



D.C. Criminal Code Reform Commission

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October 1, 2021

The Honorable Phil Mendelson
Chairman, Council of the District of Columbia
1350 Pennsylvania Avenue, NW, Ste. 504
Washington DC 20004
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Dear Chairman Mendelson:

I present for your consideration the attached bill, the “Revised Criminal Code Act of 2021” (RCCA) on behalf of the D.C. Criminal Code Reform Commission (CCRC). I request that you introduce the bill for consideration and approval by the full Council pursuant to Rule 401(b)(1) of the Rules of Organization and Procedure for the Council.

The RCCA comprehensively modernizes most District criminal offenses currently in use. If adopted into law, the recommendations will be the first comprehensive revision of the D.C. Code since Congress originally codified District criminal statutes in 1901.

Comprehensive reform of the District’s current substantive criminal statutes—the laws that establish the scope of criminal conduct and authorize penalties—is long overdue. Amended and augmented by different legislative bodies over time, the District’s criminal statutes today vary widely in their clarity, completeness, consistency, and proportionality. Many existing statutes use outdated and unclear language, fail to state all the elements that establish liability, or use inconsistent definitions and terminology. The authorized penalties for many District crimes often do not reflect the seriousness of the underlying conduct because of overlap and gaps in how crimes are defined, failures to distinguish between variations in how an offense is committed or its resulting harm, and changing norms about the relative severity of offenses and the use of incarceration penalties.

The structure and drafting of the District’s current substantive criminal statutes stand in sharp contrast to that of most other U.S. jurisdictions. Most states comprehensively restructured and redrafted their criminal statutes in the late-20th century following the issuance of the Model Penal Code (MPC) by the American Law Institute in 1962. The MPC was most influential with respect to its definitions of the culpable mental states that must be proven in crimes (sometimes referred to as “mens rea”) and its comprehensive approach to drafting offenses that emphasized a clear, complete, and consistent statement of all elements instead of a reliance on “common law” judicial rulings. The District is among the minority of jurisdictions that did not pass such MPC-based, comprehensive reform. Despite ongoing efforts by the Council, piecemeal legislative amendments have been unable to fix pervasive, structural problems in the D.C. Code. A review of criminal

codes by law professor Paul Robinson used objective factors such as clarity, consistency, and completeness to assess all 52 U.S. criminal codes (50 states, the federal criminal code, and the District). The District was ranked at the bottom—45th of the 52 reviewed jurisdictions.¹

The RCCA revises the elements that determine criminal liability, establishes defenses and exceptions to liability for crimes, creates a uniform, proportionate classification system for penalties, and codifies general definitions and other legal requirements applicable to all revised offenses. The RCCA accomplishes this primarily through enactment of a new Title 22A of the D.C. Code, with assorted amendments to criminal statutes in other District titles. While the RCCA does not revise all crimes in the D.C. Code, it amends crimes that, in recent years, have accounted for over 97% of all adult convictions (based on CCRC analysis of Superior Court adult disposition data). The bill does *not* address law enforcement practices, court case processing practices, or evidentiary rules.

The RCCA is the culmination of five years of work by the CCRC and was informed by prior work of the D.C. Sentencing and Criminal Code Reform Commission. The CCRC was created October 1, 2016 as an independent agency with the mission of providing recommendations to the Council and Mayor for revising District criminal statutes. Per the agency's statute, the recommendations improve the clarity, consistency, completeness, and proportionality of District criminal statutes. The recommendations are based not only on current District statutory and case law, but also a review of model legislation and other jurisdictions' best practices, research into relevant social science literature, and analysis of relevant District criminal justice data.

The CCRC recommendations were developed in consultation with a statutorily-designated Advisory Group. The seven Advisory Group members were local law school professors Don Braman and Paul Butler (appointed by the Council) and designees of the United States Attorney for the District of Columbia, the Attorney General for the District of Columbia, the Director of the Public Defender Service for the District of Columbia, the Deputy Mayor for Public Safety and Justice, and the Chairperson of the Council Committee on the Judiciary and Public Safety. The five voting members of the CCRC's Advisory Group voted unanimously, 5-0, to approve the CCRC's submission of the CCRC recommendations and supporting materials to the Council and Mayor. The recommendations were duly submitted on March 31, 2021 (<https://lims.dccouncil.us/Legislation/RC24-0035>).

The RCCA presents, in bill form, the statutory language from the recommendations submitted on March 31, 2021. Only non-substantive changes to numbering, formatting, drafting, and citations were made to the bill.

The RCCA does not include the extensive legal commentary issued by the CCRC as part of its March 31, 2021 recommendations. This commentary is a reference document that explains in detail the new statutory language, integrating newly defined terminology and, in many instances, relevant research articles and cross-references to models in other jurisdictions. The legal commentary also addresses significant changes to current District law, citing to the case law or statutes affected. The commentary is voluminous, nearly 1900 pages in length, and is intended to

¹ Paul H. Robinson, Michael T. Cahill, and Usman Mohammad, *The Five Worst (and Five Best) American Criminal Codes*, 95 NW. U. L. REV. 1, 61 (2000).

be a reference document to guide legislative review. Reviewers of the RCCA seeking more information on a particular provision can view the commentary and other supporting documents (including the record of Advisory Group comments and a comparison of new maximum imprisonment penalties to recent court sentencing data) on the agency's website at <https://ccrc.dc.gov/page/recommendations>.

The content and organization of offenses in the RCCA broadly reflect the approach used in the MPC and adopted by most states. There is a new "General Part" for Title 22A that provides definitions for new and commonly used terms, rules of liability, rules of interpretation, defenses, and a standardized penalty classification scheme. There also is a "Special Part" for Title 22A that specifies language for nearly 300 offenses and gradations. However, while the RCCA adopts the approach of the MPC, the statutory language is based on District criminal statutes and case law. The RCCA changes applicable law where doing so advances the agency's directive to improve the clarity, consistency, completeness, and proportionality of statutes.

Comprehensive criminal code reform involves issues of blameworthiness, on which opinions can differ sharply and reasonable disagreements exist. Such reform also involves complex legal changes that can be difficult to communicate and understand, particularly as multiple new statutes may do the work of what was previously one statutory crime and penalty, and vice versa. Here, as in all criminal justice reform decisions, historic and present racial injustice also demands attention. At stake in these decisions is how the most powerful tool of government, the use of force to seize and incarcerate another person, is or is not authorized.

The CCRC would welcome the opportunity to assist with interpretation of the proposed changes to existing law. While the extensive legal commentary and supporting materials available on the agency website detail the meaning and effect of the RCCA, the agency's staff has developed a deep expertise in the District's substantive criminal statutes and can provide further explanation of the bill's changes. Please contact our agency with any questions.

It has been a privilege to work on these matters on behalf of the District. On behalf of the CCRC staff and all the contributors to this proposed legislation, I thank you for your consideration.



Richard Schmechel
Executive Director
D.C. Criminal Code Reform Commission


Chairman Phil Mendelson at the request of
the D.C. Criminal Code Reform Commission

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To enact a new Title 22A of the District of Columbia Code, "Revised Criminal Code", and to repeal the corresponding organic legislation in the current Title 22; To amend the Firearms Control Regulations Act of 1975 to revise the current unauthorized possession of a firearm or destructive device offense, the current unauthorized possession of ammunition offense, the current possession of a stun gun offense, and the current unlawful storage of a firearm offense, to repeal the current possession of self-defense spray offense, to codify a new carrying an air or spring gun offense, and to codify a new carrying a pistol in an unlawful manner offense; To amend Title 16 of the District of Columbia Official Code to revise the jury demandability statute, the criminal contempt for violation of a civil protection order statute, and the parental kidnapping statutes; To amend Title 23 of the District of Columbia Official Code to revise the failure to appear after release on citation or bench warrant bond offense, the failure to appear in violation of a court order offense, the criminal contempt for violation of a release condition offense; To amend the District of Columbia Work Release Act to revise the violation of work release offense; To amend An Act to Establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes, to revise authorized terms of supervised release for all crimes and repeal imprisonment terms for select crimes addressed elsewhere; To amend Section 25-1001 of the District of Columbia Official Code to revise the possession of an open container of alcohol offense; To amend An Act To establish a code of law for the District of Columbia to abolish common law criminal offenses; To amend the District of Columbia Uniform Controlled Substances Act of 1981 to revise various drug offenses; To amend the Drug Paraphernalia Act of 1982 to repeal and revise various drug paraphernalia offenses; to repeal archaic criminal offenses in the District of Columbia Code; and to make other technical and conforming changes to statutes in the current District of Columbia Code.

47 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
48 act may be cited as the “Revised Criminal Code Act of 2021”.

49 Title I. CRIMINAL CODE ENACTMENT.

50 Sec. 101. A new Title 22A of the District of Columbia Official Code is added and
51 enacted into law to read as follows (quotation marks omitted):

52 “TITLE 22A
53 REVISED CRIMINAL CODE

54
55 Chapter

- 56 1. General Part.
57 2. Offenses Against Persons.
58 3. Property Offenses.
59 4. Offenses Against Government Operations.
60 5. Public Order and Safety Offenses.

61
62 CHAPTER 1. GENERAL PART.

63 SUBCHAPTER I. PRELIMINARY PROVISIONS.

64 Sec.

- 65 22A-101. Definitions.
66 22A-102. Rules of interpretation.
67 22A-103. Interaction of Title 22A with other District laws.
68 22A-104. Applicability of the General Part.

69 SUBCHAPTER II. BASIC REQUIREMENTS OF OFFENSE LIABILITY.

- 70 22A-201. Proof of offense elements beyond a reasonable doubt.
71 22A-202. Conduct requirement.
72 22A-203. Voluntariness requirement.
73 22A-204. Causation requirement.
74 22A-205. Culpable mental state requirement.
75 22A-206. Definitions and hierarchy of culpable mental states.
76 22A-207. Rules of interpretation applicable to culpable mental states.
77 22A-208. Principles of liability governing accident, mistake, and ignorance.
78 22A-209. Principles of liability governing intoxication.
79 22A-210. Accomplice liability.
80 22A-211. Criminal liability for conduct by an innocent or irresponsible person.
81 22A-212. Merger of related offenses.
82 22A-213. Judicial dismissal for minimal or unforeseen harms.
83 22A-214. Minimum age for offense liability.

84 SUBCHAPTER III. INCHOATE LIABILITY.

- 85 22A-301. Criminal attempt.
86 22A-302. Criminal solicitation.
87 22A-303. Criminal conspiracy.

88	22A-304.	Exceptions to general inchoate liability.
89	22A-305.	Renunciation defense to attempt, conspiracy, and solicitation.
90	SUBCHAPTER IV. JUSTIFICATION DEFENSES.	
91	22A-401.	Lesser harm.
92	22A-402.	Execution of public duty.
93	22A-403.	Defense of self or another person.
94	22A-404.	Defense of property.
95	22A-405.	Special responsibility for care, discipline, or safety defenses.
96	SUBCHAPTER V. EXCUSE DEFENSES.	
97	22A-501.	Duress.
98	22A-502.	Temporary possession.
99	22A-503.	Entrapment.
100	22A-504.	Mental disability defense.
101	SUBCHAPTER VI. OFFENSE CLASSES, PENALTIES, AND ENHANCEMENTS.	
102	22A-601.	Offense classifications.
103	22A-602.	Authorized dispositions.
104	22A-603.	Authorized terms of imprisonment.
105	22A-604.	Authorized fines.
106	22A-605.	Charging and proof of penalty enhancements.
107	22A-606.	Repeat offender penalty enhancement.
108	22A-607.	Pretrial release penalty enhancement.
109	22A-608.	Hate crime penalty enhancement.
110	22A-609.	Hate crime penalty enhancement civil provisions.
111	22A-610.	Abuse of government power penalty enhancement.
112	CHAPTER 2. OFFENSES AGAINST PERSONS.	
113	SUBCHAPTER I. HOMICIDE.	
114	22A-2101.	Murder.
115	22A-2102.	Manslaughter.
116	22A-2103.	Negligent homicide.
117	SUBCHAPTER II. ROBBERY, ASSAULT, AND THREATS.	
118	22A-2201.	Robbery.
119	22A-2202.	Assault.
120	22A-2203.	Criminal threats.
121	22A-2204.	Offensive physical contact.
122	SUBCHAPTER III. SEXUAL ASSAULT AND RELATED PROVISIONS.	
123	22A-2301.	Sexual assault.
124	22A-2302.	Sexual abuse of a minor.
125	22A-2303.	Sexual abuse by exploitation.
126	22A-2304.	Sexually suggestive conduct with a minor.
127	22A-2305.	Enticing a minor into sexual conduct.
128	22A-2306.	Arranging for sexual conduct with a minor or person incapable of consenting.
129	22A-2307.	Nonconsensual sexual conduct.
130	22A-2308.	Incest.
131	22A-2309.	Civil provisions on the duty to report a sex crime.
132	22A-2310.	Admission of evidence in sexual assault and related cases.
133	SUBCHAPTER IV. KIDNAPPING, CRIMINAL RESTRAINT, AND BLACKMAIL.	

134 22A-2401. Kidnapping.
135 22A-2402. Criminal restraint.
136 22A-2403. Blackmail.
137 SUBCHAPTER V. ABUSE AND NEGLECT OF VULNERABLE PERSONS.
138 22A-2501. Criminal abuse of a minor.
139 22A-2502. Criminal neglect of a minor.
140 22A-2503. Criminal abuse of a vulnerable adult or elderly person.
141 22A-2504. Criminal neglect of a vulnerable adult or elderly person.
142 SUBCHAPTER VI. HUMAN TRAFFICKING.
143 22A-2601. Forced labor.
144 22A-2602. Forced commercial sex.
145 22A-2603. Trafficking in labor.
146 22A-2604. Trafficking in forced commercial sex.
147 22A-2605. Sex trafficking of a minor or adult incapable of consenting.
148 22A-2606. Benefitting from human trafficking.
149 22A-2607. Misuse of documents in furtherance of human trafficking.
150 22A-2608. Commercial sex with a trafficked person.
151 22A-2609. Forfeiture.
152 22A-2610. Reputation or opinion evidence.
153 22A-2611. Civil action.
154 22A-2612. Limitation on liability and sentencing for human trafficking offenses.
155 22A-2613. Civil forfeiture.
156 SUBCHAPTER VII. TERRORISM.
157 [Reserved].
158 SUBCHAPTER VIII. STALKING, OBSCENITY, AND INVASIONS OF PRIVACY.
159 22A-2801. Stalking.
160 22A-2802. Electronic stalking.
161 22A-2803. Voyeurism.
162 22A-2804. Unauthorized disclosure of a sexual recording.
163 22A-2805. Distribution of an obscene image.
164 22A-2806. Distribution of an obscene image to a minor.
165 22A-2807. Creating or trafficking an obscene image of a minor.
166 22A-2808. Possession of an obscene image of a minor.
167 22A-2809. Arranging a live sexual performance of a minor.
168 22A-2810. Attending or viewing a live sexual performance of a minor.
169 CHAPTER 3. PROPERTY OFFENSES.
170 SUBCHAPTER I. PROPERTY OFFENSE SUBTITLE PROVISIONS.
171 22A-3101. Aggregation to determine property offense grades.
172 SUBCHAPTER II. THEFT.
173 22A-3201. Theft.
174 22A-3202. Unauthorized use of property.
175 22A-3203. Unauthorized use of a motor vehicle.
176 22A-3204. Shoplifting.
177 22A-3205. Unlawful creation or possession of a recording.
178 22A-3206. Unlawful operation of a recording device in a movie theater.
179 SUBCHAPTER III. FRAUD.

180 22A-3301. Fraud.

181 22A-3302. Payment card fraud.

182 22A-3303. Check fraud.

183 22A-3304. Forgery.

184 22A-3305. Identity theft.

185 22A-3306. Identity theft civil provisions.

186 22A-3307. Unlawful labeling of a recording.

187 22A-3308. Financial exploitation of a vulnerable adult or elderly person.

188 22A-3309. Financial exploitation of a vulnerable adult or elderly person civil provisions.

189 22A-3310. Trademark counterfeiting.

190 SUBCHAPTER IV. EXTORTION.

191 22A-3401. Extortion.

192 SUBCHAPTER V. STOLEN PROPERTY.

193 22A-3501. Possession of stolen property.

194 22A-3502. Trafficking of stolen property.

195 22A-3503. Alteration of a motor vehicle identification number.

196 22A-3504. Alteration of a bicycle identification number.

197 SUBCHAPTER VI. PROPERTY DAMAGE.

198 22A-3601. Arson.

199 22A-3602. Reckless burning.

200 22A-3603. Criminal damage to property.

201 22A-3604. Criminal graffiti.

202 SUBCHAPTER VII. TRESPASS.

203 22A-3701. Trespass.

204 SUBCHAPTER VIII. BURGLARY.

205 22A-3801. Burglary.

206 22A-3802. Possession of tools to commit a property crime.

207 CHAPTER 4. OFFENSES AGAINST GOVERNMENT OPERATION.

208 SUBCHAPTER I. BRIBERY, IMPROPER INFLUENCE, AND OFFICIAL MISCONDUCT.

209 [Reserved].

210 SUBCHAPTER II. PERJURY AND OTHER OFFICIAL FALSIFICATION OFFENSES.

211 22A-4201. Impersonation of an official.

212 22A-4202. Misrepresentation as a District of Columbia entity.

213 SUBCHAPTER III. OFFENSES INVOLVING OBSTRUCTION OF GOVERNMENTAL

214 OPERATIONS.

215 [Reserved].

216 SUBCHAPTER IV. GOVERNMENT CUSTODY.

217 22A-4401. Escape from a correctional facility or officer.

218 22A-4402. Tampering with a detection device.

219 22A-4403. Correctional facility contraband.

220 CHAPTER 5. PUBLIC ORDER AND SAFETY OFFENSES.

221 SUBCHAPTER I. WEAPON OFFENSES AND RELATED PROVISIONS.

222 22A-5101. Merger of related weapon offenses.

223 22A-5102. Exclusions from liability for weapon offenses.

224 22A-5103. Possession of a prohibited weapon or accessory.

225 22A-5104. Carrying a dangerous weapon.

226	22A-5105.	Possession of a dangerous weapon with intent to commit a crime.
227	22A-5106.	Possession of a dangerous weapon during a crime.
228	22A-5107.	Possession of a firearm by an unauthorized person.
229	22A-5108.	Negligent discharge of a firearm.
230	22A-5109.	Alteration of a firearm identification mark.
231	22A-5110.	Civil provisions for prohibitions of firearms on public or private property.
232	22A-5111.	Civil provisions for lawful transportation of a firearm or ammunition.
233	22A-5112.	Civil provisions for issuance of a license to carry a pistol.
234	22A-5113.	Unlawful sale of a pistol.
235	22A-5114.	Unlawful transfer of a firearm.
236	22A-5115.	Sale of a firearm without a license.
237	22A-5116.	Civil provisions for licenses of firearms dealers.
238	22A-5117.	Unlawful sale of a firearm by a licensed dealer.
239	22A-5118.	Use of false information for purchase or licensure of a firearm.
240	22A-5119.	Civil provisions for taking and destruction of dangerous articles.
241	22A-5120.	Endangerment with a firearm.
242	SUBCHAPTER II. BREACHES OF PEACE.	
243	22A-5201.	Disorderly conduct.
244	22A-5202.	Public nuisance.
245	22A-5203.	Blocking a public way.
246	22A-5204.	Unlawful demonstration.
247	22A-5205.	Breach of home privacy.
248	22A-5206.	Indecent exposure.
249	SUBCHAPTER III. GROUP MISCONDUCT.	
250	22A-5301.	Rioting.
251	22A-5302.	Failure to disperse.
252	SUBCHAPTER IV. PROSTITUTION AND RELATED STATUTES.	
253	22A-5401.	Prostitution.
254	22A-5402.	Patronizing prostitution.
255	22A-5403.	Trafficking in commercial sex.
256	22A-5404.	Civil forfeiture.
257	SUBCHAPTER V. CRUELTY TO ANIMALS.	
258	[Reserved].	
259	SUBCHAPTER VI. OFFENSES AGAINST THE FAMILY AND YOUTH.	
260	22A-5601.	Contributing to the delinquency of a minor.
261	SUBCHAPTER VII. GAMBLING.	
262	[Reserved].	
263	SUBCHAPTER VIII. ENVIRONMENTAL OFFENSES.	
264	[Reserved].	
265		
266	CHAPTER 1. GENERAL PART.	
267	SUBCHAPTER I. PRELIMINARY PROVISIONS.	
268	§ 22A-101. Definitions.	

269 For the purposes of this title, the term:

270 (1) “Act” shall have the same meaning as provided in § 22A-202.

271 (2) “Actor” means a person accused of a criminal offense.

272 (3) “Ammunition” shall have the same meaning as provided in § 7-2501.01(2).

273 (4)(A) “Amount of damage” means:

274 (i) When property is completely destroyed, the property’s fair
275 market value at the time it was destroyed; or

276 (ii) When the property is partially damaged, either:

277 (I) The reasonable cost of necessary repairs if there are
278 repairs; or

279 (II) If there are no repairs, the change in the fair market
280 value of the property due to the damage.

281 (B) Notwithstanding subparagraph (A)(ii) of this paragraph, if the
282 reasonable cost of necessary repairs is greater than the fair market value of the property at the
283 time it was partially damaged, that fair market value is the amount of damage.

284 (5) “Assault weapon” shall have the same meaning as provided in § 7-
285 2501.01(3A).

286 (6) “Audiovisual recording” means a material object upon which are fixed a series
287 of related images which are intrinsically intended to be shown by the use of machines or devices
288 such as projectors, viewers, or electronic equipment, now existing or later developed, together
289 with any accompanying sounds.

290 (7) “Block”, and other parts of speech, including “blocks” and “blocking,” mean
291 to render safe passage through a space difficult or impossible.

292 (8) “Bodily injury” means physical pain, physical injury, illness, or impairment of
293 physical condition.

294 (9) “Building” means a structure affixed to land that is designed to contain one or
295 more natural persons.

296 (10) “Bump stock” means any object that, when installed in or attached to a
297 firearm, increases the rate of fire by using energy from the recoil of the firearm to generate a
298 reciprocating action that facilitates repeated activation of the trigger.

299 (11) “Business yard” means securely fenced or walled land where goods are
300 stored or merchandise is traded.

301 (12) “Check” means any written instrument for payment of money by a financial
302 institution.

303 (13) “Circumstance element” shall have the same meaning as provided in § 22A-
304 201.

305 (14) “Class A contraband” means:

306 (A) A dangerous weapon or an imitation dangerous weapon;

307 (B) Ammunition or an ammunition clip;

308 (C) A flammable liquid or explosive powder;

309 (D) A knife, screwdriver, ice pick, box cutter, needle, or any other tool
310 capable of cutting, slicing, stabbing, or puncturing a person;

311 (E) A shank or a homemade knife;

312 (F) Tear gas, pepper spray, or any other substance that is designed or
313 specifically adapted for causing temporary blindness or incapacitation;

314 (G) A tool that is designed or specifically adapted for picking locks,
315 cutting chains, cutting glass, bypassing an electronic security system, or bypassing a locked door;

316 (H) Handcuffs, security restraints, handcuff keys, or any other object that
317 is designed or specifically adapted for locking, unlocking, or releasing handcuffs or security
318 restraints;

319 (I) A hacksaw, hacksaw blade, wire cutter, file, or any other object or tool
320 that is designed or specifically adapted for cutting through metal, concrete, or plastic;

321 (J) Rope; or

322 (K) A law enforcement officer's uniform, medical staff clothing, or any
323 other uniform.

324 (15) "Class B contraband" means:

325 (A) Any controlled substance or marijuana;

326 (B) Any alcoholic liquor or beverage;

327 (C) A hypodermic needle or syringe or other item that is designed or
328 specifically adapted for administering an unlawful controlled substance; or

329 (D) A portable electronic communication device or an accessory to a
330 portable electronic communication device.

331 (16) "Close relative" means a parent, grandparent, sibling, child, grandchild, aunt,
332 or uncle.

333 (17) "Coercive threat" means a communication that, unless the complainant
334 complies, any person will do any of the following:

335 (A) Engage in conduct that, in fact, constitutes:

336 (i) An offense against persons under Chapter 2 of this title; or

- 337 (ii) A property offense under Chapter 3 of this title;
- 338 (B) Take or withhold action as a public official, or cause a public official
339 to take or withhold action;
- 340 (C) Accuse a person of a crime;
- 341 (D) Expose a secret, publicize an asserted fact, or distribute a photograph,
342 video or audio recording, regardless of the truth or authenticity of the secret, fact, or item, that
343 tends to subject another person to, or perpetuate:
- 344 (i) Hatred, contempt, ridicule, or other significant injury to
345 personal reputation; or
- 346 (ii) Significant injury to credit or business reputation;
- 347 (E) Notify a federal, state, or local government agency or official of, or
348 publicize, another person’s immigration or citizenship status;
- 349 (F) Restrict a person’s access to either a controlled substance that the
350 person owns or a prescription medication that the person owns; or
- 351 (G) Cause any harm that is sufficiently serious, under all the
352 circumstances, to compel a reasonable person of the same background and in the same
353 circumstances as the complainant to comply.

354 (18) “Commercial sex act” means any sexual act or sexual contact on account of
355 which or for which anything of value is given to, promised to, or received by any person.

356 (19) “Comparable offense” means an offense committed against the District of
357 Columbia, a state, a federally-recognized Indian tribe, or the United States and its territories,
358 with elements that would necessarily prove the elements of a corresponding current District
359 offense.

360 (20) “Comparable violation” means a violation of civil law committed against the
361 District of Columbia, a state, a federally-recognized Indian tribe, or the United States and its
362 territories, with elements that would necessarily prove the elements of a corresponding current
363 District civil law statute.

364 (21) “Complainant” means a person who is alleged to have been subjected to the
365 criminal offense.

366 (22) “Conduct element” shall have the same meaning as provided in § 22A-201.

367 (23) “Consent” means a word or act that:

368 (A) Indicates, explicitly or implicitly, agreement to particular conduct or a
369 particular result; and

370 (B) Is not given by a person who:

371 (i) Is legally unable to authorize the conduct charged to
372 constitute the offense or to the result thereof; or

373 (ii) Because of youth, mental disability, or intoxication, is
374 unable to make a reasonable judgment as to the nature or harmfulness of the conduct to
375 constitute the offense or to the result thereof; and

376 (C) Has not been withdrawn, explicitly or implicitly, by a subsequent
377 word or act.

378 (24) “Controlled substance” shall have the same meaning as provided in § 48–
379 901.02(4).

380 (25) “Correctional facility” means any building or building grounds located in the
381 District of Columbia, operated by the Department of Corrections, for the secure confinement of
382 persons charged with or convicted of a criminal offense.

383 (26) “Counterfeit mark” means any trademark, service mark, trade name, label,
384 term, picture, seal, word, or advertisement or any combination of these adopted or used by a
385 person to identify such person’s goods or services and which is lawfully filed for record in the
386 Office of the Secretary of State of any state or which the exclusive right to reproduce is
387 guaranteed under the laws of the United States or the District of Columbia, that is used without
388 the permission of the owner of the trademark, service mark, trade name, label, term, picture, seal,
389 word, or advertisement.

390 (27) “Crime of violence” means:

391 (A) Murder under § 22A-2101;

392 (B) Manslaughter under § 22A-2102;

393 (C) Robbery under § 22A-2201;

394 (D) First degree, second degree, and third degree assault under § 22A-
395 2202(a)-(c);

396 (E) Enhanced first degree criminal threats under § 22A-2203(a) or
397 (d)(4)(B);

398 (F) First degree, second degree, and third degree sexual assault under §
399 22A-2301(a)-(c);

400 (G) First, second, fourth, and fifth degree sexual abuse of a minor under §
401 22A-2302(a), (b), (d), or (e);

402 (H) Kidnapping under § 22A-2401;

403 (I) Enhanced criminal restraint under § 22A-2402(a) or (d)(2);

404 (J) First and second degree criminal abuse of a minor under § 22A-
405 2501(a)-(b);

406 (K) First and second degree criminal abuse of a vulnerable adult or elderly
407 person under § 22A-2503(a)-(b);

408 (L) Forced labor under § 22A-2601;

409 (M) Forced commercial sex under § 22A-2602;

410 (N) Trafficking in labor under § 22A-2603;

411 (O) Trafficking in forced commercial sex under § 22A-2604;

412 (P) Sex trafficking of a minor or adult incapable of consenting under §
413 22A-2605;

414 (Q) Enhanced first degree and enhanced second degree burglary under §
415 22A-3801(a), (b), or (d)(4); or

416 (R) For any of the offenses described in subparagraphs (A)-(Q) of this
417 paragraph, a criminal attempt under § 22A-301, a criminal solicitation under § 22A-302, or a
418 criminal conspiracy under § 22A-303.

419 (28) “Culpability required” shall have the same meaning as provided in § 22A-
420 201.

421 (29) “Culpable mental state” shall have the same meaning as provided in § 22A-
422 205.

423 (30) “Dangerous weapon” means:

424 (A) A firearm;

425 (B) A restricted explosive;

426 (C) A knife with a blade longer than 3 inches, sword, razor, stiletto,
427 dagger, or dirk; or

428 (D) A blackjack, billy club, slungshot, sand club, sandbag, or false
429 knuckles;
430 (E) A stun gun; or
431 (F) Any object, other than a body part or stationary object, that in the
432 manner of its actual, attempted, or threatened use is likely to cause death or serious bodily injury
433 to a person.

434 (31) “Deadly force” means any physical force that is likely to cause serious bodily
435 injury or death.

436 (32) “Debt bondage” means the status or condition of a person who provides
437 services or commercial sex acts, for a real or alleged debt, where:

438 (A) The value of the services or commercial sex acts, as reasonably
439 assessed, is not applied toward the liquidation of the debt;

440 (B) The length and nature of the services or commercial sex acts are not
441 respectively limited and defined; or

442 (C) The amount of the debt does not reasonably reflect the value of the
443 items or services for which the debt was incurred.

444 (33) “Deceive”, and other parts of speech, including “deception,” mean:

445 (A) To create or reinforce a false impression as to a material fact,
446 including a false impression as to an intention to perform future actions;

447 (B) Preventing another person from acquiring material information;

448 (C) Failing to correct a false impression as to a material fact, including
449 false impressions as to intention, which the person previously created or reinforced, or which
450 influences another to whom they stand in a fiduciary or confidential relationship; or

451 (D) For offenses under Chapter 3 of this title, failing to disclose a lien,
452 adverse claim, or other legal impediment to the enjoyment of property which they transfer or
453 encumber in consideration for property, whether or not it is a matter of official record; except
454 that under this paragraph:

455 (i) The term does not include puffing statements that are unlikely
456 to deceive ordinary persons; and

457 (ii) Deception as to a person's intention to perform a future act
458 shall not be inferred from the fact alone that they did not subsequently perform the act.

459 (34) "Demonstration" means an act of marching, congregating, standing, sitting,
460 lying down, parading, or patrolling by one or more persons, with or without signs, with the desire
461 to persuade one or more individuals, or the public, or to protest some action, attitude, or belief.

462 (35) "Deprive" means:

463 (A) Withhold property or cause it to be withheld from an owner
464 permanently, or for so extended a period or under such circumstances that a substantial portion
465 of its value or its benefit is lost to the owner; or

466 (B) Dispose of the property, or use or deal with the property so as to make
467 it unlikely that the owner will recover it.

468 (36) "Detection device" means any wearable equipment with location tracking
469 capability, including global positioning system and radio frequency identification technologies.

470 (37) "District official" shall have the same meaning as the term "public official",
471 as that term is defined in § 1-1161.01(47)(A)-(H).

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

473 (39) “Domestic partnership” shall have the same meaning as provided in § 32-
474 701(4).

475 (40) “Dwelling” means a structure that at the time of the offense is either designed
476 or actually used for lodging or residing overnight, including, in multi-unit buildings, communal
477 areas secured from the general public.

478 (41) “Effective consent” means consent other than consent induced by physical
479 force, an explicit or implicit coercive threat, or deception.

480 (42) “Elderly person” means a person who is 65 years of age or older.

481 (43) “Factual cause” shall have the same meaning as provided in § 22A-204.

482 (44) “Fair market value” means the price which a purchaser who is willing but not
483 obligated to buy would pay an owner who is willing but not obligated to sell, considering all the
484 uses to which the property is adapted and might reasonably be applied.

485 (45) “False knuckles” means an object, whether made of metal, wood, plastic, or
486 other similarly durable material that is constructed of one piece, the outside part of which is
487 designed to fit over and cover the fingers on a hand and the inside part of which is designed to be
488 gripped by the fist.

489 (46) “Felony” means:

490 (A) An offense punishable by a term of imprisonment that is more than
491 one year;

492 (B) In other jurisdictions, an offense punishable by death; or

493 (C) First or second degree parental kidnapping under § 16-1022.

494 (47) “Financial injury” means the reasonable monetary costs, debts, or obligations
495 incurred by a natural person as a result of a criminal act, including:

496 (A) The costs of clearing a name, debt, credit rating, credit history,
497 criminal record, or any other official record;

498 (B) The costs of repairing or replacing any property that was taken or
499 damaged;

500 (C) Medical bills;

501 (D) Relocation costs;

502 (E) Lost wages or compensation; and

503 (F) Attorneys' fees.

504 (48) "Firearm" shall have the same meaning as provided in § 7-2501.01(9);
505 except, that, for the purposes of Subchapter I of Chapter 5 of this title, the term "firearm":

506 (A) Shall not include a firearm frame or receiver;

507 (B) Shall not include a firearm muffler or silencer; and

508 (C) Shall include operable antique pistols.

509 (49) "Firearms instructor" shall have the same meaning as provided in § 7-
510 2501.01(9A).

511 (50) "Gender identity or expression" shall have the same meaning as provided in
512 § 2-1401.02(12A).

513 (51) "Ghost gun" shall have the same meaning as provided in § 7-2501.01(9B).

514 (52) "Halfway house" means any building or building grounds located in the
515 District of Columbia that are used for the confinement of persons participating in a work release
516 program under § 24-241.01.

517 (53) "Health professional" means a person required to obtain a District license,
518 registration, or certification in § 3-1205.01.

519 (54) “Healthcare provider” shall have the same meaning as provided in § 16-
520 2801(2).

521 (55) “Homelessness” means the status or circumstance of an individual who:

522 (A) Lacks a fixed, regular, and adequate nighttime residence; or

523 (B) Has a primary nighttime residence that is:

524 (i) A supervised, publicly or privately operated shelter designed to
525 provide temporary living accommodations, including motels, hotels, congregate shelters, and
526 transitional housing for persons with a mental illness;

527 (ii) An institution that provides a temporary residence for
528 individuals expected to be institutionalized; or

529 (iii) A public or private place not designed for, or ordinarily used
530 as, a regular sleeping accommodation for human beings.

531 (56) “Image” means a visual depiction, other than a depiction rendered by hand,
532 including a video, film, photograph, or hologram, whether in print, electronic, magnetic, digital,
533 or other format.

534 (57) “Imitation dangerous weapon” means an object used or fashioned in a
535 manner that would cause a reasonable person to believe that the object is a dangerous weapon.

536 (58) “Imitation firearm” means any instrument that resembles an actual firearm
537 closely enough that a person observing it might reasonably believe it to be real.

538 (59) “In fact” shall have the same meaning as provided in § 22A-207.

539 (60) “Incapacitated individual” shall have the same meaning as provided in § 21-
540 2011(11).

541 (61) “Innocent or irresponsible person” shall have the same meaning as provided
542 in § 22A-211.

543 (62) “Intentionally”, and other parts of speech, including “intent”, shall have the
544 same meaning as provided in § 22A-206.

545 (63) “Intoxication” shall have the same meaning as provided in § 22A-209.

546 (64) “Knowingly”, and other parts of speech, including “know,” “known,”
547 “knows,” “knowing,” and “knowledge”, shall have the same meaning as provided in § 22A-206.

548 (65) “Labor” means work that has economic or financial value.

549 (66) “Large capacity ammunition feeding device” means a magazine, belt, drum,
550 feed strip, or similar device that has a capacity of, or that can be readily restored or converted to
551 accept, more than 10 rounds of ammunition. The term “large capacity ammunition feeding
552 device” shall not include an attached tubular device designed to accept, and capable of operating
553 only with, .22 caliber rimfire ammunition.

554 (67) “Law enforcement officer” means:

555 (A) An officer or member of the Metropolitan Police Department of the
556 District of Columbia, or of any other police force operating in the District of Columbia;

557 (B) An investigative officer or agent of the United States;

558 (C) An on-duty, civilian employee of the Metropolitan Police Department;

559 (D) An on-duty, licensed special police officer;

560 (E) An on-duty, licensed campus police officer;

561 (F) An on-duty employee of the Department of Corrections or Department
562 of Youth Rehabilitation Services; or

563 (G) An on-duty employee of the Court Services and Offender Supervision
564 Agency, Pretrial Services Agency, or Family Court Social Services Division.

565 (68) “Legal cause” shall have the same meaning as provided in § 22A-204.

566 (69) “Live broadcast” means a streaming video, or any other electronically
567 transmitted image, for simultaneous viewing by an audience, including an audience of one
568 person.

569 (70) “Live performance” means a play, dance, or other visual presentation or
570 exhibition for an audience, including an audience of one person.

571 (71) “Machine gun” shall have the same meaning as provided in § 7-2501.01(10).

572 (72) “Misdemeanor” means an offense punishable by a term of imprisonment that
573 is one year or less.

574 (73) “Monitoring equipment or software” means equipment or software with
575 location tracking capability, including global positioning system and radio frequency
576 identification technologies.

577 (74) “Motor vehicle” means any automobile, all-terrain vehicle, self-propelled
578 mobile home, motorcycle, truck, truck tractor with or without a semitrailer or trailer, bus, or
579 other vehicle designed to be propelled only by an internal-combustion engine or electricity.

580 (75) “Movie theater” means a theater, auditorium, or other venue that is being
581 utilized primarily for the exhibition of a motion picture to the public.

582 (76) “Negligently”, and other parts of speech, including “negligent” and
583 “negligence”, shall have the same meaning as provided in § 22A-206.

584 (77) “Objective element” shall have the same meaning as provided in § 22A-201.

585 (78) “Obscene” means:

586 (A) Appealing to a prurient interest in sex, under contemporary
587 community standards and considered as a whole;
588 (B) Patently offensive; and
589 (C) Lacking serious literary, artistic, political, or scientific value,
590 considered as a whole.

591 (79) “Offense element” shall have the same meaning as provided in § 22A-201.

592 (80) “Official custody” means full submission after an arrest or substantial
593 physical restraint after an arrest.

594 (81) “Omission” shall have the same meaning as provided in § 22A-202.

595 (82) “Open to the general public” means a location:

596 (A) To which the public is invited; and

597 (B) For which no payment, membership, affiliation, appointment, or
598 special permission is required for an adult to enter, other than proof of age or a security
599 screening.

600 (83) “Owner” means a person holding an interest in property with which the actor
601 is not privileged to interfere without consent.

602 (84) “Payment card” means an instrument of any kind, whether tangible or digital,
603 including an instrument that is a credit card or debit card, that is issued for use by the cardholder
604 to obtain or pay for property, or the number inscribed on such a card.

605 (85) “Pecuniary gain” means before-tax profit that is monetary or readily
606 measurable in money, including additional revenue or cost savings.

607 (86) “Pecuniary loss” means actual harm that is monetary or readily measurable in
608 money.

609 (87) “Person”, for the purposes of Chapter 3 of this title, means an individual,
610 whether living or dead, as well as a trust, estate, fiduciary, partnership, company, corporation,
611 association, organization, union, government, government agency, or government-owned
612 corporation, or any other legal entity.

613 (88) “Person acting in the place of a parent under civil law” means:

614 (A) A person who has put themselves in the situation of a lawful parent by
615 assuming the obligations incident to the parental relation without going through the formalities
616 necessary to legal adoption; or

617 (B) A person acting by, through, or under the direction of a court with
618 jurisdiction over the child.

619 (89) “Person with legal authority over the complainant” means:

620 (A) When the complainant is a person under 18 years of age:

621 (i) A parent, or a person acting in the place of a parent under civil
622 law, who is responsible for the health, welfare, or supervision of the complainant; or

623 (ii) Someone who is acting with the effective consent of such a
624 parent or such a person; or

625 (B) When the complainant is an incapacitated individual:

626 (i) A court-appointed guardian to the complainant; or

627 (ii) Someone who is acting with the effective consent of such a
628 guardian.

629 (90) “Personal identifying information” means:

630 (A) Name, address, telephone number, date of birth, or mother’s maiden
631 name;

632 (B) Driver’s license or driver’s license number, or non-driver’s license or
633 non-driver’s license number;

634 (C) Savings, checking, or other financial account number;

635 (D) Social security number or tax identification number;

636 (E) Passport or passport number;

637 (F) Citizenship status, visa, or alien registration card or number;

638 (G) Birth certificate or a facsimile of a birth certificate;

639 (H) Credit or debit card, or credit or debit card number;

640 (I) Credit history or credit rating;

641 (J) Signature;

642 (K) Personal identification number, electronic identification number,

643 password, access code or device, electronic address, electronic identification number, routing

644 information or code, digital signature, or telecommunication identifying information;

645 (L) Biometric data, such as fingerprint, voice print, retina or iris image, or

646 other unique physical representation;

647 (M) Place of employment, employment history, or employee identification

648 number; or

649 (N) Any other numbers or information that can be used to access a

650 person’s financial resources, access medical information, obtain identification, serve as

651 identification, or obtain property.

652 (91) “Physically following” means maintaining close proximity to a person, near

653 enough to see or hear the person’s activities as they move from one location to another.

654 (92) “Physically monitoring” means being in close proximity to a person’s
655 residence, workplace, or school to detect the person’s whereabouts or activities.

656 (93) “Pistol” shall have the same meaning as provided in § 7-2501.01(12).

657 (94) “Position of trust with or authority over” means a relationship to a
658 complainant that is:

659 (A) A parent, grandparent, great-grandparent, sibling, or a parent’s sibling,
660 or an individual with whom such a person is in a romantic, dating, or sexual relationship,
661 whether related by:

662 (i) Blood or adoption; or

663 (ii) Marriage, domestic partnership, either while the marriage or
664 domestic partnership creating the relationship exists, or after such marriage or domestic
665 partnership ends;

666 (B) A half-sibling related by blood;

667 (C) A person acting in the place of a parent under civil law, the current
668 spouse or domestic partner of such a person, or an individual with whom such a person is in a
669 romantic, dating, or sexual relationship;

670 (D) Any person, at least 4 years older than the complainant, who resides
671 intermittently or permanently in the same dwelling as the complainant;

672 (E) A religious leader described in § 14-309;

673 (F) A coach, not including a coach who is a secondary school student; a
674 teacher, counselor, principal, administrator, nurse, or security officer; provided, that such an
675 actor is an employee, contractor, or volunteer at the school at which the complainant is enrolled

676 or at a school where the complainant receives educational services or attends educational
677 programming;

678 (G) Any employee, contractor, or volunteer of a school, religious
679 institution, or an educational, social, recreational, athletic, musical, charitable, or youth facility,
680 organization, or program, that exercises supervisory or disciplinary authority over the
681 complainant; or

682 (H) A person responsible under civil law for the health, welfare, or
683 supervision of the complainant.

684 (95) “Possess”, and other parts of speech, including “possesses,” “possessing,”
685 and “possession,” mean:

686 (A) To hold or carry on one’s person; or

687 (B) To have the ability and desire to exercise control over.

688 (96) “Prior conviction” means a final order by any court of the District of
689 Columbia, a state, a federally-recognized Indian tribe, or the United States and its territories, that
690 enters judgment of guilt for a criminal offense. The term “prior conviction” does not include:

691 (A) An adjudication of juvenile delinquency;

692 (B) Probation under § 48-904.01(e);

693 (C) A conviction that has been reversed, vacated, sealed, or expunged; or

694 (D) A conviction for which a person has been granted a pardon.

695 (97) “Property” means anything of value and includes:

696 (A) Real property, including things growing on, affixed to, or found on
697 land;

698 (B) Tangible or intangible personal property, including an animal;

699 (C) Services;
700 (D) Credit;
701 (E) Money, or any paper or document that evidences ownership in or of
702 property, an interest in or a claim to wealth, or a debt owed; and

703 (F) A government-issued license, permit, or benefit.

704 (98) “Property of another” means any property that a person has an interest in
705 with which the actor is not privileged to interfere without consent, regardless of whether the
706 actor also has an interest in that property. The term “property of another” does not include any
707 property in the possession of the actor with which the other person has only a security interest.

708 (99) “Protected person” means:

709 (A) A person who is under 18 years of age and at least 4 years younger
710 than an actor who is 18 years of age or older;

711 (B) A person who is 65 years of age or older and at least 10 years older
712 than an actor who is under 65 years of age;

713 (C) A vulnerable adult;

714 (D) A law enforcement officer, while in the course of their official duties;

715 (E) A public safety employee, while in the course of their official duties;

716 (F) A transportation worker, while in the course of their official duties; or

717 (G) A District official, while in the course of their official duties.

718 (100) “Public conveyance” means any government-operated air, land, or water
719 vehicle used for the transportation of persons, including any airplane, train, bus, or boat.

720 (101) “Public official” means a government employee, government contractor,
721 law enforcement officer, or public official as defined in § 1-1161.01(47).

722 (102) “Public safety employee” means:

723 (A) An on-duty District of Columbia firefighter, emergency medical
724 technician/paramedic, emergency medical technician/intermediate paramedic, or emergency
725 medical technician;

726 (B) Any other on-duty firefighter, emergency medical
727 technician/paramedic, emergency medical technician/intermediate paramedic, or emergency
728 medical technician operating in the District of Columbia; or

729 (C) An on-duty District of Columbia investigator, vehicle inspection
730 officer as that term is defined in § 50-301.03(30B), or code inspector.

731 (103) “Purposely”, and other parts of speech, including “purpose”, shall have the
732 same meaning as provided in § 22A-206.

733 (104) “Rail transit station” shall have the same meaning as provided in § 35-
734 251(a).

735 (105) “Recklessly”, and other parts of speech, including “reckless” and
736 “recklessness”, shall have the same meaning as provided in § 22A-206.

737 (106) “Recording device” means a photographic or video camera, audio recorder,
738 or any other device that is later developed that may be used for recording sounds or images or
739 both.

740 (107) “Restricted explosive” means any device that is designed to explode or
741 produce uncontained combustion upon impact, including a breakable container containing
742 flammable liquid and having a wick or a similar device capable of being ignited, but excluding
743 any device that is lawfully and commercially manufactured primarily for the purpose of
744 illumination, construction work, or other lawful purpose.

745 (108) “Result element” shall have the same meaning as provided in § 22A-201.

746 (109) “Retail value” means the actor’s regular selling price for the item or service
747 bearing or identified by the counterfeit mark. In the case of items bearing a counterfeit mark
748 which are components of a finished product, the retail value shall be the actor’s regular selling
749 price of the finished product on or in which the component would be utilized.

750 (110) “Revoked or canceled” means that notice, in writing, of revocation or
751 cancellation either was received by the named holder, as shown on the payment card, or was
752 recorded by the issuer.

753 (111) “Sadomasochistic abuse” means flagellation, torture, or physical restraint
754 by or upon a person as an act of sexual stimulation or gratification.

755 (112) “Sawed-off shotgun” shall have the same meaning as provided in § 7-
756 2501.01(15).

757 (113) “Secure juvenile detention facility” means any building or building
758 grounds, whether located in the District of Columbia or elsewhere, operated by the Department
759 of Youth Rehabilitation Services for the secure confinement of persons committed to the
760 Department of Youth Rehabilitation Services.

761 (114) “Self-induced intoxication” shall have the same meaning as provided in §
762 22A-209.

763 (115) “Serious bodily injury” means a bodily injury or significant bodily injury
764 that involves:

765 (A) A substantial risk of death;

766 (B) Protracted and obvious disfigurement;

767 (C) Protracted loss or impairment of the function of a bodily member or
768 organ; or

769 (D) Protracted loss of consciousness.

770 (116) “Serious mental injury” means substantial, prolonged harm to a person’s
771 psychological or intellectual functioning, that may be exhibited by severe anxiety, depression,
772 withdrawal, or outwardly aggressive behavior, or a combination of those behaviors, and that may
773 be demonstrated by a change in behavior, emotional response, or cognition.

774 (117) “Services” includes:

775 (A) Labor, whether professional or nonprofessional;

776 (B) The use of vehicles or equipment;

777 (C) Transportation, telecommunications, energy, water, sanitation, or other
778 public utility services, whether provided by a private or governmental entity;

779 (D) The supplying of food, beverage, lodging, or other accommodation in
780 hotels, restaurants, or elsewhere;

781 (E) Admission to public exhibitions or places of entertainment; and

782 (F) Educational and hospital services, accommodations, and other related
783 services.

784 (118) “Sexual act” means:

785 (A) Penetration, however slight, of the anus or vulva of any person by a
786 penis;

787 (B) Contact between the mouth of any person and another person’s penis,
788 vulva, or anus;

789 (C) Penetration, however slight, of the anus or vulva of any person by any
790 body part or by any object, with the desire to sexually abuse, humiliate, harass, degrade, arouse,
791 or gratify any person, or at the direction of someone with such a desire; or

792 (D) Conduct described in subparagraphs (A)-(C) of this paragraph
793 between a person and an animal.

794 (119) “Sexual contact” means:

795 (A) Sexual act; or

796 (B) Touching of the clothed or unclothed genitalia, anus, groin, breast,
797 inner thigh, or buttocks of any person:

798 (i) With any clothed or unclothed body part or any object, either
799 directly or through the clothing; and

800 (ii) With the desire to sexually abuse, humiliate, harass, degrade,
801 arouse, or gratify any person, or at the direction of someone with such a desire.

802 (120) “Significant bodily injury” means a bodily injury that, to prevent long-term
803 physical damage or to abate severe pain, requires hospitalization or immediate medical treatment
804 beyond what a layperson can personally administer, and, in addition, the following injuries
805 constitute at least a significant bodily injury: a fracture of a bone; a laceration that is at least one
806 inch in length and at least one quarter of an inch in depth; a burn of at least second degree
807 severity; a brief loss of consciousness; a traumatic brain injury; and a contusion, petechia, or
808 other bodily injury to the neck or head sustained during strangulation or suffocation.

809 (121) “Significant emotional distress” means substantial, ongoing mental
810 suffering that may require medical or other professional treatment or counseling, and must rise

811 significantly above the level of uneasiness, nervousness, unhappiness, or similar feeling, that is
812 commonly experienced in day-to-day living.

813 (122) “Simulated” means feigned or pretended in a way that realistically
814 duplicates the appearance of actual conduct.

815 (123) “Sound recording” means a material object in which sounds, other than
816 those accompanying a motion picture or other audiovisual recording, are fixed by any method
817 now existing or later developed, from which the sounds can be perceived, reproduced, or
818 otherwise communicated, either directly or with the aid of a machine or device.

819 (124) “Speech” means oral or written language, symbols, or gestures.

820 (125) “Strangulation or suffocation” means a restriction of normal breathing or
821 circulation of the blood by applying pressure on the throat or neck or by obstructing the nose or
822 mouth.

823 (126) “Strict liability” or “strictly liable” shall have the same meaning as provided
824 in § 22A-205.

825 (127) “Stun gun” shall have the same meaning as provided in § 7-2501.01(17A).

826 (128) “Transportation worker” means:

827 (A) A person who is licensed to operate, and is operating, a publicly or
828 privately owned or operated commercial vehicle for the carriage of 6 or more passengers,
829 including any Metrobus, Metrorail, MetroAccess, or DC Circulator vehicle or other bus, trolley,
830 or van operating within the District of Columbia;

831 (B) Any Washington Metropolitan Area Transit Authority employee who
832 is assigned to supervise a Metrorail station from a kiosk at that station within the District of
833 Columbia; and

834 (C) A person who is licensed to operate, and is operating, a taxicab within
835 the District of Columbia; or

836 (D) A person who is licensed to operate, and is operating within the
837 District of Columbia, a personal motor vehicle to provide private vehicle-for-hire service in
838 contract with a private vehicle-for-hire company as defined in § 50-301.03(16B).

839 (129) “Undue influence” means mental, emotional, or physical coercion that
840 overcomes the free will or judgment of a person and causes the person to act in a manner that is
841 inconsistent with the person’s financial, emotional, mental, or physical well-being.

842 (130)(A) “Value” means:

843 (i) The fair market value of property at the time and place of the
844 offense; or

845 (ii) If the fair market value cannot be ascertained:

846 (I) For property other than a written instrument, the cost to
847 replace the property within a reasonable time after the offense;

848 (II) For a written instrument constituting evidence of debt,
849 such as a check, draft, or promissory note, the amount due or collectible thereon, that figure
850 ordinarily being the face amount of the indebtedness less any portion that has been satisfied; and

851 (III) For any other written instrument that creates, releases,
852 discharges, or otherwise affects any valuable legal right, privilege, or obligation, the greatest
853 amount of economic loss that the owner of the instrument might reasonably suffer by virtue of
854 the loss of the written instrument.

855 (B) Notwithstanding subparagraph (A)(i) and (ii) of this paragraph, the
856 value of a payment card alone is \$10.00 and the value of an unendorsed check alone is \$10.00.

857 (131) “Vehicle identification number” means a number or symbol that is
858 originally inscribed or affixed by the manufacturer to a motor vehicle or motor vehicle part for
859 identification.

860 (132) “Vulnerable adult” means a person who is 18 years of age or older and has
861 one or more physical or mental limitations that substantially impairs the person’s ability to
862 independently provide for their daily needs or safeguard their person, property, or legal interests.

863 (133) “Written instrument” includes any:

864 (A) Security, bill of lading, document of title, draft, check, certificate of
865 deposit, and letter of credit, as those terms are defined in Title 28;

866 (B) A will, contract, deed, or any other document purporting to have legal
867 or evidentiary significance;

868 (C) Stamp, legal tender, or other obligation of any domestic or foreign
869 governmental entity;

870 (D) Stock certificate, money order, money order blank, traveler’s check,
871 evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement,
872 transferable share, investment contract, voting trust certificate, certification of interest in any
873 tangible or intangible property, and any certificate or receipt for or warrant or right to subscribe
874 to or purchase any of the foregoing items;

875 (E) Commercial paper or document, or any other commercial instrument
876 containing written or printed matter or the equivalent; or

877 (F) Other instrument commonly called a security or so defined by an Act
878 of Congress or an act of the Council.

879 § 22A-102. Rules of interpretation.

880 (a) *Interpretation generally.* To interpret a statutory provision of this title, the plain
881 meaning of that provision shall be examined first. If necessary to determine the legislature’s
882 meaning, the structure, goal, and history of the provision also may be examined.

883 (b) *Rule of lenity.* If the meaning of a statutory provision of this title remains in doubt
884 after examination of that provision’s plain meaning, structure, goal, and history, then the
885 interpretation that is most favorable to the actor applies.

886 (c) *Effect of headings.* Headings that appear at the beginning of subdivisions of this title
887 may aid the interpretation of otherwise ambiguous statutory language.

888 § 22A-103. Interaction of Title 22A with other District laws.

889 (a) *Interaction of Title 22A with provisions in other laws.* Unless otherwise expressly
890 specified by statute, a provision in this title applies to this title only.

891 (b) *Civil provisions in other laws unaffected.* Unless expressly specified by this title or
892 otherwise provided by law, the provisions of this title do not bar, suspend, or otherwise affect
893 any right or liability to damages, penalty, forfeiture, or other remedy authorized by law to be
894 recovered or enforced in a civil action.

895 SUBCHAPTER II. BASIC REQUIREMENTS OF OFFENSE LIABILITY.

896 § 22A-201. Proof of offense elements beyond a reasonable doubt.

897 (a) *Proof of offense elements beyond a reasonable doubt.* No person may be convicted of
898 an offense unless the government proves each offense element beyond a reasonable doubt.

899 (b) *Burden of proof for exclusions from liability, defenses, and affirmative defenses.*

900 (1) If there is any evidence of a statutory exclusion from liability at trial, the
901 government must prove the absence of at least one element of the exclusion from liability
902 beyond a reasonable doubt.

903 (2) If there is any evidence of a statutory defense at trial, the government must
904 prove the absence of at least one element of the defense beyond a reasonable doubt.

905 (3) An actor has the burden of proving an affirmative defense by a preponderance
906 of the evidence.

907 (c) *Definitions.* For the purposes of this title, the term:

908 (1) “Circumstance element” means any characteristic or condition relating to
909 either a conduct element or result element that is required to establish liability for an offense.

910 (2) “Conduct element” means any act or omission that is required to establish
911 liability for an offense.

912 (3) “Culpability required” includes:

913 (A) The voluntariness requirement under § 22A-203;

914 (B) The culpable mental state requirement under § 22A-205; and

915 (C) Any other aspect of culpability specifically required for an offense.

916 (4) “Objective element” means any conduct element, result element, or
917 circumstance element.

918 (5) “Offense element” includes the necessary objective elements and culpability
919 required for an offense.

920 (6) “Result element” means any consequence caused by a person’s act or
921 omission that is required to establish liability for an offense.

922 § 22A-202. Conduct requirement.

923 (a) *Conduct requirement.* No person may be convicted of an offense unless the person’s
924 liability is based on an act or omission.

925 (b) *Existence of legal duty.* In this title, a legal duty to act exists when:

926 (1) The failure to act is expressly made sufficient by the law defining the offense;

927 or

928 (2) A duty to perform the omitted act is otherwise imposed by law.

