her” in its place.

98 (10) In D.C. Official Code § 22-1809, striking the phrase “committed to the
99 Workhouse of the District of Columbia” and inserting the word “imprisoned” in its place.

100 (11) In D.C. Official Code § 22-1810, in the title of the statute, striking the
101 word “his” and inserting the phrase “his or her” in its place.

102 (12) In D.C. Official Code § 22-2305, striking the phrase “Corporation
103 Counsel” and inserting the phrase “Attorney General for the District of Columbia” in its place.

104 (13) In D.C. Official Code § 22-2703, striking the phrase “, the Women’s
105 Bureau of the Police,”.

106 (14) In D.C. Official Code § 22-3020(c), striking the phrase “Corporation
107 Counsel” and inserting the phrase “Attorney General for the District of Columbia” in its place.

108 (15) In D.C. Official Code § 22-3214.01(c)(2), striking the word “his” both
109 times it appears and inserting the phrase “his or her” in its place.

110 (16) In D.C. Official Code § 22-3225.05(c), striking the phrase “Corporation
111 Counsel” and inserting the phrase “Attorney General for the District of Columbia” in its place.

112 (17) In D.C. Official Code § 22-3226.01(8), striking the word “himself” and
113 inserting the phrase “himself or herself” in its place.

114 (18) In D.C. Official Code § 22-3318:

115 A. Striking the phrase “City of Washington” and inserting the
116 phrase “District of Columbia” in its place.

117 B. Striking the phrase “at hard labor” and inserting the word “for”
118 in its place.

119 (19) In D.C. Official Code § 22-3403:

120 A. Striking the phrase “Corporation Counsel” and inserting the
121 phrase “Attorney General for the District of Columbia” in its
122 place.

123 B. Striking the phrase “Assistant Corporation Counsel” and
124 inserting the phrase “Assistant Attorney General for the
125 District of Columbia.”
126 C. Striking the last sentence.
127 (20) In D.C. Official Code § 22-4331(b):
128 A. Striking the phrase “Corporation Counsel” and inserting the
129 phrase “Attorney General for the District of Columbia” in its place.
130 B. Striking the phrase “Assistant Corporation Counsel” and
131 inserting the phrase “Assistant Attorney General for the District of
132 Columbia” in its place.
133 (21) In D.C. Official Code § 22-4504.02(a), striking the word “he” both times
134 it appears and inserting the phrase “he or she” in its place.
135 3. The Council intends to make the following substantive revisions to the laws in Title
136 22. The text of Title 22 in the “Title 22 Enactment Act of 2016” reflects these revisions:
137 (1) In D.C. Official Code § 22-1011, inserting the phrase “be abandoned by its
138 owner, or”, which appears in the organic legislation, but is missing from the current text of Title
139 22 in the D.C. Official Code.
140 (2) In D.C. Official Code § 22-1801, codifying the reference to “this title” even
141 though the language differs from the underlying organic legislation.
142 (3) In D.C. Official Code § 22-1802, codifying the reference to “this title” even
143 though the language differs from the underlying organic legislation.
144 (4) In D.C. Official Code § 22-1809, deleting the last sentence because D.C.
145 Official Code § 22-1312(b) has been deleted.
146 (5) In D.C. Official Code § 22-2104.01(b)(12), striking the phrase “§ 22-
147 4501(f) [now § 22-4501(4)]” and inserting the phrase in “§ 22-4501(1)” in order to cite to the
148 correct subsection in § 22-4501.
149 (6) In § 22-2701.01, codifying the reference to § 22-2704 because it corrects an
150 error in the underlying organic legislation.
151 (7) In D.C. Official Code § 22-3312.01, inserting “upon” at the end of the first
152 clause.
153 (8) In D.C. Official Code § 22-4402, codifying the reference to “Mayor”

154 because “Mayor” is the correct replacement for the “Commissioners” in the organic legislation.

155 (9) In D.C. Official Code § 22-4505(a)(2), codifying the reference to “that
156 section” because it clarifies the scope of the underlying organic legislation.

157 (10) In D.C. Official Code § 22-4510, codifying the references to “Mayor”
158 because “Mayor” is the correct replacement for the “Commissioners” in the organic legislation.

159 (11) In D.C. Official Code § 22-4512, striking from the second sentence,
160 “Possession of any pistol, machine gun, or sawed-off shotgun upon which any such mark shall
161 have been changed, altered, removed, or obliterated shall be prima facie evidence that the
162 possessor has changed, altered, removed, or obliterated the same within the District of Columbia;
163 provided, however, that nothing” and inserting “Nothing” as the start of the sentence.

164 (12) In subsection (a) of D.C. Official Code § 22-4514, codifying the reference
165 to “Air Force” even though the reference is missing from the organic legislation.

166 (13) In D.C. Official Code § 22-4515a, codifying the reference to “Mayor”
167 because “Mayor” is the correct replacement for the “Commissioner” in the organic legislation.

168
169 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
170 act may be cited as the Enactment of Title 22 and Other Criminal Code Revisions Act of 2017.

171
172 **TITLE 1. ENACTMENT OF TITLE 22**

173
174 Sec. 101. Short Title.

175 This subtitle may be cited as the “Title 22 Enactment Act of 2016”.

176 Sec. 102. Title 22 of the District of Columbia Official Code is enacted into law to read as
177 follows:

178
179 “TITLE 22.
180 CRIMINAL OFFENSES AND PENALTIES.

181
182 _____
183
184 SUBTITLE I.
185 CRIMINAL OFFENSES.

186
187 Chapter.

188 1. Abortion. [Repealed].

- 189 2. Adultery. [Repealed].
190 3. Arson.
191 4. Assault; Mayhem; Threats.
192 5. Bigamy.
193 6. Breaking into Devices Designed to Receive Currency.
194 7. Bribery; Obstructing Justice; Corrupt Influence.
195 8. Burglary.
196 8A. Crimes Committed Against Minors.
197 8B. Crimes Against Public Officials.
198 8C. Protection of Police Animals.
199 9. Commercial Counterfeiting.
200 9A. Criminal Abuse and Neglect of Vulnerable Adults.
201 9B. Criminal Street Gangs.
202 10. Cruelty to Animals.
203 11. Cruelty to Children.
204 12. Debt Adjusting. [Repealed].
205 12A. Detection Device Tampering.
206 13. Disturbances of the Public Peace.
207 13A. Entry into a Motor Vehicle, Unlawful.
208 14. False Pretenses; False Personation.
209 15. Forgery; Frauds.
210 16. Fornication. [Repealed].
211 17. Gambling.
212 18. General Offenses.
213 18A. Human Trafficking.
214 19. Incest.
215 19A. Interfering with Reports of Crime.
216 20. Kidnapping.
217 21. Murder; Manslaughter.
218 22. Obscenity.
219 23. Panhandling.
220 24. Perjury; Related Offenses.
221 25. Possession of Implements of Crime.
222 25A. Presence in a Motor Vehicle Containing a Firearm. [Repealed].¹
223 26. Prison Misconduct.
224 27. Prostitution; Pandering.
225 27A. Protest Targeting a Residence.
226 28. Robbery.
227 29. Sale of Unwholesome Food. [Repealed].
228 30. Sexual Abuse.
229 30A. Non-Consensual Pornography.
230 31. Sexual Performance Using Minors.
231 31A. Stalking.
232 31B. Terrorism.

¹ The online LexisNexis D.C. Official Code has not updated the chapter heading to reflect that the statute has been repealed. However, the actual statute in the LexisNexis D.C. Official Code is correctly marked as “repealed.”

- 233 32. Theft; Fraud; Stolen Property; Forgery; and Extortion.
- 234 33. Trespass; Injuries to Property.
- 235 34. Use of "District of Columbia" by Certain Persons.
- 236 35. Vagrancy. [Repealed].
- 237 35A. Voyeurism.
- 238 35B. Fines for Criminal Offenses.

239
240 SUBTITLE II.
241 ENHANCED PENALTIES.

- 242
- 243 36. Crimes Committed Against Certain Persons.
- 244 36A. Crimes Committed Against Minors.
- 245 37. Bias-Related Crime.
- 246 37A. Offenses Committed Against Taxicab Drivers and Certain Transit Workers.

247
248 SUBTITLE III.
249 SEX OFFENDERS.

- 250
- 251 38. Sexual Psychopaths. [Transferred].
- 252 39. HIV Testing of Certain Criminal Offenders. [Transferred].
- 253 40. Sex Offender Registration.
- 254 41. Sex Offender Registration. [Repealed]. [Transferred].

255
256 SUBTITLE III-A.
257 DNA TESTING.

- 258
- 259 41A. DNA Testing and Post-Conviction Relief for Innocent Persons.
- 260 41B. DNA Sample Collection. [Transferred].

261
262 SUBTITLE IV.
263 PREVENTION, SOLUTION, AND PUNISHMENT OF CRIMES.
264 [TRANSFERRED].

- 265
- 266 42. National Institute of Justice Appropriations. [Transferred].
- 267 42A. National Institute of Justice Appropriations. [Transferred].
- 268 42B. Homicide Elimination. [Transferred].

269
270 SUBTITLE V.
271 HARBOR, GAME, AND FISH LAWS.

- 272
- 273 43. Game and Fish Laws.
- 274 44. Harbor Regulations.

275
276 SUBTITLE VI.
277 REGULATION AND POSSESSION OF WEAPONS.

278

279 45. Weapons and Possession of Weapons.

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SUBTITLE VII
REPEALED PROVISIONS.
[REPEALED].

- 286 46. Embezzlement. [Repealed].
287 47. Larceny; Receiving Stolen Goods. [Repealed].
288 48. Rape. [Repealed].
289 49. Seduction. [Repealed].
290 50. Warehouse Receipts. [Repealed].
291 51. Libel; Blackmail; Extortion; Threats. [Repealed].
292 52. Miscellaneous Provisions. [Repealed].

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SUBTITLE I.
CRIMINAL OFFENSES.

300 CHAPTER 1. ABORTION.
301 [REPEALED].

302 Sec.
303 22-101. Definition and penalty. [Repealed].

304
305 § 22-101. Definition and penalty. [Repealed].
306 Repealed.
307

308 CHAPTER 2. ADULTERY.
309 [REPEALED].

310 Sec.
311 22-201. Definition and penalty. [Repealed].

312
313 § 22-201. Definition and penalty. [Repealed].
314 Repealed.

315 CHAPTER 3. ARSON.

316 Sec.
317 22-301. Definition and penalty.
318 22-302. Burning one's own property with intent to defraud or injure another.
319 22-303. Malicious burning, destruction, or injury of another's property.

320 22-304. Malicious burning of fences, woods, crops. [Repealed].

321

322 § 22-301. Definition and penalty.

323 Whoever shall maliciously burn or attempt to burn any dwelling, or house, barn, or stable
324 adjoining thereto, or any store, barn, or outhouse, or any shop, office, stable, store, warehouse, or
325 any other building, or any steamboat, vessel, canal boat, or other watercraft, or any railroad car,
326 the property, in whole or in part, of another person, or any church, meetinghouse, schoolhouse,
327 or any of the public buildings in the District, belonging to the United States or to the District of
328 Columbia, shall suffer imprisonment for not less than 1 year nor more than 10 years. In addition
329 to any other penalty provided under this section, a person may be fined an amount not more than
330 the amount set forth in § 22-3571.01.

331

332 § 22-302. Burning one's own property with intent to defraud or injure another.

333 Whoever maliciously burns or sets fire to any dwelling, shop, barn, stable, store, or
334 warehouse or other building, or any steamboat, vessel, canal boat, or other watercraft, or any
335 goods, wares, or merchandise, the same being his or her own property, in whole or in part, with
336 intent to defraud or injure any other person, shall be imprisoned for not more than 15 years. In
337 addition to any other penalty provided under this section, a person may be fined an amount not
338 more than the amount set forth in § 22-3571.01.

339

340 § 22-303. Malicious burning, destruction, or injury of another's property.

341 Whoever maliciously injures or breaks or destroys, or attempts to injure or break or
342 destroy, by fire or otherwise, any public or private property, whether real or personal, not his or
343 her own, of the value of \$ 1,000 or more, shall be fined not more than the amount set forth in §
344 22-3571.01 or shall be imprisoned for not more than 10 years, or both, and if the property has
345 some value shall be fined not more than the amount set forth in § 22-3571.01 or imprisoned for
346 not more than 180 days, or both.

347

348 § 22-304. Malicious burning of fences, woods, crops. [Repealed].

349 Repealed.

350

CHAPTER 4. ASSAULT.

351 Sec.

352 22-401. Assault with intent to kill, rob, or poison, or to commit first degree sexual abuse, second
353 degree sexual abuse, or child sexual abuse.

354 22-402. Assault with intent to commit mayhem or with dangerous weapon.

355 22-403. Assault with intent to commit any other offense.

356 22-404. Assault or threatened assault in a menacing manner; stalking.

357 22-404.01. Aggravated assault.

358 22-404.02. Assault on a public vehicle inspection officer.

359 22-404.03. Aggravated assault on a public vehicle inspection officer.

360 22-405. Assault on member of police force, campus or university special police, or fire
361 department.

362 22-406. Mayhem or maliciously disfiguring.

363 22-407. Threats to do bodily harm.

364 22-408. Penalty for assaulting, beating, or fighting on account of money won by gaming.
365 [Repealed].

366
367 § 22-401. Assault with intent to kill, rob, or poison, or to commit first degree sexual
368 abuse, second degree sexual abuse or child sexual abuse.

369 Every person convicted of any assault with intent to kill or to commit first degree sexual
370 abuse, second degree sexual abuse, or child sexual abuse, or to commit robbery, or mingling
371 poison with food, drink, or medicine with intent to kill, or wilfully poisoning any well, spring,
372 or cistern of water, shall be sentenced to imprisonment for not less than 2 years or more than 15
373 years. In addition to any other penalty provided under this section, a person may be fined an
374 amount not more than the amount set forth in § 22-3571.01.

375
376 § 22-402. Assault with intent to commit mayhem or with dangerous weapon.

377 Every person convicted of an assault with intent to commit mayhem, or of an assault
378 with a dangerous weapon, shall be sentenced to imprisonment for not more than 10 years. In
379 addition to any other penalty provided under this section, a person may be fined an amount not
380 more than the amount set forth in § 22-3571.01.

381
382 § 22-403. Assault with intent to commit any other offense.

383 Whoever assaults another with intent to commit any other offense which may be
384 punished by imprisonment in the penitentiary shall be imprisoned not more than 5 years. In
385 addition to any other penalty provided under this section, a person may be fined an amount not
386 more than the amount set forth in § 22-3571.01.

387
388 § 22-404. Assault or threatened assault in a menacing manner; stalking.

389 (a)(1) Whoever unlawfully assaults, or threatens another in a menacing manner, shall be
390 fined not more than the amount set forth in § 22-3571.01 or be imprisoned not more than 180
391 days, or both.

392 (2) Whoever unlawfully assaults, or threatens another in a menacing manner, and
393 intentionally, knowingly, or recklessly causes significant bodily injury to another shall be fined
394 not more than the amount set forth in § 22-3571.01 or be imprisoned not more than 3 years, or
395 both. For the purposes of this paragraph, the term "significant bodily injury" means an injury that
396 requires hospitalization or immediate medical attention.

397 (b) Repealed.

398 (c) Repealed.

399 (d) Repealed.

400 (e) Repealed.

401
402 § 22-404.01. Aggravated assault.

403 (a) A person commits the offense of aggravated assault if:

404 (1) By any means, that person knowingly or purposely causes serious bodily injury to
405 another person; or

406 (2) Under circumstances manifesting extreme indifference to human life, that person
407 intentionally or knowingly engages in conduct which creates a grave risk of serious bodily injury
408 to another person, and thereby causes serious bodily injury.

409 (b) Any person convicted of aggravated assault shall be fined not more than the amount
410 set forth in § 22-3571.01 or be imprisoned for not more than 10 years, or both.

411 (c) Any person convicted of attempted aggravated assault shall be fined not more than the
412 amount set forth in § 22-3571.01 or be imprisoned for not more than 5 years, or both.

413
414 § 22-404.02. Assault on a public vehicle inspection officer.

415 (a) A person commits the offense of assault on a public vehicle inspection officer if that
416 person assaults, impedes, intimidates, or interferes with a public vehicle inspection officer while
417 that officer is engaged in or on account of the performance of his or her official duties.

418 (b) A person who violates this subsection shall be guilty of a misdemeanor and, upon
419 conviction, shall:

420 (1) Be fined not more than the amount set forth in § 22-3571.01, or be imprisoned for
421 not more than 180 days; and

422 (2) Have his or her license or licenses for operating a public vehicle-for-hire, as
423 required by the Commission pursuant to subchapter I of Chapter 3 of Title 50 [§ 50-301 et seq.],
424 revoked without further administrative action by the Commission.

425 (c) It is neither justifiable nor excusable for a person to use force to resist the civil
426 enforcement authority exercised by an individual believed to be a public vehicle inspection
427 officer, whether or not such enforcement action is lawful.

428 (d) For the purposes of this section, the term:

429 (1) "Commission" shall have the same meaning as provided in § 50-303(6).

430 (2) "Public vehicle-for-hire" shall have the same meaning as provided in § 50-303(17).

431 (3) "Public vehicle inspection officer" shall have the same meaning as provided in §
432 50-303(19).

433
434 § 22-404.03. Aggravated assault on a public vehicle inspection officer.

435 (a) A person commits the offense of aggravated assault on a public vehicle inspection
436 officer if that person assaults, impedes, intimidates, or interferes with a public vehicle inspection
437 officer while that officer is engaged in or on account of the performance of his or her official
438 duties, and:

439 (1) By any means, that person knowingly or purposely causes serious bodily injury to
440 the public vehicle inspection officer; or

441 (2) Under circumstances manifesting extreme indifference to human life, that person
442 intentionally or knowingly engages in conduct which creates a grave risk of serious bodily injury
443 to another person, and thereby causes serious bodily injury.

444 (b) A person who violates this section shall be guilty of a felony and, upon conviction,
445 shall:

446 (1) Be fined not more than the amount set forth in § 22-3571.01, or be imprisoned for
447 not more than 10 years, or both; and

448 (2) Have his or her license or licenses for operating a public vehicle-for-hire, as
449 required by the Commission pursuant [to] subchapter I of Chapter 3 of Title 50 [§ 50-301 et
450 seq.], revoked without further administrative action by the Commission.

451 (c) It is neither justifiable nor excusable for a person to use force to resist the civil
452 enforcement authority exercised by an individual believed to be a public vehicle inspection
453 officer, whether or not such enforcement action is lawful.

454 (d) For the purposes of this section, the term:

455 (1) "Commission" shall have the same meaning as provided in § 50-303(6).

456 (2) "Public vehicle-for-hire" shall have the same meaning as provided in § 50-303(17).

457 (3) "Public vehicle inspection officer" shall have the same meaning as provided in §
458 50-303(19).

459
460 § 22-405. Assault on member of police force, campus or university special police, or fire
461 department.

462 (a) For the purposes of this section, the term "law enforcement officer" means any officer
463 or member of any police force operating and authorized to act in the District of Columbia,
464 including any reserve officer or designated civilian employee of the Metropolitan Police
465 Department, any licensed special police officer, any officer or member of any fire department
466 operating in the District of Columbia, any officer or employee of any penal or correctional
467 institution of the District of Columbia, any officer or employee of the government of the District
468 of Columbia charged with the supervision of juveniles being confined pursuant to law in any
469 facility of the District of Columbia regardless of whether such institution or facility is located
470 within the District, any investigator or code inspector employed by the government of the
471 District of Columbia, or any officer or employee of the Department of Youth Rehabilitation
472 Services, Court Services and Offender Supervision Agency, the Social Services Division of the
473 Superior Court, or Pretrial Services Agency charged with intake, assessment, or community
474 supervision.

475 (b) Whoever without justifiable and excusable cause, assaults, resists, opposes, impedes,
476 intimidates, or interferes with a law enforcement officer on account of, or while that law
477 enforcement officer is engaged in the performance of his or her official duties shall be guilty of a
478 misdemeanor and, upon conviction, shall be imprisoned not more than 180 days or fined not
479 more than the amount set forth in § 22-3571.01, or both.

480 (c) A person who violates subsection (b) of this section and causes significant bodily
481 injury to the law enforcement officer, or commits a violent act that creates a grave risk of causing
482 significant bodily injury to the officer, shall be guilty of a felony and, upon conviction, shall be
483 imprisoned not more than 10 years or fined not more than the amount set forth in § 22-3571.01,
484 or both.

485 (d) It is neither justifiable nor excusable cause for a person to use force to resist an arrest
486 when such an arrest is made by an individual he or she has reason to believe is a law
487 enforcement officer, whether or not such arrest is lawful.

488
489 § 22-406. Mayhem or maliciously disfiguring.

490 Every person convicted of mayhem or of maliciously disfiguring another shall be
491 imprisoned for not more than 10 years. In addition to any other penalty provided under this
492 section, a person may be fined an amount not more than the amount set forth in § 22-3571.01.

493
494 § 22-407. Threats to do bodily harm.

495 Whoever is convicted in the District of threats to do bodily harm shall be fined not more
496 than the amount set forth in § 22-3571.01 or imprisoned not more than 6 months, or both, and, in
497 addition thereto, or in lieu thereof, may be required to give bond to keep the peace for a period
498 not exceeding 1 year.

500 § 22-408. Penalty for assaulting, beating, or fighting on account of money won by
501 gaming. [Repealed].
502 Repealed.

503 CHAPTER 5. BIGAMY.

504 Sec.
505 22-501. Bigamy.

506 § 22-501. Bigamy.

507 (a) Whoever, having a spouse or domestic partner living, marries or enters a domestic
508 partnership with another shall be deemed guilty of bigamy, and on conviction thereof shall suffer
509 imprisonment for not less than 2 nor more than 7 years; provided, that this section shall not apply
510 to any person whose:
511

512 (1) Spouse or domestic partner has been continually absent for 5 successive years
513 next before such marriage or domestic partnership without being known to such person to be
514 living within that time;

515 (2) Marriage to said living spouse shall have been dissolved by a valid decree of a
516 competent court, or shall have been pronounced void by a valid decree of a competent court on
517 the ground of the nullity of the marriage contract; or

518 (3) Domestic partnership with said living domestic partner has been terminated in
519 accordance with § 32-702(d).

520 (a-1) In addition to any other penalty provided under this section, a person may be fined
521 an amount not more than the amount set forth in § 22-3571.01.

522 (b) For the purposes of this section, the term:

523 (1) "Domestic partner" shall have the same meaning as provided in § 32-701(3).

524 (2) "Domestic partnership" shall have the same meaning as provided in § 32-701(4).

525 CHAPTER 6. BREAKING INTO DEVICES DESIGNED TO RECEIVE CURRENCY.

526 Sec.
527 22-601. Breaking and entering vending machines and similar devices.

528 § 22-601. Breaking and entering vending machines and similar devices.

529 Whoever in the District of Columbia breaks open, opens, or enters, without right, any
530 parking meter, coin telephone, vending machine dispensing goods or services, money changer, or
531 any other device designed to receive currency, with intent to carry away any part of such device
532 or anything contained therein, shall be sentenced to a term of imprisonment of not more than 3
533 years or to a fine of not more than the amount set forth in § 22-3571.01, or both.
534

535 CHAPTER 7. BRIBERY; OBSTRUCTING JUSTICE; CORRUPT INFLUENCE.

536 *Subchapter I.*
537 *Corrupt Influence.*

538

539 Sec.
540 22-701 to 22-703. Definition and penalty; offering or receiving money, property, or valuable
541 consideration to procure office or promotion from Council; obstructing
542 justice. [Repealed].

543 22-704. Corrupt influence; officials.

544

545 *Subchapter II.*

546 *Bribery.*

547

548 Sec.

549 22-711. Definitions.

550 22-712. Prohibited acts; penalty.

551 22-713. Bribery of witness; penalty.

552

553 *Subchapter III.*

554 *Obstructing Justice.*

555

556 Sec.

557 22-721. Definitions.

558 22-722. Prohibited acts; penalty.

559 22-723. Tampering with physical evidence; penalty.

560

561 *Subchapter I.*

562 *Corrupt Influence.*

563

564

565 §§ 22-701 to 22-703. Definition and penalty; offering or receiving money, property, or
566 valuable consideration to procure office or promotion from Council; obstructing justice.
567 [Repealed].

568 [Repealed].

569

570 § 22-704. Corrupt influence; officials.

571 (a) Whosoever corruptly, directly or indirectly, gives any money, or other bribe, present,
572 reward, promise, contract, obligation, or security for the payment of any money, present, reward,
573 or thing of value to any ministerial, administrative, executive, or judicial officer of the District of
574 Columbia, or any employee, or other person acting in any capacity for the District of Columbia,
575 or any agency thereof, either before or after the officer, employee, or other person acting in any
576 capacity for the District of Columbia is qualified, with intent to influence such official's action
577 on any matter which is then pending, or may by law come or be brought before such official in
578 such official's official capacity, or to cause such official to execute any of the powers in such
579 official vested, or to perform any duties of such official required, with partiality or favor, or
580 otherwise than is required by law, or in consideration that such official being authorized in the
581 line of such official's duty to contract for any advertising or for the furnishing of any labor or
582 material, shall directly or indirectly arrange to receive or shall receive, or shall withhold from the
583 parties so contracted with, any portion of the contract price, whether that price be fixed by law or
584 by agreement, or in consideration that such official has nominated or appointed any person to

585 any office or exercised any power in such official vested, or performed any duty of such official
586 required, with partiality or favor, or otherwise contrary to law; and whosoever, being such an
587 official, shall receive any such money, bribe, present, or reward, promise, contract, obligation, or
588 security, with intent or for the purpose or consideration aforesaid shall be deemed guilty of
589 bribery and upon conviction thereof shall be punished by imprisonment for a term not less than 6
590 months nor more than 5 years. In addition to any other penalty provided under this section, a
591 person may be fined an amount not more than the amount set forth in § 22-3571.01.

592 (b) Whosoever corrupts or attempts, directly or indirectly, to corrupt any special master,
593 auditor, juror, arbitrator, umpire, or referee, by giving, offering, or promising any gift or gratuity
594 whatever, with intent to bias the opinion, or influence the decision of such official, in relation to
595 any matter pending in the court, or before an inquest, or for the decision of which such arbitrator,
596 umpire, or referee has been chosen or appointed, and every official who receives, or offers or
597 agrees to receive, a bribe in any of the cases above mentioned shall be guilty of bribery and upon
598 conviction thereof shall be punished as hereinbefore provided.

599

600

Subchapter II.

601

Bribery.

602

603

§ 22-711. Definitions.

604

For the purposes of this subchapter, the term:

605

(1) "Court of the District of Columbia" means the Superior Court of the District of
606 Columbia or the District of Columbia Court of Appeals.

607

(2) "Juror" means any grand, petit, or other juror, or any person selected or summoned
608 as a prospective juror of the District of Columbia.

609

(3) "Official action" means any decision, opinion, recommendation, judgment, vote, or
610 other conduct that involves an exercise of discretion on the part of the public servant.

611

(4) "Official duty" means any required conduct that does not involve an exercise of
612 discretion on the part of the public servant.

613

(5) "Official proceeding" means any trial, hearing, investigation, or other proceeding in
614 a court of the District of Columbia or conducted by the Council of the District of Columbia or an
615 agency or department of the District of Columbia government, or a grand jury proceeding.

616

(6) "Public servant" means any officer, employee, or other person authorized to act for
617 or on behalf of the District of Columbia government. The term "public servant" includes any
618 person who has been elected, nominated, or appointed to be a public servant or a juror. The term
619 "public servant" does not include an independent contractor.

620

621

§ 22-712. Prohibited acts; penalty.

622

(a) A person commits the offense of bribery if that person:

623

(1) Corruptly offers, gives, or agrees to give anything of value, directly or indirectly, to
624 a public servant; or

625

(2) Corruptly solicits, demands, accepts, or agrees to accept anything of value, directly
626 or indirectly, as a public servant;

627

in return for an agreement or understanding that an official act of the public servant will be

628

influenced thereby or that the public servant will violate an official duty, or that the public

629

servant will commit, aid in committing, or will collude in or allow any fraud against the District

630

of Columbia.

631 (b) Nothing in this section shall be construed as prohibiting concurrence in official action
632 in the course of legitimate compromise between public servants.

633 (c) Any person convicted of bribery shall be fined not more than the amount set forth in §
634 22-3571.01 or twice the monetary equivalent of the thing of value, whichever is greater, or
635 imprisoned for not more than 10 years, or both.

636

637 § 22-713. Bribery of witness; penalty.

638 (a) A person commits the offense of bribery of a witness if that person:

639 (1) Corruptly offers, gives, or agrees to give to another person; or

640 (2) Corruptly solicits, demands, accepts, or agrees to accept from another person;
641 anything of value in return for an agreement or understanding that the testimony of the recipient
642 will be influenced in an official proceeding before any court of the District of Columbia or any
643 agency or department of the District of Columbia government, or that the recipient will absent
644 himself or herself from such proceedings.

645 (b) Nothing in subsection (a) of this section shall be construed to prohibit the payment or
646 receipt of witness fees provided by law, or the payment by the party upon whose behalf a witness
647 is called and receipt by a witness of a reasonable cost of travel and subsistence incurred and the
648 reasonable value of time lost in attendance at any such proceeding, or, in case of expert
649 witnesses, a reasonable fee for time spent in the preparation of a technical or professional
650 opinion and appearing and testifying.

651 (c) Any person convicted of bribery of a witness shall be fined not more than the amount
652 set forth in § 22-3571.01 or imprisoned for not more than 5 years, or both.

653

654 *Subchapter III.*
655 *Obstructing Justice.*

656

657 § 22-721. Definitions.

658 For the purpose of this subchapter, the term:

659 (1) "Court of the District of Columbia" means the Superior Court of the District of
660 Columbia or the District of Columbia Court of Appeals.

661 (2) "Criminal investigator" means an individual authorized by the Mayor or the
662 Mayor's designated agent to conduct or engage in a criminal investigation, or a prosecuting
663 attorney conducting or engaged in a criminal investigation.

664 (3) "Criminal investigation" means an investigation of a violation of any criminal
665 statute in effect in the District of Columbia.

666 (4) "Official proceeding" means any trial, hearing, investigation, or other proceeding in
667 a court of the District of Columbia or conducted by the Council of the District of Columbia or an
668 agency or department of the District of Columbia government, or a grand jury proceeding.

669

670 § 22-722. Prohibited acts; penalty.

671 (a) A person commits the offense of obstruction of justice if that person:

672 (1) Knowingly uses intimidation or physical force, threatens or corruptly persuades
673 another person, or by threatening letter or communication, endeavors to influence, intimidate, or
674 impede a juror in the discharge of the juror's official duties;

675 (2) Knowingly uses intimidating or physical force, threatens or corruptly persuades
676 another person, or by threatening letter or communication, endeavors to influence, intimidate, or
677 impede a witness or officer in any official proceeding, with intent to:

678 (A) Influence, delay, or prevent the truthful testimony of the person in an official
679 proceeding;

680 (B) Cause or induce the person to withhold truthful testimony or a record, document,
681 or other object from an official proceeding;

682 (C) Evade a legal process that summons the person to appear as a witness or produce
683 a document in an official proceeding; or

684 (D) Cause or induce the person to be absent from a legal official proceeding to which
685 the person has been summoned by legal process;

686 (3) Harasses another person with the intent to hinder, delay, prevent, or dissuade the
687 person from:

688 (A) Attending or testifying truthfully in an official proceeding;

689 (B) Reporting to a law enforcement officer the commission of, or any information
690 concerning, a criminal offense;

691 (C) Arresting or seeking the arrest of another person in connection with the
692 commission of a criminal offense; or

693 (D) Causing a criminal prosecution or a parole or probation revocation proceeding to
694 be sought or instituted, or assisting in a prosecution or other official proceeding;

695 (4) Injures or threatens to injure any person or his or her property on account of the
696 person or any other person giving to a criminal investigator in the course of any criminal
697 investigation information related to a violation of any criminal statute in effect in the District of
698 Columbia;

699 (5) Injures or threatens to injure any person or his or her property on account of the
700 person or any other person performing his or her official duty as a juror, witness, or officer in
701 any court in the District of Columbia; or

702 (6) Corruptly, or by threats of force, any way obstructs or impedes or endeavors to
703 obstruct or impede the due administration of justice in any official proceeding.

704 (b) Any person convicted of obstruction of justice shall be sentenced to a maximum
705 period of incarceration of not less than 3 years and not more than 30 years, or shall be fined not
706 more than the amount set forth in § 22-3571.01, or both. For purposes of imprisonment following
707 revocation of release authorized by § 24-403.01, obstruction of justice is a Class A felony.

708

709 § 22-723. Tampering with physical evidence; penalty.

710 (a) A person commits the offense of tampering with physical evidence if, knowing or
711 having reason to believe an official proceeding has begun or knowing that an official proceeding
712 is likely to be instituted, that person alters, destroys, mutilates, conceals, or removes a record,
713 document, or other object, with intent to impair its integrity or its availability for use in the
714 official proceeding.

715 (b) Any person convicted of tampering with physical evidence shall be fined not more
716 than the amount set forth in § 22-3571.01, imprisoned for not more than 3 years, or both.

717

718 CHAPTER 8. BURGLARY.

719

720 Sec.

721 22-801. Definition and penalty.

722

723 § 22-801. Definition and penalty.

724 (a) Whoever shall, either in the nighttime or in the daytime, break and enter, or enter
725 without breaking, any dwelling, or room used as a sleeping apartment in any building, with intent
726 to break and carry away any part thereof, or any fixture or other thing attached to or connected
727 thereto or to commit any criminal offense, shall, if any person is in any part of such dwelling or
728 sleeping apartment at the time of such breaking and entering, or entering without breaking, be
729 guilty of burglary in the first degree. Burglary in the first degree shall be punished by
730 imprisonment for not less than 5 years nor more than 30 years.

731 (b) Except as provided in subsection (a) of this section, whoever shall, either in the night
732 or in the daytime, break and enter, or enter without breaking, any dwelling, bank, store,
733 warehouse, shop, stable, or other building or any apartment or room, whether at the time
734 occupied or not, or any steamboat, canalboat, vessel, or other watercraft, or railroad car, or any
735 yard where any lumber, coal, or other goods or chattels are deposited and kept for the purpose of
736 trade, with intent to break and carry away any part thereof or any fixture or other thing attached
737 to or connected with the same, or to commit any criminal offense, shall be guilty of burglary in
738 the second degree. Burglary in the second degree shall be punished by imprisonment for not less
739 than 2 years nor more than 15 years.

740 (c) In addition to any other penalty provided under this section, a person may be fined an
741 amount not more than the amount set forth in § 22-3571.01.

742

743 CHAPTER 8A. CRIMES COMMITTED AGAINST MINORS.

744

745 Sec.

746 22-811. Contributing to the delinquency of a minor.

747

748 § 22-811. Contributing to the delinquency of a minor.

749 (a) It is unlawful for an adult, being 4 or more years older than a minor, to invite, solicit,
750 recruit, assist, support, cause, encourage, enable, induce, advise, incite, facilitate, permit, or
751 allow the minor to:

752 (1) Be truant from school;

753 (2) Possess or consume alcohol or, without a valid prescription, a controlled
754 substance as that term is defined in § 48-901.02(4);

755 (3) Run away for the purpose of criminal activity from the place of abode of his or her
756 parent, guardian, or other custodian;

757 (4) Violate a court order;

758 (5) Violate any criminal law of the District of Columbia for which the penalty
759 constitutes a misdemeanor, except for acts of civil disobedience;

760 (6) Join a criminal street gang as that term is defined in § 22-951(e)(1); or

761 (7) Violate any criminal law of the District of Columbia for which the penalty
762 constitutes a felony, or any criminal law of the United States, or the criminal law of any other
763 jurisdiction that involves conduct that would constitute a felony if committed in the District of
764 Columbia, except for acts of civil disobedience.

765 (b)(1) Except as provided in paragraphs (2), (4) and (5) of this subsection, a person
766 convicted of violating subsection (a)(1)-(6) of this section shall be fined not more than the
767 amount set forth in § 22-3571.01, or imprisoned for not more than 6 months, or both.

768 (2) A person convicted of violating subsection (a)(2)-(6) of this section, having
769 previously been convicted of an offense under subsection (a)(2)-(6) of this section or a
770 substantially similar offense in this or any other jurisdiction, shall be fined not more than the
771 amount set forth in § 22-3571.01 or imprisoned for not more than 3 years, or both.

772 (3) Except as provided in paragraphs (4) and (5) of this subsection, a person convicted
773 of violating subsection (a)(7) of this section shall be fined not more than the amount set forth in §
774 22-3571.01 or imprisoned for not more than 5 years, or both.

775 (4) A person convicted of violating subsection (a) of this section that results in serious
776 bodily injury to the minor or any other person shall be fined not more than the amount set forth
777 in § 22-3571.01 or imprisoned for not more than 5 years, or both.

778 (5) A person convicted of violating subsection (a) of this section that results in the
779 death of the minor or any other person shall be fined not more than the amount set forth in § 22-
780 3571.01 or imprisoned for not more than 10 years, or both.

781 (c) The penalties under this section are in addition to any other penalties permitted by
782 law.

783 (d) It is not a defense to a prosecution under this section that the minor does not engage
784 in, is not charged with, is not adjudicated delinquent for, or is not convicted as an adult, for any
785 conduct set forth in subsection (a)(1)-(7) of this section.

786 (e) [Reserved].

787 (f) For the purposes of this section, the term:

788 (1) "Adult" means a person 18 years of age or older at the time of the offense.

789 (2) "Minor" means a person under 18 years of age at the time of the offense.

791 CHAPTER 8B. CRIMES AGAINST PUBLIC OFFICIALS.

792
793 Sec.

794 22-851. Protection of District public officials.

795
796 § 22-851. Protection of District public officials.

797 (a) For the purposes of this section, the term:

798 (1) "Family member" means an individual to whom the official or employee of
799 the District of Columbia is related by blood, legal custody, marriage, domestic partnership,
800 having a child in common, the sharing of a mutual residence, or the maintenance of a romantic
801 relationship not necessarily including a sexual relationship.

802 (2) "Official or employee" means a person who currently holds or formerly held a
803 paid or unpaid position in the legislative, executive, or judicial branch of government of the
804 District of Columbia, including boards and commissions.

805 (b) A person who corruptly or, by threat or force, or by any threatening letter or
806 communication, intimidates, impedes, interferes with, or retaliates against, or attempts to
807 intimidate, impede, interfere with, or retaliate against any official or employee, while the official
808 or employee is engaged in the performance of his or her duties or on account of the performance
809 of those duties, shall be fined not more than the amount set forth in § 22-3571.01 or imprisoned
810 not more than 5 years, or both.

811 (c) A person who stalks, threatens, assaults, kidnaps, or injures any official or employee
812 or vandalizes, damages, destroys, or takes the property of an official or employee, while the
813 official or employee is engaged in the performance of his or her duties or on account of the
814 performance of those duties, shall be fined not more than the amount set forth in § 22-3571.01 or
815 imprisoned not more than 3 years, or both, in addition to any other penalties authorized by law.

816 (d) A person who stalks, threatens, assaults, kidnaps, or injures a family member or
817 vandalizes, damages, destroys, or takes the property of a family member on account of the
818 performance of the official or employee's duties, shall be fined not more than the amount set
819 forth in § 22-3571.01 or imprisoned not more than 3 years, or both, in addition to any other
820 penalties authorized by law.

821

822 CHAPTER 8C. PROTECTION OF POLICE ANIMALS.

823 Sec.

824 22-861. Harassing, interfering with, injuring, or obstructing a police animal.

825

826 § 22-861. Harassing, interfering with, injuring, or obstructing a police animal.

827 (a) For the purposes of this section, the term:

828 (1) "Police animal" means a dog, horse, or other animal used by a law enforcement
829 agency, correctional facility, police department, fire department, or search and rescue unit or
830 agency for the purpose of aiding in the detection of criminal activity, enforcement of laws,
831 apprehension of criminal offenders, or search and rescue efforts, whether or not the dog, horse,
832 or other animal is engaged in the performance of its official duties when a violation of this
833 section occurs.

834 (2) "Significant bodily injury" means an injury that requires hospitalization or
835 immediate medical attention.

836 (b)(1) Any person who intentionally and without justifiable and excusable cause,
837 harasses, interferes with, injures, or obstructs a police animal when he or she has reason to
838 believe the animal is a police animal shall be guilty of a misdemeanor and, upon conviction, shall
839 be imprisoned not more than 180 days or fined not more than the amount set forth in § 22-
840 3571.01, or both.

841 (2) Any person who violates subsection (b) of this section and causes significant
842 bodily injury to, or the death of, a police animal shall be guilty of a felony and, upon
843 conviction, shall be imprisoned not more than 10 years, or fined not more than the
844 amount set forth in § 22-3571.01, or both.

845 (3) The penalties set forth in paragraphs (1) and (2) of this subsection shall also apply
846 to an owner or keeper of a dog or other animal who intentionally and without
847 justifiable and excusable cause fails to restrain the dog or animal from attacking a
848 police animal when the owner or keeper has reason to believe the animal is a police
849 animal.

850

851

852 CHAPTER 9. COMMERCIAL COUNTERFEITING.

853

854 Sec.

855 22-901. Definitions.

856 22-902. Trademark counterfeiting.

857

858 § 22-901. Definitions.

859 For the purposes of this chapter, the term:

860 (1) "Counterfeit mark" means:

861 (A) Any unauthorized reproduction or copy of intellectual property; or

862 (B) Intellectual property affixed to any item knowingly sold, offered for sale,
863 manufactured, or distributed, or identifying services offered or rendered, without the authority of
864 the owner of the intellectual property.

865 (2) "Intellectual property" means any trademark, service mark, trade name, label, term,
866 picture, seal, word, or advertisement or any combination of these adopted or used by a person to
867 identify such person's goods or services and which is lawfully filed for record in the Office of the
868 Secretary of State of any state or which the exclusive right to reproduce is guaranteed under the
869 laws of the United States or the District of Columbia.

870 (3) "Retail value" means the counterfeiter's regular selling price for the item or service
871 bearing or identified by the counterfeit mark. In the case of items bearing a counterfeit mark
872 which are components of a finished product, the retail value shall be the counterfeiter's regular
873 selling price of the finished product on or in which the component would be utilized.

874

875 § 22-902. Trademark counterfeiting.

876 (a) A person commits the offense of counterfeiting if such person willfully manufactures,
877 advertises, distributes, offers for sale, sells, or possesses with intent to sell or distribute any
878 items, or services bearing or identified by a counterfeit mark. There shall be a rebuttable
879 presumption that a person having possession, custody, or control of more than 15 items bearing a
880 counterfeit mark possesses said items with the intent to sell or distribute.

881 (b) A person convicted of counterfeiting shall be subject to the following penalties:

882 (1) For the first conviction, except as provided in paragraphs (2) and (3) of this
883 subsection, by a fine not more than the amount set forth in § 22-3571.01 or by imprisonment for
884 not more than 180 days, or both;

885 (2) For the second conviction, or if convicted under this section of an offense
886 involving more than 100 but fewer than 1,000 items, or involving items with a total retail value
887 greater than \$ 1,000 but less than \$ 10,000, by a fine not more than the amount set forth in § 22-
888 3571.01 or by imprisonment for not more than 3 years, or both; and

889 (3) For the third or subsequent conviction, or if convicted under this section of an
890 offense involving the manufacture or production of items bearing counterfeit marks involving
891 1,000 or more items, or involving items with a total retail value of \$ 10,000 or greater, by a fine
892 not more than the amount set forth in § 22-3571.01 or by imprisonment for not more than 10
893 years, or both.

894 (c) For the purposes of this chapter, the quantity or retail value of items or services shall
895 include the aggregate quantity or retail value of all items bearing, or services identified by, every
896 counterfeit mark the defendant manufactures, advertises, distributes, offers for sale, sells, or
897 possesses.

898 (d) The fines provided in subsection (b) of this section shall be no less than twice the
899 retail value of the items bearing, or services identified by, a counterfeit mark, unless extenuating
900 circumstances are shown by the defendant.

901 (e) Any items bearing a counterfeit mark and all personal property, including, but not
902 limited to, any items, objects, tools, machines, equipment, instrumentalities, or vehicles of any
903 kind, employed or used in connection with a violation of this chapter shall be seized by any law
904 enforcement officer, including any designated civilian employee of the Metropolitan Police

905 Department, in accordance with the procedures established by § 48-905.02.
906 (1) All seized personal property shall be subject to forfeiture pursuant to the standards
907 and procedures set forth in D.C. Law 20-278.

908 (2) Upon the request of the owner of the intellectual property, all seized items bearing
909 a counterfeit mark shall be released to the intellectual property owner for destruction or
910 disposition.

911 (3) If the owner of the intellectual property does not request release of seized items
912 bearing a counterfeit mark, such items shall be destroyed unless the owner of the intellectual
913 property consents to another disposition.

914 (f) Any state or federal certificate of registration of any intellectual property shall be
915 prima facie evidence of the facts stated therein.

916 (g) The remedies provided for herein shall be cumulative to the other civil and criminal
917 remedies provided by law.

918

919 CHAPTER 9A. CRIMINAL ABUSE AND NEGLECT OF VULNERABLE ADULTS.

920

921 Sec.

922 22-931. Short title.

923 22-932. Definitions.

924 22-933. Criminal abuse of a vulnerable adult.

925 22-934. Criminal negligence.

926 22-935. Exception.

927 22-936. Penalties.

928

929 § 22-931. Short title.

930 This chapter may be cited as the "Criminal Abuse and Neglect of Vulnerable Adults Act
931 of 2000".

932

933 § 22-932. Definitions.

934 For the purpose of this chapter "vulnerable adult" means a person 18 years of age or older
935 who has a physical or mental condition which substantially impairs the person from adequately
936 providing for his or her own care or protection.

937

938 § 22-933. Criminal abuse of a vulnerable adult.

939 A person is guilty of criminal abuse of a vulnerable adult if that person intentionally or
940 knowingly:

941 (1) Inflicts or threatens to inflict physical pain or injury by hitting, slapping,
942 kicking, pinching, biting, pulling hair or other corporal means;

943 (2) Uses repeated or malicious oral or written statements that would be considered
944 by a reasonable person to be harassing or threatening; or

945 (3) Imposes unreasonable confinement or involuntary seclusion, including but not
946 limited to, the forced separation from other persons against his or her will or the directions of any
947 legal representative.

948

949 § 22-934. Criminal negligence.

950 A person who knowingly, willfully or through a wanton, reckless or willful indifference
951 fails to discharge a duty to provide care and services necessary to maintain the physical and
952 mental health of a vulnerable adult, including but not limited to providing adequate food,
953 clothing, medicine, shelter, supervision and medical services, that a reasonable person would
954 deem essential for the well-being of the vulnerable adult is guilty of criminal negligence.

955
956 § 22-935. Exception.

957 A person shall not be considered to commit an offense of abuse or neglect under this
958 chapter for the sole reason that he or she provides or permits to be provided treatment by
959 spiritual means through prayer alone in accordance with a religious method of healing, in lieu of
960 medical treatment, to the vulnerable adult to whom he or she has a duty of care with the express
961 consent or in accordance with the practice of the vulnerable adult.

962
963 § 22-936. Penalties.

964 (a) A person who commits the offense of criminal abuse or criminal neglect of a
965 vulnerable person shall be subject to a fine of not more than the amount set forth in § 22-
966 3571.01, imprisoned for not more than 180 days, or both.

967 (b) A person who commits the offense of criminal abuse or criminal neglect of a
968 vulnerable adult which causes serious bodily injury or severe mental distress shall be subject to a
969 fine of not more than the amount set forth in § 22-3571.01, imprisoned up to 10 years, or both.

970 (c) A person who commits the offense of criminal abuse or criminal neglect of a
971 vulnerable adult which causes permanent bodily harm or death shall be subject to a fine of not
972 more than the amount set forth in § 22-3571.01, imprisoned up to 20 years, or both.

973
974 CHAPTER 9B. CRIMINAL STREET GANGS.

975
976 Sec.

977 22-951. Criminal street gangs.

978
979 § 22-951. Criminal street gangs.

980 (a)(1) It is unlawful for a person to solicit, invite, recruit, encourage, or otherwise cause,
981 or attempt to cause, another individual to become a member of, remain in, or actively participate
982 in what the person knows to be a criminal street gang.

983 (2) A person convicted of a violation of this subsection shall be fined not more
984 than the amount set forth in § 22-3571.01 or imprisoned for not more than 6 months, or both.

985 (b)(1) It is unlawful for any person who is a member of or actively participates in a
986 criminal street gang to knowingly and willfully participate in any felony or violent misdemeanor
987 committed for the benefit of, at the direction of, or in association with any other member or
988 participant of that criminal street gang.

989 (2) A person convicted of a violation of this subsection shall be fined not more
990 than the amount set forth in § 22-3571.01 or imprisoned for not more than 5 years, or both.

991 (c)(1) It is unlawful for a person to use or threaten to use force, coercion, or intimidation
992 against any person or property, in order to:

993 (A) Cause or attempt to cause an individual to:

994 (i) Join a criminal street gang;

995 (ii) Participate in activities of a criminal street gang;

- 996 (iii) Remain as a member of a criminal street gang; or
997 (iv) Submit to a demand made by a criminal street gang to commit a
998 felony in violation of the laws of the District of Columbia, the United States, or any other state;
999 or
- 1000 (B) Retaliate against an individual for a refusal to:
1001 (i) Join a criminal street gang;
1002 (ii) Participate in activities of a criminal street gang;
1003 (iii) Remain as a member of a criminal street gang; or
1004 (iv) Submit to a demand made by a criminal street gang to commit a
1005 felony in violation of the laws of the District of Columbia, the United States, or any other state.
1006 (2) A person convicted of a violation of this subsection shall be fined not more
1007 than the amount set forth in § 22-3571.01 or imprisoned for not more than 10 years, or both.
1008 (d) The penalties under this section are in addition to any other penalties permitted by
1009 law.
1010 (e) For the purposes of this section, the term:
1011 (1) "Criminal street gang" means an association or group of 6 or more persons that:
1012 (A) Has as a condition of membership or continued membership, the
1013 committing of or actively participating in committing a crime of violence, as defined by § 23-
1014 1331(4)); or
1015 (B) Has as one of its purposes or frequent activities, the violation of the criminal
1016 laws of the District, or the United States, except for acts of civil disobedience.
1017 (2) "Violent misdemeanor" shall mean:
1018 (A) Destruction of property (§ 22-303);
1019 (B) Simple assault (§ 22-404(a));
1020 (C) Stalking (§ 22-404(b) [see now § 22-3132]);
1021 (D) Threats to do bodily harm (§ 22-407);
1022 (E) Criminal abuse or criminal neglect of a vulnerable adult (§ 22-936(a));
1023 (F) Cruelty to animals (§ 22-1001(a)); and
1024 (G) Possession of prohibited weapon (§ 22-4514).

1025 1026 CHAPTER 10. CRUELTY TO ANIMALS.

1027
1028 Sec.

- 1029 22-1001. Definitions and penalties.
1030 22-1002. Other cruelties to animals.
1031 22-1002.01. Reporting requirements. [Transferred].
1032 22-1003. Rest, water, and feeding for animals transported by railroad company. [Repealed].
1033 22-1004. Arrests without warrant authorized; notice to owner. [Transferred].
1034 22-1005. Issuance of search warrants. [Transferred].
1035 22-1006. Prosecution of offenders; disposition of fines. [Transferred].
1036 22-1006.01. Penalty for engaging in animal fighting.
1037 22-1007. Impounded animals to be supplied with food and water.
1038 22-1008. Relief of impounded animals. [Transferred].
1039 22-1009. Keeping or using places for fighting or baiting of fowls or animals; arrest without
1040 warrant.
1041 22-1010. Penalty for engaging in cock fighting or animal fighting. [Repealed].

1042 22-1011. Neglect of sick or disabled animals.
1043 22-1012. Abandonment of maimed or diseased animal; destruction of diseased animals;
1044 disposition of animal or vehicle on arrest of driver; scientific experiments.
1045 22-1013. Definitions.
1046 22-1014. Docking tails of horses. [Repealed].
1047 22-1015. Penalty for engaging in animal fighting. [Renumbered].
1048
1049 § 22-1001. Definitions and penalties.
1050 (a)(1) Whoever knowingly overdrives, overloads, drives when overloaded, overworks,
1051 tortures, torments, deprives of necessary sustenance, cruelly chains, cruelly beats or mutilates,
1052 any animal, or knowingly causes or procures any animal to be so overdriven, overloaded, driven
1053 when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, cruelly
1054 chained, cruelly beaten, or mutilated, and whoever, having the charge or custody of any animal,
1055 either as owner or otherwise, knowingly inflicts unnecessary cruelty upon the same, or
1056 unnecessarily fails to provide the same with proper food, drink, air, light, space, veterinary care,
1057 shelter, or protection from the weather, shall for every such offense be punished by
1058 imprisonment in jail not exceeding 180 days, or by fine not exceeding \$ 250, or by both.
1059 (2) The court may order a person convicted of cruelty to animals:
1060 (A) To obtain psychological counseling, psychiatric or psychological
1061 evaluation, or to participate in an animal cruelty prevention or education program, and may
1062 impose the costs of the program or counseling on the person convicted;
1063 (B) To forfeit any rights in the animal or animals subjected to cruelty;
1064 (C) To repay the reasonable costs incurred prior to judgment by any
1065 agency caring for the animal or animals subjected to cruelty; and
1066 (D) Not to own or possess an animal for a specified period of time.
1067 (3) The court may order a child adjudicated delinquent for cruelty to animals to
1068 undergo psychiatric or psychological evaluation, or to participate in appropriate treatment
1069 programs or counseling, and may impose the costs of the program or counseling on the person
1070 adjudicated delinquent.
1071 (b) For the purposes of this section, "cruelly chains" means attaching an animal to a
1072 stationary object or a pulley by means of a chain, rope, tether, leash, cable, or similar restraint
1073 under circumstances that may endanger its health, safety, or well-being. Cruelly chains includes,
1074 but is not limited to, the use of a chain, rope, tether, leash, cable or similar restraint that:
1075 (1) Exceeds 1/8 the body weight of the animal;
1076 (2) Causes the animal to choke;
1077 (3) Is too short for the animal to move around or for the animal to urinate or
1078 defecate in a separate area from the area where it must eat, drink, or lie down;
1079 (4) Is situated where it can become entangled;
1080 (5) Does not permit the animal access to food, water, shade, dry ground, or
1081 shelter; or
1082 (6) Does not permit the animal to escape harm.
1083 (c) For the purposes of this section, "serious bodily injury" means bodily injury that
1084 involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and
1085 obvious disfigurement, mutilation, or protracted loss or impairment of the function of a bodily
1086 member or organ. Serious bodily injury includes, but is not limited to, broken bones, burns,

1087 internal injuries, severe malnutrition, severe lacerations or abrasions, and injuries resulting from
1088 untreated medical conditions.

1089 (d) Except where the animal is an undomesticated and dangerous animal such as rats,
1090 bats, and snakes, and there is a reasonable apprehension of an imminent attack by such animal on
1091 that person or another, whoever commits any of the acts or omissions set forth in subsection (a)
1092 of this section with the intent to commit serious bodily injury or death to an animal, or whoever,
1093 under circumstances manifesting extreme indifference to animal life, commits any of the acts or
1094 omissions set forth in subsection (a) of this section which results in serious bodily injury or death
1095 to the animal, shall be guilty of a felony and, upon conviction thereof, shall be punished by
1096 imprisonment not exceeding 5 years, or by a fine not exceeding \$ 25,000, or both.

1097
1098 § 22-1002. Other cruelties to animals.

1099 Every owner, possessor, or person having the charge or custody of any animal, who
1100 cruelly drives or works the same when unfit for labor, or cruelly abandons the same, or who
1101 carries the same, or causes the same to be carried, in or upon any vehicle, or otherwise, in an
1102 unnecessarily cruel or inhuman manner, or knowingly and wilfully authorizes or permits the
1103 same to be subjected to unnecessary torture, suffering, or cruelty of any kind, shall be punished
1104 for every such offense in the manner provided in § 22-1001.

1105
1106 § 22-1002.01. Reporting requirements. [Transferred].
1107 Transferred.

1108
1109 § 22-1003. Rest, water and feeding for animals transported by railroad company.
1110 [Repealed].
1111 Repealed.

1112
1113 § 22-1004. Arrests without warrant authorized; notice to owner. [Transferred].
1114 Transferred.

1115
1116 § 22-1005. Issuance of search warrants. [Transferred].
1117 Transferred.

1118
1119 § 22-1006. Prosecution of offenders; disposition of fines. [Transferred].
1120 Transferred.

1121
1122 § 22-1006.01. Penalty for engaging in animal fighting.

1123 (a) Any person who: (1) organizes, sponsors, conducts, stages, promotes, is employed at,
1124 collects an admission fee for, or bets or wagers any money or other valuable consideration on the
1125 outcome of an exhibition between two or more animals of fighting, baiting, or causing injury to
1126 each other; (2) any person who owns, trains, buys, sells, offers to buy or sell, steals, transports, or
1127 possesses any animal with the intent that it engage in any such exhibition; (3) any person who
1128 knowingly allows any animal used for such fighting or baiting to be kept, boarded, housed, or
1129 trained on, or transported in, any property owned or controlled by him; (4) any person who owns,
1130 manages, or operates any facility and knowingly allows that facility to be kept or used for the
1131 purpose of fighting or baiting any animal; (5) any person who knowingly or recklessly permits
1132 any act described in this subsection, to be done on any premises under his or her ownership or

1133 control, or who aids or abets that act; or (6) any person who is knowingly present as a spectator
1134 at any such exhibition, is guilty of a felony, punishable by a fine of not more than the amount set
1135 forth in § 22-3571.01, imprisonment not to exceed 5 years, or both. The court may also impose
1136 any penalties listed in § 22-1001(a).

1137 (b) [Reserved].

1138 (c) For the purposes of this section, the term:

1139 (1) "Animal" means a vertebrate other than a human, including, but not limited to,
1140 dogs and cocks.

1141 (2) "Baiting" means to attack with violence, to provoke, or to harass an animal
1142 with one or more animals for the purpose of training an animal for, or to cause an animal to
1143 engage in, fights with or among other animals.

1144 (3) "Fighting" means an organized event wherein there is a display of combat
1145 between 2 or more animals in which the fighting, killing, maiming, or injuring of an animal is a
1146 significant feature, or main purpose, of the event.

1147

1148 § 22-1007. Impounded animals to be supplied with food and water.

1149 Any person who shall impound, or cause to be impounded in any pound, any creature,
1150 shall supply the same, during such confinement, with a sufficient quantity of good and
1151 wholesome food and water; and in default thereof shall, upon conviction, be punished for every
1152 such offense in the same manner provided in § 22-1001.

1153

1154 § 22-1008. Relief of impounded animals. [Transferred].

1155 Transferred.

1156

1157 § 22-1009. Keeping or using place for fighting or baiting of fowls or animals; arrest
1158 without warrant.

1159 Any person or persons who shall keep or use, or in any way be connected with or
1160 interested in the management of, or shall receive money for the admission of any person to any
1161 place kept or used for the purpose of fighting or baiting of fowls or animals, may be arrested
1162 without a warrant, as provided in § 44-1505, and for every such offense be punished in the same
1163 manner provided in § 22-1001.

1164

1165 § 22-1010. Penalty for engaging in cockfighting or animal fighting. [Repealed].

1166 Repealed.

1167

1168 § 22-1011. Neglect of sick or disabled animals.

1169 If any maimed, sick, infirm, or disabled animal shall be abandoned by its owner, or fail to
1170 receive proper food or shelter from said owner or person in charge of the same for more than 5
1171 consecutive hours, such person shall, for every such offense, be punished in the same manner
1172 provided in § 22-1001.

1173

1174 § 22-1012. Abandonment of maimed or diseased animal; destruction of diseased
1175 animals; disposition of animal or vehicle on arrest of driver; scientific
1176 experiments.

1177 (a) Repealed.

1178 (b) Nothing contained in §§ 22-1001 to 22-1009, inclusive, and §§ 22-1011 and 22-1309
1179 shall be construed to prohibit or interfere with any properly conducted scientific experiments or
1180 investigations, which experiments shall be performed only under the authority of the faculty of
1181 some regularly incorporated medical college, university, or scientific society.
1182

1183 § 22-1013. Definitions.

1184 In §§ 22-1001 to 22-1009, inclusive, and § 22-1011, the word "animals" or "animal" shall
1185 be held to include all living and sentient creatures (human beings excepted), and the words
1186 "owner," "persons," and "whoever" shall be held to include corporations and incorporated
1187 companies as well as individuals.
1188

1189 § 22-1014. Docking tails of horses. [Repealed].
1190 Repealed.
1191

1192 § 22-1015. Penalty for engaging in animal fighting. [Renumbered].
1193 Renumbered as § 22-1006.01.
1194

1195 CHAPTER 11. CRUELTY TO CHILDREN.

1196
1197 Sec.

1198 22-1101. Definition and penalty.

1199 22-1102. Refusal or neglect of guardian to provide for child under 14 years of age.

1200 22-1103 to 22-1106. Wilful neglect or refusal to support wife or minor child; punishment; order
1201 of allowance; recognizance; trial under original charge; evidence of marriage;
1202 competency of witnesses; proof of wilful desertion; weekly payments by Superintendent
1203 of Workhouse for each day's confinement; collections by Clerk of Court to be deposited
1204 with Collector of Taxes and covered into Treasury. [Repealed].
1205

1206 § 22-1101. Definition and penalty.

1207 (a) A person commits the crime of cruelty to children in the first degree if that person
1208 intentionally, knowingly, or recklessly tortures, beats, or otherwise willfully maltreats a child
1209 under 18 years of age or engages in conduct which creates a grave risk of bodily injury to a child,
1210 and thereby causes bodily injury.

1211 (b) A person commits the crime of cruelty to children in the second degree if that person
1212 intentionally, knowingly, or recklessly:

1213 (1) Maltreats a child or engages in conduct which causes a grave risk of bodily
1214 injury to a child; or

1215 (2) Exposes a child, or aids and abets in exposing a child in any highway, street, field
1216 house, outhouse or other place, with intent to abandon the child.

1217 (c)(1) Any person convicted of cruelty to children in the first degree shall be fined not
1218 more than \$ 10,000 or be imprisoned not more than 15 years, or both.

1219 (2) Any person convicted of cruelty to children in the second degree shall be fined not
1220 more than the amount set forth in § 22-3571.01 or be imprisoned not more than 10 years, or both.
1221

1222 § 22-1102. Refusal or neglect of guardian to provide for child under 14 years of age.

1223 Any person within the District of Columbia, of sufficient financial ability, who shall
1224 refuse or neglect to provide for any child under the age of 14 years, of which he or she shall be
1225 the parent or guardian, such food, clothing, and shelter as will prevent the suffering and secure
1226 the safety of such child, shall be deemed guilty of a misdemeanor, and upon conviction thereof
1227 shall be subject to punishment by a fine of not more than the amount set forth in § 22-3571.01, or
1228 by imprisonment for not more than 3 months, or both such fine and imprisonment.

1229
1230 §§ 22-1103 to 22-1106. Wilful neglect or refusal to support wife or minor child;
1231 punishment; order of allowance; recognizance; trial under original charge; evidence of
1232 marriage; competency of witnesses; proof of wilful desertion; weekly payments by
1233 Superintendent of Workhouse for each day's confinement; collections by Clerk of Court
1234 to be deposited with Collector of Taxes and covered into Treasury. [Repealed].
1235 Repealed.

1236
1237 CHAPTER 12. DEBT ADJUSTING.
1238 [REPEALED].

1239 Sec.
1240 22-1201. Debt adjusting; prohibitions; exceptions; penalties; prosecutions for violations.
1241 [Repealed].

1242
1243 § 22-1201. Debt adjusting; prohibitions; exceptions; penalties; prosecutions for
1244 violations. [Repealed].
1245 Repealed.

1246
1247 CHAPTER 12A. DETECTION DEVICE TAMPERING.

1248
1249 Sec.
1250 22-1211. Tampering with a detection device.

1251
1252 § 22-1211. Tampering with a detection device.

1253 (a)(1) It is unlawful for a person who is required to wear a device as a condition of a
1254 protection order, pretrial, presentence, or predisposition release, probation, supervised release,
1255 parole, or commitment, or who is required to wear a device while incarcerated, to:

1256 (A) Intentionally remove or alter the device, or to intentionally interfere
1257 with or mask or attempt to interfere with or mask the operation of the device;

1258 (B) Intentionally allow any unauthorized person to remove or alter the
1259 device, or to intentionally interfere with or mask or attempt to interfere with or mask the
1260 operation of the device; or

1261 (C) Intentionally fail to charge the power for the device or otherwise maintain the
1262 device's battery charge or power.

1263 (2) For the purposes of this subsection, the term "device" includes a bracelet,
1264 ankle, or other equipment with electronic monitoring capability or global positioning system or
1265 radio frequency identification technology.

1266 (b) Whoever violates this section shall be fined not more than the amount set forth in §
1267 22-3571.01, imprisoned for not more than 180 days, or both.

CHAPTER 13. DISTURBANCES OF THE PUBLIC PEACE.

- 1269
1270
1271 Sec.
1272 22-1301. Affrays.
1273 22-1302. Duelling challenges. [Repealed].
1274 22-1303. Assault for refusal to accept challenge. [Repealed].
1275 22-1304. Leaving District to give or receive challenge. [Repealed].
1276 22-1305, 22-1306. Prize fights and animal fights prohibited; “pugilistic encounter” defined.
1277 [Repealed].
1278 22-1307. Crowding, obstructing, or incommoding.
1279 22-1308. Playing games in streets. [Repealed].
1280 22-1309. Throwing stones or other missiles.
1281 22-1310. Urging dogs to fight or create disorder.
1282 22-1311. Allowing dogs to go at large.
1283 22-1312. Lewd, indecent, or obscene acts; sexual proposal to a minor.
1284 22-1313. Kindling bonfires.
1285 22-1314. Disturbing religious congregations. [Repealed].
1286 22-1314.01. Definitions.
1287 22-1314.02. Prohibited acts.
1288 22-1315. Interference with foreign diplomatic and consular offices, officers, and property –
1289 Prohibited. [Repealed].
1290 22-1316. Interference with foreign diplomatic and consular offices, officers, and property –
1291 Penalties; exception. [Repealed].
1292 22-1317. Flying fire balloons or parachutes.
1293 22-1318. Driving or riding on footways in public grounds.
1294 22-1319. False alarms and false reports; hoax weapons.
1295 22-1320. Sale of tobacco to minors under 18 years of age.
1296 22-1321. Disorderly conduct.
1297 22-1322. Rioting or inciting to riot.
1298 22-1323. Obstructing bridges connecting D.C. and Virginia.
1299
1300 § 22-1301. Affrays.
1301 Whoever is convicted of an affray in the District shall be fined not more than the amount
1302 set forth in § 22-3571.01 or imprisoned not more than 180 days, or both.
1303
1304 § 22-1302. Dueling challenges. [Repealed].
1305 Repealed.
1306
1307 § 22-1303. Assault for refusal to accept challenge. [Repealed].
1308 Repealed.
1309
1310 § 22-1304. Leaving District to give or receive challenge. [Repealed].
1311 Repealed.
1312
1313 §§ 22-1305, 22-1306. Prize fighting and animal fights prohibited; “pugilistic encounter”
1314 defined. [Repealed].

1315 Repealed.

1316

1317 § 22-1307. Crowding, obstructing, or incommoding.

1318 (a) It is unlawful for a person, alone or in concert with others:

1319 (1) To crowd, obstruct, or incommode:

1320 (A) The use of any street, avenue, alley, road, highway, or sidewalk;

1321 (B) The entrance of any public or private building or enclosure;

1322 (C) The use of or passage through any public building or public

1323 conveyance; or

1324 (D) The passage through or within any park or reservation; and

1325 (2) To continue or resume the crowding, obstructing, or incommoding after being
1326 instructed by a law enforcement officer to cease the crowding, obstructing, or incommoding.

1327 (b)(1) It is unlawful for a person, alone or in concert with others, to engage in a
1328 demonstration in an area where it is otherwise unlawful to demonstrate and to continue or
1329 resume engaging in a demonstration after being instructed by a law enforcement officer to cease
1330 engaging in a demonstration.

1331 (2) For purposes of this subsection, the term "demonstration" means marching,
1332 congregating, standing, sitting, lying down, parading, demonstrating, or patrolling by one or
1333 more persons, with or without signs, for the purpose of persuading one or more individuals, or
1334 the public, or to protest some action, attitude, or belief.

1335 (c) A person who violates any provision of this section shall be guilty of a misdemeanor
1336 and, upon conviction, shall be fined not more than the amount set forth in § 22-3571.01,
1337 imprisoned for not more than 90 days, or both.

1338

1339 § 22-1308. Playing games in streets. [Repealed].

1340 Repealed.

1341

1342 § 22-1309. Throwing stones or other missiles.

1343 It shall not be lawful for any person or persons within the District of Columbia to throw
1344 any stone or other missile in any street, avenue, alley, road, or highway, or open space, or public
1345 square, or inclosure, or to throw any stone or other missile from any place into any street,
1346 avenue, road, or highway, alley, open space, public square, or inclosure, under a penalty of not
1347 more than \$ 500 for every such offense.

1348

1349 § 22-1310. Urging dogs to fight or create disorder.

1350 It shall not be lawful for any person or persons to entice, induce, urge, or cause any dogs
1351 to engage in a fight in any street, alley, road, or highway, open space, or public square in the
1352 District of Columbia, or to urge, entice, or cause such dogs to continue or prolong such fight,
1353 under a penalty of not more than \$ 1,000 for each and every offense; and any person or persons
1354 who shall induce or cause any animal of the dog kind to run after, bark at, frighten, or bite any
1355 person, horse, or horses, cows, cattle of any kind, or other animals lawfully passing along or
1356 standing in or on any street, avenue, road, or highway, or alley in the District of Columbia, shall
1357 forfeit and pay for such offense a sum not exceeding \$ 1,000.

1358

1359 § 22-1311. Allowing dogs to go at large.

1360 (a) If any owner or possessor of a fierce or dangerous dog shall permit the same to go at
1361 large, knowing said dog to be fierce or dangerous, to the danger or annoyance of the inhabitants,
1362 he or she shall upon conviction thereof, be punished by a fine not exceeding \$ 5,000; and if such
1363 animal shall attack or bite any person, the owner or possessor thereof shall, on conviction, be
1364 punished by a fine not exceeding \$ 10,000, and in addition to such punishment the court shall
1365 adjudge and order that such animal be forthwith delivered to the poundmaster, and said
1366 poundmaster is hereby authorized and directed to kill such animal so delivered to him or her.

1367 (b) If any owner or possessor of a female dog shall permit her to go at large in the District
1368 of Columbia while in heat, he or she shall, upon conviction thereof, be punished by a fine not
1369 exceeding \$ 20.

1370

1371 § 22-1312. Lewd, indecent, or obscene acts; sexual proposal to a minor.

1372 It is unlawful for a person, in public, to make an obscene or indecent exposure of his or
1373 her genitalia or anus, to engage in masturbation, or to engage in a sexual act as defined in § 22-
1374 3001(8). It is unlawful for a person to make an obscene or indecent sexual proposal to a minor. A
1375 person who violates any provision of this section shall be guilty of a misdemeanor and, upon
1376 conviction, shall be fined not more than the amount set forth in § 22-3571.01, imprisoned for not
1377 more than 90 days, or both.

1378

1379 § 22-1313. Kindling bonfires.

1380 It shall not be lawful for any person or persons within the limits of the District of
1381 Columbia to kindle or set on fire, or be present, aiding, consenting, or causing it to be done, in
1382 any street, avenue, road, or highway, alley, open ground, or lot, any box, barrel, straw, shavings,
1383 or other combustible, between the setting and rising of the sun; and, any person offending against
1384 the provisions of this section shall on conviction thereof, forfeit and pay a sum not exceeding \$
1385 10 for each and every offense.

1386

1387 § 22-1314. Disturbing religious congregation. [Repealed].

1388 Repealed.

1389

1390 § 22-1314.01. Definitions.

1391 For the purpose of § 22-1314.02, the term:

1392 (1) "Health professional" means a person licensed to practice a health occupation in the
1393 District pursuant to § 3-1201.01.

1394 (2) "Medical facility" includes a hospital, clinic, physician's office, or other facility that
1395 provides health or surgical services.

1396 (3) "Person" shall not include:

1397 (A) The chief medical officer of the medical facility or his or her designee;

1398 (B) The chief executive officer of the medical facility or his or her designee;

1399 (C) An agent of the medical facility; or

1400 (D) A law enforcement officer in the performance of his or her official duty.

1401

1402 § 22-1314.02. Prohibited acts.

1403 (a) It shall be unlawful for a person, except as otherwise authorized by District or federal
1404 law, alone or in concert with others, to willfully or recklessly interfere with access to or from a
1405 medical facility or to willfully or recklessly disrupt the normal functioning of such facility by:

1406 (1) Physically obstructing, impeding, or hindering the free passage of an individual
1407 seeking to enter or depart the facility or from the common areas of the real property upon which
1408 the facility is located;

1409 (2) Making noise that unreasonably disturbs the peace within the facility;

1410 (3) Trespassing on the facility or the common areas of the real property upon which the
1411 facility is located;

1412 (4) Telephoning the facility repeatedly to harass or threaten owners, agents, patients,
1413 and employees, or knowingly permitting any telephone under his or her control to be so used for
1414 the purpose of threatening owners, agents, patients, and employees; or

1415 (5) Threatening to inflict injury on the owners, agents, patients, employees, or property
1416 of the medical facility or knowingly permitting any telephone under his or her control to be used
1417 for such purpose.

1418 (b) A person shall not act alone or in concert with others with the intent to prevent a
1419 health professional or his or her family from entering or leaving the health professional's home.

1420 (c) Subsections (a) and (b) of this section shall not be construed to prohibit any otherwise
1421 lawful picketing or assembly.

1422 (d) Any person who violates subsections (a) or (b) of this section, upon conviction, shall
1423 be fined not more than the amount set forth in § 22-3571.01, imprisoned for not more than 180
1424 days, or both.

1425

1426 § 22-1315. Interference with foreign diplomatic and consular offices, officers, and
1427 property -- Prohibited. [Repealed].

1428 Repealed.

1429

1430 § 22-1316. Interference with foreign diplomatic and consular offices, officers, and
1431 property -- Penalties; exception. [Repealed].

1432 Repealed.

1433

1434 § 22-1317. Flying fire balloons or parachutes.

1435 It shall not be lawful for any person or persons to set up or fly any fire balloon or
1436 parachute in or upon or over any street, avenue, alley, open space, public enclosure, or square
1437 within the limits of the District of Columbia, under a penalty of not more than \$ 10 for each and
1438 every such offense.

1439

1440 § 22-1318. Driving or riding on footways in public grounds.

1441 If any person shall drive or lead any horse, mule, or other animal, or any cart, wagon, or
1442 other carriage whatever on any of the paved or graveled footways in and on any of the public
1443 grounds belonging to the United States within the District of Columbia, or shall ride thereon,
1444 except at the intersection of streets, alleys, and avenues, each and every such offender shall
1445 forfeit and pay for each offense a sum not less than \$ 1 nor more than \$ 5.

1446

1447 § 22-1319. False alarms and false reports; hoax weapons.

1448 (a) It shall be unlawful for any person or persons to willfully or knowingly give a false
1449 alarm of fire within the District of Columbia, and any person or persons violating the provisions
1450 of this subsection shall, upon conviction, be deemed guilty of a misdemeanor and be punished by
1451 a fine not more than the amount set forth in § 22-3571.01 or by imprisonment for not more than

1452 6 months, or by both such fine and imprisonment. Prosecutions for violation of the provisions of
1453 this subsection shall be on information filed in the Superior Court of the District of Columbia by
1454 the Office of the Attorney General for the District of Columbia.

1455 (a-1) It shall be unlawful for any person or persons to willfully or knowingly use, or
1456 allow the use of, the 911 call system to make a false or fictitious report or complaint which
1457 initiates a response by District of Columbia emergency personnel or officials when, at the time of
1458 the call or transmission, the person knows the report or complaint is false. Any person or persons
1459 violating the provisions of this subsection shall, upon conviction, be deemed guilty of a
1460 misdemeanor and be punished by a fine not more than the amount set forth in § 22-3571.01 or by
1461 imprisonment for not more than 6 months. Prosecutions for violation of the provisions of this
1462 subsection shall be on information filed in the Superior Court of the District of Columbia by the
1463 Office of the Attorney General for the District of Columbia.

1464 (b)(1) It shall be unlawful for any person to willfully or knowingly make, or cause to be
1465 made, a false or fictitious report to any individual which initiates a response by District of
1466 Columbia emergency personnel or officials, wherein such report involves, is alleged to involve,
1467 or may reasonably be deemed to involve, the delivery, presence, or use of a weapon of mass
1468 destruction, as defined by § 22-3152(12), within the District of Columbia.

1469 (2) It shall be a violation of this subsection for any person to willfully and
1470 knowingly give, transport, mail, send, or cause to be sent any hoax weapon of mass destruction,
1471 as defined by § 22-3152(3), to another person or to place any such hoax weapon of mass
1472 destruction in or upon any real or personal property.

1473 (3) Any person violating the provisions of this subsection shall, upon conviction,
1474 be guilty of a misdemeanor and be punished by imprisonment of not more than one year or fined
1475 in an amount not more than the amount set forth in § 22-3571.01 or the costs of responding to
1476 and consequential damages resulting from the offense, or both.

1477 (c)(1) It shall be unlawful for anyone to willfully or knowingly, with the intent of
1478 intimidating or frightening people, causing panic or civil unrest, extorting profit, or causing
1479 economic damage, make, or cause to be made, a false or fictitious report to any individual, which
1480 initiates a response by District of Columbia emergency personnel or officials, wherein such
1481 report involves, is alleged to involve, or may reasonably be deemed to involve, the delivery,
1482 presence, or use of a weapon of mass destruction, as defined by § 22-3152(12), within the
1483 District of Columbia.

1484 (2) It shall be a violation of this subsection for any person to willfully or
1485 knowingly, with the intent of intimidating or frightening people, causing panic or civil unrest,
1486 extorting profit, or causing economic damage, give, transport, mail, send, or cause to be sent any
1487 hoax weapon of mass destruction, as defined by § 22-3152(3), to another person or to place any
1488 such hoax weapon of mass destruction in or upon any real or personal property.

1489 (3) Any person violating the provisions of this subsection shall, upon conviction,
1490 be guilty of a felony and may be punished by imprisonment of not more than 5 years or fined in
1491 an amount not more than the amount set forth in § 22-3571.01 or the costs of responding to and
1492 consequential damages resulting from the offense, or both.

1493 (d)(1) It shall be unlawful for any person to willfully or knowingly, during a state of
1494 emergency, as declared by the Mayor pursuant to § 7-2304, with the intent of intimidating or
1495 frightening people, causing panic or civil unrest, extorting profit, or causing economic damage,
1496 make, or cause to be made, a false or fictitious report to any individual, which initiates a
1497 response by District of Columbia emergency personnel or officials, wherein such report involves,

1498 is alleged to involve, or may reasonably be deemed to involve, the delivery, presence, or use of a
1499 weapon of mass destruction, as defined by § 22-3152(12), within the District of Columbia.

1500 (2) It shall be a violation of this subsection for any person to willfully or knowingly,
1501 during a state of emergency, as declared by the Mayor pursuant to § 7-2304, with the intent of
1502 intimidating or frightening people, causing panic or civil unrest, extorting profit, or causing
1503 economic damage, give, transport, mail, send, or cause to be sent any hoax weapon of mass
1504 destruction, as defined by § 22-3152(3), to another person or to place any such hoax weapon of
1505 mass destruction in or upon any real or personal property.

1506 (3) Any person violating the provisions of this subsection shall, upon conviction, be
1507 guilty of a felony and may be punished by imprisonment of not more than 10 years or fined in an
1508 amount not more than the amount set forth in § 22-3571.01 or the cost of responding to and
1509 consequential damages resulting from the offense, or both.

1510 (e) For the purposes of subsections (b), (c), and (d) of this section, the manner in which
1511 the false or fictitious report is communicated may include, but is not limited to:

1512 (1) A writing;

1513 (2) An electronic transmission producing a visual, audio, or written result;

1514 (3) An oral statement; or

1515 (4) A signing.

1516 (f) There is jurisdiction to prosecute any person who participates in the commission of
1517 any offense described in this section if any act in furtherance of the offense occurs in the District
1518 of Columbia or where the effect of any act in furtherance of the offense occurs in the District of
1519 Columbia.

1520
1521 § 22-1320. Sale of tobacco to minors under 18 years of age.
1522 Recodified as § 7-1721.02.

1523
1524 § 22-1321. Disorderly conduct.

1525 (a) In any place open to the general public, and in the communal areas of multi-unit
1526 housing, it is unlawful for a person to:

1527 (1) Intentionally or recklessly act in such a manner as to cause another person to be in
1528 reasonable fear that a person or property in a person's immediate possession is likely to be
1529 harmed or taken;

1530 (2) Incite or provoke violence where there is a likelihood that such violence will ensue;
1531 or

1532 (3) Direct abusive or offensive language or gestures at another person (other than a law
1533 enforcement officer while acting in his or her official capacity) in a manner likely to provoke
1534 immediate physical retaliation or violence by that person or another person.

1535 (b) It is unlawful for a person to engage in loud, threatening, or abusive language, or
1536 disruptive conduct, with the intent and effect of impeding or disrupting the orderly conduct of a
1537 lawful public gathering, or of a congregation of people engaged in any religious service or in
1538 worship, a funeral, or similar proceeding.

1539 (c) It is unlawful for a person to engage in loud, threatening, or abusive language, or
1540 disruptive conduct with the intent and effect of impeding or disrupting the lawful use of a public
1541 conveyance by one or more other persons.

1542 (c-1) It is unlawful for a person to engage in loud, threatening, or abusive language, or
1543 disruptive conduct in a public building with the intent and effect of impeding or disrupting the
1544 orderly conduct of business in that public building.

1545 (d) It is unlawful for a person to make an unreasonably loud noise between 10:00 p.m.
1546 and 7:00 a.m. that is likely to annoy or disturb one or more other persons in their residences.

1547 (e) It is unlawful for a person to urinate or defecate in public, other than in a urinal or
1548 toilet.

1549 (f) It is unlawful for a person to stealthily look into a window or other opening of a
1550 dwelling, as defined in § 6-101.07, under circumstances in which an occupant would have a
1551 reasonable expectation of privacy. It is not necessary that the dwelling be occupied at the time
1552 the person looks into the window or other opening.

1553 (g) It is unlawful, under circumstances whereby a breach of the peace may be occasioned,
1554 to interfere with any person in any public place by jostling against the person, unnecessarily
1555 crowding the person, or placing a hand in the proximity of the person's handbag, pocketbook, or
1556 wallet.

1557 (h) A person who violates any provision of this section shall be guilty of a misdemeanor
1558 and, upon conviction, shall be fined not more than the amount set forth in § 22-3571.01,
1559 imprisoned not more than 90 days, or both.

1560

1561 § 22-1322. Rioting or inciting to riot.

1562 (a) A riot in the District of Columbia is a public disturbance involving an assemblage of 5
1563 or more persons which by tumultuous and violent conduct or the threat thereof creates grave
1564 danger of damage or injury to property or persons.

1565 (b) Whoever willfully engages in a riot in the District of Columbia shall be punished by
1566 imprisonment for not more than 180 days or a fine of not more than the amount set forth in § 22-
1567 3571.01, or both.

1568 (c) Whoever willfully incites or urges other persons to engage in a riot shall be punished
1569 by imprisonment for not more than 180 days or a fine of not more than the amount set forth in §
1570 22-3571.01, or both.

1571 (d) If in the course and as a result of a riot a person suffers serious bodily harm or there is
1572 property damage in excess of \$ 5,000, every person who willfully incited or urged others to
1573 engage in the riot shall be punished by imprisonment for not more than 10 years or a fine of not
1574 more than the amount set forth in § 22-3571.01, or both.

1575

1576 § 22-1323. Obstructing bridges connecting D.C. and Virginia.

1577 Effective with respect to conduct occurring on or after August 5, 1997, whoever in the
1578 District of Columbia knowingly and willfully obstructs any bridge connecting the District of
1579 Columbia and the Commonwealth of Virginia:

1580 (1) Shall be fined not less than \$ 1,000 and not more than \$ 5,000, and in
1581 addition may be imprisoned not more than 30 days; or

1582 (2) If applicable, shall be subject to prosecution by the District of Columbia
1583 under the provisions of District law and regulation amended by the Safe Streets Anti-Prostitution
1584 Amendment Act of 1996.

1585 (3) The fine set forth in this section shall not be limited by § 22-3571.01.

1586

1587 CHAPTER 13A. ENTRY INTO A MOTOR VEHICLE; UNLAWFUL.

1588
1589 Sec.
1590 22-1341. Unlawful entry of a motor vehicle.

1591
1592 § 22-1341. Unlawful entry of a motor vehicle.

1593 (a) It is unlawful to enter or be inside of the motor vehicle of another person without the
1594 permission of the owner or person lawfully in charge of the motor vehicle. A person who
1595 violates this subsection shall, upon conviction, be fined not more than the amount set forth in §
1596 22-3571.01, imprisoned for not more than 90 days, or both.

1597 (b) Subsection (a) of this section shall not apply to:

1598 (1) An employee of the District government in connection with his or her official
1599 duties;

1600 (2) A tow crane operator who has valid authorization from the District government or
1601 from the property owner on whose property the motor vehicle is illegally parked; or

1602 (3) A person with a security interest in the motor vehicle who is legally authorized to
1603 seize the motor vehicle.

1604 (c) For the purposes of this section, the term "enter the motor vehicle" means to insert
1605 any part of one's body into any part of the motor vehicle, including the passenger compartment,
1606 the trunk or cargo area, or the engine compartment.

1607
1608 CHAPTER 14. FALSE PRETENSES; FALSE PERSONATION.

1609
1610 Sec.

1611 22-1401. False pretenses. [Repealed].

1612 22-1402. Recordation of deed, contract, or conveyance with intent to extort money.

1613 22-1403. False personation before court, officers, notaries.

1614 22-1404. Falsely impersonating public officer or minister.

1615 22-1405. False personation of inspector or departments of District.

1616 22-1406. False personation of police officer.

1617 22-1407, 22-1408. Wearing or using insignia of certain organizations; false certificate of
1618 acknowledgement. [Repealed].

1619 22-1409. Use of official insignia; penalty for unauthorized use.

1620
1621 § 22-1401. False pretenses. [Repealed].

1622 Repealed.

1623
1624 § 22-1402. Recordation of deed, contract, or conveyance with intent to extort money.

1625 Whoever having no title or color of title to the land affected shall maliciously cause to be
1626 recorded in the office of the Recorder of Deeds of the District of Columbia any deed, contract, or
1627 other instrument purporting to convey or to relate to any land in said District with intent to extort
1628 money or anything of value from any person owning such land, or having any interest therein,
1629 shall be fined not less than \$ 1,000 and not more than the amount set forth in § 22-3571.01 or
1630 imprisoned not more than 180 days, or both.

1631
1632 § 22-1403. False personation before court, officers, notaries.

1633 (a) Whoever falsely personates another person before any court of record or judge
1634 thereof, or clerk of court, or any officer in the District authorized to administer oaths or take the
1635 acknowledgment of deeds or other instruments or to grant marriage licenses or accepts domestic
1636 partnership registrations, with intent to defraud, shall be imprisoned for not less than 1 year nor
1637 more than 5 years.

1638 (a-1) In addition to any other penalty provided under this section, a person may be fined
1639 an amount not more than the amount set forth in § 22-3571.01.

1640 (b) For the purposes of this section, the term "domestic partnership" shall have the same
1641 meaning as provided in § 32-701(4).

1642

1643 § 22-1404. Falsely impersonating public officer or minister.

1644 Whoever falsely represents himself or herself to be a judge of the Superior Court of the
1645 District of Columbia, notary public, police officer, or other public officer, or a minister qualified
1646 to celebrate marriage, and attempts to perform the duty or exercise the authority pertaining to any
1647 such office or character, or having been duly appointed to any of such offices shall knowingly
1648 attempt to act as any such officers after his or her appointment or commission has expired or he
1649 or she has been dismissed from such office, shall suffer imprisonment in the penitentiary for not
1650 less than 1 year nor more than 3 years. In addition to any other penalty provided under this
1651 section, a person may be fined an amount not more than the amount set forth in § 22-3571.01.

1652

1653 § 22-1405. False personation of inspector of departments of District.

1654 It shall be unlawful for any person in the District of Columbia to falsely represent himself
1655 or herself as being an inspector of the Department of Human Services of said District, or an
1656 inspector of any department of the District government; and any person so offending shall be
1657 deemed guilty of a misdemeanor, and on conviction in the Superior Court of the District of
1658 Columbia shall be punished by a fine of not less than \$ 10 nor more than \$ 50 for the 1st offense,
1659 and for each subsequent offense by a fine of not less than \$ 50 and not more than the amount set
1660 forth in § 22-3571.01, or imprisonment in the Jail of the District not exceeding 6 months, or
1661 both, in the discretion of the court.

1662

1663 § 22-1406. False personation of police officer.

1664 It shall be a misdemeanor, punishable by imprisonment in the District jail or penitentiary
1665 not exceeding 180 days, or by a fine not more than the amount set forth in § 22-3571.01, for any
1666 person, not a member of the police force, to falsely represent himself or herself as being such
1667 member, with a fraudulent design.

1668

1669 §§ 22-1407, 22-1408. Wearing or using insignia of certain organizations; false certificate
1670 of acknowledgment. [Repealed].

1671 Repealed.

1672

1673 § 22-1409. Use of official insignia; penalty for unauthorized use.

1674 (a) The Metropolitan Police Department and the Fire and Emergency Medical Services
1675 Department shall have the sole and exclusive rights to have and use, in carrying out their
1676 respective missions, the official badges, patches, emblems, copyrights, descriptive or designating
1677 marks, and other official insignia displayed upon their current and future uniforms.

1678 (b) Any person who, for any reason, makes or attempts to make unauthorized use of, or
1679 aids or attempts to aid another person in the unauthorized use or attempted unauthorized use of
1680 the official badges, patches, emblems, copyrights, descriptive or designated marks, or other
1681 official insignia of the Metropolitan Police Department or the Fire and Emergency Medical
1682 Services Department shall, upon conviction, be fined not more than the amount set forth in § 22-
1683 3571.01, imprisoned for not more than one year, or both.

1684

1685

CHAPTER 15. FORGERY; FRAUDS.

1686

1687 Sec.

1688 22-1501. Forgery. [Repealed].

1689 22-1502. Forging or imitating brands or packaging of goods.

1690 22-1503. Stealing, destroying, mutilating, secreting, or withholding will. [Repealed].

1691 22-1504, 22-1505. Decedent's estate – Secreting or converting property, documents, or assets;
1692 taking away or concealing writings. [Repealed].

1693 22-1506. Sale or concealment by traditional vendee, with intent to defraud. [Repealed].

1694 22-1507 to 22-1509. Fraud by use of slugs to operate coin-controlled mechanism; manufacture,
1695 sale, offer for sale, possession of slugs or device to operate coin-controlled mechanism; "person"
1696 defined. [Repealed].

1697 22-1510. Making, drawing, or uttering check, draft, or order with intent to defraud; proof of
1698 intent; "credit" defined.

1699 22-1511. Fraudulent advertising.

1700 22-1512. Prosecution under § 22-1511.

1701 22-1513. Penalty under § 22-1511.

1702 22-1514. Fraudulent interference or collusion in jury selection.

1703

1704 § 22-1501. Forgery. [Repealed].

1705 Repealed.

1706

1707 § 22-1502. Forging or imitating brands or packaging of goods.

1708 Whoever wilfully forges, or counterfeits, or makes use of any imitation calculated to
1709 deceive the public, though with colorable difference or deviation therefrom, of the private brand,
1710 wrapper, label, trademark, bottle, or package usually affixed or used by any person to or with the
1711 goods, wares, merchandise, preparation, or mixture of such person, with intent to pass off any
1712 work, goods, manufacture, compound, preparation, or mixture as the manufacture or production
1713 of such person which is not really such, shall be fined not more than the amount set forth in § 22-
1714 3571.01 or imprisoned not more than 180 days, or both.

1715

1716 § 22-1503. Stealing, destroying, mutilating, secreting, or withholding will. [Repealed].

1717 Repealed.

1718

1719 §§ 22-1504, 22-1505. Decedent's estate -- Secreting or converting property, documents,
1720 or assets; taking away or concealing writings. [Repealed].

1721 Repealed.

1722

1723 § 22-1506. Sale or concealment by conditional vendee, with intent to defraud.
1724 [Repealed].
1725 Repealed.
1726

1727 §§ 22-1507 to 22-1509. Fraud by use of slugs to operate coin-controlled mechanism;
1728 manufacture, sale, offer for sale, possession of slugs or device to operate coin-controlled
1729 mechanism; "person" defined. [Repealed].
1730 Repealed.

1731

1732 § 22-1510. Making, drawing, or uttering check, draft, or order with intent to defraud;
1733 proof of intent; "credit" defined.

1734 Any person within the District of Columbia who, with intent to defraud, shall make,
1735 draw, utter, or deliver any check, draft, order, or other instrument for the payment of money
1736 upon any bank or other depository, knowing at the time of such making, drawing, uttering, or
1737 delivering that the maker or drawer has not sufficient funds in or credit with such bank or other
1738 depository for the payment of such check, draft, order, or other instrument in full upon its
1739 presentation, shall, if the amount of such check, draft, order, or other instrument is \$ 1,000 or
1740 more, be guilty of a felony and fined not more than the amount set forth in § 22-3571.01 or
1741 imprisoned for not less than 1 year nor more than 3 years, or both; or if the amount of such
1742 check, draft, order, or other instrument has some value, be guilty of a misdemeanor and fined not
1743 more than the amount set forth in § 22-3571.01 or imprisoned not more than 180 days, or both.
1744 As against the maker or drawer thereof the making, drawing, uttering, or delivering by such
1745 maker or drawer of a check, draft, order, or other instrument, payment of which is refused by the
1746 drawee because of insufficient funds of the maker or drawer in its possession or control, shall be
1747 prima facie evidence of the intent to defraud and of knowledge of insufficient funds in or credit
1748 with such bank or other depository, provided such maker or drawer shall not have paid the holder
1749 thereof the amount due thereon, together with the amount of protest fees, if any, within 5 days
1750 after receiving notice in person, or writing, that such check, draft, order, or other instrument has
1751 not been paid. The word "credit," as used herein, shall be construed to mean arrangement or
1752 understanding, express or implied, with the bank or other depository for the payment of such
1753 check, draft, order, or other instrument.

1754

1755 § 22-1511. Fraudulent advertising.

1756 It shall be unlawful in the District of Columbia for any person, firm, association,
1757 corporation, or advertising agency, either directly or indirectly, to display or exhibit to the public
1758 in any manner whatever, whether by handbill, placard, poster, picture, film, or otherwise; or to
1759 insert or cause to be inserted in any newspaper, magazine, or other publication printed in the
1760 District of Columbia; or to issue, exhibit, or in any way distribute or disseminate to the public; or
1761 to deliver, exhibit, mail, or send to any person, firm, association, or corporation any false, untrue,
1762 or misleading statement, representation, or advertisement with intent to sell, barter, or exchange
1763 any goods, wares, or merchandise or anything of value or to deceive, mislead, or induce any
1764 person, firm, association, or corporation to purchase, discount, or in any way invest in or accept
1765 as collateral security any bonds, bill, share of stock, note, warehouse receipt, or any security; or
1766 with the purpose to deceive, mislead, or induce any person, firm, association, or corporation to
1767 purchase, make any loan upon or invest in any property of any kind; or use any of the aforesaid
1768 methods with the intent or purpose to deceive, mislead, or induce any other person, firm, or

1769 corporation for a valuable consideration to employ the services of any person, firm, association,
1770 or corporation so advertising such services.

1771
1772 § 22-1512. Prosecution under § 22-1511.

1773 Prosecution under § 22-1511 shall be in the Superior Court of the District of Columbia
1774 upon information filed by the United States Attorney for the District of Columbia or an Assistant
1775 U.S. Attorney.

1776
1777 § 22-1513. Penalty under § 22-1511.

1778 Any person, firm, or association violating any of the provisions of § 22-1511 shall upon
1779 conviction thereof, be punished by a fine of not more than the amount set forth in § 22-3571.01
1780 or by imprisonment of not more than 60 days, or by both fine and imprisonment, in the discretion
1781 of the court. A corporation convicted of an offense under the provisions of § 22-1511 shall be
1782 fined not more than the amount set forth in § 22-3571.01, and its president or such other officials
1783 as may be responsible for the conduct and management thereof shall be imprisoned not more
1784 than 60 days, in the discretion of the court.

1785
1786 § 22-1514. Fraudulent interference or collusion in jury selection.

1787 If any person shall fraudulently tamper with any box or wheel used or intended by the
1788 jury commission for the names of prospective jurors, or of prospective condemnation jurors or
1789 commissioners, or shall fraudulently tamper with the contents of any such box or wheel, or with
1790 any jury list, or be guilty of any fraud or collusion with respect to the drawing of jurors or
1791 condemnation jurors or commissioners, or if any jury commissioner shall put in or leave out of
1792 any such box or wheel the name of any person at the request of such person, or at the request of
1793 any other person, or if any jury commissioner shall wilfully draw from any such box or wheel a
1794 greater number of names than is required by the court, any such person or jury commissioner so
1795 offending shall for each offense be punished by a fine of not more than the amount set forth in §
1796 22-3571.01 or imprisonment for not more than 180 days, or both.

1797
1798 CHAPTER 16. FORNICATION.
1799 [REPEALED].

1800
1801 Sec.
1802 22-1601. Fornication. [Repealed].
1803 22-1602. Fornication. [Repealed].

1804
1805 § 22-1601. Fornication. [Repealed].
1806 Repealed.

1807
1808 § 22-1602. Fornication. [Repealed].
1809 Repealed.

1810
1811 CHAPTER 17.
1812 GAMBLING.

1813

*Subchapter I.
General Provisions.*

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1817 Sec.
1818 22-1701. Lotteries; promotion; sale or possession of tickets.
1819 22-1702. Possession of lottery or policy tickets.
1820 22-1703. Permitting sale of lottery tickets on premises.
1821 22-1704. Gaming; setting up gaming table; inducing play.
1822 22-1705. Gambling premises; definition; prohibition against maintaining; forfeiture; liens;
1823 deposit of moneys in Treasury; penalty; subsequent offenses.
1824 22-1706. Three-card monte and confidence games.
1825 22-1707. "Gaming table" defined.
1826 22-1708. Gambling pools and bookmaking; athletic contest defined.
1827 22-1709. Bucketing, and bucket-shopping and bucket-shops; definitions. [Repealed].
1828 22-1710. Penalty for bucketing or keeping bucket-shop. [Repealed].
1829 22-1711. Penalty for communicating, receiving, exhibiting or displaying quotation of prices.
1830 [Repealed.]
1831 22-1712. Bucketing; written statement to be furnished. [Repealed].
1832 22-1713. Corrupt influence in connection with athletic contests.
1833 22-1714. Immunity of witnesses; record.
1834 22-1715. Presence in illegal establishments. [Repealed].

*Subchapter II.
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- 1835
1836
1837
1838
1839 22-1716. Statement of purpose. [Transferred].
1840 22-1717. Permissible gaming activities. [Transferred].
1841 22-1718. Advertising and promotion; sale and possession of lottery and numbers tickets and
1842 slips. [Transferred].
1843

*Subchapter I.
General Provisions.*

- 1844
1845
1846
1847 § 22-1701. Lotteries; promotion; sale or possession of tickets.
1848 If any person shall within the District keep, set up, or promote, or be concerned as owner,
1849 agent, or clerk, or in any other manner, in managing, carrying on, promoting, or advertising,
1850 directly or indirectly, any policy lottery, policy shop, or any lottery, or shall sell or transfer any
1851 chance, right, or interest, tangible or intangible, in any policy lottery, or any lottery or shall sell
1852 or transfer any ticket, certificate, bill, token, or other device, purporting or intended to guarantee
1853 or assure to any person or entitle him or her to a chance of drawing or obtaining a prize to be
1854 drawn in any lottery, or in a game or device commonly known as policy lottery or policy or shall
1855 sell or transfer, or have in his or her possession for the purpose of sale or transfer, a chance or
1856 ticket in or share of a ticket in any lottery or any such bill, certificate, token, or other device, he
1857 or she shall be fined upon conviction of each said offense not more than the amount set forth in
1858 § 22-3571.01 or be imprisoned not more than 3 years, or both. The possession of any copy or
1859 record of any such chance, right, or interest, or of any such ticket, certificate, bill, token, or other

1860 device shall be prima facie evidence that the possessor of such copy or record did, at the time
1861 and place of such possession, keep, set up, or promote, or was at such time and place concerned
1862 as owner, agent, or clerk, or otherwise in managing, carrying on, promoting, or advertising a
1863 policy lottery, policy shop, or lottery.

1864
1865 § 22-1702. Possession of lottery or policy tickets.

1866 If any person shall, within the District of Columbia, knowingly have in his or her
1867 possession or under his or her control, any record, notation, receipt, ticket, certificate, bill, slip,
1868 token, paper, or writing, current or not current, used or to be used in violating the provisions of
1869 § 22-1701, § 22-1704, or § 22-1708, he or she shall, upon conviction of each such offense, be
1870 fined not more than the amount set forth in § 22-3571.01 or be imprisoned for not more than 180
1871 days, or both. For the purpose of this section, possession of any record, notation, receipt, ticket,
1872 certificate, bill, slip, token, paper, or writing shall be presumed to be knowing possession thereof.

1873
1874 § 22-1703. Permitting sale of lottery tickets on premises.

1875 If any person shall knowingly permit, on any premises under his or her control in the
1876 District, the sale of any chance or ticket in or share of a ticket in any lottery or policy lottery, or
1877 shall knowingly permit any lottery or policy lottery, or policy shop on such premises, he or she
1878 shall be fined not less than \$50 and not more than the amount set forth in § 22-3571.01, or be
1879 imprisoned not more than 180 days, or both.

1880
1881 § 22-1704. Gaming; setting up gaming table; inducing play.

1882 Whoever shall in the District set up or keep any gaming table, or any house, vessel, or
1883 place, on land or water, for the purpose of gaming, or gambling device commonly called A B C,
1884 faro bank, E O, roulette, equality, keno, thimbles, or little joker, or any kind of gaming table or
1885 gambling device adapted, devised, and designed for the purpose of playing any game of chance
1886 for money or property, or shall induce, entice, and permit any person to bet or play at or upon
1887 any such gaming table or gambling device, or on the side of or against the keeper thereof, shall
1888 be punished by imprisonment for a term of not more than 5 years and, in addition, may be fined
1889 not more than the amount set forth in § 22-3571.01. For the purposes of this section, the term
1890 "gambling device" shall not include slot machines manufactured before 1952, intended for
1891 exhibition or private use by the owner, and not used for gambling purposes. The term "slot
1892 machine" means a mechanical device, an essential part of which is a drum or reel which bears an
1893 insignia and which when operated may deliver, as a result of the application of an element of
1894 chance, a token, money, or property, or by operation of which a person may become entitled to
1895 receive, as a result of this application of an element of chance, a token, money, or property.

1896
1897 § 22-1705. Gambling premises; definition; prohibition against maintaining; forfeiture;
1898 liens; deposit of moneys in Treasury; penalty; subsequent offenses.

1899 (a) Any house, building, vessel, shed, booth, shelter, vehicle, enclosure, room, lot, or
1900 other premises in the District of Columbia, used or to be used in violating the provisions of § 22-
1901 1701 or § 22-1704, shall be deemed "gambling premises" for the purpose of this section.

1902 (b) It shall be unlawful for any person in the District of Columbia knowingly, as owner,
1903 lessee, agent, employee, operator, occupant, or otherwise, to maintain, or aid, or permit the
1904 maintaining of any gambling premises.

1905 (c) All moneys, vehicles, furnishings, fixtures, equipment, stock (including, without
1906 limitation, furnishings and fixtures adaptable to nongambling uses, and equipment and stock for
1907 printing, recording, computing, transporting, safekeeping, or communication), or other things of
1908 value used or to be used in:

1909 (1) Carrying on or conducting any lottery, or the game or device commonly known as
1910 a policy lottery or policy, contrary to the provisions of § 22-1701;

1911 (2) Setting up or keeping any gaming table, bank, or device contrary to the provisions
1912 of § 22-1704; or

1913 (3) Maintaining any gambling premises shall be subject to forfeiture consistent with
1914 the standards and procedures set forth in D.C. Law 20-278.

1915 (d) Whoever violates this section shall be imprisoned not more than 180 days or fined not
1916 more than the amount set forth in § 22-3571.01, or both, unless the violation occurs after the
1917 person has been convicted of a violation of this section, in which case the person may be
1918 imprisoned for not more than 5 years, or fined not more than the amount set forth in § 22-
1919 3571.01, or both.

1920
1921 § 22-1706. Three-card monte and confidence games.
1922 Whoever shall in the District deal, play, or practice, or be in any manner accessory to the dealing
1923 or practicing, of the confidence game or swindle known as 3-card monte, or of any such game,
1924 play, or practice, or any other confidence game, play, or practice, shall be deemed guilty of a
1925 misdemeanor, and shall be punished by a fine not more than the amount set forth in § 22-3571.01
1926 and by imprisonment for not more than 180 days.

1927
1928 § 22-1707. "Gaming table" defined.
1929 All games, devices, or contrivances at which money or any other thing shall be bet or
1930 wagered shall be deemed a gaming table within the meaning of §§ 22-1704 to 22-1706; and the
1931 courts shall construe said sections liberally, so as to prevent the mischief intended to be guarded
1932 against.

1933
1934 § 22-1708. Gambling pools and bookmaking; athletic contest defined.
1935 It shall be unlawful for any person, or association of persons, within the District of
1936 Columbia to purchase, possess, own, or acquire any chance, right, or interest, tangible or
1937 intangible, in any policy lottery or any lottery, or to make or place a bet or wager, accept a bet or
1938 wager, gamble or make books or pools on the result of any athletic contest. For the purpose of
1939 this section, the term "athletic contest" means any of the following, wherever held or to be held:
1940 a football, baseball, softball, basketball, hockey, or polo game, or a tennis, golf, or wrestling
1941 match, or a tennis or golf tournament, or a prize fight or boxing match, or a trotting or running
1942 race of horses, or a running race of dogs, or any other athletic or sporting event or contest. Any
1943 person or association of persons violating this section shall be fined not more than the amount set
1944 forth in § 22-3571.01 or imprisoned not more than 180 days, or both.

1945
1946 § 22-1709. Bucketing, and bucket-shopping and bucket-shops; definitions. [Repealed].
1947 Repealed.

1948
1949 § 22-1710. Penalty for bucketing or keeping bucket-shop. [Repealed].
1950 Repealed.

1951
1952 § 22-1711. Penalty for communicating, receiving, exhibiting, or displaying quotations of
1953 prices. [Repealed].
1954 Repealed.
1955
1956 § 22-1712. Bucketing; written statement to be furnished; contents. [Repealed].
1957 Repealed.
1958
1959 § 22-1713. Corrupt influence in connection with athletic contests.
1960 (a) It shall be unlawful to pay or give, or to agree to pay or give, or to promise or offer,
1961 any valuable thing to any individual:
1962 (1) With intent to influence such individual to lose or cause to be lost, or to attempt to
1963 lose or cause to be lost, or to limit or attempt to limit such individual or his or her team's margin
1964 of victory or score in, any professional or amateur athletic contest in which such individual is or
1965 may be a contestant or participant; or
1966 (2) With intent to influence such individual, in the case of any professional or amateur
1967 athletic contest in connection with which such individual (as a manager, coach, owner, second,
1968 jockey, trainer, handler, groom, or otherwise) has or will have any duty or responsibility with
1969 respect to a contestant, participant, or team who or which is engaging or may engage therein, to
1970 cause or attempt to cause:
1971 (A) The loss of such athletic contest by such contestant, participant, or team; or
1972 (B) The margin of victory or score of such contestant, participant, or team to be
1973 limited; or
1974 (3) With intent to influence such individual, in the case of any professional or amateur
1975 athletic contest in connection with which such individual is to be or may be a referee, judge,
1976 umpire, linesman, starter, timekeeper, or other similar official, to cause or attempt to cause:
1977 (A) The loss of such athletic contest by any contestant, participant, or team who or
1978 which is engaging or may engage therein; or
1979 (B) The margin of victory or score of any such contestant, participant, or team to be
1980 limited.
1981 (b) It shall be unlawful for any individual to solicit or accept, or to agree to accept, any
1982 valuable thing or a promise or offer of any valuable thing:
1983 (1) To influence such individual to lose or cause to be lost, or to attempt to lose or
1984 cause to be lost, or to limit or attempt to limit such individual or his or her team's margin of
1985 victory or score in, any professional or amateur athletic contest in which such individual is or
1986 may be a contestant or participant; or
1987 (2) To influence such individual, in the case of any professional or amateur
1988 athletic contest in connection with which such individual (as a manager, coach, owner, second,
1989 jockey, trainer, handler, groom, or otherwise) has or will have any duty or responsibility with
1990 respect to a contestant, participant, or team who or which is engaging or may engage therein, to
1991 cause or attempt to cause:
1992 (A) The loss of such athletic contest by such contestant, participant, or team; or
1993 (B) The margin of victory or score of such contestant, participant, or team to be
1994 limited; or

1995 (3) To influence such individual, in the case of any professional or amateur athletic
1996 contest in connection with which such individual is to be or may be a referee, judge, umpire,
1997 linesman, starter, timekeeper, or other similar official, to cause or attempt to cause:

1998 (A) The loss of such athletic contest by any contestant, participant, or team who or
1999 which is engaging or may engage therein; or

2000 (B) The margin of victory or score of any such contestant, participant, or team to be
2001 limited.

2002 (c) Whoever violates any provision of subsection (a) of this section shall be guilty of a
2003 felony, and, upon conviction thereof, shall be punished by imprisonment for not less than 1 year
2004 nor more than 5 years and by a fine of not more than the amount set forth in § 22-3571.01.

2005 (d) Whoever violates any provision of subsection (b) of this section shall, upon
2006 conviction thereof, be punished by imprisonment for not more than 1 year and by a fine of not
2007 more than the amount set forth in § 22-3571.01.

2008 (e) As used in this section, the term "athletic contest" means any of the following,
2009 wherever held or to be held: a football, baseball, softball, basketball, hockey, or polo game, or a
2010 tennis or wrestling match, or a prize fight or boxing match, or a horse race or any other athletic
2011 or sporting event or contest.

2012 (f) Nothing in this section shall be construed to prohibit the giving or offering of any
2013 bonus or extra compensation to any manager, coach, or professional player, or to any league,
2014 association, or conference for the purpose of encouraging such manager, coach, or player to a
2015 higher degree of skill, ability, or diligence in the performance of his or her duties.

2016 § 22-1714. Immunity of witnesses; record. .

2017 (a) Whenever, in the judgment of the United States Attorney for the District of Columbia,
2018 the testimony of any witness, or the production of books, papers, or other records or documents,
2019 by any witness, in any case or proceeding involving a violation of this subchapter before any
2020 grand jury or a court in the District of Columbia, is necessary in the public interest, such witness
2021 shall not be excused from testifying or from producing books, papers, and other records and
2022 documents on the grounds that the testimony or evidence, documentary or otherwise, required of
2023 such witness may tend to incriminate such witness, or subject such witness to penalty or
2024 forfeiture; but such witness shall not be prosecuted or subject to any penalty or forfeiture for or
2025 on account of any transaction, matter, or thing concerning which such witness is compelled, after
2026 having claimed his or her privilege against self-incrimination, to testify or produce evidence,
2027 documentary or otherwise; except that such witness so testifying shall not be exempt from
2028 prosecution and punishment for perjury or contempt committed in so testifying.

2029 (b) The judgment of the United States Attorney for the District of Columbia that any
2030 testimony, or the production of any books, papers, or other records or documents, is necessary in
2031 the public interest shall be confirmed in a written communication over the signature of the
2032 United States Attorney for the District of Columbia, addressed to the grand jury or the court in
2033 the District of Columbia concerned, and shall be made a part of the record of the case or
2034 proceeding in which such testimony or evidence is given.

2035 § 22-1715. Presence in illegal establishments. [Repealed].
2036 Repealed.