929 (c) *Definitions*. For the purposes of this title, the term:

930 (1) “Act” means a bodily movement.

931 (2) “Omission” means a failure to act when:

932 (A) A person is under a legal duty to act; and

933 (B) The person is either:

934 (i) Aware that the legal duty to act exists; or

935 (ii) Culpably unaware that the legal duty to act exists.

936 § 22A-203. Voluntariness requirement.

937 (a) *Voluntariness requirement*. No person may be convicted of an offense unless the
938 person voluntarily commits the conduct element required for the offense.

939 (b) *Scope of voluntariness requirement*.

940 (1) *Voluntariness of act*. When a person’s act provides the basis for liability, a
941 person voluntarily commits the conduct element of an offense when the act is:

942 (A) The product of conscious effort or determination; or

943 (B) Otherwise subject to the person’s control.

944 (2) *Voluntariness of omission*. When a person’s omission provides the basis for
945 liability, a person voluntarily commits the conduct element of an offense when:

946 (A) The person has the physical capacity to perform the required legal

947 duty; or

948 (B) The failure to act is otherwise subject to the person’s control.

949 § 22A-204. Causation requirement.

950 (a) *Causation requirement.* No person may be convicted of an offense that contains a
951 result element unless the person’s conduct is the factual cause and legal cause of the result.

952 (b) *Factual cause.* A person’s conduct is the factual cause of a result if:

953 (1) The result would not have occurred but for the person’s conduct; or

954 (2) When the conduct of 2 or more persons contributes to a result, the conduct of
955 each alone would have been sufficient to produce that result.

956 (c) *Legal cause.* A person’s conduct is the legal cause of a result if:

957 (1) The result is reasonably foreseeable in its manner of occurrence; and

958 (2) When the result depends on another person’s volitional conduct, there is a
959 close connection between the actor’s conduct and the result.

960 § 22A-205. Culpable mental state requirement.

961 (a) *Culpable mental state requirement.* No person may be convicted of an offense unless
962 the person acts with a culpable mental state as to every result element and circumstance element
963 required for the offense, other than an element for which the person is strictly liable under §
964 22A-207(b).

965 (b) *Definitions.* For the purposes of this title, the term:

966 (1) “Culpable mental state” means:

967 (A) Purpose, knowledge, intent, recklessness, or negligence; and

968 (B) The object of the phrases “with intent” and “with the purpose”.

969 (2) “Strictly liable” and “strict liability” mean liability as to a result element or
970 circumstance element in the absence of a culpable mental state.

971 § 22A-206. Definitions and hierarchy of culpable mental states.

972 (a) “*Purposely*”. A person acts purposely:
973 (1) As to a result element when the person consciously desires to cause the result;
974 and
975 (2) As to a circumstance element when the person consciously desires that the
976 circumstance exists.

977 (b) “*Knowingly*” or “*intentionally*”. A person acts knowingly or intentionally:
978 (1) As to a result element, when the person is aware or believes that the conduct is
979 practically certain to cause the result; and
980 (2) As to a circumstance element when the person is practically certain that the
981 circumstance exists.

982 (c) “*Recklessly*”. A person acts recklessly:
983 (1) As to a result element, when:
984 (A) The person consciously disregards a substantial risk that the conduct
985 will cause the result; and
986 (B) The risk is of such a nature and degree that, considering the nature of
987 and motivation for the person’s conduct and the circumstances the person is aware of, the
988 person’s conscious disregard of that risk is a gross deviation from the standard of conduct that a
989 reasonable individual would follow in the person’s situation; and
990 (2) As to a circumstance element, when:
991 (A) The person consciously disregards a substantial risk that the
992 circumstance exists; and
993 (B) The risk is of such a nature and degree that, considering the nature of
994 and motivation for the person’s conduct and the circumstances the person is aware of, the

995 person’s conscious disregard of that risk is a gross deviation from the standard of conduct that a
996 reasonable individual would follow in the person’s situation.

997 (d) “*Negligently*”. A person acts negligently:

998 (1) As to a result element, when:

999 (A) The person should be aware of a substantial risk that the conduct will
1000 cause the result; and

1001 (B) The risk is of such a nature and degree that, considering the nature of
1002 and motivation for the person’s conduct and the circumstances the person is aware of, the
1003 person’s failure to perceive that risk is a gross deviation from the standard of care that a
1004 reasonable individual would follow in the person’s situation; and

1005 (2) As to a circumstance element, when:

1006 (A) The person should be aware of a substantial risk that the circumstance
1007 exists; and

1008 (B) The risk is of such a nature and degree that, considering the nature of
1009 and motivation for the person’s conduct and the circumstances the person is aware of, the
1010 person’s failure to perceive that risk is a gross deviation from the standard of care that a
1011 reasonable individual would follow in the person’s situation.

1012 (e) *Hierarchical relationship of culpable mental states.*

1013 (1) *Proof of negligence.* When the law requires negligence as to a result element
1014 or circumstance element, the requirement is also satisfied by proof of recklessness, intent,
1015 knowledge, or purpose.

1016 (2) *Proof of recklessness.* When the law requires recklessness as to a result
1017 element or circumstance element, the requirement is also satisfied by proof of intent, knowledge,
1018 or purpose.

1019 (3) *Proof of knowledge or intent.* When the law requires knowledge or intent as
1020 to a result element or circumstance element, the requirement is also satisfied by proof of purpose.

1021 (f) *Same definitions for other parts of speech.* The words defined in this section have the
1022 same meaning when used as other parts of speech.

1023 § 22A-207. Rules of interpretation applicable to culpable mental states.

1024 (a) *Distribution of specified culpable mental states.* Any culpable mental state or strict
1025 liability specified in an offense applies to all subsequent result elements and circumstance
1026 elements until another culpable mental state or strict liability is specified.

1027 (b) *Identification of elements subject to strict liability.* A person is strictly liable for any
1028 result element or circumstance element in an offense:

1029 (1) That is modified by the phrase “in fact”; or

1030 (2) When another statutory provision explicitly indicates strict liability applies to
1031 that result element or circumstance element.

1032 (c) *Recklessness otherwise implied.* A culpable mental state of “recklessly” applies to
1033 any result element or circumstance element not otherwise subject to a culpable mental state or
1034 strict liability under subsection (a) or (b) of this section.

1035 § 22A-208. Principles of liability governing accident, mistake, and ignorance.

1036 (a) *Effect of accident, mistake, and ignorance on liability.* A person is not liable for an
1037 offense when the person’s accident, mistake, or ignorance as to a matter of fact or law negates

1038 the existence of a culpable mental state required for a result element or circumstance element in
1039 the offense.

1040 (b) *Relationship between mistake and culpable mental state requirements.* A mistake as
1041 to a matter of fact or law negates the existence of a culpable mental state applicable to a
1042 circumstance element as follows:

1043 (1) *Purpose.* Any mistake as to a circumstance element negates purpose as to that
1044 element.

1045 (2) *Knowledge or intent.* Any mistake as to a circumstance element negates
1046 knowledge or intent as to that element.

1047 (3) *Recklessness.* A reasonable mistake as to a circumstance element negates
1048 recklessness as to that element. An unreasonable mistake as to a circumstance element negates
1049 recklessness as to that element unless the person made the mistake recklessly.

1050 (4) *Negligence.* A reasonable mistake as to a circumstance element negates
1051 negligence as to that element. An unreasonable mistake as to a circumstance element negates
1052 negligence as to that element unless the person made the mistake negligently.

1053 (c) *Mistake or ignorance as to criminality.* A person remains liable for an offense when
1054 they are mistaken or ignorant as to the illegality of their conduct unless the person's mistake or
1055 ignorance:

1056 (1) Negates a culpable mental state that is expressly specified by statute as to:

1057 (A) Whether conduct constitutes that offense; or

1058 (B) The existence, meaning, or application of the law defining an offense;

1059 or

1060 (2) Satisfies the requirements of a general defense under Subchapters IV and V of
1061 this chapter.

1062 (d) *Imputation of knowledge for deliberate ignorance.* Knowledge of a circumstance
1063 element is established if the person:

1064 (1) Is reckless as to whether the circumstance element exists; and

1065 (2) With the purpose of avoiding criminal liability, avoids confirming or fails to
1066 investigate whether the circumstance element exists.

1067 § 22A-209. Principles of liability governing intoxication.

1068 (a) *Relevance of intoxication to liability.* A person is not liable for an offense when the
1069 person's intoxication negates the existence of a culpable mental state required for a result
1070 element or circumstance element in the offense.

1071 (b) *Relationship between intoxication and culpable mental state requirements.*

1072 Intoxication negates the existence of a culpable mental state applicable to a result element or
1073 circumstance element as follows:

1074 (1) *Purpose.* Intoxication negates purpose as to a result element or circumstance
1075 element when, due to the person's intoxicated state, the person does not consciously desire to
1076 cause the result or that the circumstance exists.

1077 (2) *Knowledge or intent.* Intoxication negates knowledge or intent as to a result
1078 element or circumstance element when, due to the person's intoxicated state, the person is not
1079 practically certain that the result will occur or that the circumstance exists.

1080 (3) *Recklessness.* Except as specified in subsection (c) of this section,
1081 intoxication negates recklessness as to a result element or circumstance element when, due to the
1082 person's intoxicated state:

1083 (A) The person is unaware of a substantial risk that the result will occur or
1084 that the circumstance exists; or

1085 (B) The person’s disregard of the risk is not a gross deviation from the
1086 standard of conduct that a reasonable individual would follow in the person’s situation under §
1087 22A-206(c)(1)(B) or (2)(B).

1088 (4) *Negligence*. Intoxication negates negligence as to a result element or
1089 circumstance element when, due to the person’s intoxicated state, the person’s failure to perceive
1090 a substantial risk that the result will occur or that the circumstance exists is not a gross deviation
1091 from the standard of care that a reasonable individual would follow in the person’s situation
1092 under § 22A-206(d)(1)(B) or § 22A-206(d)(2)(B).

1093 (c) *Imputation of recklessness for self-induced intoxication*. Recklessness as to a result
1094 element or circumstance element is established if:

1095 (1) Because of an intoxicated state, the person is unaware of a substantial risk of
1096 the result occurring or circumstance existing, that the person would have been aware of had the
1097 person been sober;

1098 (2) The person’s intoxicated state is self-induced; and

1099 (3) The person acts at least negligently as to that result or circumstance.

1100 (d) *Definitions*. For the purposes of this title, the term:

1101 (1) “Intoxication” means a disturbance of mental or physical capacities resulting
1102 from the introduction of substances into the body.

1103 (2) “Self-induced intoxication” means intoxication that, in fact, is caused by a
1104 substance that an actor knowingly introduces into their body, negligent as to the tendency of the
1105 substance to cause intoxication and, in fact, the substance was not introduced pursuant to medical

1106 advice by a licensed health professional or under circumstances that would afford a general
1107 defense under Subchapter IV or V of this chapter.

1108 § 22A-210. Accomplice liability.

1109 (a) *Accomplice liability.* An actor is an accomplice to the commission of an offense by
1110 another person when the actor:

1111 (1) Purposely assists another person with the planning or commission of conduct
1112 constituting an offense and, in fact, acts with the culpability required for the offense; or

1113 (2) Purposely encourages another person to engage in specific conduct
1114 constituting an offense and, in fact, acts with the culpability required for the offense.

1115 (b) *Culpable mental state elevation applicable to circumstances of target offense.*

1116 Notwithstanding subsection (a) of this section, to be an accomplice to the commission of an
1117 offense, an actor must intend for all circumstance elements required by the offense to exist.

1118 (c) *Grading distinctions based on culpability as to result elements.* An accomplice to the
1119 commission of an offense that is graded by distinctions in culpability as to result elements is
1120 liable for any grade for which they have the culpability required.

1121 (d) *Affirmative defense.* It is an affirmative defense to liability under this section that the
1122 actor, in fact, terminates their efforts to promote or facilitate commission of an offense before it
1123 is committed, and:

1124 (1) Ensures their prior efforts are wholly ineffective;

1125 (2) Gives timely warning to the appropriate law enforcement authorities; or

1126 (3) Makes reasonable efforts to prevent the commission of the offense.

1127 (e) *Charging and penalties.* An actor who is an accomplice to the commission of an
1128 offense by another person shall be charged and subject to punishment as a principal.

1129 (f) *Disposition of principal not relevant.* An actor is liable as an accomplice under this
1130 section even though the principal has been acquitted, or has not been arrested, prosecuted,
1131 convicted, or adjudicated delinquent.

1132 (g) *Limitation on liability.* Unless otherwise expressly specified by statute, a person is
1133 not liable as an accomplice when, in fact, the person is a victim of the offense, or the person’s
1134 conduct is inevitably incident to commission of the offense.

1135

1136 § 22A-211. Criminal liability for conduct by an innocent or irresponsible person.

1137 (a) *Criminal liability for conduct by an innocent or irresponsible person.* An actor is
1138 criminally liable for the conduct of an innocent or irresponsible person when the actor:

1139 (1) In fact, causes an innocent or irresponsible person to engage in conduct
1140 constituting an offense; and

1141 (2) Acts with the culpability required for the offense.

1142 (b) *“Innocent or irresponsible person”.* For the purposes of this title, the term “innocent
1143 or irresponsible person” includes a person who engages in conduct constituting an offense but
1144 either:

1145 (1) Lacks the culpability required for the offense; or

1146 (2) Acts under conditions that establish a general defense under Subchapters IV or
1147 V of this chapter.

1148 (c) *Affirmative defense.* It is an affirmative defense to liability under this section that the
1149 actor, in fact, terminates their efforts to promote or facilitate commission of an offense before it
1150 is committed, and:

1151 (1) Ensures their prior efforts are wholly ineffective;

1152 (2) Gives timely warning to the appropriate law enforcement authorities; or

1153 (3) Makes reasonable efforts to prevent the commission of the offense.

1154 (d) *Charging and penalties.* An actor who is criminally liable for the conduct of an
1155 innocent or irresponsible person shall be charged and subject to punishment as if the actor had
1156 directly engaged in the conduct constituting the offense.

1157 (e) *Disposition of innocent or irresponsible person not relevant.* An actor is liable for the
1158 conduct of an innocent or irresponsible person under this section even though the innocent or
1159 irresponsible person has been acquitted, or has not been arrested, prosecuted, convicted, or
1160 adjudicated delinquent.

1161 (f) *Limitation on liability.* Unless otherwise expressly specified by statute, an actor is not
1162 liable for the conduct of an innocent or irresponsible person when, in fact, the actor is a victim of
1163 the offense, or the actor's conduct is inevitably incident to commission of the offense.

1164 § 22A-212. Merger of related offenses.

1165 (a) *Merger of multiple related offenses.* Multiple convictions for 2 or more offenses
1166 arising from the same act or course of conduct merge when:

1167 (1) One offense is necessarily established by proof of the elements of the other
1168 offense as a matter of law;

1169 (2) The offenses differ only in that:

1170 (A) One prohibits a less serious harm or wrong to the same person,
1171 property, or public interest;

1172 (B) One may be satisfied by a lower culpable mental state under § 22A-
1173 206 or § 22A-207, or strict liability under § 22A-207; or

1174 (C) One is defined to prohibit a designated kind of conduct generally, and
1175 the other is defined to prohibit a specific instance of that kind of conduct;

1176 (3) One offense requires a finding of fact inconsistent with the requirements for
1177 commission of the other offense, as a matter of law;

1178 (4) One offense reasonably accounts for the other offense, given the harm or
1179 wrong, culpability, and penalty proscribed by each;

1180 (5) One offense consists only of a criminal attempt or criminal solicitation of:

1181 (A) The other offense; or

1182 (B) An offense that is related to that offense in the manner described in
1183 subsection (a)(1)–(4) of this section; or

1184 (6) Each offense is a general inchoate offense designed to culminate in the
1185 commission of:

1186 (A) The same offense; or

1187 (B) Different offenses that are related to one another in the manner
1188 described in subsection (a)(1)–(4) of this section.

1189 (b) *Merger procedure.* For an actor found guilty of 2 or more offenses that merge under
1190 this section the sentencing court shall either:

1191 (1) Vacate all but one of the offenses prior to sentencing according to the rule of
1192 priority in subsection (c) of this section; or

1193 (2) Enter judgment and sentence the actor for offenses that merge; provided, that:

1194 (A) Sentences for the offenses run concurrent to one another; and

1195 (B) The convictions for all but, at most, one of the offenses shall be
1196 vacated after:

1197 (i) The time for appeal has expired; or

1198 (ii) The judgment that was appealed has been decided.

1199 (c) *Rule of priority.* When convictions are vacated under subsection (b) of this section,
1200 the conviction that remains shall be the conviction for:

1201 (1) The offense with the highest authorized maximum period of incarceration; or

1202 (2) If 2 or more offenses have the same highest authorized maximum period of
1203 incarceration, any offense that the sentencing court deems appropriate.

1204 § 22A-213. Judicial dismissal for minimal or unforeseen harms.

1205 (a) *Court authority to dismiss.* The court may dismiss a prosecution if, in fact,
1206 considering the nature of the conduct alleged, the actor's culpable mental state, and the nature of
1207 the attendant circumstances, it finds that the actor's conduct constituting the offense:

1208 (1) Was within a customary license or tolerance, which was not expressly refused
1209 by the person whose interest was infringed and which is not inconsistent with the goal of the law
1210 defining the offense;

1211 (2) Did not actually cause or threaten the harm or evil sought to be prevented by
1212 the law defining the offense or did so only to an extent too trivial to warrant the condemnation of
1213 conviction; or

1214 (3) Presents such other extenuations that it cannot reasonably be regarded as
1215 envisioned by the legislature in forbidding the offense.

1216 (b) *Specific findings.* A court shall state its specific findings of facts, as determined by a
1217 preponderance of the evidence, or findings of law under this section in open court or in a written
1218 decision or opinion.

1219 § 22A-214. Minimum age for offense liability.

1220 (a) *Exception to liability for actors under 12.* An actor does not commit an offense when
1221 the actor, in fact, is under 12 years of age.

1222 (b) *Liability for conduct of persons under 12.* When otherwise liable for an offense based
1223 on the conduct of another person, an actor remains liable for the offense notwithstanding the fact
1224 that the conduct is committed by a person under 12 years of age.

1225 SUBCHAPTER III. INCHOATE LIABILITY.

1226 § 22A-301. Criminal attempt.

1227 (a) *Criminal attempt.* An actor commits criminal attempt when, in fact, the actor:

1228 (1) Plans to engage in conduct constituting an offense;

1229 (2) Engages in conduct that is reasonably adapted to completion of the offense;

1230 (3) Acts with the culpability required for the offense; and

1231 (4) Either:

1232 (A) Comes dangerously close to completing the offense; or

1233 (B) Would have come dangerously close to completing the offense if the

1234 situation was as the actor perceived it to be.

1235 (b) *Culpable mental state elevation applicable to results of target offense.*

1236 Notwithstanding subsection (a) of this section, to commit criminal attempt the actor must intend

1237 to cause all result elements required for the offense.

1238 (c) *Proof of completed offense sufficient.* An actor may be convicted of criminal attempt

1239 based upon proof that the actor actually committed the target offense; except, that no actor may

1240 be convicted of both the target offense and an attempt to commit the target offense arising from

1241 the same act or course of conduct.

1242 (d) *Penalties*. A criminal attempt is subject to not more than one-half the maximum term
1243 of imprisonment and fine applicable to the offense, after the application of any penalty
1244 enhancements.

1245 § 22A-302. Criminal solicitation.

1246 (a) *Criminal solicitation*. An actor commits criminal solicitation when the actor:

1247 (1) Purposely commands, requests, or tries to persuade another person to engage
1248 in or aid the planning or commission of specific conduct, which, if carried out, in fact, will
1249 constitute an offense or an attempt to commit an offense; and

1250 (2) Acts with the culpability required for the offense.

1251 (b) *Scope of criminal solicitation liability*. Notwithstanding subsection (a) of this
1252 section, an actor commits criminal solicitation only when the offense is, in fact:

1253 (1) An offense against persons as defined in Chapter 2 of this title; or

1254 (2) A felony property offense as defined in Chapter 3 of this title.

1255 (c) *Culpable mental state elevation applicable to results and circumstances of target*
1256 *offense*. Notwithstanding subsection (a) of this section, to commit criminal solicitation, an actor
1257 must:

1258 (1) Intend to cause all result elements required for the offense; and

1259 (2) Intend for all circumstance elements required for the offense to exist.

1260 (d) *Uncommunicated criminal solicitation*. It is immaterial under subsection (a) of this
1261 section that the planned recipient of the actor's command, request, or efforts at persuasion fails
1262 to receive the message, if the actor does everything they planned to do to transmit the message to
1263 the planned recipient.

1264 (e) *Penalties*. A criminal solicitation is subject to not more than one-half the maximum
1265 term of imprisonment and fine applicable to the offense, after the application of any penalty
1266 enhancements.

1267 § 22A-303. Criminal conspiracy.

1268 (a) *Criminal conspiracy*. An actor commits criminal conspiracy when the actor and at
1269 least one other person:

1270 (1) Purposely agree to engage in or aid the planning or commission of conduct
1271 which, if carried out, in fact, will constitute an offense or a criminal attempt to commit an
1272 offense;

1273 (2) The parties to the agreement act with the culpability required for the offense;
1274 and

1275 (3) Any one of the parties to the agreement engages in an overt act in furtherance
1276 of the agreement.

1277 (b) *Culpable mental state elevation applicable to results and circumstances of target*
1278 *offense*. Notwithstanding subsection (a) of this section, to commit criminal conspiracy to
1279 commit an offense, the actor and at least one other person must:

1280 (1) Intend to cause all result elements required for the offense; and

1281 (2) Intend for all circumstance elements required for the offense to exist.

1282 (c) *Limitation on vicarious liability for conspirators*. An actor who is a party to a
1283 criminal conspiracy under subsection (a) of this section shall not be liable for an offense
1284 committed by another party to the conspiracy, unless, in fact:

1285 (1) The actor satisfies the requirements for criminal liability specified in § 22A-
1286 210, § 22A-211, or § 22A-302; or

1287 (2) It is expressly specified by statute that a party to a conspiracy may be held
1288 criminally liable for an offense committed by another party to the conspiracy.

1289 (d) *Penalties.* A criminal conspiracy is subject to not more than one-half the maximum
1290 term of imprisonment and fine applicable to the offense, after the application of any penalty
1291 enhancements.

1292 (e) *Jurisdiction when object of criminal conspiracy is to engage in conduct outside the*
1293 *District.* When the object of a conspiracy formed inside the District is to engage in conduct
1294 outside the District, the conspiracy is a violation of this section only if:

1295 (1) The conduct would constitute a criminal offense under the statutory laws of
1296 the District if performed in the District; and

1297 (2) The conduct would constitute a criminal offense under:

1298 (A) The statutory laws of the other jurisdiction if performed in that
1299 jurisdiction; or

1300 (B) The statutory laws of the District even if performed outside the
1301 District.

1302 (f) *Jurisdiction when criminal conspiracy is formed outside the District.* A conspiracy
1303 formed outside the District to engage in conduct inside the District is a violation of this section
1304 if:

1305 (1) The conduct would constitute a criminal offense under the statutory laws of
1306 the District if performed within the District; and

1307 (2) An overt act in furtherance of the conspiracy is committed within the District.

1308 (g) *Legality of conduct in other jurisdiction no defense.* When subsection (e)(1) and (2)
1309 of this section are proven, it is not a defense to a prosecution for conspiracy that the conduct that

1310 is the object of the conspiracy would not constitute a criminal offense under the laws of the
1311 jurisdiction in which the conspiracy was formed.

1312 § 22A-304. Exceptions to general inchoate liability.

1313 (a) *Exceptions to general inchoate liability.* A person does not commit criminal
1314 solicitation under § 22A-302 or criminal conspiracy under § 22A-303 when, in fact:

1315 (1) The person is a victim of the target offense; or

1316 (2) The person's criminal objective is inevitably incident to commission of the
1317 target offense as defined by statute.

1318 (b) *Exceptions inapplicable where liability expressly provided by statute.* The exceptions
1319 established in subsection (a) of this section do not limit the criminal liability expressly specified
1320 by statute.

1321 § 22A-305. Renunciation defense to attempt, conspiracy, and solicitation.

1322 (a) *Affirmative defense.* It is an affirmative defense to liability for a criminal attempt
1323 under § 22A-301, criminal solicitation under § 22A-302, or criminal conspiracy under § 22A-
1324 303 that, in fact:

1325 (1) The actor made reasonable efforts to prevent commission of the target offense;

1326 (2) Under circumstances manifesting a voluntary and complete renunciation of the
1327 actor's criminal intent; and

1328 (3) The target offense was not committed.

1329 (b) *Scope of voluntary and complete.* A renunciation is not voluntary and complete under
1330 subsection (a) of this section when it is motivated, in whole or in part, by:

1331 (1) A belief that circumstances exist which:

1332 (A) Increase the probability of detection or apprehension of the actor or
1333 another participant in the criminal enterprise; or

1334 (B) Render accomplishment of the criminal plans more difficult; or

1335 (2) A decision to:

1336 (A) Postpone the criminal conduct until another time; or

1337 (B) Transfer the criminal effort to another victim or similar objective.

1338 SUBCHAPTER IV. JUSTIFICATION DEFENSES.

1339 § 22A-401. Lesser harm.

1340 (a) *Defense.* It is a defense that, in fact:

1341 (1) The actor reasonably believes that:

1342 (A) The actor or another person is in imminent danger of a specific,

1343 identifiable harm; and

1344 (B) The conduct constituting the offense:

1345 (i) Will protect against the harm; and

1346 (ii) Is necessary in degree; and

1347 (3) The conduct constituting the offense brings about a significantly lesser harm

1348 than that the actor seeks to avoid.

1349 (b) *Exceptions.* This defense is not available when:

1350 (1) Recklessness is the culpable mental state for an objective element of the

1351 offense and the actor recklessly brings about the situation requiring a choice of harms;

1352 (2) Negligence is the culpable mental state for an objective element of the offense

1353 and the actor negligently brings about the situation requiring a choice of harms; or

1354 (3) The conduct constituting the offense is expressly addressed by another
1355 available defense, affirmative defense, or exclusion from liability.

1356 § 22A-402. Execution of public duty.

1357 (a) *Defense*. It is a defense that, in fact:

1358 (1) The conduct constituting the offense is required or authorized by law,
1359 including:

1360 (A) A court order;

1361 (B) A law governing the armed services or the lawful conduct of war;

1362 (C) A law defining the duties or functions of a public official;

1363 (D) A law defining the assistance to be rendered to a public official in the
1364 performance of their official duties;

1365 (E) A law governing the execution of legal process; or

1366 (F) Any other provision of law imposing a public duty;

1367 (2) The actor reasonably believes the conduct constituting the offense is required
1368 or authorized by a court order or warrant; or

1369 (3) The actor reasonably believes the conduct constituting the offense is required
1370 or authorized by law to assist a public official in the performance of their official duties.

1371 (b) *Exceptions*.

1372 (1) This defense is not available in a situation that is expressly addressed by
1373 another available defense, affirmative defense, or exclusion from liability.

1374 (2) This defense is not available when the conduct constituting the offense is the
1375 use of deadly force, unless that use of deadly force:

1376 (A) Is expressly authorized by law; or

1377 (B) Occurs in the lawful conduct of war.

1378 § 22A-403. Defense of self or another person.

1379 (a) *Defense*. It is a defense that, in fact, the actor reasonably believes:

1380 (1) The actor or another person is in imminent danger of a physical contact,

1381 bodily injury, sexual act, sexual contact, confinement, or death; and

1382 (2) The conduct constituting the offense:

1383 (A) Will protect against the harm; and

1384 (B) Is necessary in degree.

1385 (b) *Exceptions*. This defense is not available when:

1386 (1) In fact, the actor uses or attempts to use deadly force, unless the actor

1387 reasonably believes:

1388 (A) The actor or another person is in imminent danger:

1389 (i) Of a serious bodily injury, a sexual act, confinement, or death;

1390 or

1391 (ii) While in their individual dwelling unit, of a bodily injury or a

1392 sexual contact; and

1393 (B) The conduct constituting the offense:

1394 (i) Will protect against the harm; and

1395 (ii) Is necessary in degree;

1396 (2) The actor purposely, through conduct other than speech or presence alone,

1397 provokes or brings about the situation requiring the defense and, in fact, does not withdraw or

1398 make reasonable efforts to withdraw; or

1399 (3) The actor is reckless as to the fact that they are protecting themselves or
1400 another from lawful conduct.

1401 (c) *Use of deadly force by a law enforcement officer.* When, in fact, the actor is a law
1402 enforcement officer who uses or attempts to use deadly force, a factfinder shall consider all of
1403 the following when determining whether the actor satisfies the requirements of the defense:

1404 (1) The law enforcement officer's training and experience;

1405 (2) Whether the complainant:

1406 (A) Appeared to possess, either on their person or in a location where it is
1407 readily available, a dangerous weapon; and

1408 (B) Was afforded an opportunity to comply with an order to surrender any
1409 suspected dangerous weapons;

1410 (3) Whether the law enforcement officer engaged in de-escalation measures,
1411 including taking cover, waiting for back-up, trying to calm the complainant, or using non-deadly
1412 force;

1413 (4) Whether any conduct by the law enforcement officer increased the risk of a
1414 confrontation resulting in deadly force being used; and

1415 (5) Whether the law enforcement officer made all reasonable efforts to prevent a
1416 loss of a life, including abandoning efforts to apprehend the complainant.

1417 § 22A-404. Defense of property.

1418 (a) *Defense.* It is a defense that, in fact, the actor reasonably believes:

1419 (1) Real or tangible personal property is in imminent danger of damage, taking,
1420 trespass, or misuse; and

1421 (2) The conduct constituting the offense:

1422 (A) Will protect against the harm; and

1423 (B) Is necessary in degree.

1424 (b) *Exceptions*. This defense is not available when:

1425 (1) In fact, the actor uses or attempts to use deadly force;

1426 (2) The property is land that is property of another, unless the actor has or
1427 reasonably believes they have the effective consent of a property owner to protect the land; or

1428 (3) The actor is reckless as to the fact that they are protecting themselves or
1429 another from lawful conduct.

1430 § 22A-405. Special responsibility for care, discipline, or safety defenses.

1431 (a) *Parental defense*. It is a defense to offenses under Chapters 2 and 3 of this title that:

1432 (1) In fact, the actor reasonably believes that:

1433 (A) The complainant is under 18 years of age; and

1434 (B) The actor is either:

1435 (i) A parent, or a person acting in the place of a parent under civil
1436 law, who is responsible for the health, welfare, or supervision of the complainant; or

1437 (ii) Acting with the effective consent of such a parent or such a
1438 person;

1439 (2) The actor engages in the conduct constituting the offense with intent to
1440 safeguard or promote the welfare of the complainant, including the prevention or punishment of
1441 the complainant's misconduct; and

1442 (3) In fact, such conduct:

1443 (A) Is reasonable, under all the circumstances; and

1444 (B) Either:

1445 (i) Does not create a substantial risk of, or cause, death or serious
1446 bodily injury; or

1447 (ii) Is the performance or authorization of a lawful cosmetic or
1448 medical procedure.

1449 (b) *Guardian defense.* It is a defense to offenses under Chapters 2 and 3 of this title that:

1450 (1) In fact, the actor reasonably believes that:

1451 (A) The complainant is an incapacitated individual; and

1452 (B) The actor is either:

1453 (i) A court-appointed guardian to the complainant; or

1454 (ii) Acting with the effective consent of such a guardian;

1455 (2) The actor engages in the conduct constituting the offense with intent to
1456 safeguard or promote the welfare of the complainant, including the prevention of the
1457 complainant's misconduct; and

1458 (3) In fact, such conduct:

1459 (A) Is reasonable under all the circumstances;

1460 (B) Is permitted under civil law controlling the guardianship; and

1461 (C) Either:

1462 (i) Does not create a substantial risk of, or cause, death or serious
1463 bodily injury; or

1464 (ii) Is the performance or authorization of a lawful cosmetic or
1465 medical procedure.

1466 (c) *Emergency health professional defense.* It is a defense to offenses under Chapters 2
1467 and 3 of this title that:

1468 (1) In fact, the actor reasonably believes that:

1469 (A) The complainant is presently unable to give effective consent;

1470 (B) The actor is either:

1471 (i) A licensed health professional; or

1472 (ii) A person acting at a licensed health professional's direction;

1473 (C) The conduct charged to constitute the offense is the performance or

1474 authorization of a lawful medical procedure;

1475 (D) The medical procedure is administered or authorized in an emergency;

1476 (E) No person who is legally permitted to consent to the medical

1477 procedure on behalf of the complainant can be timely consulted;

1478 (F) There is no legally valid standing instruction by the complainant

1479 declining the medical procedure;

1480 (2) The actor engages in or authorizes the medical procedure with intent to

1481 safeguard or promote the physical or mental health of the complainant; and

1482 (3) In fact, a reasonable person wishing to safeguard the welfare of the

1483 complainant would consent to the medical procedure.

1484 (d) *Limited duty of care defense*. It is a defense to offenses under Chapters 2 and 3 of this

1485 title that:

1486 (1) In fact, the actor reasonably believes that the actor has a responsibility, under

1487 civil law, for the health, welfare, or supervision of the complainant;

1488 (2) The actor engages in the conduct constituting the offense with intent that the

1489 conduct:

1490 (A) Is necessary to fulfill the actor's responsibility to the complainant; and

1491 (B) Is consistent with the welfare of the complainant; and
1492 (3) In fact, such conduct:
1493 (A) Is reasonable, under all the circumstances;
1494 (B) Does not create a substantial risk of, or cause, death or serious bodily
1495 injury; and
1496 (4) The defenses in subsections (a)–(c) of this section do not apply to the actor’s
1497 conduct.

1498 (e) *Exceptions.* The defenses in this section do not apply to:

1499 (1) Offenses in Subchapter III of Chapter 2 of this title (Sexual Assault and
1500 Related Provisions); and

1501 (2) Offenses in Subchapter IV of Chapter 2 of this title (Human Trafficking).

1502 SUBCHAPTER V. EXCUSE DEFENSES.

1503 § 22A-501. Duress.

1504 (a) *Affirmative defense.* It is an affirmative defense that, in fact:

1505 (1) The actor reasonably believes:

1506 (A) A person communicated to the actor that the person will cause the
1507 actor or a third person a criminal bodily injury, sexual act, sexual contact, confinement, or death;
1508 and

1509 (B) The actor or third person is in imminent danger of the communicated
1510 harm; and

1511 (2) The communication would cause a reasonable person of the same background
1512 and in the same circumstances as the actor to engage in the conduct constituting the offense.

1513 (b) *Exceptions.* This defense is not available when, in fact:

- 1514 (1) The actor recklessly brings about the situation requiring a choice of harms;
1515 (2) Negligence is the culpable mental state for an objective element of the offense
1516 and the actor is negligent in bringing about the situation requiring a choice of harms; or
1517 (3) The conduct constituting the offense is an escape from a correctional facility
1518 or officer under § 22A-4401 and the actor does not make reasonable efforts to safely return to
1519 official custody.

1520 § 22A-502. Temporary possession.

1521 (a) *Affirmative defense.* It is an affirmative defense that:

- 1522 (1) In fact, the offense is a predicate possessory or distribution offense;
1523 (2) The actor possesses or distributes the item with intent, exclusively and in good
1524 faith, to do one or more of the following:
- 1525 (A) Permanently relinquish control over the item to a law enforcement
1526 officer or prosecutor for appropriate and lawful action;
 - 1527 (B) Permanently relinquish control over the item to the actor's supervisor
1528 or a person in charge of the location where the item was found for appropriate and lawful action;
 - 1529 (C) Seek legal services from an attorney or provide legal services as an
1530 attorney;
 - 1531 (D) Seek medical services from a licensed health professional or provide
1532 medical services as a licensed health professional;
 - 1533 (E) Investigate the circumstances surrounding the item's possession,
1534 acquisition, or use by a specific person when the actor has a responsibility, under civil law, for
1535 the health, welfare, or supervision of the person; or
 - 1536 (F) Permanently dispose of the item; and

1537 (3) In fact, the actor does not possess the item longer than is reasonably necessary
1538 to engage in the conduct specified in subsection (a)(2) of this section.

1539 (b) *Definitions.* For the purposes of this section, the term “predicate possessory or
1540 distribution offense” means:

1541 (1) Possession of an unregistered firearm, destructive device, or ammunition
1542 under § 7-2502.01;

1543 (2) Possession of a stun gun under § 7-2502.15;

1544 (3) Carrying an air or spring gun under § 7-2502.17;

1545 (4) Carrying a pistol in an unlawful manner under § 7-2509.06;

1546 (5) Possession of a prohibited weapon or accessory under § 22A-5103;

1547 (6) Carrying a dangerous weapon under § 22A-5104;

1548 (7) Possession of a firearm by an unauthorized person under § 22A-5107;

1549 (8) Possession of a controlled substance under § 48-904.01a;

1550 (9) Trafficking of a controlled substance under § 48-904.01b; or

1551 (10) Trafficking of a counterfeit substance under § 48-904.01c.

1552 § 22A-503. Entrapment.

1553 (a) *Affirmative defense.* It is an affirmative defense that, in fact, a law enforcement
1554 officer acting under color or pretense of official right, or a person cooperating with a law
1555 enforcement officer acting under color or pretense of official right:

1556 (1) Purposely commanded, requested, tried to persuade, or otherwise induced the
1557 actor to engage in the conduct constituting the offense; or

1558 (2) Purposely commanded, requested, tried to persuade, or otherwise induced a
1559 third party to engage in conduct constituting a criminal offense:

1560 (A) Reckless as to the fact that the third party would command, request,
1561 try to persuade, or otherwise induce one or more additional persons to engage in or assist the
1562 conduct; and

1563 (B) In fact, the command, request, effort to persuade or otherwise induce
1564 an additional person in paragraph (2)(A) of this subsection induces the actor to engage in the
1565 conduct constituting the offense.

1566 (b) *Exception.* This defense is not available when, in fact, the actor is predisposed to
1567 engage in the specific conduct constituting the offense and the actor is merely afforded the
1568 opportunity or means to engage in such conduct.

1569 § 22A-504. Mental disability defense.

1570 (a) *Affirmative defense.* It is an affirmative defense in a criminal proceeding that, in fact,
1571 as a result of a mental disability, the actor:

1572 (1) Lacked substantial capacity to conform their conduct to the requirements of
1573 the law; or

1574 (2) Lacked substantial capacity to recognize the wrongfulness of their conduct.

1575 (b) *Effect of defense.* An actor who is acquitted solely because of mental disability shall
1576 be committed under § 24-501.

1577 (c) *Definitions.* For the purposes of this section, the term “mental disability” means an
1578 abnormal condition of the mind, regardless of its medical label, that affects mental or emotional
1579 processes and either substantially impairs a person’s ability to regulate and control their conduct
1580 or substantially impairs a person’s ability to recognize the wrongfulness of their conduct.

1581 (d) *Interpretation of statute.* This section shall not be construed to create or limit a
1582 court's authority, on its own initiative, to order a psychiatric examination or to raise a mental
1583 disability defense.

1584 SUBCHAPTER VI. OFFENSE CLASSES, PENALTIES, & ENHANCEMENTS.

1585 § 22A-601. Offense classifications.

1586 Each offense subject to this title is classified as a:

- 1587 (1) Class 1 felony;
- 1588 (2) Class 2 felony;
- 1589 (3) Class 3 felony;
- 1590 (4) Class 4 felony;
- 1591 (5) Class 5 felony;
- 1592 (6) Class 6 felony;
- 1593 (7) Class 7 felony;
- 1594 (8) Class 8 felony;
- 1595 (9) Class 9 felony;
- 1596 (10) Class A misdemeanor;
- 1597 (11) Class B misdemeanor;
- 1598 (12) Class C misdemeanor;
- 1599 (13) Class D misdemeanor; or
- 1600 (14) Class E misdemeanor.

1601 § 22A-602. Authorized dispositions.

1602 (a) *Authorized dispositions.* Unless otherwise expressly specified by statute, upon
1603 conviction for an offense subject to this title, a court may sentence a person to sanctions that
1604 include:

- 1605 (1) A term of imprisonment under § 22A-603;
- 1606 (2) A fine under § 22A-604;
- 1607 (3) Probation under § 16-710;
- 1608 (4) Restitution or reparation under § 16-711;
- 1609 (5) Community service under § 16-712;
- 1610 (6) Post-release supervision under § 24-903; and
- 1611 (7) Work release under § 24-241.01.

1612 (b) *Limitations on both fine and imprisonment.* A court may sentence a person to either
1613 imprisonment under § 22A-603 or a fine under § 22A-604, but not both, upon conviction for the
1614 following statutes prosecuted by the Attorney General for the District of Columbia:

- 1615 (1) [RESERVED.];
- 1616 (2) [RESERVED.].

1617 (c) *Judicial deferral and dismissal of proceedings.*

1618 (1) When a person is found guilty of a violation of any Class A, B, C, D, or E
1619 misdemeanor, the court may, without entering a judgment of guilty and with the consent of the
1620 person, defer further proceedings on that offense and place the person on probation upon such
1621 reasonable conditions as it may require and for such period, not to exceed one year, as the court
1622 may prescribe. Upon violation of a condition of the probation, the court may enter an
1623 adjudication of guilt and proceed as otherwise provided. The court may, in its discretion, dismiss
1624 the proceedings against the person and discharge the person from probation before the expiration

1625 of the maximum period prescribed for such person's probation. If, during the period of
1626 probation, the person does not violate any of the conditions of the probation, then upon
1627 expiration of such period the court shall discharge such person and dismiss the proceedings
1628 against the person. Discharge and dismissal under this subsection shall be without court
1629 adjudication of guilt. Such discharge or dismissal shall not be deemed a conviction with respect
1630 to disqualifications or disabilities imposed by law upon conviction of a crime (including the
1631 penalties prescribed under § 22A-606 for second or subsequent convictions).

1632 (2) Upon the dismissal of the proceedings and discharge of the person under
1633 paragraph (1) of this subsection, the person may apply to the court for an order to seal the
1634 publicly available records of the arrest and related court proceedings. If the court determines,
1635 after hearing, that the proceedings were dismissed and the person discharged, it shall grant the
1636 motion to seal under the procedures in § 16-803(1).

1637 (3) A person to whom relief is granted under paragraph (2) of this subsection shall
1638 have the legal protections and obligations specified under § 16-803(1) and (m).

1639 § 22A-603. Authorized terms of imprisonment.

1640 Unless otherwise expressly specified by statute, the maximum term of imprisonment
1641 authorized for an offense subject to this title is:

1642 (1) For a Class 1 felony, 45 years;

1643 (2) For a Class 2 felony, 40 years;

1644 (3) For a Class 3 felony, 30 years;

1645 (4) For a Class 4 felony, 24 years;

1646 (5) For a Class 5 felony, 18 years;

1647 (6) For a Class 6 felony, 12 years;

- 1648 (7) For a Class 7 felony, 8 years;
- 1649 (8) For a Class 8 felony, 4 years;
- 1650 (9) For a Class 9 felony, 2 years;
- 1651 (10) For a Class A misdemeanor, 1 year;
- 1652 (11) For a Class B misdemeanor, 180 days;
- 1653 (12) For a Class C misdemeanor, 60 days;
- 1654 (13) For a Class D misdemeanor, 10 days; and
- 1655 (14) For a Class E misdemeanor, no imprisonment.

1656 § 22A-604. Authorized fines.

1657 (a) *Authorized fines.* Unless otherwise expressly specified by statute, the maximum fine
1658 for an offense subject to this title is:

- 1659 (1) For a Class 1 felony, \$1 million;
- 1660 (2) For a Class 2 felony, \$750,000;
- 1661 (3) For a Class 3 felony, \$500,000;
- 1662 (4) For a Class 4 felony, \$250,000;
- 1663 (5) For a Class 5 felony, \$100,000;
- 1664 (6) For a Class 6 felony, \$75,000;
- 1665 (7) For a Class 7 felony, \$50,000;
- 1666 (8) For a Class 8 felony, \$25,000;
- 1667 (9) For a Class 9 felony, \$10,000;
- 1668 (10) For a Class A misdemeanor, \$5,000;
- 1669 (11) For a Class B misdemeanor, \$2,500;
- 1670 (12) For a Class C misdemeanor, \$1,000;

1671 (13) For a Class D misdemeanor, \$500; and

1672 (14) For a Class E misdemeanor, \$250.

1673 (b) *Alternative fines for pecuniary loss or gain, or organizational actors.* A court may
1674 fine an actor who has been found guilty of an offense subject to this title:

1675 (1) Up to twice the pecuniary loss or pecuniary gain when:

1676 (A) The offense, in fact, results in either pecuniary loss to a person other
1677 than the actor, or pecuniary gain to any person; and

1678 (B) The information or indictment alleges the amount of the pecuniary
1679 loss or pecuniary gain and that the actor is subject to a fine double the amount of the pecuniary
1680 loss or pecuniary gain; or

1681 (2) Up to 3 times the amount otherwise provided by statute for the offense when
1682 the actor, in fact, is an organizational actor and the information or indictment alleges the actor is
1683 an organizational actor and is subject to a fine 3 times the maximum amount otherwise
1684 authorized.

1685 (c) *Limits on fines.* Notwithstanding any other provision of law:

1686 (1) A court shall not impose a fine that would impair the ability of a person who
1687 has been found guilty to make restitution or leave the person without sufficient means for
1688 reasonable living expenses and family obligations; and

1689 (2) A person who is eligible for appointed counsel under § 11-2601 shall not be
1690 subject to a fine under subsection (a) of this section.

1691 (d) The fines set forth in this section shall not be limited by § 22-3571.01.

1692 (e) *Definitions.* For the purposes of this section, the term “organizational actor” means
1693 any actor other than a natural person, including a trust, estate, fiduciary, partnership, company,

1694 corporation, association, organization, union, government, government agency, or government-
1695 owned corporation, or any other legal entity.

1696 § 22A-605. Charging and proof of penalty enhancements.

1697 (a) *Charging of penalty enhancements.* An offense subject to this title is not subject to a
1698 general penalty enhancement under this subchapter or any other penalty enhancement expressly
1699 specified by statute unless notice of the penalty enhancement is specified in the information or
1700 indictment for the offense.

1701 (b) *Standard of proof for penalty enhancements.* Except for the establishment of prior
1702 convictions under § 23-111, an offense is not subject to a general penalty enhancement under this
1703 subchapter or any other penalty enhancement expressly specified by statute unless each objective
1704 element and culpable mental state of the penalty enhancement is proven beyond a reasonable
1705 doubt.

1706 § 22A-606. Repeat offender penalty enhancement.

1707 (a) *Felony repeat offender penalty enhancement.* A felony repeat offender penalty
1708 enhancement applies to an offense subject to this title when, in fact:

1709 (1) The actor commits a felony offense under Chapter 2 of this title, or an
1710 enhanced first degree or enhanced second degree burglary offense under § 22A-3801(a), (b), or
1711 (d)(4); and

1712 (2) At the time of the offense, the actor has at least one prior conviction for a
1713 felony offense under Chapter 2 of this title, an enhanced first degree or enhanced second degree
1714 burglary offense under § 22A-3801(a), (b), or (d)(4), or a comparable offense, that was:

1715 (A) Committed within 10 years of the offense being enhanced; and

1716 (B) Not committed on the same occasion as the offense being enhanced.

1717 (b) *Misdemeanor repeat offender penalty enhancement.* A misdemeanor repeat offender
1718 penalty enhancement applies to an offense subject to this title when, in fact:

1719 (1) The actor commits a misdemeanor offense under Chapter 2 of this title; and

1720 (2) At the time of the offense, the actor has at least two prior convictions for
1721 misdemeanor offenses under Chapter 2 of this title, or comparable offenses, or at least one prior
1722 conviction for a felony offense under Chapter 2 of this title, an enhanced burglary offense under
1723 § 22A-3801, or a comparable offense, that were:

1724 (A) Committed within 10 years of the offense being enhanced; and

1725 (B) Not committed on the same occasion as one another or the offense
1726 being enhanced.

1727 (c) *Proceedings to establish prior convictions.* No person shall be subject to additional
1728 punishment for a felony or misdemeanor repeat offender penalty enhancement under this section
1729 unless the requirements under § 23-111 are satisfied.

1730 (d) *Penalties.*

1731 (1) A felony repeat offender penalty enhancement under subsection (a) of this
1732 section increases the authorized term of imprisonment and fine for the offense above the
1733 otherwise authorized penalty classification:

1734 (A) For a Class 1 or Class 2 felony, by 6 years and \$50,000;

1735 (B) For a Class 3 or Class 4 felony, by 4 years and \$40,000;

1736 (C) For a Class 5 or Class 6 felony, by 2 years and \$30,000;

1737 (D) For a Class 7 or Class 8 felony, by 1 year and \$20,000; and

1738 (E) For a Class 9 felony, 180 days and \$10,000.

1739 (2) A misdemeanor repeat offender penalty enhancement under subsection (b) of
1740 this section increases the authorized term of imprisonment and fine for the offense above the
1741 otherwise authorized penalty classification:

1742 (A) For a Class A or Class B misdemeanor, by 60 days and \$500; and

1743 (B) For a Class C, Class D, or Class E misdemeanor, by 10 days and \$50.

1744 (e) *Multiple penalty enhancements.* A penalty enhancement under this section shall be in
1745 addition to, and shall not be construed to limit application of, additional penalty enhancements
1746 specified elsewhere in this title; provided, that the determination of the offense class under
1747 subsection (d) of this section shall be based on the offense penalty before application of any
1748 additional penalty enhancements.

1749 § 22A-607. Pretrial release penalty enhancement.

1750 (a) *Pretrial release penalty enhancement.* A pretrial release penalty enhancement applies
1751 to an offense subject to this title when, in fact, at the time the actor commits the offense, the actor
1752 is on pretrial release under § 23-1321.

1753 (b) *Exceptions.* Notwithstanding any other provision of law, a penalty enhancement
1754 under this section does not apply to an offense of:

1755 (1) Contempt under § 11-741;

1756 (2) Third degree escape from a correctional facility or officer under § 22A-
1757 4401(c);

1758 (3) Tampering with a detection device under § 22A-4402(a)(1)(B); or

1759 (4) Violation of a condition of release under § 23-1329.

1760 (c) *Penalties.* A pretrial release penalty enhancement increases the authorized term of
1761 imprisonment and fine for an offense subject to this title above the otherwise authorized penalty
1762 classification:

1763 (1) For a Class 1 or Class 2 felony, by 6 years and \$50,000;

1764 (2) For a Class 3 or Class 4 felony, by 4 years and \$40,000;

1765 (3) For a Class 5 or Class 6 felony, by 2 years and \$30,000;

1766 (4) For a Class 7 or Class 8 felony, by 1 year and \$20,000;

1767 (5) For a Class 9 felony, by 180 days and \$10,000;

1768 (6) For a Class A or B misdemeanor, by 60 days and \$500; and

1769 (7) For a Class C, Class D, or Class E misdemeanor, by 10 days and \$50.

1770 (d) *Multiple penalty enhancements.* A penalty enhancement under this section shall be in
1771 addition to, and shall not be construed to limit application of, additional penalty enhancements
1772 specified elsewhere in this title; provided, that the determination of the offense class under
1773 subsection (c) of this section shall be based on the offense penalty before application of any
1774 additional penalty enhancements.

1775 § 22A-608. Hate crime penalty enhancement.

1776 (a) *Hate crime penalty enhancement.* A hate crime penalty enhancement applies to an
1777 offense subject to this title when the actor commits the offense with the purpose, in whole or
1778 part, of threatening, physically harming, damaging the property of, or causing a pecuniary loss to
1779 any person or group because of prejudice against the perceived race, color, religion, national
1780 origin, sex, age, sexual orientation, homelessness, physical disability, political affiliation, or
1781 gender identity or expression of any person or group.

1782 (b) *Penalties.* A hate crime penalty enhancement increases the penalty classification for
1783 an offense subject to this title by one class; except, that, for a Class 1 felony, the authorized term
1784 of imprisonment and fine for the offense increases by 6 years and \$50,000.

1785 (c) *Multiple penalty enhancements.* A penalty enhancement under this section shall be in
1786 addition to, and shall not be construed to limit application of, additional penalty enhancements
1787 specified elsewhere in this title.

1788 § 22A-609. Hate crime penalty enhancement civil provisions.

1789 (a) *Civil provisions on data collection and publication.*

1790 (1) The Metropolitan Police Department shall afford each crime victim the
1791 opportunity to submit with their complaint a written statement that contains information to
1792 support a claim that the conduct that occurred is a crime subject to a hate crime penalty
1793 enhancement under § 22A-608.

1794 (2) The Mayor shall collect and compile data on the incidence of crime subject to
1795 a hate crime penalty enhancement under § 22A-608; except, that such data shall be used for
1796 research or statistical purposes and shall not contain information that may reveal the identity of
1797 an individual crime victim.

1798 (3) The Mayor shall publish an annual summary of the data collected under
1799 subsection (b)(2) of this section and transmit the summary and recommendations based on the
1800 summary to the Council.

1801 (b) *Civil action.*

1802 (1) Irrespective of any criminal prosecution or the result of a criminal prosecution,
1803 a civil cause of action in a court of competent jurisdiction for appropriate relief shall be available
1804 for any person who alleges that they have been subjected to conduct that constitutes a criminal

1805 offense committed with the purpose, in whole or part, of threatening, physically harming,
1806 damaging the property of, or causing a pecuniary loss to any person or group because of
1807 prejudice against the person's or group's perceived race, color, religion, national origin, sex, age,
1808 sexual orientation, homelessness, physical disability, political affiliation, or gender identity or
1809 expression as, in fact, that term is defined in § 2-1401.02(12A).

1810 (2) In a civil action under paragraph (1) of this subsection, the relief available
1811 shall include:

1812 (A) An injunction;

1813 (B) Actual or nominal damages for economic or non-economic loss,
1814 including damages for emotional distress;

1815 (C) Punitive damages in an amount to be determined by a jury or a court
1816 sitting without a jury; or

1817 (D) Reasonable attorneys' fees and costs.

1818 (3) An actor's parent, or a person acting in the place of a parent under civil law,
1819 who is responsible for the health, welfare, or supervision of the actor shall be liable for any
1820 damages that an actor under 18 years of age is required to pay in a civil action brought under
1821 paragraph (1) of this subsection, if any act or omission of the parent or person acting in the place
1822 of a parent under civil law contributed to the conduct of the actor.

1823 § 22A-610. Abuse of government power penalty enhancement.

1824 (a) *Penalty enhancement.* An abuse of government power penalty enhancement applies
1825 to an offense subject to this title when the actor:

1826 (1) In fact, commits an offense under Chapters 2 or 3 of this title;

1827 (2) Knowing that they are a public official; and

1828 (3) Recklessly engages in the conduct constituting the offense under color or
1829 pretense of official right.

1830 (b) *Exceptions.* Notwithstanding any other provision of law, a penalty enhancement
1831 under this section shall not apply to an offense of:

1832 (1) Sexual abuse by exploitation under § 22A-2303; or

1833 (2) Blackmail under § 22A-2403(a)(2)(A).

1834 (c) *Penalties.* An abuse of government power penalty enhancement increases the penalty
1835 classification for an offense subject to this title by one class except, for a Class 1 felony, the
1836 authorized term of imprisonment and fine for the offense increases by 6 years and \$50,000.

1837 (d) *Multiple penalty enhancements.* A penalty enhancement under this section shall be in
1838 addition to, and shall not be construed to limit application of, additional penalty enhancements
1839 specified elsewhere in this title.

1840 CHAPTER 2. OFFENSES AGAINST PERSONS.

1841 SUBCHAPTER I. HOMICIDE.

1842 § 22A-2101. Murder.

1843 (a) *First degree.* An actor commits first degree murder when the actor purposely, with
1844 premeditation and deliberation, causes the death of another person.

1845 (b) *Second degree.* An actor commits second degree murder when the actor:

1846 (1) Knowingly causes the death of another person;

1847 (2) Recklessly, with extreme indifference to human life, causes the death of
1848 another person; or

1849 (3) Negligently causes the death of another person, other than an accomplice, by
1850 committing the lethal act in the course of and in furtherance of committing or attempting to
1851 commit an offense that is, in fact:

- 1852 (A) First or second degree robbery under § 22A-2201;
- 1853 (B) First degree assault under § 22A-2202;
- 1854 (C) First degree sexual assault under § 22A-2301;
- 1855 (D) First or second degree sexual abuse of a minor under § 22A-2302;
- 1856 (E) First or second degree kidnapping under § 22A-2401;
- 1857 (F) First or second degree arson under § 22A-3601;
- 1858 (G) Enhanced first degree burglary under § 22A-3801; or
- 1859 (H) First degree criminal abuse of a minor under § 22A-2501 when the
1860 actor knowingly causes serious bodily injury.

1861 (c) *Self-induced intoxication.* An actor shall be deemed to have consciously disregarded
1862 the risk required to prove that the actor acted with extreme indifference to human life in
1863 subsection (b)(2) of this section if due to self-induced intoxication, in fact, the actor was unaware
1864 of the risk, but would have been aware had the actor been sober.

1865 (d) *Penalties.*

1866 (1) First degree murder is a Class 2 felony.

1867 (2) Second degree murder is a Class 4 felony.