2037
2038
2039
2040 *Subchapter II.*

2041 *Legalization.*

2042
2043 § 22–1716. Statement of purpose. [Transferred].
2044 [Transferred].

2045
2046 § 22–1717. Permissible gambling activities. [Transferred].
2047 [Transferred].

2048
2049 § 22–1718. Advertising and promotion; sale and possession of lottery and numbers
2050 tickets and slips. [Transferred].
2051 [Transferred].

2052 CHAPTER 18. GENERAL OFFENSES.

2053
2054 Sec.

2055 22-1801. "Writing" and "paper" defined.

2056 22-1802. "Anything of value" defined.

2057 22-1803. Attempts to commit crime.

2058 22-1804. Second conviction.

2059 22-1804a. Penalty for felony after at least 2 prior felony convictions.

2060 22-1805. Persons advising, inciting, or conniving at criminal offense to be charged as principals.

2061 22-1805a. Conspiracy to commit crime.

2062 22-1806. Accessories after the fact.

2063 22-1807. Punishment for offenses not covered by provisions of Code.

2064 22-1808. Offenses committed beyond District.

2065 22-1809. Prosecutions.

2066 22-1810. Threatening to kidnap or injure a person or damage his or her property.

2067
2068 § 22-1801. "Writing" and "paper" defined.

2069 Except where otherwise provided for where such a construction would be unreasonable,
2070 the words "writing" and "paper," wherever mentioned in this title, are to be taken to include
2071 instruments wholly in writing or wholly printed, or partly printed and partly in writing.

2072
2073 § 22-1802. "Anything of value" defined.

2074 The words "anything of value," wherever they occur in this title and the District of
2075 Columbia Theft and White Collar Crimes Act of 1982, shall be held to include not only things
2076 possessing intrinsic value, but bank notes and other forms of paper money, and commercial
2077 paper and other writings which represent value.

2078
2079 § 22-1803. Attempts to commit crime.

2080 Whoever shall attempt to commit any crime, which attempt is not otherwise made
2081 punishable by chapter 19 of An Act to establish a code of law for the District of Columbia,
2082 approved March 3, 1901 (31 Stat. 1321), shall be punished by a fine not more than the amount
2083 set forth in § 22-3571.01 or by imprisonment for not more than 180 days, or both. Except,
2084 whoever shall attempt to commit a crime of violence as defined in § 23-1331 shall be punished
2085 by a fine not more than the amount set forth in § 22-3571.01 or by imprisonment for not more
2086 than 5 years, or both.

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§ 22-1804. Second conviction.

(a) If any person: (1) is convicted of a criminal offense (other than a non-moving traffic offense) under a law applicable exclusively to the District of Columbia; and (2) was previously convicted of a criminal offense under any law of the United States or of a state or territory of the United States which offense, at the time of the conviction referred to in clause (1) of this subsection, is the same as, constitutes, or necessarily includes, the offense referred to in that clause, such person may be sentenced to pay a fine in an amount not more than one and one-half times the maximum fine prescribed for the conviction referred to in clause (1) of this subsection and sentenced to imprisonment for a term not more than one and one-half times the maximum term of imprisonment prescribed for that conviction. If such person was previously convicted more than once of an offense described in clause (2) of this subsection, such person may be sentenced to pay a fine in an amount not more than 3 times the maximum fine prescribed for the conviction referred to in clause (1) of this subsection and sentenced to imprisonment for a term not more than 3 times the maximum term of imprisonment prescribed for that conviction. No conviction with respect to which a person has been pardoned on the ground of innocence shall be taken into account in applying this section.

(b) This section shall not apply in the event of conflict with any other provision of law which provides an increased penalty for a specific offense by reason of a prior conviction of the same or any other offense.

§ 22-1804a. Penalty for felony after at least 2 prior felony convictions.

(a) (1) If a person is convicted in the District of Columbia of a felony, having previously been convicted of 2 prior felonies not committed on the same occasion, the court may, in lieu of any sentence authorized, impose such greater term of imprisonment as it deems necessary, up to, and including, 30 years.

(2) If a person is convicted in the District of Columbia of a crime of violence as defined by § 22-4501, having previously been convicted of 2 prior crimes of violence not committed on the same occasion, the court, in lieu of the term of imprisonment authorized, shall impose a term of imprisonment of not less than 15 years and may impose such greater term of imprisonment as it deems necessary up to, and including, life without possibility of release.

(3) For purposes of imprisonment following revocation of release authorized by § 24-403.01, the third or subsequent felony committed by a person who had previously been convicted of 2 prior felonies not committed on the same occasion and the third or subsequent crime of violence committed by a person who had previously been convicted of 2 prior crimes of violence not committed on the same occasion are Class A felonies.

(b) For the purposes of this section:

(1) A person shall be considered as having been convicted of a felony if the person was convicted of a felony by a court of the District of Columbia, any state, or the United States or its territories; and

(2) A person shall be considered as having been convicted of a crime of violence if the person was convicted of a crime of violence as defined by § 22-4501, by a court of the District of Columbia, any state, or the United States or its territories.

(c)(1) A person shall be considered as having been convicted of 2 felonies if the person has been convicted of a felony twice before on separate occasions by courts of the District of Columbia, any state, or the United States or its territories.

2133 (2) A person shall be considered as having been convicted of 2 crimes of violence
2134 if the person has twice before on separate occasions been convicted of a crime of violence as
2135 defined by § 22-4501, by courts of the District of Columbia, any states, or the United States or its
2136 territories.

2137 (d) No conviction or plea of guilty with respect to which a person has been pardoned
2138 shall be taken into account in applying this section.

2139 (e) In addition to any other penalty provided under this section, a person may be fined an
2140 amount not more than the amount set forth in § 22-3571.01.

2141
2142 § 22-1805. Persons advising, inciting, or conniving at criminal offense to be charged as
2143 principals.

2144 In prosecutions for any criminal offense all persons advising, inciting, or conniving at the
2145 offense, or aiding or abetting the principal offender, shall be charged as principals and not as
2146 accessories, the intent of this section being that as to all accessories before the fact the law
2147 heretofore applicable in cases of misdemeanor only shall apply to all crimes, whatever the
2148 punishment may be.

2149
2150 § 22-1805a. Conspiracy to commit crime.

2151 (a)(1) If 2 or more persons conspire either to commit a criminal offense or to defraud the
2152 District of Columbia or any court or agency thereof in any manner or for any purpose, each shall
2153 be fined not more than the amount set forth in § 22-3571.01 or imprisoned not more than 5 years,
2154 or both, except that if the object of the conspiracy is a criminal offense punishable by less than 5
2155 years, the maximum penalty for the conspiracy shall not exceed the maximum penalty provided
2156 for that offense.

2157 (2) If 2 or more persons conspire to commit a crime of violence as defined in § 23-
2158 1331(4), each shall be fined not more than the amount set forth in § 22-3571.01 nor the
2159 maximum fine prescribed for the offense, the commission of which was the object of the
2160 conspiracy, whichever is less, or imprisoned not more than 15 years nor the maximum
2161 imprisonment prescribed for the offense, the commission of which was the object of the
2162 conspiracy, whichever is less, or both.

2163 (b) No person may be convicted of conspiracy unless an overt act is alleged and proved to
2164 have been committed by 1 of the conspirators pursuant to the conspiracy and to effect its
2165 purpose.

2166 (c) When the object of a conspiracy contrived within the District of Columbia is to
2167 engage in conduct in a jurisdiction outside the District of Columbia which would constitute a
2168 criminal offense under an act of Congress applicable exclusively to the District of Columbia if
2169 performed therein, the conspiracy is a violation of this section if:

2170 (1) Such conduct would also constitute a crime under the laws of the other jurisdiction
2171 if performed therein; or

2172 (2) Such conduct would constitute a criminal offense under an act of Congress
2173 exclusively applicable to the District of Columbia even if performed outside the District of
2174 Columbia.

2175 (d) A conspiracy contrived in another jurisdiction to engage in conduct within the District
2176 of Columbia which would constitute a criminal offense under an act of Congress exclusively
2177 applicable to the District of Columbia if performed within the District of Columbia is a violation
2178 of this section when an overt act pursuant to the conspiracy is committed within the District of

2179 Columbia. Under such circumstances, it is immaterial and no defense to a prosecution for
2180 conspiracy that the conduct which is the object of the conspiracy would not constitute a crime
2181 under the laws of the other jurisdiction.

2182
2183 § 22-1806. Accessories after the fact.

2184 Whoever shall be convicted of being an accessory after the fact to any crime punishable
2185 by death shall be punished by imprisonment for not more than 20 years. Whoever shall be
2186 convicted of being accessory after the fact to any crime punishable by imprisonment shall be
2187 punished by a fine or imprisonment, or both, as the case may be, not more than 1/2 the maximum
2188 fine or imprisonment, or both, to which the principal offender may be subjected.

2189
2190 § 22-1807. Punishment for offenses not covered by provisions of Code.

2191 Whoever shall be convicted of any criminal offense not covered by the provisions of any
2192 section of this Code, or of any general law of the United States not locally inapplicable in the
2193 District of Columbia, shall be punished by a fine not more than the amount set forth in § 22-
2194 3571.01 or by imprisonment for not more than 5 years, or both.

2195
2196 § 22-1808. Offenses committed beyond District.

2197 Any person who by the commission outside of the District of Columbia of any act which,
2198 if committed within the District of Columbia, would be a criminal offense under the laws of said
2199 District, thereby obtains any property or other thing of value, and is afterwards found with any
2200 such property or other such thing of value in his or her possession in said District, or who brings
2201 any such property or other such thing of value into said District, shall, upon conviction, be
2202 punished in the same manner as if said act had been committed wholly within said District.

2203
2204 § 22-1809. Prosecutions.

2205 All prosecutions for violations of § 22-1321 or any of the provisions of any of the laws or
2206 ordinances provided for by this act shall be conducted in the name of and for the benefit of the
2207 District of Columbia, and in the same manner as provided by law for the prosecution of offenses
2208 against the laws and ordinances of the said District. Any person convicted of any violation of §
2209 22-1321 or any of the provisions of this act, and who shall fail to pay the fine or penalty
2210 imposed, or to give security where the same is required, shall be imprisoned for a term not
2211 exceeding 6 months for each and every offense.

2212
2213 § 22-1810. Threatening to kidnap or injure a person or damage his or her property.

2214 Whoever threatens within the District of Columbia to kidnap any person or to injure the
2215 person of another or physically damage the property of any person or of another person, in whole
2216 or in part, shall be fined not more than the amount set forth in § 22-3571.01 or imprisoned not
2217 more than 20 years, or both.

2218
2219 CHAPTER 18A. HUMAN TRAFFICKING.

2220
2221 Sec.

2222 22-1831. Definitions.

2223 22-1832. Forced labor.

2224 22-1833. Trafficking in labor or commercial sex acts.

- 2225 22-1834. Sex trafficking of children.
- 2226 22-1835. Unlawful conduct with respect to documents in furtherance of human trafficking.
- 2227 22-1836. Benefitting financially from human trafficking.
- 2228 22-1837. Penalties.
- 2229 22-1838. Forfeiture.
- 2230 22-1839. Reputation or opinion evidence. [Transferred].
- 2231 22-1840. Civil action. [Transferred].
- 2232 22-1841. Data collection and dissemination. [Not funded] [Transferred].
- 2233 22-1842. Training program. [Transferred].
- 2234 22-1843. Public posting of human trafficking hotline. [Transferred].
- 2235
- 2236 § 22-1831. Definitions.
- 2237 For the purposes of this chapter, the term:
- 2238 (1) "Abuse or threatened abuse of law or legal process" means the use or threatened
- 2239 use of law or legal process, whether administrative, civil, or criminal, in any manner or for any
- 2240 purpose for which the law was not designed, to exert pressure on another person to cause that
- 2241 person to take some action or refrain from taking some action.
- 2242 (2) "Business" means any corporation, partnership, sole proprietorship, firm,
- 2243 enterprise, franchise, association, organization, holding company, joint stock, trust, and any legal
- 2244 entity through which business is conducted.
- 2245 (3) "Coercion" means any one of, or a combination of, the following:
- 2246 (A) Force, threats of force, physical restraint, or threats of physical restraint;
- 2247 (B) Serious harm or threats of serious harm;
- 2248 (C) The abuse or threatened abuse of law or legal process;
- 2249 (D) Fraud or deception;
- 2250 (E) Any scheme, plan, or pattern intended to cause a person to believe that if that
- 2251 person did not perform labor or services, that person or another person would suffer serious harm
- 2252 or physical restraint;
- 2253 (F) Facilitating or controlling a person's access to an addictive or controlled
- 2254 substance or restricting a person's access to prescription medication; or
- 2255 (G) Knowingly participating in conduct with the intent to cause a person to believe
- 2256 that he or she is the property of a person or business and that would cause a reasonable person in
- 2257 that person's circumstances to believe that he or she is the property of a person or business.
- 2258 (4) "Commercial sex act" means any sexual act or sexual contact on account of which
- 2259 or for which anything of value is given to, promised to, or received by any person. The term
- 2260 "commercial sex act" includes a violation of § 22-2701, § 22-2704, §§ 22-2705 to 22-2712, §§
- 2261 22-2713 to 22-2720, and § 22-2722.
- 2262 (5) "Debt bondage" means the status or condition of a person who provides labor,
- 2263 services, or commercial sex acts, for a real or alleged debt, where:
- 2264 (A) The value of the labor, services, or commercial sex acts, as reasonably assessed,
- 2265 is not applied toward the liquidation of the debt;
- 2266 (B) The length and nature of the labor, services, or commercial sex acts are not
- 2267 respectively limited and defined; or
- 2268 (C) The amount of the debt does not reasonably reflect the value of the items or
- 2269 services for which the debt was incurred.
- 2270 (6) "Labor" means work that has economic or financial value.

2271 (7) "Serious harm" means any harm, whether physical or nonphysical, including
2272 psychological, financial, or reputational harm, that is sufficiently serious, under all the
2273 surrounding circumstances, to compel a reasonable person of the same background and in the
2274 same circumstances to perform or to continue to perform labor, services, or commercial sex acts
2275 to avoid incurring that harm.

2276 (8) "Services" means legal or illegal duties or work done for another, whether or not
2277 compensated.

2278 (9) "Sexual act" shall have the same meaning as provided in § 22-3001(8).

2279 (10) "Sexual contact" shall have the same meaning as provided in § 22-3001(9).

2280 (11) "Venture" means any group of 2 or more individuals associated in fact, whether or
2281 not a legal entity.

2282

2283 § 22-1832. Forced labor.

2284 (a) It is unlawful for an individual or a business knowingly to use coercion to cause a
2285 person to provide labor or services.

2286 (b) It is unlawful for an individual or a business knowingly to place or keep any person in
2287 debt bondage.

2288

2289 § 22-1833. Trafficking in labor or commercial sex acts.

2290 It is unlawful for an individual or a business to recruit, entice, harbor, transport, provide,
2291 obtain, or maintain by any means a person, knowing, or in reckless disregard of the fact that:

2292 (1) Coercion will be used or is being used to cause the person to provide labor or
2293 services or to engage in a commercial sex act; or

2294 (2) The person is being placed or will be placed or kept in debt bondage.

2295

2296 § 22-1834. Sex trafficking of children.

2297 (a) It is unlawful for an individual or a business knowingly to recruit, entice, harbor,
2298 transport, provide, obtain, or maintain by any means a person who will be caused as a result to
2299 engage in a commercial sex act knowing or in reckless disregard of the fact that the person has
2300 not attained the age of 18 years.

2301 (b) In a prosecution under subsection (a) of this section in which the defendant had a
2302 reasonable opportunity to observe the person recruited, enticed, harbored, transported, provided,
2303 obtained, or maintained, the government need not prove that the defendant knew that the person
2304 had not attained the age of 18 years.

2305

2306 § 22-1835. Unlawful conduct with respect to documents in furtherance of human
2307 trafficking.

2308 It is unlawful for an individual or business knowingly to destroy, conceal, remove,
2309 confiscate, or possess any actual or purported government identification document, including a
2310 passport or other immigration document, or any other actual or purported document, of any
2311 person to prevent or restrict, or attempt to prevent or restrict, without lawful authority, the
2312 person's liberty to move or travel in order to maintain the labor or services of that person.

2313

2314 § 22-1836. Benefitting financially from human trafficking.

2315 It is unlawful for an individual or business knowingly to benefit, financially or by
2316 receiving anything of value, from voluntarily participating in a venture which has engaged in any

2317 act in violation of § 22-1832, § 22-1833, § 22-1834, or § 22-1835, knowing or in reckless
2318 disregard of the fact that the venture has engaged in the violation.

2319

2320 § 22-1837. Penalties.

2321 (a)(1) Except as provided in paragraph (2) of this subsection, whoever violates § 22-
2322 1832, § 22-1833, or § 22-1834 shall be fined not more than the amount set forth in § 22-3571.01,
2323 imprisoned for not more than 20 years, or both.

2324 (2) Whoever violates sections § 22-1832, § 22-1833, or § 22-1834 when the victim is
2325 held or provides services for more than 180 days shall be fined not more than 1 1/2 times the
2326 maximum fine authorized for the designated act, imprisoned for not more than 1 1/2 times the
2327 maximum term authorized for the designated act, or both.

2328 (b) Whoever violates § 22-1835 shall be fined not more than the amount set forth in § 22-
2329 3571.01, imprisoned for not more than 5 years, or both.

2330 (c) Whoever violates § 22-1836 shall be fined or imprisoned up to the maximum fine or
2331 term of imprisonment for a violation of each referenced section.

2332 (d) Whoever attempts to violate § 22-1832, § 22-1833, § 22-1834, § 22-1835 or § 22-
2333 1836 shall be fined not more than 1/2 the maximum fine otherwise authorized for the offense,
2334 imprisoned for not more than 1/2 the maximum term otherwise authorized for the offense, or
2335 both.

2336 (e) No person shall be sentenced consecutively for violations of §§ 22-1833 and 22-1834
2337 for an offense arising out of the same incident.

2338

2339 § 22-1838. Forfeiture.

2340 (a) In imposing sentence on any individual or business convicted of a violation of this
2341 chapter, the court shall order, in addition to any sentence imposed, that the individual or business
2342 shall forfeit to the District of Columbia:

2343 (1) Any interest in any property, real or personal, that was used or intended to be used
2344 to commit or to facilitate the commission of the violation; and

2345 (2) Any property, real or personal, constituting or derived from any proceeds that the
2346 individual or business obtained, directly or indirectly, as a result of the violation.

2347 (b) The following shall be subject to forfeiture to the District of Columbia and no
2348 property right shall exist in them:

2349 (1) Any property, real or personal, used or intended to be used to commit or to
2350 facilitate the commission of any violation of this chapter.

2351 (2) Any property, real or personal, which constitutes or is derived from proceeds
2352 traceable to any violation of this chapter.

2353

2354 § 22-1839. Reputation or opinion evidence. [Transferred].

2355 Transferred.

2356

2357 § 22-1840. Civil action. [Transferred].

2358 Transferred.

2359

2360 § 22-1841. Data collection and dissemination. [Not funded]. [Transferred].

2361 Transferred. [Not funded].

2362

2363 § 22-1842. Training program. [Transferred].
2364 Transferred.

2365
2366 § 22-1843. Public posting of human trafficking hotline. [Transferred].
2367 [Transferred]. [Not funded].
2368

2369

2370 CHAPTER 19. INCEST.

2371

2372 Sec.

2373 22-1901. Definition and penalty.

2374

2375 § 22-1901. Definition and penalty.

2376 If any person in the District related to another person within and not including the fourth
2377 degree of consanguinity, computed according to the rules of the Roman or civil law, shall marry
2378 or cohabit with or have sexual intercourse with such other so-related person, knowing him or her
2379 to be within said degree of relationship, the person so offending shall be deemed guilty of incest,
2380 and, on conviction thereof, shall be punished by imprisonment for not more than 12 years. In
2381 addition to any other penalty provided under this section, a person may be fined an amount not
2382 more than the amount set forth in § 22-3571.01.

2383

2384 CHAPTER 19A. INTERFERING WITH REPORTS OF CRIME.

2385

2386 Sec.

2387 22-1931. Obstructing, preventing, or interfering with reports to or requests for assistance from
2388 law enforcement agencies, medical providers, or child welfare agencies.

2389

2390 § 22-1931. Obstructing, preventing, or interfering with reports to or requests for
2391 assistance from law enforcement agencies, medical providers, or child
2392 welfare agencies.

2393 (a) It shall be unlawful for a person to knowingly disconnect, damage, disable,
2394 temporarily or permanently remove, or use physical force or intimidation to block access to any
2395 telephone, radio, computer, or other electronic communication device with a purpose to obstruct,
2396 prevent, or interfere with:

2397 (1) The report of any criminal offense to any law enforcement agency;

2398 (2) The report of any bodily injury or property damage to any law enforcement agency;

2399 (3) A request for ambulance or emergency medical assistance to any governmental
2400 agency, or any hospital, doctor, or other medical service provider, or

2401 (4) The report of any act of child abuse or neglect to a law enforcement or child
2402 welfare agency.

2403 (b) A person who violates subsection (a) of this section shall be fined not more than the
2404 amount set forth in § 22-3571.01 or imprisoned not more than 180 days, or both.

2405

2406 CHAPTER 20. KIDNAPPING.

2407

2408 Sec.

2409 22-2001. Definition and penalty; conspiracy.

2410
2411 § 22-2001. Definition and penalty; conspiracy.
2412 Whoever shall be guilty of, or of aiding or abetting in, seizing, confining, inveigling,
2413 enticing, decoying, kidnapping, abducting, concealing, or carrying away any individual by any
2414 means whatsoever, and holding or detaining, or with the intent to hold or detain, such individual
2415 for ransom or reward or otherwise, except, in the case of a minor, by a parent thereof, shall, upon
2416 conviction thereof, be punished by imprisonment for not more than 30 years. For purposes of
2417 imprisonment following revocation of release authorized by § 24-403.01, the offense defined by
2418 this section is a Class A felony. This section shall be held to have been violated if either the
2419 seizing, confining, inveigling, enticing, decoying, kidnapping, abducting, concealing, carrying
2420 away, holding, or detaining occurs in the District of Columbia. If 2 or more individuals enter into
2421 any agreement or conspiracy to do any act or acts which would constitute a violation of the
2422 provisions of this section, and 1 or more of such individuals do any act to effect the object of
2423 such agreement or conspiracy, each such individual shall be deemed to have violated the
2424 provisions of this section. In addition to any other penalty provided under this section, a person
2425 may be fined an amount not more than the amount set forth in § 22-3571.01.
2426

2427 CHAPTER 21. MURDER; MANSLAUGHTER.

2428
2429 Sec.

2430 22-2101. Murder in the first degree – Purposeful killing; killing while perpetrating certain
2431 crimes.

2432 22-2102. Murder in the first degree – Placing obstructions upon or displacement of railroads.

2433 22-2103. Murder in the second degree.

2434 22-2104. Penalty for murder in first and second degrees.

2435 22-2104.01. Sentencing procedure for murder in the first degree.

2436 22-2105. Penalty for manslaughter.

2437 22-2106. Murder of law enforcement officer.

2438 22-2107. Penalty for solicitation of murder or other crime of violence.
2439

2440 § 22-2101. Murder in the first degree -- Purposeful killing; killing while perpetrating
2441 certain crimes.

2442 Whoever, being of sound memory and discretion, kills another purposely, either of
2443 deliberate and premeditated malice or by means of poison, or in perpetrating or attempting to
2444 perpetrate an offense punishable by imprisonment in the penitentiary, or without purpose to do
2445 so kills another in perpetrating or in attempting to perpetrate any arson, as defined in § 22-301 or
2446 § 22-302, first degree sexual abuse, first degree child sexual abuse, first degree cruelty to
2447 children, mayhem, robbery, or kidnaping, or in perpetrating or attempting to perpetrate any
2448 housebreaking while armed with or using a dangerous weapon, or in perpetrating or attempting
2449 to perpetrate a felony involving a controlled substance, is guilty of murder in the first degree. For
2450 purposes of imprisonment following revocation of release authorized by § 24-403.01(b)(7),
2451 murder in the first degree is a Class A felony.
2452

2453 § 22-2102. Murder in the first degree -- Placing obstructions upon or displacement of
2454 railroads.

2455 Whoever maliciously places an obstruction upon a railroad or street railroad, or displaces
2456 or injures anything appertaining thereto, or does any other act with intent to endanger the passage
2457 of any locomotive or car, and thereby occasions the death of another, is guilty of murder in the
2458 first degree. For purposes of imprisonment following revocation of release authorized by § 24-
2459 403.01(b)(7), murder in the first degree is a Class A felony.

2460
2461 § 22-2103. Murder in the second degree.

2462 Whoever with malice aforethought, except as provided in §§ 22-2101, 22-2102, kills
2463 another, is guilty of murder in the second degree. For purposes of imprisonment following
2464 revocation of release authorized by § 24-403.01(b)(7), murder in the second degree is a Class A
2465 felony.

2466
2467 § 22-2104. Penalty for murder in first and second degrees.

2468 (a) The punishment for murder in the first degree shall be not less than 30 years nor more
2469 than life imprisonment without release, except that the court may impose a prison sentence in
2470 excess of 60 years only in accordance with § 22-2104.01 or § 24-403.01(b-2). The prosecution
2471 shall notify the defendant in writing at least 30 days prior to trial that it intends to seek a sentence
2472 of life imprisonment without release as provided in § 22-2104.01; provided that, no person who
2473 was less than 18 years of age at the time the murder was committed shall be sentenced to life
2474 imprisonment without release.

2475 (b) Notwithstanding any other provision of law, a person convicted of murder in the first
2476 degree shall not be released from prison prior to the expiration of 30 years from the date of the
2477 commencement of the sentence.

2478 (c) Whoever is guilty of murder in the second degree shall be sentenced to a period of
2479 incarceration of not more than life, except that the court may impose a prison sentence in excess
2480 of 40 years only in accordance with § 24-403.01(b-2).

2481 (d) For purposes of imprisonment following revocation of release authorized by § 24-
2482 403.01(b)(7), murder in the first degree and murder in the second degree are Class A felonies.

2483 (e) In addition to any other penalty provided under this section, a person may be fined an
2484 amount not more than the amount set forth in § 22-3571.01.

2485
2486 § 22-2104.01. Sentencing procedure for murder in the first degree.

2487 (a) If a defendant is convicted of murder in the first degree, and if the prosecution has
2488 given the notice required under § 22-2104(a), a separate sentencing procedure shall be conducted
2489 as soon as practicable after the trial has been completed to determine whether to impose a
2490 sentence of more than 60 years up to, and including, life imprisonment without possibility of
2491 release.

2492 (b) In determining the sentence, a finding shall be made whether, beyond a reasonable
2493 doubt, any of the following aggravating circumstances exist:

2494 (1) The murder was committed in the course of kidnapping or abduction, or an attempt
2495 to kidnap or abduct;

2496 (2) The murder was committed for hire;

2497 (3) The murder was committed for the purpose of avoiding or preventing a lawful
2498 arrest or effecting an escape from custody;

2499 (4) The murder was especially heinous, atrocious, or cruel;

2500 (5) The murder was a drive-by or random shooting;

2501 (6) There was more than 1 offense of murder in the first degree arising out of 1
2502 incident;

2503 (7) The murder was committed because of the victim's race, color, religion, national
2504 origin, sexual orientation, or gender identity or expression (as defined in § 2-1401.02(12A));

2505 (8) The murder was committed while committing or attempting to commit a robbery,
2506 arson, rape, or sexual offense;

2507 (9) The murder was committed because the victim was or had been a witness in any
2508 criminal investigation or judicial proceeding, or the victim was capable of providing or had
2509 provided assistance in any criminal investigation or judicial proceeding;

2510 (10) The murder victim was especially vulnerable due to age or a mental or physical
2511 infirmity;

2512 (11) The murder is committed after substantial planning; or

2513 (12) At the time of the commission of the murder, the defendant had previously been
2514 convicted and sentenced, whether in a court of the District of Columbia, of the United States, or
2515 of any state, for (A) murder, (B) manslaughter, (C) any attempt, solicitation, or conspiracy to
2516 commit murder, (D) assault with intent to kill, (E) assault with intent to murder, or (F) at least
2517 twice, for any offense or offenses, described in § 22-4501(1), whether committed in the District
2518 of Columbia or any other state, or the United States. A person shall be considered as having been
2519 convicted and sentenced twice for an offense or offenses when the initial sentencing for the
2520 conviction in the first offense preceded the commission of the second offense and the initial
2521 sentencing for the second offense preceded the commission of the instant murder.

2522 (c) The finding shall state in writing whether, beyond a reasonable doubt, 1 or more of
2523 the aggravating circumstances exist. If 1 or more aggravating circumstances exist, a sentence of
2524 more than 60 years up to, and including, life imprisonment without release may be imposed.

2525 (d) If the trial court is reversed on appeal because of error only in the separate sentencing
2526 procedure, any new proceeding before the trial court shall pertain only to the issue of sentencing.

2527

2528 § 22-2105. Penalty for manslaughter.

2529 Whoever is guilty of manslaughter shall be sentenced to a period of imprisonment not
2530 exceeding 30 years. In addition to any other penalty provided under this section, a person may be
2531 fined an amount not more than the amount set forth in § 22-3571.01.

2532

2533 § 22-2106. Murder of law enforcement officer.

2534 (a) Whoever, with deliberate and premeditated malice, and with knowledge or reason to
2535 know that the victim is a law enforcement officer or public safety employee, kills any law
2536 enforcement officer or public safety employee engaged in, or on account of, the performance of
2537 such officer's or employee's official duties, is guilty of murder of a law enforcement officer or
2538 public safety employee, and shall be sentenced to life without the possibility of release. It shall
2539 not be a defense to this charge that the victim was acting unlawfully by seizing or attempting to
2540 seize the defendant or another person.

2541 (b) For the purposes of subsection (a) of this section, the term:

2542 (1) "Law enforcement officer" means:

2543 (A) A sworn member of the Metropolitan Police Department;

2544 (B) A sworn member of the District of Columbia Protective Services;

2545 (C) The Director, deputy directors, and officers of the District of Columbia
2546 Department of Corrections;

2547 (D) Any probation, parole, supervised release, community supervision, or
2548 pretrial services officer of the Court Services and Offender Supervision Agency or The Pretrial
2549 Services Agency;
2550 (E) Metro Transit police officers; and
2551 (F) Any federal, state, county, or municipal officer performing functions
2552 comparable to those performed by the officers described in subparagraphs (A), (C), (D), (E), and
2553 (F) of this paragraph, including but not limited to state, county, or municipal police officers,
2554 sheriffs, correctional officers, parole officers, and probation and pretrial service officers.

2555 (2) "Public safety employee" means:

2556 (A) A District of Columbia firefighter, emergency medical technician/paramedic,
2557 emergency medical technician/intermediate paramedic, or emergency medical technician; and

2558 (B) Any federal, state, county, or municipal officer performing functions
2559 comparable to those performed by the District of Columbia employees described in subparagraph
2560 (A) of this paragraph.

2561 (c) In addition to any other penalty provided under this section, a person may be fined an
2562 amount not more than the amount set forth in § 22-3571.01.

2563
2564 § 22-2107. Penalty for solicitation of murder or other crime of violence.

2565 (a) Whoever is guilty of soliciting a murder, whether or not such murder occurs, shall be
2566 sentenced to a period of imprisonment not exceeding 20 years, a fine not more than the amount
2567 set forth in § 22-3571.01, or both.

2568 (b) Whoever is guilty of soliciting a crime of violence as defined by § 23-1331(4),
2569 whether or not such crime occurs, shall be sentenced to a period of imprisonment not exceeding
2570 10 years, a fine of not more than the amount set forth in § 22-3571.01, or both.

2571

2572 CHAPTER 22. OBSCENITY.

2573

2574 Sec.

2575 22-2201. Certain obscene activities and conduct declared unlawful; definitions; penalties;
2576 affirmative defenses; exception.

2577

2578 § 22-2201. Certain obscene activities and conduct declared unlawful; definitions;
2579 penalties; affirmative defenses; exception.

2580 (a)(1) It shall be unlawful in the District of Columbia for a person knowingly:

2581 (A) To sell, deliver, distribute, or provide, or offer or agree to sell, deliver,
2582 distribute, or provide any obscene, indecent, or filthy writing, picture, sound recording, or other
2583 article or representation;

2584 (B) To present, direct, act in, or otherwise participate in the preparation or
2585 presentation of, any obscene, indecent, or filthy play, dance, motion picture, or other
2586 performance;

2587 (C) To pose for, model for, print, record, compose, edit, write, publish, or otherwise
2588 participate in preparing for publication, exhibition, or sale, any obscene, indecent, or filthy
2589 writing, picture, sound recording, or other article or representation;

2590 (D) To sell, deliver, distribute, or provide, or offer or agree to sell, deliver, distribute
2591 or provide any article, thing, or device which is intended for or represented as being for indecent
2592 or immoral use;

2593 (E) To create, buy, procure, or possess any matter described in the preceding
2594 subparagraphs of this paragraph with intent to disseminate such matter in violation of this
2595 subsection;

2596 (F) To advertise or otherwise promote the sale of any matter described in the
2597 preceding subparagraphs of this paragraph; or

2598 (G) To advertise or otherwise promote the sale of material represented or held out by
2599 such person to be obscene.

2600 (2)(A) For purposes of subparagraph (E) of paragraph (1) of this subsection, the
2601 creation, purchase, procurement, or possession of a mold, engraved plate, or other embodiment
2602 of obscenity specially adapted for reproducing multiple copies or the possession of more than 3
2603 copies, of obscene, indecent, or filthy material shall be prima facie evidence of an intent to
2604 disseminate such material in violation of this subsection.

2605 (B) For purposes of paragraph (1) of this subsection, the term "knowingly" means
2606 having general knowledge of, or reason to know, or a belief or ground for belief which warrants
2607 further inspection or inquiry of, the character and content of any article, thing, device,
2608 performance, or representation described in paragraph (1) of this subsection which is reasonably
2609 susceptible of examination.

2610 (3) When any person is convicted of a violation of this subsection, the court in its
2611 judgment of conviction may, in addition to the penalty prescribed, order the confiscation and
2612 disposal of any materials described in paragraph (1) of this subsection, which were named in the
2613 charge against such person and which were found in the possession or under the control of such
2614 person at the time of such person's arrest.

2615 (b)(1) It shall be unlawful in the District of Columbia for any person knowingly:

2616 (A) To sell, deliver, distribute, or provide, or offer or agree to sell, deliver,
2617 distribute, or provide to a minor:

2618 (i) Any picture, photograph, drawing, sculpture, motion picture film, or similar
2619 visual representation or image of a person or portion of the human body, which depicts nudity,
2620 sexual conduct, or sado-masochistic abuse and which taken as a whole is patently offensive
2621 because it affronts prevailing standards in the adult community as a whole with respect to what is
2622 suitable material for minors; or

2623 (ii) Any book, magazine, or other printed matter however reproduced or sound
2624 recording, which depicts nudity, sexual conduct, or sado-masochistic abuse or which contains
2625 explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual
2626 conduct, or sado-masochistic abuse and which taken as a whole is patently offensive because it
2627 affronts prevailing standards in the adult community as a whole with respect to what is suitable
2628 material for minors; or

2629 (B) To exhibit to a minor, or to sell or provide to a minor an admission ticket to, or
2630 pass to, or to admit a minor to, premises whereon there is exhibited, a motion picture, show, or
2631 other presentation which, in whole or in part, depicts nudity, sexual conduct, or sado-masochistic
2632 abuse and which taken as a whole is patently offensive because it affronts prevailing standards in
2633 the adult community as a whole with respect to what is suitable material for minors.

2634 (2) For purposes of paragraph (1) of this subsection:

2635 (A) The term "minor" means any person under the age of 17 years.

2636 (B) The term "nudity" includes the showing of the human male or female genitals,
2637 pubic area or buttocks with less than a full opaque covering, or the showing of the female breast

2638 with less than a full opaque covering of any portion thereof below the top of the nipple, or the
2639 depiction of covered male genitals in a discernibly turgid state.

2640 (C) The term "sexual conduct" includes acts of sodomy, masturbation,
2641 homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed
2642 genitals, pubic area, buttocks, or, if such person be a female, breast.

2643 (D) The term "sexual excitement" includes the condition of human male or female
2644 genitals when in a state of sexual stimulation or arousal.

2645 (E) The term "sado-masochistic abuse" includes flagellation or torture by or upon a
2646 person clad in undergarments or a mask or bizarre costume, or the condition of being fettered,
2647 bound, or otherwise physically restrained on the part of one so clothed.

2648 (F) The term "knowingly" means having a general knowledge of, or reason to know,
2649 or a belief or ground for belief which warrants further inspection or inquiry or both of:

2650 (i) The character and content of any material described in paragraph (1) of this
2651 subsection which is reasonably susceptible of examination by the defendant; and

2652 (ii) The age of the minor.

2653 (c) It shall be an affirmative defense to a charge of violating subsection (a) or (b) of this
2654 section that the dissemination was to institutions or individuals having scientific, educational, or
2655 other special justification for possession of such material.

2656 (d) Nothing in this section shall apply to a licensee under the Communications Act of
2657 1934 (47 U.S.C. § 151 et seq.) while engaged in activities regulated pursuant to such Act.

2658 (e) A person convicted of violating subsection (a) or (b) of this section shall for the 1st
2659 offense be fined not more than the amount set forth in § 22-3571.01 or imprisoned not more than
2660 180 days, or both. A person convicted of a 2nd or subsequent offense under subsection (a) or (b)
2661 of this section shall be fined not less than \$ 1,000 and not more than the amount set forth in § 22-
2662 3571.01 or imprisoned not less than 6 months or more than 3 years, or both.

2663

2664

CHAPTER 23. PANHANDLING.

2665

2666 Sec.

2667 22-2301. Definitions.

2668 22-2302. Prohibited acts.

2669 22-2303. Permitted activity.

2670 22-2304. Penalties.

2671 22-2305. Conduct of prosecutions.

2672 22-2306. Disclosure.

2673

2674 § 22-2301. Definitions.

2675 For the purposes of this chapter, the term:

2676 (1) "Aggressive manner" means:

2677 (A) Approaching, speaking to, or following a person in a manner as would cause a
2678 reasonable person to fear bodily harm or the commission of a criminal act upon the person, or
2679 upon property in the person's immediate possession;

2680 (B) Touching another person without that person's consent in the course of asking
2681 for alms;

2682 (C) Continuously asking, begging, or soliciting alms from a person after the person
2683 has made a negative response; or

2684 (D) Intentionally blocking or interfering with the safe or free passage of a person by
2685 any means, including unreasonably causing a person to take evasive action to avoid physical
2686 contact.

2687 (2) "Ask, beg, or solicit alms" includes the spoken, written, or printed word or such
2688 other act conducted for the purpose of obtaining an immediate donation of money or thing of
2689 value.

2690
2691 § 22-2302. Prohibited acts.

2692 (a) No person may ask, beg, or solicit alms, including money and other things of value, in
2693 an aggressive manner in any place open to the general public, including sidewalks, streets, alleys,
2694 driveways, parking lots, parks, plazas, buildings, doorways and entrances to buildings, and
2695 gasoline service stations, and the grounds enclosing buildings.

2696 (b) No person may ask, beg, or solicit alms in any public transportation vehicle; or at any
2697 bus, train, or subway station or stop.

2698 (c) No person may ask, beg, or solicit alms within 10 feet of any automatic teller machine
2699 (ATM).

2700 (d) No person may ask, beg, or solicit alms from any operator or occupant of a motor
2701 vehicle that is in traffic on a public street.

2702 (e) No person may ask, beg, or solicit alms from any operator or occupant of a motor
2703 vehicle on a public street in exchange for blocking, occupying, or reserving a public parking
2704 space, or directing the operator or occupant to a public parking space.

2705 (f) No person may ask, beg, or solicit alms in exchange for cleaning motor vehicle
2706 windows while the vehicle is in traffic on a public street.

2707 (g) No person may ask, beg, or solicit alms in exchange for protecting, watching,
2708 washing, cleaning, repairing, or painting a motor vehicle or bicycle while it is parked on a public
2709 street.

2710 (h) No person may ask, beg, or solicit alms on private property or residential property,
2711 without permission from the owner or occupant.

2712
2713 § 22-2303. Permitted activity.

2714 Acts authorized as an exercise of a person's constitutional right to picket, protest, or
2715 speak, and acts authorized by a permit issued by the District of Columbia government shall not
2716 constitute unlawful activity under this chapter.

2717
2718 § 22-2304. Penalties.

2719 (a) Any person convicted of violating any provision of § 22-2302 shall be fined not more
2720 than the amount set forth in § 22-3571.01 or be imprisoned not more than 90 days or both.

2721 (b) In lieu of or in addition to the penalty provided in subsection (a) of this section, a
2722 person convicted of violating any provision of § 22-2302 may be required to perform community
2723 service as provided in § 16-712.

2724
2725 § 22-2305. Conduct of prosecutions.

2726 Prosecutions for violations of this chapter shall be conducted in the name of the District
2727 of Columbia by the Attorney General for the District of Columbia.

2728
2729 § 22-2306. Disclosure.

2730 Any arrest or conviction under this chapter shall be disclosed to public and private social
2731 service agencies that request the Metropolitan Police Department or the court to be notified of
2732 such events.

2733

2734

CHAPTER 24. PERJURY; RELATED OFFENSES.

2735

2736 Sec.

2737 22-2401. Perjury; subornation of perjury. [Repealed].

2738 22-2402. Perjury.

2739 22-2403. Subornation of perjury.

2740 22-2404. False swearing.

2741 22-2405. False statements.

2742

2743 § 22-2401. Perjury; subornation of perjury. [Repealed].

2744 Repealed.

2745

2746 § 22-2402. Perjury.

2747 (a) A person commits the offense of perjury if:

2748 (1) Having taken an oath or affirmation before a competent tribunal, officer, or person,
2749 in a case in which the law authorized such oath or affirmation to be administered, that he or she
2750 will testify, declare, depose, or certify truly, or that any written testimony, declaration,
2751 deposition, or certificate by that person subscribed is true, wilfully and contrary to an oath or
2752 affirmation states or subscribes any material matter which he or she does not believe to be true
2753 and which in fact is not true;

2754 (2) As a notary public or other officer authorized to take proof of certification, wilfully
2755 certifies falsely that an instrument was acknowledged by any party thereto or wilfully certifies
2756 falsely as to another material matter in an acknowledgement; or

2757 (3) In any declaration, certificate, verification, or statement made under penalty of
2758 perjury in the form specified in § 16-5306 or 28 U.S.C. § 1746(2), the person wilfully states or
2759 subscribes as true any material matter that the person does not believe to be true and that in fact
2760 is not true.

2761 (b) Any person convicted of perjury shall be fined not more than the amount set forth in §
2762 22-3571.01 or imprisoned for not more than 10 years, or both.

2763

2764 § 22-2403. Subornation of perjury.

2765 A person commits the offense of subornation of perjury if that person wilfully procures
2766 another to commit perjury. Any person convicted of subornation of perjury shall be fined not
2767 more than the amount set forth in § 22-3571.01 or imprisoned for not more than 10 years, or
2768 both.

2769

2770 § 22-2404. False swearing.

2771 (a) A person commits the offense of false swearing if under oath or affirmation he or she
2772 wilfully makes a false statement, in writing, that is in fact material and the statement is one
2773 which is required by law to be sworn or affirmed before a notary public or other person
2774 authorized to administer oaths.

2775 (b) Any person convicted of false swearing shall be fined not more than the amount set
2776 forth in § 22-3571.01 or imprisoned for not more than 3 years, or both.

2777
2778 § 22-2405. False statements.

2779 (a) A person commits the offense of making false statements if that person wilfully
2780 makes a false statement that is in fact material, in writing, directly or indirectly, to any
2781 instrumentality of the District of Columbia government, under circumstances in which the
2782 statement could reasonably be expected to be relied upon as true; provided, that the writing
2783 indicates that the making of a false statement is punishable by criminal penalties or if that person
2784 makes an affirmation by signing an entity filing or other document under Title 29 of the District
2785 of Columbia Official Code, knowing that the facts stated in the filing are not true in any material
2786 respect or if that person makes an affirmation by signing a declaration under § 1-1061.13,
2787 knowing that the facts stated in the filing are not true in any material respect;

2788 (b) Any person convicted of making false statements shall be fined not more than the
2789 amount set forth in § 22-3571.01 or imprisoned for not more than 180 days, or both. A violation
2790 of this section shall be prosecuted by the Attorney General for the District of Columbia or one of
2791 the Attorney General's assistants.

2792
2793 CHAPTER 25. POSSESSION OF IMPLEMENTS OF CRIME.

2794
2795 Sec.

2796 22-2501. Possession of implements of crime; penalty.

2797
2798 § 22-2501. Possession of implements of crime; penalty.

2799 No person shall have in his or her possession in the District any instrument, tool, or
2800 implement for picking locks or pockets, with the intent to use such instrument, tool, or
2801 implement to commit a crime. Whoever violates this section shall be imprisoned for not more
2802 than 180 days and may be fined not more than and, in addition, may be fined not more than the
2803 amount set forth in § 22-3571.01, unless the violation occurs after he or she has been convicted
2804 in the District of a violation of this section or of a felony, either in the District or another
2805 jurisdiction, in which case he or she shall be imprisoned for not less than one year nor more than
2806 5 years and, in addition, may be fined not more than the amount set forth in § 22-3571.01.

2807
2808 CHAPTER 25A. PRESENCE IN A MOTOR VEHICLE CONTAINING A FIREARM.

2809 [REPEALED].

2810
2811 Sec.

2812 22-2511. Presence in a motor vehicle containing a firearm. [Repealed].

2813
2814 § 22-2511. Presence in a motor vehicle containing a firearm. [Repealed].

2815 Repealed.

2816
2817 CHAPTER 26. PRISON MISCONDUCT.

2818
2819 *Subchapter I.*

2820 *Escape.*

2821
2822 Sec.
2823 22-2601. Escape from institution or officer.

2824
2825 *Subchapter II.*
2826 *Misprisons.*

2827
2828 22-2602. Misprisons by officers or employees of jail. [Repealed].

2829
2830 *Subchapter III.*
2831 *Introduction of Contraband into Penal Institutions.*

2832
2833 22-2603.01. Definitions.
2834 22-2603.02. Unlawful possession of contraband.
2835 22-2603.03. Penalties.
2836 22-2603.04 Detainment power. [Transferred].

2837
2838 *Subchapter I.*
2839 *Escape.*

2840
2841 § 22-2601. Escape from institution or officer.
2842 (a) No person shall escape or attempt to escape from:
2843 (1) Any penal or correctional institution or facility in which that person is confined
2844 pursuant to an order issued by a court of the District of Columbia;
2845 (2) The lawful custody of an officer or employee of the District of Columbia or of the
2846 United States: or
2847 (3) An institution or facility, whether located in the District of Columbia or elsewhere,
2848 in which a person committed to the Department of Youth Rehabilitation Services is placed.
2849 (b) Any person who violates subsection (a) of this section shall be fined not more than the
2850 amount set forth in § 22-3571.01 or imprisoned not more than 5 years, or both, said sentence to
2851 begin, if the person is an escaped prisoner, upon the expiration of the original sentence or
2852 disposition for the offense for which he or she was confined, committed, or in custody at the time
2853 of his or her escape.

2854
2855 *Subchapter II.*
2856 *Misprisons.*

2857
2858 § 22-2602. Misprisons by officers or employees of jail. [Repealed].
2859 [Repealed].

2860
2861 *Subchapter III.*
2862 *Introduction of Contraband into Penal Institutions.*

2863
2864 § 22-2603.01. Definitions.
2865 For the purposes of this subchapter, the term:

2866 (1) "Cellular telephone or other portable communication device and accessories
2867 thereto" means any device carried, worn, or stored that is designed, intended, or readily
2868 converted to create, receive or transmit oral or written messages or visual images, access or store
2869 data, or connect electronically to the Internet, or any other electronic device that enables
2870 communication in any form. The term "cellular telephone or other portable communication
2871 device and accessories thereto" includes portable 2-way pagers, hand-held radios, cellular
2872 telephones, Blackberry-type devices, personal digital assistants or PDAs, computers, cameras,
2873 and any components of these devices. The term "cellular telephone or other portable
2874 communication device and accessories thereto" also includes any new technology that is
2875 developed for communication purposes and includes accessories that enable or facilitate the use
2876 of the cellular telephone or other portable communication device.

2877 (2)(A) "Class A Contraband" means:

2878 (i) Any item, the mere possession of which is unlawful under District of Columbia
2879 or federal law;

2880 (ii) Any controlled substance listed or described in Unit A of Chapter 9 of Title 48
2881 [§ 48-901.01 et seq.] or any controlled substance scheduled by the Mayor pursuant to § 48-
2882 902.01;

2883 (iii) Any dangerous weapon or object which is capable of such use as may
2884 endanger the safety or security of a penal institution or secure juvenile residential facility or any
2885 person therein, including,:

2886 (I) A firearm or imitation firearm, or any component of a firearm;

2887 (II) Ammunition or ammunition clip;

2888 (III) A stun gun, taser, or other device capable of disrupting a person's nervous
2889 system;

2890 (IV) Flammable liquid or explosive powder;

2891 (V) A knife, screwdriver, ice pick, box cutter, needle, or any other object or
2892 tool that can be used for cutting, slicing, stabbing, or puncturing a person;

2893 (VI) A shank or homemade knife; or

2894 (VII) Tear gas, pepper spray, or other substance that can be used to cause
2895 temporary blindness or incapacitation;

2896 (iv) Any object designed or intended to facilitate an escape;

2897 (v) Handcuffs, security restraints, handcuff keys, or any other object designed or
2898 intended to lock, unlock, or release handcuffs or security restraints;

2899 (vi) A hacksaw, hacksaw blade, wire cutter, file, or any other object or tool that
2900 can be used to cut through metal, concrete, or plastic;

2901 (vii) Rope; or

2902 (viii) When possessed by, given to, or intended to be given to an inmate or
2903 securely detained juvenile, a correctional officer's uniform, law enforcement officer's uniform,
2904 medical staff clothing, any other uniform, or civilian clothing.

2905 (B) The term "Class A contraband" does not include any object or substance which a
2906 person is authorized to possess in the penal institution or secure juvenile residential facility by
2907 the director of the penal institution or secure juvenile residential facility and that is in the form or
2908 quantity for which it was authorized.

2909 (3)(A) "Class B Contraband" means:

2910 (i) Any alcoholic liquor or beverage;

2911 (ii) A hypodermic needle or syringe or other item that can be used for the

2912 administration of unlawful controlled substances; or
2913 (iii) A cellular telephone or other portable communication device and accessories
2914 thereto.

2915 (B) The term "Class B contraband" does not include any object or substance which a
2916 person is authorized to possess in the penal institution or secure juvenile residential facility by
2917 the director of the penal institution or secure juvenile residential facility and that is in the form or
2918 quantity for which it was authorized.

2919 (4)(A) "Class C Contraband" means any article or thing which a person confined in a
2920 penal institution or secure juvenile residential facility is prohibited from obtaining or possessing
2921 by rule. The Mayor, pursuant to subchapter I of Chapter 5 of Title 2 [§ 2-501 et seq.], shall
2922 promulgate by rulemaking the articles or things that are Class C contraband. The rules shall be
2923 posted in the facility to give notice of the prohibited articles or things.

2924 (B) The term "Class C contraband" does not include any object or substance which a
2925 person is authorized to possess in the penal institution or secure juvenile residential facility by
2926 the director of the penal institution or secure juvenile residential facility and that is in the form or
2927 quantity for which it was authorized.

2928 (5) "Grounds" means the area of land occupied by the penal institution or secure
2929 juvenile residential facility and its yard and outbuildings, with a clearly identified perimeter.

2930 (6) "Penal institution" means any penitentiary, prison, jail, or secure facility owned,
2931 operated, or under the control of the Department of Corrections, whether located within the
2932 District of Columbia or elsewhere.

2933 (7) "Secure juvenile residential facility" means a locked residential facility providing
2934 custody, supervision, and care for one or more juveniles that is owned, operated, or under the
2935 control of the Department of Youth Rehabilitation Services, excluding residential treatment
2936 facilities and accredited hospitals.

2937
2938 § 22-2603.02. Unlawful possession of contraband.

2939 (a) Except as authorized by law, the Mayor, the Director of the Department of
2940 Corrections, or the Director of the Department of Youth Rehabilitation Services, it is unlawful
2941 to:

2942 (1) Knowingly bring Class A, Class B, or Class C contraband into or upon the grounds
2943 of a penal institution or a secure juvenile residential facility with the intent that it be given to or
2944 received by an inmate or securely detained juvenile;

2945 (2) Knowingly cause another to bring Class A, Class B, or Class C contraband into or
2946 upon the grounds of a penal institution or a secure juvenile residential facility with the intent that
2947 it be given to or received by an inmate or securely detained juvenile; or

2948 (3) Knowingly place Class A, Class B, or Class C contraband in such proximity to a
2949 penal institution or a secure juvenile residential facility with the intent to give an inmate, a
2950 securely detained juvenile, a staff member, or a visitor access to the contraband.

2951 (b) It is unlawful for an inmate, or securely detained juvenile, to possess Class A, Class
2952 B, or Class C contraband, regardless of the intent with which he or she possesses it.

2953 (c) It is unlawful for an employee of the Department of Corrections or Department of
2954 Youth Rehabilitation Services who becomes aware of any violation of this section to fail to
2955 report such knowledge as required by department regulations, policies, or procedures.

2956 (d)(1) Any item listed as contraband is not deemed to be contraband when issued by a
2957 penal institution or secure juvenile residential facility to an employee and the item is being used

2958 in the performance of the employee's duties within the penal institution or secure juvenile
2959 residential facility.

2960 (2) Any item listed as contraband is not deemed to be contraband when issued by a law
2961 enforcement agency to its sworn officers and the item is being used in the performance of his or
2962 her duties.

2963 (e) It is not unlawful for an attorney, or representative or agent of an attorney, during the
2964 course of a visit for the purpose of legal representation of the inmate or securely detained
2965 juvenile, to:

2966 (1) Possess a cellular telephone or other portable communication device and
2967 accessories thereto for the purpose of the legal visit for use by the attorney, representative, or
2968 agent, and not for the personal use of any inmate or securely detained juvenile; or

2969 (2) Give or transmit to an inmate or securely detained juvenile legal written or
2970 recorded communication pertaining to his or her legal representation.

2971 (f) It is not unlawful for a person to possess or carry a controlled substance that is
2972 prescribed to that person and that is medically necessary for that person to carry.

2973

2974 § 22-2603.03. Penalties.

2975 (a) A person convicted of violating this subchapter with regard to Class A contraband
2976 shall be imprisoned for not more than 10 years, fined not more than the amount set forth in § 22-
2977 3571.01, or both.

2978 (b) A person convicted of violating this subchapter with regard to Class B contraband
2979 shall be imprisoned for not more than 2 years, fined not more than the amount set forth in § 22-
2980 3571.01, or both.

2981 (c) A person convicted of violating § 22-2603.02(c) shall be imprisoned for not more
2982 than 1 year, fined not more than the amount set forth in § 22-3571.01, or both.

2983 (d) Any term of imprisonment imposed on an inmate or prisoner pursuant to this section
2984 shall be:

2985 (1) Consecutive to the term of imprisonment being served at the time this offense was
2986 committed; or

2987 (2) If the inmate was confined pending trial or sentencing, consecutive to any term of
2988 imprisonment imposed in the case in which the inmate was being detained at the time this
2989 offense was committed.

2990 (e) The violation of this subchapter with regard to Class C contraband shall be an
2991 administrative penalty prescribed by the Department of Corrections or the Department of Youth
2992 Rehabilitation Services.

2993

2994 § 22-2603.04. Detainment power. [Transferred]

2995 Transferred.

2996

2997 CHAPTER 27. PROSTITUTION; PANDERING.

2998

2999 *Subchapter I.*

3000 *General.*

3001

3002 Sec.

3003 22-2701. Engaging in prostitution or soliciting for prostitution.

3004 22-2701.01. Definitions.
3005 22-2702. Inmate or frequenter of house of ill fame. [Repealed.]
3006 22-2703. Suspension of sentence; conditions; enforcement.
3007 22-2704. Abducting or enticing child from his or her home for purposes of prostitution;
3008 harboring such child.
3009 22-2705. Pandering; inducing or compelling an individual to engage in prostitution.
3010 22-2706. Compelling an individual to live life of prostitution against his or her will.
3011 22-2707. Procuring; receiving money or other valuable thing for arranging assignation.
3012 22-2708. Causing spouse or domestic partner to live in prostitution.
3013 22-2709. Detaining an individual in disorderly house for debt there contracted.
3014 22-2710. Procuring for house of prostitution.
3015 22-2711. Procuring for third persons.
3016 22-2712. Operating house of prostitution.
3017 22-2713. Premises occupied for lewdness, assignation, or prostitution declared nuisance.
3018 [Transferred].
3019 22-2714. Abatement of nuisance under § 22-2713 by injunction—Temporary injunction.
3020 [Transferred].
3021 22-2715. Abatement of nuisance under § 22-2713 by injunction—Trial; dismissal of complaint;
3022 prosecution; costs. [Transferred].
3023 22-2716. Violation of injunction granted under § 22-2714. [Transferred].
3024 22-2717. Order of abatement; sale of property; entry of closed premises punishable as contempt.
3025 [Transferred].
3026 22-2718. Disposition of proceeds of sale. [Transferred].
3027 22-2719. Bond for abatement; order for delivery of premises; effect of release. [Transferred].
3028 22-2720. Tax for maintain such nuisance. [Transferred].
3029 22-2721. Granting immunity to witnesses. [Repealed].
3030 22-2722. Keeping bawdy or disorderly houses.
3031 22-2723. Property subject to seizure and forfeiture.
3032 22-2724. Impoundment.
3033 22-2725. Anti-Prostitution Vehicle Impoundment Proceeds Fund.

3034
3035 *Subchapter II.*

3036 *Prostitution Free Zone.*

3037
3038 22-2731. Prostitution free zone. [Repealed].

3039
3040 *Subchapter I.*

3041 *General.*

3042
3043 § 22-2701. Engaging in prostitution or soliciting for prostitution.
3044 (a) Except as provided in subsection (d) of this section, it is unlawful for any person to
3045 engage in prostitution or to solicit for prostitution.
3046 (b)(1) Except as provided in paragraph (2) of this subsection, a person convicted of
3047 prostitution or soliciting for prostitution shall be:
3048 (A) Fined not more than the amount set forth in § 22-3571.01, imprisoned for not
3049 more than 90 days, or both, for the first offense; and

3050 (B) Fined not more than the amount set forth in § 22-3571.01, imprisoned not
3051 more than 180 days, or both, for the second offense.

3052 (2) A person convicted of prostitution or soliciting for prostitution who has 2 or more
3053 prior convictions for prostitution or soliciting for prostitution, not committed on the same
3054 occasion, shall be fined not more than the amount set forth in § 22-3571.01, imprisoned for not
3055 more than 2 years, or both.

3056 (c) For the purposes of this section, a person shall be considered as having 2 or more
3057 prior convictions for prostitution or soliciting for prostitution if he or she has been convicted on
3058 at least 2 occasions of violations of:

3059 (1) This section;

3060 (2) A statute in one or more other jurisdictions prohibiting prostitution or soliciting
3061 for prostitution; or

3062 (3) Conduct that would constitute a violation of this section if committed in the
3063 District of Columbia.

3064 (d)(1) A child who engages in or offers to engage in a sexual act or sexual contact in
3065 return for receiving anything of value shall be immune from prosecution for a violation of
3066 subsection (a) of this section.

3067 (2) The Metropolitan Police Department shall refer any child suspected of engaging
3068 in or offering to engage in a sexual act or sexual contact in return for receiving anything of value
3069 to an organization that provides treatment, housing, or services appropriate for victims of sex
3070 trafficking of children under § 22-1834.

3071 (3) For the purposes of this subsection, the term "child" means a person who has not
3072 attained the age of 18 years.

3073
3074 § 22-2701.01. Definitions.

3075 For the purposes of this section, §§ 22-2701, 22-2703, and 22-2723, § 22-2704, §§ 22-
3076 2705 to 22-2712, §§ 22-2713 to 22-2720, and § 22-2722:

3077 (1) "Arranging for prostitution" means any act to procure or attempt to procure or
3078 otherwise arrange for the purpose of prostitution, regardless of whether such procurement or
3079 arrangement occurred or anything of value was given or received.

3080 (2) "Domestic partner" shall have the same meaning as provided in § 32-701(3).

3081 (3) "Prostitution" means a sexual act or contact with another person in return for
3082 giving or receiving anything of value.

3083 (4) "Prostitution-related offenses" means those crimes and offenses defined in this act
3084 and in the acts cited in the lead-in language of this section.

3085 (5) "Sexual act" shall have the same meaning as provided in § 22-3001(8).

3086 (6) "Sexual contact" shall have the same meaning as provided in § 22-3001(9).

3087 (7) "Solicit for prostitution" means to invite, entice, offer, persuade, or agree to
3088 engage in prostitution or address for the purpose of inviting, enticing, offering, persuading, or
3089 agreeing to engage in prostitution.

3090
3091 § 22-2702. Inmate or frequenter of house of ill fame. [Repealed].
3092 Repealed.

3093
3094 § 22-2703. Suspension of sentence; conditions; enforcement.

3095 The court may impose conditions upon any person found guilty under § 22-2701, and so
3096 long as such person shall comply therewith to the satisfaction of the court the imposition or
3097 execution of sentence may be suspended for such period as the court may direct; and the court
3098 may at or before the expiration of such period remand such sentence or cause it to be executed.
3099 Conditions thus imposed by the court may include an order to stay away from the area within
3100 which the offense or offenses occurred, submission to medical and mental examination,
3101 diagnosis and treatment by proper public health and welfare authorities, and such other terms and
3102 conditions as the court may deem best for the protection of the community and the punishment,
3103 control, and rehabilitation of the defendant. The Department of Human Services of the District of
3104 Columbia and the probation officers of the court are authorized and directed to perform such
3105 duties as may be directed by the court in effectuating compliance with the conditions so imposed
3106 upon any defendant.

3107
3108 § 22-2704. Abducting or enticing child from his or her home for purposes of prostitution;
3109 harboring such child.

3110 (a) It is unlawful for any person, for purposes of prostitution, to:

3111 (1) Persuade, entice, or forcibly abduct a child under 18 years of age from his or her
3112 home or usual abode, or from the custody and control of the child's parents or guardian; or

3113 (2) Secrete or harbor any child so persuaded, enticed, or abducted from his or her home
3114 or usual abode, or from the custody and control of the child's parents or guardian.

3115 (b) A person who violates subsection (a) of this section shall be guilty of a felony and,
3116 upon conviction, shall be punished by imprisonment for not more than 20 years, or by a fine of
3117 not more than the amount set forth in § 22-3571.01, or both.

3118
3119 § 22-2705. Pandering; inducing or compelling an individual to engage in prostitution.

3120 (a) It is unlawful for any person, within the District of Columbia to:

3121 (1) Place or cause, induce, entice, procure, or compel the placing of any individual in
3122 the charge or custody of any other person, or in a house of prostitution, with intent that such
3123 individual shall engage in prostitution;

3124 (2) Cause, compel, induce, entice, or procure or attempt to cause, compel, induce,
3125 entice, or procure any individual:

3126 (A) To reside with any other person for the purpose of prostitution;

3127 (B) To reside or continue to reside in a house of prostitution; or

3128 (C) To engage in prostitution; or

3129 (3) Take or detain an individual against the individual's will, with intent to compel
3130 such individual by force, threats, menace, or duress to marry the abductor or to marry any other
3131 person.

3132 (b) It is unlawful for any parent, guardian, or other person having legal custody of the
3133 person of an individual, to consent to the individual's being taken, detained, or used by any
3134 person, for the purpose of prostitution or a sexual act or sexual contact.

3135 (c)(1) Except as provided in paragraph (2) of this subsection, a person who violates
3136 subsection (a) or (b) of this section shall be guilty of a felony and, upon conviction, shall be
3137 punished by imprisonment for not more than 5 years, or by a fine of not more than the amount
3138 set forth in § 22-3571.01, or both.

3139 (2) A person who violates subsection (a) or (b) of this section when the individual so
3140 placed, caused, compelled, induced, enticed, procured, taken, detained, or used or attempted to

3141 be so placed, caused, compelled, induced, enticed, procured, taken, detained, or used is under the
3142 age of 18 years shall be guilty of a felony and, upon conviction, shall be punished by
3143 imprisonment for not more than 20 years or by a fine of not more than the amount set forth in §
3144 22-3571.01, or both.

3145
3146 § 22-2706. Compelling an individual to live life of prostitution against his or her will.

3147 (a) It is unlawful for any person, within the District of Columbia, by threats or duress, to
3148 detain any individual against such individual's will, for the purpose of prostitution or a sexual act
3149 or sexual contact, or to compel any individual against such individual's will, to reside with him
3150 or her or with any other person for the purposes of prostitution or a sexual act or sexual contact.

3151 (b)(1) Except as provided in paragraph (2) of this subsection, a person who violates
3152 subsection (a) of this section shall be guilty of a felony and, upon conviction, shall be punished
3153 by imprisonment for not more than 15 years or by a fine of not more than the amount set forth in
3154 § 22-3571.01, or both.

3155 (2) A person who violates subsection (a) of the section when the individual so
3156 detained or compelled is under the age of 18 years shall be guilty of a felony and, upon
3157 conviction, shall be punished by imprisonment for not more than 20 years or by a fine of not
3158 more than the amount set forth in § 22-3571.01, or both.

3159
3160 § 22-2707. Procuring; receiving money or other valuable thing for arranging assignation.

3161 (a) It is unlawful for any person, within the District of Columbia, to receive any money or
3162 other valuable thing for or on account of arranging for or causing any individual to engage in
3163 prostitution or a sexual act or contact.

3164 (b)(1) Except as provided in paragraph (2) of this subsection, a person who violates
3165 subsection (a) of this section shall be guilty of a felony and, upon conviction, shall be punished
3166 by imprisonment for not more than 5 years or by a fine of not more than the amount set forth in §
3167 22-3571.01, or both.

3168 (2) A person who violates subsection (a) of this section when the individual so
3169 arranged for or caused to engage in prostitution or a sexual act or contact is under the age of 18
3170 years shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not
3171 more than 20 years or by a fine of not more than the amount set forth in § 22-3571.01, or both.

3172
3173 § 22-2708. Causing spouse or domestic partner to live in prostitution.

3174 Any person who by force, fraud, intimidation, or threats, places or leaves, or procures any
3175 other person or persons to place or leave, a spouse or domestic partner in a house of prostitution,
3176 or to lead a life of prostitution, shall be guilty of a felony, and upon conviction thereof shall be
3177 imprisoned not less than one year nor more than 10 years. In addition to any other penalty
3178 provided under this section, a person may be fined an amount not more than the amount set forth
3179 in § 22-3571.01.

3180
3181 § 22-2709. Detaining an individual in disorderly house for debt there contracted.

3182 Any person or persons who attempt to detain any individual in a disorderly house or
3183 house of prostitution because of any debt or debts such individual has contracted, or is said to
3184 have contracted, while living in said house of prostitution or disorderly house shall be guilty of a
3185 felony, and on conviction thereof be imprisoned for a term not less than one year nor more than 5
3186 years. In addition to any other penalty provided under this section, a person may be fined an

3187 amount not more than the amount set forth in § 22-3571.01.

3188

3189 § 22-2710. Procuring for house of prostitution.

3190 Any person who, within the District of Columbia, shall pay or receive any money or
3191 other valuable thing for or on account of the procuring for, or placing in, a house of prostitution,
3192 for purposes of sexual intercourse, prostitution, debauchery, or other immoral act, any individual,
3193 shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not more
3194 than 5 years and by a fine of not more than the amount set forth in § 22-3571.01.

3195

3196 § 22-2711. Procuring for third persons.

3197 Any person who, within the District of Columbia, shall receive any money or other
3198 valuable thing for or on account of procuring and placing in the charge or custody of another
3199 person for sexual intercourse, prostitution, debauchery, or other immoral purposes any individual
3200 shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not more
3201 than 5 years and by a fine of not more than the amount set forth in § 22-3571.01.

3202

3203 § 22-2712. Operating house of prostitution.

3204 Any person who, within the District of Columbia, knowingly, shall accept, receive, levy,
3205 or appropriate any money or other valuable thing, without consideration other than the furnishing
3206 of a place for prostitution or the servicing of a place for prostitution, from the proceeds or
3207 earnings of any individual engaged in prostitution shall be guilty of a felony and, upon
3208 conviction, shall be punished by imprisonment for not more than 5 years and by a fine of not
3209 more than the amount set forth in § 22-3571.01.

3210

3211 § 22-2713. Premises occupied for lewdness, assignation, or prostitution declared
3212 nuisance. [Transferred].

3213 Transferred.

3214

3215 § 22-2714. Abatement of nuisance under § 22-2713 by injunction -- Temporary
3216 injunction. [Transferred].

3217 Transferred.

3218

3219 § 22-2715. Abatement of nuisance under § 22-2713 by injunction -- Trial; dismissal of
3220 complaint; prosecution; costs. [Transferred].

3221 Transferred.

3222

3223 § 22-2716. Violation of injunction granted under § 22-2714. [Transferred].

3224 Transferred.

3225

3226 § 22-2717. Order of abatement; sale of property; entry of closed premises punishable as
3227 contempt. [Transferred].

3228 Transferred.

3229

3230 § 22-2718. Disposition of proceeds of sale. [Transferred].

3231 Transferred.

3232

3233 § 22-2719. Bond for abatement; order for delivery of premises; effect of release.
3234 [Transferred].
3235 Transferred.
3236
3237 § 22-2720. Tax for maintaining such nuisance. [Transferred].
3238 Transferred.
3239
3240 § 22-2721. Granting immunity to witnesses. [Repealed].
3241 Repealed.
3242
3243 § 22-2722. Keeping bawdy or disorderly houses.
3244 Whoever is convicted of keeping a bawdy or disorderly house in the District shall be
3245 fined not more than the amount set forth in § 22-3571.01 or imprisoned not more than 5 years, or
3246 both.
3247
3248 § 22-2723. Property subject to seizure and forfeiture.
3249 (a) The following are subject to forfeiture:
3250 (1) All conveyances, including aircraft, vehicles or vessels, which are used, or
3251 intended for use, to transport, or in any manner to facilitate a violation of a prostitution-related
3252 offense; and
3253 (2) All money, coins, and currency which are used, or intended for use, in violation of
3254 a prostitution-related offense.
3255 (b) All seizures and forfeitures of property under this section shall be pursuant to the
3256 standards and procedures set forth in D.C. Law 20-278.
3257
3258 § 22-2724. Impoundment.
3259 (a) Any vehicle used in furtherance of a violation of a prostitution-related offense shall be
3260 subject to impoundment pursuant to this section.
3261 (b) Whenever a police officer has probable cause to believe that a vehicle is being used in
3262 furtherance of a violation of a prostitution-related offense, and an arrest is made for that
3263 violation, the police officer, other member of the Metropolitan Police Department, or duly
3264 authorized agent thereof shall:
3265 (1) Arrange for the towing of the vehicle by the Department of Public Works, or other
3266 designee of the Mayor, to a facility controlled by the District of Columbia or its agents, as
3267 designated by the Mayor, or, if towing services are not immediately available, arrange for the
3268 immobilization of the vehicle until such time as towing services become available; and
3269 (2) Provide written notice to the owner of record of the vehicle and to the person who is
3270 found to be in control of the vehicle at the time of the seizure conveying the fact of seizure and
3271 impoundment of the vehicle, as well as the right to obtain immediate return of the vehicle
3272 pursuant to subsection (d) of this section, in lieu of requesting a hearing.
3273 (c) The notices to be given pursuant to this section shall be provided by hand delivery at
3274 the time of the seizure and impoundment of the vehicle to the person in control of the vehicle or
3275 to the owner of record of the vehicle. If the owner of record of the vehicle is not available to
3276 receive such notice at the time of the seizure, the notice shall be mailed by first class mail, no
3277 later than 5 days after the vehicle is received at an impoundment or storage facility, to the last
3278 known address of the owner or owners of record of the vehicle, as that information is indicated in

3279 the records of the Department of Motor Vehicles or in the records of the appropriate agency of
3280 the jurisdiction where the vehicle is registered.

3281 (d) An owner, or a person duly authorized by an owner, shall, upon proof of same, be
3282 permitted to repossess or secure the release of the immobilized or impounded vehicle at any time
3283 (subject to administrative availability) by paying to the District government, as directed by the
3284 Department of Public Works, an administrative civil penalty of \$ 150, a booting fee, if
3285 applicable, all outstanding fines and penalties for infractions for which liability has been
3286 admitted, deemed admitted, or sustained after hearing, and all applicable towing and storage
3287 costs for impounded vehicles as provided by § 50-2421.09(a)(6). Payment of such fees shall not
3288 be admissible as evidence of guilt in any criminal proceeding.

3289 (e) An owner, or person duly authorized by an owner, shall be entitled to refund of the
3290 administrative civil penalty, booting fee, and 2 days' towing and storage costs by showing that
3291 the prosecutor dropped the underlying criminal charges (except for instances of nolle prosequi or
3292 because the defendant completed a diversion program), that the Superior Court of the District of
3293 Columbia dismissed the case after consideration of the merits, or that the case resulted in a
3294 finding of not guilty on all prostitution-related charges, or by providing a police report
3295 demonstrating that the vehicle was stolen at the time that it was subject to seizure and
3296 impoundment. If the vehicle had been stolen at the time of seizure and impoundment, a refund of
3297 all towing and storage costs shall be made.

3298 (f) An owner, or person duly authorized by an owner, shall be entitled to a due process
3299 hearing regarding the seizure of the vehicle.

3300 (g) Vehicles seized and impounded under this section shall not be subject to replevin, but
3301 shall be deemed to be in the custody of the Mayor.

3302 (h) Vehicles that remain unclaimed for 30 days may be disposed of pursuant to §§ 50-
3303 2421.07(c), (d), (e), and (f), 50-2421.08, 50-2421.09, and 50-2421.10; provided, that if the owner
3304 wants to claim the vehicle before it is auctioned, the owner must pay the administrative civil
3305 penalty imposed by subsection (d) of this section in addition to the amounts required in § 50-
3306 2421.09.

3307 (i) The Attorney General for the District of Columbia, or his or her assistants, shall
3308 represent the District of Columbia in all proceedings under this section.

3309 (j) The Mayor shall issue rules setting forth the process by which a refund shall be
3310 obtained timely pursuant to subsection (e) of this section. Until such rules are published in the
3311 District of Columbia Register, this section shall not be enforceable.

3312

3313 § 22-2725. Anti-Prostitution Vehicle Impoundment Proceeds Fund.

3314 (a) There is established as a nonlapsing fund the Anti-Prostitution Vehicle Impoundment
3315 Proceeds Fund ("Fund"), which shall be used for the purpose set forth in subsection (b) of this
3316 section. All funds collected from the assessment of civil penalties, booting, towing,
3317 impoundment, and storage fees pursuant to § 22-2723, and any and all interest earned on those
3318 funds, shall be deposited into the Fund, and shall not revert to the unrestricted fund balance of
3319 the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but
3320 shall be continually available for the uses and purposes set forth in subsection (b) of this section
3321 with regard to fiscal year limitation, subject to authorization by Congress.

3322 (b) The Fund shall be used solely to fund expenses directly related to the booting, towing,
3323 and impoundment of vehicles used in furtherance of prostitution-related activities, in violation of
3324 a prostitution-related offense.

3325 (c) The Mayor shall submit to the Council, as part of the annual budget, a requested
3326 appropriation for expenditures from the Fund.

3327
3328 *Subchapter II.*
3329 *Prostitution Free Zones.*

3330
3331 § 22-2731. Prostitution free zone; penalty. [Repealed].
3332 [Repealed].

3333
3334 CHAPTER 27A. PROTEST TARGETING A RESIDENCE.

3335
3336 Sec.

3337 22-2751. Definitions.

3338 22-2752. Engaging in an unlawful protest targeting a residence.

3339
3340 § 22-2751. Definitions.

3341 For the purposes of this chapter, the term:

3342 (1) "Demonstration" means marching, congregating, standing, parading,
3343 demonstrating, or patrolling by one or more persons, with or without signs, for the purpose of
3344 persuading one or more individuals, or the public, or to protest some action, attitude, or belief.

3345 (2) "Mask" means a covering for the face or part of the face whereby the identity of the
3346 wearer is disguised. The term "Mask" shall not include clothing worn for the purpose of
3347 providing protection from the elements nor clothing worn as a religious covering.

3348 (3) "Residence" means a building or structure, but not a hotel, used or designed to be
3349 used, in whole or in part, as a living or a sleeping place by one or more human beings.

3350
3351 § 22-2752. Engaging in an unlawful protest targeting a residence.

3352 (a)(1) It is unlawful for a person, as part of a group of 3 or more persons, to target a
3353 residence for purposes of a demonstration:

3354 (A) Between 10:00 p.m. and 7:00 a.m.;

3355 (B) While wearing a mask; or

3356 (C) Without having provided the Metropolitan Police Department notification of the
3357 location and approximate time of the demonstration.

3358 (2) The notification required by paragraph (1)(C) of this subsection shall be provided
3359 in writing to the operational unit designated for such purpose by the Chief of Police not less than
3360 2 hours before the demonstration begins. The Metropolitan Police Department shall post on its
3361 website the e-mail and facsimile number by which the operational unit may be notified 24 hours
3362 a day, and the address to which notification may be hand delivered, as an alternative, during
3363 business hours.

3364 (b) A person who violates this section shall be guilty of a misdemeanor and, upon
3365 conviction, fined not more than the amount set forth in § 22-3571.01 or imprisoned for not more
3366 than 90 days.

3367
3368 CHAPTER 28. ROBBERY.

3369
3370 Sec.

3371 22-2801. Robbery.
3372 22-2802. Attempt to commit robbery.
3373 22-2803. Carjacking.

3374
3375 § 22-2801. Robbery.

3376 Whoever by force or violence, whether against resistance or by sudden or stealthy seizure
3377 or snatching, or by putting in fear, shall take from the person or immediate actual possession of
3378 another anything of value, is guilty of robbery, and any person convicted thereof shall suffer
3379 imprisonment for not less than 2 years nor more than 15 years. In addition to any other penalty
3380 provided under this section, a person may be fined an amount not more than the amount set forth
3381 in § 22-3571.01.

3382
3383 § 22-2802. Attempt to commit robbery.

3384 Whoever attempts to commit robbery, as defined in § 22-2801, by an overt act, shall be
3385 imprisoned for not more than 3 years or be fined not more than the amount set forth in § 22-
3386 3571.01, or both.

3387
3388 § 22-2803. Carjacking.

3389 (a)(1) A person commits the offense of carjacking if, by any means, that person
3390 knowingly or recklessly by force or violence, whether against resistance or by sudden or stealthy
3391 seizure or snatching, or by putting in fear, or attempts to do so, shall take from another person
3392 immediate actual possession of a person's motor vehicle.

3393 (2) A person convicted of carjacking shall be fined not more than the amount set forth
3394 in § 22-3571.01 and be imprisoned for a mandatory-minimum term of not less than 7 years and a
3395 maximum term of not more than 21 years, or both.

3396 (b)(1) A person commits the offense of armed carjacking if that person, while armed with
3397 or having readily available any pistol or other firearm (or imitation thereof) or other dangerous or
3398 deadly weapon (including a sawed-off shotgun, shotgun, machine gun, rifle, dirk, bowie knife,
3399 butcher knife, switch-blade knife, razor, blackjack, billy, or metallic or other false knuckles),
3400 commits or attempts to commit the offense of carjacking.

3401 (2) A person convicted of armed carjacking shall be fined not more than the amount set
3402 forth in § 22-3571.01 and be imprisoned for a mandatory-minimum term of not less than 15
3403 years and a maximum term of not more than 40 years, or both. However, the court may impose a
3404 prison sentence in excess of 30 years only in accordance with § 24-403.01(b-2). For purposes of
3405 imprisonment following revocation of release authorized by § 24-403.01(b)(7), armed carjacking
3406 is a Class A felony.

3407 (c) Notwithstanding any other provision of law, a person convicted of carjacking shall not
3408 be released from prison prior to the expiration of 7 years from the date of the commencement of
3409 the sentence, and a person convicted of armed carjacking shall not be released from prison prior
3410 to the expiration of 15 years from the date of the commencement of the sentence.

3411
3412 CHAPTER 29. SALE OF UNWHOLESOME FOOD.
3413 [REPEALED].

3414
3415 Sec.
3416 22-2901. Sale of unwholesome food -- prohibited. [Repealed].

3417 22-2902. Sale of unwholesome food -- "Food" defined. [Repealed].
3418 22-2903. Sale of unwholesome food -- Inspection authorized. [Repealed].
3419 22-2904. Sale of unwholesome food -- Council to make rules and regulations. [Repealed].
3420 22-2905. Sale of unwholesome food -- Prosecutions for violations. [Repealed].
3421 22-2906. Sale of unwholesome food -- Penalty. [Repealed].
3422 22-2907. Chapter supplemental to Federal Food, Drug, and Cosmetic Act. [Repealed].
3423
3424
3425 § 22-2901. Sale of unwholesome food -- prohibited. [Repealed].
3426 Repealed.
3427
3428 § 22-2902. Sale of unwholesome food -- "Food" defined. [Repealed].
3429 Repealed.
3430
3431 § 22-2903. Sale of unwholesome food -- Inspection authorized. [Repealed].
3432 Repealed.
3433
3434 § 22-2904. Sale of unwholesome food -- Council to make rules and regulations.
3435 [Repealed].
3436 Repealed.
3437
3438 § 22-2905. Sale of unwholesome food -- Prosecutions for violations. [Repealed].
3439 Repealed.
3440
3441 § 22-2906. Sale of unwholesome food -- Penalty. [Repealed].
3442 Repealed.
3443
3444 § 22-2907. Chapter supplemental to Federal Food, Drug, and Cosmetic Act. [Repealed].
3445 Repealed.
3446

3447 CHAPTER 30. SEXUAL ABUSE.

3448
3449 *Subchapter I.*
3450 *General Provisions.*

3451
3452 Sec.
3453 22-3001. Definitions.

3454
3455 *Subchapter II.*
3456 *Sex Offenses.*

3457
3458 22-3002. First degree sexual abuse.
3459 22-3003. Second degree sexual abuse.
3460 22-3004. Third degree sexual abuse.
3461 22-3005. Fourth degree sexual abuse.
3462 22-3006. Misdemeanor sexual abuse.

3463 22-3007. Defense to sexual abuse.
3464 22-3008. First degree child sexual abuse.
3465 22-3009. Second degree child sexual abuse.
3466 22-3009.01. First degree sexual abuse of a minor.
3467 22-3009.02. Second degree sexual abuse of a minor.
3468 22-3009.03. First degree sexual abuse of a secondary education student.
3469 22-3009.04. Second degree sexual abuse of a secondary education student.
3470 22-3010. Enticing a child or minor.
3471 22-3010.01. Misdemeanor sexual abuse of a child or minor.
3472 22-3010.02. Arranging for a sexual contact with a real or fictitious child.
3473 22-3011. Defenses child sexual abuse and sexual abuse of a minor.
3474 22-3012. State of mind proof requirement.
3475 22-3013. First degree sexual abuse of a ward, patient, client, or prisoner.
3476 22-3014. Second degree sexual abuse of a ward, patient, client, or prisoner.
3477 22-3015. First degree sexual abuse of a patient or client.
3478 22-3016. Second degree sexual abuse of a patient or client.
3479 22-3017. Defenses to sexual abuse of a ward, patient, or client.
3480 22-3018. Attempts to commit sexual offenses.
3481 22-3019. No immunity from prosecution for spouses or domestic partners.
3482 22-3020. Aggravating circumstances.

3483
3484 *Subchapter II-A.*

3485 *Reporting Requirements in Child Sexual Abuse Offense Cases.*

3486
3487 22-3020.51. Definitions. [Transferred].
3488 22-3020.52. Reporting requirements and privileges. [Transferred].
3489 22-3020.53. Defense to non-reporting. [Transferred].
3490 22-3020.54. Penalties. [Transferred].
3491 22-3020.55. Immunity from liability. [Transferred].

3492
3493
3494 *Subchapter III.*

3495 *Admission of Evidence in Sexual Abuse Offense Cases.*

3496
3497 22-3021. Reputation or opinion evidence of victim's past sexual behavior inadmissible.
3498 [Transferred].
3499 22-3022. Admissibility of other evidence of victim's past sexual behavior. [Transferred].
3500 22-3023. Prompt reporting. [Transferred].
3501 22-3024. Privilege inapplicable for spouses or domestic partners. [Transferred].

3502
3503
3504 *Subchapter I.*
3505 *General Provisions.*

3506
3507 § 22-3001. Definitions.

3508 For the purposes of this chapter:

3509 (1) "Actor" means a person accused of any offense proscribed under this chapter.

3510 (2) "Bodily injury" means injury involving loss or impairment of the function of a

3511 bodily member, organ, or mental faculty, or physical disfigurement, disease, sickness, or injury

3512 involving significant pain.

3513 (3) "Child" means a person who has not yet attained the age of 16 years.

3514 (4) "Consent" means words or overt actions indicating a freely given agreement to the

3515 sexual act or contact in question. Lack of verbal or physical resistance or submission by the

3516 victim, resulting from the use of force, threats, or coercion by the defendant shall not constitute

3517 consent.

3518 (4A) "Domestic partner" shall have the same meaning as provided in § 32-701(3).

3519 (4B) "Domestic partnership" shall have the same meaning as provided in § 32-701(4).

3520 (5) "Force" means the use or threatened use of a weapon; the use of such physical

3521 strength or violence as is sufficient to overcome, restrain, or injure a person; or the use of a threat

3522 of harm sufficient to coerce or compel submission by the victim.

3523 (5A) "Minor" means a person who has not yet attained the age of 18 years.

3524 (6) "Official custody" means:

3525 (A) Detention following arrest for an offense; following surrender in lieu of arrest

3526 for an offense; following a charge or conviction of an offense, or an allegation or finding of

3527 juvenile delinquency; following commitment as a material witness; following or pending civil

3528 commitment proceedings, or pending extradition, deportation, or exclusion;

3529 (B) Custody for purposes incident to any detention described in subparagraph (A) of

3530 this paragraph, including transportation, medical diagnosis or treatment, court appearance, work,

3531 and recreation; or

3532 (C) Probation or parole.

3533 (7) "Serious bodily injury" means bodily injury that involves a substantial risk of

3534 death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or

3535 protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

3536 (8) "Sexual act" means:

3537 (A) The penetration, however slight, of the anus or vulva of another by a penis;

3538 (B) Contact between the mouth and the penis, the mouth and the vulva, or the mouth

3539 and the anus; or

3540 (C) The penetration, however slight, of the anus or vulva by a hand or finger or by

3541 any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual

3542 desire of any person.

3543 (D) The emission of semen is not required for the purposes of subparagraphs (A)-

3544 (C) of this paragraph.

3545 (9) "Sexual contact" means the touching with any clothed or unclothed body part or

3546 any object, either directly or through the clothing, of the genitalia, anus, groin, breast, inner

3547 thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or

3548 gratify the sexual desire of any person.

3549 (10) "Significant relationship" includes:

3550 (A) A parent, sibling, aunt, uncle, or grandparent, whether related by blood,

3551 marriage, domestic partnership, or adoption;

3552 (B) A legal or de facto guardian or any person, more than 4 years older than the

3553 victim, who resides intermittently or permanently in the same dwelling as the victim;

3554 (C) The person or the spouse, domestic partner, or paramour of the person who is
3555 charged with any duty or responsibility for the health, welfare, or supervision of the victim at the
3556 time of the act; and

3557 (D) Any employee or volunteer of a school, church, synagogue, mosque, or other
3558 religious institution, or an educational, social, recreational, athletic, musical, charitable, or youth
3559 facility, organization, or program, including a teacher, coach, counselor, clergy, youth leader,
3560 chorus director, bus driver, administrator, or support staff, or any other person in a position of
3561 trust with or authority over a child or a minor.

3562 (11) "Victim" means a person who is alleged to have been subject to any offense set
3563 forth in subchapter II of this chapter.

3564
3565 *Subchapter II.*
3566 *Sex Offenses.*
3567

3568 § 22-3002. First degree sexual abuse.

3569 (a) A person shall be imprisoned for any term of years or for life, and in addition, may be
3570 fined not more than the amount set forth in § 22-3571.01, if that person engages in or causes
3571 another person to engage in or submit to a sexual act in the following manner:

3572 (1) By using force against that other person;

3573 (2) By threatening or placing that other person in reasonable fear that any person will
3574 be subjected to death, bodily injury, or kidnapping;

3575 (3) After rendering that other person unconscious; or

3576 (4) After administering to that other person by force or threat of force, or without the
3577 knowledge or permission of that other person, a drug, intoxicant, or other similar substance that
3578 substantially impairs the ability of that other person to appraise or control his or her conduct.

3579 (b) The court may impose a prison sentence in excess of 30 years only in accordance with
3580 § 22-3020 or § 24-403.01(b-2). For purposes of imprisonment following revocation of release
3581 authorized by § 24-403.01(b)(7), the offense defined by this section is a Class A felony.

3582
3583 § 22-3003. Second degree sexual abuse.

3584 A person shall be imprisoned for not more than 20 years and may be fined not more than
3585 the amount set forth in § 22-3571.01, if that person engages in or causes another person to
3586 engage in or submit to a sexual act in the following manner:

3587 (1) By threatening or placing that other person in reasonable fear (other than by
3588 threatening or placing that other person in reasonable fear that any person will be subjected to
3589 death, bodily injury, or kidnapping); or

3590 (2) Where the person knows or has reason to know that the other person is:

3591 (A) Incapable of appraising the nature of the conduct;

3592 (B) Incapable of declining participation in that sexual act; or

3593 (C) Incapable of communicating unwillingness to engage in that sexual act.

3594
3595 § 22-3004. Third degree sexual abuse.

3596 A person shall be imprisoned for not more than 10 years and may be fined not more than
3597 the amount set forth in § 22-3571.01, if that person engages in or causes sexual contact with or
3598 by another person in the following manner:

3599 (1) By using force against that other person;

3600 (2) By threatening or placing that other person in reasonable fear that any person will
3601 be subjected to death, bodily injury, or kidnapping;

3602 (3) After rendering that person unconscious; or

3603 (4) After administering to that person by force or threat of force, or without the
3604 knowledge or permission of that other person, a drug, intoxicant, or similar substance that
3605 substantially impairs the ability of that other person to appraise or control his or her conduct.

3606

3607 § 22-3005. Fourth degree sexual abuse.

3608 A person shall be imprisoned for not more than 5 years and, in addition, may be fined not
3609 more than the amount set forth in § 22-3571.01, if that person engages in or causes sexual
3610 contact with or by another person in the following manner:

3611 (1) By threatening or placing that other person in reasonable fear (other than by
3612 threatening or placing that other person in reasonable fear that any person will be subjected to
3613 death, bodily injury, or kidnapping); or

3614 (2) Where the person knows or has reason to know that the other person is:

3615 (A) Incapable of appraising the nature of the conduct;

3616 (B) Incapable of declining participation in that sexual contact; or

3617 (C) Incapable of communicating unwillingness to engage in that sexual contact.

3618

3619 § 22-3006. Misdemeanor sexual abuse.

3620 Whoever engages in a sexual act or sexual contact with another person and who should
3621 have knowledge or reason to know that the act was committed without that other person's
3622 permission, shall be imprisoned for not more than 180 days and, in addition, may be fined in an
3623 amount not more than the amount set forth in § 22-3571.01.

3624

3625 § 22-3007. Defense to sexual abuse.

3626 Consent by the victim is a defense to a prosecution under §§ 22-3002 to 22-3006,
3627 prosecuted alone or in conjunction with charges under § 22-3018 or §§ 22-401 and 22-403.

3628

3629 § 22-3008. First degree child sexual abuse.

3630 Whoever, being at least 4 years older than a child, engages in a sexual act with that child
3631 or causes that child to engage in a sexual act shall be imprisoned for any term of years or for life
3632 and, in addition, may be fined not more than the amount set forth in § 22-3571.01. However, the
3633 court may impose a prison sentence in excess of 30 years only in accordance with § 22-3020 or §
3634 24-403.01(b-2). For purposes of imprisonment following revocation of release authorized by §
3635 24-403.01(b)(7), the offense defined by this section is a Class A felony.

3636

3637 § 22-3009. Second degree child sexual abuse.

3638 Whoever, being at least 4 years older than a child, engages in sexual contact with that
3639 child or causes that child to engage in sexual contact shall be imprisoned for not more than 10
3640 years and, in addition, may be fined in an amount not more than the amount set forth in § 22-
3641 3571.01.

3642

3643 § 22-3009.01. First degree sexual abuse of a minor.

3644 Whoever, being 18 years of age or older, is in a significant relationship with a minor, and
3645 engages in a sexual act with that minor or causes that minor to engage in a sexual act shall be

3646 imprisoned for not more than 15 years and may be fined not more than the amount set forth in §
3647 22-3571.01, or both.

3648

3649 § 22-3009.02. Second degree sexual abuse of a minor.

3650 Whoever, being 18 years of age or older, is in a significant relationship with a minor and
3651 engages in a sexual contact with that minor or causes that minor to engage in a sexual contact
3652 shall be imprisoned for not more than 7 1/2 years and may be fined not more than the amount set
3653 forth in § 22-3571.01, or both.

3654

3655 § 22-3009.03. First degree sexual abuse of a secondary education student.

3656 Any teacher, counselor, principal, coach, or other person of authority in a secondary level
3657 school who engages in a sexual act with a student under the age of 20 years enrolled in that
3658 school or school system, or causes that student to engage in a sexual act, shall be imprisoned for
3659 not more than 10 years, fined not more than the amount set forth in § 22-3571.01, or both.

3660

3661 § 22-3009.04. Second degree sexual abuse of a secondary education student.

3662 Any teacher, counselor, principal, coach, or other person of authority in a secondary level
3663 school who engages in sexual conduct with a student under the age of 20 years enrolled in that
3664 school or school system, or causes that student to engage in sexual conduct, shall be imprisoned
3665 for not more than 5 years, fined not more than the amount set forth in § 22-3571.01, or both.

3666

3667 § 22-3010. Enticing a child or minor.

3668 (a) Whoever, being at least 4 years older than a child or being in a significant relationship
3669 with a minor, (1) takes that child or minor to any place for the purpose of committing any
3670 offense set forth in §§ 22-3002 to 22-3006 and §§ 22-3008 to 22-3009.02, or (2) seduces, entices,
3671 allures, convinces, or persuades or attempts to seduce, entice, allure, convince, or persuade a
3672 child or minor to engage in a sexual act or contact shall be imprisoned for not more than 5 years
3673 or may be fined not more than the amount set forth in § 22-3571.01, or both.

3674

3675 (b) Whoever, being at least 4 years older than the purported age of a person who
3676 represents himself or herself to be a child, attempts (1) to seduce, entice, allure, convince, or
3677 persuade any person who represents himself or herself to be a child to engage in a sexual act or
3678 contact, or (2) to entice, allure, convince, or persuade any person who represents himself or
3679 herself to be a child to go to any place for the purpose of engaging in a sexual act or contact shall
3680 be imprisoned for not more than 5 years or may be fined not more than the amount set forth in §
3681 22-3571.01, or both.

3681

3682 (c) No person shall be consecutively sentenced for enticing a child or minor to engage in
3683 a sexual act or sexual contact under subsection (a)(2) of this section and engaging in that sexual
3684 act or sexual contact with that child or minor, provided, that the enticement occurred closely
3685 associated in time with the sexual act or sexual contact.

3685

3686 § 22-3010.01. Misdemeanor sexual abuse of a child or minor.

3687 (a) Whoever, being 18 years of age or older and more than 4 years older than a child, or
3688 being 18 years of age or older and being in a significant relationship with a minor, engages in
3689 sexually suggestive conduct with that child or minor shall be imprisoned for not more than 180
3690 days, or fined not more than the amount set forth in § 22-3571.01, or both.

3691 (b) For the purposes of this section, the term "sexually suggestive conduct" means
3692 engaging in any of the following acts in a way which is intended to cause or reasonably causes
3693 the sexual arousal or sexual gratification of any person:

3694 (1) Touching a child or minor inside his or her clothing;

3695 (2) Touching a child or minor inside or outside his or her clothing close to the
3696 genitalia, anus, breast, or buttocks;

3697 (3) Placing one's tongue in the mouth of the child or minor; or

3698 (4) Touching one's own genitalia or that of a third person.
3699

3700 § 22-3010.02. Arranging for a sexual contact with a real or fictitious child.

3701 (a) It is unlawful for a person to arrange to engage in a sexual act or sexual contact with
3702 an individual (whether real or fictitious) who is or who is represented to be a child at least 4
3703 years younger than the person, or to arrange for another person to engage in a sexual act or
3704 sexual contact with an individual (whether real or fictitious) who is or who is represented to be a
3705 child of at least 4 years younger than the person. For the purposes of this section, arranging to
3706 engage in a sexual act or sexual contact with an individual who is fictitious shall be unlawful
3707 only if the arrangement is done by or with a law enforcement officer.

3708 (b) A person who violates subsection (a) of this section shall be imprisoned for not more
3709 than 5 years, fined not more than the amount set forth in § 22-3571.01, or both.
3710

3711 § 22-3011. Defenses to child sexual abuse and sexual abuse of a minor.

3712 (a) Neither mistake of age nor consent is a defense to a prosecution under §§ 22-3008 to
3713 22-3010.01, prosecuted alone or in conjunction with charges under § 22-3018 or § 22-403.

3714 (b) Marriage or domestic partnership between the defendant and the child or minor at the
3715 time of the offense is a defense, which the defendant must establish by a preponderance of the
3716 evidence, to a prosecution under §§ 22-3008 to 22-3010.01, prosecuted alone or in conjunction
3717 with charges under § 22-3018 or § 22-403, involving only the defendant and the child or minor.
3718

3719 § 22-3012. State of mind proof requirement.

3720 In a prosecution under §§ 22-3008 to 22-3010, prosecuted alone or in conjunction with
3721 charges under § 22-3018 or § 22-403, the government need not prove that the defendant knew
3722 the child's age or the age difference between himself or herself and the child.
3723

3724 § 22-3013. First degree sexual abuse of a ward, patient, client, or prisoner.

3725 Any staff member, employee, contract employee, consultant, or volunteer at a hospital,
3726 treatment facility, detention or correctional facility, group home, or other institution; anyone who
3727 is an ambulance driver or attendant, a bus driver or attendant, or person who participates in the
3728 transportation of a ward, patient, client, or prisoner to and from such institutions; or any official
3729 custodian of a ward, patient, client, or prisoner, who engages in a sexual act with a ward, patient,
3730 client, or prisoner, or causes a ward, patient, client, or prisoner to engage in or submit to a sexual
3731 act shall be imprisoned for not more than 10 years or fined not more than the amount set forth in
3732 § 22-3571.01, or both.
3733

3734 § 22-3014. Second degree sexual abuse of a ward, patient, client, or prisoner.

3735 Any staff member, employee, contract employee, consultant, or volunteer at a hospital,
3736 treatment facility, detention or correctional facility, group home, or other institution; anyone who

3737 is an ambulance driver or attendant, a bus driver or attendant, or person who participates in the
3738 transportation of a ward, patient, client, or prisoner to and from such institutions; or any official
3739 custodian of a ward, patient, client, or prisoner, who engages in a sexual contact with a ward,
3740 patient, client, or prisoner, or causes a ward, patient, client, or prisoner, to engage in or submit to
3741 a sexual contact shall be imprisoned for not more than 5 years or fined not more than the amount
3742 set forth in § 22-3571.01, or both.

3743

3744 § 22-3015. First degree sexual abuse of a patient or client.

3745 (a) A person is guilty of first degree sexual abuse who purports to provide, in any
3746 manner, professional services of a medical, therapeutic, or counseling (whether legal, spiritual,
3747 or otherwise) nature, and engages in a sexual act with another person who is a patient or client of
3748 the actor, or is otherwise in a professional relationship of trust with the actor; and

3749 (1) The actor represents falsely that the sexual act is for a bona fide medical or
3750 therapeutic purpose, or for a bona fide professional purpose for which the services are being
3751 provided;

3752 (2) The nature of the treatment or service provided by the actor and the mental,
3753 emotional, or physical condition of the patient or client are such that the actor knows or has
3754 reason to know that the patient or client is impaired from declining participation in the sexual
3755 act;

3756 (3) The actor represents falsely that he or she is licensed as a particular type of
3757 professional; or

3758 (4) The sexual act occurs during the course of a consultation, examination, treatment,
3759 therapy, or other provision of professional services.

3760 (b) Any person found guilty pursuant to subsection (a) of this section shall be imprisoned
3761 for not more than 10 years and, in addition, may be fined not more than the amount set forth in §
3762 22-3571.01.

3763

3764 § 22-3016. Second degree sexual abuse of a patient or client.

3765 (a) A person is guilty of second degree sexual abuse who purports to provide, in any
3766 manner, professional services of a medical, therapeutic, or counseling (whether legal, spiritual,
3767 or otherwise) nature, and engages in a sexual contact with another person who is a patient or
3768 client of the actor, or is otherwise in a professional relationship of trust with the actor; and

3769

3770 (1) The actor represents falsely that the sexual contact is for a bona fide medical or
3771 therapeutic purpose, or for a bona fide professional purpose for which the services are being
3772 provided;

3773 (2) The nature of the treatment or service provided by the actor and the mental,
3774 emotional, or physical condition of the patient or client are such that the actor knows or has
3775 reason to know that the patient or client is impaired from declining participation in the sexual
3776 contact;

3777 (3) The actor represents falsely that he or she is licensed as a particular type of
3778 professional; or

3779 (4) The sexual contact occurs during the course of a consultation, examination,
3780 treatment, therapy, or other provision of professional services.

3781 (b) Any person found guilty pursuant to subsection (a) of this section shall be imprisoned
3782 for not more than 5 years and, in addition, may be fined not more than the amount set forth in §

3783 22-3571.01.

3784

3785 § 22-3017. Defenses to sexual abuse of a ward, patient, or client.

3786 (a) Consent is not a defense to a prosecution under §§ 22-3013 to 22-3016, prosecuted
3787 alone or in conjunction with charges under § 22-3018.

3788 (b) That the defendant and victim were married or in a domestic partnership at the time of
3789 the offense is a defense, which the defendant must prove by a preponderance of the evidence, to
3790 a prosecution under §§ 22-3013 to 22-3016, prosecuted alone or in conjunction with charges
3791 under § 22-3018.

3792

3793 § 22-3018. Attempts to commit sexual offenses.

3794 Any person who attempts to commit an offense under this subchapter shall be imprisoned
3795 for a term of years not to exceed 15 years where the maximum prison term authorized for the
3796 offense is life or for not more than 1/2 of the maximum prison sentence authorized for the
3797 offense and, in addition, may be fined an amount not to exceed 1/2 of the maximum fine
3798 authorized for the offense.

3799

3800 § 22-3019. No immunity from prosecution for spouses or domestic partners.

3801 No actor is immune from prosecution under any section of this subchapter because of
3802 marriage, domestic partnership, or cohabitation with the victim; provided, that marriage or the
3803 domestic partnership of the parties may be asserted as an affirmative defense in prosecution
3804 under this subchapter where it is expressly so provided.

3805

3806 § 22-3020. Aggravating circumstances.

3807 (a) Any person who is found guilty of an offense under this subchapter may receive a
3808 penalty up to 1 1/2 times the maximum penalty prescribed for the particular offense, and may
3809 receive a sentence of more than 30 years up to, and including life imprisonment without
3810 possibility of release for first degree sexual abuse or first degree child sexual abuse, if any of the
3811 following aggravating circumstances exists:

3812 (1) The victim was under the age of 12 years at the time of the offense;

3813 (2) The victim was under the age of 18 years at the time of the offense and the actor
3814 had a significant relationship to the victim;

3815 (3) The victim sustained serious bodily injury as a result of the offense;

3816 (4) The defendant was aided or abetted by 1 or more accomplices;

3817 (5) The defendant is or has been found guilty of committing sex offenses against 2 or
3818 more victims, whether in the same or other proceedings by a court of the District of Columbia,
3819 any state, or the United States or its territories; or

3820 (6) The defendant was armed with, or had readily available, a pistol or other firearm
3821 (or imitation thereof) or other dangerous or deadly weapon.

3822 (b) It is not necessary that the accomplices have been convicted for an increased
3823 punishment (or enhanced penalty) to apply under subsection (a)(4) of this section.

3824 (c) No person who stands convicted of an offense under this subchapter shall be
3825 sentenced to increased punishment (or enhanced penalty) by reason of the aggravating factors set
3826 forth in subsection (a) of this section, unless prior to trial or before entry of a plea of guilty, the
3827 United States Attorney or the Attorney General for the District of Columbia, as the case may be,
3828 files an information with the clerk of the court, and serves a copy of such information on the

3829 person or counsel for the person, stating in writing the aggravating factors to be relied upon.

3830
3831 *Subchapter II-A.*

3832 *Reporting Requirements in Child Sexual Abuse Offense Cases*

3833
3834 § 22-3020.51. Definitions. [Transferred].
3835 Transferred.

3836
3837 § 22-3020.52. Reporting requirements and privileges. [Transferred].
3838 Transferred.

3839
3840 § 22-3020.53. Defense to non-reporting. [Transferred].
3841 Transferred.

3842
3843 § 22-3020.54. Penalties. [Transferred].
3844 Transferred.

3845
3846 § 22-3020.55. Immunity from liability. [Transferred].
3847 Transferred.

3848 *Subchapter III.*

3849 *Admission of Evidence in Sexual Abuse Offense Cases.*

3850
3851 § 22-3021. Reputation or opinion evidence of victim's past sexual behavior inadmissible.
3852 [Transferred].
3853 Transferred.

3854
3855 § 22-3022. Admissibility of other evidence of victim's past sexual behavior.
3856 [Transferred].
3857 Transferred.

3858
3859 § 22-3023. Prompt reporting. [Transferred].
3860 Transferred.

3861
3862 § 22-3024. Privilege inapplicable for spouses or domestic partners. [Transferred].
3863 Transferred.

3864
3865 CHAPTER 30A.

3866 NON-CONSENSUAL PORNOGRAPHY.

3867
3868 Sec.

3869 22-3051. Definitions.

3870 22-3052. Unlawful disclosure.

3871 22-3053. First-degree unlawful publication.

3872 22-3054. Second degree unlawful publication.

3873 22-3055. Exclusions.

3874 22-3056. Affirmative defenses.

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§ 22-3051. Definitions.

For the purposes of this chapter, the term:

- (1) "Disclose" means to transfer or exhibit to 5 or fewer persons.
- (2) "Harm" means any injury, whether physical or nonphysical, including psychological, financial, or reputational injury.
- (3) "Internet" means an electronically available platform by which sexual images can be disseminated to a wide audience, including social media, websites, and smartphone applications; provided, that the term "Internet" does not include a text message.
- (4) "Private area" means the genitals, anus, or pubic area of a person, or the nipple of a developed female breast, including the breast of a transgender female.
- (5) "Publish" means to transfer or exhibit to 6 or more persons, or to make available for viewing by uploading to the Internet.
- (6) "Sexual conduct" shall have the same meaning as provided in § 22-3101(5).
- (7) "Sexual image" means a photograph, video, or other visual recording of an unclothed private area or of sexual conduct.

§ 22-3052. Unlawful disclosure.

(a) It shall be unlawful in the District of Columbia for a person to knowingly disclose one or more sexual images of another identified or identifiable person when:

- (1) The person depicted did not consent to the disclosure of the sexual image;
- (2) There was an agreement or understanding between the person depicted and the person disclosing that the sexual image would not be disclosed; and
- (3) The person disclosed the sexual image with the intent to harm the person depicted or to receive financial gain.

(b) A person who violates this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than the amount set forth in § 22-3571.01, imprisoned for not more than 180 days, or both.

§ 22-3053. First-degree unlawful publication.

(a) It shall be unlawful in the District of Columbia for a person to knowingly publish one or more sexual images of another identified or identifiable person when:

- (1) The person depicted did not consent to the disclosure or publication of the sexual image;
- (2) There was an agreement or understanding between the person depicted and the person publishing that the sexual image would not be disclosed or published; and
- (3) The person published the sexual image with the intent to harm the person depicted or to receive financial gain.

(b) A person who violates this section shall be guilty of a felony and, upon conviction, shall be fined not more than the amount set forth in § 22-3571.01, imprisoned for not more than 3 years, or both.

§ 22-3054. Second degree unlawful publication.

(a) It shall be unlawful in the District of Columbia for a person to knowingly publish one or more sexual images of another identified or identifiable person obtained from a third party or other source when:

3922 (1) The person depicted did not consent to the disclosure or publication of the sexual
3923 image; and

3924 (2) The person published the sexual image with conscious disregard that the sexual
3925 image was obtained as a result of a previous disclosure or publication of the sexual image made
3926 with an intent to harm the person depicted or to receive financial gain.

3927 (b) A person who violates this section shall be guilty of a misdemeanor and, upon
3928 conviction, shall be fined not more than the amount set forth in § 22-3571.01, imprisoned for not
3929 more than 180 days, or both.

3930
3931 § 22-3055. Exclusions.

3932 (a) This chapter shall not apply to:

3933 (1) Constitutionally protected activity; or

3934 (2) A person disclosing or publishing a sexual image that resulted from the voluntary
3935 exposure of the person depicted in a public or commercial setting.

3936 (b) Nothing in this chapter shall be construed to impose liability on an interactive
3937 computer service, as defined in section 230(e)(2) of the Communications Act of 1934, approved
3938 February 8, 1996 (110 Stat. 139; 47 U.S.C. § 230(f)(2)), for content provided by another person.

3939
3940 § 22-3056. Affirmative defenses.

3941 It shall be an affirmative defense to a violation of § 22-3052, § 22-3053, or § 22-3054 if
3942 the disclosure or publication of a sexual image is made in the public interest, including the
3943 reporting of unlawful conduct, the lawful and common practices of law enforcement, or legal
3944 proceedings.

3945
3946 CHAPTER 31.
3947 SEXUAL PERFORMANCE USING MINORS.

3948
3949 Sec.
3950 22-3101. Sexual Performance Using Minors.

3951 22-3102. Prohibited Acts.

3952 22-3103. Penalties.

3953 22-3104. Affirmative defenses.

3954
3955 § 22-3101. Definitions.

3956 For the purposes of this chapter, the term:

3957 (1) "Knowingly" means having general knowledge of, or reason to know or a belief or
3958 ground for belief which warrants further inspection or inquiry, or both.

3959 (2) "Minor" means any person under 18 years of age.

3960 (3) "Performance" means any play, motion picture, photograph, electronic
3961 representation, dance, or any other visual presentation or exhibition.

3962 (4) "Promote" means to procure, manufacture, issue, sell, give, provide, lend, mail,
3963 deliver, transfer, transmute, publish or distribute, circulate, disseminate, present, exhibit, or
3964 advertise, or to offer or agree to do the same.

3965 (5) "Sexual conduct" means:

3966 (A) Actual or simulated sexual intercourse:

3967 (i) Between the penis and the vulva, anus, or mouth;

- 3968 (ii) Between the mouth and the vulva or anus; or
3969 (iii) Between an artificial sexual organ or other object or instrument used in the
3970 manner of an artificial sexual organ and the anus or vulva;
3971 (B) Masturbation;
3972 (C) Sexual bestiality;
3973 (D) Sadomasochistic sexual activity for the purpose of sexual stimulation; or
3974 (E) Lewd exhibition of the genitals.
3975 (6) "Sexual performance" means any performance or part thereof which includes
3976 sexual conduct by a person under 18 years of age.

3977
3978 § 22-3102. Prohibited acts.

3979 (a) It shall be unlawful in the District of Columbia for a person knowingly to use a minor
3980 in a sexual performance or to promote a sexual performance by a minor.

3981 (1) A person is guilty of the use of a minor in a sexual performance if knowing the
3982 character and content thereof, he or she employs, authorizes, or induces a person under 18 years
3983 of age to engage in a sexual performance or being the parent, legal guardian, or custodian of a
3984 minor, he or she consents to the participation by a minor in a sexual performance.

3985 (2) A person is guilty of promoting a sexual performance by a minor when, knowing
3986 the character and content thereof, he or she produces, directs, or promotes any performance
3987 which includes sexual conduct by a person under 18 years of age.