1868 (3) *Penalty enhancements.* The penalty classification of any gradation of this
1869 offense shall be increased by one class when the actor commits the offense and the actor:

- 1870 (A) Is reckless as to the fact that the decedent is a protected person;

1871 (B) Commits the murder with the purpose of harming the decedent
1872 because of the decedent’s status as a law enforcement officer, public safety employee, or District
1873 official;

1874 (C) Commits the murder with intent to avoid or prevent a lawful arrest or
1875 effecting an escape from official custody;

1876 (D) Knowingly commits the murder for hire;

1877 (E) Knowingly inflicts extreme physical pain or mental suffering for a
1878 prolonged period of time immediately prior to the decedent’s death;

1879 (F) Knowingly mutilates or desecrates the decedent’s body;

1880 (G) In fact, commits the murder after substantial planning;

1881 (H) By knowingly shooting from a vehicle that is being driven at the time
1882 of the shooting; or

1883 (I) Commits the murder with the purpose of harming the decedent because
1884 the decedent was or had been a witness in any criminal investigation or judicial proceeding, or
1885 the decedent was capable of providing or had provided assistance in any criminal investigation or
1886 judicial proceeding.

1887 (e) *Evidence of extreme pain, mental suffering, mutilation, or desecration.*

1888 Notwithstanding any other provision of law, an actor charged with penalty enhancements under
1889 subsection (d)(3)(E) or (F) of this section shall be subject to a bifurcated criminal proceeding
1890 with the same jury or factfinder serving in both stages of the proceeding. In the first stage of the
1891 proceeding, the factfinder must determine if the actor committed either first degree murder as
1892 defined under subsection (a) of this section or second degree murder as defined under subsection
1893 (b) of this section. In the first stage of the proceeding, evidence of penalty enhancements under

1894 subsection (d)(3)(E) or (F) of this section is inadmissible except if such evidence is relevant to
1895 determining whether the actor committed first degree murder or second degree murder. In the
1896 second stage of the proceeding, after the actor has been found guilty of either first degree murder
1897 or second degree murder, the factfinder may consider any evidence relevant to penalty
1898 enhancements under subsection (d)(3)(E) or (F) of this section.

1899 (f) *Defenses.*

1900 (1) In addition to any defenses otherwise applicable to the actor's conduct under
1901 District law, the presence of mitigating circumstances is a defense to prosecution under
1902 subsections (a) and (b)(1) and (2) of this section. Mitigating circumstances means:

1903 (A) Acting under the influence of an extreme emotional disturbance for
1904 which there is a reasonable cause as determined from the viewpoint of a reasonable person in the
1905 actor's situation under the circumstances as the actor believed them to be;

1906 (B) Acting with an unreasonable belief that the use of deadly force was
1907 necessary to prevent a person from unlawfully causing imminent death or serious bodily injury to
1908 the actor or another person; or

1909 (C) Any other legally-recognized partial defense which substantially
1910 diminishes either the actor's culpability or the wrongfulness of the actor's conduct.

1911 (2) *Effect of mitigation defense.* If the government fails to prove the absence of
1912 mitigating circumstances beyond a reasonable doubt, but proves all other elements of murder, the
1913 actor is not guilty of murder, but is guilty of voluntary manslaughter.

1914 (g) *No accomplice liability for felony murder.* Notwithstanding § 22A-210, no person
1915 shall be liable as an accomplice to second degree murder under subsection (b)(3) of this section.

1916 (h) *Felony murder merger*. Multiple convictions for second degree murder under
1917 subsection (b)(3) of this section and an offense listed in subsection (b)(3)(A)–(H) of this section
1918 merge when arising from the same act or course of conduct and the sentencing court shall follow
1919 the procedures specified in § 22A-212(b) and (c).

1920 § 22A-2102. Manslaughter.

1921 (a) *Voluntary manslaughter*. An actor commits voluntary manslaughter when the actor:

1922 (1) Knowingly causes the death of another person;

1923 (2) Recklessly, with extreme indifference for human life, causes death of another
1924 person; or

1925 (3) Negligently causes the death of another person, other than an accomplice, by
1926 committing the lethal act in the course of and in furtherance of committing or attempting to
1927 commit an offense that is, in fact:

1928 (A) First or second degree robbery under § 22A-2201;

1929 (B) First degree assault under § 22A-2202;

1930 (C) First degree sexual assault under § 22A-2301;

1931 (D) First or second degree sexual abuse of a minor under § 22A-2302;

1932 (E) First or second degree kidnapping under § 22A-2401;

1933 (F) First or second degree arson under § 22A-3601;

1934 (G) Enhanced first degree burglary under § 22A-3801; or

1935 (H) First degree criminal abuse of a minor under § 22A-2501 when the
1936 actor knowingly causes serious bodily injury.

1937 (b) *Involuntary manslaughter*. An actor commits involuntary manslaughter when the
1938 actor recklessly causes the death of another person.

1939 (c) *Self-induced intoxication.* An actor shall be deemed to have consciously disregarded
1940 the risk required to prove that the person acted with extreme indifference to human life in
1941 subsection (a)(2) of this section if due to self-induced intoxication, in fact, the actor was unaware
1942 of the risk, but would have been aware had the actor been sober.

1943 (d) *Penalties.*

1944 (1) Voluntary manslaughter is a Class 5 felony.

1945 (2) Involuntary manslaughter is a Class 7 felony.

1946 (3) *Penalty enhancements.* The penalty classification for voluntary manslaughter
1947 and involuntary manslaughter is increased by one class when the actor commits the offense:

1948 (A) Reckless as to the fact that the decedent is a protected person; or

1949 (B) With the purpose of harming the decedent because of the decedent's
1950 status as a law enforcement officer, public safety employee, or District official.

1951 (e) *No accomplice liability for felony murder.* Notwithstanding § 22A-210, no person
1952 shall be liable as an accomplice to voluntary manslaughter under subsection (a)(3) of this
1953 section.

1954 (f) *Felony murder merger.* Multiple convictions for voluntary manslaughter under
1955 subsection (a)(3) of this section and another offense listed in subsection (a)(3)(A)–(H) of this
1956 section merge when arising from the same act or course of conduct and the sentencing court shall
1957 follow the procedures specified in § 22A-212(b) and (c).

1958 § 22A -2103. Negligent homicide.

1959 (a) *Offense.* An actor commits negligent homicide when the actor negligently causes the
1960 death of another person.

1961 (b) *Penalties.* Negligent homicide is a Class 8 felony.

1962 SUBCHAPTER II. ROBBERY, ASSAULT, AND THREATS.

1963 § 22A-2201. Robbery.

1964 (a) *First degree.* An actor commits first degree robbery when the actor:

1965 (1) Knowingly takes or exercises control over the property of another that the
1966 complainant possesses within the complainant's immediate physical control by:

1967 (A) Causing bodily injury to the complainant or another person physically
1968 present;

1969 (B) Communicating, explicitly or implicitly, that the actor immediately
1970 will cause the complainant or another person physically present to suffer bodily injury, a sexual
1971 act, a sexual contact, confinement, or death;

1972 (C) Applying physical force that moves or immobilizes another person
1973 present; or

1974 (D) Removing property from the hand or arms of the complainant;

1975 (2) With intent to deprive the complainant of the property; and

1976 (3) In the course of the robbery, recklessly causes serious bodily injury to another
1977 person, other than an accomplice.

1978 (b) *Second degree.* An actor commits second degree robbery when the actor:

1979 (1) Knowingly takes or exercises control over the property of another that the
1980 complainant possesses within the complainant's immediate physical control by:

1981 (A) Causing bodily injury to another person physically present;

1982 (B) Communicating, explicitly or implicitly, that the actor immediately
1983 will cause the complainant or another person present to suffer bodily injury, a sexual act, a
1984 sexual contact, confinement, or death;

1985 (C) Applying physical force that moves or immobilizes another person
1986 present; or
1987 (D) Removing property from the hand or arms of the complainant
1988 (2) With intent to deprive the complainant of the property; and
1989 (3) Either:
1990 (A) In the course of the robbery, recklessly causes significant bodily injury
1991 to another person, other than an accomplice; or
1992 (B) In fact:
1993 (i) The property is a motor vehicle; or
1994 (ii) The property has a value of \$5,000 or more.
1995 (c) *Third degree.* An actor commits third degree robbery when the actor:
1996 (1) Knowingly takes or exercises control over the property of another that the
1997 complainant possesses within the complainant's immediate physical control by:
1998 (A) Causing bodily injury to the complainant or another person present;
1999 (B) Communicating to the complainant, explicitly or implicitly, that the
2000 actor immediately will cause the complainant or another person present to suffer bodily injury, a
2001 sexual act, a sexual contact, confinement, or death;
2002 (C) Applying physical force that moves or immobilizes another person
2003 present; or
2004 (D) Removing property from the hand or arms of the complainant;
2005 (2) With intent to deprive the complainant of the property.

2006 (d) *Affirmative defense.* It is an affirmative defense to criminal liability under this section
2007 that, in fact, the actor reasonably believes that an owner of the property gives effective consent to
2008 the actor to take or exercise control over the property.

2009 (e) *Penalties.*

2010 (1) First degree robbery is a Class 6 felony.

2011 (2) Second degree robbery is a Class 8 felony.

2012 (3) Third degree robbery is a Class 9 felony.

2013 (4) *Penalty enhancements.* The penalty classification for first degree robbery is
2014 increased by one class when the actor commits the offense:

2015 (A) Reckless as to the fact that the complainant is a protected person; or

2016 (B) By using or displaying what is, in fact, a dangerous weapon or
2017 imitation dangerous weapon.

2018 (5) *Penalty enhancements.* The penalty classification of second and third degree
2019 robbery is increased by:

2020 (A) One class when the actor commits the offense:

2021 (i) Reckless as to the fact that the complainant is a protected
2022 person; or

2023 (ii) Under subsection (b)(3)(B) or (c)(1)(B), (C), or (D) of this
2024 section by using or displaying what is, in fact, a dangerous weapon or imitation dangerous
2025 weapon; or

2026 (B) Two classes when the actor commits the offense under subsection
2027 (b)(3)(A) or subsection (c)(1)(A) of this section by recklessly displaying or using what, in fact, is

2028 a dangerous weapon and the display or use of the dangerous weapon directly or indirectly causes
2029 the injury to the complainant.

2030 § 22A-2202. Assault.

2031 (a) *First degree.* An actor commits first degree assault when the actor purposely:

2032 (1) Causes serious and permanent disfigurement to the complainant; or

2033 (2) Destroys, amputates, or permanently disables a member or organ of the
2034 complainant's body.

2035 (b) *Second degree.* An actor commits second degree assault when the actor recklessly,
2036 with extreme indifference to human life, causes serious bodily injury to the complainant.

2037 (c) *Third degree.* An actor commits third degree assault when the actor recklessly causes
2038 significant bodily injury to the complainant.

2039 (d) *Fourth degree.* An actor commits fourth degree assault when the actor recklessly
2040 causes bodily injury to the complainant.

2041 (e) *Exclusion from liability.* An actor does not commit an offense under this section
2042 when, in fact, the actor's conduct is specifically permitted by a District statute or regulation.

2043 (f) *Defenses.*

2044 (1) It is a defense to liability under subsections (a) and (b) of this section that, in
2045 fact:

2046 (A) The injury is caused by a lawful cosmetic or medical procedure;

2047 (B) The actor is not a person with legal authority over the complainant;

2048 and

2049 (C) The actor reasonably believes that:

2050 (i) The complainant is 18 years of age or older, and the
2051 complainant, or a person with legal authority over the complainant acting consistent with that
2052 authority, gives effective consent to the actor to cause the injury;

2053 (ii) The complainant is under 18 years of age and:

2054 (I) The actor is 18 years of age or older; and

2055 (II) A person with legal authority over the complainant
2056 acting consistent with that authority gives effective consent to the actor to cause the injury; or

2057 (iii) The complainant is under 18 years of age and:

2058 (I) The actor is under 18 years of age; and

2059 (II) The complainant gives effective consent to the actor to
2060 cause the injury.

2061 (2) It is a defense to liability under subsections (c) and (d) of this section that, in
2062 fact:

2063 (A) The actor is not a person with legal authority over the complainant;

2064 and

2065 (B) The actor reasonably believes that:

2066 (i) The complainant is 18 years of age or older, and the

2067 complainant, or a person with legal authority over the complainant acting consistent with that

2068 authority, gives effective consent to the actor either to cause the injury or to engage in a lawful

2069 sport, occupation, or other concerted activity, and the actor's infliction of the injury is a

2070 reasonably foreseeable hazard of that activity;

2071 (ii) The complainant is under 18 years of age and:

2072 (I) The actor is 18 years of age or older and is more than
2073 four years older than the complainant; and

2074 (II) A person with legal authority over the complainant
2075 acting consistent with that authority gives effective consent to the actor either to cause the injury
2076 or to engage in a lawful sport, occupation, or other concerted activity, and the actor's infliction
2077 of the injury is a reasonably foreseeable hazard of that activity; or

2078 (iii) The complainant is under 18 years of age and:

2079 (I) The actor is either under 18 years of age or is 18 years
2080 of age or older and not more four years older than the complainant; and

2081 (II) The complainant gives effective consent to the actor to
2082 either to cause the injury or to engage in a lawful sport, occupation, or other concerted activity,
2083 and the actor's infliction of the injury is a reasonably foreseeable hazard of that activity.

2084 (g) *Self-induced intoxication.* An actor shall be deemed to have consciously disregarded
2085 the risk required to prove the actor acted with extreme indifference to human life in subsection
2086 (b) of this section if due to self-induced intoxication, in fact, the actor was unaware of the risk,
2087 but would have been aware had the actor been sober.

2088 (h) *Penalties.*

2089 (1) First degree assault is a Class 6 felony.

2090 (2) Second degree assault is a Class 7 felony.

2091 (3) Third degree assault is a Class 9 felony.

2092 (4) Fourth degree assault is a Class B misdemeanor.

2093 (5) *Penalty enhancements.* The penalty classification of second degree assault
2094 shall be increased by one class when the actor commits the offense:

2095 (A) Reckless as to the fact that the complainant is a protected person;

2096 (B) By displaying or using what, in fact, is a dangerous weapon or

2097 imitation dangerous weapon; or

2098 (C) With the purpose of harming the complainant because of the

2099 complainant's status as a law enforcement officer, public safety employee, or District official.

2100 (6) *Penalty enhancements.* The penalty classification of third degree assault shall

2101 be increased by:

2102 (A) One class when the actor commits the offense:

2103 (i) Reckless as to the fact that the complainant is a protected

2104 person;

2105 (ii) By displaying or using what, in fact, is an imitation dangerous

2106 weapon; or

2107 (iii) With the purpose of harming the complainant because of the

2108 complainant's status as a law enforcement officer, public safety employee, or District official; or

2109 (B) Two classes when the actor commits the offense by recklessly

2110 displaying or using what, in fact, is a dangerous weapon.

2111 (7) *Penalty enhancements.* The penalty classification of fourth degree assault

2112 shall be increased by:

2113 (A) One class when the actor commits the offense:

2114 (i) Reckless as to the fact that the complainant is a protected

2115 person;

2116 (ii) By recklessly displaying or using what, in fact, is an imitation

2117 dangerous weapon; or

2118 (iii) With the purpose of harming the complainant because of the
2119 complainant's status as a law enforcement officer, public safety employee, or District official; or

2120 (B) Three classes when the actor commits the offense by recklessly
2121 displaying or using what, in fact, is a dangerous weapon.

2122 § 22A-2203. Criminal threats.

2123 (a) *First degree*. An actor commits first degree criminal threats when the actor:

2124 (1) Knowingly communicates to a person other than a co-conspirator or
2125 accomplice, explicitly or implicitly, that the actor immediately will cause the complainant or
2126 another person to suffer a criminal death, serious bodily injury, sexual act, or confinement;

2127 (2) With intent that the communication be perceived as a serious expression that
2128 the actor would cause the harm; and

2129 (3) In fact, the communication would cause a reasonable person in the
2130 complainant's circumstances to believe that the harm would occur.

2131 (b) *Second degree*. An actor commits second degree criminal threats when the actor:

2132 (1) Knowingly communicates to a person other than a co-conspirator or
2133 accomplice, explicitly or implicitly, that the actor will cause the complainant or another person to
2134 suffer a criminal bodily injury or sexual contact;

2135 (2) With intent that the communication be perceived as a serious expression that
2136 the actor would cause the harm; and

2137 (3) In fact, the communication would cause a reasonable person in the
2138 complainant's circumstances to believe that the harm would occur.

2139 (c) *Third degree*. An actor commits third degree criminal threats when the actor:

2140 (1) Knowingly communicates to a person other than a co-conspirator or
2141 accomplice, explicitly or implicitly, that the actor will cause the complainant or another person to
2142 suffer a criminal loss or damage to property;

2143 (2) With intent that the communication be perceived as a serious expression that
2144 the actor would cause the harm; and

2145 (3) In fact, the communication would cause a reasonable person in the
2146 complainant's circumstances to believe that the harm would occur.

2147 (d) *Penalties.*

2148 (1) First degree criminal threats is a Class 9 felony.

2149 (2) Second degree criminal threats is a Class B misdemeanor.

2150 (3) Third degree criminal threats is a Class C misdemeanor.

2151 (4) *Penalty enhancements.* The penalty classification of any gradation of this
2152 offense shall be increased by one class when the actor commits the offense:

2153 (A) Reckless as to the fact that the complainant is a protected person;

2154 (B) By displaying or using what, in fact, is a dangerous weapon or
2155 imitation dangerous weapon; or

2156 (C) With the purpose of harming the complainant because of the
2157 complainant's status as a law enforcement officer, public safety employee, or District official.

2158 § 22A-2204. Offensive physical contact.

2159 (a) *First degree.* An actor commits first degree offensive physical contact when the
2160 actor:

2161 (1) Knowingly causes the complainant to come into physical contact with bodily
2162 fluid or excrement;

2163 (2) With intent that the physical contact be offensive to the complainant; and
2164 (3) In fact, a reasonable person in the situation of the complainant would regard it
2165 as offensive.

2166 (b) *Second degree*. An actor commits second degree offensive physical contact when the
2167 actor:

2168 (1) Knowingly causes the complainant to come into physical contact with any
2169 person or any object or substance;

2170 (2) With intent that the physical contact be offensive to the complainant; and

2171 (3) In fact, a reasonable person in the situation of the complainant would regard it
2172 as offensive.

2173 (c) *Exclusion from liability*. An actor does not commit an offense under this section
2174 when, in fact, the actor's conduct is specifically permitted by a District statute or regulation.

2175 (d) *Defense*. It is a defense to liability that, in fact:

2176 (1) The actor is not a person with legal authority over the complainant; and

2177 (2) The actor reasonably believes that:

2178 (A) The complainant is 18 years of age or older, and the complainant, or a
2179 person with legal authority over the complainant acting consistent with that authority, gives
2180 effective consent to the actor to:

2181 (i) Cause the physical contact; or

2182 (ii) Engage in a lawful sport, occupation, or other concerted
2183 activity, and the actor's infliction of the physical contact is a reasonably foreseeable hazard of
2184 that activity;

2185 (B) The complainant is under 18 years of age and:

2186 (i) The actor is 18 years of age or older and is more than four years
2187 older than the complainant; and

2188 (ii) A person with legal authority over the complainant acting
2189 consistent with that authority gives effective consent to the actor to:

2190 (I) Cause the physical contact; or

2191 (II) Engage in a lawful sport, occupation, or other
2192 concerted activity, and the actor's infliction of the physical contact is a reasonably foreseeable
2193 hazard of that activity; or

2194 (C) The complainant is under 18 years of age and:

2195 (i) The actor is either under 18 years of age or is 18 years of age or
2196 older and not more four years older than the complainant; and

2197 (ii) The complainant gives effective consent to the actor to:

2198 (I) Cause the physical contact; or

2199 (II) Engage in a lawful sport, occupation, or other
2200 concerted activity, and the actor's infliction of the physical contact is a reasonably foreseeable
2201 hazard of that activity.

2202 (e) *Penalties.*

2203 (1) First degree offensive physical contact is a Class C misdemeanor.

2204 (2) Second degree offensive physical contact is a Class D misdemeanor.

2205 (3) *Penalty enhancements.* The penalty classification of any gradation of this
2206 offense shall be increased by one class when the actor commits the offense:

2207 (A) Reckless as to the fact that the complainant is a protected person; or

2208 (B) With the purpose of harming the complainant because of the
2209 complainant's status as a law enforcement officer, public safety employee, or District official.

2210 SUBCHAPTER III. Sexual Assault and Related Provisions.

2211 § 22A-2301. Sexual assault.

2212 (a) *First degree.* An actor commits first degree sexual assault when the actor:

2213 (1) Knowingly engages in a sexual act with the complainant or causes the
2214 complainant to engage in or submit to a sexual act;

2215 (2) In one or more of the following ways:

2216 (A) By causing bodily injury to the complainant, or by using physical
2217 force that moves or immobilizes the complainant;

2218 (B) By communicating to the complainant, explicitly or implicitly, that the
2219 actor will cause:

2220 (i) The complainant to suffer a bodily injury, confinement or death;

2221 or

2222 (ii) A third party to suffer a bodily injury, sexual act, sexual
2223 contact, confinement, or death; or

2224 (C) By administering or causing to be administered to the complainant,
2225 without the complainant's effective consent, a drug, intoxicant, or other substance:

2226 (i) With intent to impair the complainant's ability to express
2227 willingness or unwillingness to engage in the sexual act; and

2228 (ii) In fact, the drug, intoxicant, or other substance renders the
2229 complainant:

2230 (I) Asleep, unconscious, substantially paralyzed, or passing
2231 in and out of consciousness;

2232 (II) Substantially incapable of appraising the nature of the
2233 sexual act; or

2234 (III) Substantially incapable of communicating willingness
2235 or unwillingness to engage in the sexual act.

2236 (b) *Second degree*. An actor commits second degree sexual assault when the actor:

2237 (1) Knowingly engages in a sexual act with the complainant or causes the
2238 complainant to engage in or submit to a sexual act;

2239 (2) In one or more of the following ways:

2240 (A) By making a coercive threat, explicit or implicit; or

2241 (B) When the complainant is:

2242 (i) Asleep, unconscious, or passing in and out of consciousness;

2243 (ii) Incapable of appraising the nature of the sexual act or of

2244 understanding the right to give or withhold consent to the sexual act, either due to a drug,

2245 intoxicant, or other substance, or, due to an intellectual, developmental, or mental disability or

2246 mental illness when the actor has no similarly serious disability or illness;

2247 (iii) Incapable of communicating willingness or unwillingness to
2248 engage in the sexual act; or

2249 (iv) Substantially paralyzed.

2250 (c) *Third degree*. An actor commits third degree sexual assault when the actor:

2251 (1) Knowingly engages in a sexual contact with the complainant or causes the
2252 complainant to engage in or submit to a sexual contact;

2253 (2) In one or more of the following ways:

2254 (A) By causing bodily injury to the complainant, or by using physical
2255 force that moves or immobilizes the complainant;

2256 (B) By communicating to the complainant, explicitly or implicitly, that the
2257 actor will cause:

2258 (i) The complainant to suffer a bodily injury, confinement or death;
2259 or

2260 (ii) A third party to suffer a bodily injury, sexual act, sexual
2261 contact, confinement, or death; or

2262 (C) By administering or causing to be administered to the complainant,
2263 without the complainant's effective consent, a drug, intoxicant, or other substance:

2264 (i) With intent to impair the complainant's ability to express
2265 unwillingness to engage in the sexual contact; and

2266 (ii) In fact, the drug, intoxicant, or other substance renders the
2267 complainant:

2268 (I) Asleep, unconscious, substantially paralyzed, or passing
2269 in and out of consciousness;

2270 (II) Substantially incapable of appraising the nature of the
2271 sexual contact; or

2272 (III) Substantially incapable of communicating willingness
2273 or unwillingness to engage in the sexual contact.

2274 (d) *Fourth degree.* An actor commits fourth degree sexual assault when the actor:

2275 (1) Knowingly engages in a sexual contact with the complainant or causes the
2276 complainant to engage in or submit to a sexual contact;

2277 (2) In one or more of the following ways:

2278 (A) By making a coercive threat, explicit or implicit; or

2279 (B) When the complainant is:

2280 (i) Asleep, unconscious, or passing in and out of consciousness;

2281 (ii) Incapable of appraising the nature of the sexual contact or of
2282 understanding the right to give or withhold consent to the sexual contact, either due to a drug,
2283 intoxicant, or other substance, or, due to an intellectual, developmental, or mental disability or
2284 mental illness when the actor has no similarly serious disability or illness;

2285 (iii) Incapable of communicating willingness or unwillingness to
2286 engage in the sexual contact; or

2287 (iv) Substantially paralyzed.

2288 (e) *Defense.* It is a defense to liability under subsections (a)(2)(A) and (B), (b)(2)(A) and
2289 (B), (c)(2)(A) and (B), and (d)(2)(A) and (B) of this section that, in fact, the actor reasonably
2290 believes that the complainant gives effective consent to the actor to engage in the conduct
2291 constituting the offense.

2292 (f) *Penalties.*

2293 (1) First degree sexual assault is a Class 4 felony.

2294 (2) Second degree sexual assault is a Class 5 felony.

2295 (3) Third degree sexual assault is a Class 7 felony.

2296 (4) Fourth degree sexual assault is a Class 8 felony.

2297 (5) *Penalty enhancements.* The penalty classification of any gradation of this
2298 offense shall be increased by one class when the actor:

2299 (A) Recklessly causes the sexual act or sexual contact by displaying or
2300 using what is, in fact, a dangerous weapon or imitation dangerous weapon;

2301 (B) Knowingly acts with one or more accomplices that are physically
2302 present at the time of the sexual act or sexual contact; or

2303 (C) Recklessly causes serious bodily injury to the complainant
2304 immediately before, during, or immediately after the sexual act or sexual contact; or

2305 (D) At the time of the sexual act or sexual contact:

2306 (i) In fact, the complainant is under 12 years of age, and the actor
2307 is at least 4 years older than the complainant;

2308 (ii) The actor is reckless as to the fact that the complainant is under
2309 16 years of age and, in fact, the actor is at least 4 years older than the complainant;

2310 (iii) The actor is reckless as to the fact that the complainant is
2311 under 18 years of age and the fact that the actor is in a position of trust with or authority over the
2312 complainant, and, in fact, the actor is at least 4 years older than the complainant;

2313 (iv) The actor is reckless as to the fact that the complainant is 65
2314 years of age or older and, in fact, the actor is under 65 years of age and at least 10 years younger
2315 than the complainant; or

2316 (v) The actor is reckless as to the fact that the complainant is a
2317 vulnerable adult.

2318 § 22A-2302. Sexual abuse of a minor.

2319 (a) *First degree.* An actor commits first degree sexual abuse of a minor when the actor:

2320 (1) Knowingly engages in a sexual act with the complainant or causes the
2321 complainant to engage in or submit to a sexual act; and

2322 (2) In fact:

2323 (A) The complainant is under 12 years of age; and

2324 (B) The actor is at least 4 years older than the complainant.

2325 (b) *Second degree*. An actor commits second degree sexual abuse of a minor when the
2326 actor:

2327 (1) Knowingly engages in a sexual act with the complainant or causes the
2328 complainant to engage in or submit to a sexual act; and

2329 (2) In fact:

2330 (A) The complainant is under 16 years of age; and

2331 (B) The actor is at least 4 years older than the complainant.

2332 (c) *Third degree*. An actor commits third degree sexual abuse of a minor when the actor:

2333 (1) Knowingly engages in a sexual act with the complainant or causes the
2334 complainant to engage in or submit to a sexual act;

2335 (2) While in a position of trust with or authority over the complainant; and

2336 (3) In fact:

2337 (A) The complainant is under 18 years of age; and

2338 (B) The actor is 18 years of age or older and at least 4 years older than the
2339 complainant.

2340 (d) *Fourth degree*. An actor commits fourth degree sexual abuse of a minor when the
2341 actor:

2342 (1) Knowingly engages in a sexual contact with the complainant or causes the
2343 complainant to engage in or submit to a sexual contact; and

2344 (2) In fact:

2345 (A) The complainant is under 12 years of age; and

2346 (B) The actor is at least 4 years older than the complainant.

2347 (e) *Fifth degree.* An actor commits fifth degree sexual abuse of a minor when the actor:

2348 (1) Knowingly engages in a sexual contact with the complainant or causes the
2349 complainant to engage in or submit to a sexual contact; and

2350 (2) In fact:

2351 (A) The complainant is under 16 years of age; and

2352 (B) The actor is at least 4 years older than the complainant.

2353 (f) *Sixth degree.* An actor commits sixth degree sexual abuse of a minor when the actor:

2354 (1) Knowingly engages in a sexual contact with the complainant or causes the
2355 complainant to engage in or submit to a sexual contact;

2356 (2) While in a position of trust with or authority over the complainant; and

2357 (3) In fact:

2358 (A) The complainant is under 18 years of age; and

2359 (B) The actor is, in fact, 18 years of age or older and at least 4 years older
2360 than the complainant.

2361 (g) *Affirmative defenses.*

2362 (1) It is an affirmative defense to liability under this section for conduct involving
2363 only the actor and the complainant that, in fact, the actor and the complainant are in a marriage
2364 or domestic partnership at the time of the sexual act or sexual contact.

2365 (2) It is an affirmative defense to liability under subsections (b) and (e) of this
2366 section that, in fact:

2367 (A) The actor reasonably believes that the complainant is 16 years of age
2368 or older at the time of the sexual act or sexual contact;

2369 (B) Such reasonable belief is based on an oral or written statement that the
2370 complainant made to the actor about the complainant's age; and

2371 (C) The complainant is 14 years of age or older at the time of the sexual
2372 act or sexual contact.

2373 (3) It is an affirmative defense to liability under subsections (c) and (f) of this
2374 section that, in fact:

2375 (A) The actor reasonably believes that the complainant is 18 years of age
2376 of older at the time of the sexual act or sexual contact;

2377 (B) Such reasonable belief is based on an oral or written statement that the
2378 complainant made to the actor about the complainant's age; and

2379 (C) The complainant is 16 years of age or older at the time of the sexual
2380 act or sexual contact.

2381 (h) *Penalties.*

2382 (1) First degree sexual abuse of a minor is a Class 4 felony.

2383 (2) Second degree sexual abuse of a minor is a Class 5 felony.

2384 (3) Third degree sexual abuse of a minor is a Class 6 felony.

2385 (4) Fourth degree sexual abuse of a minor is a Class 6 felony.

2386 (5) Fifth degree sexual abuse of a minor is a Class 7 felony.

2387 (6) Sixth degree sexual abuse of a minor is a Class 8 felony.

2388 (7) *Penalty enhancements.* The penalty classification of first, second, fourth, and
2389 fifth degree sexual abuse of a minor shall be increased by one class when the actor:

2390 (A) Recklessly causes the sexual act or sexual contact by displaying or
2391 using what is, in fact, a dangerous weapon or imitation dangerous weapon;

2392 (B) Knowingly acts with one or more accomplices that are physically
2393 present at the time of the sexual act or sexual contact;

2394 (C) Recklessly causes serious bodily injury to the complainant
2395 immediately before, during, or immediately after the sexual act or sexual contact; or

2396 (D) Knows at the time of the sexual act or sexual contact that the actor is
2397 in a position of trust with or authority over the complainant.

2398 (8) *Penalty enhancements.* The penalty classification of third and sixth degree
2399 sexual abuse of a minor shall be increased by one class when the actor:

2400 (A) Recklessly causes the sexual act or sexual contact by displaying or
2401 what is, in fact, a dangerous weapon or imitation dangerous weapon;

2402 (B) Knowingly acts with one or more accomplices that are physically
2403 present at the time of the sexual act or sexual contact; or

2404 (C) Recklessly causes serious bodily injury to the complainant
2405 immediately before, during, or immediately after the sexual act or sexual contact.

2406 § 22A-2303. Sexual abuse by exploitation.

2407 (a) *First degree.* An actor commits first degree sexual abuse by exploitation when
2408 the actor:

2409 (1) Knowingly engages in a sexual act with the complainant or causes the
2410 complainant to engage in or submit to a sexual act;

2411 (2) In one or more of the following situations:

2412 (A) The actor is a coach, not including a coach who is a secondary school
2413 student; a teacher, counselor, principal, administrator, nurse, or security officer at a secondary
2414 school, working as an employee, contractor, or volunteer, and is reckless as to the fact that:

2415 (i) The complainant:

2416 (I) Is an enrolled student in the same secondary school; or
2417 (II) Receives educational services or attends educational
2418 programming at the same secondary school; and

2419 (ii) The complainant is under 20 years of age;

2420 (B) The actor knowingly and falsely represents that the actor is someone
2421 else with whom the complainant is in a romantic, dating, or sexual relationship;

2422 (C) The actor is, or purports to be, a healthcare provider, a health
2423 professional, or a religious leader described in § 14-309, and:

2424 (i) Falsely represents that the sexual act is for a bona fide medical,
2425 therapeutic, or professional purpose;

2426 (ii) Commits the sexual act during a consultation, examination,
2427 treatment, therapy, or other provision of professional services; or

2428 (iii) Commits the sexual act while the complainant is a patient or
2429 client of the actor, and is reckless as to the fact that the mental, emotional, or physical condition
2430 of the complainant is such that the complainant is impaired from declining participation in the
2431 sexual act;

2432 (D) The actor:

2433 (i) Knowingly works as an employee, contractor, or volunteer at or
2434 for a hospital, treatment facility, detention or correctional facility, group home, or institution
2435 housing persons who are not free to leave at will; and

2436 (ii) Is reckless as to the fact that the complainant is:

2437 (I) A ward, patient, client, or prisoner at that institution;

2438 (II) Awaiting admission to that institution; or

2439 (III) In transport to or from that institution; or

2440 (E) The actor knowingly works as a law enforcement officer, and is
2441 reckless as to the fact that the complainant is:

2442 (i) In official custody or detained for a legitimate police purpose;

2443 (ii) Detained pending or following:

2444 (I) A charge or conviction of an offense, or an allegation or
2445 finding of juvenile delinquency;

2446 (II) Commitment as a material witness; or

2447 (III) Civil commitment proceedings, extradition,
2448 deportation, or exclusion; or

2449 (iii) On probation or parole.

2450 (b) *Second degree*. An actor commits second degree sexual abuse by exploitation when
2451 the actor:

2452 (1) Knowingly engages in a sexual contact with the complainant or causes the
2453 complainant to engage in or submit to a sexual contact;

2454 (2) In one or more of the following situations:

2455 (A) The actor is a coach, not including a coach who is a secondary school
2456 student; a teacher, counselor, principal, administrator, nurse, or security officer at a secondary
2457 school, working as an employee, contractor, or volunteer, and is reckless as to the fact that:

2458 (i) The complainant:

2459 (I) Is an enrolled student in the same secondary school; or

2460 (II) Receives educational services or attends educational
2461 programming at the same secondary school; and

2462 (ii) The complainant is under 20 years of age;

2463 (B) The actor knowingly and falsely represents that the actor is someone
2464 else with whom the complainant is in a romantic, dating, or sexual relationship;

2465 (C) The actor is, or purports to be, a healthcare provider, a health
2466 professional, or a religious leader described in § 14-309, and:

2467 (i) Falsely represents that the sexual contact is for a bona fide
2468 medical, therapeutic, or professional purpose;

2469 (ii) Commits the sexual contact during a consultation, examination,
2470 treatment, therapy, or other provision of professional services; or

2471 (iii) Commits the sexual contact while the complainant is a patient
2472 or client of the actor, and is reckless as to the fact that the mental, emotional, or physical
2473 condition of the complainant is such that the complainant is impaired from declining
2474 participation in the sexual contact;

2475 (D) The actor:

2476 (i) Knowingly works as an employee, contractor, or volunteer at or
2477 for a hospital, treatment facility, detention or correctional facility, group home, or institution
2478 housing persons who are not free to leave at will; and

2479 (ii) Is reckless as to the fact that the complainant is:

2480 (I) A ward, patient, client, or prisoner at that institution;

2481 (II) Awaiting admission to that institution; or

2482 (III) In transport to or from that institution; or

2483 (E) The actor knowingly works as a law enforcement officer, and is
2484 reckless as to the fact that the complainant is:

2485 (i) In official custody or detained for a legitimate police purpose;

2486 (ii) Detained pending or following:

2487 (I) A charge or conviction of an offense, or an allegation or
2488 finding of juvenile delinquency;

2489 (II) Commitment as a material witness; or

2490 (III) Civil commitment proceedings, extradition,
2491 deportation, or exclusion; or

2492 (iii) On probation or parole.

2493 (c) *Affirmative defense.* It is an affirmative defense to liability under this section that, in
2494 fact, the actor and the complainant are in a marriage or domestic partnership at the time of the
2495 sexual act or sexual contact.

2496 (d) *Penalties.*

2497 (1) First degree sexual abuse by exploitation is a Class 7 felony.

2498 (2) Second degree sexual abuse by exploitation is a Class 8 felony.

2499 § 22A-2304. Sexually suggestive conduct with a minor.

2500 (a) *Offense*. An actor commits sexually suggestive conduct with a minor when the actor:

2501 (1) In fact, is 18 years of age or older and at least 4 years older than the

2502 complainant; and:

2503 (A) The actor is reckless as to the fact that the complainant is under 16

2504 years of age; or

2505 (B) The actor:

2506 (i) Is reckless as to the fact that the complainant is under 18 years

2507 of age; and

2508 (ii) Knows that the actor is in a position of trust with or authority

2509 over the complainant; and

2510 (2) The actor:

2511 (A) Purposely engages in:

2512 (i) A sexual act that is visible to the complainant;

2513 (ii) A sexual contact that is visible to the complainant; or

2514 (iii) A sexual or sexualized display of the genitals, pubic area, or

2515 anus that is visible to the complainant;

2516 (B) Knowingly:

2517 (i) Engages in one of the following with the complainant or causes

2518 the complainant to engage in or submit to one of the following:

2519 (I) Touching or kissing any person, either directly or

2520 through the clothing; or

2521 (II) Removing clothing from any person;

2522 (ii) With intent to cause the sexual arousal or sexual gratification
2523 of any person; or

2524 (C) Knowingly engages in a sexual act or sexual contact with the
2525 complainant or causes the complainant to engage in or submit to a sexual act or sexual contact.

2526 (b) *Affirmative defense.* It is an affirmative defense to liability under this section for
2527 conduct involving only the actor and the complainant that, in fact, the actor and the complainant
2528 are in a marriage or domestic partnership at the time of the prohibited conduct.

2529 (c) *Penalties.* Sexually suggestive contact with a minor is a Class A misdemeanor.

2530 § 22A-2305. Enticing a minor into sexual conduct.

2531 (a) *Offense.* An actor commits enticing a minor into sexual conduct when the actor:

2532 (1) Knowingly commands, requests, or tries to persuade the complainant to
2533 engage in or submit to a sexual act or sexual contact;

2534 (2) In fact, is 18 years of age or older and at least four years older than the
2535 complainant, and:

2536 (A) The actor is reckless as to the fact that the complainant is under 16
2537 years of age; or

2538 (B) The actor:

2539 (i) Is reckless as to the fact that the complainant is under 18 years
2540 of age; and

2541 (ii) Knows that the actor is in a position of trust with or authority
2542 over the complainant; or

2543 (3) In fact, is 18 years of age or older and at least four years older than the
2544 purported age of the complainant, and:

2545 (A) The complainant is a law enforcement officer who purports to be a
2546 person under 16 years of age; and

2547 (B) The actor is reckless as to the fact that the purported age of the
2548 complainant is under 16 years of age.

2549 (b) *Affirmative defense.* It is an affirmative defense to liability under this section for
2550 conduct involving only the actor and the complainant that, in fact, the actor and the complainant
2551 are in a marriage or domestic partnership at the time of the prohibited conduct.

2552 (c) *Penalties.* Enticing a minor into sexual conduct is a Class 9 felony.

2553 § 22A-2306. Arranging for sexual conduct with a minor or person incapable of
2554 consenting.

2555 (a) *Offense.* An actor commits arranging for sexual conduct with a minor or person
2556 incapable of consenting when the actor:

2557 (1) Knowingly:

2558 (A) As a person with a responsibility under civil law for the health,
2559 welfare, or supervision of the complainant;

2560 (B) Gives effective consent to a third party to:

2561 (i) Engage in or submit to a sexual act or sexual contact with or for
2562 the complainant; or

2563 (ii) Cause the complainant to engage in or submit to a sexual act or
2564 sexual contact with or for the third party or any other person;

2565 (2) In one of the following situations:

2566 (A) The actor is reckless as to:

2567 (i) The fact that the complainant is under 16 years of age; and

2568 (ii) The fact that the third party or other person is at least 4 years
2569 older than the complainant;

2570 (B) The actor:

2571 (i) Is reckless as to:

2572 (I) The fact that the complainant is under 18 years of age;

2573 and

2574 (II) The fact that the third party or other person is 18 years
2575 of age or older and at least 4 years older than the complainant; and

2576 (ii) Knows that the third party or other person is in a position of
2577 trust with or authority over the complainant; or

2578 (C) The actor is reckless as to:

2579 (i) The fact that the complainant is incapable of appraising the
2580 nature of the sexual act or sexual contact or of understanding the right to give or withhold
2581 consent to the sexual act or sexual contact, either due to a drug, intoxicant, or other substance, or,
2582 due to an intellectual, developmental, or mental disability or mental illness when the actor has no
2583 similarly serious disability or illness; or

2584 (ii) The fact that the complainant is incapable of communicating
2585 willingness or unwillingness to engage in the sexual act or sexual contact.

2586 (b) *Penalties*. Arranging for sexual conduct with a minor or person incapable of
2587 consenting is a Class 9 felony.

2588 § 22A-2307. Nonconsensual sexual conduct.

2589 (a) *First degree*. An actor commits first degree nonconsensual sexual conduct when the
2590 actor:

2591 (1) Knowingly engages in a sexual act with the complainant or causes the
2592 complainant to engage in or submit to a sexual act;

2593 (2) Reckless as to the fact that the actor lacks the complainant's effective consent.

2594 (b) *Second degree*. An actor commits second degree nonconsensual sexual contact when
2595 the actor:

2596 (1) Knowingly engages in a sexual contact with the complainant or causes the
2597 complainant to engage in or submit to a sexual contact;

2598 (2) Reckless as to the fact that the actor lacks the complainant's effective consent.

2599 (c) *Exclusion from liability*. An actor does not commit an offense under this section
2600 when, in fact, the actor uses deception, unless it is deception as to the nature of the sexual act or
2601 sexual contact.

2602 (d) *Penalties*.

2603 (1) First degree nonconsensual sexual conduct is a Class 9 felony.

2604 (2) Second degree nonconsensual sexual conduct is a Class A misdemeanor.

2605 § 22A-2308. Incest.

2606 (a) *First degree*. An actor commits first degree incest when the actor:

2607 (1) In fact, is 16 years of age or older;

2608 (2) Knowingly engages in a sexual act with another person who is a:

2609 (A) Parent, grandparent, great-grandparent, child, grandchild, great-
2610 grandchild, sibling, parent's sibling, a sibling's child, or a child of a parent's sibling, whether
2611 related by:

2612 (i) Blood or adoption; or

2613 (ii) Marriage or domestic partnership, either while the marriage or
2614 domestic partnership creating the relationship exists, or after such marriage or domestic
2615 partnership ends; or

2616 (B) A half-sibling related by blood; and

2617 (3) Obtains the consent of the other person by undue influence.

2618 (b) *Second degree*. An actor commits second degree incest when the actor:

2619 (1) In fact, is 16 years of age or older;

2620 (2) Knowingly engages in a sexual contact with another person who is a:

2621 (A) Parent, grandparent, great-grandparent, child, grandchild, great-
2622 grandchild, sibling, parent's sibling, a sibling's child, or a child of a parent's sibling, whether
2623 related by:

2624 (i) Blood or adoption; or

2625 (ii) Marriage or domestic partnership, either while the marriage or
2626 domestic partnership creating the relationship exists, or after such marriage or domestic
2627 partnership ends; or

2628 (B) A half-sibling related by blood; and

2629 (3) Obtains the consent of the other person by undue influence.

2630 (c) *Penalties*.

2631 (1) First degree incest is a Class 8 felony.

2632 (2) Second degree incest is a Class A misdemeanor.

2633 § 22A-2309. Civil provisions on the duty to report a sex crime.

2634 (a) *Duty to report a sex crime*. A person who is, in fact, 18 years of age or older, and is
2635 aware of a substantial risk that a person under 16 years of age is being subjected to, or has been

2636 subjected to, a predicate crime, shall immediately report such information or belief in a call to
2637 911, a report to the Child and Family Services Agency, or a report to the Metropolitan Police
2638 Department.

2639 (b) *Exclusions from duty to report.*

2640 (1) A person does not have a duty to report a predicate crime under subsection (a)
2641 of this section when the person is, in fact:

2642 (A) Subjected to a predicate crime by the same person alleged to have
2643 committed a predicate crime against the person under 16 years of age;

2644 (B) A lawyer or a person employed by a lawyer when the lawyer or
2645 employee is providing representation in a criminal, civil, or delinquency matter, and the
2646 information or basis for the belief arises solely in the course of that representation;

2647 (C) A religious leader described in § 14-309, when the information or
2648 basis for the belief is the result of a confession or penitential communication made by a penitent
2649 directly to the religious leader if:

2650 (i) The penitent made the confession or penitential communication
2651 in confidence;

2652 (ii) The confession or penitential communication was made
2653 expressly for a spiritual or religious purpose;

2654 (iii) The penitent made the confession or penitential
2655 communication to the religious leader in the religious leader's professional capacity; and

2656 (iv) The confession or penitential communication was made in the
2657 course of discipline enjoined by the church or other religious body to which the religious leader
2658 belongs; or

2659 (D) A sexual assault counselor, when the information or basis for the
2660 belief is disclosed in a confidential communication, unless the sexual assault counselor is aware
2661 of a substantial risk that:

2662 (i) A sexual assault victim is under 13 years of age;

2663 (ii) A perpetrator or alleged perpetrator of the predicate crime in
2664 subsection (a) of this section is in a position of trust with or authority over the sexual assault
2665 victim; or

2666 (iii) A perpetrator or alleged perpetrator of the predicate crime in
2667 subsection (a) of this section is more than 4 years older than the sexual assault victim.

2668 (2) No legal privilege, except the privileges set forth in this subsection, shall
2669 apply to the duty to report in subsection (a) of this section.

2670 (c) *Relationship to § 4-1321.02.* This section shall not be construed as altering the
2671 special duty to report by persons specified in § 4-1321.02(b).

2672 (d) *Civil violation.* A person commits failure to report a sex crime involving a person
2673 under 16 years of age when the person:

2674 (1) Is, in fact, 18 years of age or older;

2675 (2) Knows that they have a duty to report a predicate crime involving a person
2676 under 16 years of age under subsection (a) of this section; and

2677 (3) Fails to carry out this duty.

2678 (e) *Defense.* It is a defense to liability under subsection (d) of this section that the person
2679 fails to report a predicate crime under subsection (a) of this section because the person, in fact,
2680 reasonably believes that they are a survivor of an intrafamily offense, as that term is defined in §
2681 16-1001(8).

2682 (f) *Penalty.*

2683 (1) Failure to report a sex crime involving a person under 16 years of age is a civil
2684 violation subject to a civil fine of \$300.

2685 (2) A violation of subsection (d) of this section shall not constitute a criminal
2686 offense or a delinquent act, as that term is defined in § 16-2301(7).

2687 (g) *Judicial venue.* Adjudication of a civil violation under this section shall occur in the
2688 Office of Administrative Hearings pursuant to § 2-1831.03(b-6).

2689 (h) *Immunity for good faith report of a sex crime.*

2690 (1) Any person who in good faith makes a report under this section shall have
2691 immunity from liability, civil or criminal, that might otherwise be incurred or imposed with
2692 respect to the making of the report or any participation in any judicial proceeding involving the
2693 report. In all civil or criminal proceedings concerning the person under 16 years of age who is
2694 the subject of the report, or resulting from the report, good faith shall be presumed unless
2695 rebutted.

2696 (2) Any person who makes a good-faith report under this section and, as a result
2697 thereof, is discharged from the person's employment or in any other manner is discriminated
2698 against with respect to compensation, hire, tenure, or terms, conditions, or privileges of
2699 employment, may commence a civil action for appropriate relief. If the court finds that the
2700 person was required to report under this section, in good faith made a report, and was discharged
2701 or discriminated against as a result, the court may issue an order granting appropriate relief,
2702 including reinstatement with back pay. The District may intervene in any action commenced
2703 under this subsection.

2704 (i) *Definitions.* For the purposes of this section, the term:

2705 (1) “Confidential communication” shall have the same meaning as provided in §
2706 14-312.

2707 (2) “Predicate crime” means any conduct that constitutes:

2708 (A) An offense under Subchapter III of Chapter 2 of this title;

2709 (B) Forced commercial sex under § 22A-2602, trafficking in forced
2710 commercial sex under § 22A-2604, sex trafficking of a minor or adult incapable of consenting
2711 under § 22A-2605, or commercial sex with a trafficked person under § 22A-2608;

2712 (C) Creating or trafficking an obscene image of a minor under § 22A-
2713 2807, possession of an obscene image of a minor under § 22A-2808, arranging a live sexual
2714 performance of a minor under § 22A-2809, or attending or viewing a live sexual performance of
2715 a minor under § 22A-2810; or

2716 (D) Trafficking in commercial sex under § 22A-5403.

2717 (3) “Sexual assault counselor” shall have the same meaning as provided in § 23-
2718 1907(10).

2719 (4) “Sexual assault victim” shall have the same meaning as provided in § 23-
2720 1907(11).

2721 § 22A-2310. Admission of evidence in sexual assault and related cases.

2722 (a) *Reputation or opinion evidence of complainant’s past sexual behavior inadmissible.*

2723 Notwithstanding any other provision of law, in a criminal case under this subchapter, reputation
2724 or opinion evidence of the past sexual behavior of the complainant is not admissible.

2725 (b) *Admissibility of other evidence of complainant’s past sexual behavior.*

2726 (1) Notwithstanding any other provision of law, in a criminal case for an offense
2727 under this subchapter, evidence of a complainant's past sexual behavior, other than reputation or
2728 opinion evidence, is not admissible, unless such evidence is:

2729 (A) Admitted in accordance with paragraph (2), (3), and (4) of this
2730 subsection and is constitutionally required to be admitted; or

2731 (B) Admitted in accordance with paragraph (2), (3), and (4) of this
2732 subsection and is evidence of:

2733 (i) Past sexual behavior with persons other than the actor, offered
2734 by the actor upon the issue of whether the actor was or was not, with respect to the complainant,
2735 the source of semen or bodily injury; or

2736 (ii) Past sexual behavior with the actor where the consent or
2737 effective consent of the complainant is at issue and is offered by the actor upon the issue of
2738 whether the complainant gave consent or effective consent to the sexual behavior that is the basis
2739 of the criminal charge.

2740 (2) If the actor plans to offer under paragraph (1) of this subsection, evidence of
2741 specific instances of the complainant's past sexual behavior, the actor shall make a written
2742 motion to offer such evidence not later than 15 days before the date on which the trial in which
2743 such evidence is to be offered is scheduled to begin, except that the court may allow the motion
2744 to be made at a later date, including during trial, if the court determines either that the evidence is
2745 newly discovered and could not have been obtained earlier through the exercise of due diligence
2746 or that the issue to which such evidence relates has newly arisen in the case. Any motion made
2747 under this paragraph, and the accompanying offer of proof, shall be filed under seal and served
2748 on all other parties and on the complainant.

2749 (3) The motion described in paragraph (2) of this subsection shall be accompanied
2750 by a written offer of proof. If the court determines that the offer of proof contains evidence
2751 described in paragraph (1) of this subsection, the court shall order a hearing in chambers to
2752 determine if such evidence is admissible. At such hearing, the parties may call witnesses,
2753 including the complainant, and offer relevant evidence. If the relevancy of the evidence which
2754 the actor seeks to offer in the trial depends upon the fulfillment of a condition of fact, the court,
2755 at the hearing in chambers, or at a subsequent hearing in chambers scheduled for such purpose,
2756 shall accept evidence on the issue of whether such condition of fact is fulfilled and shall
2757 determine such issue.

2758 (4) If the court determines on the basis of the hearing described in paragraph (3)
2759 of this subsection that the evidence which the actor seeks to offer is relevant and that the
2760 probative value of such evidence outweighs the danger of unfair prejudice, such evidence shall
2761 be admissible in the trial to the extent an order made by the court specifies evidence which may
2762 be offered and areas with respect to which the complainant may be examined or cross-examined.

2763 (c) *Prompt reporting.* Evidence of delay in reporting an offense under this subchapter to
2764 a public authority shall not raise any presumption concerning the credibility or veracity of a
2765 charge under this subchapter.

2766 (d) *Privilege inapplicable for spouses or domestic partners.* Laws attaching a privilege
2767 against disclosure of communications between spouses or domestic partners are inapplicable in
2768 prosecutions under this subchapter where the actor is or was married to the complainant, or is or
2769 was a domestic partner of the complainant, or where the complainant is a person under 16 years
2770 of age.

2771 (e) *Definitions*. For the purposes of this section, the term “past sexual behavior” means
2772 sexual behavior other than the sexual behavior with respect to which an offense under this
2773 subchapter is alleged.

2774 SUBCHAPTER IV. KIDNAPPING, CRIMINAL RESTRAINT, AND BLACKMAIL.

2775 § 22A-2401. Kidnapping.

2776 (a) *First degree kidnapping*. An actor commits first degree kidnapping when the actor:

2777 (1) Knowingly and substantially confines or moves the complainant;

2778 (2) By means of:

2779 (A) Causing bodily injury to the complainant or by using physical force;

2780 (B) Making an explicit or implicit coercive threat;

2781 (C) Deception; or

2782 (D) With acquiescence of the complainant, when the actor is:

2783 (i) Reckless as to the facts that:

2784 (I) The complainant is an incapacitated individual; and

2785 (II) A person with legal authority over the complainant who

2786 is acting consistent with that authority has not given effective consent to the confinement or

2787 movement; or

2788 (ii) In fact, 18 years of age or older and reckless as to the facts that:

2789 (I) The complainant is under 16 years of age and four years

2790 younger than the actor; and

2791 (II) A person with legal authority over the complainant who

2792 is acting consistent with that authority has not given effective consent to the confinement or

2793 movement; and

- 2794 (3) With intent to:
- 2795 (A) Hold the complainant for ransom or reward;
- 2796 (B) Use the complainant as a shield or hostage;
- 2797 (C) Facilitate the commission of any felony or flight thereafter;
- 2798 (D) Inflict death or serious bodily injury upon the complainant;
- 2799 (E) Commit a sexual offense defined in Subchapter III of this chapter
- 2800 against the complainant;
- 2801 (F) Cause any person to believe that the complainant will not be released
- 2802 without suffering death, serious bodily injury, or a sex offense defined in Subchapter III of this
- 2803 chapter;
- 2804 (G) Permanently leave a person with legal authority over the complainant
- 2805 without custody of the complainant; or
- 2806 (H) Confine or move the complainant for 72 hours or more.
- 2807 (b) *Second degree kidnapping*. An actor commits second degree kidnapping when the
- 2808 actor:
- 2809 (1) Knowingly and substantially confines or moves the complainant;
- 2810 (2) By means of:
- 2811 (A) Causing bodily injury to the complainant or by using physical force;
- 2812 (B) Making an explicit or implicit coercive threat;
- 2813 (C) Deception; or
- 2814 (D) With acquiescence of the complainant, when the actor is:
- 2815 (i) Reckless as to the facts that:
- 2816 (I) The complainant is an incapacitated individual; and

2817 (II) A person with legal authority over the complainant who
2818 is acting consistent with that authority has not given effective consent to the confinement or
2819 movement; or

2820 (ii) In fact, 18 years of age or older and reckless as to the facts that:

2821 (I) The complainant is under 16 years of age and four years
2822 younger than the actor; and

2823 (II) A person with legal authority over the complainant who
2824 is acting consistent with that authority has not given effective consent to the confinement or
2825 movement; and

2826 (3) With intent to:

2827 (A) Inflict bodily injury upon the complainant;

2828 (B) Cause any person to believe that the complainant will not be released
2829 without suffering bodily injury.

2830 (c) *Defense.* It is a defense to prosecution under subsections (a)(3)(G) and (H) of this
2831 section when the complainant is, in fact, under 18 years of age and the actor is either:

2832 (1) A close relative or a former legal guardian who had authority to control the
2833 complainant's freedom of movement who:

2834 (A) Acts with intent to assume full responsibility for the care and
2835 supervision of the complainant; and

2836 (B) Does not cause bodily injury or use an explicit or implicit coercive
2837 threat to cause the confinement or movement; or

2838 (2) A person who reasonably believes they are acting at the direction of a close
2839 relative who:

2840 (A) Acts with intent that the close relative will assume full responsibility
2841 for the care and supervision of the complainant; and

2842 (B) Does not cause bodily injury or use an explicit or implicit coercive
2843 threat to cause the confinement or movement.

2844 (d) *Penalties.*

2845 (1) First degree kidnapping is a Class 5 felony.

2846 (2) Second degree kidnapping is a Class 7 felony.

2847 (3) *Penalty enhancements.* The penalty classification of any gradation of this
2848 offense is increased by one class when the actor commits the offense:

2849 (A) Reckless as to the fact that the complainant is a protected person;

2850 (B) By recklessly causing the confinement or movement by displaying or
2851 using what, in fact, is a dangerous weapon or imitation dangerous weapon; or

2852 (C) With the purpose of harming the complainant because of the
2853 complainant's status as a law enforcement officer, public safety employee, or District official.