3988 (b) It shall be unlawful in the District of Columbia for a person, knowing the character
3989 and content thereof, to attend, transmit, or possess a sexual performance by a minor.

3990 (c) If the sexual performance consists solely of a still or motion picture, then this section:

3991 (1) Shall not apply to the minor or minors depicted in a still or motion picture who
3992 possess it or transmit it to another person unless at least one of the minors depicted in it does not
3993 consent to its possession or transmission; and

3994 (2) Shall not apply to possession of a still or motion picture by a minor, or by an adult
3995 not more than 4 years older than the minor or minors depicted in it, who receives it from a minor
3996 depicted in it unless the recipient knows that at least one of the minors depicted in the still or
3997 motion picture did not consent to its transmission.

3998 (d) For the purposes of subsections (b) and (c) of this section, the term:

3999 (1) "Possess," "possession," or "possessing" requires accessing the sexual performance
4000 if electronically received or available.

4001 (2) "Still or motion picture" includes a photograph, motion picture, electronic or digital
4002 representation, video, or other visual depiction, however produced or reproduced.

4003 (3) "Transmit" or "transmission" includes distribution, and can occur by any means,
4004 including electronically."

4005
4006 § 22-3103. Penalties.

4007 Violation of this chapter shall be a felony and shall be punished by:

4008 (1) A fine of not more than the amount set forth in § 22-3571.01 or imprisonment for
4009 not more than 10 years, or both for the first offense; or

4010 (2) A fine of not more than the amount set forth in § 22-3571.01 or imprisonment for
4011 not more than 20 years, or both for the 2nd and each subsequent offense.

4012
4013 § 22-3104. Affirmative defenses.

4014 (a) Under this chapter it shall be an affirmative defense that the defendant in good faith
4015 reasonably believed the person appearing in the performance was 18 years of age or over.

4016 (b)(1) Except as provided in paragraph (2) of this subsection, in any prosecution for an
4017 offense pursuant to § 22-3102(2) it shall be an affirmative defense that the person so charged
4018 was:

4019 (A) A librarian engaged in the normal course of his or her employment; or

4020 (B) A motion picture projectionist, stage employee or spotlight operator, cashier,
4021 doorman, usher, candy stand attendant, porter, or in any other nonmanagerial or nonsupervisory
4022 capacity in a motion picture theater.

4023 (2) The affirmative defense provided by paragraph (1) of this subsection shall not
4024 apply if the person described therein has a financial interest (other than his or her employment,
4025 which employment does not encompass compensation based upon any proportion of the gross
4026 receipts) in:

4027 (A) The promotion of a sexual performance for sale, rental, or exhibition;

4028 (B) The direction of any sexual performance; or

4029 (C) The acquisition of the performance for sale, retail, or exhibition.

4030 (c) It shall be an affirmative defense to a charge under § 22-3102 that the defendant:

4031 (1) Possessed or accessed less than 6 still photographs or one motion picture, however
4032 produced or reproduced, of a sexual performance by a minor; and

4033 (2) Promptly and in good faith, and without retaining, copying, or allowing any person,
4034 other than a law enforcement agency, to access any photograph or motion picture:

4035 (A) Took reasonable steps to destroy each such photograph or motion picture; or

4036 (B) Reported the matter to a law enforcement agency and afforded that agency
4037 access to each such photograph or motion picture.

4038

4039 CHAPTER 31A.

4040 STALKING.

4041

4042 Sec.

4043 22-3131. Legislative intent.

4044 22-3132. Definitions.

4045 22-3133. Stalking.

4046 22-3134. Penalties.

4047 22-3135. Jurisdiction.

4048

4049 § 22-3131. Legislative intent.

4050 (a) The Council finds that stalking is a serious problem in this city and nationwide.
4051 Stalking involves severe intrusions on the victim's personal privacy and autonomy. It is a crime
4052 that can have a long-lasting impact on the victim's quality of life, and creates risks to the security
4053 and safety of the victim and others, even in the absence of express threats of physical harm.
4054 Stalking conduct often becomes increasingly violent over time. The Council recognizes the
4055 dangerous nature of stalking as well as the strong connections between stalking and domestic
4056 violence and between stalking and sexual assault. Therefore, the Council enacts this law to
4057 encourage effective intervention by the criminal justice system before stalking escalates into
4058 behavior that has even more serious or lethal consequences.

4059 (b) The Council enacts this stalking statute to permit the criminal justice system to hold
4060 stalkers accountable for a wide range of acts, communications, and conduct. The Council
4061 recognizes that stalking includes a pattern of following or monitoring the victim, or committing
4062 violent or intimidating acts against the victim, regardless of the means.

4063
4064 § 22-3132. Definitions.

4065 For the purposes of this chapter, the term:

4066 (1) "Any device" means electronic, mechanical, digital or any other equipment,
4067 including: a camera, spycam, computer, spyware, microphone, audio or video recorder, global
4068 positioning system, electronic monitoring system, listening device, night-vision goggles,
4069 binoculars, telescope, or spyglass.

4070 (2) "Any means" includes the use of a telephone, mail, delivery service, e-mail,
4071 website, or other method of communication or any device.

4072 (3) "Communicating" means using oral or written language, photographs, pictures,
4073 signs, symbols, gestures, or other acts or objects that are intended to convey a message.

4074 (4) "Emotional distress" means significant mental suffering or distress that may, but
4075 does not necessarily, require medical or other professional treatment or counseling;

4076 (5) "Financial injury" means the monetary costs, debts, or obligations incurred as a
4077 result of the stalking by the specific individual, member of the specific individual's household, a
4078 person whose safety is threatened by the stalking, or a person who is financially responsible for
4079 the specific individual and includes:

4080 (A) The costs of replacing or repairing any property that was taken or damaged;

4081 (B) The costs of clearing the specific individual's name or his or her credit, criminal,
4082 or any other official record;

4083 (C) Medical bills;

4084 (D) Relocation expenses;

4085 (E) Lost employment or wages; and

4086 (F) Attorney's fees.

4087 (6) "Personal identifying information" shall have the same meaning as provided in §
4088 22-3227.01(3).

4089 (7) "Specific individual" or "individual" means the victim or alleged victim of stalking.

4090 (8) "To engage in a course of conduct" means directly or indirectly, or through one or
4091 more third persons, in person or by any means, on 2 or more occasions, to:

4092 (A) Follow, monitor, place under surveillance, threaten, or communicate to or about
4093 another individual;

4094 (B) Interfere with, damage, take, or unlawfully enter an individual's real or personal
4095 property or threaten or attempt to do so; or

4096 (C) Use another individual's personal identifying information.

4097
4098 § 22-3133. Stalking.

4099 (a) It is unlawful for a person to purposefully engage in a course of conduct directed at a
4100 specific individual:

4101 (1) With the intent to cause that individual to:

4102 (A) Fear for his or her safety or the safety of another person;

4103 (B) Feel seriously alarmed, disturbed, or frightened; or

4104 (C) Suffer emotional distress;

4105 (2) That the person knows would cause that individual reasonably to:
4106 (A) Fear for his or her safety or the safety of another person;
4107 (B) Feel seriously alarmed, disturbed, or frightened; or
4108 (C) Suffer emotional distress; or
4109 (3) That the person should have known would cause a reasonable person in the
4110 individual's circumstances to:
4111 (A) Fear for his or her safety or the safety of another person;
4112 (B) Feel seriously alarmed, disturbed, or frightened; or
4113 (C) Suffer emotional distress.
4114 (b) This section does not apply to constitutionally protected activity.
4115 (c) Where a single act is of a continuing nature, each 24-hour period constitutes a
4116 separate occasion.
4117 (d) The conduct on each of the occasions need not be the same as it is on the others.
4118
4119 § 22-3134. Penalties.
4120 (a) Except as provided in subsections (b) and (c) of this section, a person who violates §
4121 22-3133 shall be fined not more than the amount set forth in § 22-3571.01, imprisoned for not
4122 more than 12 months, or both.
4123 (b) A person who violates § 22-3133 shall be fined not more than the amount set forth in
4124 § 22-3571.01, imprisoned for not more than 5 years, or both, if the person:
4125 (1) At the time, was subject to a court, parole, or supervised release order prohibiting
4126 contact with the specific individual;
4127 (2) Has one prior conviction in any jurisdiction of stalking any person within the
4128 previous 10 years;
4129 (3) At the time, was at least 4 years older than the specific individual and the specific
4130 individual was less than 18 years of age; or
4131 (4) Caused more than \$ 2,500 in financial injury.
4132 (c) A person who violates § 22-3133 shall be fined not more than the amount set forth in
4133 § 22-3571.01, imprisoned for not more than 10 years, or both, if the person has 2 or more prior
4134 convictions in any jurisdiction for stalking any person, at least one of which was for a jury
4135 demandable offense.
4136 (d) A person shall not be sentenced consecutively for stalking and identify theft based on
4137 the same act or course of conduct.
4138
4139 § 22-3135. Jurisdiction.
4140 (a) An offense shall be deemed to be committed in the District of Columbia if the conduct
4141 on at least one occasion was initiated in the District of Columbia or had an effect on the specific
4142 individual in the District of Columbia.
4143 (b) A communication shall be deemed to be committed in the District of Columbia if it is
4144 made or received in the District of Columbia or, if the specific individual lives in the District of
4145 Columbia, it can be electronically accessed in the District of Columbia.

4146
4147 CHAPTER 31B.
4148 TERRORISM.

4149
4150 Sec.

4151 22-3151. Short title.
4152 22-3152. Definitions.
4153 22-3153. Acts of terrorism; penalties.
4154 22-3154. Manufacture of possession of a weapon of mass destruction.
4155 22-3155. Use, dissemination, or detonation of a weapon of mass destruction.
4156 22-3156. Jurisdiction.
4157
4158 § 22-3151. Short title.
4159 This chapter may be cited as the "Anti-Terrorism Act of 2002".
4160
4161 § 22-3152. Definitions.
4162 For the purposes of this chapter, the term:
4163 (1) "Act of terrorism" means an act or acts that constitute a specified offense as defined
4164 in paragraph (8) of this section and that are intended to:
4165 (A) Intimidate or coerce a significant portion of the civilian population of:
4166 (i) The District of Columbia; or
4167 (ii) The United States; or
4168 (B) Influence the policy or conduct of a unit of government by intimidation or
4169 coercion.
4170 (2) "Biological agent" means any microorganism, virus, infectious substance, or
4171 biological product that may be engineered as a result of biotechnology, or any naturally
4172 occurring or bioengineered component of any such microorganism, virus, infectious substance,
4173 or biological product, capable of causing:
4174 (A) Death, disease, or other biological malfunction in a human, an animal, a plant,
4175 or another living organism;
4176 (B) Deterioration of food, water, equipment, supplies, or material of any kind; or
4177 (C) Deleterious alteration of the environment.
4178 (3) "Hoax weapon of mass destruction" means any device or object that by its design,
4179 construction, content, or characteristics, appears to be or to contain, or is represented to be or to
4180 contain a weapon of mass destruction, even if it is, in fact, an inoperative facsimile or imitation
4181 of a weapon of mass destruction, or contains no weapon of mass destruction.
4182 (4) "Material support or resources" means:
4183 (A) Expert services or assistance;
4184 (B) Currency, financial securities or other monetary instruments, financial services,
4185 lodging, training, false documentation or identification, equipment, facilities, weapons, lethal
4186 substances, explosives, personnel, transportation, and other physical assets; or
4187 (C) A weapon of mass destruction.
4188 (5) "Nuclear material" means material containing any:
4189 (A) Plutonium;
4190 (B) Uranium not in the form of ore or ore residue that contains the mixture of
4191 isotopes as occurring in nature;
4192 (C) Enriched uranium, defined as uranium that contains the isotope 233 or 235 or
4193 both in such amount that the abundance ratio of the sum of those isotopes to the isotope 238 is
4194 greater than the ratio of the isotope 235 to the isotope 238 occurring in nature; or
4195 (D) Uranium 233.
4196 (6) "Provision of material support or resources for an act of terrorism" means the act of

4197 providing material support or resources to a person or an organization with the purpose or
4198 knowledge that the material support or resources will be used, in whole or in part, to plan,
4199 prepare, or carry out an act of terrorism, or to flee after committing an act of terrorism.
4200 (7) "Solicitation of material support or resources to commit an act of terrorism" means
4201 the act of raising, soliciting, or collecting material support or resources with the purpose or
4202 knowledge that such material support or resources will be used, in whole or in part, to plan,
4203 prepare, or carry out an act of terrorism, or to flee after committing an act of terrorism.
4204 (8) "Specified offense" means:
4205 (A) Section 22-2101 (Murder in the first degree);
4206 (B) Section 22-2102 (Murder in the first degree -- placing obstructions upon or
4207 displacement of railroads);
4208 (C) Section 22-2106 (Murder of law enforcement officer or public safety employee);
4209 (D) Section 22-2103 (Murder in the second degree);
4210 (E) Section 22-2105 (Manslaughter);
4211 (F) Section 22-2001 (Kidnapping and conspiracy to kidnap);
4212 (G) Section 22-401 (Assault with intent to kill only);
4213 (H) Section 22-406 (Mayhem or maliciously disfiguring);
4214 (I) Section 22-301 (Arson);
4215 (J) Section 22-303 (Malicious burning, destruction, or injury of another's property, if
4216 the property is valued at \$ 500,000 or more); or
4217 (K) An attempt or conspiracy to commit any of the offenses listed in subparagraphs
4218 (A) through (J) of this paragraph.
4219 (9) "Toxic or poisonous chemical" means any chemical which, through its chemical
4220 action on life processes, can cause death, permanent incapacitation, or permanent harm to
4221 humans.
4222 (10) "Toxin" means the toxic material of plants, animals, microorganisms, viruses,
4223 fungi, or infectious substances, or a recombinant molecule, whatever its origin or method of
4224 production, including:
4225 (A) Any poisonous substance or biological product that may be engineered as a
4226 result of biotechnology produced by a living organism; or
4227 (B) Any poisonous isomer or biological product, homolog, or derivative of such a
4228 substance;
4229 (11) "Unit of government" means:
4230 (A) The office of the President of the United States;
4231 (B) The United States Congress;
4232 (C) Any federal executive department or agency;
4233 (D) The office of the Mayor of the District of Columbia;
4234 (E) Any executive department or agency of the District of Columbia, including any
4235 independent agency, board, or commission;
4236 (F) The Council of the District of Columbia;
4237 (G) The Superior Court of the District of Columbia;
4238 (H) The District of Columbia Court of Appeals;
4239 (I) The United States Court of Appeals for the District of Columbia;
4240 (J) The United States District Court for the District of Columbia; or
4241 (K) The Supreme Court of the United States.
4242 (12) "Weapon of mass destruction" means:

4243 (A) Any destructive device that is designed, intended, or otherwise used to cause
4244 death or serious bodily injury, including:
4245 (i) An explosive, incendiary, or poison gas:
4246 (I) Bomb;
4247 (II) Grenade;
4248 (III) Rocket;
4249 (IV) Missile;
4250 (V) Mine; or
4251 (VI) Device similar to any of the devices described in the preceding
4252 clauses;
4253 (ii) A mortar, cannon, or artillery piece; or
4254 (iii) Any combination of parts either designed or intended for use in converting
4255 any device into a device described in sub-subparagraphs (i) through (iii) of this paragraph and
4256 from which such device may be readily assembled;
4257 (B) An object similar to or used to achieve the same destructive effect of any of the
4258 devices described in subparagraph (A) of this paragraph;
4259 (C) Any weapon that is designed, intended, or otherwise used to cause death or
4260 serious bodily injury through the release, dissemination, or impact of a toxic or poisonous
4261 chemical;
4262 (D) Any weapon that is designed, intended, or otherwise used to cause death or
4263 serious bodily injury through the release, dissemination, or impact of a biological agent or toxin;
4264 or
4265 (E) Any weapon that is designed, intended, or otherwise used to cause death or
4266 serious bodily injury through the release, dissemination, or impact of radiation or radioactivity,
4267 or that contains nuclear material.

4268 § 22-3153. Acts of terrorism; penalties.

4269 (a) A person who commits first degree murder that constitutes an act of terrorism shall,
4270 upon conviction, be punished by imprisonment for life without the possibility of release.

4271 (b) A person who commits murder of a law enforcement officer or public safety
4272 employee that constitutes an act of terrorism shall, upon conviction, be punished by
4273 imprisonment for life without the possibility of release.

4274 (c) A person who commits murder in the second degree that constitutes an act of
4275 terrorism may, upon conviction, be punished by imprisonment for life.

4276 (d) A person who commits manslaughter that constitutes an act of terrorism may, upon
4277 conviction, be punished by imprisonment for life.

4278 (e) A person who commits kidnapping that constitutes an act of terrorism may, upon
4279 conviction, be punished by imprisonment for life.

4280 (f) A person who commits any assault with intent to kill that constitutes an act of
4281 terrorism may, upon conviction, be punished by imprisonment for not more than 30 years.

4282 (g) A person who commits mayhem or maliciously disfiguring another that constitutes an
4283 act of terrorism may, upon conviction, be punished by imprisonment for not more than 20 years.

4284 (h) A person who commits arson that constitutes an act of terrorism may, upon
4285 conviction, be punished by imprisonment for not more than 20 years.

4287 (i) A person who commits malicious burning, destruction, or injury of another's property,
4288 if such property is valued at \$ 500,000 or more, that constitutes an act of terrorism may, upon
4289 conviction, be punished by imprisonment for not more than 20 years.

4290 (j) A person who attempts or conspires to commit first degree murder, murder of a law
4291 enforcement officer or public safety employee, murder in the second degree, manslaughter, or
4292 kidnapping that constitutes an act of terrorism may be punished by imprisonment for not more
4293 than 30 years.

4294 (k) A person who attempts or conspires to commit any assault with intent to kill that
4295 constitutes an act of terrorism may, upon conviction, be punished by imprisonment for not more
4296 than 20 years.

4297 (l) A person who attempts or conspires to commit mayhem or maliciously disfiguring
4298 another, arson, or malicious burning, destruction, or injury of another's property, if such property
4299 is valued at \$ 500,000 or more, that constitutes an act of terrorism may, upon conviction, be
4300 punished by imprisonment of not more than 15 years.

4301 (m) A person who provides material support or resources for an act of terrorism may,
4302 upon conviction, be punished by imprisonment for not more than 20 years.

4303 (n) A person who solicits material support or resources to commit an act of terrorism
4304 may, upon conviction, be punished by imprisonment for not more than 20 years.

4305

4306 § 22-3154. Manufacture or possession of a weapon of mass destruction.

4307 (a) A person who manufactures or possesses a weapon of mass destruction capable of
4308 causing multiple deaths, serious bodily injuries to multiple persons, or massive destruction of
4309 property may, upon conviction, be punished by imprisonment for life.

4310 (b) A person who attempts or conspires to manufacture or possess a weapon of mass
4311 destruction capable of causing multiple deaths, serious bodily injuries to multiple persons, or
4312 massive destruction of property may, upon conviction, be punished by imprisonment for not
4313 more than 30 years.

4314 (c) In addition to any other penalty provided under this section, a person may be fined an
4315 amount not more than the amount set forth in § 22-3571.01.

4316

4317 § 22-3155. Use, dissemination, or detonation of a weapon of mass destruction.

4318 (a) A person who uses, disseminates, or detonates a weapon of mass destruction capable
4319 of causing multiple deaths, serious bodily injuries to multiple persons, or massive destruction of
4320 property may, upon conviction, be punished by imprisonment for life.

4321 (b) A person who attempts or conspires to use, disseminate, or detonate a weapon of mass
4322 destruction capable of causing multiple deaths, serious bodily injuries to multiple persons, or
4323 massive destruction of property may, upon conviction, be punished by imprisonment for not
4324 more than 30 years.

4325 (c) In addition to any other penalty provided under this section, a person may be fined an
4326 amount not more than the amount set forth in § 22-3571.01.

4327

4328 § 22-3156. Jurisdiction.

4329 There is jurisdiction to prosecute any person who participates in the commission of any
4330 offense described in this chapter if any act in furtherance of the offense occurs in the District of
4331 Columbia or where the effect of any act in furtherance of the offense occurs in the District of
4332 Columbia.

4333
4334 CHAPTER 32. THEFT; FRAUD; STOLEN PROPERTY; FORGERY; AND EXTORTION.

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4336 *Subchapter I.*
4337 *General Provisions.*

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4339 Sec.
4340 22-3201. Definitions.
4341 22-3202. Aggregation of amounts received to determine grade of offense.
4342 22-3203. Consecutive sentences.
4343 22-3204. Case Referral.

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4345 *Subchapter II.*
4346 *Theft; Related Offenses.*

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4348 22-3211. Theft.
4349 22-3212. Penalties for theft.
4350 22-3213. Shoplifting.
4351 22-3214. Commercial piracy.
4352 22-3214.01. Deceptive labeling.
4353 22-3214.02. Unlawful operation of a recording device in a motion picture theater.
4354 22-3215. Unauthorized use of motor vehicles.
4355 22-3216. Taking property without right.

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4357 *Subchapter II-A.*
4358 *Theft of Utility Service.*

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4360 22-3218.01. Definitions.
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4365 *Subchapter III.*
4366 *Fraud; Related Offenses.*

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4368 22-3221. Fraud.
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4374 *Subchapter III-A.*
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4377 22-3225.01. Definitions.
4378 22-3225.02. Insurance fraud in the first degree.

- 4379 22-3225.03. Insurance fraud in the second degree.
4380 22-3225.03a. Misdemeanor insurance fraud.
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4382 22-3225.05. Restitution.
4383 22-3225.06. Indemnity.
4384 22-3225.07. Practitioners.
4385 22-3225.08. Investigation and report of insurance fraud. [Transferred].
4386 22-3225.09. Insurance fraud prevention and detection. [Transferred].
4387 22-3225.10. Regulations. [Transferred].
4388 22-3225.11. Limited law enforcement authority. [Transferred].
4389 22-3225.12. Annual anti-fraud activity reporting requirement. [Transferred].
4390 22-3225.13. Immunity. [Transferred].
4391 22-3225.14. Prohibition of solicitation. [Transferred].
4392 22-3225.15. Jurisdiction.
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4394 *Subchapter III-B.*
4395 *Telephone Fraud.*
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4397 22-3226.01. Definitions.
4398 22-3226.02. Application for a certificate of registration of telephone solicitor. [Transferred].
4399 22-3226.03. Surety bond requirements for telephone solicitors. [Transferred].
4400 22-3226.04. Security alternative to surety bonds. [Transferred].
4401 22-3226.05. Exemptions. [Transferred].
4402 22-3226.06. Unlawful acts and practices.
4403 22-3226.07. Deceptive acts and practices prohibited.
4404 22-3227.08. Abusive telemarketing acts or practices.
4405 22-3227.09. Civil penalties. [Transferred].
4406 22-3227.10. Criminal penalties.
4407 22-3227.11. Private right of action. [Transferred].
4408 22-3227.12. Statute of limitations period. [Transferred].
4409 22-3227.13. Task force to combat fraud. [Transferred].
4410 22-3227.14. Fraud Prevention Fund. [Transferred].
4411 22-3227.15. General disclosures. [Transferred].
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4413 *Subchapter III-C.*
4414 *Identity Theft.*
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4416 22-3227.01. Definitions.
4417 22-3227.02. Identity theft.
4418 22-3227.03. Penalties for identity theft.
4419 22-3227.04. Restitution.
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4422 22-3227.07. Limitations.
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4425 *Subchapter IV.*
4426 *Stolen Property.*

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4428 22-3231. Trafficking in stolen property.
4429 22-3232. Receiving stolen property.
4430 22-3233. Altering or removing motor vehicle identification numbers.
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4433 *Subchapter V.*
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4436 22-3241. Forgery.
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4439 *Subchapter VI.*
4440 *Extortion.*

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4442 22-3251. Extortion.
4443 22-3252. Blackmail.

4444
4445 *Subchapter I.*
4446 *General Provisions.*

4447
4448
4449 § 22-3201. Definitions.

4450 For the purposes of this chapter, the term:

4451 (1) "Appropriate" means to take or make use of without authority or right.

4452 (2) "Deprive" means:

4453 (A) To withhold property or cause it to be withheld from a person permanently or
4454 for so extended a period or under such circumstances as to acquire a substantial portion of its
4455 value; or

4456 (B) To dispose of the property, or use or deal with the property so as to make it
4457 unlikely that the owner will recover it.

4458 (2A) "Person" means an individual (whether living or dead), trust, estate, fiduciary,
4459 partnership, company, corporation, association, organization, union, government department,
4460 agency, or instrumentality, or any other legal entity.

4461 (3) "Property" means anything of value. The term "property" includes, but is not
4462 limited to:

4463 (A) Real property, including things growing on, affixed to, or found on land;

4464 (B) Tangible or intangible personal property;

4465 (C) Services;

4466 (D) Credit;

4467 (E) Debt; and

4468 (F) A government-issued license, permit, or benefit.

4469 (4) "Property of another" means any property in which a government or a person other
4470 than the accused has an interest which the accused is not privileged to interfere with or infringe

4471 upon without consent, regardless of whether the accused also has an interest in that property. The
4472 term "property of another" includes the property of a corporation or other legal entity established
4473 pursuant to an interstate compact. The term "property of another" does not include any property
4474 in the possession of the accused as to which any other person has only a security interest.

4475 (5) "Services" includes, but is not limited to:

4476 (A) Labor, whether professional or nonprofessional;

4477 (B) The use of vehicles or equipment;

4478 (C) Transportation, telecommunications, energy, water, sanitation, or other public
4479 utility services, whether provided by a private or governmental entity;

4480 (D) The supplying of food, beverage, lodging, or other accommodation in hotels,
4481 restaurants, or elsewhere;

4482 (E) Admission to public exhibitions or places of entertainment; and

4483 (F) Educational and hospital services, accommodations, and other related services.

4484 (6) "Stolen property" includes any property that has been obtained by conduct
4485 previously known as embezzlement.

4486 (7) "Value" with respect to a credit card, check, or other written instrument means the
4487 amount of money, credit, debt, or other tangible or intangible property or services that has been
4488 or can be obtained through its use, or the amount promised or paid by the credit card, check, or
4489 other written instrument.

4490 § 22-3202. Aggregation of amounts received to determine grade of offense.

4491 Amounts or property received pursuant to a single scheme or systematic course of
4492 conduct in violation of § 22-3211 (Theft), § 22-3221 (Fraud), § 22-3223 (Credit Card Fraud), §
4493 22-3227.02 (Identity Theft), § 22-3231 (Trafficking in Stolen Property), or § 22-3232 (Receiving
4494 Stolen Property) may be aggregated in determining the grade of the offense and the sentence for
4495 the offense.

4496 § 22-3203. Consecutive sentences.

4497 (a) A person may be convicted of any combination of theft, identity theft, fraud, credit
4498 card fraud, unauthorized use of a vehicle, commercial piracy, and receiving stolen property for
4499 the same act or course of conduct; provided, that no person shall be consecutively sentenced for
4500 any such combination or combinations that arise from the same act or course of conduct.

4501 (b) Convictions arising out of the same act or course of conduct shall be considered as
4502 one conviction for purposes of any application of repeat offender sentencing provisions.

4503 § 22-3204. Case referral.

4504 For the purposes of this chapter, in cases involving more than one jurisdiction, or in cases
4505 where more than one District of Columbia agency is responsible for investigating an alleged
4506 violation, the investigating agency to which the report was initially made may refer the matter to
4507 another investigating or law enforcement agency with proper jurisdiction.

4511 *Subchapter II.*

4512 *Theft; Related Offenses.*

4513 § 22-3211. Theft.

4516 (a) For the purpose of this section, the term "wrongfully obtains or uses" means: (1)
4517 taking or exercising control over property; (2) making an unauthorized use, disposition, or
4518 transfer of an interest in or possession of property; or (3) obtaining property by trick, false
4519 pretense, false token, tampering, or deception. The term "wrongfully obtains or uses" includes
4520 conduct previously known as larceny, larceny by trick, larceny by trust, embezzlement, and false
4521 pretenses.

4522 (b) A person commits the offense of theft if that person wrongfully obtains or uses the
4523 property of another with intent:

4524 (1) To deprive the other of a right to the property or a benefit of the property; or

4525 (2) To appropriate the property to his or her own use or to the use of a third person.

4526 (c) In cases in which the theft of property is in the form of services, proof that a person
4527 obtained services that he or she knew or had reason to believe were available to him or her only
4528 for compensation and that he or she departed from the place where the services were obtained
4529 knowing or having reason to believe that no payment had been made for the services rendered in
4530 circumstances where payment is ordinarily made immediately upon the rendering of the services
4531 or prior to departure from the place where the services are obtained, shall be prima facie
4532 evidence that the person had committed the offense of theft.

4533

4534 § 22-3212. Penalties for theft.

4535 (a) Theft in the first degree. -- Any person convicted of theft in the first degree shall be
4536 fined not more than the amount set forth in § 22-3571.01 or imprisoned for not more than 10
4537 years, or both, if the value of the property obtained or used is \$ 1,000 or more.

4538 (b) Theft in the second degree. -- Any person convicted of theft in the second degree shall
4539 be fined not more than the amount set forth in § 22-3571.01 or imprisoned for not more than 180
4540 days, or both, if the property obtained or used has some value.

4541 (c) A person convicted of theft in the first or second degree who has 2 or more prior
4542 convictions for theft, not committed on the same occasion, shall be fined not more than the
4543 amount set forth in § 22-3571.01 or imprisoned for not more than 10 years and for a mandatory-
4544 minimum term of not less than one year, or both. A person sentenced under this subsection shall
4545 not be released from prison, granted probation, or granted suspension of sentence, prior to
4546 serving the mandatory-minimum.

4547 (d) For the purposes of this section, a person shall be considered as having 2 or more
4548 prior convictions for theft if he or she has been convicted on at least 2 occasions of violations of:

4549 (1) Section 22-3211;

4550 (2) A statute in one or more jurisdictions prohibiting theft or larceny; or

4551 (3) Conduct that would constitute a violation of section 22-3211 if committed in the
4552 District of Columbia.

4553

4554 § 22-3213. Shoplifting.

4555 (a) A person commits the offense of shoplifting if, with intent to appropriate without
4556 complete payment any personal property of another that is offered for sale or with intent to
4557 defraud the owner of the value of the property, that person:

4558 (1) Knowingly conceals or takes possession of any such property;

4559 (2) Knowingly removes or alters the price tag, serial number, or other identification
4560 mark that is imprinted on or attached to such property; or

4561 (3) Knowingly transfers any such property from the container in which it is displayed
4562 or packaged to any other display container or sales package.

4563 (b) Any person convicted of shoplifting shall be fined not more than the amount set forth
4564 in § 22-3571.01 or imprisoned for not more than 90 days, or both.

4565 (c) It is not an offense to attempt to commit the offense described in this section.

4566 (d) A person who offers tangible personal property for sale to the public, or an employee
4567 or agent of such a person, who detains or causes the arrest of a person in a place where the
4568 property is offered for sale shall not be held liable for detention, false imprisonment, malicious
4569 prosecution, defamation, or false arrest, in any proceeding arising out of such detention or arrest,
4570 if:

4571 (1) The person detaining or causing the arrest had, at the time thereof, probable cause
4572 to believe that the person detained or arrested had committed in that person's presence, an
4573 offense described in this section;

4574 (2) The manner of the detention or arrest was reasonable;

4575 (3) Law enforcement authorities were notified within a reasonable time; and

4576 (4) The person detained or arrested was released within a reasonable time of the
4577 detention or arrest, or was surrendered to law enforcement authorities within a reasonable time.

4578

4579 § 22-3214. Commercial piracy.

4580 (a) For the purpose of this section, the term:

4581 (1) "Owner", with respect to phonorecords or copies, means the person who owns the
4582 original fixation of the property involved or the exclusive licensee in the United States of the
4583 rights to reproduce and distribute to the public phonorecords or copies of the original fixation. In
4584 the case of a live performance the term "owner" means the performer or performers.

4585 (2) "Proprietary information" means customer lists, mailing lists, formulas, recipes,
4586 computer programs, unfinished designs, unfinished works of art in any medium, process,
4587 program, invention, or any other information, the primary commercial value of which may
4588 diminish if its availability is not restricted.

4589 (3) "Phonorecords" means material objects in which sounds, other than those
4590 accompanying a motion picture or other audiovisual work, are fixed by any method now known
4591 or later developed, and from which the sounds can be perceived, reproduced, or otherwise
4592 communicated, either directly or with the aid of a machine or device. The term "phonorecords"
4593 includes the material object in which the sounds are first fixed.

4594 (b) A person commits the offense of commercial piracy if, with the intent to sell, to
4595 derive commercial gain or advantage, or to allow another person to derive commercial gain or
4596 advantage, that person reproduces or otherwise copies, possesses, buys, or otherwise obtains
4597 phonorecords of a sound recording, live performance, or copies of proprietary information,
4598 knowing or having reason to believe that the phonorecord or copies were made without the
4599 consent of the owner. A presumption of the requisite intent arises if the accused possesses 5 or
4600 more unauthorized phonorecords either of the same sound recording or recording of a live
4601 performance.

4602 (c) Nothing in this section shall be construed to prohibit:

4603 (1) Copying or other reproduction that is in the manner specifically permitted by Title
4604 17 of the United States Code; or

4605 (2) Copying or other reproduction of a sound recording that is made by a licensed radio
4606 or television station or a cable broadcaster solely for broadcast or archival use.

4607 (d) Any person convicted of commercial piracy shall be fined not more than the amount
4608 set forth in § 22-3571.01 or imprisoned for not more than 180 days, or both.

4609 (e) This section does not apply to any sound recording initially fixed on or after February
4610 15, 1972.

4611 § 22-3214.01. Deceptive labeling.

4612 (a) For the purposes of this section, the term:

4613 (1) "Audiovisual works" means material objects upon which are fixed a series of
4614 related images which are intrinsically intended to be shown by the use of machines or devices
4615 such as projectors, viewers, or electronic equipment, now known or later developed, together
4616 with accompanying sounds, if any, regardless of the nature of the material objects, such as films
4617 or tapes, in which the works are embodied.

4618 (2) "Manufacturer" means the person who authorizes or causes the copying, fixation,
4619 or transfer of sounds or images to sound recordings or audiovisual works subject to this section.

4620 (3) "Sound recordings" means material objects in which sounds, other than those
4621 accompanying a motion picture or other audiovisual work, are fixed by any method now known
4622 or later developed, and from which the sounds can be perceived, reproduced, or otherwise
4623 communicated, either directly or with the aid of a machine or device.

4624 (b) A person commits the offense of deceptive labeling if, for commercial advantage or
4625 private financial gain, that person knowingly advertises, offers for sale, resale, or rental, or sells,
4626 resells, rents, distributes, or transports, or possesses for such purposes, a sound recording or
4627 audiovisual work, the label, cover, or jacket of which does not clearly and conspicuously
4628 disclose the true name and address of the manufacturer thereof.

4629 (c) Nothing in this section shall be construed to prohibit:

4630 (1) Any broadcaster who, in connection with, or as part of, a radio or television
4631 broadcast transmission, or for the purposes of archival preservation, transfers any sounds or
4632 images recorded on a sound recording or audiovisual work; or

4633 (2) Any person who, in his or her own home, for his or her own personal use, and without
4634 deriving any commercial advantage or private financial gain, transfers any sounds or images
4635 recorded on a sound recording or audiovisual work.

4636 (d)(1) Any person convicted of deceptive labeling involving less than 1,000 sound
4637 recordings or less than 100 audiovisual works during any 180-day period shall be fined not more
4638 than the amount set forth in § 22-3571.01 or imprisoned for not more than 1 year, or both.

4639 (2) Any person convicted of deceptive labeling involving 1,000 or more sound
4640 recordings or 100 or more audiovisual works during a 180-day period shall be fined not more
4641 than the amount set forth in § 22-3571.01 or imprisoned for not more than 5 years, or both.

4642 (e) Upon conviction under this section, the court shall, in addition to the penalties
4643 provided by this section, order the forfeiture and destruction or other disposition of all sound
4644 recordings, audiovisual works, and equipment used, or attempted to be used, in violation of this
4645 section.

4646 § 22-3214.02. Unlawful operation of a recording device in a motion picture theater.

4647 (a) For the purposes of this section, the term:

4648 (1) "Motion picture theater" means a theater or other auditorium in which a motion
4649 picture is exhibited.

4650 (2) "Recording device" means a photographic or video camera, audio or video
4651

4653 recorder, or any other device not existing, or later developed, which may be used for recording
4654 sounds or images.

4655 (b) A person commits the offense of unlawfully operating a recording device in a motion
4656 picture theater if, without authority or permission from the owner of a motion picture theater, or
4657 his or her agent, that person operates a recording device within the premises of a motion picture
4658 theater.

4659 (c) Any person convicted of unlawfully operating a recording device in a motion picture
4660 theater shall be fined not more than the amount set forth in § 22-3571.01 or imprisoned for not
4661 more than 90 days, or both.

4662 (d) A theater owner, or an employee or agent of a theater owner, who detains or causes
4663 the arrest of a person in, or immediately adjacent to, a motion picture theater shall not be held
4664 liable for detention, false imprisonment, malicious prosecution, defamation, or false arrest in any
4665 proceeding arising out of such detention or arrest, if:

4666 (1) The person detaining or causing the arrest had, at the time thereof, probable cause
4667 to believe that the person detained or arrested had committed, or attempted to commit, in that
4668 person's presence, an offense described in this section;

4669 (2) The manner of the detention or arrest was reasonable;

4670 (3) Law enforcement authorities were notified within a reasonable time; and

4671 (4) The person detained or arrested was released within a reasonable time of the
4672 detention or arrest, or was surrendered to law enforcement authorities within a reasonable time.

4673

4674 § 22-3215. Unauthorized use of motor vehicles.

4675 (a) For the purposes of this section, the term "motor vehicle" means any automobile, self-
4676 propelled mobile home, motorcycle, truck, truck tractor, truck tractor with semitrailer or trailer,
4677 or bus.

4678 (b) A person commits the offense of unauthorized use of a motor vehicle under this
4679 subsection if, without the consent of the owner, the person takes, uses, or operates a motor
4680 vehicle, or causes a motor vehicle to be taken, used, or operated, for his or her own profit, use, or
4681 purpose.

4682 (c)(1) A person commits the offense of unauthorized use of a motor vehicle under this
4683 subsection if, after renting, leasing, or using a motor vehicle under a written agreement which
4684 provides for the return of the motor vehicle to a particular place at a specified time, that person
4685 knowingly fails to return the motor vehicle to that place (or to any authorized agent of the party
4686 from whom the motor vehicle was obtained under the agreement) within 18 days after written
4687 demand is made for its return, if the conditions set forth in paragraph (2) of this subsection are
4688 met.

4689 (2) The conditions referred to in paragraph (1) of this subsection are as follows:

4690 (A) The written agreement under which the motor vehicle is obtained contains the
4691 following statement: "WARNING -- Failure to return this vehicle in accordance with the terms
4692 of this rental agreement may result in a criminal penalty of up to 3 years in jail". This statement
4693 shall be printed clearly and conspicuously in a contrasting color, set off in a box, and signed by
4694 the person obtaining the motor vehicle in a space specially provided;

4695 (B) There is displayed clearly and conspicuously on the dashboard of the motor
4696 vehicle the following notice: "NOTICE -- Failure to return this vehicle on time may result in
4697 serious criminal penalties"; and

4698 (C) The party from whom the motor vehicle was obtained under the agreement

4699 makes a written demand for the return of the motor vehicle, either by actual delivery to the
4700 person who obtained the motor vehicle, or by deposit in the United States mail of a postpaid
4701 registered or certified letter, return receipt requested, addressed to the person at each address set
4702 forth in the written agreement or otherwise provided by the person. The written demand shall
4703 state clearly that failure to return the motor vehicle may result in prosecution for violation of the
4704 criminal law of the District of Columbia punishable by up to 3 years in jail. The written demand
4705 shall not be made prior to the date specified in the agreement for the return of the motor vehicle,
4706 except that, if the parties or their authorized agents have mutually agreed to some other date for
4707 the return of the motor vehicle, then the written demand shall not be made prior to the other date.

4708 (3) This subsection shall not apply in the case of a motor vehicle obtained under a
4709 retail installation contract as defined in § 50-601(9).

4710 (4) It shall be a defense in any criminal proceeding brought under this subsection that a
4711 person failed to return a motor vehicle for causes beyond his or her control. The burden of
4712 raising and going forward with the evidence with respect to such a defense shall be on the person
4713 asserting it. In any case in which such a defense is raised, evidence that the person obtained the
4714 motor vehicle by reason of any false statement or representation of material fact, including a
4715 false statement or representation regarding his or her name, residence, employment, or operator's
4716 license, shall be admissible to determine whether the failure to return the motor vehicle was for
4717 causes beyond his or her control.

4718 (d)(1) Except as provided in paragraphs (2) and (3) of this subsection, a person convicted
4719 of unauthorized use of a motor vehicle under subsection (b) of this section shall be fined not
4720 more than the amount set forth in § 22-3571.01, imprisoned for not more than 5 years, or both.

4721 (2)(A) A person convicted of unauthorized use of a motor vehicle under subsection (b)
4722 of this section who took, used, or operated the motor vehicle, or caused the motor vehicle to be
4723 taken, used, or operated, during the course of or to facilitate a crime of violence, shall be:

4724 (i) Fined not more than the amount set forth in § 22-3571.01, imprisoned for not
4725 more than 10 years, or both, consecutive to the penalty imposed for the crime of violence; and

4726 (ii) If serious bodily injury results, imprisoned for not less than 5 years,
4727 consecutive to the penalty imposed for the crime of violence.

4728 (B) For the purposes of this paragraph, the term "crime of violence" shall have the
4729 same meaning as provided in § 23-1331(4).

4730 (3)(A) A person convicted of unauthorized use of a motor vehicle under subsection (b)
4731 of this section who has 2 or more prior convictions for unauthorized use of a motor vehicle or
4732 theft in the first degree, not committed on the same occasion, shall be fined not less than \$ 5,000
4733 and not more than the amount set forth in § 22-3571.01, or imprisoned for not less than 30
4734 months nor more than 15 years, or both.

4735 (B) For the purposes of this paragraph, a person shall be considered as having 2
4736 prior convictions for unauthorized use of a motor vehicle or theft in the first degree if the person
4737 has been twice before convicted on separate occasions of:

4738 (i) A prior violation of subsection (b) of this section or theft in the first degree;

4739 (ii) A statute in one or more other jurisdictions prohibiting unauthorized use of a
4740 motor vehicle or theft in the first degree;

4741 (iii) Conduct that would constitute a violation of subsection (b) of this section or a
4742 violation of theft in the first degree if committed in the District of Columbia; or

4743 (iv) Conduct that is substantially similar to that prosecuted as a violation of
4744 subsection (b) of this section or theft in the first degree.

4745 (4) A person convicted of unauthorized use of a motor vehicle under subsection (c) of
4746 this section shall be fined not more than the amount set forth in § 22-3571.01, imprisoned for not
4747 more than 3 years, or both.

4748
4749 § 22-3216. Taking property without right.

4750 A person commits the offense of taking property without right if that person takes and
4751 carries away the property of another without right to do so. A person convicted of taking
4752 property without right shall be fined not more than the amount set forth in § 22-3571.01 or
4753 imprisoned for not more than 90 days, or both.

4754
4755 *Subchapter II-A.*
4756 *Theft of Utility Service.*

4757
4758 § 22-3218.01. Definitions.

4759 For the purposes of this subchapter, the term:

4760 (1) "Company" means a person or enterprise engaged in the generation or distribution
4761 of natural gas or electricity.

4762 (2) "Person" means any individual, corporation, company, association, firm,
4763 partnership, joint stock company, or other entity.

4764
4765 § 22-3218.02. Unlawful acts.

4766 Unless a person shall be authorized, or employed by, a company engaged in the
4767 generation or distribution of natural gas or electricity, a person shall not willfully connect or
4768 disconnect an electrical conductor belonging to the company; make any connection with an
4769 electrical conductor for the purpose of using or wasting the electric current or gas; tamper with a
4770 meter used to register gas or current consumed; interfere with the operation of an electrical or gas
4771 appliance of the company; or tamper, or interfere, with the poles, wires, or conduits used by the
4772 company. Nothing in this section shall prevent the lawful governmental regulation of gas or
4773 electric companies or electricity suppliers, or their conductors, appliances, machinery, and poles.

4774
4775 § 22-3218.03. Presumptions and rebuttal evidence.

4776 (a) The presence of a connection, wire, conductor, meter alteration, or any device which
4777 effects the diversion of electric current or gas without the current or gas being measured or
4778 registered by or on a meter installed by a company engaged in the generation or distribution of
4779 electricity or natural gas, whether on a single property or within a multiple-unit building or
4780 complex, shall constitute prima facie evidence of intent to violate § 22-3218.02.

4781 (b) If a check or test meter installed or employed by a company engaged in the generation
4782 or distribution of electricity or natural gas shows that a person is using a larger amount of
4783 electricity than is registered on the meter installed by the company on the person's premises for
4784 the purpose of registering the natural gas or electricity used by the person, and the company has
4785 verified that the meter is not malfunctioning, it shall constitute prima facie evidence that the
4786 unregistered current or gas has been wrongfully diverted by such person and shall constitute
4787 prima facie evidence of intent to violate § 22-3218.02.

4788 (c) The presumptions created by this section may be rebutted by a preponderance of the
4789 evidence to the contrary that the person alleged to have violated § 22-3218a did not do so. If the
4790 person in actual possession of the property or unit has not received the direct benefit of the

4791 reduction of the cost in electric or gas services, the presumptions created by this section shall
4792 apply to the owner of the property or unit; provided, that the owner has received the direct
4793 benefit of unregistered services for at least one full billing cycle.

4794

4795 § 22-3218.04. Penalties for violation.

4796 (a) A person who violates § 22-3218.02 shall be guilty of a misdemeanor, and, upon a
4797 conviction, shall be imprisoned for not more than 60 days, or fined, not more than the amount set
4798 forth in § 22-3571.01, or both. In the case of a second or subsequent conviction, a person who
4799 violates § 22-3218.02 shall be imprisoned for not more than 180 days, or fined, not more than the
4800 amount set forth in § 22-3571.01, or both.

4801 (b) In addition to the criminal penalties in subsection (a) of this section, a person who is
4802 found to have violated § 22-3218.02 in a civil proceeding shall be liable to the company using or
4803 engaged in the generation or distribution of electricity or gas for restitution of the amount of any
4804 losses or damage sustained.

4805

4806 *Subchapter III.*

4807 *Fraud; Related Offenses.*

4808

4809 § 22-3221. Fraud.

4810 (a) Fraud in the first degree. -- A person commits the offense of fraud in the first degree if
4811 that person engages in a scheme or systematic course of conduct with intent to defraud or to
4812 obtain property of another by means of a false or fraudulent pretense, representation, or promise
4813 and thereby obtains property of another or causes another to lose property.

4814 (b) Fraud in the second degree. -- A person commits the offense of fraud in the second
4815 degree if that person engages in a scheme or systematic course of conduct with intent to defraud
4816 or to obtain property of another by means of a false or fraudulent pretense, representation, or
4817 promise.

4818 (c) False promise as to future performance. -- Fraud may be committed by means of false
4819 promise as to future performance which the accused does not intend to perform or knows will not
4820 be performed. An intent or knowledge shall not be established by the fact alone that one such
4821 promise was not performed.

4822

4823 § 22-3222. Penalties for fraud.

4824 (a) Fraud in the first degree. --

4825 (1) Any person convicted of fraud in the first degree shall be fined not more than the
4826 amount set forth in § 22-3571.01 or twice the value of the property obtained or lost, whichever is
4827 greater, or imprisoned for not more than 10 years, or both, if the value of the property obtained
4828 or lost is \$ 1,000 or more; and

4829 (2) Any person convicted of fraud in the first degree shall be fined not more than the
4830 amount set forth in § 22-3571.01 or imprisoned for not more than 180 days, or both, if the
4831 property obtained or lost has some value.

4832 (b) Fraud in the second degree. --

4833 (1) Any person convicted of fraud in the second degree shall be fined not more than the
4834 amount set forth in § 22-3571.01 or twice the value of the property which was the object of the
4835 scheme or systematic course of conduct, whichever is greater, or imprisoned for not more than 3
4836 years, or both, if the value of the property which was the object of the scheme or systematic

4837 course of conduct is \$ 1,000 or more; and

4838 (2) Any person convicted of fraud in the second degree shall be fined not more than the
4839 amount set forth in § 22-3571.01 or imprisoned for not more than 180 days, or both, if the
4840 property that was the object of the scheme or systematic course of conduct has some value.

4841

4842 § 22-3223. Credit card fraud.

4843 (a) For the purposes of this section, the term "credit card" means an instrument or device,
4844 whether known as a credit card, debit card, or by any other name, issued for use of the
4845 cardholder in obtaining or paying for property or services.

4846 (b) A person commits the offense of credit card fraud if, with intent to defraud, that
4847 person obtains or pays for property or services by:

4848 (1) Knowingly using a credit card, or the number or description thereof, which has
4849 been issued to another person without the consent of the person to whom it was issued;

4850 (2) Knowingly using a credit card, or the number or description thereof, which has
4851 been revoked or cancelled;

4852 (3) Knowingly using a falsified, mutilated, or altered credit card or number or
4853 description thereof;

4854 (4) Representing that he or she is the holder of a credit card and the credit card had not
4855 in fact been issued; or

4856 (5) Knowingly using for the employee's or contractor's own purposes a credit card, or
4857 the number on or description of the credit card, issued to or provided to an employee or
4858 contractor by or at the request of an employer for the employer's purposes.

4859 (c) A credit card is deemed cancelled or revoked when notice in writing thereof has been
4860 received by the named holder as shown on the credit card or by the records of the issuer.

4861 (d)(1) Except as provided in paragraph (2) of this subsection, any person convicted of
4862 credit card fraud shall be fined not more than the amount set forth in § 22-3571.01, imprisoned
4863 for not more than 180 days, or both.

4864 (2) Any person convicted of credit card fraud shall be fined not more than the amount
4865 set forth in § 22-3571.01, imprisoned for not more than 10 years, or both, if the value of the
4866 property or services obtained or paid for is \$ 1,000 or more.

4867

4868 § 22-3224. Fraudulent registration.

4869 (a) A person commits the offense of fraudulent registration if, with intent to defraud the
4870 proprietor or manager of a hotel, motel, or other establishment which provides lodging to
4871 transient guests, that person falsely registers under a name or address other than his or her actual
4872 name or address.

4873 (b) Any person convicted of fraudulent registration shall be fined not more than the
4874 amount set forth in § 22-3571.01 or imprisoned for not more than 90 days, or both.

4875

4876 § 22-3224.01. Jurisdiction.

4877 An offense under this subchapter shall be deemed to be committed in the District of
4878 Columbia, regardless of whether the offender is physically present in the District of Columbia, if:

4879 (1) The person to whom a credit card was issued or in whose name the credit card was
4880 issued is a resident of, or located in, the District of Columbia;

4881 (2) The person who was defrauded is a resident of, or located in, the District of
4882 Columbia at the time of the fraud;

- 4883 (3) The loss occurred in the District of Columbia; or
4884 (4) Any part of the offense takes place in the District of Columbia.

4885
4886 *Subchapter III-A.*
4887 *Insurance Fraud.*
4888

4889 § 22-3225.01. Definitions.

4890 For the purposes of this subchapter, the term:

4891 (1) "Business of insurance" means the writing of insurance or reinsuring the risks by an
4892 insurer, including acts necessary or incidental to writing insurance or reinsuring risks and the
4893 activities of persons who act as or are officers, directors, agents, or employees of insurers, or
4894 who are other persons authorized to act on their behalf.

4895 (2) "Commissioner" means the Commissioner of the Department of Insurance,
4896 Securities, and Banking, the Commissioner's designee, or the Department of Insurance,
4897 Securities, and Banking.

4898 (3) "District" means the District of Columbia.

4899 (4) "Insurance" means a contract or arrangement in which one undertakes to:

4900 (A) Pay or indemnify another as to loss from certain contingencies called "risks,"
4901 including through reinsurance;

4902 (B) Pay or grant a specified amount or determinable benefit to another in connection
4903 with ascertainable risk contingencies;

4904 (C) Pay an annuity to another; or

4905 (D) Act as a surety.

4906 (5) "Insurance professional" means insurance sales agents or managing general agents,
4907 insurance brokers, insurance producers, insurance adjusters, and insurance third party
4908 administrators.

4909 (6) "Insurer" includes any company defined by § 31-4202 and § 31-2501.03,
4910 authorized to do the business of insurance in the District, a hospital and medical services
4911 corporation, a fraternal benefit society, or a health maintenance organization. The term "insurer"
4912 shall not apply to a Medicaid health maintenance organization.

4913 (7) "Malice" means an intentional or deliberate infliction of injury, by furnishing or
4914 disclosing information with knowledge that the information is false, or furnishing or disclosing
4915 information with reckless disregard for a strong likelihood that the information is false and that
4916 injury will occur as a result.

4917 (8) "Person" means a natural person, company, corporation, joint stock company,
4918 unincorporated association, partnership, professional corporation, trust, or any other entity or
4919 combination of the foregoing.

4920 (9) "Practitioner" means a person, licensed to practice a profession or trade in the
4921 District, whose services are compensated either in whole or in part, directly or indirectly, by
4922 insurance proceeds.

4923 (10) "Premium" means the money paid or payable as the consideration for coverage
4924 under an insurance policy.

4925
4926 § 22-3225.02. Insurance fraud in the first degree.

4927 A person commits the offense of insurance fraud in the first degree if that person
4928 knowingly engages in the following conduct with the intent to defraud or to fraudulently obtain

4929 property of another and thereby obtains property of another or causes another to lose property
4930 and the value of the property obtained or lost is \$ 1,000 or more:

4931 (1) Presenting false information or knowingly conceals information regarding a
4932 material fact in any of the following transactions:

4933 (A) Application for, rating of, or renewal of an insurance policy or reinsurance
4934 contract;

4935 (B) Claim for payment or benefit pursuant to an insurance policy or reinsurance
4936 contract;

4937 (C) Premiums paid on an insurance policy or reinsurance contract;

4938 (D) Payment made in accordance with the terms of an insurance policy or
4939 reinsurance contract;

4940 (E) Application used in a premium finance transaction;

4941 (F) Solicitation for sale of an insurance policy;

4942 (G) Application for a license or certificate of authority filed with the Commissioner
4943 or the chief insurance regulatory official of another jurisdiction;

4944 (H) Financial statement or condition of any insurer or reinsurer;

4945 (I) Acquisition, formation, merger, affiliation, reconsolidation, dissolution, or
4946 withdrawal from one or more lines of insurance or reinsurance in the District by an insurer or
4947 reinsurer;

4948 (J) Issuance of written evidence of insurance; or

4949 (K) Application for reinstatement of an insurance policy;

4950 (2) Soliciting or accepting insurance or renewal of insurance by or for an insurer which
4951 the person knows is insolvent or has a strong likelihood of insolvency;

4952 (3) Removal or tampering with the records of transaction, documentation, and other
4953 material assets of an insurer from the insurer or from the Department of Insurance and Securities
4954 Regulation;

4955 (4) Diversion, misappropriation, conversion, or embezzlement of funds of an insurer,
4956 an insured, claimant or applicant regarding any of the following:

4957 (A) Insurance transaction;

4958 (B) Other insurance business activities by an insurer or insurance professional; or

4959 (C) Acquisition, formation, merger, affiliation or dissolution of an insurer.

4960 (5) Transaction of the business of insurance in violation of laws requiring a license,
4961 certificate of authority, or other legal authority for the transaction of the business of insurance; or

4962 (6) Employing or using any other person or acting as the agent of any other person to
4963 procure a client, patient, or customer for the purpose of falsely or fraudulently obtaining benefits
4964 under a contract of insurance or asserting a false or fraudulent claim against an insured or
4965 insurer.

4966
4967 § 22-3225.03. Insurance fraud in the second degree.

4968 A person commits the offense of insurance fraud in the second degree if that person
4969 knowingly engages in conduct specified in § 22-3225.02 with the intent to defraud or to
4970 fraudulently obtain property of another and the value of the property which is sought to be
4971 obtained is \$ 1,000 or more.

4972
4973 § 22-3225.03a. Misdemeanor insurance fraud.

4974 A person commits the offense of misdemeanor insurance fraud if that person knowingly
4975 engages in conduct specified in § 22-3225.02 with the intent to defraud or to fraudulently obtain
4976 property of another.

4977
4978 § 22-3225.04. Penalties.

4979 (a) Any person convicted of insurance fraud in the first degree shall be fined not more
4980 than the amount set forth in § 22-3571.01 or imprisoned for not more than 15 years, or both.

4981 (b)(1) Except as provided in paragraph (2) of this subsection, any person convicted of
4982 insurance fraud in the second degree shall be fined not more than the amount set forth in § 22-
4983 3571.01 or imprisoned for not more than 5 years, or both.

4984 (2) Any person convicted of insurance fraud in the second degree who has been
4985 convicted previously of insurance fraud pursuant to § 22-3225.02 or § 22-3225.03, or a felony
4986 conviction based on similar grounds in any other jurisdiction, shall be fined not more than the
4987 amount set forth in § 22-3571.01 or imprisoned for not more than 10 years, or both.

4988 (c) Any person convicted of misdemeanor insurance fraud shall be fined not more than
4989 the amount set forth in § 22-3571.01 or imprisoned for not more than 180 days, or both.

4990 (d) A person convicted of a felony violation of this subchapter shall be disqualified from
4991 engaging in the business of insurance, subject to 18 U.S.C. § 1033(e)(2).

4992
4993 § 22-3225.05. Restitution.

4994 (a) In addition to the penalties provided under § 22-3225.04, a person convicted under
4995 this subchapter shall make monetary restitution for any loss caused by the offense. The court
4996 shall determine the form and method of payment which, if by installment, shall not exceed 5
4997 years.

4998 (b) Any person, including the District, injured as the result of an insurance fraud in the
4999 first degree may bring suit in the appropriate court to recover ordinary damages including
5000 attorney's fees and other costs and punitive damages which shall not be less than \$ 500 nor more
5001 than \$ 50,000. Except where punitive damages are sought, the court shall award treble damages
5002 where the offense is proven by clear and convincing evidence to be in accordance with an
5003 established pattern or practice.

5004 (c) Notwithstanding any action that may be brought by the United States Attorney's office
5005 to recoup its costs in prosecuting these cases, the Attorney General for the District of Columbia
5006 may bring a civil suit against any person convicted under this subchapter in order to recover
5007 investigation and prosecution-related costs incurred by the District.

5008 (d) A suit under subsection (b) of this section must be filed within 3 years of the act
5009 constituting the offense or within 3 years of the time the plaintiff discovered or with reasonable
5010 diligence could have discovered the act, whichever is later. This 3 year statute of limitations shall
5011 not apply to the District.

5012 (e) Remedies provided in this section shall be exclusive and may not be claimed in
5013 conjunction with any other remedies available under the law.

5014
5015 § 22-3225.06. Indemnity.

5016 An insurer shall not be liable for the following:

5017 (1) Damages or restitution provided by this subchapter, either jointly, severably, or as a
5018 third party, for insurance fraud offense committed by an insured; or

5019 (2) The defense of an insured or other person who is charged with insurance fraud.

5020

5021 § 22-3225.07. Practitioners.

5022 (a) Notwithstanding any other provisions of law, the offenses of insurance fraud in the
5023 first degree or the second degree shall be deemed a crime of moral turpitude for the purposes of
5024 professional or trade license.

5025 (b) The Commissioner, court, or prosecutor shall notify the appropriate licensing
5026 authority, and the person who is injured by the offense may notify the appropriate licensing
5027 authority of any conviction.

5028

5029 § 22-3225.08. Investigation and report of insurance fraud. [Transferred].

5030 Transferred.

5031

5032 § 22-3225.09. Insurance fraud prevention and detection. [Transferred].

5033 Transferred.

5034

5035 § 22-3225.10. Regulations. [Transferred].

5036 Transferred.

5037

5038 § 22-3225.11. Limited law enforcement authority. [Transferred].

5039 Transferred.

5040

5041 § 22-3225.12. Annual anti-fraud activity reporting requirement. [Transferred].

5042 Transferred.

5043

5044 § 22-3225.13. Immunity. [Transferred].

5045 Transferred.

5046

5047 § 22-3225.14. Prohibition of solicitation. [Transferred].

5048 Transferred.

5049

5050 § 22-3225.15. Jurisdiction.

5051 An offense under this subchapter shall be deemed to be committed in the District of
5052 Columbia, regardless of whether the offender is physically present in the District of Columbia, if:

5053 (1) The insured, insurer, claimant, or applicant is a resident of, or located in, the
5054 District of Columbia;

5055 (2) A District of Columbia address is used on an application, policy, or claim for
5056 payment or benefit;

5057 (3) The services for which a claim is made were provided or alleged to have been
5058 provided in the District of Columbia;

5059 (4) Payment of a claim or benefit was made or was to be made to an address in the
5060 District of Columbia;

5061 (5) The loss occurred or is alleged to have occurred in the District of Columbia; or

5062 (6) Any part of the offense takes place in the District of Columbia.

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Subchapter III-B.

Telephone Fraud.

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§ 22-3226.01. Definitions.

For the purposes of this subchapter, the term:

(1) "Applicant" means any individual, sole proprietorship, partnership, association, cooperative, corporation, nonprofit organization, and any other organization required to register with the District to conduct telemarketing in the District of Columbia.

(2) "Certificate of registration" means a document issued by the District government showing that a named individual or business has registered as a telephone solicitor with the Mayor of the District of Columbia.

(3) "Consumer" means a person who is or may be required to pay for goods or services offered by a telephone solicitor through telemarketing.

(4) "Goods" or "services" means any real property or any tangible or intangible personal property or services of any kind provided or offered to a consumer.

(5) "Licensed securities, commodities or investment broker" means a licensed or registered securities, commodities or investment broker.

(6) "Seller" means any person, who, in connection with a telemarketing transaction, provides, offers to provide, or arranges for others to provide goods or services to the customer in exchange for consideration.

(7) "Telemarketing" means a plan, program or campaign which is conducted to induce the purchase of goods or services by use of one or more telephones. Telemarketing does not include a one-time or infrequent transaction unrelated to a pattern of repeated transactions. Telemarketing does not include a telephone call to a consumer:

(A) As a one-time or infrequent transaction unrelated to a pattern of repeated transactions;

(B) To provide information to a consumer and in which payment for the sale of good or services is not accepted in that telephone call;

(C) To administer an existing account or service an existing customer (including product safety recalls);

(D) To respond to a consumer's request; or

(E) In which payment for the sale of good or services is not accepted in that telephone call.

(8) "Telephone solicitor" means a person (acting himself or herself or itself, or through an agent) who initiates a telephone call to a consumer in the District of Columbia as a part of a plan, program, or campaign which is conducted to induce the purchase of goods or services by the use of one or more telephones. A telephone solicitor does not include a person who initiates a telephone call to a consumer:

(A) As a one-time or infrequent transaction unrelated to a pattern of repeated transactions;

(B) To provide information to a consumer and in which payment for the sale of good or services is not accepted in that telephone call;

(C) To administer an existing account or service an existing customer (including product safety recalls);

(D) To respond to a consumer's request; or

(E) Does not accept payment for the sale of good or services in that telephone call.

5111 § 22-3226.02. Application for a certificate of registration of telephone solicitor.
5112 [Transferred].
5113 Transferred.
5114
5115 § 22-3226.03. Surety bond requirements for telephone solicitors. [Transferred].
5116 Transferred.
5117
5118 § 22-3226.04. Security alternative to surety bonds. [Transferred].
5119 Transferred.
5120
5121 § 22-3226.05. Exemptions. [Transferred].
5122 Transferred.
5123
5124 § 22-3226.06. Unlawful acts and practices.
5125 (a) A telephone solicitor commits the offense of telephone solicitation fraud when
5126 engaged in any one of the following:
5127 (1) Fails to obtain or maintain a valid certificate of registration;
5128 (2) Obtains a certificate of registration through any false or fraudulent pretence or
5129 representation in any registration application;
5130 (3) Knowingly fails to have received written consent to use the name of a charitable
5131 organization;
5132 (4) Knowingly misrepresents any of the following:
5133 (A) The total cost of the goods or services that are the subject of the telephone
5134 solicitation sales call;
5135 (B) Material restrictions, material limitations, or material conditions to the purchase
5136 of goods or services that are the subject of a telephone solicitation;
5137 (C) Material aspects of the performance, efficacy, nature or characteristics of goods
5138 or services that are the subject of a telephone solicitation; or
5139 (D) Material aspects of the nature of terms of the telephone solicitor's refund,
5140 cancellation, exchange or repurchase policies;
5141 (5) Induces a consumer to purchase goods or services by means of a false or fraudulent
5142 pretense, representation or promise;
5143 (6) Charges a consumer's checking or savings account without the consumer's express
5144 written authorization; or
5145 (7) Procures the services of any professional delivery, courier, or other pickup service
5146 to obtain immediate receipt and/or possession of a consumer's payment unless the goods are
5147 delivered with the opportunity to inspect before payment is collected.
5148 (b) A person who violates any provision of this section shall be subject to the penalties
5149 provided in §§ 22-3226.09 and 22-3226.10.
5150
5151 § 22-3226.07. Deceptive acts and practices prohibited.
5152 (a) It is a deceptive telemarketing act or practice for any seller or telephone solicitor to
5153 misrepresent any of the following material information:
5154 (1) The total purchase cost to the consumer of the goods or services to be received;
5155 (2) The true name of the telephone solicitor; or

5156 (3) Material aspects of the quality or basic characteristics of the goods or services
5157 purchased.

5158 (b) It is a deceptive telemarketing act or practice for any seller or telephone solicitor to
5159 misrepresent any material fact regarding the goods or services purchased that has a tendency to
5160 mislead.

5161 (c) No person shall commit a deceptive telemarketing act or practice.

5162

5163 § 22-3226.08. Abusive telemarketing acts or practices.

5164 It is an abusive telemarketing act or practice and violation of this subchapter for a seller
5165 or telephone solicitor to engage in the following conduct:

5166 (1) Cause a telephone to ring more than 15 times in an intended telephone solicitation
5167 call;

5168 (2) Initiate a telephone solicitation call to a consumer after the same consumer has
5169 expressly stated that he or she does not wish to receive solicitation calls from that seller; or

5170 (3) Engage in telephone solicitation to a consumer's residence at any time before 8:00
5171 a.m. and after 9:00 p.m., local time at the place of the consumer called.

5172

5173 § 22-3226.09. Civil penalties. [Transferred].

5174 Transferred.

5175

5176 § 22-3226.10. Criminal penalties.

5177 Any telephone solicitor who violates § 22-3226.06 and obtains property thereby shall be
5178 guilty of the crime of telemarketing fraud, which is punishable as follows:

5179 (1) If the amount of the transaction is valued at \$ 20,000 or more, the seller or
5180 telephone solicitor shall upon conviction be guilty of a felony, and shall be subject to a fine of
5181 not more than the amount set forth in § 22-3571.01 or imprisonment for not more than 4 years, or
5182 both.

5183 (2) If the amount of the transaction is valued at less than \$ 20,000 but more than \$
5184 5,000, the seller or telephone solicitor shall upon conviction be guilty of a felony, and shall be
5185 subject to a fine of not more than the amount set forth in § 22-3571.01 or imprisonment for not
5186 more than 3 years, or both.

5187 (3) If the amount of the transaction is valued at less than \$ 5,000 or less, the seller or
5188 telephone solicitor shall upon conviction be guilty of a misdemeanor and shall be subject to a
5189 fine of not more than the amount set forth in § 22-3571.01 or imprisonment for not more than 6
5190 months, or both.

5191

5192 § 22-3226.11. Private right of action. [Transferred].

5193 Transferred.

5194

5195 § 22-3226.12. Statute of limitations period. [Transferred].

5196 Transferred.

5197

5198 § 22-3226.13. Task force to combat fraud. [Transferred].

5199 Transferred.

5200

5201 § 22-3226.14. Fraud Prevention Fund. [Transferred].

5202 [Transferred].

5203

5204 § 22-3226.15. General disclosures. [Transferred].

5205 [Transferred].

5206

5207

Subchapter III-C.

5208

Identity Theft.

5209

5210 § 22-3227.01. Definitions.

5211 For the purposes of this subchapter, the term:

5212 (1) "Financial injury" means all monetary costs, debts, or obligations incurred by a
5213 person as a result of another person obtaining, creating, possessing, or using that person's
5214 personal identifying information in violation of this subchapter, including, but not limited to:

5215 (A) The costs of clearing the person's credit rating, credit history, criminal record, or
5216 any other official record, including attorney fees;

5217 (B) The expenses related to any civil or administrative proceeding to satisfy or
5218 contest a debt, lien, judgment, or other obligation of the person that arose as a result of the
5219 violation of this subchapter, including attorney fees;

5220 (C) The costs of repairing or replacing damaged or stolen property;

5221 (D) Lost time or wages, or any similar monetary benefit forgone while the person is
5222 seeking redress for damages resulting from a violation of this subchapter; and

5223 (E) Lost time, wages, and benefits, other losses sustained, legal fees, and other
5224 expenses incurred as a result of the use, without permission, of one's personal identifying
5225 information by another as prohibited by § 22-3227.02.

5226 (2) [Reserved].

5227 (3) "Personal identifying information" includes, but is not limited to, the following:

5228 (A) Name, address, telephone number, date of birth, or mother's maiden name;

5229 (B) Driver's license or driver's license number, or non-driver's license or non-driver's
5230 license number;

5231 (C) Savings, checking, or other financial account number;

5232 (D) Social security number or tax identification number;

5233 (E) Passport or passport number;

5234 (F) Citizenship status, visa, or alien registration card or number;

5235 (G) Birth certificate or a facsimile of a birth certificate;

5236 (H) Credit or debit card, or credit or debit card number;

5237 (I) Credit history or credit rating;

5238 (J) Signature;

5239 (K) Personal identification number, electronic identification number, password,
5240 access code or device, electronic address, electronic identification number, routing information
5241 or code, digital signature, or telecommunication identifying information;

5242 (L) Biometric data, such as fingerprint, voice print, retina or iris image, or other
5243 unique physical representation;

5244 (M) Place of employment, employment history, or employee identification number;

5245 and

5246 (N) Any other numbers or information that can be used to access a person's financial
5247 resources, access medical information, obtain identification, act as identification, or obtain

5248 property.
5249 (4) "Property" shall have the same meaning as provided in § 22-3201(3) and shall include
5250 credit.

5251
5252 § 22-3227.02. Identity theft.

5253 A person commits the offense of identity theft if that person knowingly:

5254 (1) Uses personal identifying information belonging to or pertaining to another person
5255 to obtain, or attempt to obtain, property fraudulently and without that person's consent;

5256 (2) Obtains, creates, or possesses personal identifying information belonging to or
5257 pertaining to another person with the intent to:

5258 (A) Use the information to obtain, or attempt to obtain, property fraudulently and
5259 without that person's consent; or

5260 (B) Give, sell, transmit, or transfer the information to a third person to facilitate the
5261 use of the information by that third person to obtain, or attempt to obtain, property fraudulently
5262 and without that person's consent; or

5263 (3) Uses personal identifying information belonging to or pertaining to another person,
5264 without that person's consent, to:

5265 (A) Identify himself or herself at the time of his or her arrest;

5266 (B) Facilitate or conceal his or her commission of a crime; or

5267 (C) Avoid detection, apprehension, or prosecution for a crime.

5268

5269 § 22-3227.03. Penalties for identity theft.

5270 (a) Identity theft in the first degree. -- Any person convicted of identity theft shall be
5271 fined not more than (1) \$ 10,000, (2) twice the value of the property obtained or (3) twice the
5272 amount of the financial injury, whichever is greatest, or imprisoned for not more than 10 years,
5273 or both, if the property obtained, or attempted to be obtained, or the amount of the financial
5274 injury is the amount set forth in § 22-3571.01 or more.

5275 (b) Identity theft in the second degree. -- Any person convicted of identity theft shall be
5276 fined not more than the amount set forth in § 22-3571.01 or imprisoned for not more than 180
5277 days, or both, if the property obtained, or attempted to be obtained, or the amount of the financial
5278 injury, has some value, or if another person is falsely accused of, or arrested for, committing a
5279 crime because of the use, without permission, of that person's personal identifying information.

5280 (c) Enhanced penalty. -- Any person who commits the offense of identity theft against an
5281 individual who is 65 years of age or older, at the time of the offense, may be punished by a fine
5282 of up to 1 1/2 times the maximum fine otherwise authorized for the offense and may be
5283 imprisoned for a term of up to 1 1/2 times the maximum term of imprisonment otherwise
5284 authorized for the offense, or both. It is an affirmative defense that the accused:

5285 (1) Reasonably believed that the victim was not 65 years of age or older at the time of
5286 the offense; or

5287 (2) Could not have determined the age of the victim because of the manner in which
5288 the offense was committed.

5289

5290 § 22-3227.04. Restitution.

5291 When a person is convicted of identity theft, the court may, in addition to any other
5292 applicable penalty, order restitution for the full amount of financial injury.

5293

5294 § 22-3227.05. Correction of public records.

5295 (a) When a person is convicted, adjudicated delinquent, or found not guilty by reason of
5296 insanity of identity theft, the court may issue such orders as are necessary to correct any District
5297 of Columbia public record that contains false information as a result of a violation of this
5298 subchapter.

5299 (b) In all other cases, a person who alleges that he or she is a victim of identity theft may
5300 petition the court for an expedited judicial determination that a District of Columbia public
5301 record contains false information as a result of a violation of this subchapter. Upon a finding of
5302 clear and convincing evidence that the person was a victim of identity theft, the court may issue
5303 such orders as are necessary to correct any District of Columbia public record that contains false
5304 information as a result of a violation of this subchapter.

5305 (c) Notwithstanding any other provision of law, District of Columbia agencies shall
5306 comply with orders issued under subsection (a) of this section within 30 days of issuance of the
5307 order.

5308 (d) For the purposes of this section, the term "District of Columbia public record" means
5309 any document, book, photographic image, electronic data recording, paper, sound recording, or
5310 other material, regardless of physical form or characteristic, made or received pursuant to law or
5311 in connection with the transaction of public business by any officer or employee of the District of
5312 Columbia.

5313 § 22-3227.06. Jurisdiction.

5314 The offense of identity theft shall be deemed to be committed in the District of Columbia,
5315 regardless of whether the offender is physically present in the District of Columbia, if:

5316 (1) The person whose personal identifying information is improperly obtained, created,
5317 possessed, or used is a resident of, or located in, the District of Columbia; or

5318 (2) Any part of the offense takes place in the District of Columbia.

5319 § 22-3227.07. Limitations.

5320 Obtaining, creating, possessing, and using a person's personal identifying information in
5321 violation of this subchapter shall constitute a single scheme or course of conduct, and the
5322 applicable period of limitation under § 23-113 shall not begin to run until after the scheme or
5323 course of conduct has been completed or terminated.

5324 § 22-3227.08. Police reports.

5325 The Metropolitan Police Department shall make a report of each complaint of identity
5326 theft and provide the complainant with a copy of the report.

5327 *Subchapter IV.*
5328 *Stolen Property.*

5329 § 22-3231. Trafficking in stolen property.

5330 (a) For the purposes of this section, the term "traffics" means:

5331 (1) To sell, pledge, transfer, distribute, dispense, or otherwise dispose of property to
5332 another person as consideration for anything of value; or

5333 (2) To buy, receive, possess, or obtain control of property with intent to do any of the
5334 acts set forth in paragraph (1) of this subsection.

5340 (b) A person commits the offense of trafficking in stolen property if, on 2 or more
5341 separate occasions, that person traffics in stolen property, knowing or having reason to believe
5342 that the property has been stolen.

5343 (c) It shall not be a defense to a prosecution under this section, alone or in conjunction
5344 with § 22-1803, that the property was not in fact stolen, if the accused engages in conduct which
5345 would constitute the crime if the attendant circumstances were as the accused believed them to
5346 be.

5347 (d) Any person convicted of trafficking in stolen property shall be fined not more than the
5348 amount set forth in § 22-3571.01 or imprisoned for not more than 10 years, or both.

5349
5350 § 22-3232. Receiving stolen property.

5351 (a) A person commits the offense of receiving stolen property if that person buys,
5352 receives, possesses, or obtains control of stolen property, knowing or having reason to believe
5353 that the property was stolen.

5354 (b) It shall not be a defense to a prosecution under this section, alone or in conjunction
5355 with § 22-1803, that the property was not in fact stolen, if the accused engages in conduct which
5356 would constitute the crime if the attendant circumstances were as the accused believed them to
5357 be.

5358 (c)(1) Any person convicted of receiving stolen property shall be fined not more than the
5359 amount set forth in § 22-3571.01 or imprisoned not more than 7 years, or both, if the value of the
5360 stolen property is \$ 1,000 or more.

5361 (2) Any person convicted of receiving stolen property shall be fined not more than the
5362 amount set forth in § 22-3571.01 or imprisoned not more than 180 days, or both, if the stolen
5363 property has some value.

5364 (d) For the purposes of this section, the term "stolen property" includes property that is
5365 not in fact stolen if the person who buys, receives, possesses, or obtains control of the property
5366 had reason to believe that the property was stolen.

5367
5368 § 22-3233. Altering or removing motor vehicle identification numbers.

5369 (a) It is unlawful for a person to knowingly remove, obliterate, tamper with, or alter any
5370 identification number on a motor vehicle or a motor vehicle part.

5371 (b)(1) Any person who violates subsection (a) of this section shall be guilty of a
5372 misdemeanor and, upon conviction, shall be imprisoned for not more than 180 days, or fined not
5373 more than the amount set forth in § 22-3571.01, or both.

5374 (2) Any person who violates subsection (a) of this section shall be guilty of a felony if
5375 the value of the motor vehicle or motor vehicle part is \$ 1,000 or more and, upon conviction,
5376 shall be imprisoned for not more than 5 years, or fined not more than the amount set forth in §
5377 22-3571.01, or both.

5378 (c) For the purposes of this section, the term:

5379 (1) "Identification number" means a number or symbol that is originally inscribed or
5380 affixed by the manufacturer to a motor vehicle or motor vehicle part for purposes of
5381 identification.

5382 (2) "Motor vehicle" means any automobile, self-propelled mobile home, motorcycle,
5383 motor scooter, truck, truck tractor, truck semi trailer, truck trailer, bus, or other vehicle propelled
5384 by an internal-combustion engine, electricity, or steam, including any non-operational vehicle

5385 that is being restored or repaired.

5386

5387 § 22-3234. Altering or removing bicycle identification numbers.

5388 (a) It is unlawful for a person to knowingly remove, obliterate, tamper with, or alter any
5389 identification number on a bicycle or bicycle part.

5390 (b) Any person who violates subsection (a) of this section shall be guilty of a
5391 misdemeanor and, upon conviction, shall be imprisoned for not more than 180 days, or fined not
5392 more than the amount set forth in § 22-3571.01, or both.

5393 (c) For the purposes of this section, the term:

5394 (1) "Bicycle" shall have the same meaning as provided in § 50-1609(1).

5395 (2) "Identification number" shall have the same meaning as provided in § 50-
5396 1609(1A).

5397

5398

Subchapter V.

5399

Forgery.

5400

5401 § 22-3241. Forgery.

5402 (a) For the purposes of this subchapter, the term:

5403 (1) "Forged written instrument" means any written instrument that purports to be
5404 genuine but which is not because it:

5405 (A) Has been falsely made, altered, signed, or endorsed;

5406 (B) Contains a false addition or insertion; or

5407 (C) Is a combination of parts of 2 or more genuine written instruments.

5408 (2) "Utter" means to issue, authenticate, transfer, publish, sell, deliver, transmit,
5409 present, display, use, or certify.

5410 (3) "Written instrument" includes, but is not limited to, any:

5411 (A) Security, bill of lading, document of title, draft, check, certificate of deposit, and
5412 letter of credit, as defined in Title 28;

5413 (B) Stamp, legal tender, or other obligation of any domestic or foreign governmental
5414 entity;

5415 (C) Stock certificate, money order, money order blank, traveler's check, evidence of
5416 indebtedness, certificate of interest or participation in any profitsharing agreement, transferable
5417 share, investment contract, voting trust certificate, certification of interest in any tangible or
5418 intangible property, and any certificate or receipt for or warrant or right to subscribe to or
5419 purchase any of the foregoing items;

5420 (D) Commercial paper or document, or any other commercial instrument containing
5421 written or printed matter or the equivalent; or

5422 (E) Other instrument commonly known as a security or so defined by an Act of
5423 Congress or a provision of the District of Columbia Official Code.

5424 (b) A person commits the offense of forgery if that person makes, draws, or utters a
5425 forged written instrument with intent to defraud or injure another.

5426

5427 § 22-3242. Penalties for forgery.

5428 (a) Any person convicted of forgery shall be fined not more than the amount set forth in §
5429 22-3571.01 or imprisoned for not more than 10 years, or both, if the written instrument purports
5430 to be:

- 5431 (1) A stamp, legal tender, bond, check, or other valuable instrument issued by a
5432 domestic or foreign government or governmental instrumentality;
- 5433 (2) A stock certificate, bond, or other instrument representing an interest in or claim
5434 against a corporation or other organization of its property;
- 5435 (3) A public record, or instrument filed in a public office or with a public servant;
- 5436 (4) A written instrument officially issued or created by a public office, public servant,
5437 or government instrumentality;
- 5438 (5) A check which upon its face appears to be a payroll check;
- 5439 (6) A deed, will, codicil, contract, assignment, commercial instrument, or other
5440 instrument which does or may evidence, create, transfer, terminate, or otherwise affect a legal
5441 right, interest, obligation, or status; or
- 5442 (7) A written instrument having a value of \$ 10,000 or more.
- 5443 (b) Any person convicted of forgery shall be fined not more than the amount set forth in §
5444 22-3571.01 or imprisoned for not more than 5 years, or both, if the written instrument is or
5445 purports to be:
- 5446 (1) A token, fare card, public transportation transfer certificate, or other article
5447 manufactured for use as a symbol of value in place of money for the purchase of property or
5448 services;
- 5449 (2) A prescription of a duly licensed physician or other person authorized to issue the
5450 same for any controlled substance or other instrument or devices used in the taking or
5451 administering of controlled substances for which a prescription is required by law; or
- 5452 (3) A written instrument having a value of \$ 1,000 or more.
- 5453 (c) Any person convicted of forgery shall be fined not more than the amount set forth in §
5454 22-3571.01 or imprisoned for not more than 3 years, or both, in any other case.

5455
5456 *Subchapter VI.*

5457 *Extortion.*

5458
5459 § 22-3251. Extortion.

5460 (a) A person commits the offense of extortion if:

5461 (1) That person obtains or attempts to obtain the property of another with the other's
5462 consent which was induced by wrongful use of actual or threatened force or violence or by
5463 wrongful threat of economic injury; or

5464 (2) That person obtains or attempts to obtain property of another with the other's
5465 consent which was obtained under color or pretense of official right.

5466 (b) Any person convicted of extortion shall be fined not more than the amount set forth in
5467 § 22-3571.01 or imprisoned for not more than 10 years, or both.

5468
5469 § 22-3252. Blackmail.

5470 (a) A person commits the offense of blackmail, if, with intent to obtain property of
5471 another or to cause another to do or refrain from doing any act, that person threatens:

5472 (1) To accuse any person of a crime;

5473 (2) To expose a secret or publicize an asserted fact, whether true or false, tending to
5474 subject any person to hatred, contempt, or ridicule; or

5475 (3) To impair the reputation of any person, including a deceased person.

5476 (b) Any person convicted of blackmail shall be fined not more than the amount set forth
5477 in § 22-3571.01 or imprisoned for not more than 5 years, or both.

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CHAPTER 33.
TRESPASS; INJURIES TO PROPERTY.

5482 Sec.
5483 22-3301. Forcible entry and detainer.
5484 22-3302. Unlawful entry on property.
5485 22-3303. Grave robbery; buying or selling dead bodies. [Repealed].
5486 22-3304. Depredation of fixtures in houses. [Repealed].
5487 22-3305. Placing explosives with intent to destroy or injure property.
5488 22-3306. Defacing books, manuscripts, publications, or works of art.
5489 22-3307. Destroying or defacing public records. [Repealed].
5490 22-3308. Cutting down or destroying things growing on or attached to the land of another.
5491 [Repealed].
5492 22-3309. Destroying boundary markers. [Repealed].
5493 22-3310. Destroying vines, bushes, shrubs, trees or protections thereof; penalty.
5494 22-3311. Disorderly conduct in public buildings or grounds; injury to or destruction of United
5495 States property.
5496 22-3312. Destroying or defacing buildings, statutes, or monuments. [Repealed].
5497 22-3312.01. Defacing public or private property.
5498 22-3312.02. Defacing or burning cross or religious symbol; display of certain emblems.
5499 22-3312.03. Wearing hoods or masks.
5500 22-3312.03a. Abatement of graffiti. [Repealed].
5501 22-3312.03b. Collection against owner. [Repealed].
5502 22-3312.04. Penalties.
5503 22-3312.05. Definitions.
5504 22-3313. Destroying or defacing building material for streets. [Repealed].
5505 22-3314. Destroying cemetery railing or tomb. [Repealed].
5506 22-3315 to 22-3317. Offenses against property of electric lighting, heating, or power companies;
5507 tapping gas pipes; tapping or injuring water pipes; tampering with water
5508 meters. [Repealed].
5509 22-3318. Malicious pollution of water.
5510 22-3319. Placing obstructions on or displacement or railway tracks. [Repealed].
5511 22-3320. Obstructing public road; removing milestones. [Repealed].
5512 22-3321. Obstructing public highways.
5513 22-3322. Fines under § 22-3321 to be collected in name of United States.
5514
5515 § 22-3301. Forcible entry and detainer.
5516 Whoever shall forcibly enter upon any premises, or, having entered without force, shall
5517 unlawfully detain the same by force against any person previously in the peaceable possession of
5518 the same and claiming right thereto, shall be punished by imprisonment for not more than 1 year
5519 or a fine of not more than the amount set forth in § 22-3571.01, or both.
5520
5521 § 22-3302. Unlawful entry on property.

5522 (a)(1) Any person who, without lawful authority, shall enter, or attempt to enter, any
5523 private dwelling, building, or other property, or part of such dwelling, building, or other
5524 property, against the will of the lawful occupant or of the person lawfully in charge thereof, or
5525 being therein or thereon, without lawful authority to remain therein or thereon shall refuse to quit
5526 the same on the demand of the lawful occupant, or of the person lawfully in charge thereof, shall
5527 be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not
5528 more than the amount set forth in § 22-3571.01, imprisonment for not more than 180 days, or
5529 both. The presence of a person in any private dwelling, building, or other property that is
5530 otherwise vacant and boarded-up or otherwise secured in a manner that conveys that it is vacant
5531 and not to be entered, or displays a no trespassing sign, shall be prima facie evidence that any
5532 person found in such property has entered against the will of the person in legal possession of the
5533 property.

5534 (2) For the purposes of this subsection, the term “private dwelling” includes a privately
5535 owned house, apartment, condominium, or any building used as living quarters, or cooperative or
5536 public housing, as defined in section 3(1) of the United States Housing Act of 1937, approved
5537 August 22, 1974 (88 Stat. 654; 42 U.S.C. § 1437a(b)), the development or administration of
5538 which is assisted by the Department of Housing and Urban Development, or housing that is
5539 owned, operated, or financially assisted by the District of Columbia Housing Authority.

5540 (b) Any person who, without lawful authority, shall enter, or attempt to enter, any public
5541 building, or other property, or part of such building, or other property, against the will of the
5542 lawful occupant or of the person lawfully in charge thereof or his or her agent, or being therein
5543 or thereon, without lawful authority to remain therein or thereon shall refuse to quit the same on
5544 the demand of the lawful occupant, or of the person lawfully in charge thereof or his or her
5545 agent, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a
5546 fine of not more than the amount set forth in § 22-3571.01, imprisonment for not more than 6
5547 months, or both.

5548
5549 § 22-3303. Grave robbery; buying or selling dead bodies. [Repealed].
5550 Repealed.

5551
5552 § 22-3304. Depredation of fixtures in houses. [Repealed].
5553 Repealed.

5554
5555 § 22-3305. Placing explosives with intent to destroy or injure property.
5556 Whoever places, or causes to be placed, in, upon, under, against, or near to any building,
5557 car, vessel, monument, statue, or structure, gunpowder or any explosive substance of any kind
5558 whatsoever, with intent to destroy, throw down, or injure the whole or any part thereof, although
5559 no damage is done, shall be punished by a fine not more than the amount set forth in § 22-
5560 3571.01 and by imprisonment for not less than 2 years or more than 10 years.

5561
5562 § 22-3306. Defacing books, manuscripts, publications, or works of art.

5563 Any person who shall wrongfully deface, injure, or mutilate, tear, or destroy any book,
5564 pamphlet, or manuscript, or any portion thereof belonging to the Library of Congress, or to any
5565 public library in the District of Columbia, whether the property of the United States or of the
5566 District of Columbia or of any individual or corporation in said District, or who shall wrongfully
5567 deface, injure, mutilate, tear, or destroy any book, pamphlet, document, manuscript, public

5568 record, print, engraving, medal, newspaper, or work of art, the property of the United States or of
5569 the District of Columbia, shall be held guilty of a misdemeanor, and, on conviction thereof, shall,
5570 when the offense is not otherwise punishable by some statute of the United States, be punished
5571 by a fine of not less than \$ 10 and not more than the amount set forth in § 22-3571.01, and by
5572 imprisonment for not less than 1 month nor more than 180 days, or both, for every such offense.

5573

5574 § 22-3307. Destroying or defacing public records. [Repealed].
5575 Repealed.

5576

5577 § 22-3308. Cutting down or destroying things growing on or attached to the land of
5578 another. [Repealed].

5579 Repealed.

5580

5581 § 22-3309. Destroying boundary markers. [Repealed].
5582 Repealed.

5583

5584 § 22-3310. Destroying vines, bushes, shrubs, trees or protections thereof; penalty.

5585 It shall be unlawful for any person willfully to top, cut down, remove, girdle, break,
5586 wound, destroy, or in any manner injure any vine, bush, shrub, or tree not owned by that person,
5587 or any of the boxes, stakes or any other protection thereof, under a penalty not to exceed, for
5588 each and every such offense:

5589 (1) In the case of any tree 55 inches or greater in circumference when measured at a
5590 height of four and one half feet, a fine of not more than the amount set forth in § 22-3571.01 or
5591 imprisonment for not more than 90 days, or both; or

5592 (2) For vines, bushes, shrubs, and smaller trees, a fine of not more than the amount set
5593 forth in § 22-3571.01 or imprisonment for not more than 30 days, or both.

5594

5595 § 22-3311. Disorderly conduct in public buildings or grounds; injury to or destruction of
5596 United States property.

5597 Any person guilty of disorderly and unlawful conduct in or about the public buildings and
5598 public grounds belonging to the United States within the District of Columbia, or who shall
5599 willfully injure the buildings or shrubs, or shall pull down, impair, or otherwise injure any fence,
5600 wall, or other inclosure, or shall injure any sink, culvert, pipe, hydrant, cistern, lamp, or bridge,
5601 or shall remove any stone, gravel, sand, or other property of the United States, or any other part
5602 of the public grounds or lots belonging to the United States in the District of Columbia, shall be
5603 fined not more than the amount set forth in § 22-3571.01, or imprisoned not more than 6 months,
5604 or both.

5605

5606 § 22-3312. Destroying or defacing buildings, statutes, or monuments. [Repealed].
5607 Repealed

5608

5609 § 22-3312.01. Defacing public or private property.

5610 It shall be unlawful for any person or persons willfully and wantonly to disfigure, cut,
5611 chip, or cover, rub with, or otherwise place filth or excrement of any kind upon; to write, mark,
5612 or print obscene or indecent figures representing obscene or objects upon; to write, mark, draw,
5613 or paint, without the consent of the owner or proprietor thereof, or, in the case of public property,

5614 of the person having charge, custody, or control thereof, any word, sign, or figure upon:
5615 (1) Any property, public or private, building, statue, monument, office, public
5616 passenger vehicle, mass transit equipment or facility, dwelling or structure of any kind including
5617 those in the course of erection; or

5618 (2) The doors, windows, steps, railing, fencing, balconies, balustrades, stairs, porches,
5619 halls, walls, sides of any enclosure thereof, or any movable property.

5620
5621 § 22-3312.02. Defacing or burning cross or religious symbol; display of certain
5622 emblems.

5623 (a) It shall be unlawful for any person to burn, desecrate, mar, deface, or damage a
5624 religious or secular symbol on any private premises or property in the District of Columbia
5625 primarily used for religious, educational, residential, memorial, charitable, or cemetery purposes,
5626 or for assembly by persons of a particular race, color, creed, religion, or any other category listed
5627 in § 2-1401.01, or on any public property in the District of Columbia; or to place or to display in
5628 any of these locations a sign, mark, symbol, emblem, or other physical impression including, but
5629 not limited to, a Nazi swastika, a noose, or any manner of exhibit which includes a burning cross,
5630 real or simulated, where it is probable that a reasonable person would perceive that the intent is:

5631 (1) To deprive any person or class of persons of equal protection of the law or of equal
5632 privileges and immunities under the law, or for the purpose of preventing or hindering the
5633 constituted authorities of the United States or the District of Columbia from giving or securing to
5634 all persons within the District of Columbia equal protection of the law;

5635 (2) To injure, intimidate, or interfere with any person because of his or her exercise of
5636 any right secured by federal or District of Columbia laws, or to intimidate any person or any
5637 class of persons from exercising any right secured by federal or District of Columbia laws;

5638 (3) To threaten another person whereby the threat is a serious expression of an intent to
5639 inflict harm; or

5640 (4) To cause another person to fear for his or her personal safety, or where it is
5641 probable that reasonable persons will be put in fear for their personal safety by the defendant's
5642 actions, with reckless disregard for that probability.

5643 (b) Reserved.

5644 (c) Nothing in this section shall be deemed to amend or repeal any provision of the
5645 District of Columbia Fire Prevention Code (7 DCRR).

5646
5647 § 22-3312.03. Wearing hoods or masks.

5648 (a) No person or persons over 16 years of age, while wearing any mask, hood, or device
5649 whereby any portion of the face is hidden, concealed, or covered as to conceal the identity of the
5650 wearer, shall:

5651 (1) Enter upon, be, or appear upon any lane, walk, alley, street, road highway, or other
5652 public way in the District of Columbia;

5653 (2) Enter upon, be, or appear upon or within the public property of the District of
5654 Columbia; or

5655 (3) Hold any manner of meeting or demonstration.

5656 (b) The provisions of subsection (a) of this section apply only if the person was wearing
5657 the hood, mask, or other device:

5658 (1) With the intent to deprive any person or class of persons of equal protection of the
5659 law or of equal privileges and immunities under the law, or for the purpose of preventing or

5660 hindering the constituted authorities of the United States or the District of Columbia from giving
5661 or securing for all persons within the District of Columbia equal protection of the law;

5662 (2) With the intent, by force or threat of force, to injure, intimidate, or interfere with
5663 any person because of his or her exercise of any right secured by federal or District of Columbia
5664 laws, or to intimidate any person or any class of persons from exercising any right secured by
5665 federal or District of Columbia laws;

5666 (3) With the intent to intimidate, threaten, abuse, or harass any other person;

5667 (4) With the intent to cause another person to fear for his or her personal safety, or,
5668 where it is probable that reasonable persons will be put in fear for their personal safety by the
5669 defendant's actions, with reckless disregard for that probability; or

5670 (5) While engaged in conduct prohibited by civil or criminal law, with the intent of
5671 avoiding identification.

5672

5673 § 22-3312.03a. Abatement of graffiti. [Repealed].

5674 Repealed.

5675

5676 § 22-3312.03b. Collection against owner. [Repealed].

5677 Repealed.

5678

5679 § 22-3312.04. Penalties.

5680 (a) Any person who violates any provision of § 22-3312.01 shall be fined not less than \$
5681 250 and not more than the amount set forth in § 22-3571.01, or imprisoned for a period not to
5682 exceed 180 days, or both. Civil fines, penalties, and fees may be imposed as alternative sanctions
5683 for any infraction of the provisions of § 22-3312.01, pursuant to Chapter 8 of Title 8.

5684 (b) Any person who violates any provision of § 22-3312.02 or § 22-3312.03 shall be
5685 guilty of a misdemeanor punishable by a fine not more than the amount set forth in § 22-
5686 3571.01, or imprisonment not to exceed 180 days, or both.

5687 (c) In addition to the penalties provided in subsection (a) of this section, a person
5688 convicted of violating any provision of § 22-3312.01 may be required to perform community
5689 service as provided in § 16-712.

5690 (d) Any person who willfully places graffiti on property without the consent of the owner
5691 shall be subject to the sanctions in subsection (a) of this section.

5692 (e) Any person who willfully possesses graffiti material with the intent to place graffiti on
5693 property without the consent of the owner shall be fined not less than \$ 100 or more than \$
5694 1,000.

5695 (f) In addition to any fine or sentence imposed under this section, the court shall order the
5696 person convicted to make restitution to the owner of the property, or to the party responsible for
5697 the property upon which the graffiti has been placed, for the damage or loss caused, directly or
5698 indirectly, by the graffiti, in a reasonable amount and manner as determined by the court.

5699 (g) The District of Columbia courts shall find parents or guardians civilly liable for all
5700 fines imposed or payments for abatement required if the minor cannot pay within a reasonable
5701 period of time established by the court.

5702

5703 § 22-3312.05. Definitions.

5704 For the purposes of §§ 22-3312.01 through 22-3312.05, the term:

5705 (1) "Abate" means to effectively remove.

5706 (2) Reserved.
5707 (3) Reserved.
5708 (4) "Graffiti" means an inscription, writing, drawing, marking, or design that is
5709 painted, sprayed, etched, scratched, or otherwise placed on structures, buildings, dwellings,
5710 statues, monuments, fences, vehicles, or other similar materials that are on public or private
5711 property without the consent of the owner, manager, or agent in charge of the property, and the
5712 graffiti is visible from a public right-of-way.
5713 (5) "Graffiti material" means any aerosol can, bottle, spray device or other mechanism
5714 designed to dispense paint or a similar substance under pressure, indelible marker, paint stick,
5715 adhesive label, and engraving device capable of leaving a visible mark on a natural or man-made
5716 surface.
5717 (6) "Minor" means a person less than 18 years of age.
5718 (7) Reserved.
5719 (8) Reserved.
5720 (9) "Public or private property" shall include any building, bridge, fence or other
5721 structure, any street, alley, sidewalk, or other vehicular or pedestrian right-of-way, any article of
5722 street furniture, lamppost, bus shelter, newspaper box, or trash receptacle, any tree, rock, or other
5723 natural fixture, any utility or public service equipment, or any other personal property located
5724 outdoors, whether publicly or privately owned.
5725 (10) "Sign" means a name, identification, description, display, or illustration which is
5726 affixed to, or represented directly or indirectly upon a building, structure, or piece of land and
5727 which directs attention to an object, product, place, activity, person, institution, organization, or
5728 business.
5729
5730 § 22-3313. Destroying or defacing building material for streets. [Repealed].
5731 Repealed.
5732
5733 § 22-3314. Destroying cemetery railing or tomb. [Repealed].
5734 Repealed.
5735
5736 §§ 22-3315 to 22-3317. Offenses against property of electric lighting, heating, or power
5737 companies; tapping gas pipes; tapping or injuring water pipes; tampering with water
5738 meters. [Repealed].
5739 Reserved.
5740
5741 § 22-3318. Malicious pollution of water.
5742 Every person who maliciously commits any act by reason of which the supply of water,
5743 or any part thereof, to the District of Columbia, becomes impure, filthy, or unfit for use, shall be
5744 fined not less than \$ 500 and not more than the amount set forth in § 22-3571.01, or imprisoned
5745 for not more than 3 years nor less than 1 year.
5746
5747 § 22-3319. Placing obstructions on or displacement of railway tracks. [Repealed].
5748 Repealed.
5749
5750 § 22-3320. Obstructing public road; removing milestones. [Repealed].

5751 Repealed.

5752

5753 § 22-3321. Obstructing public highway.

5754 Any person who, without lawful authority, shall obstruct the free use of any of the public
5755 highways, which had been used and recognized as public county roads for 25 years prior to May
5756 3, 1862, and which were thereafter duly surveyed, recorded, and declared public highways
5757 according to law, shall be subject to a fine for each offense of not less than \$ 100 nor more than \$
5758 250 and be imprisoned till the fine and the costs of suit and collection of the same are paid.

5759

5760 § 22-3322. Fines under § 22-3321 to be collected in name of United States.

5761 The fines provided for in § 22-3321 shall be collected in the name of the United States.

5762

5763 CHAPTER 34. USE OF "DISTRICT OF COLUMBIA" BY CERTAIN PERSONS.

5764

5765 Sec.

5766 22-3401. Use of "District of Columbia" or similar designation by private detective or collection
5767 agency — Prohibited.

5768 22-3402. Use of "District of Columbia" or similar designation by private detective or collection
5769 agency — Penalty.

5770 22-3403. Use of "District of Columbia" or similar designation by private detective or collection
5771 agency — Prosecutions for violations.

5772

5773 § 22-3401. Use of "District of Columbia" or similar designation by private detective or
5774 collection agency — Prohibited.

5775 No person engaged in the business of collecting or aiding in the collection of private
5776 debts or obligations, or engaged in furnishing private police, investigation, or other private
5777 detective services, shall use as part of the name of such business, or employ in any
5778 communication, correspondence, notice, advertisement, circular, or other writing or publication,
5779 the words "District of Columbia", "District", the initials "D.C.", or any emblem or insignia
5780 utilizing any of the said terms as part of its design, in such manner as reasonably to convey the
5781 impression or belief that such business is a department, agency, bureau, or instrumentality of the
5782 municipal government of the District of Columbia or in any manner represents the District of
5783 Columbia. As used in this section and § 22-3402, the word "person" means and includes
5784 individuals, associations, partnerships, and corporations.

5785

5786 § 22-3402. Use of "District of Columbia" or similar designation by private detective or
5787 collection agency — Penalty.

5788 Any person who violates § 22-3401 shall be punished by a fine not more than the amount
5789 set forth in § 22-3571.01 or by imprisonment for not more than 90 days, or by both such fine and
5790 imprisonment.

5791

5792 § 22-3403. Use of "District of Columbia" or similar designation by private detective or
5793 collection agency — Prosecutions for violations.

5794 All prosecutions for violations of § 22-3401 shall be conducted in the name of the
5795 District of Columbia by the Attorney General for the District of Columbia or any Assistant
5796 Attorney General for the District of Columbia.

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CHAPTER 35. VAGRANCY.
[REPEALED].

Sec.

- 22-3501. "Vagrancy" defined; prosecution and the giving of security. [Repealed].
- 22-3502. "Vagrants" defined. [Repealed].
- 22-3503. Prosecutions; burden of proof to show lawful employment. [Repealed].
- 22-3504. Penalty; conditions imposed by court. [Repealed].
- 22-3505. Prosecutions. [Repealed].
- 22-3506. Right to strike or picket not abrogated. [Repealed].

§ 22-3501. "Vagrancy" defined; prosecution and the giving of security. [Repealed].
Repealed.

§ 22-3502. "Vagrants" defined. [Repealed].
Repealed.

§ 22-3503. Prosecutions; burden of proof to show lawful employment. [Repealed].
Repealed.

§ 22-3504. Penalty; conditions imposed by court. [Repealed].
Repealed.

§ 22-3505. Prosecutions. [Repealed].
Repealed.

§ 22-3506. Right to strike or picket not abrogated. [Repealed].
Repealed.

CHAPTER 35A. VOYEURISM.

Sec.

22-3531. Voyeurism.

§ 22-3531. Voyeurism.

(a) For the purposes of this section, the term:

(1) "Electronic device" means any electronic, mechanical, or digital equipment that captures visual or aural images, including cameras, computers, tape recorders, video recorders, and cellular telephones.

(2) "Private area" means the naked or undergarment-clad genitals, pubic area, anus, or buttocks, or female breast below the top of the areola.

(b) Except as provided in subsection (e) of this section, it is unlawful for any person to occupy a hidden observation post or to install or maintain a peephole, mirror, or any electronic device for the purpose of secretly or surreptitiously observing an individual who is:

(1) Using a bathroom or rest room;

5843 (2) Totally or partially undressed or changing clothes; or
5844 (3) Engaging in sexual activity.
5845 (c)(1) Except as provided in subsection (e) of this section, it is unlawful for a person to
5846 electronically record, without the express and informed consent of the individual being recorded,
5847 an individual who is:
5848 (A) Using a bathroom or rest room;
5849 (B) Totally or partially undressed or changing clothes; or
5850 (C) Engaging in sexual activity.
5851 (2) Express and informed consent is only required when the individual engaged in
5852 these activities has a reasonable expectation of privacy.
5853 (d) Except as provided in subsection (e) of this section, it is unlawful for a person to
5854 intentionally capture an image of a private area of an individual, under circumstances in which
5855 the individual has a reasonable expectation of privacy, without the individual's express and
5856 informed consent.
5857 (e) This section does not prohibit the following:
5858 (1) Any lawful law enforcement, correctional, or intelligence observation or
5859 surveillance;
5860 (2) Security monitoring in one's own home;
5861 (3) Security monitoring in any building where there are signs prominently displayed
5862 informing persons that the entire premises or designated portions of the premises are under
5863 surveillance; or
5864 (4) Any electronic recording of a medical procedure which is conducted under
5865 circumstances where the patient is unable to give consent.
5866 (f)(1) A person who violates subsection (b), (c), or (d) of this section is guilty of a
5867 misdemeanor and, upon conviction, shall be fined not more than the amount set forth in § 22-
5868 3571.01 or imprisoned for not more than 1 year, or both.
5869 (2) A person who distributes or disseminates, or attempts to distribute or disseminate,
5870 directly or indirectly, by any means, a photograph, film, videotape, audiotape, compact disc,
5871 digital video disc, or any other image or series of images or sounds or series of sounds that the
5872 person knows or has reason to know were taken in violation of subsection (b), (c), or (d) of this
5873 section is guilty of a felony and, upon conviction, shall be fined not more than the amount set
5874 forth in § 22-3571.01 or imprisoned for not more than 5 years, or both.
5875 (g) The Attorney General for the District of Columbia, or his or her assistants, shall
5876 prosecute a violation of subsection (b), (c), or (d) of this section for which the penalty is set forth
5877 in subsection (f)(1) of this section.

5878
5879 CHAPTER 35B. FINES FOR CRIMINAL OFFENSES.

5880
5881 Sec.

5882 22-3571.01. Fines for criminal offenses.

5883 22-3571.02. Applicability of fine proportionality provision.

5884
5885 § 22-3571.01. Fines for criminal offenses.

5886 (a) Notwithstanding any other provision of the law, and except as provided in § 22-
5887 3571.02, a defendant who has been found guilty of an offense under the District of Columbia

5888 Official Code punishable by imprisonment may be sentenced to pay a fine as provided in this
5889 section.

5890 (b) An individual who has been found guilty of such an offense may be fined not more
5891 than the greatest of:

5892 (1) \$ 100 if the offense is punishable by imprisonment for 10 days or less; (2) \$ 250 if
5893 the offense is punishable by imprisonment for 30 days, or one month, or less but more than 10
5894 days;

5895 (3) \$ 500 if the offense is punishable by imprisonment for 90 days, or 3 months, or less
5896 but more than 30 days;

5897 (4) \$ 1,000 if the offense is punishable by imprisonment for 180 days, or 6 months, or
5898 less but more than 90 days;

5899 (5) \$ 2,500 if the offense is punishable by imprisonment for one year or less but more
5900 than 180 days;

5901 (6) \$ 12,500 if the offense is punishable by imprisonment for 5 years or less but more
5902 than one year;

5903 (7) \$ 25,000 if the offense is punishable by imprisonment for 10 years or less but more
5904 than 5 years;

5905 (8) \$ 37,500 if the offense is punishable by imprisonment for 15 years or less but more
5906 than 10 years;

5907 (9) \$ 50,000 if the offense is punishable by imprisonment for 20 years or less but more
5908 than 15 years;

5909 (10) \$ 75,000 if the offense is punishable by imprisonment for 30 years or less but
5910 more than 20 years;

5911 (11) \$ 125,000 if the offense is punishable by imprisonment for more than 30 years; or

5912 (12) \$ 250,000 if the offense resulted in death.

5913 (c) An organization that has been found guilty of an offense punishable by imprisonment
5914 for 6 months or more may be fined not more than the greatest of:

5915 (1) Twice the maximum amount specified in the law setting forth the penalty for the
5916 offense;

5917 (2) Twice the applicable amount under subsection (b) of this section; or

5918 (3) Twice the applicable amount under § 22-3571.02(a).

5919

5920 § 22-3571.02. Applicability of fine proportionality provision.

5921 (a) Notwithstanding any other provision of law, a sentence to pay a fine under § 22-
5922 3571.01 shall be subject to the following:

5923 (1) If a law setting forth the penalty for such an offense specifies a maximum fine that
5924 is lower than the fine otherwise applicable under § 22-3571.01 and such law, by specific
5925 reference, exempts the offense from the applicability of the fine otherwise applicable under § 22-
5926 3571.01, the defendant may not be fined more than the maximum amount specified in the law
5927 setting forth the penalty for the offense.

5928 (2) If a law setting forth the penalty for such an offense specifies a maximum fine that
5929 is higher than the fine otherwise applicable under § 22-3571.01 and such law, by specific
5930 reference, exempts the offense from the applicability of the fine otherwise applicable under § 22-
5931 3571.01, the defendant may be fined the maximum amount specified in the law setting forth the
5932 penalty for the offense.

5933 (3) If a law setting forth the penalty for such an offense specifies no fine and such law,

5934 by specific reference, does not exempt the offense from the fine otherwise applicable under § 22-
5935 3571.01, the defendant may be fined pursuant to § 22-3571.01.

5936 (b)(1) If any person derives pecuniary gain from such an offense, or if the offense results
5937 in pecuniary loss to a person other than the defendant, the defendant may be fined not more than
5938 the greater of twice the gross gain or twice the gross loss.

5939 (2) The court may impose a fine under this subsection in excess of the fine provided
5940 for by § 22-3571.01 only to the extent that the pecuniary gain or loss is both alleged in the
5941 indictment or information and is proven beyond a reasonable doubt.

5942 (c) [This chapter and the provisions of D.C. Law 19-317] shall not apply to any provision
5943 of Title 11 of the District of Columbia Official Code.

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SUBTITLE II.
ENHANCED PENALTIES.

CHAPTER 36. CRIMES COMMITTED AGAINST CERTAIN PERSONS.

Sec.

22-3601. Enhanced penalty for crimes against senior citizen victims.

22-3602. Enhanced penalty for committing certain dangerous and violent crimes against a citizen patrol member.

§ 22-3601. Enhanced penalty for crimes against senior citizen victims.

(a) Any person who commits any offense listed in subsection (b) of this section against an individual who is 60 years of age or older, at the time of the offense, may be punished by a fine of up to 1 1/2 times the maximum fine otherwise authorized for the offense and may be imprisoned for a term of up to 1 1/2 times the maximum term of imprisonment otherwise authorized for the offense, or both.

(b) The provisions of subsection (a) of this section shall apply to the following offenses: Abduction, arson, aggravated assault, assault with a dangerous weapon, assault with intent to kill, commit first degree sexual abuse, or commit second degree sexual abuse, assault with intent to commit any other offense, burglary, carjacking, armed carjacking, extortion or blackmail accompanied by threats of violence, kidnapping, malicious disfigurement, manslaughter, mayhem, murder, robbery, sexual abuse in the first, second, and third degrees, theft, fraud in the first degree, and fraud in the second degree, or an attempt or conspiracy to commit any of the foregoing offenses.

(c) It is an affirmative defense that the accused knew or reasonably believed the victim was not 60 years old or older at the time of the offense, or could not have known or determined the age of the victim because of the manner in which the offense was committed. This defense shall be established by a preponderance of the evidence.

§ 22-3602. Enhanced penalty for committing certain dangerous and violent crimes against a citizen patrol member.

5980 (a) For purposes of this section, the term "citizen patrol" means a group of residents of
5981 the District of Columbia organized for the purpose of providing additional security surveillance
5982 for certain District of Columbia neighborhoods with the goal of crime prevention. The term shall
5983 include, but is not limited to, Orange Hat Patrols, Red Hat Patrols, Blue Hat Patrols, or
5984 Neighborhood Watch Associations.