2854 (e) *Multiple convictions for related offenses.* Multiple convictions for first degree
2855 kidnapping or second degree kidnapping and another offense merge when arising from the same
2856 act or course of conduct and when the confinement or movement was incidental to commission
2857 of the other offense, and the sentencing court shall follow the procedures specified in subsections
2858 § 22A-212(b) and (c).

2859 § 22A-2402. Criminal restraint.

2860 (a) *Offense.* An actor commits criminal restraint when the actor knowingly and
2861 substantially confines or moves the complainant:

2862 (1) By means of:

2863 (A) Causing bodily injury to the complainant or by using physical force;

2864 (B) Making an explicit or implicit coercive threat; or

2865 (C) Deception; or

2866 (2) By any means, including with acquiescence of the complainant, when the

2867 actor is:

2868 (A) Reckless as to the facts that:

2869 (i) The complainant is an incapacitated individual; and

2870 (ii) A person with legal authority over the complainant who is

2871 acting consistent with that authority has not given effective consent to the confinement or

2872 movement; or

2873 (B) In fact, 18 years of age or older and reckless as to the facts that:

2874 (i) The complainant is under 16 years of age and four years

2875 younger than the actor; and

2876 (ii) A person with legal authority over the complainant who is

2877 acting consistent with that authority has not given effective consent to the confinement or

2878 movement.

2879 (b) *Defenses.*

2880 (1) It is a defense that the complainant is, in fact, under 18 years of age, and the

2881 actor is:

2882 (A) A close relative or a former legal guardian who had authority to

2883 control the complainant's freedom of movement who:

2884 (i) Acts with intent to assume full responsibility for the care and

2885 supervision of the complainant; and

2886 (ii) Does not cause bodily injury or use an explicit or implicit
2887 coercive threat to cause the confinement or movement; or

2888 (B) A person who reasonably believes they are acting at the direction of a
2889 close relative who:

2890 (i) Acts with intent that the close relative will assume full
2891 responsibility for the care and supervision of the complainant; and

2892 (ii) Does not cause bodily injury or use an explicit or implicit
2893 coercive threat to cause the confinement or movement.

2894 (2) It is a defense to prosecution under subsection (a)(2) of this section that, in
2895 fact, the actor:

2896 (A) Is a transportation worker who moves the complainant while in the
2897 course of the worker's official duties; or

2898 (B) Is a person who moves the complainant solely by persuading the
2899 complainant to go to a location open to the general public to engage in a commercial or other
2900 legal activity.

2901 (c) *Affirmative defenses.*

2902 (1) It is an affirmative defense to prosecution under subsection (a)(1)(C) of this
2903 section that the actor, in fact:

2904 (A) Lacks the complainant's effective consent solely because of deception
2905 by the actor; and

2906 (B) Does not confine or move the complainant with intent to use bodily
2907 injury or an explicit or implicit coercive threat if the deception should fail.

2908 (2) It is an affirmative defense to prosecution under subsection (a)(2) of this
2909 section that the actor, in fact, reasonably believes that a person with legal authority over the
2910 complainant would have given effective consent to the conduct constituting the offense.

2911 (d) *Penalties.*

2912 (1) Criminal restraint is a Class A misdemeanor.

2913 (2) *Penalty enhancements.* The penalty classification of this offense is increased
2914 by one class when the actor commits the offense:

2915 (A) Reckless as to the fact that the complainant is a protected person;

2916 (B) By recklessly causes the confinement or movement by displaying or
2917 using what, in fact, is a dangerous weapon or imitation dangerous weapon; or

2918 (C) With the purpose of harming the complainant because of the
2919 complainant's status as a law enforcement officer, public safety employee, or District official.

2920 (e) *Multiple convictions for related offenses.* Multiple convictions for criminal restraint
2921 and another offense merge when arising from the same act or course of conduct and when the
2922 confinement or movement was incidental to commission of the other offense, and the sentencing
2923 court shall follow the procedures specified in § 22A-212(b) and (c).

2924 § 22A-2403. Blackmail.

2925 (a) *Offense.* An actor commits blackmail when the actor:

2926 (1) Purposely causes another person to commit or refrain from any act;

2927 (2) By communicating, explicitly or implicitly, that if the person does not commit
2928 or refrain from the act, any person will:

2929 (A) Take or withhold action as a public official, or cause a public official
2930 to take or withhold action;

- 2931 (B) Accuse another person of a crime;
- 2932 (C) Expose a secret, publicize an asserted fact, or distribute a photograph,
2933 video or audio recording, regardless of the truth or authenticity of the secret, fact, or item, that
2934 tends to subject another person to, or perpetuate:
- 2935 (i) Hatred, contempt, ridicule, or other significant injury to
2936 personal reputation; or
- 2937 (ii) Significant injury to credit or business reputation;
- 2938 (D) Significantly impair the reputation of a deceased person;
- 2939 (E) Notify a federal, state, or local government agency or official of, or
2940 publicize, another person's immigration or citizenship status;
- 2941 (F) Restrict a person's access to a controlled substance that the person
2942 owns, or restrict a person's access to prescription medication that the person owns; or
- 2943 (G) Engage in conduct that, in fact, constitutes:
- 2944 (i) An offense against persons under Chapter 2 of this title; or
2945 (ii) A property offense under Chapter 3 of this title.
- 2946 (b) *Exclusions to liability.*
- 2947 (1) An actor does not commit an offense under subsection (a)(2)(C) this section
2948 for communicating that, in fact, any person will engage in legal employment or business actions.
- 2949 (2) An actor does not commit an offense under this section for causing a person to
2950 do any of the following:
- 2951 (A) Transfer, use, give control over, or consent to damage property;
- 2952 (B) Remain in or move to a location; or
- 2953 (C) Give consent for a person to enter or remain in a location.

2954 (c) *Affirmative defenses.*

2955 (1) It is an affirmative defense to liability under this section committed by means
2956 of the conduct specified in subsection (a)(1)(A)-(F) this section that:

2957 (A) The actor, in fact, reasonably believes the threatened official action to
2958 be justified, or the accusation, secret, or assertion to be true, or that the photograph, video, or
2959 audio recording is authentic, and

2960 (B) Engages in the conduct with the purpose of compelling the other
2961 person to:

2962 (i) Desist or refrain from criminal or tortious activity or behavior
2963 harmful to any person's physical or mental health,

2964 (ii) Act or refrain from acting in a manner reasonably related to the
2965 wrong that is the subject of the accusation, assertion, invocation of official action, or photograph,
2966 video or audio recording; or

2967 (iii) Refrain from taking any action or responsibility for which the
2968 actor believes the other unqualified.

2969 (2) It is an affirmative defense to liability under this section that, in fact, the actor
2970 reasonably believes that the complainant gives effective consent to the actor to engage in the
2971 conduct constituting the offense.

2972 (d) *Penalties.* Blackmail is a Class 8 felony.

2973 SUBCHAPTER V. ABUSE AND NEGLECT OF VULNERABLE PERSONS.

2974 § 22A-2501. Criminal abuse of a minor.

2975 (a) *First degree.* An actor commits first degree criminal abuse of a minor when the actor:

2976 (1) Is reckless as to the fact that:

2977 (A) The actor has a responsibility under civil law for the health, welfare,
2978 or supervision of the complainant; and

2979 (B) The complainant is under 18 years of age; and

2980 (2) Either:

2981 (A) Purposely causes serious mental injury to the complainant; or

2982 (B) Recklessly causes serious bodily injury to the complainant.

2983 (b) *Second degree*. An actor commits second degree criminal abuse of a minor when the
2984 actor:

2985 (1) Is reckless as to the fact that:

2986 (A) The actor has a responsibility under civil law for the health, welfare,
2987 or supervision of the complainant; and

2988 (B) The complainant is under 18 years of age; and

2989 (2) Causes significant bodily injury to the complainant.

2990 (c) *Third degree*. An actor commits third degree criminal abuse of a minor when the
2991 actor:

2992 (1) Is reckless as to the fact that:

2993 (A) The actor has a responsibility under civil law for the health, welfare,
2994 or supervision of the complainant; and

2995 (B) The complainant is under 18 years of age; and

2996 (2) Either:

2997 (A) Causes serious mental injury to the complainant; or

2998 (B) In fact, commits a predicate offense against persons against the
2999 complainant.

3000 (d) *Exclusion from liability.* An actor does not commit an offense under this section
3001 when, in fact, the actor’s conduct is specifically permitted by a District statute or regulation.

3002 (e) *Affirmative defense.* It is an affirmative defense to liability under subsections (b) and
3003 (c) of this section that the actor, in fact:

3004 (1) Is not a person with legal authority over the complainant; and

3005 (2) Reasonably believes that a person with legal authority over the complainant,
3006 acting consistent with that authority, would give effective consent to the injury or the conduct
3007 constituting the offense.

3008 (f) *Penalties.*

3009 (1) First degree criminal abuse of a minor is a Class 6 felony.

3010 (2) Second degree criminal abuse of a minor is a Class 8 felony.

3011 (3) Third degree criminal abuse of a minor is a Class 9 felony.

3012 (g) *Definitions.* For the purposes of this section, the term “predicate offense against
3013 persons” means:

3014 (1) Fourth degree assault under § 22A-2202(d);

3015 (2) Criminal threats under § 22A-2203;

3016 (3) Offensive physical contact under § 22A-2204;

3017 (4) Criminal restraint under § 22A-2402;

3018 (5) Stalking under § 22A-2801; or

3019 (6) Electronic stalking under § 22A-2802.

3020 § 22A-2502. Criminal neglect of a minor.

3021 (a) *First degree.* An actor commits first degree criminal neglect of a minor when the
3022 actor:

3023 (1) Is reckless as to the fact that:
3024 (A) The actor has a responsibility under civil law for the health, welfare,
3025 or supervision of the complainant; and
3026 (B) The complainant is under 18 years of age; and
3027 (2) Created, or failed to mitigate or remedy, a substantial risk that the complainant
3028 would experience serious bodily injury or death.

3029 (b) *Second degree.* An actor commits second degree criminal neglect of a minor when
3030 the actor:

3031 (1) Is reckless as to the fact that:
3032 (A) The actor has a responsibility under civil law for the health, welfare,
3033 or supervision of the complainant; and
3034 (B) The complainant is under 18 years of age; and
3035 (2) Created, or failed to mitigate or remedy, a substantial risk that the complainant
3036 would experience:

3037 (A) Significant bodily injury; or
3038 (B) Serious mental injury.

3039 (c) *Third degree.* An actor commits third degree criminal neglect of a minor when the
3040 actor:

3041 (1) Is reckless as to the fact that:
3042 (A) The actor has a responsibility under civil law for the health, welfare,
3043 or supervision of the complainant; and
3044 (B) The complainant is under 18 years of age; and
3045 (2) Engages in one of the following:

3046 (A) Knowingly leaves the complainant in any place with intent to abandon
3047 the complainant; or

3048 (B) Recklessly:

3049 (i) Fails to make a reasonable effort to provide food, clothing,
3050 shelter, supervision, medical services, medicine, or other items or care essential for the physical
3051 health, mental health, or safety of the complainant; or

3052 (ii) Creates, or fails to mitigate or remedy, a substantial risk that
3053 the complainant would experience bodily injury from consumption of alcohol, or consumption or
3054 inhalation, without a valid prescription, of a controlled substance or marijuana.

3055 (d) *Exclusions from liability.*

3056 (1) An actor does not commit an offense under this section for conduct that, in
3057 fact, constitutes surrendering a newborn child in accordance with § 4-1451.01 *et seq.*

3058 (2) An actor does not commit an offense under this section when, in fact, the
3059 actor's conduct is specifically permitted by a District statute or regulation.

3060 (e) *Affirmative defense.* It is an affirmative defense to liability under subsections (b) and
3061 (c)(2)(B) of this section that the actor, in fact:

3062 (1) Is not a person with legal authority over the complainant; and

3063 (2) Reasonably believes that a person with legal authority over the complainant,
3064 acting consistent with that authority, would give effective consent to the conduct constituting the
3065 offense.

3066 (f) *Penalties.*

3067 (1) First degree criminal neglect of a minor is a Class 8 felony.

3068 (2) Second degree criminal neglect of a minor is a Class A misdemeanor.

3069 (3) Third degree criminal neglect of a minor is a Class B misdemeanor.

3070 § 22A-2503. Criminal abuse of a vulnerable adult or elderly person.

3071 (a) *First degree.* An actor commits first degree criminal abuse of a vulnerable adult or

3072 elderly person when the actor:

3073 (1) Is reckless as to the fact that:

3074 (A) The actor has a responsibility under civil law for the health, welfare,

3075 or supervision of the complainant; and

3076 (B) The complainant is a vulnerable adult or elderly person; and

3077 (2) Either:

3078 (A) Purposely causes serious mental injury to the complainant; or

3079 (B) Recklessly causes serious bodily injury to the complainant.

3080 (b) *Second degree.* An actor commits second degree criminal abuse of a vulnerable adult

3081 or elderly person when the actor:

3082 (1) Is reckless as to the fact that:

3083 (A) The actor has a responsibility under civil law for the health, welfare,

3084 or supervision of the complainant; and

3085 (B) The complainant is a vulnerable adult or elderly person; and

3086 (2) Causes significant bodily injury to the complainant.

3087 (c) *Third degree.* An actor commits third degree criminal abuse of a vulnerable adult or

3088 elderly person when the actor:

3089 (1) Is reckless as to the fact that:

3090 (A) The actor has a responsibility under civil law for the health, welfare,

3091 or supervision of the complainant; and

3092 (B) The complainant is a vulnerable adult or elderly person; and

3093 (2) Either:

3094 (A) Causes serious mental injury to the complainant; or

3095 (B) In fact, commits a predicate offense against persons against the
3096 complainant.

3097 (d) *Exclusion from liability.* An actor does not commit an offense under this section
3098 when, in fact, the actor's conduct is specifically permitted by a District statute or regulation.

3099 (e) *Defenses.*

3100 (1) It is a defense to liability under subsection (a)(2)(B) of this section that, in
3101 fact:

3102 (A) The injury is caused by:

3103 (i) A lawful cosmetic or medical procedure; or

3104 (ii) An omission;

3105 (B) The actor is not a person with legal authority over the complainant;

3106 and

3107 (C) The actor reasonably believes that the complainant, or a person with
3108 legal authority over the complainant acting consistent with that authority, gives effective consent

3109 to the actor to cause the injury or engage in the omission that causes the injury.

3110 (2) It is a defense to liability under subsections (b) and (c) of this section that, in
3111 fact:

3112 (A) The actor is not a person with legal authority over the complainant;

3113 and

3114 (B) The actor reasonably believes that the complainant, or a person with
3115 legal authority over the complainant acting consistent with that authority, gives effective consent
3116 to the actor to:

- 3117 (i) Cause the injury;
- 3118 (ii) Engage in the omission that causes the injury; or
- 3119 (iii) Engage in a lawful sport, occupation, or other concerted
3120 activity, and the actor's infliction of the injury is a reasonably foreseeable hazard of that activity.

3121 (f) *Penalties.*

3122 (1) First degree criminal abuse of a vulnerable adult or elderly person is a Class 6
3123 felony.

3124 (2) Second degree criminal abuse of a vulnerable adult or elderly person is a Class
3125 8 felony.

3126 (3) Third degree criminal abuse of a vulnerable adult or elderly person is a Class 9
3127 felony.

3128 (g) *Definitions.* For the purposes of this section, the term "predicate offense against
3129 persons" means:

3130 (1) Fourth degree assault under § 22A-2202(d);

3131 (2) Criminal threats under § 22A-2203;

3132 (3) Offensive physical contact under § 22A-2204;

3133 (4) Criminal restraint under § 22A-2402;

3134 (5) Stalking under § 22A-2801; or

3135 (6) Electronic stalking under § 22A-2802.

3136 § 22A-2504. Criminal neglect of a vulnerable adult or elderly person.

3137 (a) *First degree.* An actor commits first degree criminal neglect of a vulnerable adult or
3138 elderly person when the actor:

3139 (1) Is reckless as to the fact that:

3140 (A) The actor has a responsibility under civil law for the health, welfare,
3141 or supervision of the complainant; and

3142 (B) The complainant is a vulnerable adult or elderly person; and

3143 (2) Creates, or fails to mitigate or remedy, a substantial risk that the complainant
3144 would experience serious bodily injury or death.

3145 (b) *Second degree.* An actor commits second degree criminal neglect of a vulnerable
3146 adult or elderly person when the actor:

3147 (1) Is reckless as to the fact that:

3148 (A) The actor has a responsibility under civil law for the health, welfare,
3149 or supervision of the complainant; and

3150 (B) The complainant is a vulnerable adult or elderly person; and

3151 (2) Creates, or fails to mitigate or remedy, a substantial risk that the complainant
3152 would experience:

3153 (A) Significant bodily injury; or

3154 (B) Serious mental injury.

3155 (c) *Third degree.* An actor commits third degree criminal neglect of a vulnerable adult or
3156 elderly person when the actor:

3157 (1) Is reckless as to the fact that:

3158 (A) The actor has a responsibility under civil law for the health, welfare,
3159 or supervision of the complainant; and

3160 (B) The complainant is a vulnerable adult or elderly person; and

3161 (2) Either:

3162 (A) Fails to make a reasonable effort to provide food, clothing, shelter,
3163 supervision, medical services, medicine, or other items or care essential for the physical health,
3164 mental health, or safety of the complainant; or

3165 (B) Creates, or fails to mitigate or remedy, a substantial risk that the
3166 complainant would experience bodily injury from consumption of alcohol, or consumption or
3167 inhalation, without a valid prescription, of a controlled substance or marijuana.

3168 (d) *Exclusion from liability.* An actor does not commit an offense under this section
3169 when, in fact, the actor's conduct is specifically permitted by a District statute or regulation.

3170 (e) *Defenses.*

3171 (1) It is a defense to liability under subsection (a) of this section that, in fact:

3172 (A) The risk is caused by:

3173 (i) A lawful cosmetic or medical procedure; or

3174 (ii) An omission;

3175 (B) The actor is not a person with legal authority over the complainant;

3176 and

3177 (C) The actor reasonably believes that the complainant, or a person with
3178 legal authority over the complainant acting consistent with that authority, gives effective consent
3179 to the actor to engage in the conduct that constitutes the offense.

3180 (2) It is a defense to liability under subsections (b) and (c) of this section that, in
3181 fact:

3182 (A) The actor is not a person with legal authority over the complainant;
3183 and
3184 (B) The actor reasonably believes that the complainant, or a person with
3185 legal authority over the complainant acting consistent with that authority, gives effective consent
3186 to the actor to:
3187 (i) Engage in the conduct that constitutes the offense; or
3188 (ii) Engage in a lawful sport, occupation, or other concerted
3189 activity, and the actor's creation, or failure to mitigate or remedy, the risk is a reasonably
3190 foreseeable hazard of that activity.

3191 (f) *Penalties.*

3192 (1) First degree criminal neglect of a vulnerable adult or elderly person is a Class
3193 8 felony.

3194 (2) Second degree criminal neglect of a vulnerable adult or elderly person is a
3195 Class A misdemeanor.

3196 (3) Third degree criminal neglect of a vulnerable adult or elderly person is a Class
3197 B misdemeanor.

3198 SUBCHAPTER VI. HUMAN TRAFFICKING.

3199 § 22A-2601. Forced labor.

3200 (a) *Offense.* An actor commits forced labor when the actor:

3201 (1) Knowingly causes a person to provide services;

3202 (2) By means of debt bondage or making an explicit or implicit coercive threat.

3203 (b) *Exclusions from liability.* An actor does not commit an offense under this section for,
3204 in fact, communicating that any person will engage in legal employment actions, such as threats

3205 of termination, demotion, reduced pay or benefits, or scheduling changes, in order to compel an
3206 employee to provide labor or services.

3207 (c) *Penalties.*

3208 (1) Forced labor is a Class 5 felony.

3209 (2) *Penalty enhancements.* The penalty classification of this offense is increased
3210 by one class when the actor commits the offense:

3211 (A) Reckless as to the fact that the complainant is under 18 years of age;

3212 or

3213 (B) By holding the complainant, or causing the complainant to provide
3214 services, for more than 180 days.

3215 § 22A-2602. Forced commercial sex.

3216 (a) *Offense.* An actor commits forced commercial sex when the actor:

3217 (1) Knowingly causes the complainant to engage in or submit to a commercial sex
3218 act with or for another person;

3219 (2) In one or more of the following ways:

3220 (A) By using physical force that causes bodily injury to, overcomes, or
3221 restrains any person;

3222 (B) By making a coercive threat, explicit or implicit;

3223 (C) By debt bondage; or

3224 (D) By administering or causing to be administered to the complainant,
3225 without the complainant's effective consent, a drug, intoxicant, or other substance:

3226 (i) With intent to impair the complainant's ability to express
3227 willingness or unwillingness to engage in the commercial sex act; and

3228 (ii) In fact, the drug, intoxicant, or other substance renders the
3229 complainant:

3230 (I) Asleep, unconscious, substantially paralyzed, or passing
3231 in and out of consciousness;

3232 (II) Substantially incapable of appraising the nature of the
3233 commercial sex act; or

3234 (III) Substantially incapable of communicating
3235 unwillingness to engage in the commercial sex act.

3236 (b) *Penalties.*

3237 (1) Forced commercial sex is a Class 4 felony.

3238 (2) *Penalty enhancements.* The penalty classification of this offense is increased
3239 by one class when the actor commits the offense:

3240 (A) Reckless as to the fact that the complainant is under 18 years of age,
3241 or, in fact, the complainant is under 12 years of age; or

3242 (B) By recklessly holding the complainant, or causing the complainant to
3243 provide commercial sex acts, for a total of more than 180 days.

3244 § 22A-2603. Trafficking in labor.

3245 (a) *Offense.* An actor commits trafficking in labor when the actor:

3246 (1) Knowingly recruits, entices, houses, transports, provides, obtains, or maintains
3247 by any means, a person;

3248 (2) With intent that, as a result, the person will be caused to provide services by
3249 means of debt bondage or an explicit or implicit coercive threat.

3250 (b) *Penalties.*

3251 (1) Trafficking in labor is a Class 6 felony.

3252 (2) *Penalty enhancements.* The penalty classification of this offense is increased
3253 by one class when the actor commits the offense:

3254 (A) Reckless as to the fact that the complainant is under 18 years of age;

3255 or

3256 (B) By holding the complainant, or causing the complainant to provide
3257 services, for a total of more than 180 days.

3258 § 22A-2604. Trafficking in forced commercial sex.

3259 (a) *Offense.* An actor commits trafficking in forced commercial sex when the actor:

3260 (1) Knowingly recruits, entices, houses, transports, provides, obtains, or maintains
3261 by any means, the complainant;

3262 (2) With intent that, as a result, the complainant will be caused to engage in or
3263 submit to a commercial sex act with or for another person in one or more of the following ways:

3264 (A) By physical force that causes bodily injury to, overcomes, or restrains
3265 any person;

3266 (B) By an explicit or implicit coercive threat;

3267 (C) By debt bondage; or

3268 (D) By a drug, intoxicant, or other substance, administered to the
3269 complainant without the complainant's effective consent.

3270 (b) *Penalties.*

3271 (1) Trafficking in forced commercial sex is a Class 6 felony.

3272 (2) *Penalty enhancements.* The penalty classification of this offense is increased
3273 by one class when the actor commits the offense:

3274 (A) Reckless as to the fact that the complainant is under 18 years of age,
3275 or, in fact, the complainant is under 12 years of age; or

3276 (B) By recklessly holding the complainant, or causing the complainant to
3277 provide commercial sex acts, for a total of more than 180 days.

3278 § 22A-2605. Sex trafficking of a minor or adult incapable of consenting.

3279 (a) *Offense.* An actor commits sex trafficking of a minor or adult incapable of consenting
3280 when the actor:

3281 (1) Knowingly recruits, entices, houses, transports, provides, obtains, or maintains
3282 by any means the complainant;

3283 (2) With intent that the complainant, as a result, will be caused to engage in or
3284 submit to a commercial sex act with or for another person; and

3285 (3) Reckless as to the fact that the complainant is:

3286 (A) Under 18 years of age;

3287 (B) Incapable of appraising the nature of the commercial sex act or of
3288 understanding the right to give or withhold consent to the commercial sex act, either due to a
3289 drug, intoxicant, or other substance, or, due to an intellectual, developmental, or mental disability
3290 or mental illness when the actor has no similarly serious disability or illness; or

3291 (C) Incapable of communicating willingness or unwillingness to engage in
3292 the commercial sex act.

3293 (b) *Penalties.*

3294 (1) Sex trafficking of a minor or adult incapable of consenting is a Class 5 felony.

3295 (2) *Penalty enhancements.* The penalty classification of this offense is increased
3296 by one class when the actor commits the offense and recklessly holds the complainant, or causes
3297 the complainant to provide commercial sex acts, for a total of more than 180 days.

3298 § 22A-2606. Benefiting from human trafficking.

3299 (a) *First degree.* An actor commits first degree benefiting from human trafficking when
3300 the actor:

3301 (1) Knowingly obtains any financial benefit or property;

3302 (2) By participating in a group of 2 or more persons;

3303 (3) Reckless as to the fact that the group is engaging in conduct that, in fact:

3304 constitutes forced commercial sex under § 22A-2602, trafficking in forced commercial sex under

3305 § 22A-2604, or sex trafficking of a minor or adult incapable of consenting under § 22A-2605;

3306 and

3307 (4) The actor's participation in the group furthers, in any manner, the conduct that
3308 constitutes a human trafficking offense.

3309 (b) *Second degree.* An actor commits second degree benefiting from human trafficking
3310 when the actor:

3311 (1) Knowingly obtains any financial benefit or property;

3312 (2) By participation in a group of 2 or more persons;

3313 (3) Reckless as to the fact that the group is engaging in conduct that, in fact:

3314 constitutes forced labor under § 22A-2601 or trafficking in labor under § 22A-2603; and

3315 (4) In fact, the actor's participation in the group furthers, in any manner, the
3316 conduct that constitutes a human trafficking offense.

3317 (c) *Penalties.*

3318 (1) First degree benefitting from human trafficking is a Class 6 felony.

3319 (2) Second degree benefitting from human trafficking is a Class 7 felony.

3320 § 22A-2607. Misuse of documents in furtherance of human trafficking.

3321 (a) *First degree.* An actor commits first degree misuse of documents in furtherance of
3322 human trafficking when the actor:

3323 (1) Knowingly destroys, conceals, removes, confiscates, or possesses any actual
3324 or purported government identification document, including a passport or other immigration
3325 document of any person;

3326 (2) With intent to restrict the person's liberty to move or travel in order to
3327 maintain performance of a commercial sex act by the person.

3328 (b) *Second degree.* An actor commits second degree misuse of documents in furtherance
3329 of human trafficking when the actor:

3330 (1) Knowingly destroys, conceals, removes, confiscates, or possesses any actual
3331 or purported government identification document, including a passport or other immigration
3332 document of any person;

3333 (2) With intent to restrict the person's liberty to move or travel in order to
3334 maintain the services of the person.

3335 (c) *Penalties.*

3336 (1) First degree misuse of documents in furtherance of human trafficking is a
3337 Class 8 felony.

3338 (2) Second degree misuse of documents in furtherance of human trafficking is a
3339 Class 9 felony.

3340 § 22A-2608. Commercial sex with a trafficked person.

3341 (a) *First degree.* An actor commits first degree commercial sex with a trafficked person
3342 when the actor:

3343 (1) Knowingly engages in a commercial sex act;

3344 (2) When a coercive threat, explicit or implicit, or debt bondage by another person
3345 causes the complainant to submit to or engage in the commercial sex act;

3346 (3) Reckless as to the fact that the complainant is under 18 years of age, or, in
3347 fact, the complainant is under 12 years of age.

3348 (b) *Second degree.* An actor commits second degree commercial sex with a trafficked
3349 person when the actor:

3350 (1) Knowingly engages in a commercial sex act;

3351 (2) When either:

3352 (A) An explicit or implicit coercive threat, or debt bondage by another
3353 person causes the complainant to submit to or engage in the commercial sex act; or

3354 (B) The complainant is recruited, enticed, housed, transported, provided,
3355 obtained, or maintained for the purpose of causing the person to submit to or engage in the
3356 commercial sex act; and:

3357 (i) The actor is reckless as to the fact that the complainant is under
3358 18 years of age;

3359 (ii) Incapable of appraising the nature of the commercial sex act or
3360 of understanding the right to give or withhold consent to the commercial sex act, either due to a
3361 drug, intoxicant, or other substance, or, due to an intellectual, developmental, or mental disability
3362 or mental illness when the actor has no similarly serious disability or illness; or

3363 (iii) Incapable of communicating willingness or unwillingness to
3364 engage in the commercial sex act; or

3365 (iv) The complainant is, in fact, under 12 years of age.

3366 (c) *Penalties.*

3367 (1) First degree commercial sex with a trafficked person is a Class 3 felony.

3368 (2) Second degree commercial sex with a trafficked person is a Class 4 felony.

3369 § 22A-2609. Forfeiture.

3370 (a) *Forfeiture penalty.* In imposing sentence on any person convicted of a violation of
3371 this chapter, the court may order, in addition to any sentence imposed, that the person shall
3372 forfeit to the District of Columbia:

3373 (1) Any interest in any property, real or personal, that was used or planned to be
3374 used to commit or to facilitate the commission of the violation; and

3375 (2) Any property, real or personal, constituting or derived from any proceeds that
3376 the person obtained, directly or indirectly, as a result of the violation.

3377 (b) *Property subject to forfeiture.* The following shall be subject to forfeiture to the
3378 District of Columbia and no property right shall exist in them:

3379 (1) Any property, real or personal, that was used or planned to be used to commit
3380 or to facilitate the commission of an offense under this subchapter; and

3381 (2) Any property, real or personal, which constitutes or is derived from proceeds
3382 traceable to an offense under this subchapter.

3383 § 22A-2610. Reputation or opinion evidence.

3384 (a) In a criminal case in which a person is accused of forced commercial sex under §
3385 22A-2602, trafficking in forced commercial sex under § 22A-2604, sex trafficking of a minor or

3386 adult incapable of consenting under § 22A-2605, or benefitting from human trafficking under §
3387 22 A-2606, reputation or opinion evidence of the past sexual behavior of the alleged victim is not
3388 admissible. Evidence of an alleged victim’s past sexual behavior other than reputation or
3389 opinion evidence also is not admissible, unless such evidence other than reputation or opinion
3390 evidence is admitted in accordance with § 22A-2310(b) and is constitutionally required to be
3391 admitted.

3392 (b) *Definitions.* For the purposes of this section, the term “past sexual behavior” means
3393 sexual behavior other than the sexual behavior with respect to which an offense under this
3394 subchapter is alleged.

3395 § 22A-2611. Civil action.

3396 (a) An individual who is a victim of an offense prohibited by § 22A-2601, § 22A-2602, §
3397 22A-2603, § 22A-2604, § 22A-2605, § 22A-2606, § 22A-2607, or § 22A-2608 may bring a civil
3398 action in the Superior Court of the District of Columbia. The court may award actual damages,
3399 compensatory damages, punitive damages, injunctive relief, and any other appropriate relief. A
3400 prevailing plaintiff shall also be awarded attorney’s fees and costs. Treble damages shall be
3401 awarded on proof of actual damages where a defendant’s acts were willful and malicious.

3402 (b) Any action for recovery of damages arising out of an offense in this chapter may not
3403 be brought after 5 years from when the victim knew, or reasonably should have been aware, of
3404 any act constituting an offense in this chapter, or if the offense occurred while the victim was
3405 less than 35 years of age, the date that the victim turns 40 years of age, whichever is later.

3406 (c) If a person entitled to sue is imprisoned, insane, or similarly incapacitated at the time
3407 the cause of action accrues, so that it is impossible or impracticable for the person to bring an

3408 action, then the time of the incapacity is not part of the time limited for the commencement of
3409 the action.

3410 (d) A defendant is estopped to assert a defense of the statute of limitations when the
3411 expiration of the statute is due to conduct by the defendant inducing the plaintiff to delay the
3412 filing of the action.

3413 § 22A-2612. Limitation on liability and sentencing for human trafficking offenses.

3414 (a) *Accomplice liability for victims of trafficking.* A person shall not be charged as an
3415 accomplice to the commission of an offense under this chapter if, prior to commission of the
3416 offense, the person was themselves a victim of an offense under this chapter by the principal within
3417 3 years prior to the conduct by the principal that constitutes the offense.

3418 (b) *Conspiracy liability for victims of trafficking.* A person shall not be charged with
3419 conspiracy to commit an offense under this chapter if, prior to the conspiracy, the person was
3420 themselves a victim of an offense under this chapter by a party to the conspiracy within 3 years
3421 prior to the formation of the conspiracy.

3422 § 22A-2613. Civil forfeiture.

3423 (a) *Property subject to forfeiture.* The following are subject to civil forfeiture:

3424 (1) In fact, all conveyances, including aircraft, vehicles or vessels, which are
3425 possessed with intent to be used, or are, in fact, used, to facilitate the commission of an offense
3426 under this chapter; and

3427 (2) In fact, all money, coins, and currency which are possessed with intent to be
3428 used, or are, in fact, used, to facilitate the commission of an offense under this chapter.

3429 (b) *Requirements for forfeiture.* All seizures and forfeitures under this section shall be
3430 pursuant to the standards and procedures set forth in Chapter 3 of Title 41.

3431 SUBCHAPTER VII. TERRORISM.

3432 [Reserved]

3433 SUBCHAPTER VIII. STALKING, OBSCENITY, AND INVASIONS OF PRIVACY.

3434 § 22A-2801. Stalking.

3435 (a) *Offense.* An actor commits stalking when the actor:

3436 (1) Purposely engages in a course of conduct directed at a complainant that
3437 consists of 2 or more separate occasions of any of the following:

3438 (A) Physically following or physically monitoring the complainant;

3439 (B) Falsely personating the complainant;

3440 (C) Contacting the complainant, by use of a telephone, mail, delivery
3441 service, electronic message, in person, or any other means, negligent as to the fact that the
3442 contact is without the complainant's effective consent; or

3443 (D) In fact, committing, soliciting, or attempting:

3444 (i) Criminal threats under § 22A-2203;

3445 (ii) Theft under § 22A-3201;

3446 (iii) Identity theft under § 22A-3305;

3447 (iv) Arson under § 22A-3601;

3448 (v) Criminal damage to property under § 22A-3603;

3449 (vi) Criminal graffiti under § 22A-3604;

3450 (vii) Trespass under § 22A-3701;

3451 (viii) Breach of home privacy under § 22A-5205; or

3452 (ix) Indecent exposure under § 22A-5206;

3453 (2) Negligent as to the fact that the course of conduct is without the complainant's
3454 effective consent; and

3455 (3) Either:

3456 (A) With intent to cause the complainant to:

3457 (i) Fear for the complainant's safety or the safety of another
3458 person; or

3459 (ii) Suffer significant emotional distress; or

3460 (B) Negligently causing the complainant to:

3461 (i) Fear for the complainant's safety or the safety of another
3462 person; or

3463 (ii) Suffer significant emotional distress.

3464 (b) *Exclusions from liability.*

3465 (1) An actor does not commit an offense under subsection (a)(1)(C) of this section
3466 when, in fact, the actor is expressing an opinion on a political or public matter, and the
3467 expression is directed to a complainant who is a law enforcement officer, District official,
3468 candidate for elected office, or employee of a business that serves the public, while the
3469 complainant is involved in their official duties.

3470 (2) An actor does not commit an offense under this section when, in fact, the actor
3471 is:

3472 (A) Authorized to engage in the conduct by a court order or District
3473 statute, regulation, rule, or license; or

3474 (B) Carrying out a specific, lawful commercial purpose or employment
3475 duty, when acting within the reasonable scope of that purpose or duty.

3476 (c) *Unit of prosecution.* Under this section, where conduct is of a continuing nature, each
3477 24-hour period constitutes one occasion.

3478 (d) *Penalties.*

3479 (1) Stalking is a Class A misdemeanor.

3480 (2) *Penalty enhancements.* The penalty classification of this offense shall be
3481 increased by one class when the actor, in fact:

3482 (A) Violates a court order or condition of release prohibiting or restricting
3483 contact with the complainant;

3484 (B) Has one or more prior convictions within 10 years for:

3485 (i) Stalking under § 22A-2801 or a comparable offense; or

3486 (ii) Electronic stalking under § 22A-2802 or a comparable offense;

3487 (C) Causes more than \$5,000 in financial injury; or

3488 (D) Is 18 years of age or older, is at least 4 years older than the
3489 complainant, and is reckless as to the fact that the complainant is under 18 years of age.

3490 (3) *No repeat offender enhancement.* A person shall not be subject to both a
3491 penalty enhancement under subsection (d)(2)(B) of this section and a repeat offender penalty
3492 enhancement in § 22A-606 for the same conduct.

3493 (e) *Definitions.* For the purposes of this section, the term “safety” means ongoing
3494 security from significant intrusions on one’s bodily integrity or bodily movement.

3495 § 22A-2802. Electronic stalking.

3496 (a) *Offense.* An actor commits electronic stalking when the actor:

3497 (1) Purposely engages in a course of conduct directed at a complainant that
3498 consists of 2 or more separate occasions of:

3499 (A) Creating an image or an audio recording of the complainant, other
3500 than a derivative image or audio recording; or

3501 (B) Accessing monitoring equipment or software, on property of another,
3502 that discloses the complainant's location;

3503 (2) Negligent as to the fact that the course of conduct is without the complainant's
3504 effective consent; and

3505 (3) Either:

3506 (A) With intent to cause the complainant to:

3507 (i) Fear for the complainant's safety or the safety of another
3508 person; or

3509 (ii) Suffer significant emotional distress; or

3510 (B) Negligently causing the complainant to:

3511 (i) Fear for the complainant's safety or the safety of another
3512 person; or

3513 (ii) Suffer significant emotional distress.

3514 (b) *Exclusions from liability.*

3515 (1) An actor does not commit an offense under subsection (a)(1)(A) of this section
3516 when, in fact:

3517 (A) The actor is a party to the communication on the audio recording; or

3518 (B) One of the parties to the communication on the audio recording gives
3519 effective consent to the conduct.

3520 (2) An actor does not commit an offense under this section when, in fact, the actor
3521 is:

3522 (A) Authorized to engage in the conduct by a court order or District
3523 statute, regulation, rule, or license; or

3524 (B) Carrying out a specific, lawful commercial purpose or employment
3525 duty, when acting within the reasonable scope of that purpose or duty.

3526 (c) *Unit of prosecution.* Under this section, where conduct is of a continuing nature, each
3527 24-hour period constitutes one occasion.

3528 (d) *Penalties.*

3529 (1) Electronic stalking is a Class A misdemeanor.

3530 (2) *Penalty enhancements.* The penalty classification of this offense shall be
3531 increased by one class when the actor, in fact:

3532 (A) Violates a court order or condition of release prohibiting or restricting
3533 contact with the complainant;

3534 (B) Has one or more prior convictions within 10 years for:

3535 (i) Stalking under § 22A-2801 or a comparable offense; or
3536 (ii) Electronic stalking under § 22A-2802 or a comparable offense;

3537 (C) Causes more than \$5,000 in financial injury; or
3538 (D) Is 18 years of age or older, is at least 4 years older than the
3539 complainant, and is reckless as to the fact that the complainant is under 18 years of age.

3540 (3) *No repeat offender enhancement.* A person shall not be subject to both a
3541 penalty enhancement under subsection (d)(2)(B) of this section and a repeat offender penalty
3542 enhancement in § 22A-606 for the same conduct.

3543 (e) *Definitions.* For the purposes of this section, the term “safety” means ongoing
3544 security from significant intrusions on one’s bodily integrity or bodily movement.

3545 § 22A-2803. Voyeurism.

3546 (a) *First degree*. An actor commits first degree voyeurism when the actor:

3547 (1) Knowingly creates:

3548 (A) An image, other than a derivative image, of the complainant's nude or
3549 undergarment-clad genitals, pubic area, anus, buttocks, or female breast below the top of the
3550 areola;

3551 (B) An image or audio recording, other than a derivative image or audio
3552 recording, of the complainant engaging in or submitting to a sexual act or masturbation; or

3553 (C) An image, other than a derivative image, of the complainant urinating
3554 or defecating;

3555 (2) Without the complainant's effective consent; and

3556 (3) In fact, the complainant has a reasonable expectation of privacy under the
3557 circumstances.

3558 (b) *Second degree*. An actor commits second degree voyeurism when the actor:

3559 (1) Knowingly observes directly:

3560 (A) The complainant's nude or undergarment-clad genitals, anus, pubic
3561 area, buttocks, or female breast below the top of the areola;

3562 (B) The complainant engaging in or submitting to a sexual act or
3563 masturbation; or

3564 (C) The complainant urinating or defecating.

3565 (2) Without the complainant's effective consent; and

3566 (3) In fact, the complainant has a reasonable expectation of privacy under the
3567 circumstances.

3568 (c) *Penalties.*

3569 (1) First degree voyeurism is a Class 9 felony.

3570 (2) Second degree voyeurism is a Class B misdemeanor.

3571 (3) *Penalty enhancement.* The penalty classification of any gradation of this
3572 offense shall be increased by one class when the actor is reckless as to the fact that the
3573 complainant is under 18 years of age.

3574 § 22A-2804. Unauthorized disclosure of a sexual recording.

3575 (a) *Offense.* An actor commits unauthorized disclosure of a sexual recording when the
3576 actor:

3577 (1) Knowingly distributes or displays to a person other than the complainant, or
3578 makes accessible on an electronic platform to a user other than the complainant or actor:

3579 (A) An image of the complainant's:

3580 (i) Nude genitals or anus; or

3581 (ii) Nude or undergarment-clad pubic area, buttocks, or female
3582 breast below the top of the areola; or

3583 (B) An image or an audio recording of the complainant engaging in or
3584 submitting to a sexual act, masturbation, or sadomasochistic abuse;

3585 (2) Without the complainant's effective consent; and

3586 (3) Either:

3587 (A) After reaching an explicit or implicit agreement with the complainant
3588 that the image or audio recording will not be distributed or displayed, with intent to:

3589 (i) Alarm or sexually abuse, humiliate, harass, or degrade the
3590 complainant; or

3591 (ii) Receive financial gain as a result of the distribution or display;

3592 or

3593 (B) In fact, after personally obtaining the image or audio recording by

3594 committing an offense that is, in fact:

3595 (i) Voyeurism under § 22A-2803;

3596 (ii) Theft under § 22A-3201;

3597 (iii) Unauthorized use of property under § 22A-3202; or

3598 (iv) Extortion under § 22A-3401.

3599 (b) *Exclusions from liability.*

3600 (1) An actor does not commit an offense under this section when, in fact, the actor

3601 is a licensee under the 47 U.S.C. § 151 *et seq.* engaged in activities regulated pursuant to 47

3602 U.S.C. § 151 *et seq.*

3603 (2) An actor does not commit an offense under this section when, in fact, the actor

3604 is an interactive computer service, as that term is defined in 47 U.S.C. § 230(f)(2), for content

3605 provided by another person.

3606 (c) *Affirmative defense.* It is an affirmative defense to liability under this section, that the

3607 actor:

3608 (1) With intent, exclusively and in good faith, to report possible illegal conduct or

3609 seek legal counsel from any attorney;

3610 (2) Distributed the image or audio recording to a person whom the actor

3611 reasonably believes is:

3612 (A) A law enforcement officer, prosecutor, or attorney; or

3613 (B) A teacher, school counselor, school administrator, or a person with a
3614 responsibility under civil law for the health, welfare, or supervision of a person who is:

3615 (i) Depicted in the image or audio recording; or

3616 (ii) Involved in the creation of the image or audio recording.

3617 (d) *Penalties.*

3618 (1) Unauthorized disclosure of a sexual recording is a Class B misdemeanor.

3619 (2) *Penalty enhancements.* The penalty classification of this offense shall be
3620 increased by two classes when the actor knowingly:

3621 (A) Distributes or displays the image or audio recording to 6 or more
3622 persons other than the complainant; or

3623 (B) Makes the image or audio recording publicly accessible on an
3624 electronic platform to a user other than the complainant or actor.

3625 (e) *Definitions.* For the purposes of this section, the term “licensee” shall have the same
3626 meaning as provided in 47 U.S.C. § 153(30).

3627 § 22A-2805. Distribution of an obscene image.

3628 (a) *Offense.* An actor commits distribution of an obscene image when the actor:

3629 (1) Knowingly distributes or displays to a complainant an image that depicts a
3630 real or fictitious person engaging in or submitting to an actual or simulated:

3631 (A) Sexual act;

3632 (B) Sadomasochistic abuse;

3633 (C) Masturbation;

3634 (D) Sexual or sexualized display of the genitals, pubic area, or anus, when
3635 there is less than a full opaque covering;

3636 (E) Sexual contact; or
3637 (F) Sexual or sexualized display of the breast below the top of the areola,
3638 or buttocks, when there is less than a full opaque covering;

3639 (2) Without the complainant's effective consent; and

3640 (3) Reckless as to the fact that the image is obscene.

3641 (b) *Exclusions from liability.*

3642 (1) An actor does not commit an offense under this section when, in fact, the actor
3643 is a licensee under 47 U.S.C. § 151 *et seq.* engaged in activities regulated pursuant to 47 U.S.C. §
3644 151 *et seq.*

3645 (2) An actor does not commit an offense under this section when, in fact, the actor
3646 is an interactive computer service, as that term is defined in 47 U.S.C. § 230(f)(2), for content
3647 provided by another person.

3648 (3) An actor does not commit an offense under this section when, in fact, the actor
3649 distributes or displays an image to a complainant in a location open to the general public or in an
3650 electronic forum, unless the actor:

3651 (A) Knowingly distributes or displays the image directly to the
3652 complainant; or

3653 (B) Purposely distributes or displays the image to the complainant.

3654 (4) An actor does not commit an offense under this section when, in fact, the actor
3655 reasonably believes that they are distributing the image or audio recording to:

3656 (A) A person who is depicted in the image or audio recording;

3657 (B) A person who was involved in the creation or distribution of the image
3658 or audio recording; or

3659 (C) A person with a responsibility under civil law for the health, welfare,
3660 or supervision of a person who is:

3661 (i) Depicted in the image or audio recording; or

3662 (ii) Involved in the creation of the image or audio recording.

3663 (c) *Affirmative defenses.*

3664 (1) It is an affirmative defense to liability under this section that the actor, in fact:

3665 (A) Is an employee of a school, museum, library, movie theater, or other
3666 venue;

3667 (B) Is acting within the reasonable scope of that role; and

3668 (C) Has no control over the selection of the image.

3669 (2) It is an affirmative defense to liability under this section, that the actor:

3670 (A) With intent, exclusively and in good faith, to report possible illegal
3671 conduct or seek legal counsel from any attorney;

3672 (B) Distributed the image or audio recording to a person whom the actor
3673 reasonably believes is:

3674 (i) A law enforcement officer, prosecutor, or attorney; or

3675 (ii) A teacher, school counselor, school administrator.

3676 (d) *Penalties.* Distribution of an obscene image is a Class C misdemeanor.

3677 (e) *Definitions.* For the purposes of this section, the term “licensee” shall have the same
3678 meaning as provided in 47 U.S.C. § 153(30).

3679 § 22A-2806. Distribution of an obscene image to a minor.

3680 (a) *Offense.* An actor commits distribution of an obscene image to a minor when the
3681 actor:

3682 (1) Knowingly distributes or displays to a complainant an image that depicts a
3683 real or fictitious person engaging in or submitting to an actual or simulated:
3684 (A) Sexual act;
3685 (B) Sadomasochistic abuse;
3686 (C) Masturbation;
3687 (D) Sexual or sexualized display of the genitals, pubic area, or anus, when
3688 there is less than a full opaque covering;
3689 (E) Sexual contact; or
3690 (F) Sexual or sexualized display of the breast below the top of the areola
3691 or buttocks, when there is less than a full opaque covering;
3692 (2) Reckless as to the fact that:
3693 (A) The image is obscene; and
3694 (B) The complainant is under 16 years of age; and
3695 (3) In fact, the actor is 18 years of age or older and at least 4 years older than the
3696 complainant.

3697 (b) *Exclusions from liability.*

3698 (1) An actor does not commit an offense under this section when, in fact, the actor
3699 is a licensee under 47 U.S.C. § 151 *et seq.* engaged in activities regulated pursuant to 47 U.S.C. §
3700 151 *et seq.*

3701 (2) An actor does not commit an offense under this section when, in fact, the actor
3702 is an interactive computer service, as that term is defined in 47 U.S.C. § 230(f)(2), for content
3703 provided by another person.

3704 (3) An actor does not commit an offense under this section when, in fact, the actor
3705 distributes or displays an image to a complainant in a location open to the general public or in an
3706 electronic forum, unless the actor:

3707 (A) Knowingly distributes or displays the image directly to the
3708 complainant; or

3709 (B) Purposely distributes or displays the image to the complainant.

3710 (4) An actor does not commit an offense under this section when, in fact, the actor
3711 reasonably believes that they are distributing the image or audio recording to:

3712 (A) A person who is depicted in the image or audio recording;

3713 (B) A person who was involved in the creation or distribution of the image
3714 or audio recording; or

3715 (C) A person with a responsibility under civil law for the health, welfare,
3716 or supervision of a person who is:

3717 (i) Depicted in the image or audio recording; or

3718 (ii) Involved in the creation of the image or audio recording.

3719 (c) *Affirmative defenses.*

3720 (1) It is an affirmative defense to liability under this section that the actor in fact:

3721 (A) Is an employee of a school, museum, library, movie theater, or other
3722 venue;

3723 (B) Is acting within the reasonable scope of that role; and

3724 (C) Has no control over the selection of the image.

3725 (2) It is an affirmative defense to liability under this section that, in fact:

3726 (A) The actor:

3727 (i) Is married to, or in a domestic partnership with, the
3728 complainant; or

3729 (ii) Is no more than 4 years older than the complainant and in a
3730 romantic, dating, or sexual relationship with the complainant; and

3731 (B) The complainant gives effective consent to the conduct or the actor
3732 reasonably believes that complainant gave effective consent to the conduct.

3733 (d) *Penalties*. Distribution of an obscene image to a minor is a Class B misdemeanor.

3734 (e) *Definitions*. For the purposes of this section, the term “licensee” shall have the same
3735 meaning as provided in 47 U.S.C. § 153(30).

3736 § 22A-2807. Creating or trafficking an obscene image of a minor.

3737 (a) *First degree*. An actor commits first degree creating or trafficking an obscene image
3738 of a minor when the actor:

3739 (1) Knowingly:

3740 (A) Creates an image, other than a derivative image, by recording,
3741 photographing, or filming the complainant, or produces or directs the creation of such an image;

3742 (B) As a person with a responsibility under civil law for the health,
3743 welfare, or supervision of the complainant, gives effective consent for the complainant to engage
3744 in or submit to the recording, photographing, or filming of an image, other than a derivative
3745 image;

3746 (C) Displays, distributes, or manufactures with intent to distribute an
3747 image;

3748 (D) Makes an image accessible to another user on an electronic platform;
3749 or

3750 (E) Sells or advertises an image;

3751 (2) Is reckless as to the fact that the image depicts, or will depict, in part or whole,

3752 the body of a real complainant under 18 years of age engaging in or submitting to:

3753 (A) A sexual act or simulated sexual act;

3754 (B) Sadomasochistic abuse or simulated sadomasochistic abuse;

3755 (C) Masturbation or simulated masturbation; or

3756 (D) A sexual or sexualized display of the genitals, pubic area, or anus,

3757 when there is less than a full opaque covering.

3758 (b) *Second degree*. An actor commits second degree creating or trafficking an obscene

3759 image of a minor when the actor:

3760 (1) Knowingly:

3761 (A) Creates an image, other than a derivative image, by recording,

3762 photographing, or filming the complainant, or produces or directs the creation of such an image;

3763 (B) As a person with a responsibility under civil law for the health,

3764 welfare, or supervision of the complainant, gives effective consent for the complainant to engage

3765 in or submit to the recording, photographing, or filming of an image, other than a derivative

3766 image;

3767 (C) Displays, distributes, or manufactures with intent to distribute an

3768 image;

3769 (D) Makes an image accessible to another user on an electronic platform;

3770 or

3771 (E) Sells or advertises an image;

3772 (2) Is reckless as to the fact that the image depicts, or will depict, in part or whole,
3773 the body of a real complainant under 18 years of age engaging in or submitting to:

3774 (A) An obscene sexual contact; or

3775 (B) An obscene sexual or sexualized display of the breast below the top of
3776 the areola, or the buttocks, when there is less than a full opaque covering.

3777 (c) *Exclusions from liability.*

3778 (1) An actor does not commit an offense under this section when, in fact, the actor
3779 is a licensee under 47 U.S.C. § 151 *et seq.* engaged in activities regulated pursuant to 47 U.S.C.
3780 § 151 *et seq.*

3781 (2) An actor does not commit an offense under this section when, in fact, the actor
3782 is an interactive computer service, as that term is defined in 47 U.S.C. § 230(f)(2), for content
3783 provided by another person.

3784 (d) *Affirmative defenses.*

3785 (1) It is an affirmative defense to liability under subsection (a) of this section that,
3786 in fact, the image has, or will have, serious literary, artistic, political, or scientific value, when
3787 considered as a whole.

3788 (2) It is an affirmative defense to liability under subsections (a)(1)(A), (B), (C),
3789 and (D) and (b)(1)(A), (B), (C), and (D) of this section that, in fact:

3790 (A) The actor is under 18 years of age; and

3791 (B) Either:

3792 (i) The actor is the only person under 18 years of age who is, or
3793 who will be, depicted in the image; or

3794 (ii) The actor reasonably believes that every person under 18 years
3795 of age who is, or who will be, depicted in the image, gives effective consent to the actor to
3796 engage in the conduct constituting the offense.

3797 (3) It is an affirmative defense to liability under subsections (a)(1)(A), (C), and
3798 (D) and (b)(1)(A), (C), and (D) of this section that, in fact:

3799 (A) The actor is at least 18 years of age;

3800 (B) Either:

3801 (i) The actor is married to, or in a domestic partnership with, the
3802 complainant; or

3803 (ii) The actor is in a romantic, dating, or sexual relationship with
3804 the complainant, and:

3805 (I) When the complainant is under 16 years of age, the
3806 actor is less than 4 years older than the complainant; or

3807 (II) When the complainant is under 18 years of age and the
3808 actor is at least 4 years older than the complainant, the actor is not in a position of trust with or
3809 authority over the complainant;

3810 (C) The complainant is the only person who is, or who will be, depicted in
3811 the image, or the actor and the complainant are the only persons who are, or who will be,
3812 depicted in the image;

3813 (D) The actor reasonably believes that the complainant gives effective
3814 consent to the actor to engage in the conduct constituting the offense; and

3815 (E) Under subsections (a)(1)(C) and (D) and (b)(1)(C) and (D) of this
3816 section, the actor reasonably believes that the recipient, the planned recipient, or the user of the
3817 electronic platform is the complainant.

3818 (4) It is an affirmative defense to liability under subsections (a)(1)(C) and
3819 (b)(1)(C) of this section for displaying or distributing an image that the actor:

3820 (A) With intent, exclusively and in good faith, to report possible illegal
3821 conduct or seek legal counsel from any attorney;

3822 (B) In fact, distributes or displays the image to a person whom the actor
3823 reasonably believes is:

3824 (i) A law enforcement officer, prosecutor, or attorney; or

3825 (ii) A teacher, school counselor, school administrator, or person
3826 with a responsibility under civil law for the health, welfare, or supervision of a person that the
3827 actor reasonably believes to be depicted in the image or involved in the creation of the image.

3828 (5) It is an affirmative defense to liability under subsections (a)(1)(C), (D), and
3829 (E) and (b)(1)(C), (D), and (E) of this section that the actor, in fact:

3830 (A) Is an employee of a school, museum, library, movie theater, or other
3831 venue;

3832 (B) Is acting within the reasonable scope of that role; and

3833 (C) Has no control over the creation or selection of the image.

3834 (e) *Penalties.*

3835 (1) First degree creating or trafficking an obscene image of a minor is a
3836 Class 7 felony.

3837 (2) Second degree creating or trafficking an obscene image of a minor is a
3838 Class 8 felony.

3839 (f) *Definitions.* For the purposes of this section, the term “licensee” shall have the same
3840 meaning as provided in 47 U.S.C. § 153(30).

3841 § 22A-2808. Possession of an obscene image of a minor.

3842 (a) *First degree.* An actor commits first degree possession of an obscene image of a
3843 minor when the actor:

3844 (1) Knowingly possesses an image;

3845 (2) Is reckless as to the fact that the image depicts, in part or whole, the body of a
3846 real complainant under 18 years of age engaging in or submitting to:

3847 (A) A sexual act or simulated sexual act;

3848 (B) Sadomasochistic abuse or simulated sadomasochistic abuse;

3849 (C) Masturbation or simulated masturbation; or

3850 (D) A sexual or sexualized display of the genitals, pubic area, or anus,

3851 when there is less than a full opaque covering.

3852 (b) *Second degree.* An actor commits second degree possession of an obscene image of a
3853 minor when the actor:

3854 (1) Knowingly possesses an image;

3855 (2) Is reckless as to the fact that the image depicts, in part or whole, the body of a
3856 real complainant under 18 years of age engaging in or submitting to:

3857 (A) An obscene sexual contact; or

3858 (B) An obscene sexual or sexualized display of the breast below the top of
3859 the areola, or the buttocks, when there is less than a full opaque covering.