5985 (b) Any person who commits any offense listed in subsection (c) of this section against a
5986 member of a citizen patrol ("member") while that member is participating in a citizen patrol, or
5987 because of the member's participation in a citizen patrol, may be punished with a fine up to 1 1/2
5988 times the maximum fine otherwise authorized for the offense or may be imprisoned for a term of
5989 up to 1 1/2 times the maximum term of imprisonment otherwise authorized for this offense, or
5990 both.

5991 (c) The provisions of subsection (b) of this section shall apply to the following offenses:
5992 taking or attempting to take property from another by force or threat of force, forcible rape, or
5993 assault with intent to commit forcible rape, murder, mayhem, kidnapping, robbery, burglary,
5994 voluntary manslaughter, extortion or blackmail accompanied by threats of violence, assault with
5995 a deadly weapon, simple assault, aggravated assault, or a conspiracy to commit any of the
5996 foregoing offenses as defined by an Act of Congress or law of the District of Columbia if the
5997 offense is punishable by imprisonment for more than 1 year.

5998

5999 CHAPTER 36A. CRIMES COMMITTED AGAINST MINORS.

6000

6001 Sec.

6002 22-3611. Enhanced penalty for committing crime of violence against minors.

6003

6004 § 22-3611. Enhanced penalty for committing crime of violence against minors.

6005 (a) Any adult, being at least 2 years older than a minor, who commits a crime of violence
6006 against that minor may be punished by a fine of up to 1 1/2 times the maximum fine otherwise
6007 authorized for the offense and may be imprisoned for a term of up to 1 1/2 times the maximum
6008 term of imprisonment otherwise authorized for the offense, or both.

6009 (b) It is an affirmative defense that the accused reasonably believed that the victim was
6010 not a minor at the time of the offense. This defense shall be established by a preponderance of
6011 the evidence.

6012 (c) For the purposes of this section, the term:

6013 (1) "Adult" means a person 18 years of age or older at the time of the offense.

6014 (2) "Crime of violence" shall have the same meaning as provided in § 23-1331(4).

6015 (3) "Minor" means a person under 18 years of age at the time of the offense.

6016

6017 CHAPTER 37. BIAS-RELATED CRIMES.

6018

6019 Sec.

6020 22-3701. Definitions.

6021 22-3702. Collection and publication of data.

6022 22-3703. Bias-related crime.

6023 22-3704. Civil action. [Transferred].

6024

6025 § 22-3701. Definitions.

6026 For the purposes of this chapter, the term:

6027 (1) "Bias-related crime" means a designated act that demonstrates an accused's
6028 prejudice based on the actual or perceived race, color, religion, national origin, sex, age, marital
6029 status, personal appearance, sexual orientation, gender identity or expression, family
6030 responsibility, homelessness, physical disability, matriculation, or political affiliation of a victim
6031 of the subject designated act.

6032 (2) "Designated act" means a criminal act, including arson, assault, burglary, injury to
6033 property, kidnapping, manslaughter, murder, rape, robbery, theft, or unlawful entry, and
6034 attempting, aiding, abetting, advising, inciting, conniving, or conspiring to commit arson, assault,
6035 burglary, injury to property, kidnapping, manslaughter, murder, rape, robbery, theft, or unlawful
6036 entry.

6037 (3) "Gender identity or expression" shall have the same meaning as provided in § 2-
6038 1401.02(12A).

6039 (4) "Homelessness" means:

6040 (A) The status or circumstance of an individual who lacks a fixed, regular, and
6041 adequate nighttime residence; or

6042 (B) The status or circumstance of an individual who has a primary nighttime
6043 residence that is:

6044 (i) A supervised publicly or privately operated shelter designed to provide
6045 temporary living accommodations, including welfare motels, hotels, congregate shelters, and
6046 transitional housing for the mentally ill;

6047 (ii) An institution that provides a temporary residence for individuals intended to
6048 be institutionalized; or

6049 (iii) A public or private place not designed for, or ordinarily used as, a regular
6050 sleeping accommodation for human beings.

6051 § 22-3702. Collection and publication of data.

6052 (a) The Metropolitan Police force shall afford each crime victim the opportunity to
6053 submit with the complaint a written statement that contains information to support a claim that
6054 the designated act constitutes a bias-related crime.

6055 (b) The Mayor shall collect and compile data on the incidence of bias-related crime.

6056 (c) Data collected under subsection (b) of this section shall be used for research or
6057 statistical purposes and may not contain information that may reveal the identity of an individual
6058 crime victim.

6059 (d) The Mayor shall publish an annual summary of the data collected under subsection
6060 (b) of this section and transmit the summary and recommendations based on the summary to the
6061 Council.

6062 § 22-3703. Bias-related crime.

6063 A person charged with and found guilty of a bias-related crime shall be fined not more
6064 than 11/2 times the maximum fine authorized for the designated act and imprisoned for not more
6065 than 11/2 times the maximum term authorized for the designated act.

6066 § 22-3704. Civil action. [Transferred].
6067 Transferred.
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6072
6073 CHAPTER 37A. CRIMES COMMITTED AGAINST TAXICAB DRIVERS AND CERTAIN
6074 TRANSIT WORKERS.
6075

6076 Sec.

6077 22-3751. Enhanced penalties for offenses committed against taxicab drivers.

6078 22-3751.01. Enhanced penalties for offenses committed against transit operators and Metrorail
6079 station managers.

6080 22-3752. Enumerated offenses.
6081

6082 § 22-3751. Enhanced penalties for offenses committed against taxicab drivers.

6083 Any person who commits an offense listed in § 22-3752 against a taxicab driver who, at
6084 the time of the offense, has a current license to operate a taxicab in the District of Columbia or
6085 any United States jurisdiction and is operating a taxicab in the District of Columbia may be
6086 punished by a fine of up to one and 1/2 times the maximum fine otherwise authorized for the
6087 offense and may be imprisoned for a term of up to one and 1/2 times the maximum term of
6088 imprisonment otherwise authorized for the offense, or both.
6089

6090 § 22-3751.01. Enhanced penalties for offenses committed against transit operators and
6091 Metrorail station managers.

6092 (a) Any person who commits an offense enumerated in § 22-3752 against a transit
6093 operator, who, at the time of the offense, is authorized to operate and is operating a mass transit
6094 vehicle in the District of Columbia, or against Metrorail station manager while on duty in the
6095 District of Columbia, may be punished by a fine of up to one and 1/2 times the maximum fine
6096 otherwise authorized for the offense and may be imprisoned for a term of up to one and 1/2 times
6097 the maximum term of imprisonment otherwise authorized by the offense, or both.

6098 (b) For the purposes of this section, the term:

6099 (1) "Mass transit vehicle" means any publicly or privately owned or operated
6100 commercial vehicle for the carriage of 6 or more passengers, including any Metrobus, Metrorail,
6101 Metroaccess, or DC Circulator vehicle or other bus, trolley, or van operating within the District
6102 of Columbia.

6103 (2) "Metrorail station manager" means any Washington Metropolitan Area Transit
6104 Authority employee who is assigned to supervise a Metrorail station from a kiosk at that station.

6105 (3) "Transit operator" means a person who is licensed to operate a mass transit vehicle.
6106

6107 § 22-3752. Enumerated offenses.

6108 The provisions of §§ 22-3751 and 22-3751.01 shall apply to the following offenses or
6109 any attempt or conspiracy to commit any of the following offenses: murder, manslaughter,
6110 aggravated assault, assault with a dangerous weapon, mayhem or maliciously disfiguring, threats
6111 to do bodily harm, first degree sexual abuse, second degree sexual abuse, third degree sexual
6112 abuse, fourth degree sexual abuse, misdemeanor sexual abuse, robbery, carjacking, and
6113 kidnapping.
6114

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6116
SUBTITLE III.

SEX OFFENDERS.

CHAPTER 38. SEXUAL PSYCHOPATHS.
[TRANSFERRED].

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6125 Sec.
6126 22-3801, 22-3802. Indecent acts with children; sodomy. [Transferred]. [Repealed].
6127 22-3803. Definitions. [Transferred].
6128 22-3804. Filing of statement. [Transferred].
6129 22-3805. Right to counsel. [Transferred].
6130 22-3806. Examination by psychiatrists. [Transferred].
6131 22-3807. When hearing is required. [Transferred].
6132 22-3808. Hearing; commitment. [Transferred].
6133 22-3809. Parole; discharge. [Transferred].
6134 22-3810. Stay of criminal proceedings. [Transferred].
6135 22-3811. Criminal law unchanged. [Transferred].
6136
6137 §§ 22-3801, 22-3802. Indecent acts with children; sodomy. [Transferred]. [Repealed].
6138 Transferred. Repealed.
6139
6140 § 22-3803. Definitions. [Transferred].
6141 Transferred.
6142
6143 § 22-3804. Filing of statement. [Transferred].
6144 Transferred.
6145
6146 § 22-3805. Right to counsel. [Transferred].
6147 Transferred.
6148
6149 § 22-3806. Examination by psychiatrists. [Transferred].
6150 Transferred.
6151
6152 § 22-3807. When hearing is required. [Transferred].
6153 Transferred.
6154
6155 § 22-3808. Hearing; commitment. [Transferred].
6156 Transferred.
6157
6158 § 22-3809. Parole; discharge. [Transferred].
6159 Transferred.
6160
6161 § 22-3810. Stay of criminal proceedings. [Transferred].
6162 Transferred.

6163
6164 § 22-3811. Criminal law unchanged. [Transferred].
6165 Transferred.

6166
6167 CHAPTER 39. HIV TESTING OF CERTAIN CRIMINAL OFFENDERS.
6168 [TRANSFERRED].

6169 Sec.
6170
6171 22-3901. Definitions. [Transferred].
6172 22-3902. Testing and counseling. [Transferred].
6173 22-3903. Rules. [Transferred].

6174
6175
6176 § 22-3901. Definitions. [Transferred].
6177 Transferred.

6178
6179 § 22-3902. Testing and counseling. [Transferred].
6180 Transferred.

6181
6182 § 22-3903. Rules. [Transferred].
6183 Transferred.

6184
6185 CHAPTER 40.
6186 SEX OFFENDER REGISTRATION.

6187
6188 Sec.
6189 22-4001. Definitions. [Transferred].
6190 22-4002. Registration period. [Transferred].
6191 22-4003. Certification duties of the Superior Court. [Transferred].
6192 22-4004. Dispute resolution procedures in the Superior Court. [Transferred].
6193 22-4005. Duties of the Department of Corrections. [Transferred].
6194 22-4006. Duties of the Department of Mental Health. [Transferred].
6195 22-4007. Registration functions of the Court Services and Offender Supervision Agency.
6196 [Transferred].
6197 22-4008. Verification functions of the Court Services and Offender Supervision Agency.
6198 [Transferred].
6199 22-4009. Change of address or other information. [Transferred].
6200 22-4010. Maintenance and release of sex offender registration information by the Court Services
6201 and Offender Supervision Agency. [Transferred].
6202 22-4011. Community notification and education duties of the Metropolitan Police Department.
6203 [Transferred].
6204 22-4012. Interagency coordination. [Transferred].
6205 22-4013. Immunity. [Transferred].
6206 22-4014. Duties of sex offenders. [Transferred].
6207 22-4015. Penalties; mandatory release conditions.
6208 22-4016. No change in age of consent; registration not required for offenses between consenting

6209 adults. [Transferred].
6210 22-4017. Freedom of Information Act exception. [Transferred].
6211
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6214 § 22-4001. Definitions. [Transferred].
6215 Transferred.
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6217 § 22-4002. Registration period. [Transferred].
6218 Transferred.
6219
6220 § 22-4003. Certification duties of the Superior Court. [Transferred].
6221 Transferred.
6222
6223 § 22-4004. Dispute resolution procedures in the Superior Court. [Transferred].
6224 Transferred.
6225
6226 § 22-4005. Duties of the Department of Corrections. [Transferred].
6227 Transferred.
6228
6229 § 22-4006. Duties of the Department of Mental Health. [Transferred].
6230 Transferred.
6231
6232 § 22-4007. Registration functions of the Court Services and Offender Supervision
6233 Agency. [Transferred].
6234 Transferred.
6235
6236 § 22-4008. Verification functions of the Court Services and Offender Supervision
6237 Agency. [Transferred].
6238 Transferred.
6239
6240 § 22-4009. Change of address or other information. [Transferred].
6241 Transferred.
6242
6243 § 22-4010. Maintenance and release of sex offender registration information by the
6244 Court Services and Offender Supervision Agency. [Transferred].
6245 Transferred.
6246
6247 § 22-4011. Community notification and education duties of the Metropolitan Police
6248 Department. [Transferred].
6249 Transferred.
6250
6251 § 22-4012. Interagency coordination. [Transferred].
6252 Transferred.
6253
6254 § 22-4013. Immunity. [Transferred].

6255 Transferred.
6256
6257 § 22-4014. Duties of sex offenders.
6258 Transferred.
6259
6260 § 22-4015. Penalties; mandatory release condition.
6261 (a) Any sex offender who knowingly violates any requirement of this chapter, including
6262 any requirement adopted by the Agency pursuant to this chapter, shall be fined not more than the
6263 amount set forth in § 22-3571.01, or imprisoned for not more than 180 days, or both. In the event
6264 that a sex offender convicted under this section has a prior conviction under this section, or a
6265 prior conviction in any other jurisdiction for failing to comply with the requirements of a sex
6266 offender registration program, the sex offender shall be fined not more than the amount set forth
6267 in § 22-3571.01, or imprisoned not more than 5 years, or both.
6268
6269 (b) Compliance with the requirements of this chapter, including any requirements
6270 adopted by the Agency pursuant to this chapter, shall be a mandatory condition of probation,
6271 parole, supervised release, and conditional release of any sex offender.
6272
6273 § 22-4016. No change in age of consent; registration not required for offenses between
6274 consenting adults. [Transferred].
6275 Transferred.
6276
6277 § 22-4017. Freedom of Information Act exception. [Transferred].
6278 Transferred.
6279
6280 CHAPTER 41. SEX OFFENDER REGISTRATION.
6281 [REPEALED].
6282
6283 Sec.
6284 22-4101. Definitions. [Repealed].
6285 22-4102. Persons required to register. [Repealed].
6286 22-4103. Establishment of the Sex Offender Registration Advisory Council. [Repealed].
6287 22-4104. Duties of the Advisory Council. [Repealed].
6288 22-4105. Duties of the Court. [Repealed].
6289 22-4106. Duties of the Department of Corrections. [Repealed].
6290 22-4107. Transfer of information to the Department and Federal Bureau of Investigation.
6291 [Repealed].
6292 22-4108. Duties of the Board of Parole. [Repealed].
6293 22-4109. Verification. [Repealed].
6294 22-4110. Notification of change of address. [Repealed].
6295 22-4111. Registration for change of address to another state. [Repealed].
6296 22-4112. Length of registration. [Repealed].
6297 22-4113. Penalties. [Repealed].
6298 22-4114. Transfer of information and central database. [Repealed].
6299 22-4115. Release of information. [Repealed].

6300 22-4116. Absolute immunity for members of the Advisory Council; immunity for good faith
6301 conduct for others. [Repealed].
6302 22-4117. Applicability. [Repealed].
6303
6304
6305 § 22-4101. Definitions. [Repealed].
6306 Repealed.
6307
6308 § 22-4102. Persons required to register. [Repealed].
6309 Repealed.
6310
6311 § 22-4103. Establishment of the Sex Offender Registration Advisory Council.
6312 [Repealed].
6313 Repealed.
6314
6315 § 22-4104. Duties of the Advisory Council. [Repealed].
6316 Repealed.
6317
6318 § 22-4105. Duties of the Court. [Repealed].
6319 Reserved.
6320
6321 § 22-4106. Duties of the Department of Corrections. [Repealed].
6322 Repealed.
6323
6324 § 22-4107. Transfer of information to the Department and Federal Bureau of
6325 Investigation. [Repealed].
6326 Repealed.
6327
6328 § 22-4108. Duties of the Board of Parole. [Repealed].
6329 Repealed.
6330
6331 § 22-4109. Verification. [Repealed].
6332 Repealed.
6333
6334 § 22-4110. Notification of change of address. [Repealed].
6335 Repealed.
6336
6337 § 22-4111. Registration for change of address to another state. [Repealed].
6338 Repealed.
6339
6340 § 22-4112. Length of registration. [Repealed].
6341 Repealed.
6342
6343 § 22-4113. Penalties. [Repealed].
6344 Repealed.
6345

6346 § 22-4114. Transfer of information and central database. [Repealed].
6347 Repealed.
6348
6349 § 22-4115. Release of information. [Repealed].
6350 Repealed.
6351
6352 § 22-4116. Absolute immunity for members of the Advisory Council; immunity for good
6353 faith conduct for others. [Repealed].
6354 Repealed.
6355
6356 § 22-4117. Applicability. [Repealed].
6357 Repealed.

6360
6361 SUBTITLE III-A.
6362 DNA TESTING.
6363
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6365
6366 CHAPTER 41A. DNA TESTING AND POST-CONVICTION RELIEF FOR INNOCENT
6367 PERSONS.

6368
6369 Sec.

6370 22-4131. Definitions. [Transferred].
6371 22-4132. Pre-conviction DNA testing. [Transferred].
6372 22-4133. Post-conviction DNA testing. [Transferred].
6373 22-4134. Preservation of evidence.
6374 22-4135. Motion to vacate a conviction or grant a new trial on the ground of actual innocence.
6375 [Transferred].

6376
6377
6378 § 22-4131. Definitions. [Transferred].
6379 Transferred.

6380
6381 § 22-4132. Pre-conviction DNA testing. [Transferred].
6382 Transferred.

6383
6384 § 22-4133. Post-conviction DNA testing. [Transferred].
6385 Transferred.

6386
6387 § 22-4134. Preservation of evidence.

6388
6389 (a) Law enforcement agencies shall preserve biological material that was seized or
6390 recovered as evidence in the investigation or prosecution that resulted in the conviction or
6391 adjudication as a delinquent for a crime of violence and not consumed in previous DNA testing

6392 for 5 years or as long as any person incarcerated in connection with that case or investigation
6393 remains in custody, whichever is longer.

6394
6395 (b) Notwithstanding subsection (a) of this section, the District of Columbia may dispose
6396 of the biological material after 5 years, if the District of Columbia notifies any person who
6397 remains incarcerated in connection with the investigation or prosecution and any counsel of
6398 record for such person (or, if there is no counsel of record, the Public Defender Service), of the
6399 intention of the District of Columbia to dispose of the evidence and the District of Columbia
6400 affords such person not less than 180 days after the notification to make an application for DNA
6401 testing of the evidence.

6402
6403 (c) The District of Columbia shall not be required to preserve evidence that must be
6404 returned to its rightful owner, or is of such a size, bulk, or physical character as to render
6405 retention impracticable. If practicable, the District of Columbia shall remove and preserve
6406 portions of this material evidence sufficient to permit future DNA testing before returning or
6407 disposing of it. (d) Whoever willfully or maliciously destroys, alters, conceals, or tampers with
6408 evidence that is required to be preserved under this section with the intent to (1) impair the
6409 integrity of that evidence, (2) prevent that evidence from being subjected to DNA testing, or (3)
6410 prevent the production or use of that evidence in an official proceeding, shall be subject to a fine
6411 not more than the amount set forth in § 22-3571.01 or imprisoned for not more than 5 years, or
6412 both.

6413
6414 § 22-4135. Motion to vacate a conviction or grant a new trial on the ground of actual
6415 innocence. [Transferred].
6416 Transferred.

6417
6418
6419 CHAPTER 41B. DNA SAMPLE COLLECTION.
6420 [TRANSFERRED].

6421
6422
6423 Sec.
6424 22-4151. Qualifying offenses. [Transferred].

6425
6426 § 22-4151. Qualifying offenses. [Transferred].
6427 Transferred.

6428
6429
6430 SUBTITLE IV.
6431 PREVENTION, SOLUTION, AND PUNISHMENT OF CRIMES.
6432 [TRANSFERRED].

6433
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6435
6436 CHAPTER 42. NATIONAL INSTITUTE OF JUSTICE APPROPRIATIONS.
6437 [TRANSFERRED].

6438
6439 Sec.
6440 22-4201. Technical assistance and research. [Transferred].
6441
6442
6443 § 22-4201. Technical assistance and research. [Transferred].
6444 Transferred.
6445
6446 CHAPTER 42A. CRIMINAL JUSTICE COORDINATING COUNCIL.
6447 [TRANSFERRED].
6448
6449 *Subchapter I.*
6450 *General.*
6451
6452 Sec.
6453 22-4231. Definitions. [Transferred].
6454 22-4232. Establishment of the Criminal Justice Coordinating Council. [Transferred].
6455 22-4233. Membership. [Transferred].
6456 22-4234. Duties. [Transferred].
6457 22-4235. Administrative Support. [Transferred].
6458
6459
6460 *Subchapter II.*
6461 *Authorization of Certain Federal Officials.*
6462
6463 22-4241. Authorizing federal officials. [Transferred].
6464 22-4242. Annual reporting requirement. [Transferred].
6465 22-4243. Federal contribution to Criminal Justice Coordinating Council. [Transferred].
6466 22-4244. District of Columbia Criminal Justice Coordinating Council defined. [Transferred].
6467
6468
6469 *Subchapter I.*
6470 *General.*
6471
6472 § 22-4231. Definitions. [Transferred].
6473 Transferred.
6474
6475 § 22-4232. Establishment of the Criminal Justice Coordinating Council. [Transferred].
6476 Transferred.
6477
6478 § 22-4233. Membership. [Transferred].
6479 Transferred.
6480
6481 § 22-4234. Duties. [Transferred].
6482 Transferred.
6483

6484 § 22-4235. Administrative support. [Transferred].
6485 Transferred.

6486

6487 *Subchapter II.*

6488 *Authorization of Certain Federal Officials.*

6489

6490 § 22-4241. Authorizing federal officials. [Transferred].
6491 Transferred.

6492

6493 § 22-4242. Annual reporting requirement. [Transferred].
6494 Transferred.

6495

6496 § 22-4243. Federal contribution to Criminal Justice Coordinating Council.
6497 [Transferred].
6498 Transferred.

6499

6500 § 22-4244. District of Columbia Criminal Justice Coordinating Council defined.
6501 Transferred.

6502

6503 CHAPTER 42B. HOMICIDE ELIMINATION.
6504 [TRANSFERRED].

6505

6506 Sec.

6507 22-4251. Comprehensive Homicide Elimination Strategy Task Force established. [Transferred].

6508

6509

6510 § 22-4251. Comprehensive Homicide Elimination Strategy Task Force established.
6511 [Transferred].

6512 Transferred.

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6517 SUBTITLE V.
6518 HARBOR, GAME AND FISH LAWS.

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6522

6523 CHAPTER 43. GAME AND FISH LAWS.

6524

6524 Sec.

6525 22-4301 to 22-4306. Prohibition and control of net fishing in Potomac River; catching and
6526 killing bass; "person" defined; sale of bass prohibited; sale and possession of shad or
6527 herring; sale of small striped bass; use of explosives and drugs in fishing prohibited.
6528 [Repealed]. [Transferred].

6529 22-4307. [Transferred].

6530 22-4308 to 22-4327. Confiscation of fishing equipment used in violation of the law; sale and
6531 possession of woodcocks, squirrels, rabbits, wild chicks, wild geese, and certain game
6532 birds; inspection of premises to detect violation of game laws; trespassing for purposes of
6533 hunting; shooting or having guns in possession on a Sunday; killing or capturing game
6534 beyond District jurisdiction; compensation for persons securing convictions under game
6535 laws; killing game birds and permits therefor; hunting squirrels, chipmunks and rabbits
6536 without a permit; killing of English sparrow or wild animal suffering from disease or
6537 injury; hunting or disbursing of ducks, geese, and waterfowl; sale, possession, or
6538 purchase of certain types of birds prohibited; license for certain scientific purposes; sale
6539 of birds raised in captivity or for propagation. [Repealed]. [Transferred].
6540 22-4328. Council's authority with respect to wild animals, fishing licenses, and migratory birds;
6541 exception; "wild animals" defined. [Transferred].
6542 22-4329. Inspection of business or vocational establishments requiring a license or permit or any
6543 vehicle, boat, market box, market stall or cold storage plant, during business hours.
6544 [Transferred].
6545 22-4330. Seizure of hunting and fishing equipment; sale at public auction and disposal of
6546 proceeds; disposal of property not sold at auction; payment of valid liens after sale.
6547 [Transferred].
6548 22-4331. Penalties; prosecutions.
6549 22-4332. Delegation of functions by Secretary of the Interior and Mayor; Council to make
6550 regulations; "Mayor" and "Secretary of the Interior" defined. [Transferred].
6551 22-4333. Existing authority of Secretary of the Interior not impaired. [Transferred].
6552
6553
6554 §§ 22-4301 to 22-4306. Prohibition and control of net fishing in Potomac River; catching
6555 and killing bass; "person" defined; sale of bass prohibited; sale and possession of shad or
6556 herring; sale of small striped bass; use of explosives and drugs in fishing prohibited.
6557 [Repealed]. [Transferred].
6558 Repealed.
6559
6560 § 22-4307. Penalties. [Transferred].
6561 Transferred.
6562
6563 §§ 22-4308 to 22-4327. Confiscation of fishing equipment used in violation of the law;
6564 sale and possession of woodcocks, squirrels, rabbits, wild chicks, wild geese, and certain
6565 game birds; inspection of premises to detect violation of game laws; trespassing for
6566 purposes of hunting; shooting or having guns in possession on a Sunday; killing or
6567 capturing game beyond District jurisdiction; compensation for persons securing
6568 convictions under game laws; killing game birds and permits therefor; hunting squirrels,
6569 chipmunks and rabbits without a permit; killing of English sparrow or wild animal
6570 suffering from disease or injury; hunting or disbursing of ducks, geese, and waterfowl;
6571 sale, possession, or purchase of certain types of birds prohibited; license for certain
6572 scientific purposes; sale of birds raised in captivity or for propagation. [Repealed].
6573 [Transferred].
6574 Repealed.
6575

6576 § 22-4328. Council's authority with respect to wild animals, fishing licenses, and
6577 migratory birds; exception; "wild animals" defined. [Transferred].
6578 Transferred.
6579
6580 § 22-4329. Inspection of business or vocational establishments requiring a license or
6581 permit or any vehicle, boat, market box, market stall or cold storage plant,
6582 during business hours. [Transferred].
6583 Transferred.
6584
6585 § 22-4330. Seizure of hunting and fishing equipment; sale at public auction and disposal
6586 of proceeds; disposal of property not sold at auction; payment of valid liens
6587 after sale. [Transferred].
6588 Transferred.
6589
6590 § 22-4331. Penalties; prosecutions.
6591 (a) Any person convicted of violating any provision of this chapter, or any regulation
6592 made pursuant to this chapter, shall be fined not more than the amount set forth in § 22-3571.01
6593 or imprisoned not more than 90 days, or both.
6594
6595 (b) Prosecutions for violations of this chapter, or the regulations made pursuant thereto,
6596 shall be conducted in the name of the District of Columbia by the Attorney General for the
6597 District of Columbia or any Assistant Attorney General for the District of Columbia.
6598
6599 § 22-4332. Delegation of functions by Secretary of the Interior and Mayor; Council to
6600 make regulations; "Mayor" and "Secretary of the Interior" defined.
6601 [Transferred].
6602 Transferred.
6603
6604 § 22-4333. Existing authority of Secretary of the Interior not impaired. [Transferred].
6605 Transferred.
6606
6607 CHAPTER 44. HARBOR REGULATIONS.
6608
6609 Sec.
6610 22-4401. Harbor Regulations; authority vested in Council; compliance with federal law
6611 required; District and federal statutes and regulations supplemented. [Transferred].
6612 [Repealed].
6613 22-4402. Throwing or depositing matter in Potomac River.
6614 22-4403. Deposits of deleterious matter in Rock Creek or Potomac River.
6615 22-4404. Penalties for violation of § 22-4403.
6616
6617 § 22-4401. Harbor regulations; authority vested in Council; compliance with federal law
6618 required; District and federal statutes and regulations supplemented. [Transferred]. [Repealed].
6619 Transferred. Repealed.
6620
6621 § 22-4402. Throwing or depositing matter in Potomac River.

6622 (a) It shall be unlawful for any owner or occupant of any wharf or dock, any master or
6623 captain of any vessel, or any person or persons to cast, throw, drop, or deposit any stone, gravel,
6624 sand, ballast, dirt, oyster shells, or ashes in the water in any part of the Potomac River or its
6625 tributaries in the District of Columbia, or on the shores of said river below highwater mark,
6626 unless for the purpose of making a wharf, after permission has been obtained from the Mayor of
6627 the District of Columbia for that purpose, which wharf shall be sufficiently inclosed and secured
6628 so as to prevent injury to navigation.

6629 (b) It shall be unlawful for any owner or occupant of any wharf or dock, any captain or
6630 master of any vessel, or any other person or persons to cast, throw, deposit, or drop in any dock
6631 or in the waters of the Potomac River or its tributaries in the District of Columbia any dead fish,
6632 fish offal, dead animals of any kind, condemned oysters in the shell, watermelons, cantaloupes,
6633 vegetables, fruits, shavings, hay, straw, or filth of any kind whatsoever.

6634 (c) Nothing in this section contained shall be construed to interfere with the work of
6635 improvement in or along the said river and harbor under the supervision of the United States
6636 government.

6637 (d) Any person or persons violating any of the provisions of this section shall be deemed
6638 guilty of a misdemeanor, and on conviction shall be punished by a fine not more than the amount
6639 set forth in § 22-3571.01, or by imprisonment not exceeding 6 months, or both, in the discretion
6640 of the court.

6641
6642 § 22-4403. Deposits of deleterious matter in Rock Creek or Potomac River.

6643 No person shall allow any tar, oil, ammoniacal liquor, or other waste products of any gas
6644 works or works engaged in using such products, or any waste product whatever of any
6645 mechanical, chemical, manufacturing, or refining establishment to flow into or be deposited in
6646 Rock Creek or the Potomac River or any of its tributaries within the District of Columbia or into
6647 any pipe or conduit leading to the same.

6648
6649 § 22-4404. Penalties for violation of § 22-4403.

6650 Any person who shall violate any provision of § 22-4403 shall for each such offense be
6651 fined not more than the amount set forth in § 22-3571.01 or imprisoned not more than 90 days,
6652 or both.

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SUBTITLE VI.
REGULATION AND POSSESSION OF WEAPONS.

CHAPTER 45. WEAPONS AND POSSESSION OF WEAPONS.

Sec.

22-4501. Definitions.

22-4502. Additional penalty for committing crime when armed.

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6668 22-4503. Unlawful possession of firearm.
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6672 violence; penalty.
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6685 22-4515. Penalties.
6686 22-4515a. Manufacture, transfer, use, possession, or transportation of Molotov cocktails, or
6687 other explosives for unlawful purposes, prohibited; definitions; penalties.
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6689 22-4517. Dangerous articles; definition; taking and destruction; procedure.
6690
6691 § 22-4501. Definitions.
6692 For the purposes of this chapter, the term:
6693 (1) "Crime of violence" shall have the same meaning as provided in § 23-1331(4).
6694 (2) "Dangerous crime" means distribution of or possession with intent to distribute a
6695 controlled substance. For the purposes of this definition, the term "controlled substance" means
6696 any substance defined as such in the District of Columbia Official Code or any Act of Congress.
6697 (2A) "Firearm" means any weapon, regardless of operability, which will, or is
6698 designed or redesigned, made or remade, readily converted, restored, or repaired, or is intended
6699 to, expel a projectile or projectiles by the action of an explosive. The term "firearm" shall not
6700 include:
6701 (A) A destructive device as that term is defined in § 7-2501.01(7);
6702 (B) A device used exclusively for line throwing, signaling, or safety, and required or
6703 recommended by the Coast Guard or Interstate Commerce Commission; or
6704 (C) A device used exclusively for firing explosive rivets, stud cartridges, or similar
6705 industrial ammunition and incapable for use as a weapon.
6706 (3) "Knuckles" means an object, whether made of metal, wood, plastic, or other
6707 similarly durable material that is constructed of one piece, the outside part of which is designed
6708 to fit over and cover the fingers on a hand and the inside part of which is designed to be gripped
6709 by the fist.
6710 (4) "Machine gun" shall have the same meaning as provided in § 7-2501.01(10).
6711 (5) "Person" includes individual, firm, association, or corporation.
6712 (6) "Pistol" shall have the same meaning as provided in § 7-2501.01(12).
6713 (6A) "Place of business" shall have the same meaning as provided in § 7-

6714 2501.01(12A).

6715 (7) "Playground" means any facility intended for recreation, open to the public, and
6716 with any portion of the facility that contains one or more separate apparatus intended for the
6717 recreation of children, including, but not limited to, sliding boards, swingsets, and teeterboards.

6718 (7A) "Registrant" means a person who has registered a firearm pursuant to Unit A of
6719 Chapter 25 of Title 7.

6720 (8) "Sawed-off shotgun" shall have the same meaning as provided in § 7-2501.01(15).

6721 (9) "Sell" and "purchase" and the various derivatives of such words shall be construed
6722 to include letting on hire, giving, lending, borrowing, and otherwise transferring.

6723 (9A) "Shotgun" shall have the same meaning as provided in § 7-2501.01(16).

6724 (10) "Video arcade" means any facility legally accessible to persons under 18 years of
6725 age, intended primarily for the use of pinball and video machines for amusement, and which
6726 contains a minimum of 10 pinball or video machines.

6727 (11) "Youth center" means any recreational facility or gymnasium (including any
6728 parking lot appurtenant thereto), intended primarily for use by persons under 18 years of age,
6729 which regularly provides athletic, civic, or cultural activities.

6730

6731 § 22-4502. Additional penalty for committing crime when armed.

6732 (a) Any person who commits a crime of violence, or a dangerous crime in the District of
6733 Columbia when armed with or having readily available any pistol or other firearm (or imitation
6734 thereof) or other dangerous or deadly weapon (including a sawed-off shotgun, shotgun, machine
6735 gun, rifle, dirk, bowie knife, butcher knife, switchblade knife, razor, blackjack, billy, or metallic
6736 or other false knuckles):

6737 (1) May, if such person is convicted for the first time of having so committed a crime
6738 of violence, or a dangerous crime in the District of Columbia, be sentenced, in addition to the
6739 penalty provided for such crime, to a period of imprisonment which may be up to, and including,
6740 30 years for all offenses except first degree murder while armed, second degree murder while
6741 armed, first degree sexual abuse while armed, and first degree child sexual abuse while armed,
6742 and shall, if convicted of such offenses while armed with any pistol or firearm, be imprisoned for
6743 a mandatory-minimum term of not less than 5 years; and

6744 (2) Shall, if such person is convicted more than once of having so committed a crime
6745 of violence, or a dangerous crime in the District of Columbia, or an offense in any other
6746 jurisdiction that would constitute a crime of violence or dangerous crime if committed in the
6747 District of Columbia, be sentenced, in addition to the penalty provided for such crime, to a
6748 period of imprisonment of not less than 5 years and, except for first degree murder while armed,
6749 second degree murder while armed, first degree sexual abuse while armed and first degree child
6750 sexual abuse while armed, not more than 30 years, and shall, if convicted of such second offense
6751 while armed with any pistol or firearm, be imprisoned for a mandatory-minimum term of not less
6752 than 10 years.

6753 (3) Shall, if such person is convicted of first degree murder while armed, second
6754 degree murder while armed, first degree sexual abuse while armed, or first degree child sexual
6755 abuse while armed, be sentenced, in addition to the penalty provided for such crime, to a period
6756 of imprisonment of not less than the minimum and mandatory minimum sentences required by
6757 subsections (a)(1), (a)(2), (c) and (e) of this section and § 22-2104, and not more than life
6758 imprisonment or life imprisonment without possibility of release as authorized by § 24-403.01(b-
6759 2); § 22-2104; § 22-2104.01; and §§ 22-3002, 22-3008, and 22-3020.

6760 (4) For purposes of imprisonment following revocation of release authorized by § 24-
6761 403.01(b)(7), the offenses defined by this section are Class A felonies.

6762 (b) [Reserved].

6763 (c) Any person sentenced pursuant to paragraph (1), (2), or (3) of subsection (a) above for
6764 a conviction of a crime of violence or a dangerous crime while armed with any pistol or firearm,
6765 shall serve a mandatory-minimum term of 5 years, if sentenced pursuant to paragraph (1) of
6766 subsection (a) of this section, or 10 years, if sentenced pursuant to paragraph (2) of subsection (a)
6767 of this section, and such person shall not be released, granted probation, or granted suspension of
6768 sentence, prior to serving such mandatory-minimum sentence.

6769 (d) [Reserved].

6770 (e)(1) Subchapter I of Chapter 9 of Title 24 shall not apply with respect to any person
6771 sentenced under paragraph (2) of subsection (a) of this section or to any person convicted more
6772 than once of having committed a crime of violence or a dangerous crime in the District of
6773 Columbia sentenced under subsection (a)(3) of this section.

6774 (2) The execution or imposition of any term of imprisonment imposed under paragraph
6775 (2) or (3) of subsection (a) of this section may not be suspended and probation may not be
6776 granted.

6777 (e-1) In addition to any other penalty provided under this section, a person may be fined
6778 an amount not more than the amount set forth in § 22-3571.01.

6779 (f) Nothing contained in this section shall be construed as reducing any sentence
6780 otherwise imposed or authorized to be imposed.

6781 (g) No conviction with respect to which a person has been pardoned on the ground of
6782 innocence shall be taken into account in applying this section.

6783

6784 § 22-4502.01. Gun free zones; enhanced penalty.

6785 (a) All areas within, 1000 feet of an appropriately identified public or private day care
6786 center, elementary school, vocational school, secondary school, college, junior college, or
6787 university, or any public swimming pool, playground, video arcade, youth center, or public
6788 library, or in and around public housing as defined in section 3(1) of the United States Housing
6789 Act of 1937, approved August 22, 1974 (88 Stat. 654; 42 U.S.C. § 1437a(b)), the development or
6790 administration of which is assisted by the United States Department of Housing and Urban
6791 Development, or in or around housing that is owned, operated, or financially assisted by the
6792 District of Columbia Housing Authority, or an event sponsored by any of the above entities shall
6793 be declared a gun free zone. For the purposes of this subsection, the term "appropriately
6794 identified" means that there is a sign that identifies the building or area as a gun free zone.

6795 (b) Any person illegally carrying a gun within a gun free zone shall be punished by a fine
6796 up to twice that otherwise authorized to be imposed, by a term of imprisonment up to twice that
6797 otherwise authorized to be imposed, or both.

6798 (c) The provisions of this section shall not apply to a person legally licensed to carry a
6799 firearm in the District of Columbia who lives or works within 1000 feet of a gun free zone or to
6800 members of the Army, Navy, Air Force, or Marine Corps of the United States; the National
6801 Guard or Organized Reserves when on duty; the Post Office Department or its employees when
6802 on duty; marshals, sheriffs, prison, or jail wardens, or their deputies; policemen or other duly-
6803 appointed law enforcement officers; officers or employees of the United States duly authorized
6804 to carry such weapons; banking institutions; public carriers who are engaged in the business of

6805 transporting mail, money, securities, or other valuables; and licensed wholesale or retail dealers.

6806

6807 § 22-4503. Unlawful possession of firearm.

6808 (a) No person shall own or keep a firearm, or have a firearm in his or her possession or
6809 under his or her control, within the District of Columbia, if the person:

6810 (1) Has been convicted in any court of a crime punishable by imprisonment for a term
6811 exceeding one year;

6812 (2) Is not licensed under § 22-4510 to sell weapons, and the person has been convicted
6813 of violating this chapter;

6814 (3) Is a fugitive from justice;

6815 (4) Is addicted to any controlled substance, as defined in § 48-901.02(4);

6816 (5) Is subject to a court order that:

6817 (A)(i) Was issued after a hearing of which the person received actual notice, and at
6818 which the person had an opportunity to participate; or

6819 (ii) Remained in effect after the person failed to appear for a hearing of which the
6820 person received actual notice;

6821 (B) Restrains the person from assaulting, harassing, stalking, or threatening the
6822 petitioner or any other person named in the order; and

6823 (C) Requires the person to relinquish possession of any firearms;

6824 (6) Has been convicted within the past 5 years of an intrafamily offense, as defined in
6825 D.C. Official Code § 16-1001(8), punishable as a misdemeanor, or any similar provision in the
6826 law of another jurisdiction.

6827 (b)(1) A person who violates subsection (a)(1) of this section shall be sentenced to
6828 imprisonment for not more than 10 years and shall be sentenced to imprisonment for a
6829 mandatory-minimum term of 1 year, unless she or he has a prior conviction for a crime of
6830 violence other than conspiracy, in which case she or he shall be sentenced to imprisonment for
6831 not more than 15 years and shall be sentenced to a mandatory-minimum term of 3 years.

6832 (2) A person sentenced to a mandatory-minimum term of imprisonment under
6833 paragraph (1) of this subsection shall not be released from prison or granted probation or
6834 suspension of sentence prior to serving the mandatory-minimum sentence.

6835 (3) In addition to any other penalty provided under this subsection, a person may be
6836 fined an amount not more than the amount set forth in § 22-3571.01.

6837 (c) A person who violates subsection (a)(2) through (a)(6) of this section shall be
6838 sentenced to not less than 2 years nor more than 10 years, fined not more than the amount set
6839 forth in § 22-3571.01, or both.

6840 (d) For the purposes of this section, the term:

6841 (1) "Crime of violence" shall have the same meaning as provided in § 23-1331(4), or a
6842 crime under the laws of any other jurisdiction that involved conduct that would constitute a
6843 crime of violence if committed in the District of Columbia, or conduct that is substantially
6844 similar to that prosecuted as a crime of violence under the District of Columbia Official Code.

6845 (2) "Fugitive from justice" means a person who has:

6846 (A) Fled to avoid prosecution for a crime or to avoid giving testimony in a criminal
6847 proceeding; or

6848 (B) Escaped from a federal, state, or local prison, jail, halfway house, or detention
6849 facility or from the custody of a law enforcement officer.

6850

6851 § 22-4503.01. Unlawful discharge of a firearm.

6852 Except as otherwise permitted by law, including legitimate self-defense, no firearm shall
6853 be discharged or set off in the District of Columbia without a special written permit from the
6854 Chief of Police issued pursuant to Section 1 of Article 9 of the Police Regulations of the District
6855 of Columbia, effective September 29, 1964 (C.O. 64-1397F; 24 DCMR § 2300.1) [CDCR 24-
6856 2300.1].

6857

6858 § 22-4503.02. Prohibition of firearms from public or private property.

6859 (a) The District of Columbia may prohibit or restrict the possession of firearms on its
6860 property and any property under its control.

6861 (b) Private persons or entities owning property in the District of Columbia may prohibit
6862 or restrict the possession of firearms on their property; provided, that this subsection shall not
6863 apply to law enforcement personnel when lawfully authorized to enter onto private property.
6864

6865 § 22-4504. Carrying concealed weapons; possession of weapons during commission of
6866 crime of violence; penalty.

6867 (a) No person shall carry within the District of Columbia either openly or concealed on or
6868 about their person, a pistol, without a license issued pursuant to District of Columbia law, or any
6869 deadly or dangerous weapon. Whoever violates this section shall be punished as provided in §
6870 22-4515, except that:

6871 (1) A person who violates this section by carrying a pistol, without a license issued
6872 pursuant to District of Columbia law, or any deadly or dangerous weapon, in a place other than
6873 the person's dwelling place, place of business, or on other land possessed by the person, shall be
6874 fined not more than the amount set forth in § 22-3571.01 or imprisoned for not more than 5
6875 years, or both; or

6876 (2) If the violation of this section occurs after a person has been convicted in the
6877 District of Columbia of a violation of this section or of a felony, either in the District of
6878 Columbia or another jurisdiction, the person shall be fined not more than the amount set forth in
6879 § 22-3571.01 or imprisoned for not more than 10 years, or both.

6880 (a-1) Except as otherwise permitted by law, no person shall carry within the District of
6881 Columbia a rifle or shotgun. A person who violates this subsection shall be subject to the
6882 criminal penalties set forth in subsection (a)(1) and (2) of this section.

6883 (b) No person shall within the District of Columbia possess a pistol, machine gun,
6884 shotgun, rifle, or any other firearm or imitation firearm while committing a crime of violence or
6885 dangerous crime as defined in § 22-4501. Upon conviction of a violation of this subsection, the
6886 person may be sentenced to imprisonment for a term not to exceed 15 years and shall be
6887 sentenced to imprisonment for a mandatory-minimum term of not less than 5 years and shall not
6888 be released on parole, or granted probation or suspension of sentence, prior to serving the
6889 mandatory-minimum sentence.

6890 (c) In addition to any other penalty provided under this section, a person may be fined an
6891 amount not more than the amount set forth in § 22-3571.01.

6892

6893 § 22-4504.01. Authority to carry firearm in certain places and for certain purposes.

6894 Notwithstanding any other law, a person holding a valid registration for a firearm may
6895 carry the firearm:

6896 (1) Within the registrant's home;

6897 (2) While it is being used for lawful recreational purposes;
6898 (3) While it is kept at the registrant's place of business; or
6899 (4) While it is being transported for a lawful purpose as expressly authorized by
6900 District or federal statute and in accordance with the requirements of that statute.

6901
6902 § 22-4504.02. Lawful transportation of firearms.

6903 (a) Any person who is not otherwise prohibited by the law from transporting, shipping, or
6904 receiving a firearm shall be permitted to transport a firearm for any lawful purpose from any
6905 place where he or she may lawfully possess and carry the firearm to any other place where he or
6906 she may lawfully possess and carry the firearm if the firearm is transported in accordance with
6907 this section.

6908 (b)(1) If the transportation of the firearm is by a vehicle, the firearm shall be unloaded,
6909 and neither the firearm nor any ammunition being transported shall be readily accessible or
6910 directly accessible from the passenger compartment of the transporting vehicle.

6911 (2) If the transporting vehicle does not have a compartment separate from the driver's
6912 compartment, the firearm or ammunition shall be contained in a locked container other than the
6913 glove compartment or console, and the firearm shall be unloaded.

6914 (c) If the transportation of the firearm is in a manner other than in a vehicle, the firearm
6915 shall be:

- 6916 (1) Unloaded;
6917 (2) Inside a locked container; and
6918 (3) Separate from any ammunition.

6919
6920 § 22-4505. Exceptions to § 22-4504.

6921 (a) The provisions of §§ 22-4504(a) and 22-4504(a-1) shall not apply to:

6922 (1) Marshals, sheriffs, prison or jail wardens, or their deputies, policemen or other duly
6923 appointed law enforcement officers, including special agents of the Office of Tax and Revenue,
6924 authorized in writing by the Deputy Chief Financial Officer for the Office of Tax and Revenue to
6925 carry a firearm while engaged in the performance of their official duties, and criminal
6926 investigators of the Office of the Inspector General, designated in writing by the Inspector
6927 General, while engaged in the performance of their official duties;

6928 (2) Special police officers and campus police officers who carry a firearm in
6929 accordance with D.C. Official Code § 5-129.02, and rules promulgated pursuant to that section;

6930 (3) Members of the Army, Navy, Air Force, or Marine Corps of the United States or of
6931 the National Guard or Organized Reserves when on duty, or to the regularly enrolled members of
6932 any organization duly authorized to purchase or receive such weapons from the United States;
6933 provided, that such members are at or are going to or from their places of assembly or target
6934 practice;

6935 (4) Officers or employees of the United States duly authorized to carry a concealed
6936 pistol;

6937 (5) Any person engaged in the business of manufacturing, repairing, or dealing in
6938 firearms, or the agent or representative of any such person having in his or her possession, using,
6939 or carrying a pistol in the usual or ordinary course of such business; and

6940 (6) Any person while carrying a pistol, transported in accordance with § 22-4504.02,
6941 from the place of purchase to his or her home or place of business or to a place of repair or back

6942 to his or her home or place of business or in moving goods from one place of abode or business
6943 to another, or to or from any lawful recreational firearm-related activity.

6944 (b) The provisions of § 22-4504(a) with respect to pistols shall not apply to a police
6945 officer who has retired from the Metropolitan Police Department, if the police officer has
6946 registered a pistol and it is concealed on or about the police officer.

6947 (c) For the purposes of subsection (a)(6) of this section, the term "recreational firearm-
6948 related activity" includes a firearms training and safety class.

6949

6950 § 22-4506. Issue of a license to carry a pistol.

6951 (a) The Chief of the Metropolitan Police Department ("Chief") may, upon the application
6952 of a person having a bona fide residence or place of business within the District of Columbia, or
6953 of a person having a bona fide residence or place of business within the United States and a
6954 license to carry a pistol concealed upon his or her person issued by the lawful authorities of any
6955 State or subdivision of the United States, issue a license to such person to carry a pistol
6956 concealed upon his or her person within the District of Columbia for not more than 2 years from
6957 the date of issue, if it appears that the applicant has good reason to fear injury to his or her person
6958 or property or has any other proper reason for carrying a pistol, and that he or she is a suitable
6959 person to be so licensed.

6960 (b) A non-resident who lives in a state that does not require a license to carry a concealed
6961 pistol may apply to the Chief for a license to carry a pistol concealed upon his or her person
6962 within the District of Columbia for not more than 2 years from the date of issue; provided, that
6963 he or she meets the same reasons and requirements set forth in subsection (a) of this section.

6964 (c) For any person issued a license pursuant to this section, or renewed pursuant to § 7-
6965 2509.03, the Chief may limit the geographic area, circumstances, or times of the day, week,
6966 month, or year in which the license is effective, and may subsequently limit, suspend, or revoke
6967 the license as provided under § 7-2509.05.

6968 (d) The application for a license to carry shall be on a form prescribed by the Chief and
6969 shall bear the name, address, description, photograph, and signature of the licensee.

6970 (e) Except as provided in § 7-2509.05(b), any person whose application has been denied
6971 or whose license has been limited or revoked may, within 15 days after the date of the notice of
6972 denial or notice of intent, appeal to the Concealed Pistol Licensing Review Board established
6973 pursuant to § 7-2509.08.

6974

6975 § 22-4507. Certain sales of pistols prohibited.

6976 No person shall within the District of Columbia sell any pistol to a person who he or she
6977 has reasonable cause to believe is not of sound mind, or is forbidden by § 22-4503 to possess a
6978 pistol [now "firearm"], or, except when the relation of parent and child or guardian and ward
6979 exists, is under the age of 21 years.

6980

6981 § 22-4508. Transfers of firearms regulated.

6982 No seller shall within the District of Columbia deliver a firearm to the purchaser thereof
6983 until 10 days shall have elapsed from the date of the purchase thereof, except in the case of sales
6984 to marshals, sheriffs, prison or jail wardens or their deputies, policemen, or other duly appointed
6985 law enforcement officers, and, when delivered, said firearm shall be transported in accordance
6986 with § 22-4504.02. At the time of purchase, the purchaser shall sign in duplicate and deliver to
6987 the seller a statement containing his or her full name, address, occupation, date and place of

6988 birth, the date of purchase, the caliber, make, model, and manufacturer's number of the firearm
6989 and a statement that the purchaser is not forbidden by § 22-4503 to possess a firearm. The seller
6990 shall, within 6 hours after purchase, sign and attach his or her address and deliver one copy to
6991 such person or persons as the Chief of Police of the District of Columbia may designate, and
6992 shall retain the other copy for 6 years. No machine gun, sawed-off shotgun, or blackjack shall be
6993 sold to any person other than the persons designated in § 22-4514 as entitled to possess the same,
6994 and then only after permission to make such sale has been obtained from the Chief of Police of
6995 the District of Columbia. This section shall not apply to sales at wholesale to licensed dealers.
6996

6997 § 22-4509. Dealers of weapons to be licensed.

6998 No retail dealer shall within the District of Columbia sell or expose for sale or have in his
6999 or her possession with intent to sell, any pistol, machine gun, sawed-off shotgun, or blackjack
7000 without being licensed as provided in § 22-4510. No wholesale dealer shall, within the District of
7001 Columbia, sell, or have in his or her possession with intent to sell, to any person other than a
7002 licensed dealer, any pistol, machine gun, sawed-off shotgun, or blackjack.
7003

7004 § 22-4510. Licenses of weapons dealers; records; by whom granted; conditions.

7005 (a) The Mayor of the District of Columbia may, in his or her discretion, grant licenses
7006 and may prescribe the form thereof, effective for not more than 1 year from date of issue,
7007 permitting the licensee to sell pistols, machine guns, sawed-off shotguns, and blackjacks at retail
7008 within the District of Columbia subject to the following conditions in addition to those specified
7009 in § 22-4509, for breach of any of which the license shall be subject to forfeiture and the licensee
7010 subject to punishment as provided in this chapter:

7011 (1) The business shall be carried on only in the building designated in the license.

7012 (2) The license or a copy thereof, certified by the issuing authority, shall be displayed
7013 on the premises where it can be easily read.

7014 (3) No pistol shall be sold: (A) if the seller has reasonable cause to believe that the
7015 purchaser is not of sound mind or is forbidden by § 22-4503 to possess a pistol [now "firearm"]
7016 or is under the age of 21 years; and (B) unless the purchaser is personally known to the seller or
7017 shall present clear evidence of his or her identity. No machine gun, sawed-off shotgun, or
7018 blackjack shall be sold to any person other than the persons designated in § 22-4514 as entitled
7019 to possess the same, and then only after permission to make such sale has been obtained from the
7020 Chief of Police of the District of Columbia.

7021 (4) A true record shall be made in a book kept for the purpose, the form of which may
7022 be prescribed by the Mayor, of all pistols, machine guns, and sawed-off shotguns in the
7023 possession of the licensee, which said record shall contain the date of purchase, the caliber,
7024 make, model, and manufacturer's number of the weapon, to which shall be added, when sold, the
7025 date of sale.

7026 (5) A true record in duplicate shall be made of every pistol, machine gun, sawed-off
7027 shotgun, and blackjack sold, said record to be made in a book kept for the purpose, the form of
7028 which may be prescribed by the Mayor of the District of Columbia and shall be personally
7029 signed by the purchaser and by the person effecting the sale, each in the presence of the other
7030 and shall contain the date of sale, the name, address, occupation, color, and place of birth of the
7031 purchaser, and, so far as applicable, the caliber, make, model, and manufacturer's number of the
7032 weapon, and a statement by the purchaser that the purchaser is not forbidden by § 22-4503 to
7033 possess a pistol [now "firearm"]. One copy of said record shall, within 7 days, be forwarded by

7034 mail to the Chief of Police of the District of Columbia and the other copy retained by the seller
7035 for 6 years.

7036 (6) No pistol or imitation thereof or placard advertising the sale thereof shall be
7037 displayed in any part of said premises where it can readily be seen from the outside. No license
7038 to sell at retail shall be granted to anyone except as provided in this section.

7039 (b) Any license issued pursuant to this section shall be issued by the Metropolitan Police
7040 Department as a Public Safety endorsement to a basic business license under the basic business
7041 license system as set forth in subchapter I-A of Chapter 28 of Title 47 of the District of Columbia
7042 Official Code [§ 47-2851.01 et seq.].

7043
7044 § 22-4511. False information in purchase of weapons prohibited.

7045 No person shall, in purchasing a pistol or in applying for a license to carry the same, or in
7046 purchasing a machine gun, sawed-off shotgun, or blackjack within the District of Columbia, give
7047 false information or offer false evidence of his or her identity.

7048
7049 § 22-4512. Alteration of identifying marks of weapons prohibited.

7050 No person shall within the District of Columbia change, alter, remove, or obliterate the
7051 name of the maker, model, manufacturer's number, or other mark or identification on any pistol,
7052 machine gun, or sawed-off shotgun. Nothing contained in this section shall apply to any officer
7053 or agent of any of the departments of the United States or the District of Columbia engaged in
7054 experimental work.

7055
7056 § 22-4513. Exceptions.

7057 Except as provided in § 22-4502, § 22-4504(b), and § 22-4514(b), this chapter shall not
7058 apply to toy or antique pistols unsuitable for use as firearms.

7059
7060 § 22-4514. Possession of certain dangerous weapons prohibited; exceptions.