3860 (c) *Exclusions from liability.*

3861 (1) An actor does not commit an offense under this section when, in fact, the actor
3862 is a licensee under 47 U.S.C. § 151 *et seq.* engaged in activities regulated pursuant to such Act.

3863 (2) An actor does not commit an offense under this section when, in fact, the actor
3864 is an interactive computer service, as that term is defined in 47 U.S.C. § 230(f)(2), for content
3865 provided by another person.

3866 (d) *Affirmative defenses.*

3867 (1) It is an affirmative defense to liability under subsection (a) of this section that,
3868 in fact, the image has serious literary, artistic, political, or scientific value, when considered as a
3869 whole.

3870 (2) It is an affirmative defense to liability under this section that, in fact:

3871 (A) The actor is under 18 years of age; and

3872 (B) Either:

3873 (i) The actor is the only person under 18 years of age who is
3874 depicted in the image; or

3875 (ii) The actor reasonably believes that every person under 18 years
3876 of age who is depicted in the image gives effective consent to the actor to engage in the conduct
3877 constituting the offense.

3878 (3) It is an affirmative defense to liability under this section that, in fact:

3879 (A) The actor is at least 18 years of age;

3880 (B) Either:

3881 (i) The actor is married to, or in a domestic partnership with, the
3882 complainant; or

3883 (ii) The actor is in a romantic, dating, or sexual relationship with
3884 the complainant, and:

3885 (I) When the complainant is under 16 years of age, the
3886 actor is less than 4 years older than the complainant; or

3887 (II) When the complainant is under 18 years of age and the
3888 actor is at least 4 years older than the complainant, the actor is not in a position of trust with or
3889 authority over the complainant; and

3890 (C) The complainant is the only person who is depicted in the image, or
3891 the actor and the complainant are the only persons who are depicted in the image; and

3892 (D) The actor reasonably believes that the complainant gives effective
3893 consent to the actor to engage in the conduct constituting the offense.

3894 (4) It is an affirmative defense to liability under this section that the actor:

3895 (A) With intent, exclusively and in good faith, to report possible illegal
3896 conduct or to seek legal counsel from any attorney;

3897 (B) In fact, promptly contacts a person whom the actor reasonably
3898 believes is:

3899 (i) A law enforcement officer, prosecutor, or attorney; or

3900 (ii) A teacher, school counselor, school administrator, or person
3901 with a responsibility under civil law for the health, welfare, or supervision of the complainant
3902 that the actor reasonably believes to be depicted in the image; and

3903 (C) Either:

3904 (i) Promptly distributes the image to one of the individuals

3905 specified in subsection (d)(3)(B)(i) or (ii) of this section, without making or retaining a copy; or

3906 (ii) Affords a law enforcement officer access to the image.

3907 (5) It is an affirmative defense to liability under this section that the actor, in fact:

3908 (A) Is an employee of a school, museum, library, movie theater, or other

3909 venue;

3910 (B) Is acting within the reasonable scope of that role; and

3911 (C) Has no control over the creation or selection of the image.

3912 (6) It is an affirmative defense to liability under this section that the actor

3913 possesses the image:

3914 (A) With intent, exclusively and in good faith, to permanently dispose of

3915 the item; and

3916 (B) In fact, the actor does not possess the item longer than is reasonably

3917 necessary to permanently dispose of the item.

3918 (e) *Penalties.*

3919 (1) First degree possession of an obscene image of a minor is a Class 8 felony.

3920 (2) Second degree possession of an obscene image of a minor is a Class 9 felony.

3921 (f) *Definitions.* For the purposes of this section, the term “licensee” shall have the same

3922 meaning as provided in 47 U.S.C. § 153(30).

3923 § 22A-2809. Arranging a live sexual performance of a minor.

3924 (a) *First degree.* An actor commits first degree arranging a live sexual performance of a

3925 minor when the actor:

3926 (1) Knowingly:

3927 (A) Creates, produces, or directs a live performance;

3928 (B) As a person with a responsibility under civil law for the health,
3929 welfare, or supervision of the complainant, gives effective consent for the complainant to engage
3930 in or submit to the creation of a live performance; or

3931 (C) Sells admission to or advertises a live performance;

3932 (2) Reckless as to the fact that the live performance depicts, or will depict, in part
3933 or whole, the body of a real complainant under 18 years of age engaging in or submitting to:

3934 (A) A sexual act or simulated sexual act;

3935 (B) Sadomasochistic abuse or simulated sadomasochistic abuse;

3936 (C) Masturbation or simulated masturbation; or

3937 (D) A sexual or sexualized display of the genitals, pubic area, or anus,
3938 when there is less than a full opaque covering.

3939 (b) *Second degree.* An actor commits second degree arranging a live sexual performance
3940 of a minor when the actor:

3941 (1) Knowingly:

3942 (A) Creates, produces, or directs a live performance;

3943 (B) As a person with a responsibility under civil law for the health,
3944 welfare, or supervision of the complainant, gives effective consent for the complainant to engage
3945 in or submit to the creation of a live performance; or

3946 (C) Sells admission to or advertises a live performance;

3947 (2) Reckless as to the fact that the live performance depicts, or will depict, in part
3948 or whole, the body of a real complainant under 18 years of age engaging in or submitting to:

3949 (A) An obscene sexual contact; or

3950 (B) An obscene sexual or sexualized display of the breast below the top of
3951 the areola, or the buttocks, when there is less than a full opaque covering.

3952 (c) *Affirmative defenses.*

3953 (1) It is an affirmative defense to liability under subsection (a) of this section that,
3954 in fact, the live performance has, or will have, serious literary, artistic, political, or scientific
3955 value, when considered as a whole.

3956 (2) It is an affirmative defense to liability under subsections (a)(1)(A) and (B) and
3957 (b)(1)(A) and (B) of this section that, in fact:

3958 (A) The actor is under 18 years of age; and

3959 (B) Either:

3960 (i) The actor is the only person under 18 years of age who is, or
3961 who will be, depicted in the live performance; or

3962 (ii) The actor reasonably believes that every person under 18 years
3963 of age who is, or who will be, depicted in the live performance, gives effective consent to the
3964 actor to engage in the conduct constituting the offense.

3965 (3) It is an affirmative defense to liability under subsections (a)(1)(A) and
3966 (b)(1)(A) of this section, that, in fact:

3967 (A) The actor is at least 18 years of age;

3968 (B) Either:

3969 (i) The actor is married to, or in a domestic partnership with, the
3970 complainant; or

3971 (ii) The actor is in a romantic, dating, or sexual relationship with
3972 the complainant, and:

3973 (I) When the complainant is under 16 years of age, the
3974 actor is less than 4 years older than the complainant; or

3975 (II) When the complainant is under 18 years of age and the
3976 actor is at least 4 years older than the complainant, the actor is not in a position of trust with or
3977 authority over the complainant;

3978 (C) The complainant is the only person who is, or who will be, depicted in
3979 the live performance, or the actor and complainant are the only persons who are, or who will be,
3980 depicted in the live performance;

3981 (D) The actor reasonably believes that the complainant gives effective
3982 consent to the actor to engage in the conduct constituting the offense; and

3983 (E) The actor reasonably believes that the actor is the only audience for
3984 the live performance, other than the complainant.

3985 (4) It is an affirmative defense to subsections (a)(1)(C) and (b)(1)(C) of this
3986 section that the actor, in fact:

3987 (A) Is an employee of a school, museum, library, movie theater, or
3988 other venue;

3989 (B) Is acting within the reasonable scope of that role;

3990 (C) Has no control over the creation or selection of the live
3991 performance; and

3992 (D) Does not record, photograph, or film the live performance.

3993 (d) *Penalties.*

3994 (1) First degree arranging a live sexual performance of a minor is a Class 7
3995 felony.

3996 (2) Second degree arranging a live sexual performance of a minor is a Class 8
3997 felony.

3998 § 22A-2810. Attending or viewing a live sexual performance of a minor.

3999 (a) *First degree*. An actor commits attending or viewing a live sexual performance of a
4000 minor when the actor:

4001 (1) Knowingly attends or views a live performance or views a live broadcast;

4002 (2) Reckless as to the fact that the live performance or live broadcast depicts, in
4003 part or whole, the body of a real complainant under 18 years of age engaging in or submitting to:

4004 (A) A sexual act or simulated sexual act;

4005 (B) Sadomasochistic abuse or simulated sadomasochistic abuse;

4006 (C) Masturbation or simulated masturbation; or

4007 (D) A sexual or sexualized display of the genitals, pubic area, or anus,

4008 when there is less than a full opaque covering.

4009 (b) *Second degree*. An actor commits attending or viewing a live sexual performance of
4010 a minor when the actor:

4011 (1) Knowingly attends or views a live performance or views a live broadcast;

4012 (2) Reckless as to the fact that the live performance or live broadcast depicts, in
4013 part or whole, the body of a real complainant under 18 years of age engaging in or submitting to:

4014 (A) An obscene sexual contact; or

4015 (B) An obscene sexual or sexualized display of the breast below the top of
4016 the areola, or the buttocks, when there is less than a full opaque covering.

4017 (c) *Affirmative defenses*.

4018 (1) It is an affirmative defense to liability under this section that, in fact, the live
4019 performance or live broadcast has serious literary, artistic, political, or scientific value, when
4020 considered as a whole.

4021 (2) It is an affirmative defense to liability under this section that, in fact:

4022 (A) The actor is under 18 years of age; and

4023 (B) Either:

4024 (i) The actor is the only person under 18 years of age who is
4025 depicted in the live performance or live broadcast; or

4026 (ii) The actor reasonably believes that every person under 18 years
4027 of age who is depicted in the live performance or live broadcast gives effective consent to the
4028 actor to engage in the conduct constituting the offense.

4029 (3) It is an affirmative defense to liability under this section that, in fact:

4030 (A) The actor is at least 18 years of age;

4031 (B) Either:

4032 (i) The actor is married to, or in a domestic partnership with, the
4033 complainant; or

4034 (ii) The actor is in a romantic, dating, or sexual relationship with
4035 the complainant, and:

4036 (I) When the complainant is under 16 years of age, the
4037 actor is less than 4 years older than the complainant; or

4038 (II) When the complainant is under 18 years of age and the
4039 actor is at least 4 years older than the complainant, the actor is not in a position of trust with or
4040 authority over the complainant;

4041 (C) The complainant is the only person that is depicted in the live
4042 performance or live broadcast, or the actor and the complainant are the only persons that are
4043 depicted in the live performance or live broadcast;

4044 (D) The actor reasonably believes that the complainant gives effective
4045 consent to the actor to engage in the conduct constituting the offense; and

4046 (E) The actor reasonably believes that the actor is the only audience for
4047 the live performance or live broadcast, other than the complainant.

4048 (4) It is an affirmative defense to liability under this section that the actor, in fact:

4049 (A) Is an employee of a school, museum, library, movie theater, or other
4050 venue;

4051 (B) Is acting within the reasonable scope of that role;

4052 (C) Has no control over the creation or selection of the live performance
4053 or live broadcast; and

4054 (D) Does not record, photograph, or film the live performance or live
4055 broadcast.

4056 (d) *Penalties.*

4057 (1) First degree attending or viewing a live sexual performance of a minor is a
4058 Class 8 felony.

4059 (2) Second degree attending or viewing a live sexual performance of a minor is a
4060 Class 9 felony.

4061 CHAPTER 3. PROPERTY OFFENSES.

4062 SUBCHAPTER I. PROPERTY OFFENSE SUBTITLE PROVISIONS.

4063 § 22A-3101. Aggregation to determine property offense grades.

4064 (a) *Requirements for aggregation.* When a single scheme or systematic course of
4065 conduct could give rise to multiple charges of an offense listed in subsection (b) of this section,
4066 the government instead may bring one charge and aggregate the values, amounts of damage, or
4067 quantities of the property involved to determine the grade of the offense.

4068 (b) *Offenses subject to aggregation.* Aggregation under subsection (a) of this section
4069 may be applied to the following offenses:

- 4070 (1) Theft under § 22A-3201;
- 4071 (2) Unlawful creation or possession of a recording under § 22A-3205;
- 4072 (3) Fraud under § 22A-3301;
- 4073 (4) Payment card fraud under § 22A-3302;
- 4074 (5) Check fraud under § 22A-3303;
- 4075 (6) Forgery under § 22A-3304;
- 4076 (7) Identity theft under § 22A-3305;
- 4077 (8) Unlawful labeling of a recording under § 22A-3307;
- 4078 (9) Financial exploitation of a vulnerable adult or elderly person under § 22A-
4079 3308;
- 4080 (10) Extortion under § 22A-3401;
- 4081 (11) Possession of stolen property under § 22A-3501;
- 4082 (12) Trafficking of stolen property under § 22A-3502;
- 4083 (13) Alteration of motor vehicle identification number under § 22A-3503; and
- 4084 (14) Criminal damage to property under § 22A-3603.

4085 SUBCHAPTER II. THEFT.

4086 § 22A-3201. Theft.

- 4087 (a) *First degree.* An actor commits first degree theft when the actor:
- 4088 (1) Knowingly takes, obtains, transfers, or exercises control over the property of
- 4089 another;
- 4090 (2) Without the consent of an owner;
- 4091 (3) With intent to deprive an owner of the property; and
- 4092 (4) In fact, the property has a value of \$500,000 or more.
- 4093 (b) *Second degree.* An actor commits second degree theft when the actor:
- 4094 (1) Knowingly takes, obtains, transfers, or exercises control over the property of
- 4095 another;
- 4096 (2) Without the consent of an owner;
- 4097 (3) With intent to deprive an owner of the property; and
- 4098 (4) In fact, the property has a value of \$50,000 or more.
- 4099 (c) *Third degree.* An actor commits third degree theft when the actor:
- 4100 (1) Knowingly takes, obtains, transfers, or exercises control over the property of
- 4101 another;
- 4102 (2) Without the consent of an owner;
- 4103 (3) With intent to deprive an owner of the property; and
- 4104 (4) In fact:
- 4105 (A) The property has a value of \$5,000 or more; or
- 4106 (B) The property is a motor vehicle.
- 4107 (d) *Fourth degree.* An actor commits fourth degree theft when the actor:
- 4108 (1) Knowingly takes, obtains, transfers, or exercises control over the property of
- 4109 another;

- 4110 (2) Without the consent of an owner;
- 4111 (3) With intent to deprive an owner of the property; and
- 4112 (4) In fact:
- 4113 (A) The property has a value of \$500 or more; or
- 4114 (B) The property is taken from a complainant who possesses the property
- 4115 within the complainant's immediate physical control.

4116 (e) *Fifth degree*. An actor commits fifth degree theft when the actor:

- 4117 (1) Knowingly takes, obtains, transfers, or exercises control over the property of
- 4118 another;
- 4119 (2) Without the consent of an owner;
- 4120 (3) With intent to deprive an owner of the property; and
- 4121 (4) In fact, the property has any value.

4122 (f) *Exclusion from liability*. An actor does not commit an offense under this section for

4123 conduct that, in fact, constitutes a failure to pay established fare or to present a valid transfer

4124 under § 35-252.

4125 (g) *Penalties*.

- 4126 (1) First degree theft is a Class 7 felony.
- 4127 (2) Second degree theft is a Class 8 felony.
- 4128 (3) Third degree theft is a Class 9 felony.
- 4129 (4) Fourth degree theft is a Class A misdemeanor.
- 4130 (5) Fifth degree theft is a Class C misdemeanor.

4131 § 22A-3202. Unauthorized use of property.

4132 (a) *Offense*. An actor commits unauthorized use of property when the actor:

4133 (1) Knowingly takes, obtains, transfers, or exercises control over the property of
4134 another;

4135 (2) Without the effective consent of an owner.

4136 (b) *Exclusion from liability.* An actor does not commit an offense under this section for
4137 conduct that, in fact, constitutes a failure to pay established fare or to present a valid transfer
4138 under § 35-252.

4139 (c) *Defense.* It is a defense to liability under this section that, in fact:

4140 (1) The actor reasonably believes that the property is lost or was stolen by a third
4141 party; and

4142 (2) Engages in the conduct constituting the offense with intent to return the
4143 property to a lawful owner.

4144 (d) *Penalties.* Unauthorized use of property is a Class D misdemeanor.
4145 § 22A-3203. Unauthorized use of a motor vehicle.

4146 (a) *Offense.* An actor commits unauthorized use of a motor vehicle when the actor:

4147 (1) Knowingly operates a motor vehicle;

4148 (2) Without the effective consent of an owner.

4149 (b) *Defense.* It is a defense to liability under this section that, in fact:

4150 (1) The actor reasonably believes that the motor vehicle is lost or was stolen by a
4151 third party; and

4152 (2) Engages in the conduct constituting the offense with intent to return the motor
4153 vehicle to a lawful owner.

4154 (c) *Penalties.* Unauthorized use of a motor vehicle is a Class A misdemeanor.
4155 § 22A-3204. Shoplifting.

4156 (a) *Offense.* An actor commits shoplifting when the actor:
4157 (1) Knowingly:
4158 (A) Holds or carries on the actor's person, or conceals;
4159 (B) Removes, alters, or transfers the price tag, serial number, or other
4160 identification mark that is imprinted on or attached to; or
4161 (C) Transfers from one container or package to another container or
4162 package;
4163 (2) Personal property of another that is:
4164 (A) Displayed or offered for sale; or
4165 (B) Held or stored on the premises in reasonably close proximity to the
4166 customer sales area, for future display or sale;
4167 (3) With intent to take or make use of the property without complete payment.
4168 (b) *No attempt liability.* The criminal attempt provision in § 22A-301 shall not apply to
4169 this section.
4170 (c) *Penalties.* Shoplifting is a Class D misdemeanor.
4171 (d) *Qualified immunity.* A person who displays, holds, stores, or offers for sale personal
4172 property as specified in subsection (a)(2) of this section, or an employee or agent of such a
4173 person, who detains or causes the arrest of a person in a place where such property is displayed,
4174 held, stored, or offered for sale shall not be held liable for detention, false imprisonment,
4175 malicious prosecution, defamation, or false arrest, in any proceeding arising out of such
4176 detention or arrest, if, in fact:

4177 (1) The person detaining or causing the arrest has, at the time thereof, probable
4178 cause to believe that the person detained or arrested committed an offense described in this
4179 section;

4180 (2) The manner of the detention or arrest is reasonable;

4181 (3) Law enforcement authorities are notified as soon as practicable; and

4182 (4) The person detained or arrested is released as soon as practicable after the
4183 detention or arrest, or is surrendered to law enforcement authorities as soon as practicable.

4184 § 22A-3205. Unlawful creation or possession of a recording.

4185 (a) *First degree*. An actor commits first degree unlawful creation or possession of a
4186 recording when the actor:

4187 (1) Knowingly makes, obtains, or possesses either:

4188 (A) A sound recording that is a copy of an original sound recording that
4189 was fixed before February 15, 1972; or

4190 (B) A sound recording or audiovisual recording of a live performance;

4191 (2) Without the effective consent of an owner;

4192 (3) With intent to sell, rent, or otherwise use the recording for commercial gain or
4193 advantage; and

4194 (4) In fact, the number of recordings made, obtained, or possessed is 100 or more.

4195 (b) *Second degree*. An actor commits second degree unlawful creation or possession of a
4196 recording when the actor:

4197 (1) Knowingly makes, obtains, or possesses either:

4198 (A) A sound recording that is a copy of an original sound recording that
4199 was fixed before February 15, 1972; or

4200 (B) A sound recording or audiovisual recording of a live performance;
4201 (2) Without the effective consent of an owner;
4202 (3) With intent to sell, rent, or otherwise use the recording for commercial gain or
4203 advantage; and

4204 (4) In fact, any number of recordings were made, obtained, or possessed.

4205 (c) *Exclusions from liability.* An actor does not commit an offense under this section
4206 when the actor, in fact:

4207 (1) Copies or reproduces a sound recording or audiovisual recording in the
4208 manner specifically permitted by Title 17 of the United States Code; or

4209 (2) Copies or reproduces a sound recording that is made by a licensed radio or
4210 television station or a cable broadcaster solely for broadcast or archival use.

4211 (d) *Penalties.*

4212 (1) First degree unlawful creation or possession of a recording is a Class C
4213 misdemeanor.

4214 (2) Second degree unlawful creation or possession of a recording is a Class D
4215 misdemeanor.

4216 (e) *Forfeiture.* Upon conviction under this section, the court may, in addition to the
4217 penalties provided by this section, order the forfeiture and destruction or other disposition of all
4218 sound recordings, audiovisual recordings, and equipment used, or attempted to be used, in
4219 violation of this section.

4220 § 22A-3206. Unlawful operation of a recording device in a movie theater.

4221 (a) *Offense.* An actor commits unlawful operation of a recording device in a movie
4222 theater when the actor:

- 4223 (1) Knowingly operates a recording device within a movie theater;
4224 (2) Without the effective consent of an owner of the movie theater; and
4225 (3) With intent to record a motion picture, or any part of it.

4226 (b) *Penalties.* Unlawful operation of a recording device in a movie theater is a Class D
4227 misdemeanor.

4228 (c) *Qualified immunity.* An owner of the movie theater specified in subsection (a) of this
4229 section, or the owner's employee or agent, who detains or causes the arrest of a person in, or
4230 immediately adjacent to, the movie theater, shall not be held liable for detention, false
4231 imprisonment, malicious prosecution, defamation, or false arrest in any proceeding arising out of
4232 such detention or arrest, if, in fact:

4233 (1) The person detaining or causing the arrest has, at the time thereof, probable
4234 cause to believe that the person detained or arrested committed, or attempted to commit, an
4235 offense described in this section;

4236 (2) The manner of the detention or arrest is reasonable;

4237 (3) Law enforcement authorities are notified as soon as practicable; and

4238 (4) The person detained or arrested is released as soon as practicable after the
4239 detention or arrest, or is surrendered to law enforcement authorities as soon as practicable.

4240 (d) *Forfeiture.* Upon conviction under this section, the court may, in addition to the
4241 penalties provided by this section, order the forfeiture and destruction or other disposition of any
4242 recording and all equipment used, or attempted to be used, in violation of this section.

4243 SUBCHAPTER III. FRAUD.

4244 § 22A-3301. Fraud.

4245 (a) *First degree.* An actor commits first degree fraud when the actor:

4246 (1) Knowingly takes, obtains, transfers, or exercises control over the property of
4247 another;

4248 (2) With the consent of an owner obtained by deception;

4249 (3) With intent to deprive an owner of the property; and

4250 (4) In fact:

4251 (A) The property, other than labor or services, has a value of \$500,000 or
4252 more; or

4253 (B) The property is 2080 hours or more of labor or services.

4254 (b) *Second degree*. An actor commits second degree fraud when the actor:

4255 (1) Knowingly takes, obtains, transfers, or exercises control over the property of
4256 another;

4257 (2) With the consent of an owner obtained by deception;

4258 (3) With intent to deprive an owner of the property; and

4259 (4) In fact:

4260 (A) The property, other than labor or services, has a value of \$50,000 or
4261 more; or

4262 (B) The property is 160 hours or more of labor or services.

4263 (c) *Third degree*. An actor commits third degree fraud when the actor:

4264 (1) Knowingly takes, obtains, transfers, or exercises control over the property of
4265 another;

4266 (2) With the consent of an owner obtained by deception;

4267 (3) With intent to deprive an owner of the property; and

4268 (4) In fact:

4269 (A) The property, other than labor or services, has a value of \$5,000 or
4270 more; or

4271 (B) The property is 40 hours or more of labor or services.

4272 (d) *Fourth degree.* An actor commits fourth degree fraud when the actor:

4273 (1) Knowingly takes, obtains, transfers, or exercises control over the property of
4274 another;

4275 (2) With the consent of an owner obtained by deception;

4276 (3) With intent to deprive an owner of the property; and

4277 (4) In fact:

4278 (A) The property, other than labor or services, has a value of \$500 or
4279 more; or

4280 (B) The property is 8 hours or more of labor or services.

4281 (e) *Fifth degree.* An actor commits fifth degree fraud when the actor:

4282 (1) Knowingly takes, obtains, transfers, or exercises control over the property of
4283 another;

4284 (2) With the consent of an owner obtained by deception;

4285 (3) With intent to deprive an owner of the property; and

4286 (4) In fact, the property has any value.

4287 (f) *Penalties.*

4288 (1) First degree fraud is a Class 7 felony.

4289 (2) Second degree fraud is a Class 8 felony.

4290 (3) Third degree fraud is a Class 9 felony.

4291 (4) Fourth degree fraud is a Class A misdemeanor.

4292 (5) Fifth degree fraud is a Class C misdemeanor.

4293 § 22A-3302. Payment card fraud.

4294 (a) *First degree*. An actor commits first degree payment card fraud when the actor:

4295 (1) Knowingly obtains or pays for property by using a payment card:

4296 (A) Without the effective consent of the person to whom the payment card
4297 was issued;

4298 (B) After the payment card was revoked or canceled;

4299 (C) When the payment card was never issued; or

4300 (D) For the actor's own purposes, when the actor is an employee or
4301 contractor and the payment card was issued to the actor for the employer's purposes; and

4302 (2) In fact, the property has a value of \$500,000 or more.

4303 (b) *Second degree*. An actor commits second degree payment card fraud when the actor:

4304 (1) Knowingly obtains or pays for property by using a payment card:

4305 (A) Without the effective consent of the person to whom the payment card
4306 was issued;

4307 (B) After the payment card was revoked or canceled;

4308 (C) When the payment card was never issued; or

4309 (D) For the actor's own purposes, when the actor is an employee or
4310 contractor and the payment card was issued to the actor for the employer's purposes; and

4311 (2) In fact, the property has a value of \$50,000 or more.

4312 (c) *Third degree*. An actor commits third degree payment card fraud when the actor:

4313 (1) Knowingly obtains or pays for property by using a payment card:

4314 (A) Without the effective consent of the person to whom the payment card
4315 was issued;

4316 (B) After the payment card was revoked or canceled;

4317 (C) When the payment card was never issued; or

4318 (D) For the actor's own purposes, when the actor is an employee or
4319 contractor and the payment card was issued to the actor for the employer's purposes; and

4320 (2) In fact, the property has a value of \$5,000 or more.

4321 (d) *Fourth degree.* An actor commits fourth degree payment card fraud when the actor:

4322 (1) Knowingly obtains or pays for property by using a payment card:

4323 (A) Without the effective consent of the person to whom the payment card
4324 was issued;

4325 (B) After the payment card was revoked or canceled;

4326 (C) When the payment card was never issued; or

4327 (D) For the actor's own purposes, when the actor is an employee or
4328 contractor and the payment card was issued to the actor for the employer's purposes; and

4329 (2) In fact, the property has a value of \$500 or more.

4330 (e) *Fifth degree.* An actor commits fifth degree payment card fraud when the actor:

4331 (1) Knowingly obtains or pays for property by using a payment card:

4332 (A) Without the effective consent of the person to whom the payment card
4333 was issued; or

4334 (B) After the payment card was revoked or canceled; or

4335 (C) When the payment card was never issued; or

4336 (D) For the actor's own purposes, when the actor is an employee or
4337 contractor and the payment card was issued to the actor for the employer's purposes; and

4338 (2) In fact, the property has any value.

4339 (f) *Penalties.*

4340 (1) First degree payment card fraud is a Class 7 felony.

4341 (2) Second degree payment card fraud is a Class 8 felony.

4342 (3) Third degree payment card fraud is a Class 9 felony.

4343 (4) Fourth degree payment card fraud is a Class A misdemeanor.

4344 (5) Fifth degree payment card fraud is a Class C misdemeanor.

4345 § 22A-3303. Check fraud.

4346 (a) *First degree.* An actor commits first degree check fraud when the actor:

4347 (1) Knowingly obtains or pays for property by using a check;

4348 (2) With intent that the check not be honored in full upon presentation to the bank
4349 or depository institution drawn upon; and

4350 (3) The amount of loss to the check holder is, in fact, \$5,000 or more.

4351 (b) *Second degree.* An actor commits second degree check fraud when the actor:

4352 (1) Knowingly obtains or pays for property by using a check;

4353 (2) With intent that the check not be honored in full upon presentation to the bank
4354 or depository institution drawn upon; and

4355 (3) The amount of loss to the check holder is, in fact, \$500 or more.

4356 (c) *Third degree.* An actor commits third degree check fraud when the actor:

4357 (1) Knowingly obtains or pays for property by using a check;

4358 (2) With intent that the check not be honored in full upon presentation to the bank
4359 or depository institution drawn upon; and

4360 (3) The amount of loss to the check holder is, in fact, any amount.

4361 (d) *Penalties.*

4362 (1) First degree check fraud is a Class 9 felony.

4363 (2) Second degree check fraud is a Class A misdemeanor.

4364 (3) Third degree check fraud is a Class C misdemeanor.

4365 § 22A-3304. Forgery.

4366 (a) *First degree.* An actor commits first degree forgery when the actor:

4367 (1) Commits third degree forgery; and

4368 (2) The written instrument appears to be, in fact:

4369 (A) A stock certificate, bond, or other instrument representing an interest
4370 in or claim against a corporation or other organization of its property;

4371 (B) A public record, or instrument filed in a public office or with a public
4372 servant;

4373 (C) A written instrument officially issued or created by a public office,
4374 public servant, or government instrumentality;

4375 (D) A deed, will, codicil, contract, assignment, commercial instrument, or
4376 other instrument which does or may evidence, create, transfer, terminate, or otherwise affect a
4377 legal right, interest, obligation, or status; or

4378 (E) A written instrument having a value of \$50,000 or more.

4379 (b) *Second degree.* An actor commits second degree forgery when the actor:

4380 (1) Commits third degree forgery; and

4381 (2) The written instrument appears to be, in fact:

4382 (A) A token, fare card, public transportation transfer certificate, or other
4383 article manufactured for use as a symbol of value in place of money for the purchase of property
4384 or services;

4385 (B) A prescription of a duly licensed physician or other person authorized
4386 to issue the same for any controlled substance or other instrument or devices used in the taking
4387 or administering of controlled substances for which a prescription is required by law; or

4388 (C) A written instrument having a value of \$5,000 or more.

4389 (c) *Third degree.* An actor commits third degree forgery when the actor:

4390 (1) Knowingly does any of the following:

4391 (A) Alters a written instrument without authorization, and the written
4392 instrument is reasonably adapted to deceive a person into believing it is genuine;

4393 (B) Makes or completes a written instrument:

4394 (i) That appears:

4395 (I) To be the act of another who did not authorize that act,
4396 or

4397 (II) To have been made or completed at a time or place or
4398 in a numbered sequence other than was in fact the case, or

4399 (III) To be a copy of an original when no such original
4400 existed; and

4401 (ii) The written instrument is reasonably adapted to deceive a
4402 person into believing the written instrument is genuine; or

4403 (C) Transmits or otherwise uses a written instrument that was made,
4404 signed, or altered in a manner specified in subsection (c)(1)(A) or (B) of this section;

4405 (2) With intent to:

4406 (A) Obtain the property of another by deception; or

4407 (B) Harm another person.

4408 (d) *Penalties.*

4409 (1) First degree forgery is a Class 8 felony.

4410 (2) Second degree forgery is a Class 9 felony.

4411 (3) Third degree forgery is a Class A misdemeanor.

4412 § 22A-3305. Identity theft.

4413 (a) *First degree.* An actor commits identity theft when the actor:

4414 (1) Commits fifth degree identity theft; and

4415 (2) The value of the property intended to be obtained or the amount of the
4416 payment intended to be avoided, or the financial injury, whichever is greater, in fact, is \$500,000
4417 or more.

4418 (b) *Second degree.* An actor commits second degree identity theft when the actor:

4419 (1) Commits fifth degree identity theft; and

4420 (2) The value of the property intended to be obtained or the amount of the
4421 payment intended to be avoided, or the financial injury, whichever is greater, in fact, is \$50,000
4422 or more.

4423 (c) *Third degree.* An actor commits third degree identity theft when the actor:

4424 (1) Commits fifth degree identity theft; and

4425 (2) The value of the property intended to be obtained or the amount of the
4426 payment intended to be avoided, or the financial injury, whichever is greater, in fact, is \$5,000 or
4427 more.

4428 (d) *Fourth degree.* A person commits fourth degree identity theft when the actor:

4429 (1) Commits fifth degree identity theft; and

4430 (2) The value of the property intended to be obtained or the amount of the
4431 payment intended to be avoided, or the financial injury, whichever is greater, in fact, is \$500 or
4432 more.

4433 (e) *Fifth degree.* An actor commits fifth degree identity theft when the actor:

4434 (1) Knowingly creates, possesses, or uses personal identifying information
4435 belonging to or pertaining to another person;

4436 (2) Without that other person's effective consent; and

4437 (3) With intent to use the personal identifying information to:

4438 (A) Obtain the property of another by deception;

4439 (B) Avoid payment due for any property, fines, or fees by deception; or

4440 (C) Give, sell, transmit, or transfer the information to a third person to

4441 facilitate the use of the identifying information by that third person to obtain property by

4442 deception; and

4443 (f) *Unit of prosecution and calculation of time to commence prosecution of offense.*

4444 Creating, possessing, or using a person's personal identifying information in violation of this

4445 section shall constitute a single course of conduct for determining the applicable period of

4446 limitation under § 23-113(b). The applicable time limitation under § 23-113 shall not begin to

4447 run until after the day after the course of conduct has been completed, or the person whose

4448 identifying information was taken, possessed, or used knows, or reasonably should have been
4449 aware, of the identity theft, whichever occurs earlier.

4450 (g) *Penalties.*

4451 (1) First degree identity theft is a Class 7 felony.

4452 (2) Second degree identity theft is a Class 8 felony.

4453 (3) Third degree identity theft is a Class 9 felony.

4454 (4) Fourth degree identity theft is a Class A misdemeanor.

4455 (5) Fifth degree identity theft is a Class C misdemeanor.

4456 (h) *Police reports.* The Metropolitan Police Department shall make a report of each
4457 complaint of identity theft and provide the complainant with a copy of the report.

4458 § 22A-3306. Identity theft civil provisions.

4459 (a) When a person is convicted, adjudicated delinquent, or found not guilty of identity
4460 theft under the mental disability affirmative defense in § 22A-504, the court may issue such
4461 orders as are necessary to correct any District of Columbia public record that contains false
4462 information as a result of a violation of § 22A-3305.

4463 (b) In all other cases, a person who alleges that they are a victim of identity theft may
4464 petition the court for an expedited judicial determination that a District of Columbia public
4465 record contains false information as a result of a violation of § 22A-3305. Upon a finding of
4466 clear and convincing evidence that the person was a victim of identity theft, the court may issue
4467 such orders as are necessary to correct any District of Columbia public record that contains false
4468 information as a result of a violation of § 22A-3305.

4469 (c) Notwithstanding any other provision of law, District of Columbia agencies shall
4470 comply with orders issued under subsection (a) of this section within 30 days after the issuance
4471 of the order.

4472 § 22A-3307. Unlawful labeling of a recording.

4473 (a) *First degree.* An actor commits first degree unlawful labeling of a recording when the
4474 actor:

4475 (1) Knowingly possesses sound recordings or audiovisual recordings that do not
4476 clearly and conspicuously disclose the true name and address of the manufacturer on their labels,
4477 covers, or jacket that, in fact, number 100 or more;

4478 (2) With intent to sell or rent the sound recordings or audiovisual recordings.

4479 (b) *Second degree.* An actor commits second degree unlawful labeling of a recording
4480 when the actor:

4481 (1) Knowingly possesses one or more sound recordings or audiovisual recordings
4482 that does not clearly and conspicuously disclose the true name and address of the manufacturer
4483 on its label, cover, or jacket;

4484 (2) With intent to sell or rent the sound recordings or audiovisual recordings.

4485 (c) *Exclusions from liability.* An actor does not commit an offense under this section
4486 when the actor, in fact:

4487 (1) Transfers any sounds or images recorded on a sound recording or audiovisual
4488 recording in connection with, or as part of, a radio or television broadcast transmission, or for the
4489 purposes of archival preservation; or

4490 (2) Transfers, in their home for their own personal use, any sounds or images
4491 recorded on a sound recording or audiovisual recording.

4492 (d) *Penalties.*

4493 (1) First degree unlawful labeling of a recording is a Class C misdemeanor.

4494 (2) Second degree unlawful labeling of a recording is a Class D misdemeanor.

4495 (e) *Forfeiture.* Upon conviction under this section, the court may, in addition to the
4496 penalties provided by this section, order the forfeiture and destruction or other disposition of all
4497 sound recordings, audiovisual recordings, and equipment used, or attempted to be used, in
4498 violation of this section.

4499 (f) *Definitions.* For the purposes of this section, the term “manufacturer” means the
4500 person who affixes, or authorizes the affixation of, sounds or images to a sound recording or
4501 audiovisual recording.

4502 § 22A-3308. Financial exploitation of a vulnerable adult or elderly person.

4503 (a) *First degree.* An actor commits first degree financial exploitation of a vulnerable
4504 adult or elderly person when the actor:

4505 (1) Commits fifth degree financial exploitation of a vulnerable adult or elderly
4506 person; and

4507 (2) In fact, the value of the property or the amount of the financial injury,
4508 whichever is greater, is \$500,000 or more.

4509 (b) *Second degree.* An actor commits second degree financial exploitation of a
4510 vulnerable adult or elderly person when the actor:

4511 (1) Commits fifth degree financial exploitation of a vulnerable adult or elderly
4512 person; and

4513 (2) In fact, the value of the property or the amount of the financial injury,
4514 whichever is greater, is \$50,000 or more.

4515 (c) *Third degree.* An actor commits third degree financial exploitation of a vulnerable
4516 adult or elderly person when the actor:

4517 (1) Commits fifth degree financial exploitation of a vulnerable adult or elderly
4518 person; and

4519 (2) In fact, the value of the property or the amount of the financial injury,
4520 whichever is greater, is \$5,000 or more.

4521 (d) *Fourth degree.* An actor commits fourth degree financial exploitation of a vulnerable
4522 adult or elderly person when the actor:

4523 (1) Commits fifth degree financial exploitation of a vulnerable adult or elderly
4524 person; and

4525 (2) In fact, the value of the property or the amount of the financial injury,
4526 whichever is greater, is \$500 or more.

4527 (e) *Fifth degree.* An actor commits fifth degree financial exploitation of a vulnerable
4528 adult or elderly person when the actor:

4529 (1) Knowingly takes, obtains, transfers, or exercises control over the property of
4530 another:

4531 (A) With consent of an owner obtained by undue influence;

4532 (B) Reckless as to the fact that the owner is a vulnerable adult or elderly
4533 person;

4534 (C) With intent to deprive an owner of the property; and

4535 (D) In fact, the property has any value; or

4536 (2) Reckless as to the fact that the complainant is a vulnerable adult or elderly
4537 person, commits one or more offenses that is, in fact:

- 4538 (A) Theft under § 22A-3201;
4539 (B) Fraud under § 22A-3301;
4540 (C) Payment card fraud under § 22A-3302;
4541 (D) Check fraud under § 22A-3303;
4542 (E) Forgery under § 22A-3304;
4543 (F) Identity theft under § 22A-3305; or
4544 (G) Extortion under § 22A-3401.

4545 (f) *Penalties.*

4546 (1) First degree financial exploitation of a vulnerable adult or elderly person is a
4547 Class 6 felony.

4548 (2) Second degree financial exploitation of a vulnerable adult or elderly person is
4549 a Class 7 felony.

4550 (3) Third degree financial exploitation of a vulnerable adult or elderly person is a
4551 Class 8 felony.

4552 (4) Fourth degree financial exploitation of a vulnerable adult or elderly person is a
4553 Class 9 felony.

4554 (5) Fifth degree financial exploitation of a vulnerable adult or elderly person is a
4555 Class B misdemeanor.

4556 (g) *Restitution.* In addition to the penalties set forth in subsection (f) of this section, a
4557 person shall make restitution, before the payment of any fines or civil penalties.

4558 § 22A-3309. Financial exploitation of a vulnerable adult or elderly person civil
4559 provisions.

4560 (a) *Petition for injunctive relief and protections.* Notwithstanding any other provision of
4561 law, if the Attorney General for the District of Columbia or the United States Attorney has
4562 reason to believe that any person has violated, or intends to violate, section § 22A-3308, the
4563 Attorney General or the United States Attorney may bring a civil action in the Court, in the name
4564 of the District, which may be by ex parte motion and without notice to the person, to seek any of
4565 the following:

4566 (1) A temporary or permanent injunction;

4567 (2) Restitution of money or property;

4568 (3) The cost of the action, including reasonable attorney's fees;

4569 (4) Revocation of all permits, licenses, registrations, or certifications issued by the
4570 District authorizing the person to provide services to vulnerable adults or elderly persons, which
4571 shall be effective upon the issuance of the Court's judgment, and the person shall not be entitled
4572 to a hearing with the relevant licensing board or agency;

4573 (5) Civil penalties of not more than \$10,000 per violation; or

4574 (6) Any other relief the court deems just.

4575 (b) In an action under this section:

4576 (1) A related criminal proceeding need not have been initiated, nor judgment
4577 secured, prior to bringing the action;

4578 (2) The Attorney General shall not be required to prove damages; and

4579 (3) The burden of proof shall be by a preponderance of the evidence.

4580 (c) *Standard for court review of petition.* The court may grant an ex parte motion
4581 authorized by subsection (a) of this section without notice to the person against whom the

4582 injunction or order is sought if the court finds that facts offered in support of the motion establish
4583 that:

4584 (1) There is a substantial likelihood that the person committed financial
4585 exploitation of a vulnerable adult or elderly person;

4586 (2) The harm that may result from the injunction or order is clearly outweighed by
4587 the risk of harm to the vulnerable adult or elderly person if the injunction or order is not issued;
4588 and

4589 (3) If the Attorney General for the District of Columbia or the United States
4590 Attorney has petitioned for an order temporarily freezing assets, the order is necessary to prevent
4591 dissipation of assets obtained in violation of § 22A-3308.

4592 (d) *Effect of order to temporarily freeze assets.*

4593 (1) An order temporarily freezing assets without notice to the person under
4594 subsections (a) and (c) of this section shall expire on a date set by the court, not later than 14
4595 days after the court issues the order unless, before that time, the court extends the order for good
4596 cause shown.

4597 (2) A person whose assets were temporarily frozen under subsections (a) and (c)
4598 of this section may move to dissolve or modify the order after notice to the Attorney General for
4599 the District of Columbia or the United States Attorney. The court shall hear and decide the
4600 motion or application on an expedited basis.

4601 (e) *Appointment of receiver or conservator.* The court may issue an order temporarily
4602 freezing the assets of the vulnerable adult or elderly person to prevent dissipation of assets;
4603 provided, that the court also appoints a receiver or conservator for those assets. The order shall
4604 allow for the use of assets to continue care for the vulnerable adult or elderly person, and can

4605 only be issued upon a showing that a temporary injunction or temporary restraining order
4606 authorized by this section would be insufficient to safeguard the assets, or with the consent of the
4607 vulnerable adult or elderly person or their legal representative.

4608 § 22A-3310. Trademark counterfeiting.

4609 (a) *First degree.* An actor commits first degree trademark counterfeiting when the actor:

4610 (1) Knowingly manufactures for sale, possesses with intent to sell, or offers to
4611 sell, property bearing or identified by a counterfeit mark; and

4612 (2) In fact, the property consists of 100 or more items, or the property has a total
4613 retail value of \$5,000 or more.

4614 (b) *Second degree.* An actor commits second degree trademark counterfeiting when the
4615 actor:

4616 (1) Knowingly manufactures for sale, possesses with intent to sell, or offers to
4617 sell, property bearing or identified by a counterfeit mark; and

4618 (2) In fact, the property has any value.

4619 (c) *Exclusion from liability.* An actor does not commit an offense under this section if the
4620 actor, in fact, uses a trademark in a manner that is legal under civil law.

4621 (d) *Seizure and disposal of seized items bearing a counterfeit mark.*

4622 (1) Any items bearing a counterfeit mark shall be seized, and all personal
4623 property, including any items, objects, tools, machines, equipment, instrumentalities, or vehicles
4624 of any kind, employed or used in connection with a violation of this chapter may be seized, by
4625 any law enforcement officer, including any designated civilian employee of the Metropolitan
4626 Police Department, in accordance with the procedures established by § 48-905.02.

4627 (2) All seized personal property shall be subject to forfeiture pursuant to the
4628 standards and procedures set forth in Chapter 3 of Title 41.

4629 (3) Upon the request of the owner of the trademark, service mark, trade name,
4630 label, term, picture, seal, word, or advertisement, all seized items bearing a counterfeit mark shall
4631 be released to the owner of the trademark, service mark, trade name, label, term, picture, seal,
4632 word, or advertisement for destruction or disposition.

4633 (4) If the owner of the trademark, service mark, trade name, label, term, picture,
4634 seal, word, or advertisement does not request release of seized items bearing a counterfeit mark,
4635 such items shall be destroyed unless the owner of the of the trademark, service mark, trade name,
4636 label, term, picture, seal, word, or advertisement consents to another disposition.

4637 (e) *Evidence of state or federal registration.* Any state or federal certificate of
4638 registration of any trademark, service mark, trade name, label, term, picture, seal, word, or
4639 advertisement shall be prima facie evidence of the facts stated therein.

4640 (f) *Penalties.*

4641 (1) First degree trademark counterfeiting is a Class A misdemeanor.

4642 (2) Second degree trademark counterfeiting is a Class C misdemeanor.

4643 SUBCHAPTER IV. EXTORTION.

4644 § 22A-3401. Extortion.

4645 (a) *First degree.* An actor commits first degree extortion when the actor:

4646 (1) Knowingly takes, obtains, transfers, or exercises control over the property of
4647 another;

4648 (2) With the consent of an owner obtained by an explicit or implicit coercive
4649 threat;

4650 (3) With intent to deprive an owner of the property; and

4651 (4) In fact, the property has a value of \$500,000 or more.

4652 (b) *Second degree.* An actor commits second degree extortion when the actor:

4653 (1) Knowingly takes, obtains, transfers, or exercises control over the property of

4654 another;

4655 (2) With the consent of an owner obtained by an explicit or implicit coercive

4656 threat;

4657 (3) With intent to deprive an owner of the property; and

4658 (4) In fact, the property has a value of \$50,000 or more.

4659 (c) *Third degree.* An actor commits third degree extortion when the actor:

4660 (1) Knowingly takes, obtains, transfers, or exercises control over the property of

4661 another;

4662 (2) With the consent of an owner obtained by an explicit or implicit coercive

4663 threat;

4664 (3) With intent to deprive an owner of the property; and

4665 (4) In fact, the property has a value \$5,000 or more.

4666 (d) *Fourth degree.* An actor commits fourth degree extortion when the actor:

4667 (1) Knowingly takes, obtains, transfers, or exercises control over the property of

4668 another;

4669 (2) With the consent of an owner obtained by an explicit or implicit coercive

4670 threat;

4671 (3) With intent to deprive an owner of the property; and

4672 (4) In fact, the property has a value of \$500 or more.

4673 (e) *Fifth degree.* An actor commits fifth degree extortion when the actor:

4674 (1) Knowingly takes, obtains, transfers, or exercises control over the property of

4675 another;

4676 (2) With the consent of an owner obtained by an explicit or implicit coercive

4677 threat;

4678 (3) With intent to deprive an owner of the property; and

4679 (4) In fact, the property has any value.

4680 (f) *Penalties.*

4681 (1) First degree extortion is a Class 6 felony.

4682 (2) Second degree extortion is a Class 7 felony.

4683 (3) Third degree extortion is a Class 8 felony.

4684 (4) Fourth degree extortion is a Class 9 felony.

4685 (5) Fifth degree extortion is a Class B misdemeanor.

4686 SUBCHAPTER V. STOLEN PROPERTY.

4687 § 22A-3501. Possession of stolen property.

4688 (a) *First degree.* An actor commits first degree possession of stolen property when the

4689 actor:

4690 (1) Knowingly buys or possesses property;

4691 (2) With intent that the property be stolen;

4692 (3) With intent to deprive an owner of the property; and

4693 (4) In fact, the property has a value of \$500,000 or more.

4694 (b) *Second degree.* An actor commits second degree possession of stolen property when

4695 the actor:

- 4696 (1) Knowingly buys or possesses property;
4697 (2) With intent that the property be stolen;
4698 (3) With intent to deprive an owner of the property; and
4699 (4) In fact, the property has a value of \$50,000 or more.

4700 (c) *Third degree.* An actor commits third degree possession of stolen property when the
4701 actor:

- 4702 (1) Knowingly buys or possesses property;
4703 (2) With intent that the property be stolen;
4704 (3) With intent to deprive an owner of the property; and
4705 (4) In fact, the property has a value of \$5,000 or more.

4706 (d) *Fourth degree.* An actor commits fourth degree possession of stolen property when
4707 the actor:

- 4708 (1) Knowingly buys or possesses property;
4709 (2) With intent that the property be stolen;
4710 (3) With intent to deprive an owner of the property; and
4711 (4) In fact, the property has a value of \$500 or more.

4712 (e) *Fifth degree.* An actor commits fifth degree possession of stolen property when the
4713 actor:

- 4714 (1) Knowingly buys or possesses property;
4715 (2) With intent that the property be stolen;
4716 (3) With intent to deprive an owner of the property; and
4717 (4) In fact, the property has any value.

4718 (f) *Penalties.*

- 4719 (1) First degree possession of stolen property is a Class 8 felony.
- 4720 (2) Second degree possession of stolen property is a Class 9 felony.
- 4721 (3) Third degree possession of stolen property is a Class A misdemeanor.
- 4722 (4) Fourth degree possession of stolen property is a Class B misdemeanor.
- 4723 (5) Fifth degree possession of stolen property is a Class D misdemeanor.

4724 § 22A-3502. Trafficking of stolen property.

4725 (a) *First degree.* An actor commits first degree trafficking of stolen property when the
4726 actor:

- 4727 (1) Knowingly buys or possesses property on two or more separate occasions;
- 4728 (2) With intent that the property be stolen;
- 4729 (3) With intent to sell, pledge as consideration, or trade the property; and
- 4730 (4) In fact, the total property trafficked has a value of \$500,000 or more.

4731 (b) *Second degree.* An actor commits second degree trafficking of stolen property when
4732 the actor:

- 4733 (1) Knowingly buys or possesses property on two or more separate occasions;
- 4734 (2) With intent that the property be stolen;
- 4735 (3) With intent to sell, pledge as consideration, or trade the property; and
- 4736 (4) In fact, the total property trafficked has a value of \$50,000 or more.

4737 (c) *Third degree.* An actor commits third degree trafficking of stolen property when the
4738 actor:

- 4739 (1) Knowingly buys or possesses property on two or more separate occasions;
- 4740 (2) With intent that the property be stolen;
- 4741 (3) With intent to sell, pledge as consideration, or trade the property; and

4742 (4) In fact, the total property trafficked has a value of \$5,000 or more.

4743 (d) *Fourth degree.* An actor commits fourth degree trafficking of stolen property when

4744 the actor:

4745 (1) Knowingly buys or possesses property on two or more separate occasions;

4746 (2) With intent that the property be stolen;

4747 (3) With intent to sell, pledge as consideration, or trade the property; and

4748 (4) In fact, the total property trafficked has a value of \$500 or more.

4749 (e) *Fifth degree.* An actor commits fifth degree trafficking of stolen property when the

4750 actor:

4751 (1) Knowingly buys or possesses property on two or more separate occasions;

4752 (2) With intent that the property be stolen;

4753 (3) With intent to sell, pledge as consideration, or trade the property; and

4754 (4) In fact, the property trafficked has any value.

4755 (f) *Penalties.*

4756 (1) First degree trafficking of stolen property is a Class 7 felony.

4757 (2) Second degree trafficking of stolen property is a Class 8 felony.

4758 (3) Third degree trafficking of stolen property is a Class 9 felony.

4759 (4) Fourth degree trafficking of stolen property is a Class A misdemeanor.

4760 (5) Fifth degree trafficking of stolen property is a Class C misdemeanor.

4761 § 22A-3503. Alteration of a motor vehicle identification number.

4762 (a) *First degree.* An actor commits first degree alteration of a motor vehicle

4763 identification number when the actor:

4764 (1) Knowingly alters a vehicle identification number of a motor vehicle or motor
4765 vehicle part;

4766 (2) With intent to conceal or misrepresent the identity of the motor vehicle or
4767 motor vehicle part; and

4768 (3) The value of such motor vehicle or motor vehicle part, in fact, is \$5,000 or
4769 more.

4770 (b) *Second degree.* An actor commits second degree alteration of a motor vehicle
4771 identification number when the actor:

4772 (1) Knowingly alters a vehicle identification number of a motor vehicle or motor
4773 vehicle part;

4774 (2) With intent to conceal or misrepresent the identity of the motor vehicle or
4775 motor vehicle part; and

4776 (3) The motor vehicle or motor vehicle part, in fact, has any value.

4777 (c) *Penalties.*

4778 (1) First degree alteration of a motor vehicle identification number is a Class 9
4779 felony.

4780 (2) Second degree alteration of a motor vehicle identification number is a Class B
4781 misdemeanor.

4782 § 22A-3504. Alteration of a bicycle identification number.

4783 (a) *Offense.* An actor commits alteration of a bicycle identification numbers when the
4784 actor:

4785 (1) Knowingly alters an identification number of a bicycle or bicycle part;

4786 (2) With intent to conceal or misrepresent the identity of the bicycle or bicycle
4787 part.

4788 (b) *Penalties*. Alteration of a bicycle identification number is a Class D misdemeanor.

4789 (c) *Definitions*. For the purposes of this section, the terms “bicycle” “and “identification
4790 number” shall have the same meaning as provided in § 50-1609(1) and (1A), respectively.

4791 SUBCHAPTER VI. PROPERTY DAMAGE.

4792 § 22A-3601. Arson.

4793 (a) *First degree*. An actor commits first degree arson when the actor:

4794 (1) Knowingly starts a fire, or causes an explosion, that damages or destroys a
4795 dwelling or building;

4796 (2) Reckless as to the fact that a person who is not a participant in the crime is
4797 present in the dwelling or building; and

4798 (3) The fire or explosion, in fact, causes death or serious bodily injury to any
4799 person who is not a participant in the crime.

4800 (b) *Second degree*. An actor commits second degree arson when the actor:

4801 (1) Knowingly starts a fire, or causes an explosion, that damages or destroys a
4802 dwelling or building;

4803 (2) Reckless as to the fact that a person who is not a participant in the crime is
4804 present in the dwelling or building.

4805 (c) *Third degree*. An actor commits third degree arson when the actor knowingly starts a
4806 fire, or causes an explosion, that damages or destroys a dwelling or building.

4807 (d) *Affirmative defense*. It is an affirmative defense to liability under subsection (c) of
4808 this section that the actor, in fact, has a valid blasting permit issued by the District of Columbia

4809 Fire and Emergency Medical Services Department, and complied with all the rules and
4810 regulations governing the use of such a permit.

4811 (e) *Penalties.*

4812 (1) First degree arson is a Class 5 felony.

4813 (2) Second degree arson is a Class 7 felony.

4814 (3) Third degree arson is a Class 9 felony.

4815 § 22A-3602. Reckless burning.

4816 (a) *Offense.* An actor commits reckless burning when the actor:

4817 (1) Knowingly starts a fire or causes an explosion;

4818 (2) Reckless as to the fact that the fire or explosion damages or destroys a
4819 dwelling or building.

4820 (b) *Affirmative defense.* It is an affirmative defense to liability under this section that the
4821 actor, in fact, has a valid blasting permit issued by the District of Columbia Fire and Emergency
4822 Medical Services Department, and complied with all the rules and regulations governing the use
4823 of such a permit.

4824 (c) *Penalties.* Reckless burning is a Class A misdemeanor.

4825 § 22A-3603. Criminal damage to property.

4826 (a) *First degree.* An actor commits first degree criminal damage to property when the
4827 actor:

4828 (1) Knowingly damages or destroys the property of another;

4829 (2) Without the effective consent of an owner; and

4830 (3) In fact, the amount of damage is \$500,000 or more.

4831 (b) *Second degree*. An actor commits second degree criminal damage to property when
4832 the actor:

4833 (1) Knowingly damages or destroys the property of another;

4834 (2) Without the effective consent of an owner; and

4835 (3) In fact, the amount of damage is \$50,000 or more.

4836 (c) *Third degree*. An actor commits third degree criminal damage to property when the
4837 actor:

4838 (1) Knowingly damages or destroys the property of another;

4839 (A) Without the effective consent of an owner; and

4840 (B) In fact:

4841 (i) The amount of damage is \$5,000 or more;

4842 (ii) The property is a cemetery, grave, or other place for the

4843 internment of human remains; or

4844 (iii) The property is a place of worship or a public monument; or

4845 (2) Recklessly damages or destroys property;

4846 (A) Knowing that it is the property of another;

4847 (B) Without the effective consent of an owner; and

4848 (C) In fact, the amount of damage is \$50,000 or more.

4849 (d) *Fourth degree*. An actor commits fourth degree criminal damage to property when
4850 the actor:

4851 (1) Recklessly damages or destroys property;

4852 (2) Knowing that it is the property of another;

4853 (3) Without the effective consent of an owner; and

4854 (4) In fact, the amount of damage is \$500 or more.

4855 (e) *Fifth degree.* An actor commits fifth degree criminal damage to property when the

4856 actor:

4857 (1) Recklessly damages or destroys property;

4858 (2) Knowing that it is the property of another;

4859 (3) Without the effective consent of an owner; and

4860 (4) In fact, there is any amount of damage to the property.

4861 (f) *Penalties.*

4862 (1) First degree criminal damage to property is a Class 7 felony.

4863 (2) Second degree criminal damage to property is a Class 8 felony.

4864 (3) Third degree criminal damage to property is a Class 9 felony.

4865 (4) Fourth degree criminal damage to property is a Class A misdemeanor.

4866 (5) Fifth degree criminal damage to property is a Class C misdemeanor.

4867 § 22A-3604. Criminal graffiti.

4868 (a) *Offense.* An actor commits criminal graffiti when the actor:

4869 (1) Knowingly places any inscription, writing, drawing, marking, or design on the
4870 property of another;

4871 (2) Without the effective consent of an owner.

4872 (b) *Penalties.* Criminal graffiti is a Class D misdemeanor.

4873 SUBCHAPTER VII. TRESPASS.

4874 § 22A-3701. Trespass.

4875 (a) *First degree.* An actor commits first degree trespass when the actor:

4876 (1) Knowingly enters or remains in a dwelling, or part thereof;

4877 (2) Without a privilege or license to do so under civil law.

4878 (b) *Second degree.* An actor commits second degree trespass when the actor:

4879 (1) Knowingly enters or remains in a building, or part thereof;

4880 (2) Without a privilege or license to do so under civil law.

4881 (c) *Third degree.* An actor commits third degree trespass when the actor:

4882 (1) Knowingly enters or remains in or on land, a watercraft, or a motor vehicle, or

4883 part thereof;

4884 (2) Without a privilege or license to do so under civil law.

4885 (d) *Exclusions from liability.*

4886 (1) An actor does not commit an offense under this section by, in fact, violating a

4887 barring notice issued for District of Columbia Housing Authority properties unless the bar notice

4888 is lawfully issued pursuant to the District of Columbia Municipal Regulations on an objectively

4889 reasonable basis.

4890 (2) An actor does not commit an offense under this section for conduct that, in

4891 fact, constitutes a failure to pay established fare or to present a valid transfer under § 35-252.

4892 (e) *Permissive inference.* In a trial determining a violation of this section, a factfinder

4893 may, but is not required to, infer that an actor lacks a privilege or license to enter or remain in or

4894 on a location that:

4895 (1) Is otherwise vacant;

4896 (2) Shows signs of a forced entry; and

4897 (3) Either:

4898 (A) Is secured in a manner that reasonably conveys that it is not to be

4899 entered; or

4900 (B) Displays signage that is reasonably visible prior to or outside the
4901 location's points of entry, and that sign says "no trespassing" or similarly indicates that a person
4902 may not enter.

4903 (f) *Penalties.*

4904 (1) First degree trespass is a Class B misdemeanor.

4905 (2) Second degree trespass is a Class C misdemeanor.

4906 (3) Third degree trespass is a Class D misdemeanor.

4907 SUBCHAPTER VIII. BURGLARY.

4908 § 22A-3801. Burglary.

4909 (a) *First degree.* An actor commits first degree burglary when the actor:

4910 (1) With intent to commit inside one or more offenses that is, in fact, an offense
4911 under Chapter 2 of this title or a predicate property offense;

4912 (2) Knowingly and fully enters or surreptitiously remains in a dwelling, or part
4913 thereof;

4914 (3) Without a privilege or license to do so under civil law;

4915 (4) Reckless as to the fact that a person who is not a participant in the burglary
4916 either is entering with the actor or is already inside and, in fact, directly perceives the actor while
4917 inside.

4918 (b) *Second degree.* An actor commits second degree burglary when the actor:

4919 (1) With intent to commit inside one or more offense that is, in fact, an offense
4920 under Chapter 2 of this title or a predicate property offense;

4921 (2) Knowingly and fully enters or surreptitiously remains in:

4922 (A) A dwelling, or part thereof, without a privilege or license to do so
4923 under civil law; or

4924 (B) A building, or part thereof, without a privilege or license to do so
4925 under civil law:

4926 (i) That is not open to the general public at the time of the
4927 burglary;

4928 (ii) Reckless as to the fact that a person who is not a participant in
4929 the burglary either is entering with the actor or is already inside and, in fact, directly perceives
4930 the actor while inside.

4931 (c) *Third degree.* An actor commits third degree burglary when the actor:

4932 (1) With intent to commit inside one or more offenses that is, in fact, an offense
4933 under Chapter 2 or a predicate property offense;

4934 (2) Knowingly and fully enters or surreptitiously remains in:

4935 (A) A building or business yard, or part thereof;

4936 (B) That is not open to the general public at the time of the burglary;

4937 (3) Without a privilege or license to do so under civil law.

4938 (d) *Penalties.*

4939 (1) First degree burglary is a Class 8 felony.

4940 (2) Second degree burglary is a Class 9 felony.

4941 (3) Third degree burglary is a Class A misdemeanor.

4942 (4) *Penalty enhancements.* The penalty classification of any gradation of this

4943 offense shall be increased by one class when the actor knowingly holds or carries on the actor's

4944 person, while entering or surreptitiously remaining in the location, what is, in fact, a dangerous
4945 weapon or imitation firearm.

4946 (e) *Definitions.* For the purposes of this section, the term “predicate property offense”
4947 means:

4948 (1) Theft under § 22A-3201;

4949 (2) Unauthorized use of property under § 22A-3202;

4950 (3) Unauthorized use of a motor vehicle under § 22A-3203;

4951 (4) Extortion under § 22A-3401;

4952 (5) Arson under § 22A-3601;

4953 (6) Reckless burning under § 22A-3602; or

4954 (7) Criminal damage to property under § 22A-3603.

4955 § 22A-3802. Possession of tools to commit a property crime.

4956 (a) *Offense.* An actor commits possession of tools to commit a property crime when the
4957 actor:

4958 (1) Knowingly possesses a tool, or tools, designed or specifically adapted for
4959 picking locks, cutting chains, cutting glass, bypassing an electronic security system, or bypassing
4960 a locked door;

4961 (2) With intent to use the tool or tools to commit one or more offenses that is, in
4962 fact:

4963 (A) Theft under § 22A-3201;

4964 (B) Unauthorized use of property under § 22A-3202;

4965 (C) Unauthorized use of a motor vehicle under § 22A-3203;

4966 (D) Shoplifting under § 22A-3204;

- 4967 (E) Alteration of motor vehicle identification number under § 22A-3503;
4968 (F) Alteration of bicycle identification number under § 22A-3504;
4969 (G) Arson under § 22A-3601;
4970 (H) Criminal damage to property under § 22A-3603;
4971 (I) Criminal graffiti under § 22A-3604;
4972 (J) Trespass under § 22A-3701; or
4973 (K) Burglary under § 22A-3801.

4974 (b) *No attempt liability.* The criminal attempt provision in § 22A-301 shall not apply to
4975 this section.

4976 (c) *Penalties.* Possession of tools to commit a property crime is a Class D misdemeanor.

4977 CHAPTER 4. OFFENSES AGAINST GOVERNMENT OPERATION.

4978 SUBCHAPTER I. BRIBERY, IMPROPER INFLUENCE, AND OFFICIAL
4979 MISCONDUCT.

4980 [Reserved.]

4981 SUBCHAPTER II. PERJURY AND OTHER OFFICIAL FALSIFICATION
4982 OFFENSES.

4983 § 22A-4201. Impersonation of an official.

4984 (a) *First degree.* An actor commits first degree impersonation of an official when the
4985 actor:

4986 (1) With intent:

4987 (A) To deceive any other person as to the actor's lawful authority; and

4988 (B) Either:

4989 (i) To cause harm to another person; or

4990 (ii) That any person receives a personal benefit of any kind;

4991 (2) Knowingly and falsely represents themselves to currently hold lawful

4992 authority as a:

4993 (A) Judge of a federal or local court in the District of Columbia;

4994 (B) Prosecutor for the United States Attorney for the District of Columbia,

4995 or the Attorney General for the District of Columbia;

4996 (C) Notary public;

4997 (D) Law enforcement officer;

4998 (E) Public safety employee;

4999 (F) District official;

5000 (G) District employee with power to enforce District laws or regulations;

5001 or

5002 (H) Person authorized to solemnize marriage; and

5003 (3) Performs the duty, exercises the authority, or attempts to perform the duty or

5004 exercise the authority pertaining to a person listed in subsection (a)(2) of this section.

5005 (b) *Second degree*. An actor commits second degree impersonation of an official when

5006 the actor:

5007 (1) With intent:

5008 (A) To deceive any other person as to the actor's lawful authority; and

5009 (B) Either:

5010 (i) To cause harm to another person; or

5011 (ii) That any person receive a personal benefit of any kind;

5012 (2) Knowingly and falsely represents themselves to currently hold lawful
5013 authority as a:
5014 (A) Judge of a federal or local court in the District of Columbia;
5015 (B) Prosecutor for the United States Attorney for the District of Columbia,
5016 or the Attorney General for the District of Columbia;
5017 (C) Notary public;
5018 (D) Law enforcement officer;
5019 (E) Public safety employee;
5020 (F) District official;
5021 (G) District employee with power to enforce District laws or regulations;
5022 or
5023 (H) Person authorized to solemnize marriage.

5024 (c) *Civil provision regarding use of official uniform insignia.* The Metropolitan Police
5025 Department and the Fire and Emergency Medical Services Department shall have the sole and
5026 exclusive rights to have and use, in carrying out their respective missions, the official badges,
5027 patches, emblems, copyrights, descriptive or designating marks, and other official insignia
5028 displayed upon their current and future uniforms.

5029 (d) *Penalties.*

5030 (1) First degree impersonation of an official is a Class 9 felony.

5031 (2) Second degree impersonation of an official is a Class B misdemeanor.

5032 § 22A-4202. Misrepresentation as a District of Columbia entity.

5033 (a) *Offense.* An actor commits misrepresentation as a District of Columbia entity when
5034 the actor:

5035 (1) Knowingly:

5036 (A) Engages in the business of collecting or aiding in the collection of debts or

5037 obligations, or of providing private police, investigation, or other detective services; and

5038 (B) Uses the words “District of Columbia”, “District”, or “D.C.” in the business

5039 name or in a business communication;

5040 (2) With intent to:

5041 (A) Deceive any other person as to the actor’s lawful authority as a District of

5042 Columbia entity; and

5043 (B) Receive a personal or business benefit of any kind; and

5044 (3) In fact, the name or communication would cause a reasonable person in the

5045 complainant’s circumstances to believe that the actor is a District of Columbia government entity

5046 or representative.

5047 (b) *Prosecutorial authority.* The Attorney General for the District of Columbia shall

5048 prosecute violations of this section.

5049 (c) *Penalties.* Misrepresentation as a District of Columbia entity is a Class C

5050 misdemeanor.

5051 (d) *Definitions.* For the purposes of this section, the term “actor” includes a legal entity

5052 that is not a natural person.

5053 SUBCHAPTER III. OFFENSES INVOLVING OBSTRUCTION OF

5054 GOVERNMENTAL OPERATIONS.

5055 [Reserved.]

5056 SUBCHAPTER IV. GOVERNMENT CUSTODY.

5057 § 22A-4401. Escape from a correctional facility or officer.

5058 (a) *First degree.* An actor commits first degree escape from a correctional facility or
5059 officer when the actor:

5060 (1) In fact, is subject to a court order that authorizes the actor's confinement in a
5061 correctional facility, secure juvenile detention facility, or cellblock operated by the United States
5062 Marshals Service; and

5063 (2) Knowingly, without the effective consent of the Mayor, the Director of the
5064 Department of Corrections, the Director of the Department of Youth Rehabilitation Services, or
5065 the United States Marshals Service, leaves the correctional facility, juvenile detention facility, or
5066 cellblock operated by the United States Marshals Service.

5067 (b) *Second degree.* An actor commits second degree escape from a correctional facility
5068 or officer when the actor:

5069 (1) In fact, is in the lawful official custody of a law enforcement officer of the
5070 District of Columbia or of the United States; and

5071 (2) Knowingly, without the effective consent of the law enforcement officer,
5072 leaves official custody.

5073 (c) *Third degree.* An actor commits third degree escape from a correctional facility or
5074 officer when the actor:

5075 (1) In fact, is subject to a court order that authorizes the person's confinement in a
5076 correctional facility or halfway house; and

5077 (2) Knowingly, without the effective consent of the Mayor, the Director of the
5078 Department of Corrections, or the Director of the Department of Youth Rehabilitation Services:

5079 (A) Fails to return to the correctional facility or halfway house;

5080 (B) Fails to report to the correctional facility or halfway house; or

5081 (C) Leaves a halfway house.

5082 (d) *Exclusion from liability.* An actor does not commit an offense under subsection (b) of
5083 this section when, in fact, the actor is within a correctional facility, juvenile detention facility, or
5084 halfway house.

5085 (e) *Penalties.*

5086 (1) First degree escape from a correctional facility or officer is a Class 8 felony.

5087 (2) Second degree escape from a correctional facility or officer is a Class A
5088 misdemeanor.

5089 (3) Third degree escape from a correctional facility or officer is a Class B
5090 misdemeanor.

5091 § 22A-4402. Tampering with a detection device.

5092 (a) *Offense.* An actor commits tampering with a detection device when the actor:

5093 (1) Knows the actor is required to wear a detection device while:

5094 (A) Subject to a final civil protection order issued under § 16-1005;

5095 (B) On pretrial release in a District of Columbia case;

5096 (C) On presentence or predisposition release in a District of Columbia
5097 case;

5098 (D) Committed to the Department of Youth Rehabilitation Services or
5099 incarcerated, in a District of Columbia case; or

5100 (E) On supervised release, probation, or parole, in a District of Columbia
5101 case; and

5102 (2) Either:

5103 (A) Removes the detection device or allows an unauthorized person to do
5104 so; or

5105 (B) Interferes with the emission or detection of the detection device or
5106 allows an unauthorized person to do so.

5107 (b) *Jurisdiction.* An offense under this section shall be deemed to be committed in the
5108 District of Columbia, regardless of whether the actor is physically present in the District of
5109 Columbia.

5110 (c) *Penalties.* Tampering with a detection device is a Class B misdemeanor.

5111 § 22A-4403. Correctional facility contraband.

5112 (a) *First degree.* An actor commits first degree correctional facility contraband when the
5113 actor:

5114 (1) With intent that an item be received by someone confined to a correctional
5115 facility or secure juvenile detention facility:

5116 (A) Knowingly brings the item to a correctional facility or secure juvenile
5117 detention facility;

5118 (B) Without the effective consent of the Mayor, the Director of the
5119 Department of Corrections, or the Director of the Department of Youth Rehabilitation Services;

5120 and

5121 (C) The item, in fact, is Class A contraband; or

5122 (2) In fact, is someone confined to a correctional facility or secure juvenile
5123 detention facility and:

5124 (A) Knowingly possesses an item in a correctional facility or secure
5125 juvenile detention facility;

5126 (B) Without the effective consent of the Mayor, the Director of the
5127 Department of Corrections, or the Director of the Department of Youth Rehabilitation Services;
5128 and

5129 (C) The item, in fact, is Class A contraband.

5130 (b) *Second degree.* An actor commits second degree correctional facility contraband
5131 when the actor:

5132 (1) With intent that an item be received by someone confined to a correctional
5133 facility or secure juvenile detention facility:

5134 (A) Knowingly brings the item to a correctional facility or secure juvenile
5135 detention facility;

5136 (B) Without the effective consent of the Mayor, the Director of the
5137 Department of Corrections, or the Director of the Department of Youth Rehabilitation Services;
5138 and

5139 (C) The item, in fact, is Class B contraband; or

5140 (2) In fact, is someone confined to a correctional facility or secure juvenile
5141 detention facility and:

5142 (A) Knowingly possesses an item in a correctional facility or secure
5143 juvenile detention facility;

5144 (B) Without the effective consent of the Mayor, the Director of the
5145 Department of Corrections, or the Director of the Department of Youth Rehabilitation Services;
5146 and

5147 (C) The item, in fact, is Class B contraband.

5148 (c) *Exclusion from liability.* An actor does not commit an offense under this section for,
5149 in fact, possessing:

5150 (1) A portable electronic communication device, in the course of a legal visit;

5151 (2) A controlled substance that is prescribed to the actor and medically necessary
5152 to have immediately or constantly accessible; or

5153 (3) A syringe, needle, or other medical device, that is medically necessary to have
5154 immediately or constantly available.

5155 (d) *Detainment authority.* If there is probable cause to suspect an actor of committing
5156 correctional facility contraband under subsection (a)(1) or (b)(1) of this section, the warden or
5157 director of a correctional facility may detain the actor for not more than 2 hours, pending
5158 surrender to the Metropolitan Police Department or a law enforcement agency acting pursuant to
5159 § 10-509.01.

5160 (e) *Penalties.*

5161 (1) First degree correctional facility contraband is a Class 9 felony.

5162 (2) Second degree correctional facility contraband is a Class A misdemeanor.

5163 CHAPTER 5. PUBLIC ORDER AND SAFETY OFFENSES.

5164 SUBCHAPTER I. WEAPON OFFENSES AND RELATED PROVISIONS.

5165 § 22A-5101. Merger of related weapon offenses.

5166 (a) *Merger of possessory offenses and offenses related to other crime.* Multiple
5167 convictions for 2 or more of the following offenses merge when arising from the same act or
5168 course of conduct:

5169 (1) Possession of an unregistered firearm, destructive device, or ammunition
5170 under § 7-2502.01A;

- 5171 (2) Possession of a stun gun under § 7-2502.15;
- 5172 (3) Carrying an air or spring gun under § 7-2502.17;
- 5173 (4) Carrying a dangerous weapon under § 22A-5104;
- 5174 (5) Possession of a dangerous weapon with intent to commit a crime under § 22A-
- 5175 5105; and
- 5176 (6) Possession of a dangerous weapon during a crime under § 22A-5106.

5177 (b) *Merger of offenses related to other crime and display or use of weapon.* Multiple

5178 convictions for 2 or more of the following offenses merge when arising from the same act or

5179 course of conduct:

- 5180 (1) Possession of a dangerous weapon with intent to commit a crime under § 22A-
- 5181 5105;
- 5182 (2) Possession of a dangerous weapon during a crime under § 22A-5106; and
- 5183 (3) Any offense under Chapter 2 or 3 of this title that includes as an element of
- 5184 any gradation or enhancement that the person displayed or used a dangerous weapon.

5185 (c) *Merger procedure and rule of priority.* For an actor found guilty of 2 or more

5186 offenses that merge under this section the sentencing court shall follow the procedures specified

5187 in § 22A-212(b) and (c).

5188 § 22A-5102. Exclusions from liability for weapon offenses.

5189 (a) *Scope of exclusion.* The exclusions from liability specified in this section apply to the

5190 following offenses:

- 5191 (1) Possession of an unregistered firearm, destructive device, or ammunition
- 5192 under § 7-2502.01A;
- 5193 (2) Possession of a stun gun under § 7-2502.15;

- 5194 (3) Carrying an air or spring gun under § 7-2502.17;
- 5195 (4) Carrying a pistol in an unlawful manner under § 7-2509.06A;
- 5196 (5) Possession of a prohibited weapon or accessory under § 22A-5103; and
- 5197 (6) Carrying a dangerous weapon under § 22A-5104.
- 5198 (b) *Exclusion from liability.* Notwithstanding any other District law, an actor does not
- 5199 commit an offense specified in subsection (a) of this section when, in fact, the actor is:
- 5200 (1) A member of the Army, Navy, Air Force, or Marine Corps of the United
- 5201 States;
- 5202 (2) An on-duty member of the National Guard or Organized Reserves;
- 5203 (3) A qualified law enforcement officer, as that term is defined in 18 U.S.C. §
- 5204 926B;
- 5205 (4) A qualified retired law enforcement officer, as that term is defined in 18
- 5206 U.S.C. § 926C(c), who carries a concealed pistol that is registered under § 7-2502.07 and is
- 5207 conveniently accessible and within reach;
- 5208 (5) An on-duty licensed special police officer or campus police officer, who
- 5209 possesses or carries a firearm registered under § 7-2502.07 in accordance with § 5-129.02 and all
- 5210 rules issued pursuant to that section;
- 5211 (6) An on-duty director, deputy director, officer, or employee of the Department
- 5212 of Corrections who possesses or carries a firearm registered under § 7-2502.07;
- 5213 (7) An employee of the District or federal government, who is on duty and acting
- 5214 within the scope of those duties;
- 5215 (8) Lawfully engaging in the business of manufacturing, repairing, or dealing the
- 5216 weapon involved in the offense;

5217 (9) Lawfully engaging in the business of shipping or delivering the weapon
5218 involved in the offense; or

5219 (10) Acting within the scope of authority granted by the Chief of the Metropolitan
5220 Police Department or a competent court.

5221 (c) *Exclusion from liability.* Notwithstanding any other District law, an actor shall not be
5222 subject to prosecution for an offense specified in subsection (a) of this section if, in fact, the
5223 actor:

5224 (1) Holds a valid registration certificate issued under § 7-2502.07; and

5225 (2) Possesses the registered firearm or ammunition for a firearm of the same
5226 caliber while:

5227 (A) At the home or place of business designated on the registration
5228 certificate;

5229 (B) Transporting the firearm or ammunition, in accordance with § 22A-
5230 5111, to or from:

5231 (i) A place of sale;

5232 (ii) The person's home or place of business;

5233 (iii) A place of repair;

5234 (iv) A firearms training and safety class conducted by a firearms
5235 instructor; or

5236 (v) A lawful recreational firearm-related activity; or

5237 (C) Transporting the firearm or ammunition for a lawful purpose as
5238 expressly authorized by a District or federal statute and in accordance with the requirements of
5239 that statute.

5240 (d) *Exclusion from liability.* Notwithstanding any other District law, an actor does not
5241 commit an offense specified in subsection (a) of this section when, in fact, the actor possesses or
5242 carries a firearm while participating in a firearms training and safety class conducted by a
5243 firearms instructor.

5244 § 22A-5103. Possession of a prohibited weapon or accessory.

5245 (a) *First degree.* An actor commits first degree possession of a prohibited weapon or
5246 accessory when the actor:

5247 (1) Knowingly possesses a firearm or explosive;

5248 (2) Reckless as to the fact that the firearm or explosive is:

5249 (A) An assault weapon;

5250 (B) A machine gun;

5251 (C) A sawed-off shotgun;

5252 (D) A restricted explosive; or

5253 (E) A ghost gun.

5254 (b) *Second degree.* An actor commits second degree possession of a prohibited weapon
5255 or accessory when the actor:

5256 (1) Knowingly possesses a firearm accessory;

5257 (2) Reckless as to the fact that the firearm accessory is:

5258 (A) A firearm silencer;

5259 (B) A bump stock; or

5260 (C) A large capacity ammunition feeding device.

5261 (c) *Exclusion from liability.* An actor does not commit an offense under this section
5262 when, in fact, the actor satisfies the criteria in § 22A-5102.

5263 (d) *Affirmative defense.* It is an affirmative defense to liability under this section that the
5264 actor possesses the item while, in fact, voluntarily surrendering the item pursuant to District or
5265 federal law.

5266 (e) *Penalties.*

5267 (1) First degree possession of a prohibited weapon or accessory is a Class 8
5268 felony.

5269 (2) Second degree possession of a prohibited weapon or accessory is a Class 9
5270 felony.

5271 (3) *Merger.* A conviction for possession of a prohibited weapon or accessory
5272 does not merge with any other offense arising from the same course of conduct.

5273 § 22A-5104. Carrying a dangerous weapon.

5274 (a) *First degree.* An actor commits first degree carrying a dangerous weapon when the
5275 actor:

5276 (1) Knowingly possesses:

5277 (A) A firearm, other than a pistol;

5278 (B) A pistol, without a license to carry under § 22A-5112; or

5279 (C) A restricted explosive;

5280 (2) The firearm, pistol, or restricted explosive is conveniently accessible and
5281 within reach; and

5282 (3) The actor is in a location:

5283 (A) Other than the actor's home, place of business, or land; and

5284 (B) That, in fact, is:

5285 (i) Within 300 feet of the boundary line of a school, college,
5286 university, public swimming pool, public playground, public youth center, public library, or
5287 children's day care center; and

5288 (ii) Displays clear and conspicuous signage indicating that firearms
5289 or explosives are prohibited.

5290 (b) *Second degree*. An actor commits second degree carrying a dangerous weapon when
5291 the actor:

5292 (1) Knowingly possesses:

5293 (A) A firearm, other than a pistol;

5294 (B) A pistol, without a license to carry under § 22A-5112; or

5295 (C) A restricted explosive;

5296 (2) The firearm, pistol, or restricted explosive is conveniently accessible and
5297 within reach; and

5298 (3) The actor is in a location other than the actor's home, place of business, or
5299 land.

5300 (c) *Third degree*. An actor commits third degree carrying a dangerous weapon when the
5301 actor:

5302 (1) Knowingly possesses a dangerous weapon;

5303 (2) The dangerous weapon is conveniently accessible and within reach;

5304 (3) The actor is in a location other than the actor's home, place of business, or
5305 land; and

5306 (4) With intent to use the weapon, anytime in the future or if any condition is met,
5307 in a manner that is likely to cause death or serious bodily injury to another person.

5308 (d) *Exclusion from liability.* An actor does not commit an offense under this section
5309 when, in fact, the actor satisfies the criteria in § 22A-5102.

5310 (e) *Affirmative defense.* It is an affirmative defense to liability under this section that the
5311 actor possesses the item while, in fact, voluntarily surrendering the item pursuant to District or
5312 federal law.

5313 (f) *Penalties.*

5314 (1) First degree carrying a dangerous weapon is a Class 8 felony.

5315 (2) Second degree carrying a dangerous weapon is a Class 9 felony.

5316 (3) Third degree carrying a dangerous weapon is a Class B misdemeanor.

5317 § 22A-5105. Possession of a dangerous weapon with intent to commit a crime.

5318 (a) *First degree.* An actor commits first degree possession of a dangerous weapon with
5319 intent to commit a crime when the actor:

5320 (1) Knowingly possesses an object designed to explode or produce uncontained
5321 combustion;

5322 (2) With intent to use the object to commit a criminal harm that is, in fact:

5323 (A) An offense under Chapter 2 of this title; or

5324 (B) An offense under Chapter 3 of this title.

5325 (b) *Second degree.* An actor commits second degree possession of a dangerous weapon
5326 with intent to commit a crime when the actor:

5327 (1) Knowingly possesses:

5328 (A) A dangerous weapon; or

5329 (B) An imitation firearm;

5330 (2) With intent to use the imitation firearm or dangerous weapon to commit a
5331 criminal harm that is, in fact:

5332 (A) An offense under Chapter 2 of this title; or

5333 (B) Burglary under § 22A-3801.

5334 (c) *Limitation on attempt liability.* The criminal attempt provision in § 22A-301 shall not
5335 apply to this section if the actor does not actually possess an item with intent to use it to commit
5336 an offense under Chapter 2 or 3 of this title.

5337 (d) *Penalties.*

5338 (1) First degree possession of a dangerous weapon with intent to commit a crime
5339 is a Class 8 felony.

5340 (2) Second degree possession of a dangerous weapon with intent to commit a
5341 crime is a Class A misdemeanor.

5342 § 22A-5106. Possession of a dangerous weapon during a crime.

5343 (a) *First degree.* An actor commits first degree possession of a dangerous weapon during
5344 a crime when the actor:

5345 (1) Knowingly possesses a firearm;

5346 (2) In furtherance of and while committing what, in fact, is an offense under
5347 Chapter 2 of this title.

5348 (b) *Second degree.* An actor commits second degree possession of a dangerous weapon
5349 during a crime when the actor:

5350 (1) Knowingly possesses:

5351 (A) An imitation firearm; or

5352 (B) A dangerous weapon;

5353 (2) In furtherance of and while committing what, in fact, is an offense under
5354 Chapter 2 of this title.

5355 (c) *Penalties.*

5356 (1) First degree possession of a dangerous weapon during a crime is a Class 9
5357 felony.

5358 (2) Second degree possession of a dangerous weapon during a crime is a Class A
5359 misdemeanor.

5360 § 22A-5107. Possession of a firearm by an unauthorized person.

5361 (a) *First degree.* An actor commits first degree possession of a firearm by an
5362 unauthorized person when the actor:

5363 (1) Knowingly possesses a firearm; and

5364 (2) Has a prior conviction for what is, in fact, a crime of violence other than
5365 conspiracy, or a comparable offense.

5366 (b) *Second degree.* An actor commits second degree possession of a firearm by an
5367 unauthorized person when the actor:

5368 (1) Knowingly possesses a firearm; and

5369 (2) In addition:

5370 (A) Is a fugitive from justice;

5371 (B) Has a prior conviction for what is, in fact:

5372 (i) A District offense that is currently punishable by imprisonment
5373 for a term exceeding one year, or a comparable offense, committed within 10 years of the current
5374 possession of a firearm;

5375 (ii) An offense under this subchapter, or a comparable offense,
5376 committed within 5 years of the current possession of a firearm; or

5377 (iii) An intrafamily offense, as that term is defined in § 16-1001(8),
5378 that requires as an element confinement, a sexual act, sexual contact, bodily injury, or threats, or
5379 a comparable offense, committed within 5 years of the current possession of a firearm; or

5380 (C) Is subject to a final civil protection order issued under § 16-1005 or a
5381 final anti-stalking order issued under § 16-1064.

5382 (c) *Exclusion from liability.* An actor does not commit an offense under this section for,
5383 in fact, possessing a firearm within the first 24 hours of the prior conviction or service of the
5384 protection order, or, when the judicial officer sentencing the actor or issuing the protection order
5385 specifically orders a shorter period of time for the actor to retrieve and safely transport the
5386 firearm or relinquish ownership, within the time specified by the judicial officer.

5387 (d) *Affirmative defense.* It is an affirmative defense to liability under this section that the
5388 actor possesses the item while, in fact, voluntarily surrendering the item pursuant to District or
5389 federal law.

5390 (e) *Penalties.*

5391 (1) First degree possession of a firearm by an unauthorized person is a Class 8
5392 felony.

5393 (2) Second degree possession of a firearm by an unauthorized person is a Class 9
5394 felony.

5395 (f) *Definitions.* For the purposes of this section, the term “fugitive from justice” means a
5396 person who has an open arrest warrant for:

5397 (1) Fleeing to avoid prosecution for a crime;

5398 (2) Fleeing to avoid giving testimony in a criminal proceeding; or
5399 (3) Escape from a correctional facility or officer under § 22A-4401.
5400 § 22A-5108. Negligent discharge of firearm.
5401 (a) *Offense.* An actor commits negligent discharge of a firearm when the actor:
5402 (1) Negligently discharges a projectile from a firearm outside a licensed firing
5403 range; and
5404 (2) In fact, does not have:
5405 (A) A written permit issued by the Metropolitan Police Department; or
5406 (B) Other permission under District or federal law.
5407 (b) *Prosecutorial authority.* The Attorney General for the District of Columbia shall
5408 prosecute violations of this section.
5409 (c) *Penalties.* Negligent discharge of a firearm is a Class A misdemeanor.
5410 § 22A-5109. Alteration of a firearm identification mark.
5411 (a) *Offense.* An actor commits alteration of a firearm identification mark when the actor:
5412 (1) Knowingly alters or removes from a firearm:
5413 (A) The name of the maker;
5414 (B) The model;
5415 (C) The manufacturer's number; or
5416 (D) Other identifying mark;
5417 (2) With intent to conceal or misrepresent the identity of the firearm.
5418 (b) *Penalties.* Alteration of a firearm identification mark is a Class A misdemeanor.
5419 (c) *Definitions.* For the purposes of this section, the term "manufacturer" shall have the
5420 same meaning as provided in § 7-2505.03(2).

5421 § 22A-5110. Civil provisions for prohibitions of firearms on public or private property.

5422 (a) The District may prohibit or restrict the possession of firearms on its property and any
5423 property under its control.

5424 (b) Private persons or entities owning property in the District may prohibit or restrict the
5425 possession of firearms on their property by any person other than a law enforcement officer
5426 while that law enforcement officer is lawfully authorized to enter onto the private property.

5427 § 22A-5111. Civil provisions for lawful transportation of a firearm or ammunition.

5428 Notwithstanding any other District law, a person shall be permitted to transport a firearm
5429 or ammunition under the following circumstances:

5430 (1) The person is not otherwise prohibited by law from possessing a firearm or
5431 ammunition;

5432 (2) The transportation of the firearm or ammunition is:

5433 (A) For any lawful purpose;

5434 (B) From any place where the person may lawfully possess the firearm or
5435 ammunition;

5436 (C) To any place where the person may lawfully possess the firearm or
5437 ammunition;

5438 (3) When the firearm is transported in a motor vehicle, the firearm is unloaded,
5439 and:

5440 (A) If the motor vehicle has a compartment separate from the passenger
5441 area, neither the firearm nor any ammunition is conveniently accessible and within reach from
5442 the passenger area of the motor vehicle; or

5443 (B) If the motor vehicle does not have a compartment separate from the
5444 passenger area, the firearm and any ammunition is in a locked container other than the glove
5445 compartment or console; and

5446 (4) When the firearm is not transported in a motor vehicle, the firearm is:

5447 (A) Unloaded;

5448 (B) Inside a locked container; and

5449 (C) Separate from any ammunition.

5450 § 22A-5112. Civil provisions for issuance of a license to carry a pistol.

5451 (a) The Chief of the Metropolitan Police Department may, upon the application of a
5452 person having a bona fide residence or place of business within the District of Columbia, or of a
5453 person having a bona fide residence or place of business within the United States and a license to
5454 carry a pistol concealed upon their person issued by the lawful authorities of any state or
5455 subdivision of the United States, issue a license to such person to carry a pistol concealed upon
5456 their person within the District of Columbia for not more than 2 years from the date of issue, if it
5457 appears that the person is a suitable person to be so licensed.

5458 (b) A non-resident who lives in a state or subdivision of the United States that does not
5459 require a license to carry a concealed pistol may apply to the Chief of the Metropolitan Police
5460 Department for a license to carry a pistol concealed upon their person within the District of
5461 Columbia for not more than 2 years from the date of issue; provided, that the person meets the
5462 same reasons and requirements set forth in subsection (a) of this section.

5463 (c) For any person issued a license pursuant to this section, or renewed pursuant to § 7-
5464 2509.03, the Chief of the Metropolitan Police Department may limit the geographic area,

5465 circumstances, or times of the day, week, month, or year in which the license is effective, and
5466 may subsequently limit, suspend, or revoke the license as provided under § 7-2509.05.

5467 (d) The application for a license to carry shall be on a form prescribed by the Chief of the
5468 Metropolitan Police Department and shall bear the name, address, description, photograph, and
5469 signature of the licensee.

5470 (e) Except as provided in § 7-2509.05(b), any person whose application has been denied
5471 or whose license has been limited or revoked may, within 15 days after the date of the notice of
5472 denial or notice of intent, appeal to the Concealed Pistol Licensing Review Board established
5473 pursuant to § 7-2509.08.

5474 § 22A-5113. Unlawful sale of a pistol.

5475 (a) *Offense.* An actor commits unlawful sale of a pistol when the actor:

5476 (1) Knowingly sells a pistol;

5477 (2) Reckless as to the fact that the purchaser is:

5478 (A) Not of sound mind;

5479 (B) Prohibited from possessing a firearm by § 22A-5107; or

5480 (C) Under 21 years of age, except when the purchaser is a child or ward of
5481 the actor.

5482 (b) *Penalties.* Unlawful sale of a pistol is a Class 9 felony.

5483 § 22A-5114. Unlawful transfer of a firearm.

5484 (a) *Offense.* An actor commits unlawful transfer of a firearm when the actor:

5485 (1) Knowingly, as the seller of a firearm, delivers the firearm to a purchaser:

5486 (A) Fewer than 10 days after the date of the purchase, except in the case of
5487 sales to law enforcement officers; or

5488 (B) In a manner other than as specified in § 22A-5111;

5489 (2) Knowingly, as the purchaser of a firearm, fails to sign in duplicate and deliver
5490 to the seller a statement containing the purchaser's full name, address, occupation, date and place
5491 of birth, the date of purchase, the caliber, make, model, and manufacturer's number of the
5492 firearm and a statement that the purchaser is not prohibited from possessing a firearm under §
5493 22A-5107;

5494 (3) Knowingly, as the seller of a firearm, fails to sign and attach their address to
5495 the purchaser's statement described in subsection (a)(2) of this section and deliver one copy to
5496 such person or persons as the Chief of the Metropolitan Police Department may designate, and
5497 retain the other copy for 6 years; or

5498 (4) Knowingly sells an assault weapon, machine gun, or sawed-off shotgun:

5499 (A) To any person other than the persons designated in § 22A-5102(b) as
5500 entitled to possess the same; or

5501 (B) Without prior permission to make such sale obtained from the Chief of
5502 the Metropolitan Police Department.

5503 (b) *Exclusion from liability.* An actor does not commit an offense under this section
5504 when, in fact, the actor is a wholesale dealer selling a firearm to a dealer licensed under § 22A-
5505 5116.

5506 (c) *Penalties.* Unlawful transfer of a firearm is a Class 9 felony.

5507 § 22A-5115. Sale of a firearm without a license.

5508 (a) *Offense.* An actor commits sale of a firearm without a license when the actor
5509 knowingly:

5510 (1) As a retail dealer:

5511 (A) Sells, exposes for sale, or possesses with intent to sell, a firearm;

5512 (B) Without a license under § 22A-5116; or

5513 (2) As a wholesale dealer, sells, or possesses with intent to sell, a firearm to any
5514 person other than a dealer licensed under § 22A-5116.

5515 (b) *Penalties.* Unlawful sale of a firearm without a license is a Class 9 felony.

5516 § 22A-5116. Civil provisions for licenses of firearms dealers.

5517 (a) The Mayor of the District of Columbia may, in their discretion, grant licenses and
5518 may prescribe the form thereof, effective for not more than one year after the date of issue,
5519 permitting the licensee to sell a firearm at retail within the District of Columbia. Any license
5520 issued under this section shall require the licensee to follow the licensure requirements described
5521 in subsection (b) of this section.

5522 (b)(1) Firearm sales shall occur only in the building designated in the license.

5523 (2) The license or a copy thereof, certified by the issuing authority, shall be
5524 clearly and conspicuously displayed on the premises.

5525 (3) No firearm shall be sold if the purchaser is:

5526 (A) Not of sound mind;

5527 (B) Prohibited from possessing a firearm under § 22A-5107;

5528 (C) Under 21 years of age; or

5529 (D) Unknown to the seller, unless the purchaser presents clear evidence of
5530 the purchaser's identity.

5531 (4) No assault weapon, machine gun, or sawed-off shotgun shall be sold to any
5532 person other than the persons specified in § 22A-5102(b) as entitled to possess the same, and

5533 then only after permission to make such sale has been obtained from the Chief of the
5534 Metropolitan Police Department.

5535 (5) A true record shall be made of all firearms in the possession of the licensee, in
5536 a form prescribed by the Mayor. The record shall contain the date of purchase, the caliber,
5537 make, model, and manufacturer's number of each weapon, to which shall be added, when sold,
5538 the date of sale.

5539 (6) A true record in duplicate shall be made of every firearm sold, in a form
5540 prescribed by the Mayor. The record shall be personally signed by the purchaser and by the
5541 person effecting the sale, each in the presence of the other, and shall contain the date of sale; the
5542 name, address, occupation, and place of birth of the purchaser; so far as applicable, the caliber,
5543 make, model, and manufacturer's number of the weapon; and a statement by the purchaser that
5544 the purchaser is not a person prohibited from possessing a firearm under § 22A-5107. A copy of
5545 the record shall, within 7 days after the sale, be forwarded by mail to the Chief of the
5546 Metropolitan Police Department and the other copy retained by the seller for 6 years after the
5547 sale.

5548 (7) No firearm or imitation firearm or placard advertising the sale of a firearm or
5549 imitation firearm shall be clearly and conspicuously displayed on the premises, where it can
5550 readily be seen from outside.

5551 (c) Any license shall be subject to forfeiture for any violation of the requirements
5552 specified in subsection (b) of this section.

5553 (d) Any license issued under this section shall be issued by the Metropolitan Police
5554 Department as a Public Safety endorsement to a basic business license under the basic business
5555 license system as set forth in Subchapter I-A of Chapter 28 of Title 47.

5556 (e) *Definitions.* For the purposes of this section, the term “manufacturer” shall have the
5557 same meaning as provided in § 7-2505.03(2).

5558 § 22A-5117. Unlawful sale of a firearm by a licensed dealer.

5559 (a) *Offense.* An actor commits unlawful sale of a firearm by a licensed dealer when the
5560 actor:

5561 (1) In fact, is a licensed dealer under § 22A-5116; and

5562 (2) Recklessly violates a licensure requirement specified in § 22A-5116(b).

5563 (b) *Penalties.* Unlawful sale of a firearm by a licensed dealer is a Class A misdemeanor.

5564 § 22A-5118. Use of false information for purchase or licensure of a firearm.

5565 (a) *Offense.* An actor commits use of false information for purchase or licensure of a
5566 firearm when the actor knowingly gives false information or false evidence of identity to:

5567 (1) Purchase a firearm; or

5568 (2) Apply for a license to carry a pistol under § 22A-5112.

5569 (b) *Penalties.* Use of false information for purchase or licensure of a firearm is a Class A
5570 misdemeanor.

5571 § 22A-5119. Civil provisions for taking and destruction of dangerous articles.

5572 (a) A dangerous article unlawfully owned, possessed, or carried is hereby declared to be a
5573 nuisance.

5574 (b) When a police officer, in the course of a lawful arrest or lawful search, or when a
5575 designated civilian employee of the Metropolitan Police Department in the course of a lawful
5576 search, discovers a dangerous article that the officer reasonably believes is a nuisance under
5577 subsection (a) of this section the officer shall take it into their possession and surrender it to the
5578 Property Clerk of the Metropolitan Police Department.

5579 (c) *Hearing procedures.*

5580 (1) Within 30 days after the date of such surrender, any person may file in the
5581 office of the Property Clerk of the Metropolitan Police Department a written claim for possession
5582 of such dangerous article. Upon the expiration of the period, the Property Clerk shall notify each
5583 claimant, by registered mail addressed to the address shown on the claim, of the time and place
5584 of a hearing to determine which claimant, if any, is entitled to possession of such dangerous
5585 article. The hearing shall be held within 60 days after the date of such surrender.

5586 (2) At the hearing, the Property Clerk shall hear and receive evidence with respect
5587 to the claims filed under paragraph (1) of this subsection. Thereafter the Property Clerk shall
5588 determine which claimant, if any, is entitled to possession of such dangerous article and shall
5589 reduce their decision to writing. The Property Clerk shall send a true copy of the written
5590 decision to each claimant by registered mail addressed to the most recent address of the claimant.

5591 (3) Any claimant may, within 30 days after the day on which the copy of the
5592 decision was mailed to such claimant, file an appeal in the Superior Court of the District of
5593 Columbia. If the claimant files an appeal, the claimant shall at the same time give written notice
5594 thereof to the Property Clerk. If the decision of the Property Clerk is so appealed, the Property
5595 Clerk shall not dispose of the dangerous article while the appeal is pending and, if the final
5596 judgment is entered by the court, the Property Clerk shall dispose of the dangerous article in
5597 accordance with the judgment of the court. The court is authorized to determine which claimant,
5598 if any, is entitled to possession of the dangerous article and to enter a judgment ordering a
5599 disposition of the dangerous article consistent with subsection (e) of this section.

5600 (4) If there is no appeal, or if the appeal is dismissed or withdrawn, the Property
5601 Clerk shall dispose of the dangerous article in accordance with subsection (e) of this section.

5602 (5) The Property Clerk shall make no disposition of a dangerous article under this
5603 section, whether in accordance with their own decision or in accordance with the judgment of the
5604 court, until the United States Attorney for the District of Columbia or the Attorney General for
5605 the District of Columbia certifies to the Property Clerk that the dangerous article will not be
5606 needed as evidence.

5607 (d) A person claiming a dangerous article shall be entitled to its possession only if:

5608 (1) The claimant shows, on satisfactory evidence that the ownership is lawful and:

5609 (A) The person is the owner of the dangerous article; or

5610 (B) The person is the accredited representative of the owner and has a
5611 power of attorney from the owner;

5612 (2) The claimant shows, on satisfactory evidence, that at the time the dangerous
5613 article was taken into possession by a police officer or a designated civilian employee of the
5614 Metropolitan Police Department, it was not unlawfully owned and was not unlawfully possessed
5615 or carried by the claimant or with their awareness or consent; and

5616 (3) The receipt of possession by the claimant does not cause the article to be a
5617 nuisance.

5618 (e) If a person claiming a dangerous article is entitled to its possession as determined
5619 under subsections (c) and (d) of this section, possession of such dangerous article shall be given
5620 to the claimant. If no person so claiming is entitled to its possession as determined under
5621 subsections (c) and (d) of this section, or if there is no claimant, the dangerous article shall be
5622 destroyed or, upon order of the Mayor of the District of Columbia, transferred to and used by any
5623 federal or District government law enforcement agency. A District government agency receiving
5624 a dangerous article under this section shall establish responsibility and records for the item.

5625 (f) The Property Clerk shall not be liable in damages for any action performed in good
5626 faith under this section.

5627 (g) *Definitions.* For the purposes of this section, the term “dangerous article” means:

5628 (1) A bump stock;

5629 (2) A firearm;

5630 (3) A firearm silencer;

5631 (4) A large capacity ammunition feeding device; or

5632 (5) A restricted explosive.

5633 § 22A-5120. Endangerment with a firearm.

5634 (a) *Offense.* An actor commits endangerment with a firearm when the actor:

5635 (1) Knowingly discharges a projectile from a firearm outside a licensed firing
5636 range; and

5637 (2) Either:

5638 (A) The discharged projectile creates a substantial risk of death or bodily
5639 injury to another person; or

5640 (B) In fact:

5641 (i) The actor or the discharged projectile is in a location that is:

5642 (I) Open to the general public at the time of the offense;

5643 (II) A communal area of multi-unit housing;

5644 (III) A public conveyance; or

5645 (IV) A rail transit station; and

5646 (ii) The actor does not have permission to discharge a projectile
5647 from a firearm under:

5648 (I) A written permit issued by the Metropolitan Police
5649 Department; or

5650 (II) Other District or federal law.

5651 (b) *Penalties*. Endangerment with a firearm is a Class 9 felony.

5652 (c) *Multiple convictions for related offenses*. A conviction for an offense under this
5653 section and a conviction for another offense that has as an objective element in the offense
5654 definition or applicable penalty enhancement the use or display, or attempted use or display, of a
5655 firearm, imitation firearm, or dangerous weapon shall merge when the convictions arise from the
5656 same act or course of conduct and the same complainant.

5657 (d) *Merger procedure and rule of priority*. For an actor found guilty of 2 or more
5658 offenses that merge under this section the sentencing court shall follow the procedures specified
5659 in § 22A-212(b) and (c).

5660 SUBCHAPTER II. BREACHES OF PEACE.

5661 § 22A-5201. Disorderly conduct.

5662 (a) *Offense*. An actor commits disorderly conduct when the actor:

5663 (1) In fact, is in a location that is:

5664 (A) Open to the general public at the time of the offense;

5665 (B) Inside a public conveyance or a rail transit station; or

5666 (C) A communal area of multi-unit housing; and

5667 (2) Engages in any of the following conduct:

5668 (A) Recklessly, by conduct other than speech, causes any person present
5669 to reasonably believe that they are likely to suffer immediate criminal bodily injury, taking of
5670 property, or damage to property;

5671 (B) Purposely commands, requests, or tries to persuade any person present
5672 to cause immediate criminal bodily injury, taking of property, or damage to property, reckless as
5673 to the fact that the harm is likely to occur;

5674 (C) Purposely directs abusive speech to any person present, reckless as to
5675 the fact that such conduct is likely to provoke immediate retaliatory criminal bodily injury,
5676 taking of property, or damage to property; or

5677 (D) Knowingly continues or resumes fighting with another person after
5678 receiving a law enforcement officer's order to stop.

5679 (b) *Exclusions from liability.*

5680 (1) An actor does not commit an offense under subsection (a)(2)(A) of this section
5681 when, in fact, the other person present is a law enforcement officer in the course of official
5682 duties.

5683 (2) An actor does not commit an offense under subsection (a)(2)(C) of this section
5684 when, in fact, the conduct is directed to or likely to provoke a law enforcement officer in the
5685 course of official duties.

5686 (c) *Prosecutorial authority.* The Attorney General for the District of Columbia shall
5687 prosecute violations of this section.

5688 (d) *Penalties.* Disorderly conduct is a Class D misdemeanor.

5689 § 22A-5202. Public nuisance.

5690 (a) *Offense.* An actor commits public nuisance when the actor purposely causes
5691 significant interruption to:

5692 (1) The orderly conduct of a meeting by a District or federal public body;

5693 (2) A person’s reasonable, quiet enjoyment of their dwelling, between 10:00 p.m.
5694 and 7:00 a.m., and continues or resumes the conduct after receiving oral or written notice to stop;

5695 (3) A person’s lawful use of a public conveyance; or

5696 (4) A religious service, funeral, or wedding, that is, in fact, lawful and in a
5697 location that is open to the general public at the time of the offense.

5698 (b) *Prosecutorial authority.* The Attorney General for the District of Columbia shall
5699 prosecute violations of this section.

5700 (c) *Penalties.* Public nuisance is a Class D misdemeanor.

5701 (d) *Definitions.* For the purposes of this section, the terms “meeting” and “public body”
5702 shall have the same meanings as provided in in § 2-574(1) and (3), respectively.

5703 § 22A-5203. Blocking a public way.

5704 (a) *Offense.* An actor commits blocking a public way when the actor:

5705 (1) Knowingly blocks a street, sidewalk, bridge, path, entrance, exit, or
5706 passageway;

5707 (2) While on land or in a building that is owned by a government, government
5708 agency, or government-owned corporation; and

5709 (3) Continues or resumes the blocking after receiving a law enforcement officer’s
5710 order that, in fact, is lawful, to stop.

5711 (b) *Prosecutorial authority.* The Attorney General for the District of Columbia shall
5712 prosecute violations of this section.

5713 (c) *Penalties.* Blocking a public way is a Class D misdemeanor.

5714 § 22A-5204. Unlawful demonstration.

5715 (a) *Offense.* An actor commits unlawful demonstration when the actor:

- 5716 (1) Knowingly engages in a demonstration;
- 5717 (2) In a location where the demonstration, in fact, is otherwise unlawful under
- 5718 District or federal law; and
- 5719 (3) Continues or resumes engaging in the demonstration after receiving a law
- 5720 enforcement order to stop.

5721 (b) *Prosecutorial authority.* The Attorney General for the District of Columbia shall

5722 prosecute violations of this section.

5723 (c) *Penalties.* Unlawful demonstration is a Class D misdemeanor.

5724 § 22A-5205. Breach of home privacy.

5725 (a) *Offense.* An actor commits breach of home privacy when the actor:

- 5726 (1) Knowingly and surreptitiously observes inside a dwelling, by any means; and
- 5727 (2) In fact, an occupant of the dwelling would have a reasonable expectation of
- 5728 privacy.

5729 (b) *Prosecutorial authority.* The Attorney General for the District of Columbia shall

5730 prosecute violations of this section.

5731 (c) *Penalties.* Breach of home privacy is a Class C misdemeanor.

5732 § 22A-5206. Indecent exposure.

5733 (a) *First degree.* An actor commits first degree indecent exposure when the actor:

- 5734 (1) Knowingly engages in:
- 5735 (A) A sexual act;
- 5736 (B) Masturbation; or
- 5737 (C) A sexual or sexualized display of the genitals, pubic area, or anus,
- 5738 when there is less than a full opaque covering; and

- 5739 (2) The conduct is:
- 5740 (A) Is visible to the complainant;
- 5741 (B) Is without the complainant's effective consent; and
- 5742 (C) Is with the purpose of alarming or sexually abusing, humiliating,
- 5743 harassing, or degrading the complainant.
- 5744 (b) *Second degree*. An actor commits second degree indecent exposure when the actor:
- 5745 (1) Knowingly engages in:
- 5746 (A) A sexual act;
- 5747 (B) Masturbation; or
- 5748 (C) A display of the genitals, pubic area, or anus, when there is less than a
- 5749 full opaque covering;
- 5750 (2) In, or visible from, a location that is:
- 5751 (A) Open to the general public at the time of the offense;
- 5752 (B) A communal area of multi-unit housing;
- 5753 (C) A public conveyance; or
- 5754 (D) A rail transit station; and
- 5755 (3) Reckless as to the fact that the conduct:
- 5756 (A) Is visible to the complainant;
- 5757 (B) Is without the complainant's effective consent; and
- 5758 (C) Alarms or sexually abuses, humiliates, harasses, or degrades any
- 5759 person.
- 5760 (c) *Exclusions from liability*.

5761 (1) An actor does not commit an offense under subsection (a) of this section
5762 when, in fact:

5763 (A) The actor is inside their own individual dwelling unit; and

5764 (B) The conduct is not visible to any person outside the dwelling.

5765 (2) An actor shall not be subject to prosecution under this section when, in fact,
5766 the actor is:

5767 (A) An employee of a licensed sexually-oriented business establishment;

5768 and

5769 (B) Acting within the reasonable scope of that role.

5770 (d) *Prosecutorial authority.* The Attorney General for the District of Columbia shall
5771 prosecute violations of subsection (b) of this section.

5772 (e) *Penalties.*

5773 (1) First degree indecent exposure is a Class B misdemeanor.

5774 (2) Second degree indecent exposure is a Class C misdemeanor.

5775 (f) *Definitions.* For the purposes of this section, the term “sexually-oriented business
5776 establishment” shall have the same meaning as provided in in 11 DCMR § 199.1.

5777 SUBCHAPTER III. GROUP MISCONDUCT.

5778 § 22A-5301. Rioting.

5779 (a) *Offense.* An actor commits rioting when the actor:

5780 (1) Knowingly commits or attempts to commit a criminal bodily injury, taking of
5781 property, or damage to property;

5782 (2) Reckless as to the fact 7 or more other people are each personally and
5783 simultaneously committing or attempting to commit a criminal bodily injury, taking of property,
5784 or damage to property, in the area reasonably perceptible to the actor.

5785 (b) *No attempt liability.* The criminal attempt provision in § 22A-301 shall not apply to
5786 this section.

5787 (c) *Penalties.* Rioting is a Class A misdemeanor.

5788 § 22A-5302. Failure to disperse.

5789 (a) *Offense.* An actor commits failure to disperse when the actor:

5790 (1) Knowingly fails to obey a law enforcement officer's dispersal order;

5791 (2) Reckless as to the fact that 8 or more people are each personally and
5792 simultaneously committing or attempting to commit a criminal bodily injury, taking of property,
5793 or damage to property, in the area reasonably perceptible to the actor; and

5794 (3) In fact, the actor's presence substantially impairs the ability of a law
5795 enforcement officer to safely prevent or stop the criminal conduct.

5796 (b) *Penalties.* Failure to disperse is a Class D misdemeanor.

5797 SUBCHAPTER IV. PROSTITUTION AND RELATED STATUTES.

5798 § 22A-5401. Prostitution.

5799 (a) *Offense.* An actor commits prostitution when the actor knowingly:

5800 (1) Pursuant to a prior agreement, explicit or implicit, engages in or submits to a
5801 sexual act or sexual contact in exchange for the actor or a third party receiving anything of value;

5802 (2) Agrees, explicitly or implicitly, to engage in or submit to a sexual act or
5803 sexual contact in exchange for the actor or a third party receiving anything of value; or

5804 (3) Commands, requests, or tries to persuade any person to engage in or submit to
5805 a sexual act or sexual contact in exchange for the actor or a third party receiving anything of
5806 value.

5807 (b) *Immunity.*

5808 (1) An actor does not commit an offense under this section when, in fact, the actor
5809 is under 18 years of age.

5810 (2) The Metropolitan Police Department and any other District agency designated
5811 by the Mayor shall refer any person under 18 years of age that is suspected of violating
5812 subsection (a) of this section to an organization that provides treatment, housing, or services
5813 appropriate for victims of sex trafficking of a minor under § 22A-2605.

5814 (c) *Penalties.* Prostitution is a Class D misdemeanor.

5815 § 22A-5402. Patronizing prostitution.

5816 (a) *Offense.* An actor commits patronizing prostitution when the actor knowingly:

5817 (1) Pursuant to a prior agreement, explicit or implicit, engages in or submits to a
5818 sexual act or sexual contact in exchange for the actor giving another person anything of value;

5819 (2) Agrees, explicitly or implicitly, to give anything of value to another person in
5820 exchange for that person or a third party engaging in or submitting to a sexual act or sexual

5821 contact; or

5822 (3) Commands, requests, or tries to persuade any person to engage in or submit to
5823 a sexual act or sexual contact in exchange for the actor giving another person anything of value.

5824 (b) *Penalties.*

5825 (1) Patronizing prostitution is a Class D misdemeanor.

5826 (2) *Penalty enhancements.* The penalty classification of this offense shall be
5827 increased by one class when the actor:

5828 (A) Is reckless as to the fact that the person patronized is under 18 years of
5829 age, or, in fact, the person patronized is under 12 years of age; or

5830 (B) Is reckless as to the fact that the person patronized is:

5831 (i) Incapable of appraising the nature of the sexual act or sexual
5832 contact or of understanding the right to give or withhold consent to the sexual act or sexual
5833 contact, either due to a drug, intoxicant, or other substance, or, due to an intellectual,
5834 developmental, or mental disability or mental illness when the actor has no similarly serious
5835 disability or illness; or

5836 (ii) Incapable of communicating willingness or unwillingness to
5837 engage in the sexual act or sexual contact.

5838 § 22A-5403. Trafficking in commercial sex.