7061 (a) No person shall within the District of Columbia possess any machine gun, sawed-off
7062 shotgun, knuckles, or any instrument or weapon of the kind commonly known as a blackjack,
7063 slungshot, sand club, sandbag, switchblade knife, nor any instrument, attachment, or appliance
7064 for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the
7065 firing of any firearms; provided, however, that machine guns, or sawed-off shotgun, knuckles,
7066 and blackjacks may be possessed by the members of the Army, Navy, Air Force, or Marine
7067 Corps of the United States, the National Guard, or Organized Reserves when on duty, the Post
7068 Office Department or its employees when on duty, marshals, sheriffs, prison or jail wardens, or
7069 their deputies, policemen, or other duly-appointed law enforcement officers, including any
7070 designated civilian employee of the Metropolitan Police Department, or officers or employees of
7071 the United States duly authorized to carry such weapons, banking institutions, public carriers
7072 who are engaged in the business of transporting mail, money, securities, or other valuables,
7073 wholesale dealers and retail dealers licensed under § 22-4510.

7074 (b) No person shall within the District of Columbia possess, with intent to use unlawfully
7075 against another, an imitation pistol, or a dagger, dirk, razor, stiletto, or knife with a blade longer
7076 than 3 inches, or other dangerous weapon.

7077 (c) Whoever violates this section shall be punished as provided in § 22-4515 unless the
7078 violation occurs after such person has been convicted in the District of Columbia of a violation

7079 of this section, or of a felony, either in the District of Columbia or in another jurisdiction, in
7080 which case such person shall be imprisoned for not more than 10 years.

7081 (d) In addition to any other penalty provided under this section, a person may be fined an
7082 amount not more than the amount set forth in § 22-3571.01.

7083
7084 § 22-4515. Penalties.

7085 Any violation of any provision of this chapter for which no penalty is specifically
7086 provided shall be punished by a fine of not more than the amount set forth in § 22-3571.01 or
7087 imprisonment for not more than 1 year, or both.

7088
7089 § 22-4515a. Manufacture, transfer, use, possession, or transportation of Molotov
7090 cocktails, or other explosives for unlawful purposes, prohibited; definitions; penalties.

7091 (a) No person shall within the District of Columbia manufacture, transfer, use, possess, or
7092 transport a molotov cocktail. As used in this subsection, the term "molotov cocktail" means: (1) a
7093 breakable container containing flammable liquid and having a wick or a similar device capable
7094 of being ignited; or (2) any other device designed to explode or produce uncontained combustion
7095 upon impact; but such term does not include a device lawfully and commercially manufactured
7096 primarily for the purpose of illumination, construction work, or other lawful purpose.

7097 (b) No person shall manufacture, transfer, use, possess, or transport any device,
7098 instrument, or object designed to explode or produce uncontained combustion, with the intent
7099 that the same may be used unlawfully against any person or property.

7100 (c) No person shall, during a state of emergency in the District of Columbia declared by
7101 the Mayor pursuant to law, or during a situation in the District of Columbia concerning which
7102 the President has invoked any provision of Chapter 15 of Title 10, United States Code,
7103 manufacture, transfer, use, possess, or transport any device, instrument, or object designed to
7104 explode or produce uncontained combustion, except at his or her residence or place of business.

7105 (d) Whoever violates this section shall: (1) for the first offense, be sentenced to a term of
7106 imprisonment of not less than 1 and not more than 5 years; (2) for the second offense, be
7107 sentenced to a term of imprisonment of not less than 3 and not more than 15 years; and (3) for
7108 the third or subsequent offense, be sentenced to a term of imprisonment of not less than 5 years
7109 and not more than 30 years. In the case of a person convicted of a third or subsequent violation
7110 of this section, Chapter 402 of Title 18, United States Code (Federal Youth Corrections Act)
7111 shall not apply. For purposes of imprisonment following revocation of release authorized by §
7112 24-403.01(b)(7), the third or subsequent conviction for an offense defined by this section is a
7113 Class A felony.

7114 (e) In addition to any other penalty provided under this section, a person may be fined an
7115 amount not more than the amount set forth in § 22-3571.01.

7116
7117 § 22-4516. Severability.

7118 If any part of this chapter is for any reason declared void, such invalidity shall not affect
7119 the validity of the remaining portions of this chapter.

7120
7121 § 22-4517. Dangerous articles; definition; taking and destruction; procedure.

7122 (a) As used in this section, the term "dangerous article" means:

7123 (1) Any weapon such as a pistol, machine gun, sawed-off shotgun, blackjack,
7124 slingshot, sandbag, or metal knuckles; or

7125 (2) Any instrument, attachment, or appliance for causing the firing of any firearms to
7126 be silent or intended to lessen or muffle the noise of the firing of any firearms.

7127 (b) A dangerous article unlawfully owned, possessed, or carried is hereby declared to be a
7128 nuisance.

7129 (c) When a police officer, in the course of a lawful arrest or lawful search, or when a
7130 designated civilian employee of the Metropolitan Police Department in the course of a lawful
7131 search, discovers a dangerous article which the officer reasonably believes is a nuisance under
7132 subsection (b) of this section the officer shall take it into his or her possession and surrender it to
7133 the Property Clerk of the Metropolitan Police Department.

7134 (d)(1) Within 30 days after the date of such surrender, any person may file in the office of
7135 the Property Clerk of the Metropolitan Police Department a written claim for possession of such
7136 dangerous article. Upon the expiration of such period, the Property Clerk shall notify each such
7137 claimant, by registered mail addressed to the address shown on the claim, of the time and place
7138 of a hearing to determine which claimant, if any, is entitled to possession of such dangerous
7139 article. Such hearing shall be held within 60 days after the date of such surrender.

7140 (2) At the hearing the Property Clerk shall hear and receive evidence with respect to
7141 the claims filed under paragraph (1) of this subsection. Thereafter he or she shall determine
7142 which claimant, if any, is entitled to possession of such dangerous article and shall reduce his or
7143 her decision to writing. The Property Clerk shall send a true copy of such written decision to
7144 each claimant by registered mail addressed to the last known address of such claimant.

7145 (3) Any claimant may, within 30 days after the day on which the copy of such decision
7146 was mailed to such claimant, file an appeal in the Superior Court of the District of Columbia. If
7147 the claimant files an appeal, he or she shall at the same time give written notice thereof to the
7148 Property Clerk. If the decision of the Property Clerk is so appealed, the Property Clerk shall not
7149 dispose of the dangerous article while such appeal is pending and, if the final judgment is entered
7150 by such court, he or she shall dispose of such dangerous article in accordance with the judgment
7151 of such court. The Superior Court of the District of Columbia is authorized to determine which
7152 claimant, if any, is entitled to possession of the dangerous article and to enter a judgment
7153 ordering a disposition of such dangerous article consistent with subsection (f) of this section.

7154 (4) If there is no such appeal, or if such appeal is dismissed or withdrawn, the Property
7155 Clerk shall dispose of such dangerous article in accordance with subsection (f) of this section.

7156 (5) The Property Clerk shall make no disposition of a dangerous article under this
7157 section, whether in accordance with his or her own decision or in accordance with the judgment
7158 of the Superior Court of the District of Columbia, until the United States Attorney for the District
7159 of Columbia certifies to the Property Clerk that such dangerous article will not be needed as
7160 evidence.

7161 (e) A person claiming a dangerous article shall be entitled to its possession only if: (1)
7162 such person shows, on satisfactory evidence, that such person is the owner of the dangerous
7163 article or is the accredited representative of the owner, and that the ownership is lawful; (2) such
7164 person shows on satisfactory evidence that at the time the dangerous article was taken into
7165 possession by a police officer or a designated civilian employee of the Metropolitan Police
7166 Department, it was not unlawfully owned and was not unlawfully possessed or carried by the
7167 claimant or with his or her knowledge or consent; and (3) the receipt of possession by the
7168 claimant does not cause the article to be a nuisance. A representative is accredited if such person
7169 has a power of attorney from the owner.

7170 (f) If a person claiming a dangerous article is entitled to its possession as determined
7171 under subsections (d) and (e) of this section, possession of such dangerous article shall be given
7172 to such person. If no person so claiming is entitled to its possession as determined under
7173 subsections (d) and (e) of this section, or if there be no claimant, such dangerous article shall be
7174 destroyed. In lieu of such destruction, any such serviceable dangerous article may, upon order of
7175 the Mayor of the District of Columbia, be transferred to and used by any federal or District
7176 Government law-enforcing agency, and the agency receiving same shall establish property
7177 responsibility and records of these dangerous articles.

7178 (g) The Property Clerk shall not be liable in damages for any action performed in good
7179 faith under this section.

7181
7182
7183 SUBTITLE VII.
7184 REPEALED PROVISIONS.
7185 [REPEALED].

7186
7187
7188
7189 CHAPTER 46. EMBEZZLEMENT.
7190 [REPEALED].

7191
7192 Sec.

7193 22-4601 to 22-4611. Embezzlement of property of District; embezzlement by agent, attorney,
7194 clerk, servant, or agent of a corporation; embezzlement of note not delivered; receiving
7195 embezzled property; embezzlement by carriers and innkeepers; embezzlement by
7196 warehouseman, factor, storage, forwarding, or commission merchant; violations of §§ 22-
7197 4602 to 22-4606 where value of property less than \$ 100; conversion by commission
7198 merchant, consignee, person selling goods on commission, and auctioneers;
7199 embezzlement by mortgagor of personal property in possession; embezzlement by
7200 executors and other fiduciaries; taking property without right. [Repealed].

7201
7202 §§ 22-4601 to 22-4611. Embezzlement of property of District; embezzlement by agent,
7203 attorney, clerk, servant, or agent of a corporation; embezzlement of note not delivered; receiving
7204 embezzled property; embezzlement by carriers and innkeepers; embezzlement by
7205 warehouseman, factor, storage, forwarding, or commission merchant; violations of §§ 22-4602 to
7206 22-4606 where value of property less than \$ 100; conversion by commission merchant,
7207 consignee, person selling goods on commission, and auctioneers; embezzlement by mortgagor of
7208 personal property in possession; embezzlement by executors and other fiduciaries; taking
7209 property without right. [Repealed].

7210 Repealed.

7211
7212 CHAPTER 47. LARCENY; RECEIVING STOLEN GOODS.
7213 [REPEALED].

7214
7215 Sec.

7216 22-4701 to 22-4708. Grand larceny; petit larceny; order of restitution; larceny after trust;
7217 unauthorized use of vehicles; theft from vehicles; receiving stolen goods; stealing
7218 property of District; receiving property stolen from District; destroying stolen property.
7219 [Repealed].

7220
7221 §§ 22-4701 to 22-4708. Grand larceny; petit larceny; order of restitution; larceny after
7222 trust; unauthorized use of vehicles; theft from vehicles; receiving stolen goods; stealing property
7223 of District; receiving property stolen from District; destroying stolen property. [Repealed].
7224 Repealed.

7225
7226 CHAPTER 48. RAPE. [REPEALED].

7227
7228 Sec.
7229 22-4801. Definition and penalty. [Repealed].

7230
7231 § 22-4801. Definition and penalty. [Repealed].
7232 Repealed.

7233
7234 CHAPTER 49. SEDUCTION.
7235 [REPEALED].

7236
7237 Sec.
7238 22-4901 to 22-4902. Seduction; seduction by teacher. [Repealed].

7239
7240 §§ 22-4901, 22-4902. Seduction; seduction by teacher. [Repealed].
7241 Repealed.

7242
7243 CHAPTER 50. WAREHOUSE RECEIPTS.
7244 [REPEALED].

7245
7246 Sec.
7247 22-5001 to 22-5006. Issue of receipt for goods not received; issue of receipt containing false
7248 statement; issue of duplicate receipts not so marked; issue of receipt that does not state
7249 warehouseman's ownership of goods; delivery of goods without obtaining negotiable
7250 receipts; negotiation of receipt for mortgaged goods. [Repealed].

7251
7252 §§ 22-5001 to 22-5006. Issue of receipt for goods not received; issue of receipt
7253 containing false statement; issue of duplicate receipts not so marked; issue of receipt that does
7254 not state warehouseman's ownership of goods; delivery of goods without obtaining negotiable
7255 receipts; negotiation of receipt for mortgaged goods. [Repealed].
7256 Repealed.

7257
7258 CHAPTER 51. LIBEL; BLACKMAIL; EXTORTION; THREATS.
7259 [REPEALED].

7260
7261 Sec.

7262 22-5101 to 22-5106. Libel (penalty; publication; justification); false charges of unchastity;
7263 blackmail; intent to commit extortion by communication of illegal threats and demands.
7264 [Repealed].
7265
7266 §§ 22-5101 to 22-5106. Libel (penalty; publication; justification); false charges of
7267 unchastity; blackmail; intent to commit extortion by communication of illegal threats and
7268 demands. [Repealed].
7269 Repealed.

7270
7271 CHAPTER 52. MISCELLANEOUS PROVISIONS.
7272 [REPEALED].
7273

7274 Sec.
7275 22-5201. "Gift enterprise" defined. [Repealed].
7276 22-5202, 22-5203. Gift enterprise -- Prohibited; penalty. [Repealed].
7277 22-5204 to 22-5206. Kosher meat -- Sale; labeling; signs displayed where kosher and nonkosher
7278 meats sold; definitions; penalties. [Repealed].
7279 22-5207, 22-5208. Limitation of hours of daily service for laborers and mechanics on public
7280 works; penalty for violation of § 22-5207. [Repealed].
7281 22-5209 to 22-5213. Mislabeled potatoes (prohibited; sign to show grade; exception for seed
7282 potatoes; penalties); procuring enlistment of criminals. [Repealed].
7283 22-5214. Use of the flag for advertising purposes; mutilation of the flag. [Repealed].
7284 22-5215. Discrimination by theatre proprietors against persons wearing uniform of armed
7285 services prohibited. [Repealed].
7286
7287 § 22-5201. "Gift enterprise" defined. [Repealed].
7288 Repealed.
7289
7290 §§ 22-5202, 22-5203. Gift enterprise -- Prohibited; penalty. [Repealed].
7291 Repealed.
7292
7293 §§ 22-5204 to 22-5206. Kosher meat -- Sale; labeling; signs displayed where kosher and
7294 nonkosher meats sold; definitions; penalties. [Repealed].
7295 Repealed.
7296
7297 §§ 22-5207, 22-5208. Limitation of hours of daily service for laborers and mechanics on
7298 public works; penalty for violation of § 22-5207. [Repealed].
7299 Repealed.
7300
7301 §§ 22-5209 to 22-5213. Mislabeled potatoes (prohibited; sign to show grade; exception
7302 for seed potatoes; penalties); procuring enlistment of criminals. [Repealed].
7303 Repealed.
7304
7305 § 22-5214. Use of the flag for advertising purposes; mutilation of the flag. [Repealed].
7306 Repealed.
7307

7308 § 22-5215. Discrimination by theatre proprietors against persons wearing uniform of
7309 armed services prohibited. [Repealed].
7310 Repealed.”

7311
7312 Sec. 3. Conforming amendments.

7313 (a) Chapter 106 of the Acts of the Legislative Assembly, adopted August 23, 1871, is
7314 amended as follows:

7315 (1) Section 1 (D.C. Official Code § 22-1001) is repealed.

7316 (2) Section 2 (D.C. Official Code § 22-1002) is repealed.

7317 (3) Section 3 (D.C. Official Code § 22-1003) is repealed.

7318 (4) Section 7 (D.C. Official Code § 22-1007) is repealed.

7319 (5) Section 9 (D.C. Official Code § 22-1009) is repealed.

7320 (6) Section 10 (D.C. Official Code § 22-1011) is repealed.

7321 (7) Section 11 (D.C. Official Code § 22-1012(b)) is repealed.

7322 (8) Section 12 (D.C. Official Code § 22-1013) is repealed.

7323 (b) The Revised Statutes of the District of Columbia are amended as follows:

7324 (1) Sections 268 through 270 (D.C. Official Code §§ 22-3320 through 22-3322)
7325 are repealed.

7326 (2) Sections 432 and 433 (D.C. Official Code §§ 22-405 and 22-1406) are
7327 repealed.

7328 (3) Section 1806 (D.C. Official Code § 22-3318) is repealed.²

7329 (c) Section 9 of An Act To create revenue in the District of Columbia by levying a tax
7330 upon all dogs therein, to make such dogs personal property, and for other purposes, approved
7331 June 19, 1878 (20 Stat. 174; D.C. Official Code § 22-1311), is repealed.

7332 (d) Section 3 of An Act For the protection of children in the District of Columbia and for
7333 other purposes, approved February 13, 1885 (23 Stat. 303; D.C. Official Code § 22-1101), is
7334 repealed.

² Prior to the introduction of an enactment bill the Criminal Code Reform Commission recommends that the Council’s Office of the General Counsel confirm that this is the correction citation to repeal § 22-3318. D.C. Code § 22-3318 does not actually appear to be a Revised Statute of the District of Columbia. Rather, the statute appears to be a Revised Statute of the United States. *See*

<https://archive.org/stream/revisedstatutes01statgoog#page/n341/mode/2up>.

However, the only other amendatory act for this statute, the Fine Proportionality Act of 2012, cites the Revised Statutes of the District of Columbia as the organic act. Using the Fine Proportionality Act as a model, the current bill language cites the Revised Statutes of the District of Columbia, even though the correct organic act for citation appears to be the Revised Statutes of the United States.

7335 (e) Sections 4 and 6a of An Act to prevent cruelty to children or animals in the District
7336 of Columbia, and for other purposes, approved June 25, 1892 (27 Stat. 60; D.C. Code §§ 22-
7337 1012(a)³ and 22-1006.01), are repealed.

7338 (f) An Act For the preservation of the public peace and the protection of property within
7339 the District of Columbia, approved July 29, 1892 (27 Stat. 322; codified in scattered sections of
7340 the District of Columbia Official Code), is amended as follows:

7341 (1) Section 2 (D.C. Official Code § 22-3313) is repealed.

7342 (2) Section 3 (D.C. Official Code § 22-1309) is repealed.

7343 (3) Section 4 (D.C. Official Code § 22-1317) is repealed.

7344 (4) Section 6 (D.C. Official Code § 22-1307) is repealed.

7345 (5) Section 9 (D.C. Official Code § 22-1312) is repealed.

7346 (6) Section 10 (D.C. Official Code §§ 22-1310) is repealed.

7347 (7) Sections 11a and 11b (D.C. Official Code §§ 22-1314.01 and 22-1314.02) are
7348 repealed.

7349 (8) Section 13 (D.C. Official Code § 22-3310) is repealed.

7350 (9) Section 14 (D.C. Official Code § 22-1313) is repealed.

7351 (10) Section 15 (D.C. Official Code § 22-3311) is repealed.

7352 (11) Section 16 (D.C. Official Code § 22-1318) is repealed.

7353 (12) Section 17 (D.C. Official Code § 22-1308) is repealed.

7354 (13) Section 18 (D.C. Official Code § 22-1809) is repealed.

7355 (g) An Act To punish the impersonation of inspectors of the health and other departments
7356 of the District of Columbia, approved March 2, 1897 (29 Stat. 619; D.C. Official Code § 22-
7357 1405), is repealed.

³ Prior to the introduction of an enactment bill the Criminal Code Reform Commission recommends that the Council's Office of the General Counsel confirm that the June 25, 1892 Act to prevent cruelty to children or animals in the District of Columbia, and for other purposes, is the correct organic act for § 22-1012(a). Both the print and the online versions of the LexisNexis D.C. Official Code list the legislative history for § 22-1012 as: "Aug. 23, 1871, Leg. Assem., p. 138, ch. 106, § 11; June 25, 1892, 27 Stat. 60, ch. 135, § 4; May 21, 1994, D.C. Law 10-119, § 6, 41 DCR 1639; Aug. 20, 1994, D.C. Law 10-151, § 102(b), 41 DCR 2608; June 11, 2013, D.C. Law 19-317, § 209(b), 60 DCR 2064."

However, section 11 of Chapter 106 of Acts of the Legislative Assembly only contains the text codified at § 22-1012(b). Staff found the text codified at § 22-1012(a) in section 4 of the June 25, 1892 Act, and cited this Act as the organic act for § 22-1012(a). Staff used section 11 of Chapter 106 of the Acts of the Legislative Assembly as the organic act for § 22-1012(b).

7358 (h) An Act To establish a code of law for the District of Columbia, approved March 3,
7359 1901 (31 Stat. 1189; codified in scattered sections of the D.C. Official Code), is amended as
7360 follows:

7361 (1) Section 213 (D.C. Official Code § 22-1514) is repealed.
7362 (2) Sections 798 through 802b (D.C. Official Code §§ 22-2101 through 2107) are
7363 repealed.
7364 (3) Sections 803 through 806c (D.C. Official Code §§ 22-401 through 22-404.03)
7365 are repealed.
7366 (4) Section 807 (D.C. Official Code § 22-406) is repealed.
7367 (5) Section 810 through 811a (D.C. Official Code § 22-2801 through 22-2803) are
7368 repealed.
7369 (6) Section 812 (D.C. Official Code § 22-2001) is repealed.
7370 (7) Section 813 (D.C. Official Code § 22-2704) is repealed.
7371 (8) Sections 820 and 821 (D.C. Official Code §§ 22-301 and 22-302) are repealed.
7372 (9) Section 823 (D.C. Official Code § 22-801) is repealed.
7373 (10) Section 824 (D.C. Official Code § 22-3302) is repealed.
7374 (11) Section 825a (D.C. Official Code § 22-3305) is repealed.
7375 (12) Section 836a (D.C. Official Code § 22-1808) is repealed.
7376 (13) Section 844 (D.C. Official Code § 22-3307) is repealed.
7377 (14) Section 846 (D.C. Official Code § 22-3319) is repealed.
7378 (15) Section 848 (D.C. Official Code § 22-303) is repealed.
7379 (16) Section 849 (D.C. Official Code § 22-3306) is repealed.
7380 (17) Section 850 (D.C. Official Code § 22-3314) is repealed.
7381 (18) Section 851 (D.C. Official Code § 22-3301) is repealed.
7382 (19) Sections 859 and 860 (D.C. Official Code §§ 22-1403 and 22-1404) are
7383 repealed.
7384 (20) Sections 863 through 869 (D.C. Official Code §§ 22-1701 through 22-1708)
7385 are repealed.
7386 (21) Section 870 (D.C. Official Code § 22-501) is repealed.
7387 (22) Sections 869(e) and 869(f) (D.C. Official Code §§ 22-1713 and 22-17114)
7388 are repealed.

7389 (23) Section 872 (D.C. Official Code § 22-2201) is repealed.
7390 (24) Section 875 (D.C. Official Code § 22-1901) is repealed.
7391 (25) Section 879 (D.C. Official Code § 22-1502) is repealed.
7392 (26) Section 880 (D.C. Official Code § 22-3309) is repealed.
7393 (27) Section 891 (D.C. Official Code § 22-3303) is repealed.
7394 (28) Sections 901 and 902 (D.C. Official Code §§ 22-4403 and 22-4404) are
7395 repealed.
7396 (29) Sections 904 and 910 (D.C. Official Code §§ 22-1801 through 22-1807) are
7397 repealed.
7398 (i) Section 4 of An Act To enlarge the powers of the courts of the District of Columbia in
7399 cases involving delinquent children, and for other purposes, approved March 3, 1901 (31 Stat.
7400 1095; D.C. Official Code § 22-1102), is repealed.
7401 (j) Section 845a of An Act To amend an Act entitled "An Act to establish a code of law
7402 for the District of Columbia," approved June 30, 1902 (32 Stat. 535; D.C. Official Code § 22-
7403 1402) is repealed.⁴
7404 (k) An Act To prevent the giving of false alarms in the District of Columbia, approved
7405 June 8, 1906 (34 Stat. 220; D.C. Official Code § 22-1319) is repealed.
7406 (l) An Act In relation to pandering, to define and prohibit the same and to provide for the
7407 punishment thereof, approved June 25, 1910 (36 Stat. 833; D.C. Official Code §§ 22-2705
7408 through 22-2712), is repealed.⁵
7409 (m) An Act To confer concurrent jurisdiction on the police court of the District of
7410 Columbia in certain jurisdictions, approved July 16, 1912 (37 Stat. 192; D.C. Official Code §§
7411 22-407, 22-1301, and 22-2722), is repealed.

⁴ Prior to the introduction of an enactment bill the Criminal Code Reform Commission recommends that the Council's Office of the General Counsel confirm that this is the correct citation to repeal D.C. Code § 22-1402. Both the print and the online versions of the LexisNexis D.C. Official Code list the legislative history for § 22-1012 as: "June 30, 1902, 32 Stat. 535, ch. 1329, § 845a; Aug. 20, 1994, D.C. Law 10-151, § 106, 41 DCR 2608; June 11, 2013, D.C. Law 19-317, § 217, 60 DCR 2064."

This legislative history suggests that the June 30, 1902 act is the organic act for D.C. Code § 22-1402. However, the text of the June 30, 1902 act adds § 845a to the 1901 Act to establish a code of law for the District of Columbia. It is not clear which of the two acts ought to be cited as the organic act.

⁵ Prior to the introduction of an enactment bill the Criminal Code Reform Commission recommends that the Council's Office of the General Counsel confirm that this is the correct citation to repeal D.C. Code §§ 22-2710 through 22-2712. D.C. Code §§ 22-2710 through 22-2712 were added to the organic act by an amendatory act on January 30, 1941. Because the entire June 25, 1910 organic act is being repealed, the bill does not cite the amendatory act which added those statutes.

7412 (n) An Act To amend section eight hundred and ninety-five of the Code of Law for the
7413 District of Columbia, approved February 3, 1913 (37 Stat. 656; D.C. Official Code § 22–4402),
7414 is repealed.⁶

7415 (o) An Act To prevent fraudulent advertising in the District of Columbia, approved May
7416 29, 1916 (39 Stat. 165; D.C. Official Code §§ 22-1511 through 22-1513), is repealed.

7417 (p) An Act regulating the issuance of checks, drafts, and orders for the payment of money
7418 within the District of Columbia, approved July 1, 1922 (47 Stat. 820; D.C. Official Code § 22-
7419 1510), is repealed.

7420 (q) An Act To control the possession, sale, transfer, and use of pistols and other
7421 dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of
7422 evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code §§ 22-
7423 4501 through 22-4517), is repealed.⁷

7424 (r) Section 8 of An Act to establish a Board of Indeterminate Sentence and Parole for the
7425 District of Columbia and to determine its functions, and for other purposes, approved July 15,
7426 1932 (47 Stat. 698; D.C. Official Code § 22-2601), is repealed.

7427 (s) An Act For the suppression of prostitution in the District of Columbia, approved
7428 August 15, 1935 (49 Stat. 651; D.C. Official Code § 22–2701 *et seq.*), is amended as follows:

7429 (1) Section 1 (D.C. Official Code § 22-2701) is repealed.

7430 (2) Section 3 (D.C. Official Code § 22-2703) is repealed.

7431 (3) Sections 5 through 7 (D.C. Official Code §§ 22-2723 through 22-2725) are
7432 repealed.

7433 (t) An Act To define the crime of bribery and to provide for its punishment, approved
7434 February 26, 1936 (49 Stat. 1143; D.C. Code § 22-704), is repealed.

⁶ Prior to the introduction of an enactment bill the Criminal Code Reform Commission recommends that the Council’s Office of the General Counsel confirm that this is the correct citation to repeal D.C. Code § 22-4402. Both the print and the online versions of the LexisNexis D.C. Official Code list the legislative history for § 22-4402 as: “Feb. 3, 1913, 37 Stat. 656, ch. 25; June 11, 2013, D.C. Law 19-317, § 239, 60 DCR 2064.” This legislative history suggests that the February 3, 1913 act is the organic act for D.C. Code § 22-4402. However, the text of the February 3, 1913 act adds § 895a to the 1901 Act to establish a code of law for the District of Columbia. It is not clear which of the two acts ought to be cited as the organic act. It should also be noted that the legislative history as listed in the LexisNexis D.C. Official omits the section number for this statute.

⁷ Prior to the introduction of an enactment bill the Criminal Code Reform Commission recommends that the Council’s Office of the General Counsel confirm that this is the correct citation to repeal D.C. Code §§ 22-4503.01, 22-4504.01, 22-4504.02, 22-4515a, and 22-4517. Various amendatory acts added these statutes to the July 8, 1932 organic act which codifies the other weapons statutes in chapter 45 of Title 22. Because the entire July 8, 1932 organic act is being repealed, the bill does not cite the amendatory acts which added these statutes.

7435 (u) Sections 2 through 4 of An Act To prohibit the introduction of contraband into the
7436 District of Columbia penal institutions, approved December 15, 1941 (55 Stat. 800; D.C. Official
7437 Code § 22-2603.01 through 22-2603.03), are repealed.

7438 (v) The District of Columbia Law Enforcement Act, approved June 29, 1953 (67 Stat. 90;
7439 codified in scattered sections of the District of Columbia Official Code) is amended as follows:

7440 (1) Section 209(a) (D.C. Official Code § 22-2501) is repealed.

7441 (2) Section 211(a) (D.C. Official Code § 22-1321) is repealed.

7442 (w) Section 4 of An Act To revise and modernize the fish and game laws of the District
7443 of Columbia, and for other purposes, approved August 23, 1958 (72 Stat. 815; D.C. Official
7444 Code § 22-4331), is repealed.

7445 (x) An Act To prohibit the use by collecting agencies and private detective agencies of
7446 any name, emblem, or insignia which reasonably tends to convey the impression that any such
7447 agency is an agency of the government of the District of Columbia, approved October 16, 1962
7448 (76 Stat. 1071; D.C. Official Code §§ 22-3401 through 22-3403), is repealed.

7449 (y) Section 901 of An Act Relating to crime and criminal procedure in the District of
7450 Columbia, approved December 27, 1967 (81 Stat. 742; D.C. Official Code § 22-1322), is
7451 repealed.

7452 (z) Section 1502 of the Omnibus Crime Control and Safe Streets Act of 1968, approved
7453 June 19, 1968 (82 Stat. 238; D.C. Official Code § 22-1810), is repealed.

7454 (aa) Section 203 of the District of Columbia Court Reform and Criminal Procedure Act
7455 of 1970, approved July 29, 1970 (84 Stat. 600; D.C. Official Code § 22-601), is repealed.

7456 (bb) Section 2 of the Control Prostitution and Sale of Controlled Substances in Public
7457 Places Criminal Control Act of 1981, effective December 10, 1981 (D.C. Law 4-57; D.C. Code §
7458 22-2701.01), is repealed.

7459 (cc) The District of Columbia Theft and White Collar Crimes Act of 1982, effective
7460 December 1, 1982 (D.C. Law 4-164; codified in scattered sections of the D.C. Official Code)⁸ is
7461 amended as follows:

7462 (1) Sections 101 through 125g (D.C. Official Code §§ 22-3201 through 22-

⁸ Prior to the introduction of an enactment bill the Criminal Code Reform Commission recommends that the Council's Office of the General Counsel confirm that this is the correct citation to repeal D.C. Code §§ 22-3227.01 through 22-3227.08, 22-3233, and 22-3234. Various amendatory acts added these statutes to the December 1, 1982 organic act which codifies the other statutes in Chapter 32 of Title 22.

7463 3225.07 are repealed.

7464 (2) Section 125o (D.C. Official Code § 22-3225.15) is repealed.

7465 (3) Section 126a (D.C. Official Code § 22-3226.01) is repealed.

7466 (4) Sections 126f through 126h (D.C. Official Code §§ 22-3226.06 through 22-
7467 3226.08) are repealed.

7468 (5) Section 126j (D.C. Official Code § 22-3226.10) is repealed.

7469 (6) Sections 301 through 303 (D.C. Official Code §§ 22-711 through 22-713) are
7470 repealed.

7471 (7) Sections 401 through 404 (D.C. Official Code §§ 22-2402 through 22-2405)
7472 are repealed.

7473 (8) Sections 501 through 503 (D.C. Official Code §§ 22-721 through 22-723) are
7474 repealed.

7475 (9) Sections 3601 and 3602 (D.C. Official Code §§ 22-3601 and 22-3602) are
7476 repealed.

7477 (dd) The District of Columbia Protection of Minors Act of 1982, effective March 9, 1983
7478 (D.C. Law 4-173; D.C. Official Code § 22-3101 through 22-3104), is repealed.

7479 (ee) The Anti-Intimidation and Defacing of Public or Private Property Criminal Penalty
7480 Act of 1982, effective March 10, 1983 (D.C. Law 4-203; D.C. Code §§ 22-3312.01 *et seq.*), is
7481 amended as follows:

7482 (1) Section 1a (D.C. Official Code § 22-3312.05) is repealed.

7483 (2) Section 2 (D.C. Official Code § 22-3312.01) is repealed.

7484 (3) Section 3 (D.C. Official Code § 22-3312.02) is repealed.

7485 (4) Section 4 (D.C. Official Code §§ 22-3312.03) is repealed.

7486 (5) Section 5 (D.C. Official Code § 22-3312.04) is repealed.⁹

7487 (ff) Sections 2 through 4 of the Bias-Related Crime Act of 1989, effective May 8, 1990
7488 (D.C. Law 8-121; D.C. Official Code § 22-3701 through 22-3703) are repealed.

7489 (gg) Sections 2 through 7 of The Panhandling Control Act of 1993, effective November
7490 17, 1993 (D.C. Law 10-54; D.C. Official Code §§ 22-2301 through 22-2306), are repealed.

⁹ Prior to the introduction of an enactment bill the Criminal Code Reform Commission recommends that the Council's Office of the General Counsel confirm that this is the correct citation to repeal D.C. Code § 22-3312.05. An amendatory act added this statute to the March 10, 1983 organic act.

7491 (hh) Sections 101 through 219 of the Anti-Sexual Abuse Act of 1994, effective May 23,
7492 1995 (D.C. Law 10-257; D.C. Official Code §§ 22-3001 through 22-3020), are repealed.¹⁰

7493 (ii) The Commercial Counterfeiting Criminalization Act of 1996, effective June 3, 1997
7494 (D.C. Law 11-271; D.C. Code §§ 22-901 and 22-902), is repealed.

7495 (jj) Section 11712(e) of the National Capital Revitalization and Self-Government
7496 Improvement Act of 1997, approved August 5, 1997 (111 Stat. 782; D.C. Official Code § 22-
7497 1323) is repealed.

7498 (kk) Section 16 of The Sex Offender Registration Act of 1999, effective July 11, 2000
7499 (D.C. Law 13-137; D.C. Official Code § 22-4015), is repealed.

7500 (ll) Sections 201 through 206 of the Seniors Protection Amendment Act of 2000,
7501 effective June 8, 2001 (D.C. Law 13-301; D.C. Code §§ 22-931 through 22-936), are repealed.

7502 (mm) Sections 2, 2a, and 3 of the Taxicab Drivers Protection Act of 2000, effective June
7503 9, 2001 (D.C. Law 13-307; D.C. Official Code §§ 22-3751, 22-3751.01, and 22-3752), are
7504 repealed.¹¹

7505 (nn) Section 5 of the Innocence Protection Act of 2001, effective May 17, 2002 (D.C.
7506 Law 14-134; D.C. Official Code § 22-4134), is repealed.

7507 (oo) The Omnibus Anti-Terrorism Act of 2002, effective October 17, 2002 (D.C. Law
7508 14-194; codified in scattered sections of the District of Columbia Official Code), is amended as
7509 follows:

7510 (1) Sections 101 through 106 (D.C. Code §§ 22-3151 through 22-3156) are
7511 repealed.

7512 (2) Section 702 (D.C. Code § 22-1409) is repealed.

7513 (pp) The Omnibus Public Safety Amendment Act of 2006, effective April 24, 2007
7514 (D.C. Law 16-306; codified in scattered sections of the District of Columbia Official Code) is
7515 amended as follows:

7516 (1) Section 101 (D.C. Official Code § 22-951) is repealed.

7517 (2) Section 102 (D.C. Official Code § 22-3611) is repealed.

¹⁰ Prior to the introduction of an enactment bill the Criminal Code Reform Commission recommends that the Council's Office of the General Counsel confirm that this is the correct citation to repeal D.C. Code §§ 22-3309.01 through 22-3009.04, 22-3010.01, and 22-3010.02. An amendatory act added these statutes to the May 23, 1995 organic act.

¹¹ Prior to introduction of an enactment bill the Criminal Code Reform Commission recommends that the Council's Office of the General Counsel confirm that this is the correct citation to repeal D.C. Code § 22-3751.01. An amendatory act added this statute to the June 9, 2001 organic act.

- 7518 (3) Section 103 (D.C. Official Code § 22-811) is repealed.
7519 (4) Section 105 (D.C. Official Code § 22-3531) is repealed.
7520 (5) Section 106 (D.C. Official Code § 22-851) is repealed.
7521 (6) Section 107 (D.C. Official Code § 22-1931) is repealed.

7522 (qq) The Omnibus Public Safety and Justice Amendment Act of 2009, effective
7523 December 10, 2009 (D.C. Law 18–88; codified in scattered sections of the District of Columbia
7524 Official Code), is amended as follows:

- 7525 (1) Section 102 (D.C. Code § 22-1341) is repealed.
7526 (2) Section 103 (D.C. Code §§ 22-1211) is repealed.
7527 (3) Sections 501 through 505 (D.C. Code §§ 22-3131 through 22-3135) is
7528 repealed.

7529 (rr) Sections 101 through 108 of the Prohibition Against Human Trafficking Amendment
7530 Act of 2010, effective October 23, 2010 (D.C. Law 18–239; D.C. Official Code §§ 22–1831
7531 through 22-1838), are repealed.

7532 (ss) Sections 2 and 3 of the Residential Tranquility Act of 2010, effective May 26, 2011
7533 (D.C. Law 18–374; D.C. Official Code §§ 22–2751 and 22-2752), are repealed.

7534 (tt) Sections 101 and 102 of the Criminal Fine Proportionality Amendment Act of 2012,
7535 effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code §§ 22-3571.01 and 22-3571.02),
7536 are repealed.

7537 (uu) The Prohibition of the Harm of Police Animals Act of 2014, effective April 24, 2015
7538 (D.C. Law 20-242; D.C. Official Code § 22-861), is repealed.

7539 (vv) The Criminalization of Non–Consensual Pornography Act of 2014, effective May 7,
7540 2015 (D.C. Law 20-275; D.C. Official Code §§ 22-3051 through 22-3057) is repealed.

7541

7542 **TITLE 2. TECHNICAL AMENDMENTS TO STATUTES OUTSIDE OF TITLE 22**

7543 Sec. 201. Short title.

7544 This title may be cited as the “Technical Amendments to Criminal Statutes Outside of
7545 Title 22 Act of 2017.”

7546 **SUBTITLE A. TECHNICAL AMENDMENTS TO TITLE 2**

7547 Sec. 202. Section 821 of the District of Columbia Procurement Practices Act of 1985,
7548 effective May 8, 1998 (D.C. Law 12-104; D.C. Official Code § 2-381.09) is amended by striking

7549 the phrase “The Attorney General for the District of Columbia shall prosecute violations of this
7550 section.”¹²

7551 SUBTITLE B. TECHNICAL AMENDMENTS TO TITLE 4

7552 Sec. 203. The District of Columbia Public Assistance Act of 1982, effective April 6,
7553 1982 (D.C. Law 4-101; codified in scattered sections of the D.C. Official Code) is amended as
7554 follows:

7555 (a) Section 1801 (D.C. Official Code § 4-218.01) is amended as follows:

7556 (1) Subsection (a) is amended by striking the phrase “payment of public
7557 assistance to which he is not entitled” and inserting the phrase “payment of public assistance to
7558 which he or she is not entitled” in its place.

7559 (2) Subsection (b) is amended as follows:

7560 (A) By striking the word “he” both times it appears and inserting the
7561 phrase “he or she” in its place.

7562 (B) By striking the word “his” and inserting the phrase “his or her” in
7563 its place.

7564 (b) Section 1805(c) (D.C. Official Code § 4-218.05(c)) is amended by striking
7565 “Corporation Counsel” and inserting “Attorney General for the District of Columbia” in its
7566 place.

7567 SUBTITLE C. TECHNICAL AMENDMENTS TO TITLE 6

7568 Sec. 204. Section 10(a) of An Act Providing for the zoning of the District of Columbia
7569 and the regulation of the location, height, bulk, and uses of buildings and other structures and of
7570 the uses of land in the District of Columbia, and for other purposes, approved June 20, 1938 (52
7571 Stat. 800; D.C. Official Code § 6-641.09(a)), is amended as follows:

7572 (a) By striking the phrase “Inspector of Buildings, and said Inspector” and inserting the
7573 phrase “Department of Consumer and Regulatory Affairs, and the Department of Consumer and
7574 Regulatory Affairs” in its place.

7575 (b) By striking the phrase “Corporation Counsel or any of his assistants” and inserting the
7576 phrase “Attorney General for the District of Columbia or any of his or her assistants” in its place.

¹² Prior to introduction of an enactment bill the Criminal Code Reform Commission recommends that the Council’s Office of the General Counsel confirm that this is the correct citation to amend D.C. Code § 2-381.09. The online version of the LexisNexis D.C. Official Code list the legislative history for § 2-381.09 as: “Feb. 21, 1986, D.C. Law 6-85, § 821, 32 DCR 7396, as added May 8, 1998, D.C. Law 12-104, § 2(g), 45 DCR 1687; Mar. 19, 2013, D.C. Law 19-232, § 2(g), 59 DCR 13632; June 11, 2013, D.C. Law 19-317, § 112(a), 60 DCR 2064.”

7577 (c) By striking the phrase “Corporation Counsel of” and inserting the phrase “Attorney
7578 General for” in its place.

7579 SUBTITLE D. TECHNICAL AMENDMENTS TO TITLE 7

7580 Sec. 205. Section 201(b) of the Firearms Control Regulations Act of 1975, effective
7581 September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2502.01(b)) is amended as follows:

7582 (a) Subparagraph (2)(C) is amended by striking the word “his” and inserting the
7583 phrase “his or her” in its place.

7584 (b) Paragraph (3) is amended as follows:

7585 (1) By striking the word “his” wherever it appears and inserting the phrase
7586 “his or her” in its place.

7587 (2) By striking the word “he” wherever it appears and inserting the
7588 phrase “he or she” in its place.

7589 SUBTITLE E. TECHNICAL AMENDMENTS TO TITLE 10

7590 Sec. 206. Section 6(c) of An Act To define the area of the United States Capitol
7591 Grounds, to regulate the use thereof, and for other purposes, approved July 31, 1946 (60 Stat.
7592 718; D.C. Official Code § 10-503.16(c)) is amended by striking the word “his” and inserting the
7593 phrase “his or her” in its place.

7594 SUBTITLE F. TECHNICAL AMENDMENTS TO TITLE 23

7595 Sec. 207. Title 23 of the District of Columbia Official Code is amended as follows:

7596 (a) Section 23-1327 is amended as follows:

7597 (1) Subsection (a) is amended as follows:

7598 (A) By striking the word “his” wherever it appears and inserting
7599 the phrase “his or her” in its place.

7600 (B) By striking the word “he” wherever it appears and inserting the
7601 phrase “he or she” in its place.

7602 (2) Subsection (c) is amended by striking the word “his” and inserting the phrase
7603 “his or her” in its place.

7604 (b) Section 23-1329 is amended as follows:

7605 (1) Subsection (b)(1) is amended as follows:

7606 (A) By striking the word “he” both times it appears and inserting the
7607 phrase “he or she” in its place.

7608 (B) By striking the word “his” and inserting the phrase “his or her” in its
7609 place.

7610 (2) Subsection (c) is amended by striking the word “his” and inserting the phrase
7611 “his or her” in its place.

7612 SUBTITLE G. TECHNICAL AMENDMENTS TO TITLE 24

7613 Section 208. Section 6(b) of the District of Columbia Work Release Act, approved
7614 November 10, 1966 (80 Stat. 1520; D.C. Official Code § 24-241.05(b)) is amended as follows:

7615 (a) By striking the word “his” both times it appears and inserting the phrase “his
7616 or her” in its place.

7617 (b) By striking the phrase “Corporation Counsel of” and inserting the phrase
7618 “Attorney General for” in its place.

7619 SUBTITLE H. TECHNICAL AMENDMENTS TO TITLE 25

7620 Sec. 209. Section 25-1002(c)(2) of the District of Columbia Official Code is amended by
7621 striking the word “his” and inserting the phrase “his or her” in its place.

7622 SUBTITLE I. TECHNICAL AMENDMENTS TO TITLE 47

7623 Sec. 210. Title 47 of the District of Columbia Official Code is amended as follows:

7624 (a) Section 47-2828(a) is amended by striking the word “his” and inserting the
7625 phrase “his or her” in its place.

7626 (b) Section 47-2829 is amended as follows:

7627 (1) Subsection (b) is amended as follows:

7628 (A) By striking “Collector of Taxes” and inserting “Office of Tax
7629 and Revenue” in its place.

7630 (B) By striking the word “his” and inserting the phrase “his or her” in its
7631 place.

7632 (2) Subsection (i) is amended by striking the word “his” wherever it
7633 appears and inserting the phrase “his or her” in its place.

7634 SUBTITLE J. TECHNICAL AMENDMENTS TO TITLE 48

7635 Sec. 211. Section 401(e)(2) of the District of Columbia Uniform Controlled Substances
7636 Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-904.01(e)(2)) is
7637 amended by striking the word “him” and inserting the phrase “him or her” in its place.

7638 SUBTITLE K. TECHNICAL AMENDMENTS TO TITLE 50

7639 Sec. 212. Section 6(b)(2) of the Uniform Classification and Commercial Driver’s
7640 License Act of 1990, effective September 20, 1990 (D.C. Law 8-161; D.C. Official Code § 50-
7641 405(b)(2)) is amended by striking “Corporation Counsel” and inserting “Attorney General for the
7642 District of Columbia” in its place.

7643 Sec. 213. The District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat.
7644 1119; codified in scattered cites of the D.C. Official Code) is amended as follows:

7645 (a) Section 7(a) (D.C. Official Code § 50-1401.01(a)) is amended as follows:

7646 (1) Paragraph (3) is amended as follows:

7647 (A) By striking the word “his” both times it appears and inserting
7648 the phrase “his or her” in its place.

7649 (B) By striking the word “he” and inserting the phrase “he or she”
7650 in its place.

7651 (2) Paragraph (6) is amended by striking the word “his” and inserting the
7652 phrase “his or her” in its place.

7653 (b) Section 10b (D.C. Official Code § 50-2201.05b) is amended as follows:

7654 (1) Paragraph (d)(1) is amended by striking the word “his” and inserting
7655 the phrase “his or her” in its place.

7656 (2) By striking subsection (e).

7657 Sec. 214. Section 4(e) of the Removal and Disposition of Abandoned and Other
7658 Unlawfully Parked Vehicles Reform Act of 2003, effective October 28, 2003 (D.C. Law 15-35;
7659 D.C. Official Code § 50-2421.04(e)) is amended by striking “Corporation Counsel” and inserting
7660 “Attorney General for the District of Columbia” in its place.

7661

7662 **TITLE 3. AMENDMENT OF AN UNCONSTITUTIONAL STATUTE**

7663 Sec. 301. Short title.

7664 This title may be cited as the “Possession of Unlawful Ammunition Offense Amendment
7665 Act of 2017.”

7666 Sec. 302. Section 601 of the Firearms Control Regulations Act of 1975, effective
7667 September 24, 1976 (D.C. Law 1-85; D.C. Code § 7-2506.01), is amended to read as follows:

7668 "Sec. 601. (a) *Definitions.* For the purposes of this section, the term "large capacity
7669 ammunition feeding device" means a magazine, belt, drum, feed strip, or similar device that has

7670 a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of
7671 ammunition. The term "large capacity ammunition feeding device" shall not include an attached
7672 tubular device designed to accept, and capable of operating only with, .22 caliber rimfire
7673 ammunition.

7674 "(b) *Offense*. A person commits the crime of unlawful possession of ammunition when
7675 that person:

7676 "(1) Possesses ammunition, and that person has not lawfully registered a firearm
7677 of the same caliber or gauge of ammunition pursuant to subchapter IV of this unit;

7678 "(2) Possesses one or more restricted pistol bullets as defined in § 7-
7679 2501.01(13A)(A); or

7680 "(3) Possesses, sells, or transfers any large capacity ammunition feeding device
7681 regardless of whether the device is attached to a firearm.

7682 "(c) *Affirmative defense*. It is an affirmative defense to the crime of unlawful
7683 possession of ammunition for subsections (b)(1) and (b)(2) that the person charged:

7684 "(1) Is a licensed dealer pursuant to subchapter IV of this unit;

7685 "(2) Is an officer, agent, or employee of the District of Columbia or the United
7686 States of America, and was on duty and acting within the scope of his or her duties when that
7687 person possessed such ammunition;

7688 "(3) Holds an ammunition collector's certificate on September 24, 1976; or

7689 "(4) Temporarily possessed ammunition while participating in a
7690 firearms training and safety class conducted by a firearms instructor."

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7692 **TITLE 4. ABOLITION OF COMMON LAW OFFENSES**

7693 Sec. 401. Short title.

7694 This title may be cited as the "Abolition of Common Law Offenses Act of 2017."

7695 Sec. 402. Section 1 of An Act To establish a code of law for the District of Columbia,
7696 approved March 3, 1901 (31 Stat. 1189; D.C. Code § 45-401), is amended as follows:

7697 (a) Subsection (a) is amended by striking the phrase "some provision of the 1901
7698 Code" and inserting the phrase "some provision of the 1901 Code or this section" in its place.

7699 (b) Subsection (b) is amended to read as follows:

7700 “Common law offenses are abolished and no act or omission constitutes an offense unless
7701 made so by an Act of Congress, this Code, or a municipal regulation of the District of Columbia.
7702 This subsection does not affect the power to punish for contempt, or to employ any sanction
7703 authorized by law for the enforcement of an order or a civil judgment or decree. This subsection
7704 shall not be construed to repeal any common law defenses or any legal precedent other than that
7705 which recognizes common law offenses.”

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7707 **TITLE 5. REPEAL OF ARCHAIC AND UNUSED OFFENSES OUTSIDE OF TITLE 22**

7708 Sec. 501. Short title.

7709 This title may be cited as the “Abolition of Common Law Offenses Act of 2017.”

7710 Sec. 502. Section 6 of An Act for the promotion of anatomical science and to prevent the
7711 desecration of graves in the District of Columbia, approved April 29, 1902 (32 Stat. 175; D.C.
7712 Official Code § 3-206), is repealed.

7713 Sec. 503. Section 2 of An Act To give additional powers to the Board of Public Welfare
7714 of the District of Columbia, and for other purposes, approved January 12, 1942 (55 Stat. 883;
7715 D.C. Official Code § 4-125), is repealed.

7716 Sec. 504. Section 10 of An Act To regulate the importation of nursery stock and other
7717 plants and plant products; to enable the Secretary of Agriculture to establish and maintain
7718 quarantine districts for plant diseases and insect pests; to permit and regulate the movement of
7719 fruits, plants, and vegetables therefrom, and for other purposes, approved August 20, 1912 (37
7720 Stat. 318; D.C. Official Code § 8-305), is repealed.

7721 Sec. 505. The Permit Restoration Act of 1999, effective April 12, 2000 (D.C. Law 13-
7722 91; D.C. Official Code §§ 9-433.01 and 9-433.02) is repealed.¹³

7723 Sec. 506. Section 8 of An Act Making appropriations to provide for the expenses of the
7724 government of the District of Columbia for the fiscal year ending June thirtieth, nineteen
7725 hundred and fourteen, and for other purposes, approved March 4, 1913 (37 Stat. 974; codified in
7726 scattered sections of the District of Columbia Official Code), is amended as follows:

¹³ D.C. Official Code §§ 9-433.01 and 9-433.02 (“Cutting Trenches in Highways”) were enacted in 2000 but are identical to immediately preceding provisions in the D.C. Official Code, §§ 9-431.01 and 9-431.02, which were enacted in 1898. The reason for this unusual duplication is unclear, as only one set of these statutes is necessary to prohibit the described conduct. The Criminal Code Reform Commission recommends repeal of the newer versions of the statutes rather than the originals from 1898, only out of concern that the 2000 version may have been enacted in error.

7727 (a) Paragraph 80 (D.C. Official Code § 34-701) is repealed.

7728 (b) Paragraph 86 (D.C. Official Code § 34-707) is repealed.

7729 Sec. 507. Section 878c of An Act To establish a code of law for the District of
7730 Columbia, approved February 27, 1907 (34 Stat. 1007; D.C. Official Code § 36-153), is
7731 repealed.¹⁴

7732 Sec. 508. Section 47-102 of the District of Columbia Official Code is repealed.

7733 Sec. 509. Conforming amendments.

7734 (a) Section 15 of An Act To regulate the importation of nursery stock and other plants
7735 and plant products; to enable the Secretary of Agriculture to establish and maintain quarantine
7736 districts for plant diseases and insect pests; to permit and regulate the movement of fruits, plants,
7737 and vegetables therefrom, and for other purposes, approved May 31, 1920 (41 Stat. 726; D.C.
7738 Code § 8-304) is amended by striking the phrase “punished, as provided in § 8-305” and
7739 inserting the phrase “guilty of a misdemeanor and shall, upon conviction thereof, be punished by
7740 a fine not exceeding \$500 or by imprisonment not exceeding 1 year, or both such fine and
7741 imprisonment, in the discretion of the court” in its place.¹⁵

7742 (b) Section 878d of An Act To establish a code of law for the District of Columbia,
7743 approved February 27, 1907 (34 Stat. 1007; D.C. Official Code § 36-154) is amended by striking
7744 the phrase “shall be punished as provided in § 36-153” and inserting the phrase “shall, for the 1st
7745 offense, be punished by a fine of not less than \$.50 for each such vessel, or by imprisonment for
7746 not less than 10 days nor more than 1 year, or by both such fine and imprisonment; and for each
7747 subsequent offense by a fine of not less than \$1 nor more than \$5 for each such vessel, or by

¹⁴ Prior to the introduction of an enactment bill the Criminal Code Reform Commission recommends that the Council’s Office of the General Counsel confirm that this is the correct citation to amend D.C. Code § 36-153. The online version of the LexisNexis D.C. Official Code list the legislative history for § 36-153 as: “Mar. 3, 1901, ch. 854, § 878c; Feb. 27, 1907, 34 Stat. 1007, ch. 2086.”

Section 878c of the 1907 amendatory act adds § 36-153 to the March 3, 1901 organic act. However, the later amendatory act of 1907 is cited because the language in this act is being amended.

¹⁵ Prior to introduction of an enactment bill the Criminal Code Reform Commission recommends that the Council’s Office of the General Counsel confirm that this is the correct citation to amend D.C. Code § 8-304. The online version of the LexisNexis D.C. Official Code list the legislative history for § 8-304 as: “Aug. 20, 1912, ch. 308, § 15; May 31, 1920, 41 Stat. 726, ch. 217; May 16, 1928, 45 Stat. 565, ch. 572; July 7, 1932, 47 Stat. 640, ch. 443; Mar. 26, 1934, 48 Stat. 486, ch. 89; Apr. 1, 1942, 56 Stat. 190, 192, ch. 207, §§ 1-4; July 8, 1963, 77 Stat. 77, Pub. L. 88-60, § 1; July 29, 1970, 84 Stat. 570, Pub. L. 91-358, title I, § 155(a).”

The May 31, 1920 amendatory act added § 15 to the August 20, 1912 organic act. However the later amendatory act of 1920 is cited because the language in this act is being amended.

7748 imprisonment for not less than 20 days nor more than 1 year, or by both such fine and
7749 imprisonment” in its place.¹⁶

7750 **TITLE 6. APPLICABILITY DATE; FISCAL IMPACT; EFFECTIVE DATE**

7751 Sec. 601. Applicability.

7752 This Act shall apply as of [insert correct date].

7753 Sec. 602. Fiscal impact statement.

7754 [Insert appropriate language].

7755 Section 603. Effective date.

7756 This act shall take effect following approval by the Mayor (or in the event of veto by the
7757 Mayor, action by the Council to override the veto), a 60-day period of Congressional review as
7758 provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December
7759 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of
7760 Columbia Register.

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¹⁶ Prior to the introduction of an enactment bill the Criminal Code Reform Commission recommends that the Council’s Office of the General Counsel confirm that this is the correct citation to amend D.C. Code § 36-154. The online version of the LexisNexis D.C. Official Code list the legislative history for § 36-154 as: “Mar. 3, 1901, ch. 854, § 878d; Feb. 27, 1907, 34 Stat. 1007, ch. 2086.” Section 878d of the 1907 amendatory act adds § 36-154 to the March 3, 1901 organic act. However, the later amendatory act of 1907 is cited because the language in this act is being amended.