5839 (a) *Offense.* An actor commits trafficking in commercial sex when the actor:

5840 (1) With intent to receive anything of value as a result, purposely:

5841 (A) Causes, procures, provides, recruits, or entices a person to engage in
5842 or submit to a commercial sex act with or for another person; or

5843 (B) Provides or maintains a location for a person to engage in or submit to
5844 a commercial sex act with or for another person;

5845 (2) Knowingly receives anything of value as a result of:

5846 (A) Causing, procuring, providing, recruiting, or enticing a person to
5847 engage in or submit to a commercial sex act with or for another person; or

5848 (B) Providing or maintaining a location for a person to engage in or
5849 submit to a commercial sex act with or for another person; or

5850 (3) Obtains anything of value from the proceeds or earnings of a commercial sex
5851 act that a person has engaged in or submitted to, either without consideration or when the
5852 consideration is providing or maintaining a location for a commercial sex act.

5853 (b) *Penalties.*

5854 (1) Trafficking in commercial sex is a Class 9 felony.

5855 (2) *Penalty enhancements.* The penalty classification of this offense shall be
5856 increased by one class when the actor:

5857 (A) Is reckless as to the fact that the person trafficked is under 18 years of
5858 age, or, in fact, the person trafficked is under 12 years of age; or

5859 (B) Is reckless as to the fact that the person trafficked is:

5860 (i) Incapable of appraising the nature of the commercial sex act or
5861 of understanding the right to give or withhold consent to the commercial sex act, either due to a
5862 drug, intoxicant, or other substance, or, due to an intellectual, developmental, or mental disability
5863 or mental illness when the actor has no similarly serious disability or illness; or

5864 (ii) Incapable of communicating willingness or unwillingness to
5865 engage in the commercial sex act.

5866 § 22A-5404. Civil forfeiture.

5867 (a) *Property subject to forfeiture.* The following are subject to civil forfeiture:

5868 (1) In fact, all conveyances, including aircraft, vehicles, or vessels, which are
5869 possessed with intent to be used, or are, in fact, used, to facilitate the commission of trafficking
5870 in commercial sex under § 22A-5403; and

5871 (2) In fact, all money, coins, and currency which are possessed with intent to be
5872 used, or are, in fact, used, to facilitate the commission of trafficking in commercial sex under §
5873 22A-5403.

5874 (b) *Requirements for forfeiture.* All seizures and forfeitures under this section shall be
5875 pursuant to the standards and procedures set forth in Chapter 3 of Title 41.

5876 SUBCHAPTER V. CRUELTY TO ANIMALS.

5877 [Reserved].

5878 SUBCHAPTER VI. OFFENSES AGAINST THE FAMILY AND YOUTH.

5879 § 22A-5601. Contributing to the delinquency of a minor.

5880 (a) *Offense.* An actor commits contributing to the delinquency of a minor when the actor:

5881 (1) In fact, is 18 years of age or older and at least four years older than the
5882 complainant;

5883 (2) Is reckless as to the fact that the complainant is under 18 years of age; and

5884 (3) In fact, either:

5885 (A) Is an accomplice to the complainant under § 22A-210 for any District
5886 offense, a violation of § 25-1002, or a comparable offense or comparable violation; or

5887 (B) Engages in criminal solicitation of the complainant under § 22A-302
5888 for any District offense, a violation of § 25-1002, or a comparable offense or comparable
5889 violation.

5890 (b) *Exclusions from liability.*

5891 (1) An actor does not commit an offense under this section when, in fact, during a
5892 demonstration, the complainant's conduct constitutes, or, if carried out, would constitute, a
5893 trespass under § 22A-2601, a public nuisance under § 22A-5202, blocking a public way under §

5894 22A-5203, an unlawful demonstration under § 22A-5204, an attempt to commit any such an
5895 offense, or a comparable offense.

5896 (2) An actor does not commit an offense under this section when, in fact, the actor
5897 satisfies the requirements specified under § 7-403.

5898 (c) *Relationship to minor's conduct.* An actor may be convicted of an offense under this
5899 section even though the complainant has been acquitted, or has not been arrested, prosecuted,
5900 convicted, or adjudicated delinquent.

5901 (d) *Affirmative defense.* It is an affirmative defense to liability under this section that the
5902 actor engages in the conduct constituting the offense:

5903 (1) With intent to safeguard or promote the welfare of the complainant; and

5904 (2) In fact, such conduct:

5905 (A) Is reasonable in manner and degree, under all the circumstances; and

5906 (B) Does not create a substantial risk of, or cause, death or serious bodily
5907 injury.

5908 (e) *Penalties.* Contributing to the delinquency of a minor is a Class B misdemeanor.

5909 SUBCHAPTER VII. GAMBLING.

5910 [Reserved].

5911 SUBCHAPTER VIII. ENVIRONMENTAL OFFENSES.

5912 [Reserved].”.

5913 TITLE II. ADDITIONAL REVISED CRIMINAL OFFENSES AND
5914 PROVISIONS.

5915 Sec. 201. The Firearms Control Regulations Act of 1975, effective September 24, 1976
5916 (D.C. Law 1-85; D.C. Official Code § 7-2501.01 *et seq.*), is amended as follows:

5917 (a) Section 201 (D.C. Official Code § 7-2502.01) is amended as follows:

5918 (1) The section heading is amended to read as follows:

5919 “Sec. 201. Eligibility for firearm registration.”.

5920 (2) Subsection (a) is amended by striking the phrase “Except as otherwise provided
5921 in this act, no person or organization in the District of Columbia (“District”) shall receive, possess,
5922 control, transfer, offer for sale, sell, give, or deliver any destructive device, and no person or
5923 organization in the District shall possess or control any firearm, unless the person or organization
5924 holds a valid registration certificate for the firearm. A registration” and inserting the phrase “A
5925 registration” in its place.

5926 (3) Subsection (b) is repealed.

5927 (4) Subsection (c) is repealed.

5928 (b) A new section 201a is added to read as follows:

5929 “Sec. 201a. Possession of an unregistered firearm, destructive device, or ammunition.

5930 “(a) *First degree.* An actor commits first degree possession of an unregistered
5931 firearm, destructive device, or ammunition when the actor knowingly possesses:

5932 “(1) A destructive device;

5933 “(2) One or more restricted pistol bullets; or

5934 “(3) A firearm without, in fact, being the holder of a registration certificate
5935 issued under section 207 for that firearm.

5936 “(b) *Second degree.* An actor commits second degree possession of an unregistered
5937 firearm, destructive device, or ammunition when the actor knowingly possesses ammunition
5938 without, in fact, being the holder of a registration certificate issued under section 207 for a firearm
5939 of the same caliber.

5940 “(c) *Exclusions from liability.*

5941 “(1) An actor does not commit an offense under subsection (a) of this
5942 section for, in fact, possessing a firearm frame, receiver, muffler, or silencer.

5943 “(2) An actor does not commit an offense under subsection (a) of this
5944 section for, in fact, possessing a lacrimator or sternutator.

5945 “(3) An actor does not commit an offense under subsection (a) of this
5946 section when, in fact, the actor is a nonresident of the District of Columbia who is:

5947 “(A) Participating in a lawful recreational firearm-related activity
5948 inside the District; or

5949 “(B) Traveling to or from a lawful recreational firearm-related
5950 activity outside the District and:

5951 “(i) Is transporting the firearm in accordance with the requirements
5952 specified in D.C. Official Code § 22A-5111; and

5953 “(ii) Upon demand of a law enforcement officer, the actor exhibits
5954 proof that:

5955 “(I) The actor is traveling to or from a lawful recreational
5956 firearm-related activity outside the District; and

5957 “(II) The actor’s possession or control of the firearm
5958 is lawful in the actor’s jurisdiction of residence.

5959 “(4) An actor does not commit an offense under subsection (b) of this
5960 section when, in fact, the actor is the holder of an ammunition collector’s certificate effective on
5961 or before September 24, 1976.

5962 “(5) An actor does not commit an offense under subsection (b) this section

5963 for, in fact, possessing one or more empty cartridge cases, shells, or spent bullets.

5964 “(6) An actor does not commit an offense under this section when, in fact, the
5965 actor satisfies the criteria in D.C. Official Code § 22A-5102.

5966 “(d) *Affirmative defense.* It is an affirmative defense to liability under this section
5967 that the actor possesses the item while, in fact, voluntarily surrendering the item pursuant to
5968 District or federal law.

5969 “(e) *Prosecutorial authority.* The Attorney General for the District of Columbia
5970 shall prosecute violations of this section.

5971 “(f) *Penalties.*

5972 “(1) First degree possession of an unregistered firearm, destructive device,
5973 or ammunition is a Class A misdemeanor.

5974 “(2) Second degree possession of an unregistered firearm, destructive
5975 device, or ammunition is a Class B misdemeanor.

5976 “(3) *Administrative disposition.* The Attorney General for the District of
5977 Columbia may, in its discretion, offer an administrative disposition under the First Amendment
5978 Assembly Enforcement and Procedure Act of 2004, effective April 13, 2005 (D.C. Law 15-352;
5979 D.C. Official Code § 5-335.01 *et seq.*), for a violation of this section.

5980 “(g) *Interpretation of statute.* Subchapters I through VI of Chapter 1 of Title 22A
5981 shall apply to this offense.”.

5982 (c) Section 212 (D.C. Official Code § 7-2502.12) is repealed.

5983 (d) Section 213 (D.C. Official Code § 7-2502.13) is repealed.

5984 (e) Section 215 (D.C. Official Code § 7-2502.15) is amended to read as follows:

5985 “Sec. 215. Possession of a stun gun.

5986 “(a) *Offense.* An actor commits possession of a stun gun when the actor knowingly
5987 possesses a stun gun and:

5988 “(1) Is under 18 years of age; or

5989 “(2) Is in a location that:

5990 “(A) Is a building, building grounds, or part of a building, that is
5991 occupied by the District of Columbia;

5992 “(B) Is a building, building grounds, or part of a building, that is
5993 occupied by a preschool, a primary or secondary school, public recreation center, or a children’s
5994 day care center; or

5995 “(C) Displays clear and conspicuous signage indicating that stun
5996 guns are prohibited.

5997 “(b) *Exclusion from liability.* An actor does not commit an offense under this
5998 section when, in fact, the actor satisfies the criteria in D.C. Official Code § 22A-5102.

5999 “(c) *Affirmative defense.* It is an affirmative defense to liability under this section
6000 that, in fact:

6001 “(1) A person lawfully in charge of the location gave effective consent to
6002 the conduct charged to constitute the offense; or

6003 “(2) The actor reasonably believes that a person lawfully in charge of the
6004 location gave effective consent to the conduct charged to constitute the offense.

6005 “(d) *Prosecutorial authority.* The Attorney General for the District of Columbia
6006 shall prosecute violations of this section.

6007 “(e) *Penalties.* Possession of a stun gun is a Class B misdemeanor.

6008 “(f) *Interpretation of statute.* Subchapters I through VI of Chapter 1 of Title 22A

6009 shall apply to this offense.”.

6010 (f) A new section 217 is added to read as follows:

6011 “Sec. 217. Carrying an air or spring gun.

6012 “(a) *Offense.* An actor commits carrying an air or spring gun when the actor:

6013 “(1) Knowingly possesses any instrument or weapon of the kind commonly
6014 called an air rifle, air gun, air pistol, B-B gun, spring gun, blowgun, or bowgun;

6015 “(2) While outside a building; and

6016 “(3) The instrument or weapon is conveniently accessible and within reach.

6017 “(b) *Exclusions from liability.*

6018 “(1) An actor does not commit an offense under this section if, in fact, the
6019 conduct occurs:

6020 “(A) As part of a lawful theatrical performance, athletic contest, or
6021 educational or cultural presentation;

6022 “(B) In a licensed firing range; or

6023 “(C) With the permission of the Metropolitan Police Department.

6024 “(2) An actor does not commit an offense under this section if, in fact, the
6025 actor:

6026 “(A) Is 18 years of age or older; and

6027 “(B) Transports the instrument or weapon while it is unloaded and
6028 securely wrapped.

6029 “(3) An actor does not commit an offense under this section when, in fact,
6030 the actor satisfies the criteria in D.C. Official Code § 22A-5102.

6031 “(c) *Prosecutorial authority.* The Attorney General for the District of Columbia

6032 shall prosecute violations of this section.

6033 “(d) *Penalties*. Carrying an air or spring gun is a Class D misdemeanor.

6034 “(e) *Interpretation of statute*. Subchapters I through VI of Chapter 1 of Title 22A
6035 shall apply to this offense.”.

6036 (g) Section 601 (D.C. Official Code § 7-2506.01) is repealed.

6037 (h) Section 702 (D.C. Official Code § 7-2607.02) is amended to read as follows:

6038 “Sec. 702. Unlawful storage of a firearm.

6039 “(a) *Offense*. An actor commits unlawful storage of a firearm when the actor:

6040 “(1) Knowingly possesses a firearm that is:

6041 “(A) Not conveniently accessible and within reach;

6042 “(B) Not in a securely locked container; and

6043 “(C) Not in another location that, in fact, a reasonable person would
6044 believe to be secure; and

6045 “(2) Is negligent as to the fact that:

6046 “(A) A person other than the actor who is under 18 years of age is
6047 able to access the firearm without the permission of their parent or guardian; or

6048 “(B) A person other than the actor who is prohibited from possessing
6049 a firearm under District law is able to access the firearm.

6050 “(b) *Prosecutorial authority*. The Attorney General for the District of Columbia
6051 shall prosecute violations of this section.

6052 “(c) *Penalties*.

6053 “(1) Unlawful storage of a firearm is a Class A misdemeanor.

6054 “(2) *Penalty enhancements*. The penalty classification of an offense under

6055 subsection (a) of this section shall be increased by one class when, in fact, a person under 18 years
6056 of age accesses and uses the firearm to cause either:

6057 “(A) A criminal bodily injury; or

6058 “(B) A bodily injury to themselves.

6059 “(d) *Interpretation of statute.* Subchapters I through VI of Chapter 1 of Title 22A
6060 shall apply to this offense.”.

6061 (i) Section 706 (D.C. Official Code § 7-2507.06) is amended to read as follows:

6062 “Sec. 706. Penalties.

6063 “(a) Except as provided in subsection (b) of this section, sections 201a, 205, 208, 215, 217,
6064 702, and 807, Title IX, and § 1011, any person convicted of a violation of any provision of this act
6065 shall be fined not more than the amount set forth in section 101 of the Criminal Fine Proportionality
6066 Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-
6067 3571.01), or incarcerated for no more than one year, or both.

6068 “(b) A person who knowingly or intentionally sells, transfers, or distributes a firearm,
6069 destructive device, or ammunition to a person under 18 years of age shall be fined not more than
6070 the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012,
6071 effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or incarcerated for
6072 no more than 10 years, or both.”.

6073 (j) A new section 906a is added to read as follows:

6074 “Sec. 906a. Carrying a pistol in an unlawful manner.

6075 “(a) *Offense.* An actor commits carrying a pistol in an unlawful manner when the actor:

6076 “(1) Knowingly possesses a pistol;

6077 “(2) While outside the actor’s home or place of business;

6078 “(3) The pistol is conveniently accessible and within reach; and

6079 “(4) In addition:

6080 “(A)The actor possesses ammunition that is conveniently accessible and

6081 within reach and is either:

6082 “(i) More than is required to fully load the pistol twice; or

6083 “(ii) More than 20 rounds;

6084 “(B) The pistol is not entirely hidden from public view; or

6085 “(C) The pistol is not in a holster on the actor’s person in a firmly secure

6086 manner that is reasonably designed to prevent loss, theft, and accidental discharge of the pistol.

6087 “(b) *Exclusions from liability.* An actor does not commit an offense under this section

6088 when, in fact, the actor satisfies the criteria in D.C. Official Code § 22A-5102.

6089 “(c) *Prosecutorial authority.* The Attorney General for the District of Columbia

6090 shall prosecute violations of this section.

6091 “(d) *Penalties.* Carrying a pistol in an unlawful manner is a Class D misdemeanor.

6092 “(e) *Interpretation of statute.* Subchapters I through VI of Chapter 1 of Title 22A

6093 shall apply to this offense.”.

6094 Sec. 202. Title 16 of the District of Columbia Official Code is amended as follows:

6095 (a) Section 16-705 is amended to read as follows:

6096 “§ 16-705. Jury trial; trial by court.

6097 “(a) Before the date that is 3 years after the effective date of the Criminal Code

6098 Enactment Amendment Act of 2021, as introduced on DATE, 2021 (Bill 24-XXX), in a criminal

6099 case tried in the Superior Court:

6100 “(1) Except as provided in paragraph (2) of this subsection, a trial for the offense
6101 shall be by jury when:

6102 “(A) According to the Constitution of the United States, the defendant is
6103 entitled to a jury trial;

6104 “(B) The defendant is charged with an offense that is punishable by a fine
6105 or penalty of more than \$1,000, or by imprisonment for more than 60 days, or for more than 6
6106 months in the case of the offense of contempt of court;

6107 “(C) The defendant is charged with an attempt, conspiracy, or solicitation
6108 to commit an offense specified in paragraph (1)(B) of this subsection;

6109 “(D) The defendant is charged with an offense under Subchapter II of
6110 Chapter 2 of Title 22A in which the person who is alleged to have been subjected to the criminal
6111 offense is a law enforcement officer, as that term is defined in D.C. Official Code § 22A-
6112 101(67);

6113 “(E) The defendant is charged with a registration offense, as that term is
6114 defined in § 22-4001(8);

6115 “(F) The defendant is charged with an offense that, if the defendant were a
6116 non-citizen and were convicted of the offense, could result in the defendant’s deportation from
6117 the United States under federal immigration law, or denial of naturalization under federal
6118 immigration law; or

6119 “(G) The defendant is charged with 2 or more offenses which are
6120 punishable by a cumulative fine or penalty of more than \$1,000 or a cumulative term of
6121 imprisonment of more than 60 days; and

6122 “(2) A trial for the offense shall be by a single judge whose verdict shall have the
6123 same force and effect as that of a jury:

6124 “(A) In any case not specified in paragraph (1) of this subsection; or

6125 “(B) In any case specified in paragraph (1) of this subsection if the
6126 defendant in open court expressly waives trial by jury and requests trial by the court more than
6127 10 days before the scheduled trial or, with the consent of the court, within 10 days of the
6128 scheduled trial.

6129 “(b) Beginning on the date that is 3 years after the effective date of the Criminal Code
6130 Enactment Amendment Act of 2021, as introduced on DATE, 2021 (Bill 24-XXX), in a criminal
6131 case tried in the Superior Court:

6132 “(1) Except as provided in paragraph (2) of this subsection, a trial shall be by jury
6133 when:

6134 “(A) According to the Constitution of the United States, the defendant is
6135 entitled to a jury trial;

6136 “(B) The defendant is charged with an offense that is punishable by a fine
6137 or penalty of more than \$250, or by imprisonment, or for more than six months in the case of the
6138 offense of contempt of court;

6139 “(C) The defendant is charged with 2 or more offenses which are
6140 punishable by a cumulative fine or penalty of more than \$250; and

6141 “(2) A trial shall be by a single judge whose verdict shall have the same force and
6142 effect as that of a jury:

6143 “(A) In any case not specified in paragraph (1) of this subsection; or

6144 “(B) In any case specified in paragraph (1) of this subsection if the
6145 defendant in open court expressly waives trial by jury and requests trial by the court more than
6146 10 days before the scheduled trial or, with the consent of the court, within 10 days of the
6147 scheduled trial.

6148 “(c) If a defendant in a criminal case is charged with 2 or more offenses and the offenses
6149 include at least one jury demandable offense and one non-jury demandable offense the trial for
6150 all offenses charged against that defendant shall be by jury unless the defendant in open court
6151 expressly waives trial by jury and requests trial by the court, in which case the trial shall be by a
6152 single judge, whose verdict shall have the same force and effect as that of a jury.

6153 “(d) The jury shall consist of 12 persons, unless the parties, with the approval of the court
6154 and in the manner provided by rules of the court, agree to a number less than 12. Even absent
6155 such agreement, if, due to extraordinary circumstances, the court finds it necessary to excuse a
6156 juror for just cause after the jury has retired to consider its verdict, in the discretion of the court,
6157 a valid verdict may be returned by the remaining 11 jurors.

6158 (b) A new section 16-1005a is added to read as follows:

6159 “§ 16-1005a. Criminal contempt for violation of a civil protection order.

6160 “(a) *Offense.* An actor commits criminal contempt for violation of a civil protection
6161 order when the actor:

6162 “(1) Knows they are subject to a protection order that, in fact:

6163 “(A) Is one of the following:

6164 “(i) A temporary civil protection order issued under § 16-1004;

6165 “(ii) A final civil protection order issued under § 16-1005; or

6166 “(iii) A valid foreign protection order;

6167 “(B) Is in writing;
6168 “(C) Advises the actor of the consequences for violating the order,
6169 including immediate arrest, the issuance of a warrant for the person’s arrest, and the criminal
6170 penalties under this section; and

6171 “(D) Is sufficiently clear and specific to serve as a guide for the actor’s
6172 conduct; and

6173 “(2) Knowingly fails to comply with the order.

6174 “(b) *Defense.* An actor does not commit an offense under this section when, in fact, a
6175 judicial officer gives effective consent to the conduct constituting the offense.

6176 “(c) *Jurisdiction.* An oral or written statement made by an actor located outside the
6177 District of Columbia to a person located in the District of Columbia by means of
6178 telecommunication, mail, or any other method of communication shall be deemed to be made in
6179 the District of Columbia.

6180 “(d) *Penalties.* Criminal contempt for violation of a civil protection order is a Class B
6181 misdemeanor.

6182 “(e) *Definitions.* For the purposes of this section, the term:

6183 “(1) “Judicial officer” shall have the same meaning as provided in § 16-1001(10).

6184 “(2) “Foreign protection order” shall have the same meaning as provided in § 16-
6185 1041(2).

6186 “(f) *Interpretation of statute.* Subchapters I through VI of Chapter 1 of Title 22A shall
6187 apply to this offense.”.

6188 (c) Section 16-1021 is amended as follows:

6189 (1) Paragraph (2) is repealed.

6190 (2) Paragraph (3) is amended to read as follows:

6191 “(3) “Lawful custodian” means a person who is authorized to have custody under
6192 District law, or by an order of the Superior Court of the District of Columbia or a court of
6193 competent jurisdiction of any state, or a person designated by the lawful custodian temporarily to
6194 care for the child.”.

6195 (d) Section 16-1022 is amended to read as follows:

6196 “§ 16-1022. Prohibited acts.

6197 “(a) *First degree.* An actor commits the offense of first degree parental kidnapping when
6198 the actor:

6199 “(1) Commits fourth degree parental kidnapping; and

6200 “(2) Knowingly takes, conceals, or detains the child outside of the District for
6201 more than 24 hours; and

6202 “(3) The child is, in fact, outside the custody of the lawful custodian for more than
6203 30 days.

6204 “(b) *Second degree.* An actor commits the offense of second degree parental kidnapping
6205 when the actor:

6206 “(1) Commits fourth degree parental kidnapping; and

6207 “(2) Knowingly takes, conceals, or detains the child outside of the District for
6208 more than 24 hours; and

6209 “(3) Fails to release the child without injury in a safe place prior to arrest.

6210 “(c) *Third degree.* An actor commits the offense of third degree parental kidnapping
6211 when the actor:

6212 “(1) Commits fourth degree parental kidnapping; and

6213 “(2) Knowingly takes, conceals, or detains the child outside of the District for
6214 more than 24 hours.

6215 “(d) *Fourth degree.* An actor commits the offense of fourth degree parental kidnapping
6216 when the actor:

6217 “(1) Knowingly takes, conceals, or detains a person who has another lawful
6218 custodian;

6219 “(2) With intent to prevent a lawful custodian from exercising rights to custody of
6220 the person;

6221 “(3) The person taken, concealed, or detained is, in fact, under 16 years of age;
6222 and

6223 “(4) The actor is a relative of the complainant, or a person who believes they are
6224 acting pursuant to the direction of a relative of the complainant.

6225 “(e) *Exclusion from liability.* An actor does not commit an offense under this section
6226 when, in fact:

6227 “(1) The actor is a parent who reasonably believes they are fleeing from imminent
6228 physical harm to the parent;

6229 “(2) The actor has the effective consent of the other parent; or

6230 “(3) The actor has intent to protect the child from imminent physical harm.

6231 “(f) *Defense.*

6232 “(1) If a person engages in conduct constituting a violation of this section, the
6233 person may file a petition in the Superior Court of the District of Columbia that:

6234 “(A) States that at the time the act was done, a failure to do the act would
6235 have resulted in a clear and present danger to the health, safety, or welfare of the child; and

6236 “(B) Seeks to establish custody, to transfer custody, or to revise or to
6237 clarify the existing custody order; except that if the Superior Court of the District of Columbia
6238 does not have jurisdiction over the custody issue, the person shall seek to establish, transfer,
6239 revise, or clarify custody in a court of competent jurisdiction.

6240 “(2) It is a defense to prosecution under this section that the actor filed a petition
6241 as provided in paragraph (1) of this subsection within 5 business days of the action taken, and
6242 that the court finds that at the time the act was done, a failure to do the act would have resulted in
6243 a clear and present danger to the health, safety, or welfare of the child.

6244 “(g) *Continuous offense.* The offense prohibited by this section is continuous in nature
6245 and continues for so long as the child is concealed, detained, or otherwise unlawfully physically
6246 removed from the lawful custodian.

6247 “(h) *Prosecutorial authority.* The Attorney General for the District of Columbia shall
6248 prosecute violations of this section.

6249 “(i) *Penalties.*

6250 “(1) First degree parental kidnapping is a Class A misdemeanor.

6251 “(2) Second degree parental kidnapping is a Class B misdemeanor.

6252 “(3) Third degree parental kidnapping is a Class D misdemeanor.

6253 “(4) Fourth degree parental kidnapping is a Class E misdemeanor.

6254 “(5) *Reimbursement of expenses.* Any expenses incurred by the District in
6255 returning the child shall be assessed by the court against any person convicted of the violation
6256 and reimbursed to the District. Those expenses reasonably incurred by the lawful custodian and
6257 child victim as a result of a violation of this section shall be assessed by the court against any
6258 person convicted of the violation and reimbursed to the lawful custodian.

6259 “(6) *First and second degree parental kidnapping designated as felonies.*

6260 Notwithstanding the maximum authorized penalties, first and second degree parental kidnapping
6261 shall be deemed felonies under § 23-563.

6262 “(j) *Interpretation of statute.* Subchapters I through VI of Chapter 1 of Title 22A shall
6263 apply to this offense.”.

6264 (e) Section 16-1023 is repealed.

6265 (f) A new section 16-1023a is added to read as follows:

6266 “§ 16-1023a. Protective custody and return of child.

6267 “(a) A law enforcement officer may take a child into protective custody if it reasonably
6268 appears to the officer that any person is in violation of this subchapter and unlawfully will flee
6269 the District with the child.

6270 “(b) A child who has been detained or concealed shall be returned by a law enforcement
6271 officer to the lawful custodian or placed in the custody of another entity authorized by law.

6272 “(c) *Definitions.* For the purposes of this section, the term “law enforcement officer” shall
6273 have the same meaning as provided in § 22A-101(67).”.

6274 (g) Section 16-1024 is repealed.

6275 (h) Section 16-1025 is repealed.

6276 (i) Section 16-1026 is amended to read as follows:

6277 “§ 16-1026. Expungement of parental kidnapping conviction.

6278 “Any parent convicted in the Superior Court of the District of Columbia of violating any
6279 provision of this subchapter with respect to their child may apply to the court for an order to
6280 expunge from all official records all records relating to the conviction at such time that the parent’s
6281 youngest child has reached the age of 18 years; provided, that the parent has no more than one

6282 conviction for a violation of this subchapter at the time that the application for expungement is
6283 made. Any other person convicted of violating the provisions of this subchapter may apply to the
6284 court for an order to expunge all records relating to the conviction 5 years after the conviction, or
6285 at such time as the child has reached the age of 18 years, whichever shall later occur; provided,
6286 further that the person has no more than one conviction for violating any provision of this
6287 subchapter at the time that the application for expungement is made.”.

6288 Sec. 203. Title 23 of the District of Columbia Official Code is amended as follows:

6289 (a) Section 23-585(b) is repealed.

6290 (b) A new section 23-586 is added to read as follows:

6291 “§ 23-586. Failure to appear after release on citation or bench warrant bond.

6292 “(a) *First degree.* An actor commits first degree failure to appear after release on citation
6293 or bench warrant bond when the actor:

6294 “(1) Knows that they are released on a condition to appear before a judicial officer
6295 on a specified date and time either:

6296 “(A) By a citation that, in fact, is issued under § 23-584 for a felony; or

6297 “(B) After knowingly posting a bond that is, in fact, for a bench warrant
6298 issued from the Superior Court of the District of Columbia in a felony case; and

6299 “(2) Knowingly fails to appear or remain for the hearing.

6300 “(b) *Second degree.* An actor commits second degree failure to appear after release on
6301 citation or bench warrant bond when the actor:

6302 “(1) Knows that they are released on a condition to appear before a judicial officer
6303 on a specified date and time either:

6304 “(A) By a citation that, in fact, is issued under § 23-584 for a felony or
6305 misdemeanor; or

6306 “(B) After knowingly posting a bond that is, in fact, for a bench warrant
6307 issued from the Superior Court of the District of Columbia in a felony or misdemeanor case; and

6308 “(2) Knowingly fails to appear or remain for the hearing.

6309 “(c) *Defenses.*

6310 “(1) It is a defense to liability under this section that, in fact, a releasing official,
6311 prosecutor, or judicial officer gives effective consent to the conduct constituting the offense.

6312 “(2) It is a defense to liability under this section that, in fact, the actor makes good
6313 faith, reasonable efforts to appear or remain for the hearing.

6314 “(d) *Penalties.*

6315 “(1) First degree failure to appear after release on citation or bench warrant bond
6316 is a Class B misdemeanor.

6317 “(2) Second degree failure to appear after release on citation or bench warrant
6318 bond is a Class D misdemeanor.

6319 “(e) *Definitions.* For the purposes of this section, the term:

6320 “(1) “Judicial officer” shall have the same meaning as provided in § 23-501(1).

6321 “(2) “Releasing official” shall have the same meaning as provided in § 23-
6322 1110(1).

6323 “(f) *Interpretation of statute.* Subchapters I through VI of Chapter 1 of Title 22A shall
6324 apply to this offense.”.

6325 (c) Section 23-1327 is amended to read as follows:

6326 “§ 23-1327. Failure to appear in violation of a court order.

6327 “(a) *First degree.* An actor commits first degree failure to appear in violation of a court
6328 order when the actor:

6329 “(1) Knows that they are required to appear before a judicial officer on a specified
6330 date and time by a court order for what is, in fact, a hearing:

6331 “(A) In a case in which the actor is charged with a felony; or

6332 “(B) In which the actor is scheduled to be sentenced; and

6333 “(2) Knowingly fails to appear or remain for the hearing.

6334 “(b) *Second degree.* An actor commits second degree failure to appear in violation of a
6335 court order when the actor:

6336 “(1) Knows that they are required to appear before a judicial officer on a specified
6337 date and time by a court order for what is, in fact, a hearing:

6338 “(A) In a case in which the actor is charged with a felony or misdemeanor;

6339 or

6340 “(B) In which the actor is scheduled to appear as a material witness in a
6341 criminal case; and

6342 “(2) Knowingly fails to appear or remain for the hearing.

6343 “(c) *Defenses.*

6344 “(1) It is a defense to liability under this section that, in fact, a judicial officer
6345 gives effective consent to the conduct constituting the offense.

6346 “(2) It is a defense to liability under this section that, in fact, the actor makes good
6347 faith, reasonable efforts to appear or remain for the hearing.

6348 “(d) *Penalties.*

6349 “(1) First degree failure to appear in violation of a court order is a Class A
6350 misdemeanor.

6351 “(2) Second degree failure to appear in violation of a court order is a Class C
6352 misdemeanor.

6353 “(3) *Forfeiture.* Upon conviction under this section, the court may, subject to the
6354 provisions of the Federal Rules of Criminal Procedure, order the forfeiture of any security which
6355 was given or pledged for the actor’s release.

6356 “(e) *Definitions.* For the purposes of this section, the term “judicial officer” shall have
6357 the same meaning as provided in § 23-1331(1).

6358 “(f) *Interpretation of statute.* Subchapters I through VI of Chapter 1 of Title 22A shall
6359 apply to this offense.”.

6360 (d) Section 23-1329 is amended as follows:

6361 (1) Subsection (a-1) is repealed.

6362 (2) Subsection (c) is repealed.

6363 (e) A new section 23-1329a is added to read as follows:

6364 § 23-1329a. Criminal contempt for violation of a release condition.

6365 “(a) *Offense.* An actor commits criminal contempt for violation of a release condition
6366 when the actor:

6367 “(1) Knows they are subject to a conditional release order that, in fact:

6368 “(A) Is issued under § 23-1321;

6369 “(B) Is in writing;

6370 “(C) Advises the actor of the consequences for violating the order,
6371 including immediate arrest or the issuance of a warrant for the actor’s arrest, the criminal

6372 penalties under this section, the pretrial release penalty enhancements under § 22A-607, and the
6373 criminal penalties for obstruction of justice under § 22-722; and

6374 “(D) Is sufficiently clear and specific to serve as a guide for the actor’s
6375 conduct; and

6376 “(2) Knowingly fails to comply with the conditional release order.

6377 “(b) *Defense*. It is a defense to liability under this section that, in fact, a judicial officer
6378 gives effective consent to the conduct constituting the offense.

6379 “(c) *Prosecutorial authority*. A judicial officer or a prosecutor may initiate a proceeding
6380 for contempt under this section.

6381 “(d) *Non-jury hearing*. A proceeding determining a violation of this section shall be by a
6382 single judge, whose verdict shall have the same force and effect as that of a jury.

6383 “(e) *Penalties*. Criminal contempt for violation of a release condition is a Class B
6384 misdemeanor.

6385 “(f) *Definitions*. For the purposes of this section, the term “judicial officer” shall have
6386 the same meaning as provided in § 23-1331(1).

6387 “(g) *Interpretation of statute*. Subchapters I through VI of Chapter 1 of Title 22A shall
6388 apply to this offense.”.

6389 Sec. 204. The District of Columbia Work Release Act, approved November 10, 1966 (80
6390 Stat. 1519; D.C. Official Code § 24-241.01 *et seq.*), is amended as follows:

6391 (a) Section 6(b) (D.C. Official Code § 24-241.05(b)) is repealed.

6392 (b) A new section 6a is added to read as follows:

6393 “Sec. 6a. Violation of work release.

6394 “(a) *Offense*. An actor commits violation of work release when the actor:

6395 “(1) In fact, is granted a work release privilege under section 3; and
6396 “(2) Knowingly fails to return at the time and to the place of confinement
6397 designated in their work release plan.

6398 “(b) *Defense.* An actor does not commit an offense under this section when, in fact, a
6399 judicial officer, the Director of the Department of Corrections, or the Chairman of the United States
6400 Parole Commission gives effective consent to the conduct constituting the offense.

6401 “(c) *Prosecutorial authority.* The Attorney General for the District of Columbia shall
6402 prosecute violations of this section.

6403 “(d) *Penalties.* Violation of work release is a Class C misdemeanor.

6404 “(e) *Definitions.* For the purposes of this section, the term “judicial officer” shall have the
6405 same meaning as provided in D.C. Official Code § 23-1331(1).

6406 “(f) *Interpretation of statute.* Subchapters I through VI of Chapter 1 of Title 22A shall
6407 apply to this offense.”.

6408 Sec. 205. An Act to Establish a Board of Indeterminate Sentence and Parole for the District
6409 of Columbia and to determine its functions, and for other purposes, approved July 15, 1932 (47
6410 Stat. 697; D.C. Official Code § 24-403 *et seq.*), is amended as follows:

6411 (a) Section 3a (D.C. Official Code § 24-403.01) is amended to read as follows:

6412 “Sec. 3a. Sentencing, supervised release, and good time credit for felonies committed on
6413 or after August 5, 2000.

6414 “(a) For any felony committed on or after August 5, 2000, the court shall impose a
6415 sentence that:

6416 “(1) Reflects the seriousness of the offense and the criminal history of the person
6417 found guilty;

6418 “(2) Provides for just punishment and affords adequate deterrence to potential
6419 criminal conduct of the person found guilty and others; and

6420 “(3) Provides the person found guilty with needed educational or vocational
6421 training, medical care, and other correctional treatment.

6422 “(b)(1) If a person found guilty is sentenced to imprisonment, or to commitment pursuant
6423 to section 4 of the Youth Rehabilitation Amendment Act of 1985, effective December 7, 1985
6424 (D.C. Law 6-69; D.C. Official Code § 24-903), under this section, the court shall impose an
6425 adequate period of supervision (“supervised release”) to follow release from the imprisonment or
6426 commitment.

6427 “(2) If the court imposes a sentence of more than one year, the court shall impose
6428 a term of supervised release of:

6429 “(A) Not more than 5 years, if the maximum term of imprisonment
6430 authorized for the offense is 24 years or more;

6431 “(B) Not more than 3 years, if the maximum term of imprisonment
6432 authorized for the offense is 8 years or more, but less than 24 years; or

6433 “(C) Not more than one year, if the maximum term of imprisonment authorized
6434 for the offense is less than 8 years.”(3) In the case of a person sentenced for an offense for which
6435 registration is required by the Chapter 40 of Title 22, the court may, in its discretion, impose a
6436 longer term of supervised release than that required or authorized by paragraph (2) of this
6437 subsection, of:

6438 “(A) Not more than 10 years; or

6439 “(B) Not more than life if the person is required to register for life.

6440 “(4) The term of supervised release commences on the day the incarcerated
6441 person is released from imprisonment, and runs concurrently with any federal, state, or local
6442 term of probation, parole, or supervised release for another offense to which the person is subject
6443 or becomes subject during the term of supervised release. A term of supervised release does not
6444 run during any period in which the person is imprisoned in connection with a conviction for a
6445 federal, state, or local crime unless the period of imprisonment is less than 30 days.

6446 “(5) Persons on supervised release shall be subject to the authority of the United
6447 States Parole Commission until completion of the term of supervised release. The Parole
6448 Commission shall have and exercise the same authority as is vested in the United States District
6449 Courts by 18 U.S.C. § 3583(d)-(i), except that:

6450 “(A) The procedures followed by the Parole Commission in exercising
6451 such authority shall be those set forth in Chapter 311 of title 18 of the United States Code; and

6452 “(B) An extension of a term of supervised release under 18 U.S.C. §
6453 3583(e)(2) may be ordered only by the court upon motion from the Parole Commission.

6454 “(6) A person whose term of supervised release is revoked may be imprisoned for
6455 a period of:

6456 “(A) Not more than 5 years, if the maximum term of imprisonment
6457 authorized for the offense is 40 years or more;

6458 “(B) Not more than 3 years, if the maximum term of imprisonment
6459 authorized for the offense is 24 years or more, but less than 40 years;

6460 “(C) Not more than 2 years, if the maximum term of imprisonment
6461 authorized for the offense is 8 years or more, but less than 24 years; or

6462 “(D) Not more than one year, if the maximum term of imprisonment
6463 authorized for the offense is less than 8 years.

6464 “(c) The maximum term of imprisonment authorized upon revocation of supervised
6465 release pursuant to subsection (b)(6) of this section shall not be deducted from the maximum
6466 term of imprisonment or commitment authorized for such offense.

6467 “(d)(1) Except as provided under paragraph (2) of this subsection, a sentence under this
6468 section of imprisonment, or of commitment pursuant to section 4 of the Youth Rehabilitation
6469 Amendment Act of 1985, effective December 7, 1985 (D.C. Law 6-69; D.C. Official Code § 24-
6470 903), shall be for a definite term, which shall not exceed the maximum term allowed by law or
6471 be less than any minimum term required by law.

6472 “(2) Notwithstanding any other provision of law, if the person committed the
6473 offense for which they are being sentenced under this section while under 18 years of age:

6474 “(A) The court may issue a sentence less than the minimum term
6475 otherwise required by law; and

6476 “(B) The court shall not impose a sentence of life imprisonment without
6477 the possibility of parole or release.

6478 “(e) A person sentenced under this section to imprisonment, or to commitment pursuant
6479 to section 4 of the Youth Rehabilitation Amendment Act of 1985, effective December 7, 1985
6480 (D.C. Law 6-69; D.C. Official Code § 24-903), shall serve the term of imprisonment or
6481 commitment specified in the sentence, less any time credited toward service of the sentence
6482 under subsection (f) of this section and subject to section 3c, if applicable.

6483 “(f) Notwithstanding any other law, a person sentenced to imprisonment, or to
6484 commitment pursuant to section 4 of the Youth Rehabilitation Amendment Act of 1985,

6485 effective December 7, 1985 (D.C. Law 6-69; D.C. Official Code § 24-903), under this section for
6486 any offense may receive good time credit toward service of the sentence only as provided in 18
6487 U.S.C. § 3624(b).

6488 “(g)(1) A person sentenced to imprisonment under this section for a nonviolent offense
6489 may receive up to a one-year reduction in the term the person must otherwise serve if the person
6490 successfully completes a substance abuse treatment program in accordance with 18 U.S.C. §
6491 3621(e)(2).

6492 “(2) For the purposes of this subsection, the term “nonviolent offense” means any
6493 crime other than those included within the definition of “crime of violence” in D.C. Official
6494 Code § 23-1331(4).”.

6495 (b) Section 3c (D.C. Official Code § 24-403.03) is amended as follows:

6496 “Sec. 3c. Modification of an imposed term of imprisonment.

6497 “(a) Notwithstanding any other provision of law, the court shall reduce a term of
6498 imprisonment imposed upon a defendant for an offense if:

6499 “(1) The defendant was sentenced pursuant to section 3 or 3a, or was committed
6500 pursuant to section 4 of the Youth Rehabilitation Amendment Act of 1985, effective December
6501 7, 1985 (D.C. Law 6-69; D.C. Official Code § 24-903), and has served at least 15 years in prison;
6502 and

6503 “(2) The court finds, after considering the factors set forth in subsection (c) of this
6504 section, that the defendant is not a danger to the safety of any person or the community and that
6505 the interests of justice warrant a sentence modification.

6506 “(b)(1) A defendant convicted as an adult of an offense may file an application for a
6507 sentence modification under this section. The application shall be in the form of a motion to

6508 reduce the sentence. The application may include affidavits or other written material. The
6509 application shall be filed with the sentencing court and a copy shall be served on the United
6510 States Attorney.

6511 “(2) The court may direct the parties to expand the record by submitting
6512 additional testimony, examinations, or written materials related to the motion. The court shall
6513 hold a hearing on the motion at which the defendant and the defendant's counsel shall be given
6514 an opportunity to speak on the defendant's behalf. The court may permit the parties to introduce
6515 evidence. The court may consider any records related to the underlying offense.

6516 “(3)(A) Except as provided in subparagraph (B) of this paragraph, the defendant
6517 shall be present at any hearing conducted under this section unless the defendant waives the right
6518 to be present. Any proceeding under this section may occur by video teleconferencing and the
6519 requirement of a defendant's presence is satisfied by participation in the video teleconference.

6520 “(B) During a period of time for which the Mayor has declared a public
6521 health emergency pursuant to section 5a of the District of Columbia Public Emergency Act of
6522 1980, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 7-2304.01), a
6523 defendant in the custody of the Bureau of Prisons, who committed the offense for which the
6524 defendant has filed the application for sentence modification under this section on or after the
6525 defendant's 18th birthday, may not petition the court to return to the Department of Corrections
6526 for a proceeding under this section.

6527 “(4) The court shall issue an opinion in writing stating the reasons for granting or
6528 denying the application under this section, but the court may proceed to sentencing immediately
6529 after granting the application.

6530 “(c) The court, in determining whether to reduce a term of imprisonment pursuant to
6531 subsection (a) of this section, shall consider:

6532 “(1) The defendant’s age at the time of the offense;

6533 “(2) The history and characteristics of the defendant;

6534 “(3) Whether the defendant has substantially complied with the rules of the
6535 institution to which the defendant has been confined, and whether the defendant has completed
6536 any educational, vocational, or other program, where available;

6537 “(4) Any report or recommendation received from the United States Attorney;

6538 “(5) Whether the defendant has demonstrated maturity, rehabilitation, and a
6539 fitness to reenter society sufficient to justify a sentence reduction;

6540 “(6) Any statement, provided orally or in writing, provided pursuant to D.C.
6541 Official Code § 23-1904 or 18 U.S.C. § 3771 by a victim of the offense for which the defendant
6542 is imprisoned, or by a family member of the victim if the victim is deceased;

6543 “(7) Any reports of physical, mental, or psychiatric examinations of the defendant
6544 conducted by licensed health care professionals;

6545 “(8) The defendant's family and community circumstances at the time of the
6546 offense, including any history of abuse, trauma, or involvement in the child welfare system;

6547 “(9) The extent of the defendant's role in the offense and whether and to what
6548 extent another person was involved in the offense;

6549 “(10) The diminished culpability of juveniles and persons under age 25, as
6550 compared to that of older adults, and the hallmark features of youth, including immaturity,
6551 impetuosity, and failure to appreciate risks and consequences, which counsel against sentencing

6552 them to lengthy terms in prison, despite the brutality or cold-blooded nature of any particular
6553 crime, and the defendant’s personal circumstances that support an aging out of crime; and

6554 “(11) Any other information the court deems relevant to its decision.

6555 “(d) If the court denies or grants only in part the defendant's 1st application under this
6556 section, a court shall entertain a 2nd application under this section no sooner than 3 years after
6557 the date that the order on the initial application becomes final. If the court denies or grants only
6558 in part the defendant's 2nd application under this section, a court shall entertain a 3rd and final
6559 application under this section no sooner than 3 years following the date that the order on the 2nd
6560 application becomes final. No court shall entertain a 4th or successive application under this
6561 section.

6562 “(e)(1) Any defendant whose sentence is reduced under this section shall be resentenced
6563 pursuant to section 3, section 3a, or section 4 of the Youth Rehabilitation Amendment Act of
6564 1985, effective December 7, 1985 (D.C. Law 6-69; D.C. Official Code § 24-903), as applicable.

6565 “(2) Notwithstanding any other provision of law, when resentencing a defendant
6566 under this section, the court:

6567 “(A) May issue a sentence less than the minimum term otherwise required
6568 by law; and

6569 “(B) Shall not impose a sentence of life imprisonment without the
6570 possibility of parole or release.

6571 “(f) The version of this section that was effective from May 10, 2019, to April 27, 2021,
6572 shall apply to all proceedings initiated under this section in any District of Columbia court,
6573 including any appeals thereof, by defendants who were eligible under this section prior to April

6574 27, 2021, and shall apply to all proceedings under this section in any District of Columbia court,
6575 including any appeals thereof, that were pending prior to April 27, 2021.

6576 “(g) In considering applications filed by defendants for offenses committed after the
6577 defendant’s 18th birthday, the court shall endeavor to prioritize consideration of the applications
6578 of defendants who have been incarcerated the longest; except, that the inability to identify those
6579 defendants shall not delay the court acting on other applications under this section.

6580 “(h) Notwithstanding any other law, if a District government workforce development
6581 program requires District residency as a condition of program eligibility, the residency
6582 requirement shall be waived for defendants resentenced pursuant to this section.

6583 “(i) Beginning in Fiscal Year 2022, the Office of Victim Services and Justice Grants
6584 shall, on an annual basis, issue a grant of \$200,000 to an organization that provides advocacy,
6585 case, management, and legal services, for the purpose of developing and offering restorative
6586 justice practices for survivors of violent crimes who seek such practices, such as for survivors
6587 impacted by post-conviction litigation.”.

6588 Sec. 206. Section 25-1001 of the District of Columbia Official Code is amended to read
6589 as follows:

6590 “§ 25-1001. Possession of an open container or consumption of alcohol in a motor vehicle.

6591 “(a) *Offense.* An actor commits possession of an open container or consumption of alcohol
6592 in a motor vehicle when the actor:

6593 “(1) Knowingly:

6594 “(A) Consumes an alcoholic beverage; or

6595 “(B) Possesses an alcoholic beverage in an open container;

6596 “(2) In the passenger area of a motor vehicle on a public highway, or the right-of-
6597 way of a public highway.

6598 “(b) *Exclusion from liability.* An actor does not commit an offense under this section when,
6599 in fact, the actor is:

6600 “(1) Located in:

6601 “(A) The passenger area of a motor vehicle designed, maintained, or used
6602 primarily for the transportation of persons for compensation; or

6603 “(B) The living quarters of a house coach or house trailer; and

6604 “(2) Not operating the motor vehicle.

6605 “(c) *No attempt liability.* The criminal attempt provision in § 22A-301 shall not apply to
6606 this section.

6607 “(d) *Penalties.* Possession of an open container or consumption of alcohol in a motor
6608 vehicle is a Class C misdemeanor.

6609 “(e) *Definitions.* For the purposes of this section, the term “highway” shall have the same
6610 meaning as provided in section 3a(7) of the Anti-Drunk Driving Act of 1982, effective April 27,
6611 2013 (D.C. Law 19-266; D.C. Official Code § 50-2206.01(7)).

6612 “(f) *Interpretation of statute.* Subchapters I through VI of Chapter 1 of Title 22A shall
6613 apply to this offense.”.

6614 Sec. 207. Section 1 of An Act To establish a code of law for the District of Columbia,
6615 approved March 3, 1901 (31 Stat. 1189; D.C. Official Code § 45-401), is amended as follows:

6616 (a) Subsection (a) is amended by striking the phrase “some provision of the 1901 Code”
6617 and inserting the phrase “some provision of the 1901 Code, Title 22A, or subsection (b) of this
6618 section” in its place.

6619 (b) Subsection (b) is amended to read as follows:

6620 “(b) Common law offenses are abolished and no act or omission shall constitute an
6621 offense unless made so by an Act of Congress, an act of the Council, or the District of Columbia
6622 Municipal Regulations. This subsection shall not affect the power to punish for contempt, or to
6623 employ any sanction authorized by law for the enforcement of an order or a civil judgment or
6624 decree. This subsection shall not be construed to repeal any common law defenses or any legal
6625 precedent other than that which recognizes common law offenses.”.

6626 Sec. 208. The District of Columbia Uniform Controlled Substances Act of 1981, effective
6627 August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-901.01 *et seq.*), is amended as follows:

6628 (a) Section 102(4) (D.C. Official Code § 48-901.02(4)) is amended as follows:

6629 (1) The existing text is designated as subparagraph (A).

6630 (2) New subparagraph (B) and (C) are added to read as follows:

6631 “(B) The term “controlled substance” shall not include:

6632 “(i) Marijuana that is or was in the personal possession of a person
6633 21 years of age or older at any specific time if the total amount of marijuana that is or was in the
6634 possession of that person at that time weighs or weighed 2 ounces or less;

6635 “(ii) Cannabis plants that are or were grown, possessed, harvested,
6636 or processed by a person 21 years of age or older within the interior of a house or rental unit that
6637 constitutes or at the time constituted, such person’s principal residence, if such person at that
6638 time was growing no more than 6 cannabis plants with 3 or fewer being mature flowering plants
6639 and if all persons residing within that single house or single rental unit at that time did not
6640 possess, grow, harvest, or process, in the aggregate, more than 12 cannabis plants, with 6 or
6641 fewer being mature, flowering plants; or

6642 “(iii) The marijuana produced by the plants which were grown,
6643 possessed, harvested, or processed by a person who was, pursuant to sub-subparagraph (ii) of
6644 this subparagraph, permitted to grow, possess, harvest, and process such plants, if such marijuana
6645 is or was in the personal possession of that person who is growing or grew such plants, within
6646 the house or rental unit in which the plants are or were grown.

6647 “(C) Notwithstanding the provisions of subparagraph (B) of this
6648 paragraph, the term “controlled substance” shall include any marijuana or cannabis plant sold or
6649 offered for sale or made available for sale.”.

6650 (b) Section 401 (D.C. Official Code § 48-904.01) is repealed.

6651 (c) New sections 401a, 401b, and 401c are added to read as follows:

6652 “Sec. 401a. Possession of a controlled substance.

6653 “(a) *First degree.* An actor commits first degree possession of a controlled substance
6654 when the actor:

6655 “(1) Knowingly possesses a measurable amount of a controlled substance; and

6656 “(2) The controlled substance is, in fact:

6657 “(A) Opium, its phenanthrene alkaloids, or their derivatives, except
6658 isoquiniline alkaloids of opium;

6659 “(B) Any salt, compound, isomer, derivative, or preparation thereof which
6660 is chemically equivalent to or identical with any of the substances referred to in subparagraph

6661 (A) of this paragraph;

6662 “(C) Opium poppy or poppy straw;

6663 “(D) Cocaine, its salts, optical and geometric isomers, or salts of isomers;

6664 “(E) Ecgonine, its derivatives, their salts, isomers, or salts of isomers;

6665 “(F) Methamphetamine, its salts, isomers, or salts of its isomers;

6666 “(G) Phenmetrazine, or its salts; or

6667 “(H) Phencyclidine or a phencyclidine immediate precursor.

6668 “(b) *Second degree.* An actor commits second degree possession of a controlled
6669 substance when the actor knowingly possesses a measurable amount of any controlled substance.

6670 “(c) *Exclusions from liability.* An actor does not commit an offense under this section
6671 when, in fact, the actor:

6672 “(1) Possesses a controlled substance that was obtained directly from, or pursuant
6673 to a valid prescription or order of, a practitioner while acting in the course of their professional
6674 practice, or as authorized by this act or the Legalization of Marijuana for Medical Treatment
6675 Initiative of 1999, effective February 25, 2010 (D.C. Law 13-315; 57 DCR 3360); or

6676 “(2) Satisfies the requirements specified under section 3 of An Act To relieve
6677 physicians of liability for negligent medical treatment at the scene of an accident in the District
6678 of Columbia, effective March 19, 2013 (D.C. Law 19-243; D.C. Official Code § 7-403).

6679 “(d) *Penalties.*

6680 “(1) First degree possession of a controlled substance is a Class C misdemeanor.

6681 “(2) Second degree possession of a controlled substance is a Class D
6682 misdemeanor.

6683 “(e) *Interpretation of statute.* Subchapters I through VI of Chapter 1 of Title 22A shall
6684 apply to this section.”

6685 “(f) *Judicial deferral and dismissal of proceedings.*

6686 “(1) Notwithstanding D.C. Official Code § 22A-602(c), when a person is
6687 convicted of possession of a controlled substance under this section, the court may, without

6688 entering a judgment of guilty and with the consent of the person, defer further proceedings on
6689 that offense and place the person on probation upon such reasonable conditions as it may require
6690 and for such period, not to exceed one year, as the court may prescribe. Upon violation of a
6691 condition of the probation, the court may enter an adjudication of guilt and proceed as otherwise
6692 provided. The court may, in its discretion, dismiss the proceedings against such person and
6693 discharge the person from probation before the expiration of the maximum period prescribed for
6694 such person's probation. If during the period of probation the person does not violate any of the
6695 conditions of the probation, then upon expiration of such period the court shall discharge the
6696 person and dismiss the proceedings against the person. Discharge and dismissal under this
6697 subsection shall be without court adjudication of guilt. Such discharge or dismissal shall not be
6698 deemed a conviction with respect to disqualifications or disabilities imposed by law upon
6699 conviction of a crime or for any other reason.

6700 “(2) Upon the dismissal of such proceedings and discharge of the person under
6701 paragraph (1) of this subsection, such person may apply to the court for an order to expunge from
6702 all official records all recordation relating to his or her arrest, indictment or information, trial,
6703 finding of guilty, and dismissal and discharge pursuant to this subsection. If the court determines,
6704 after hearing, that the proceedings were dismissed and the person discharged, it shall enter such
6705 order. The effect of such order shall be to restore such person, in the contemplation of this law,
6706 to the status he or she occupied before such arrest or indictment or information. No person as to
6707 whom such order has been entered shall be held thereafter under any provision of any law to be
6708 guilty of perjury or otherwise giving a false statement by reason of failure to recite or
6709 acknowledge such arrest, or indictment, or trial in response to any inquiry made of him or her for
6710 any purpose.

6711 “Sec. 401b. Trafficking of a controlled substance.

6712 “(a) *First degree.* An actor commits first degree trafficking of a controlled substance

6713 when the actor:

6714 “(1) Knowingly distributes, manufactures, or possesses with intent to distribute or

6715 manufacture, a measurable quantity of a controlled substance; and

6716 “(2) The controlled substance is, in fact:

6717 “(A) More than 200 grams of any compound or mixture containing opium,

6718 its phenanthrene alkaloids, or their derivatives, except isoquiniline alkaloids of opium;

6719 “(B) More than 200 grams of any compound or mixture containing any

6720 salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent to or

6721 identical with any of the substances referred to in subparagraph (A) of this paragraph;

6722 “(C) More than 200 grams of a compound or mixture containing opium

6723 poppy or poppy straw;

6724 “(D) More than 400 grams of a compound or mixture containing cocaine,

6725 its salts, optical and geometric isomers, or salts of isomers;

6726 “(E) More than 400 grams of a compound or mixture containing ecgonine,

6727 its derivatives, their salts, isomers, or salts of isomers;

6728 “(F) More than 200 grams of a compound or mixture containing

6729 methamphetamine, its salts, isomers, or salts of its isomers;

6730 “(G) More than 200 grams of a compound or mixture containing

6731 phenmetrazine, or its salts; or

6732 “(H) More than 100 grams of a compound or mixture containing

6733 phencyclidine or a phencyclidine immediate precursor.

6734 “(b) *Second degree*. An actor commits second degree trafficking of a controlled
6735 substance when the actor:

6736 “(1) Knowingly distributes, manufactures, or possesses with intent to distribute or
6737 manufacture, a measurable quantity of a controlled substance; and

6738 “(2) The controlled substance is, in fact:

6739 “(A) More than 20 grams of any compound or mixture containing opium,
6740 its phenanthrene alkaloids, or their derivatives, except isoquiniline alkaloids of opium;

6741 “(B) More than 20 grams of any compound or mixture containing any salt,
6742 compound, isomer, derivative, or preparation thereof which is chemically equivalent to or
6743 identical with any of the substances referred to in subparagraph (A) of this paragraph;

6744 “(C) More than 20 grams of a compound or mixture containing opium
6745 poppy or poppy straw;

6746 “(D) More than 50 grams of a compound or mixture containing cocaine,
6747 its salts, optical and geometric isomers, or salts of isomers;

6748 “(E) More than 50 grams of a compound or mixture containing ecgonine,
6749 its derivatives, their salts, isomers, or salts of isomers;

6750 “(F) More than 20 grams of a compound or mixture containing
6751 methamphetamine, its salts, isomers, or salts of its isomers;

6752 “(G) More than 20 grams of a compound or mixture containing
6753 phenmetrazine, or its salts; or

6754 “(H) More than 10 grams of a compound or mixture containing
6755 phencyclidine or a phencyclidine immediate precursor.

6756 “(c) *Third degree.* An actor commits third degree trafficking of a controlled substance
6757 when the actor:
6758 “(1) Knowingly distributes, manufactures, or possesses with intent to distribute or
6759 manufacture, a measurable quantity of a controlled substance; and
6760 “(2) The controlled substance is, in fact, a compound or mixture containing:
6761 “(A) Opium, its phenanthrene alkaloids, or their derivatives, except
6762 isoquiniline alkaloids of opium;
6763 “(B) Any salt, compound, isomer, derivative, or preparation thereof which
6764 is chemically equivalent to or identical with any of the substances referred to in subparagraph
6765 (A) of this paragraph;
6766 “(C) Opium poppy or poppy straw;
6767 “(D) Cocaine, its salts, optical and geometric isomers, or salts of isomers;
6768 “(E) Ecgonine, its derivatives, their salts, isomers, or salts of isomers;
6769 “(F) Methamphetamine, its salts, isomers, or salts of its isomers;
6770 “(G) Phenmetrazine, or its salts; or
6771 “(H) Phencyclidine or a phencyclidine immediate precursor.
6772 “(d) *Fourth degree.* An actor commits fourth degree trafficking of a controlled substance
6773 when the actor knowingly distributes, manufactures, or possesses with intent to distribute or
6774 manufacture, a measurable quantity of any controlled substance that is, in fact, listed in Schedule
6775 I, II, or III as defined in Title II.
6776 “(e) *Fifth degree.* An actor commits fifth degree trafficking of a controlled substance
6777 when the actor knowingly distributes, manufactures, or possesses with intent to distribute or
6778 manufacture, a measurable quantity of any controlled substance.

6779 “(f) *Aggregation of quantities.* When a single scheme or systematic course of conduct
6780 could give rise to multiple charges under this section, the government instead may bring one
6781 charge and aggregate the quantities of a controlled substance involved in the scheme or
6782 systematic course of conduct to determine the grade of the offense.

6783 “(g) *Weight of mixtures and compounds not to include edible products or non-*
6784 *consumable containers.*

6785 “(1) For controlled substances that are contained within edible products and that
6786 are planned to be consumed as food or beverages, the total weight of the controlled substance
6787 shall be determined by calculating the concentration of the controlled substance contained within
6788 the mixture and then calculating the total amount of controlled substance that is present. The
6789 weight of the inert edible mixture will not be added to determine the total weight of the
6790 compound or mixture containing a controlled substance.

6791 “(2) The weight of a non-consumable container in which a controlled substance is
6792 stored or carried shall not be included in the weight of the compound or mixture containing the
6793 controlled substance.

6794 “(h) *Penalties.*

6795 “(1) First degree trafficking of a controlled substance is a Class 7 felony.

6796 “(2) Second degree trafficking of a controlled substance is a Class 8 felony.

6797 “(3) Third degree trafficking of a controlled substance is a Class 9 felony.

6798 “(4) Fourth degree trafficking of a controlled substance is a Class A

6799 misdemeanor.

6800 “(5) Fifth degree trafficking of a controlled substance is a Class B misdemeanor.

6801 “(6) *Penalty enhancements.* The penalty classification of any gradation of this
6802 offense is increased by one class when the actor commits the offense:

6803 “(A) When the actor is, in fact, 21 years of age or older, and distributes a
6804 controlled substance to a person reckless as to the fact that the person is under 18 years of age;

6805 “(B) By knowingly possessing, either on the actor’s person or in a location
6806 where it is readily available, a firearm, imitation firearm, or dangerous weapon in furtherance of
6807 and while distributing, or possessing with intent to distribute, a controlled substance;

6808 “(C) When the actor is, in fact, 21 years of age or older, and the actor
6809 engages in the conduct constituting the offense by enlisting, hiring, contracting, or encouraging
6810 any person to sell or distribute any controlled substance for the profit or benefit of the actor,
6811 recklessness as to the fact the person is under 18 years of age; or

6812 “(D) When the actor commits an offense under this section when in a
6813 location that, in fact:

6814 “(i) Is within 300 feet of the boundary line of a school, college,
6815 university, public swimming pool, public playground, public recreation center, public library, or
6816 children’s day care center; and

6817 “(ii) Displays clear and conspicuous signage that indicates
6818 controlled substances are prohibited in the location or that the location is a drug free zone.

6819 “(i) *Defenses.*

6820 “(1) It is a defense to prosecution under this section for distribution or possession
6821 with intent to distribute that the actor distributes or possesses with intent to distribute a
6822 controlled substance but, in fact, does not do so in exchange for something of value or
6823 expectation of future financial gain from distribution of a controlled substance and either the

6824 quantity of the controlled substance distributed does not exceed the amount for a single use by
6825 the recipient, or recipient plans to immediately use the controlled substance.

6826 “(2) It is a defense to prosecution under this section for manufacturing or
6827 possession with intent to manufacture that the actor packaged, repackaged, labeled, or relabeled a
6828 controlled substance for the person’s own personal use, or possessed a controlled substance with
6829 intent to do so.

6830 “(j) *Interpretation of statute.* The general provisions Subchapters I through VI of Chapter
6831 1 of Title 22A shall apply to this offense.

6832 “Sec. 401c. Trafficking of a counterfeit substance.

6833 “(a) *First degree.* An actor commits first degree trafficking of a counterfeit substance when
6834 the actor:

6835 “(1) Knowingly distributes, creates, or possesses with intent to distribute a
6836 measurable quantity of a counterfeit substance; and

6837 “(2) The counterfeit substance is, in fact:

6838 “(A) More than 200 grams of any compound or mixture containing opium,
6839 its phenanthrene alkaloids, or their derivatives (except isoquiniline alkaloids of opium);

6840 “(B) More than 200 grams of any compound or mixture containing any salt,
6841 compound, isomer, derivative, or preparation thereof which is chemically equivalent to or identical
6842 with any of the substances referred to in subparagraph (A) of this paragraph;

6843 “(C) More than 200 grams of a compound or mixture containing opium
6844 poppy or poppy straw;

6845 “(D) More than 400 grams of a compound or mixture containing cocaine,
6846 its salts, optical and geometric isomers, or salts of isomers;

6847 “(E) More than 400 grams of a compound or mixture containing ecgonine,
6848 its derivatives, their salts, isomers, or salts of isomers;

6849 “(F) More than 200 grams of a compound or mixture containing
6850 methamphetamine, its salts, isomers, or salts of its isomers;

6851 “(G) More than 200 grams of a compound or mixture containing
6852 phenmetrazine, or its salts; or

6853 “(H) More than 100 grams of a compound or mixture containing
6854 phencyclidine or a phencyclidine immediate precursor;

6855 “(b) *Second degree*. An actor commits second degree trafficking of a counterfeit substance
6856 when the actor:

6857 “(1) Knowingly distributes, creates, or possesses with intent to distribute a
6858 measurable quantity of a counterfeit substance; and

6859 “(2) The counterfeit substance is, in fact:

6860 “(A) More than 20 grams of any compound or mixture containing opium,
6861 its phenanthrene alkaloids, or their derivatives (except isoquiniline alkaloids of opium);

6862 “(B) More than 20 grams of any compound or mixture containing any salt,
6863 compound, isomer, derivative, or preparation thereof which is chemically equivalent to or identical
6864 with any of the substances referred to in subparagraph (A) of this paragraph;

6865 “(C) More than 20 grams of a compound or mixture containing opium
6866 poppy or poppy straw;

6867 “(D) More than 20 grams of a compound or mixture containing cocaine, its
6868 salts, optical and geometric isomers, or salts of isomers;

6869 “(E) More than 20 grams of a compound or mixture containing ecgonine,
6870 its derivatives, their salts, isomers, or salts of isomers;

6871 “(F) More than 20 grams of a compound or mixture containing
6872 methamphetamine, its salts, isomers, or salts of its isomers;

6873 “(G) More than 20 grams of a compound or mixture containing
6874 phenmetrazine, or its salts; or

6875 “(H) More than 10 grams of a compound or mixture containing
6876 phencyclidine or a phencyclidine immediate precursor;

6877 “(c) *Third degree.* An actor commits third degree trafficking of a counterfeit substance
6878 when the actor:

6879 “(1) Knowingly distributes, creates, or possesses with intent to distribute a
6880 measurable quantity of a counterfeit substance; and

6881 “(2) The counterfeit substance is, in fact a compound or mixture containing:

6882 “(A) Opium, its phenanthrene alkaloids, or their derivatives (except
6883 isoquiniline alkaloids of opium);

6884 “(B) Any salt, compound, isomer, derivative, or preparation thereof which
6885 is chemically equivalent to or identical with any of the substances referred to in subparagraph (A)
6886 of this paragraph;

6887 “(C) Opium poppy or poppy straw;

6888 “(D) Cocaine, its salts, optical and geometric isomers, or salts of isomers;

6889 “(E) Ecgonine, its derivatives, their salts, isomers, or salts of isomers;

6890 “(F) Methamphetamine, its salts, isomers, or salts of its isomers;

6891 “(G) Phenmetrazine, or its salts; or

6892 “(H) Phencyclidine or a phencyclidine immediate precursor.

6893 “(d) *Fourth degree.* An actor commits fourth degree trafficking of a counterfeit substance
6894 when the actor knowingly distributes, creates, or possesses with intent to distribute a measurable
6895 quantity of any counterfeit substance that is, in fact, a controlled substance under Schedule I, II, or
6896 III as defined in Title II.

6897 “(e) *Fifth degree.* An actor commits fifth degree trafficking of a counterfeit substance
6898 when the actor knowingly distributes, creates, or possesses with intent to distribute a measurable
6899 quantity of any counterfeit substance.

6900 “(f) *Aggregation of quantities.* When a single scheme or systematic course of conduct
6901 could give rise to multiple charges under this section, the government instead may bring one charge
6902 and aggregate the quantities of a counterfeit substance involved in the scheme or systematic course
6903 of conduct to determine the grade of the offense.

6904 “(g) *Weight of mixtures and compounds not to include edible products or non-consumable*
6905 *containers.*

6906 “(1) For controlled substances that are contained within edible products and that
6907 are planned to be consumed as food or beverages, the total weight of the controlled substance shall
6908 be determined by calculating the concentration of the controlled substance contained within the
6909 mixture and then calculating the total amount of controlled substance that is present. The weight
6910 of the inert edible mixture will not be added to determine the total weight of the compound or
6911 mixture containing a controlled substance.

6912 “(2) The weight of a non-consumable container in which a controlled substance is
6913 stored or carried shall not be included in the weight of the compound or mixture containing the
6914 controlled substance.

6915 “(h) *Penalties.*

6916 “(1) First degree trafficking of a counterfeit substance is a Class 7 felony.

6917 “(2) Second degree trafficking of a counterfeit substance is a Class 8 felony.

6918 “(3) Third degree trafficking of a counterfeit substance is a Class 9 felony.

6919 “(4) Fourth degree trafficking of a counterfeit substance is a Class A misdemeanor.

6920 “(5) Fifth degree trafficking of a counterfeit substance is a Class B misdemeanor.

6921 “(6) *Penalty enhancement.* The penalty classification of any gradation of this

6922 offense is increased by one class when, the actor commits the offense, and:

6923 “(A) Knowingly possesses, either on the actor’s person or in a location

6924 where it is readily available, a firearm, imitation firearm, or dangerous weapon;

6925 “(B) In furtherance of and while distributing, or possessing with intent to

6926 distribute, a counterfeit substance.

6927 “(i) *Interpretation of statute.* The general provisions Subchapters I through VI of Chapter

6928 1 of Title 22A shall apply to this offense.”.

6929 (d) Section 406 (D.C. Official Code § 48-904.06) is repealed.

6930 (e) Section 407 (D.C. Official Code § 48-904.07) is repealed.

6931 (f) Section 407a (D.C. Official Code § 48-904.07a) is repealed.

6932 (g) Section 408 (D.C. Official Code § 48-904.08) is repealed.

6933 (h) Section 409 (D.C. Official Code § 48-904.09) is amended by striking the phrase “any

6934 offense defined in this title” and inserting the phrase “an offense described in section 402 or 403”

6935 in its place.

6936 (i) Section 411 (D.C. Official Code § 48-904.03a) is repealed.

6937 (j) New sections 412, 413, and 414 are added to read as follows:

6938 “Sec. 412. Possession of drug manufacturing paraphernalia.

6939 “(a) *Offense*. An actor commits possession of drug manufacturing paraphernalia when
6940 the actor knowingly possesses an object with intent to use the object to manufacture a controlled
6941 substance.

6942 “(b) *Exclusions from liability*. An actor does not commit an offense under this section:

6943 “(1) If the object possessed is, in fact, 50 years of age or older;

6944 “(2) If the actor possesses an object with intent solely to use the object to package
6945 or repack a controlled substance for the actor’s own use; or

6946 “(3) If the actor, in fact, satisfies the requirements specified under section 3 of An
6947 Act To relieve physicians of liability for negligent medical treatment at the scene of an accident
6948 in the District of Columbia, effective March 19, 2013 (D.C. Law 19-243; D.C. Official Code § 7-
6949 403).

6950 “(c) *Penalties*. Possession of drug manufacturing paraphernalia is a Class D
6951 misdemeanor.

6952 “(d) *Interpretation of statute*. The general provisions Subchapters I through VI of
6953 Chapter 1 of Title 22A shall apply to this offense.

6954 “Sec. 413. Trafficking of drug paraphernalia.

6955 “(a) *Offense*. An actor commits trafficking of drug paraphernalia when the actor:

6956 “(1) Knowingly sells or delivers, or possesses with intent to sell or deliver, an
6957 object;

6958 “(2) With intent that another person will use the object to introduce into the
6959 human body, produce, process, prepare, test, analyze, pack, store, conceal, manufacture, or
6960 measure a controlled substance.

6961 “(b) *Defenses*. It is a defense to prosecution under this section that the object specified in
6962 subsection (a)(1) of this section is, in fact:

6963 “(1) Testing equipment or other objects used, planned for use, or designed for use
6964 in identifying or analyzing the strength, effectiveness, or purity of a controlled substance or for
6965 ingestion or inhalation of a controlled substance; provided, that the actor is a community-based
6966 organization;

6967 “(2) An unused hypodermic syringe or needle;

6968 “(3) An item planned for use in a medical procedure or treatment permitted under
6969 District or federal civil law, to be performed by a licensed health professional or by a person
6970 acting at the direction of a licensed health professional; or

6971 “(4) An object that is 50 years of age or older.

6972 “(c) *Penalties*. Trafficking of drug paraphernalia is a Class D misdemeanor.

6973 “(d) *Definitions*. For the purposes of this section, the term “community-based
6974 organization” shall have the same meaning as provided in section 4(a)(1) of An Act To relieve
6975 physicians of liability for negligent treatment at the scene of an accident in the District of
6976 Columbia, approved November 8, 1965 (79 Stat. 1302; D.C. Official Code § 7-404(a)(1)).

6977 “(e) *Interpretation of statute*. The general provisions Subchapters I through VI of
6978 Chapter 1 of Title 22A shall apply to this offense.

6979 “Sec. 414. Maintaining methamphetamine production.

6980 “(a) *Offense*. An actor commits the offense of maintaining methamphetamine production
6981 when the actor knowingly maintains or opens any location with intent that the location will be
6982 used to manufacture, other than by mere packaging, repackaging, labeling, or relabeling,
6983 methamphetamine, its salts, isomers, or salts of its isomers.

6984 “(b) *Penalties*. Maintaining methamphetamine production is a Class A misdemeanor.

6985 “(c) *Interpretation of statute*. The general provisions Subchapters I through VI of

6986 Chapter 1 of Title 22A shall apply to this offense.”.

6987 Sec. 209. The Drug Paraphernalia Act of 1982, effective September 17, 1982 (D.C. Law

6988 4-149; D.C. Official Code § 48-1101 *et seq.*), is amended as follows:

6989 (a) Section 2 (D.C. Official Code § 48-1101) is repealed.

6990 (b) Section 3 (D.C. Official Code § 48-1102) is repealed.

6991 (c) Section 4 (D.C. Official Code § 48-1103) is repealed.

6992 (d) Section 5 (D.C. Official Code § 48-1104) is amended as follows:

6993 (1) Paragraph (1) is amended by striking the phrase “of this subchapter” and

6994 inserting the phrase “of section 412 or 413 of the District of Columbia Uniform Controlled

6995 Substances Act of 1981, as introduced on DATE, 2021 (Bill 24-XXX).” in its place.

6996 (2) Paragraph (2) is amended to read as follows:

6997 “(2) All money or currency which shall be found in close proximity to drug

6998 paraphernalia or which otherwise has been used or intended for use in connection with the

6999 manufacture, distribution, delivery, or sale, dispensing, or possession of drug paraphernalia in

7000 section 412 or 413 of the District of Columbia Uniform Controlled Substances Act of 1981, as

7001 introduced on DATE, 2021 (Bill 24-XXX).”.

7002 (3) Paragraph (3) is amended as follows:

7003 “(3) All items possessed in violation of section 412 or 413 of the District of

7004 Columbia Uniform Controlled Substances Act of 1981, as introduced on DATE, 2021 (Bill 24-

7005 XXX).”.

7006

7007 TITLE III. TECHNICAL AMENDMENTS.

7008 Sec. 301. Section 821 of the District of Columbia Procurement Practices Act of 1985,
7009 effective May 8, 1998 (D.C. Law 12-104; D.C. Official Code § 2-381.09), is amended by striking
7010 the phrase “The Attorney General for the District of Columbia shall prosecute violations of this
7011 section. The fine” and inserting the phrase “The fine” in its place.

7012 Sec. 302. Title XVIII of the District of Columbia Public Assistance Act of 1982, effective
7013 April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-218.01 *et seq.*), is amended as follows:

7014 (a) Section 1801 (D.C. Official Code § 4-218.01) is amended as follows:

7015 (1) Subsection (a) is amended by striking the phrase “public assistance to which he
7016 is not entitled” and inserting the phrase “public assistance to which he or she is not entitled” in its
7017 place.

7018 (2) Subsection (b) is amended as follows:

7019 (A) Strike the word “he” both times it appears and insert the phrase “he or
7020 she” in its place.

7021 (B) Strike the word “his” and insert the phrase “his or her” in its place.

7022 (b) Section 1805(c) (D.C. Official Code § 4-218.05(c)) is amended by striking the phrase
7023 “Corporation Counsel” and inserting the phrase “Attorney General for the District of Columbia”
7024 in its place.

7025 Sec. 303. Section 10(a) of An Act Providing for the zoning of the District of Columbia
7026 and the regulation of the location, height, bulk, and used of buildings and other structures and of
7027 the uses of land in the District of Columbia, and for other purposes, approved June 20, 1938 (52
7028 Stat. 800; D.C. Official Code § 6-641.09(a)), is amended by striking the phrase “his assistants”
7029 and inserting the phrase “his or her assistants” in its place.

7030 Sec. 304. An Act To revise and modernize the fish and game laws of the District of
7031 Columbia, and for other purposes, approved August 23, 1958 (72 Stat. 814; D.C. Official Code §
7032 8-2221.28 *et seq.*), is amended as follows:

7033 (a) Section 3(a) (D.C. Official Code § 8-2221.30(a)) is amended by striking the phrase
7034 “District of Columbia Council” and inserting the phrase “Council of the District of Columbia” in
7035 its place.

7036 (b) Section 4(b) (D.C. Official Code § 8-221.31(b)) is amended by striking the phrase
7037 “Corporation Counsel or any Assistant Corporation Counsel” and inserting the phrase “Attorney
7038 General for the District of Columbia or any Assistant Attorney General for the District of
7039 Columbia” in its place.

7040 Sec. 305. Section 6(c) of An Act To define the area of the United States Capitol Grounds,
7041 to regulate the use thereof, and for other purposes, approved July 31, 1946 (60 Stat. 718; D.C.
7042 Official Code § 10-503.16(c)) is amended by striking the word “his” and inserting the phrase “his
7043 or her” in its place.

7044 Sec. 306. Title I of the District of Columbia Theft and White Collar Crimes Act of 1982,
7045 effective April 27, 1999 (D.C. Law 12–273; D.C. Code § 22–3201 *et seq.*), is amended as follows:

7046 (a) Section 125e(c) (D.C. Official Code § 22-3225.05(c)) is amended by striking the phrase
7047 “Corporation Counsel” and inserting the phrase “Attorney General for the District of Columbia”
7048 in its place.

7049 (b) Section 126a(8) (D.C. Official Code § 22-3226.01(8)) is amended by striking the word
7050 “himself” and inserting the phrase “himself, herself,” in its place.

7051 Sec. 307. Section 23-1329(b)(1) of the District of Columbia Official Code is amended as
7052 follows:

7053 (a) The lead-in language is amended by striking the word “he” both times it appears and
7054 inserting the phrase “he or she” in its place.

7055 (b) Subparagraph (A)(ii) is amended by striking the word “his” and inserting the phrase
7056 “his or her” in its place.

7057 Sec. 308. Section 25-1002(c)(2) of the District of Columbia Official Code is amended by
7058 striking the phrase “The Mayor, may, at his discretion,” and inserting the phrase “The Mayor, may,
7059 at his or her discretion,” in its place.

7060 Sec. 309. Chapter 28 of Title 47 of the District of Columbia Official Code is amended as
7061 follows:

7062 (a) Section 47-2828(a) is amended by striking the phrase “in his judgment” and inserting
7063 the phrase “in his or her judgment” in its place.

7064 (b) Section 47-2829 is amended as follows:

7065 (1) Subsection (b) is amended as follows:

7066 (A) Strike the phrase “Collector of Taxes” and insert the phrase “Office of
7067 Tax and Revenue” in its place.

7068 (B) Strike the phrase “his designated agent” and insert the phrase “his or her
7069 designated agent” in its place.

7070 (2) Subsection (i) is amended by striking the word “his” wherever it appears and
7071 inserting the phrase “his or her” in its place.

7072 Sec. 310. Section 6(b)(2) of the Uniform Classification and Commercial Driver's License
7073 Act of 1990, effective September 20, 1990 (D.C. Law 8–161; D.C. Official Code § 50–405(b)(2)),
7074 is amended by striking the phrase “Corporation Counsel” and inserting “Attorney General for the
7075 District of Columbia” in its place.

7076 Sec. 311. The District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat.
7077 1119; D.C. Official Code § *passim*), is amended as follows:

7078 (a) Section 7(a) (D.C. Official Code § 50-1401.01(a)) is amended as follows:

7079 (1) Paragraph (3) is amended as follows:

7080 (A) Strike the word “he” and insert the phrase “he or she” in its place.

7081 (B) Strike the word “him” and insert the phrase “him or her” in its place.

7082 (2) Paragraph (6) is amended by striking the word “his” and inserting the phrase
7083 “his or her” in its place.

7084 (b) Section 10b (D.C. Official Code § 50–2201.05b) is amended as follows:

7085 (1) Subsection (d)(1) is amended by striking the word “his” and inserting
7086 the phrase “his or her” in its place.

7087 (2) Subsection (e) is repealed.

7088 Sec. 312. Section 4(e) of The Removal and Disposition of Abandoned and Other
7089 Unlawfully Parked Vehicles Reform Act of 2003, effective October 28, 2003 (D.C. Law 15–35;
7090 D.C. Official Code § 50–2421.04(e)), is amended by striking the phrase “Corporation Counsel”
7091 and inserting the phrase “Attorney General” in its place.

7092 TITLE IV. REPEALERS.

7093 Sec. 401. Section 2 of An Act To give additional powers to the Board of Public Welfare
7094 of the District of Columbia, and for other purposes, approved January 12, 1942 (55 Stat. 883; D.C.
7095 Official Code § 4-125), is repealed.

7096 Sec. 402. Section 304 of District of Columbia Law Enforcement Act of 1953, approved
7097 June 29, 1953 (67 Stat. 100; D.C. Official Code § 5-113.05), is repealed.

7098 Sec. 403. Section 10 of An Act To regulate the importation of nursery stock and other
7099 plants and plant products; to enable the Secretary of Agriculture to establish and maintain
7100 quarantine districts for plant diseases and insect pests; to permit and regulate the movement of
7101 fruits, plants, and vegetables therefrom, and for other purposes, approved August 20, 1912 (37
7102 Stat. 318; D.C. Official Code § 8-305), is repealed.

7103 Sec. 404. An Act to regulate plumbing and gas fitting in the District of Columbia, approved
7104 June 18, 1898 (30 Stat. 477; D.C. Official Code § 9-431.01 *et seq.*), is amended as follows:

7105 (a) Section 7 (D.C. Official Code § 9-431.01) is repealed.

7106 (b) Section 8 (D.C. Official Code § 9-431.02) is repealed.

7107 Sec. 405. The Permit Restoration Act of 1999, effective April 12, 2000 (D.C. Law 13-91;
7108 D.C. Official Code §§ 9-433.01 *et seq.*), is amended as follows:

7109 (a) Section 202 (D.C. Official Code § 9-433.01) is repealed.

7110 (b) Section 203 (D.C. Official Code § 9-433.02) is repealed.

7111 Sec. 406. The Revised Statutes of the District of Columbia (D.C. Official Code §
7112 *passim*), is amended as follows:

7113 (a) Sections 1, 2, 96, and 270 (D.C. Official Code § 22-3322) is repealed.

7114 (b) Section 268 (D.C. Official Code § 22-3320) is repealed.

7115 (c) Section 269 (D.C. Official Code § 22-3321) is repealed.

7116 (d) Section 432 (D.C. Official Code § 22-405) is repealed.

7117 (e) Section 432a (D.C. Official Code § 22-405.01) is repealed.

7118 Sec. 407. An Act To confer concurrent jurisdiction on the police court of the District of
7119 Columbia in certain jurisdictions, approved July 16, 1912 (37 Stat. 192; D.C. Official Code §
7120 *passim*), is amended as follows:

7121 (a) Section 1 (D.C. Official Code § 22-1301) is repealed.

7122 (b) Section 2 (D.C. Official Code § 22-407) is repealed.

7123 (c) Section 433 (D.C. Official Code § 22-1406) is repealed.

7124 Sec. 408. Section 203 of An Act To reorganize the courts of the District of Columbia, to
7125 revise the procedures for handling juveniles in the District of Columbia, to codify title 23 of the
7126 District of Columbia Code, and for other purposes, approved July 29, 1970 (84 Stat. 600; D.C.
7127 Official Code § 22-601), is repealed.

7128 Sec. 409. The District of Columbia Theft and White Collar Crimes Act of 1982, effective
7129 December 1, 1982 (D.C. Law 4-164; D.C. Official Code *passim*), is amended as follows:

7130 (a) Section 101 (D.C. Official Code § 22-3201) is repealed.

7131 (b) Section 102 (D.C. Official Code § 22-3202) is repealed.

7132 (c) Section 103 (D.C. Official Code § 22-3203) is repealed.

7133 (d) Section 111 (D.C. Official Code § 22-3211) is repealed.

7134 (e) Section 112 (D.C. Official Code § 22-3212) is repealed.

7135 (f) Section 113 (D.C. Official Code § 22-3213) is repealed.

7136 (g) Section 114 (D.C. Official Code § 22-3214) is repealed.

7137 (h) Section 114a (D.C. Official Code § 22-3214.01) is repealed.

7138 (i) Section 114b (D.C. Official Code § 22-3214.02) is repealed.

7139 (j) Section 115 (D.C. Official Code § 22-3215) is repealed.

7140 (k) Section 116 (D.C. Official Code § 22-3216) is repealed.

7141 (l) Section 121 (D.C. Official Code § 22-3221) is repealed.

7142 (m) Section 122 (D.C. Official Code § 22-3222) is repealed.

7143 (n) Section 123 (D.C. Official Code § 22-3223) is repealed.

- 7144 (o) Section 124 (D.C. Official Code § 22-3224) is repealed.
- 7145 (p) Section 125 (D.C. Official Code § 22-3224.01) is repealed.
- 7146 (q) Section 127a (D.C. Official Code § 22-3227.01) is repealed.
- 7147 (r) Section 127b (D.C. Official Code § 22-3227.02) is repealed.
- 7148 (s) Section 127c (D.C. Official Code § 22-3227.03) is repealed.
- 7149 (t) Section 127d (D.C. Official Code § 22-3227.04) is repealed.
- 7150 (u) Section 127e (D.C. Official Code § 22-3227.05) is repealed.
- 7151 (v) Section 127f (D.C. Official Code § 22-3227.06) is repealed.
- 7152 (w) Section 127g (D.C. Official Code § 22-3227.07) is repealed.
- 7153 (x) Section 127h (D.C. Official Code § 22-3227.08) is repealed.
- 7154 (y) Section 131 (D.C. Official Code § 22-3231) is repealed.
- 7155 (z) Section 132 (D.C. Official Code § 22-3232) is repealed.
- 7156 (aa) Section 133 (D.C. Official Code § 22-3233) is repealed.
- 7157 (bb) Section 134 (D.C. Official Code § 22-3234) is repealed.
- 7158 (cc) Section 141 (D.C. Official Code § 22-3241) is repealed.
- 7159 (dd) Section 142 (D.C. Official Code § 22-3242) is repealed.
- 7160 (ee) Section 151 (D.C. Official Code § 22-3251) is repealed.
- 7161 (ff) Section 152 (D.C. Official Code § 22-3252) is repealed.
- 7162 (gg) Section 201 (D.C. Official Code § 22-3601) is repealed.
- 7163 (hh) Section 202 (D.C. Official Code § 22-3602) is repealed.
- 7164 Sec. 410. The Omnibus Public Safety Amendment Act of 2006, effective April 24, 2007
- 7165 (D.C. Law 16-306; D.C. Official Code *passim*), is amended as follows:
- 7166 (a) Section 102 (D.C. Official Code § 22-3611) is repealed.

7167 (b) Section 103 (D.C. Official Code § 22-811) is repealed.

7168 (c) Section 105 (D.C. Official Code § 2-3531) is repealed.

7169 (d) Section 106 (D.C. Official Code § 22-851) is repealed.

7170 Sec. 411. The Commercial Counterfeiting Criminalization Act of 1996, effective June 3,

7171 1997 (D.C. Law 11-271; D.C. Official Code § 22-901 *et seq.*), is amended as follows:

7172 (a) Section 2 (D.C. Official Code § 22-901) is repealed.

7173 (b) Section 3 (D.C. Official Code § 22-902) is repealed.

7174 Sec. 412. Title II of the Senior Protection Amendment Act of 2000, effective June 8,

7175 2001 (D.C. Law 13-301; D.C. Official Code § 22-931 *et seq.*), is amended as follows:

7176 (a) Section 201 (D.C. Official Code § 22-931) is repealed.

7177 (b) Section 202 (D.C. Official Code § 22-932) is repealed.

7178 (c) Section 203 (D.C. Official Code § 22-933) is repealed.

7179 (d) Section 203a (D.C. Official Code § 22-933.01) is repealed.

7180 (e) Section 204 (D.C. Official Code § 22-934) is repealed.

7181 (f) Section 205 (D.C. Official Code § 22-935) is repealed.

7182 (g) Section 206 (D.C. Official Code § 22-936) is repealed.

7183 (h) Section 206a (D.C. Official Code § 22-936.01) is repealed.

7184 (i) Section 207 (D.C. Official Code § 22-937) is repealed.

7185 (j) Section 208 (D.C. Official Code § 22-938) is repealed.

7186 Sec. 413. Section 3 of An Act for the protection of children in the District of Columbia

7187 and for other purposes, approved February 13, 1885 (23 Stat. 303; D.C. Official Code § 22-

7188 1101), is repealed.

7189 Sec. 414. Section 4 of An act to enlarge the power of the courts in the District of
7190 Columbia in cases involving delinquent children, and for other purposes, approved March 3,
7191 1901 (31 Stat. 1095; D.C. Official Code § 22-1102), is repealed.

7192 Sec. 415. The Omnibus Public Safety and Justice Amendment Act of 2009, effective
7193 December 10, 2009 (D.C. Law 18-88; D.C. Official Code § *passim*), is repealed.

7194 (a) Section 102 (D.C. Official Code § 22-1341) is repealed.

7195 (b) Section 103 (D.C. Official Code § 22-1211) is repealed.

7196 (c) Section 501 (D.C. Official Code § 22-3131) is repealed.

7197 (d) Section 502 (D.C. Official Code § 22-3132) is repealed.

7198 (e) Section 503 (D.C. Official Code § 22-3133) is repealed.

7199 (f) Section 504 (D.C. Official Code § 22-3134) is repealed.

7200 (g) Section 505 (D.C. Official Code § 22-3135) is repealed.

7201 Sec. 416. An act for the preservation of the public peace and protection of property
7202 within the District of Columbia, approved July 29, 1892 (27 Stat. 322; D.C. Official Code §
7203 *passim*), is amended as follows:

7204 (a) Section 2 (D.C. Official Code § 22-3313) is repealed.

7205 (b) Section 4 (D.C. Official Code § 22-1317) is repealed.

7206 (c) Section 6 (D.C. Official Code § 22-1307) is repealed.

7207 (d) Section 9 (D.C. Official Code § 22-1312) is repealed.

7208 (e) Section 13 (D.C. Official Code § 22-3310) is repealed.

7209 (f) Section 16 (D.C. Official Code § 22-1318) is repealed.

7210 (g) Section 17 (D.C. Official Code § 22-1308) is repealed.

7211 Sec. 417. Section 9 of An Act To create revenues in the District of Columbia by levying a
7212 tax upon all dogs therein, to make such dogs personal property, and for other purposes, approved
7213 June 19, 1878 (20 Stat. 174; D.C. Official Code § 22-1311), is repealed.

7214 Sec. 418. The District of Columbia Law Enforcement Act of 1953, approved June 29,
7215 1953 (67 Stat. 95; D.C. Official Code § 22-1321), is amended as follows:

7216 (a) Section 209 (D.C. Official Code § 22-2501) is repealed.

7217 (b) Section 211 (D.C. Official Code § 22-1321) is repealed.

7218 Sec. 419. Section 901 of An Act Relating to crime and criminal procedure in the District
7219 of Columbia, approved December 27, 1967 (81 Stat. 742; D.C. Official Code § 22-1322), is
7220 repealed.

7221 Sec. 420. An Act To establish a code of law for the District of Columbia, approved
7222 March 3, 1901 (31 Stat. 1189; D.C. Official Code *passim*), is amended as follows:

7223 (a) Section 798 (D.C. Official Code § 22-2101) is repealed.

7224 (b) Section 799 (D.C. Official Code § 22-2102) is repealed.

7225 (c) Section 800 (D.C. Official Code § 22-2103) is repealed.

7226 (d) Section 801 (D.C. Official Code § 22-2104) is repealed.

7227 (e) Section 801a (D.C. Official Code § 22-2104.01) is repealed.

7228 (f) Section 802 (D.C. Official Code § 22-2105) is repealed.

7229 (g) Section 802a (D.C. Official Code § 22-2106) is repealed.

7230 (h) Section 803 (D.C. Official Code § 22-401) is repealed.

7231 (i) Section 804 (D.C. Official Code § 22-402) is repealed.

7232 (j) Section 805 (D.C. Official Code § 22-403) is repealed.

7233 (k) Section 806 (D.C. Official Code § 22-404) is repealed.

- 7234 (l) Section 806a (D.C. Official Code § 22-404.01) is repealed.
- 7235 (m) Section 806b (D.C. Official Code § 22-404.02) is repealed.
- 7236 (n) Section 806c (D.C. Official Code § 22-404.03) is repealed.
- 7237 (o) Section 807 (D.C. Official Code § 22-404.03) is repealed.
- 7238 (p) Section 810 (D.C. Official Code § 22-2801) is repealed.
- 7239 (q) Section 811 (D.C. Official Code § 22-2802) is repealed.
- 7240 (r) Section 811a (D.C. Official Code § 22-2803) is repealed.
- 7241 (s) Section 812 (D.C. Official Code § 22-2001) is repealed.
- 7242 (t) Section 813 (D.C. Official Code § 22-2704) is repealed.
- 7243 (u) Section 820 (D.C. Official Code § 22-406) is repealed.
- 7244 (v) Section 821 (D.C. Official Code § 22-302) is repealed.
- 7245 (w) Section 823 (D.C. Official Code § 22-801) is repealed.
- 7246 (x) Section 824 (D.C. Official Code § 22-3302) is repealed.
- 7247 (y) Section 825a (D.C. Official Code § 22-2305) is repealed.
- 7248 (z) Section 836a (D.C. Official Code § 22-1808) is repealed.
- 7249 (aa) Section 844 (D.C. Official Code § 22-3307) is repealed.
- 7250 (bb) Section 845a (D.C. Official Code § 22-1402) is repealed.
- 7251 (cc) Section 846 (D.C. Official Code § 22-3319) is repealed.
- 7252 (dd) Section 848 (D.C. Official Code § 22-303) is repealed.
- 7253 (ee) Section 850 (D.C. Official Code § 22-3314) is repealed.
- 7254 (ff) Section 851 (D.C. Official Code § 22-3301) is repealed.
- 7255 (gg) Section 860 (D.C. Official Code § 22-1404) is repealed.
- 7256 (hh) Section 863 (D.C. Official Code § 22-1701) is repealed.

- 7257 (ii) Section 863 (D.C. Official Code § 22-1702) is repealed.
- 7258 (jj) Section 864 (D.C. Official Code § 22-1703) is repealed.
- 7259 (kk) Section 865 (D.C. Official Code § 22-1704) is repealed.
- 7260 (ll) Section 866 (D.C. Official Code § 22-1705) is repealed.
- 7261 (mm) Section 867 (D.C. Official Code § 22-1706) is repealed.
- 7262 (nn) Section 868 (D.C. Official Code § 22-1707) is repealed.
- 7263 (oo) Section 869 (D.C. Official Code § 22-1708) is repealed.
- 7264 (pp) Section 869e (D.C. Official Code § 22-1713) is repealed.
- 7265 (qq) Section 869f (D.C. Official Code § 22-1714) is repealed.
- 7266 (rr) Section 872 (D.C. Official Code § 22-2201) is repealed.
- 7267 (ss) Section 875 (D.C. Official Code § 22-1901) is repealed.
- 7268 (tt) Section 879 (D.C. Official Code § 22-1502) is repealed.
- 7269 (uu) Section 880 (D.C. Official Code § 22-3309) is repealed.
- 7270 (vv) Section 891 (D.C. Official Code § 22-3303) is repealed.
- 7271 (ww) Section 906 (D.C. Official Code § 22-1803) is repealed.
- 7272 (xx) Section 907 (D.C. Official § Code 22-1804) is repealed.
- 7273 (yy) Section 907a (D.C. Official Code § 22-1804a) is repealed.
- 7274 (zz) Section 908 (D.C. Official Code § 22-1805) is repealed.
- 7275 (aaa) Section 908A (D.C. Official Code § 22-1805a) is repealed.
- 7276 (bbb) Section 909 (D.C. Official Code § 22-1806) is repealed.
- 7277 (ccc) Section 910 (D.C. Official Code § 22-1807) is repealed.

7278 Sec. 421. An Act To punish the impersonation of inspectors of the health and other
7279 departments of the District of Columbia, approved March 2, 1897 (29 Stat. 619; D.C. Official
7280 Code § 22-1405), is repealed.

7281 Sec. 422. The Badge Protection Act of 2002, effective October 17, 2002 (D.C. Law 14-
7282 194; D.C. Official Code § 22-1409), is repealed.

7283 Sec. 423. An Act Regulating the issuance of checks, drafts, and orders for the payment of
7284 money within the District of Columbia, approved July 1, 1922 (42 Stat. 820; D.C. Official Code
7285 § 22-1510), is repealed.

7286 Sec. 424. An Act To prevent fraudulent advertising in the District of Columbia, approved
7287 May 29, 1916 (39 Stat. 165; D.C. Official Code § 22-1511 *et seq.*), is repealed.

7288 Sec. 425. Section 211a of An act for the preservation of the public peace and the
7289 protection of property within the District of Columbia, approved July 29, 1892 (27 Stat. 325;
7290 D.C. Official Code § 22-1809), is repealed.

7291 Sec. 426. Section 1502 of the Omnibus Crime Control and Safe Streets Act of 1968,
7292 approved June 19, 1968 (82 Stat. 238; D.C. Official Code § 22-1810), is repealed.

7293 Sec. 427. Title I of the Prohibition Against Human Trafficking Amendment Act of 2010,
7294 effective October 23, 2010 (D.C. Law 18-239; D.C. Official Code § 22-1831 *et seq.*), is amended
7295 as follows:

7296 (a) Section 101 (D.C. Code § 22-1831) is repealed.

7297 (b) Section 102 (D.C. Code § 22-1832) is repealed.

7298 (c) Section 103 (D.C. Code § 22-1833) is repealed.

7299 (d) Section 104 (D.C. Code § 22-1834) is repealed.

7300 (e) Section 105 (D.C. Code § 22-1835) is repealed.

- 7301 (f) Section 106 (D.C. Code § 22-1836) is repealed.
- 7302 (g) Section 107 (D.C. Code § 22-1837) is repealed.
- 7303 (h) Section 108 (D.C. Code § 22-1838) is repealed.
- 7304 (i) Section 109 (D.C. Code § 22-1839) is repealed.
- 7305 (j) Section 110 (D.C. Code § 22-1840) is repealed.
- 7306 Sec. 428. The Panhandling Control Act of 1993, effective November 17, 1993 (D.C. Law
- 7307 10-54; D.C. Official Code § 22-2301 *et seq.*), is repealed.
- 7308 Sec. 429. Section 8 of An Act To establish a Board of Indeterminate Sentence and Parole
- 7309 for the District of Columbia and to determine its functions, and for other purposes, approved July
- 7310 15, 1932 (47 Stat. 698; D.C. Official Code § 22-2601), is amended as follows:
- 7311 Sec. 430. An Act To prohibit the introduction of contraband into the District of Columbia
- 7312 penal institutions, approved December 15, 1941 (55 Stat. 800; D.C. Official Code § 22-2603.01
- 7313 *et seq.*), is amended as follows:
- 7314 (a) Section 2 (D.C. Official Code § 22-2603.01) is repealed.
- 7315 (b) Section 3 (D.C. Official Code § 22-2603.02) is repealed.
- 7316 (c) Section 4 (D.C. Official Code § 22-2603.03) is repealed.
- 7317 (d) Section 5 (D.C. Official Code § 22-2603.04) is repealed.
- 7318 Sec. 431. Chapter 546 of An Act For the Suppression of prostitution in the District of
- 7319 Columbia, approved August 15, 1935 (49 Stat. 651; D.C. Official Code § 22-2701), is amended
- 7320 as follows:
- 7321 (a) Section 1 (D.C. Official Code § 22-2701) is repealed.
- 7322 (b) Section 3 (D.C. Official Code § 22-2703) is repealed.
- 7323 (c) Section 5 (D.C. Official Code § 22-2723) is repealed.

7324 (d) Section 6 (D.C. Official Code § 22-2724) is repealed.

7325 (e) Section 7 (D.C. Official Code § 22-2725) is repealed.

7326 Sec. 432. Section 2 of the Control of Prostitution and Sale of Controlled Substances in
7327 Public Places Criminal Control Act of 1981, effective December 10, 1981 (D.C. Law 4-57; D.C.
7328 Official Code § 22-2701.01), is repealed

7329 Sec. 433. An Act In relation to pandering, to define and prohibit the same and to provide
7330 for the Punishment thereof, approved June 25, 1910 (36 Stat. 833; D.C. Official Code § 22-2705
7331 *et seq.*), is amended as follows:

7332 (a) Section 1 (D.C. Official Code § 22-2705) is repealed.

7333 (b) Section 2 (D.C. Official Code § 22-2706) is repealed.

7334 (c) Section 3 (D.C. Official Code § 22-2707) is repealed.

7335 (d) Section 4 (D.C. Official Code § 22-2708) is repealed.

7336 (e) Section 5 (D.C. Official Code § 22-2709) is repealed.

7337 (f) Section 6 (D.C. Official Code § 22-2710) is repealed.

7338 (g) Section 7 (D.C. Official Code § 22-2711) is repealed.

7339 (h) Section 8 (D.C. Official Code § 22-2712) is repealed.

7340 Sec. 434. An Act To enjoin and abate houses of lewdness, assignation, and prostitution;
7341 to declare the same to be nuisances; to enjoin the person or persons who conduct or maintain the
7342 same and the owner or agent of any building used for such purpose; and to assess a tax against
7343 the person maintaining said nuisance and against the building and owner thereof, approved
7344 February 7, 1914 (38 Stat. 280; D.C. Official Code § 22-2713 *et seq.*), is amended as follows:

7345 (a) Section 1 (D.C. Official Code § 22-2713) is repealed.

7346 (b) Section 2 (D.C. Official Code § 22-2714) is repealed.

- 7347 (c) Section 3 (D.C. Official Code § 22-2715) is repealed.
- 7348 (d) Section 4 (D.C. Official Code § 22-2716) is repealed.
- 7349 (e) Section 5 (D.C. Official Code § 22-2717) is repealed.
- 7350 (f) Section 6 (D.C. Official Code § 22-2718) is repealed.
- 7351 (g) Section 7 (D.C. Official Code § 22-2719) is repealed.
- 7352 (h) Section 8 (D.C. Official Code § 22-2720) is repealed.
- 7353 Sec. 435. Section 1 of An Act To confer concurrent jurisdiction on the police court of the
- 7354 District of Columbia in certain cases, approved July 16, 1912 (37 Stat. 192; D.C. Official Code §
- 7355 22-2722), is repealed.
- 7356 Sec. 436. The Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-
- 7357 257; D.C. Official Code § 22-3001 *et seq.*), is amended as follows:
- 7358 (a) Section 101 (D.C. Official Code § 22-3001) is repealed.
- 7359 (b) Section 201 (D.C. Official Code § 22-3002) is repealed.
- 7360 (c) Section 202 (D.C. Official Code § 22-3003) is repealed.
- 7361 (d) Section 203 (D.C. Official Code § 22-3004) is repealed.
- 7362 (e) Section 204 (D.C. Official Code § 22-3005) is repealed.
- 7363 (f) Section 205 (D.C. Official Code § 22-3006) is repealed.
- 7364 (g) Section 206 (D.C. Official Code § 22-3007) is repealed.
- 7365 (h) Section 207 (D.C. Official Code § 22-3008) is repealed.
- 7366 (i) Section 208 (D.C. Official Code § 22-3009) is repealed.
- 7367 (j) Section 208a (D.C. Official Code § 22-3009.01) is repealed.
- 7368 (k) Section 208b (D.C. Official Code § 22-3009.02) is repealed.
- 7369 (l) Section 208c (D.C. Official Code § 22-3009.03) is repealed.

- 7370 (m) Section 208d (D.C. Official Code § 22-3009.04) is repealed.
- 7371 (n) Section 209 (D.C. Official Code § 22-3010) is repealed.
- 7372 (o) Section 209a (D.C. Official Code § 22-3010.01) is repealed.
- 7373 (p) Section 209b (D.C. Official Code § 22-3010.02) is repealed.
- 7374 (q) Section 210 (D.C. Official Code § 22-3011) is repealed.
- 7375 (r) Section 211 (D.C. Official Code § 22-3012) is repealed.
- 7376 (s) Section 212 (D.C. Official Code § 22-3013) is repealed.
- 7377 (t) Section 213 (D.C. Official Code § 22-3014) is repealed.
- 7378 (u) Section 214 (D.C. Official Code § 22-3015) is repealed.
- 7379 (v) Section 215 (D.C. Official Code § 22-3016) is repealed.
- 7380 (w) Section 216 (D.C. Official Code § 22-3017) is repealed.
- 7381 (x) Section 217 (D.C. Official Code § 22-3018) is repealed.
- 7382 (y) Section 218 (D.C. Official Code § 22-3019) is repealed.
- 7383 (z) Section 219 (D.C. Official Code § 22-3020) is repealed.
- 7384 (aa) Section 251 (D.C. Official Code § 22-3020.51) is repealed.
- 7385 (bb) Section 252 (D.C. Official Code § 22-3020.52) is repealed.
- 7386 (cc) Section 253 (D.C. Official Code § 22-3020.53) is repealed.
- 7387 (dd) Section 254 (D.C. Official Code § 22-3020.54) is repealed.
- 7388 (ee) Section 255 (D.C. Official Code § 22-3020.55) is repealed.
- 7389 (ff) Section 301 (D.C. Official Code § 22-3021) is repealed.
- 7390 (gg) Section 302 (D.C. Official Code § 22-3022) is repealed.
- 7391 (hh) Section 303 (D.C. Official Code § 22-3023) is repealed.
- 7392 (ii) Section 304 (D.C. Official Code § 22-3024) is repealed.

7393 Sec. 437. The Criminalization of Non-Consensual Pornography Act of 2014, effective
7394 May 7, 2015 (D.C. Law 20-275; D.C. Official Code § 22-3051 *et seq.*), is amended as follows:

7395 (a) Section 2 (D.C. Official Code § 22-3051) is repealed.

7396 (b) Section 3 (D.C. Official Code § 22-3052) is repealed.

7397 (c) Section 4 (D.C. Official Code § 22-3053) is repealed.

7398 (d) Section 5 (D.C. Official Code § 22-3054) is repealed.

7399 (e) Section 6 (D.C. Official Code § 22-3055) is repealed.

7400 (f) Section 7 (D.C. Official Code § 22-3056) is repealed.

7401 (g) Section 8 (D.C. Official Code § 22-3057) is repealed.

7402 Sec. 438. The District of Columbia Protection of Minors Act of 1982, effective March 9,
7403 1983 (D.C. Law 4-173; D.C. Official Code § 22-3101 *et seq.*), is amended as follows:

7404 (a) Section 2 (D.C. Official Code § 22-3101) is repealed.

7405 (b) Section 3 (D.C. Official Code § 22-3102) is repealed.

7406 (c) Section 4 (D.C. Official Code § 22-3103) is repealed.

7407 (d) Section 5 (D.C. Official Code § 22-3104) is repealed.

7408 Sec. 439. The Anti-Intimidation and Defacing of Public or Private Property Criminal
7409 Penalty Act of 1982, effective March 10, 1983 (D.C. Law 4-203; D.C. Official Code § 22-
7410 3312.01 *et seq.*), is amended as follows:

7410 3312.01 *et seq.*), is amended as follows:

7411 (a) Section 1a (D.C. Official Code § 22-3312.05) is repealed.

7412 (b) Section 2 (D.C. Official Code § 22-3312.01) is repealed.

7413 (c) Section 5 (D.C. Official Code § 22-3312.04) is amended as follows:

7414 (1) Subsection (a) is repealed.

7415 (2) Subsection (c) is repealed.

7416 (3) Subsection (d) is repealed.

7417 (4) Subsection (e) is repealed.

7418 Sec. 440. An Act to prohibit the use by collecting agencies and private detective agencies
7419 of any name, emblem, or insignia which reasonably tends to convey the impression that any such
7420 agency is an agency of the government of the District of Columbia, approved October 16, 1962
7421 (76 Stat. 1071; D.C. Official Code § 22-3401 *et seq.*), is amended as follows:

7422 (a) Section 1 (D.C. Official Code § 22-3401) is repealed.

7423 (b) Section 2 (D.C. Official Code § 22-3402) is repealed.

7424 (c) Section 3 (D.C. Official Code § 22-3403) is repealed.

7425 Sec. 441. The Bias-Related Crime Act of 1989, effective May 8, 1990 (D.C. Law 8-121;
7426 D.C. Official Code § 22-3701 *et seq.*), is amended as follows:

7427 (a) Section 2 (D.C. Official Code § 22-3701) is repealed.

7428 (b) Section 3 (D.C. Official Code § 22-3702) is repealed.

7429 (c) Section 4 (D.C. Official Code § 22-3703) is repealed.

7430 Sec. 442. The Taxicab Drivers Protection Act of 2000, effective June 9, 2001 (D.C. Law
7431 13-307; D.C. Official Code § 22-3751 *et seq.*), is amended as follows;

7432 (a) Section 2 (D.C. Official Code § 22-3751) is repealed.

7433 (b) Section 2a (D.C. Official Code § 22-3751.01) is repealed.

7434 (c) Section 3 (D.C. Official Code § 22-3752) is repealed.

7435 Sec. 443. Section 11712(e) of the National Capital Revitalization and Self-Government
7436 Improvement Act of 1997, approved August 5, 1997 (111 Stat. 763; D.C. Official Code § 22-
7437 1323, is repealed.

7438 Sec. 444. An Act To control the possession, sale, transfer, and use of pistols and other
7439 dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of
7440 evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-
7441 4501 *et seq.*), is amended as follows:

7442 (a) Section 1 (D.C. Official Code § 22-4501) is repealed.

7443 (b) Section 2 (D.C. Official Code § 22-4502) is repealed.

7444 (c) Section 2a (D.C. Official Code § 22-4502.01) is repealed.

7445 (d) Section 3 (D.C. Official Code § 22-4503) is repealed.

7446 (e) Section 3a (D.C. Official Code § 22-4503.01) is repealed.

7447 (f) Section 3b (D.C. Official Code § 22-4503.02) is repealed.

7448 (g) Section 4 (D.C. Official Code § 22-4504) is repealed.

7449 (h) Section 4a (D.C. Official Code § 22-4504.01) is repealed.

7450 (i) Section 4b (D.C. Official Code § 22-4504.02) is repealed.

7451 (j) Section 5 (D.C. Official Code § 22-4505) is repealed.

7452 (k) Section 6 (D.C. Official Code § 22-4506) is repealed.

7453 (l) Section 7 (D.C. Official Code § 22-4507) is repealed.

7454 (m) Section 8 (D.C. Official Code § 22-4508) is repealed.

7455 (n) Section 9 (D.C. Official Code § 22-4509) is repealed.

7456 (o) Section 10 (D.C. Official Code § 22-4510) is repealed.

7457 (p) Section 11 (D.C. Official Code § 22-4511) is repealed.

7458 (q) Section 12 (D.C. Official Code § 22-4512) is repealed.

7459 (r) Section 13 (D.C. Official Code § 22-4513) is repealed.

7460 (s) Section 14 (D.C. Official Code § 22-4514) is repealed.

7461 (t) Section 15 (D.C. Official Code § 22-4515) is repealed.

7462 (u) Section 15a (D.C. Official Code § 22-4515.01) is repealed.

7463 (v) Section 16 (D.C. Official Code § 22-4516) is repealed.

7464 (w) Section 18 (D.C. Official Code § 22-4517) is repealed.

7465 Sec. 445. Section 8 of An Act Making appropriations to provide for the expenses of the
7466 government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred
7467 and fourteen, and for other purposes, approved March 4, 1913 (37 Stat. 974; D.C. Official Code §
7468 34-101 *et seq.*), is amended as follows:

7469 (a) Paragraph 80 (D.C. Official Code § 34-701) is repealed.

7470 (b) Paragraph 86 (D.C. Official Code § 34-707) is repealed.

7471 Sec. 446. Section 878c of An Act To establish a code of law for the District of Columbia,
7472 approved February 27, 1907 (34 Stat. 1007; D.C. Official Code § 36-153), is repealed.

7473 Sec. 447. Section 9(b) of the Vending Regulation Act of 2009, effective October 22, 2009
7474 (D.C. Law 18-71; D.C. Official Code § 37-131.08(b)), is repealed.

7475 Sec. 448. Section 47-102 of the District of Columbia Official Code is repealed.

7476 TITLE V. APPLICABILITY; FISCAL IMPACT STATEMENT; EFFECTIVE DATE.

7477 Sec. 501. Applicability.

7478 (a) This act shall apply as of one year after the effective date of this act.

7479 (b) *Offenses committed prior to the applicability date.* Offenses committed prior to the
7480 applicability date of this act are subject to laws in effect at that time. An offense is committed
7481 prior to the applicability date of this act if any one of the elements of the offense is satisfied prior
7482 to the applicability date of this act.

7483 Sec. 502. Fiscal impact statement.

7484 The Council adopts the fiscal impact statement in the committee report as the fiscal
7485 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
7486 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

7487 Sec. 503. Effective date.

7488 This act shall take effect following approval by the Mayor (or in the event of veto by the
7489 Mayor, action by the Council to override the veto), a 60-day period of congressional review as
7490 provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December
7491 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of
7492 Columbia Register.