

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-9

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 16, 2007

*Codification
District of
Columbia
Official Code*

2001 Edition

2007 Winter
Supp.

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Publisher

To amend, on an emergency basis, due to Congressional review, Titles 16 and 23 of the District of Columbia Official Code to create a rebuttable presumption for detaining certain adults and juveniles charged with robbery or certain handgun violations pending a trial or disposition hearing; to amend Title 16 of the District of Columbia Official Code to require the Family Court of the Superior Court of the District of Columbia and the Director of the Department of Youth Rehabilitation Services to disclose specified information to the Chief of the Metropolitan Police Department; and to amend Chapter 25 of Title 24 of the District of Columbia Municipal Regulations governing the Metropolitan Police Department's Closed Circuit Television system to authorize its use in the prevention, detection, deterrence, and investigation of crime.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Crime Reduction Initiative Congressional Review Emergency Amendment Act of 2007".

TITLE I. REBUTTABLE PRESUMPTION TO DETAIN ROBBERY AND
HANDGUN VIOLATION SUSPECTS.

Sec. 101. Section 16-2310 of the District of Columbia Official Code is amended by adding a new subsection (a-1) to read as follows:

Note,
§ 16-2310

"(a-1)(1) There shall be a rebuttable presumption that detention is required to protect the person or property of others if the judicial officer finds by a substantial probability that the child:

"(A) Committed a dangerous crime or a crime of violence while armed with or having readily available a pistol, firearm, or imitation firearm; or

"(B) Committed CPWL, carrying a pistol without a license.

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“(2) For the purposes of this subsection, the terms “dangerous crime” and “crime of violence” shall have the same meanings as provided in section 23-1331, except that these terms shall not include:

“(A) Any felony offense under Chapter 27 of Title 22 (Prostitution, Pandering);

“(B) Any felony offense under Chapter 9 of Title 48 (Controlled Substances);

“(C) Burglary; or

“(D) Arson.”

Sec. 102. Chapter 13 of Title 23 of the District of Columbia Official Code is amended as follows:

(a) Section 23-1322(c) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “or imitation firearm;” and inserting the phrase “imitation firearm, or other deadly or dangerous weapon;” in its place.

(2) Paragraph (3) is amended by striking the phrase “offense; or” and inserting the phrase “offense;” in its place.

(3) Paragraph (4) is amended by striking the phrase “federal offense.” and inserting the phrase “federal offense;” in its place.

(4) New paragraphs (5), (6), and (7) are added to read as follows:

“(5) Committed 2 or more dangerous crimes or crimes of violence in separate incidents that are joined in the case before the judicial officer;

“(6) Committed a robbery in which the victim sustained a physical injury; or

“(7) Committed CPWL, carrying a pistol without a license.”

(b) Section 23-1331 is amended by adding a new paragraph (6) to read as follows:

“(6) The term “physical injury” means bodily harm greater than transient pain or minor temporary marks.”

Note,
§ 23-1322

Note,
§ 23-1331

TITLE II. MANDATORY DISCLOSURE OF JUVENILE RECORDS.

Sec. 201. Title 16 of the District of Columbia Official Code is amended as follows:

(a) Section 16-2301 is amended as follows:

(1) Paragraph (1) is amended by adding a sentence at the end to read as follows: “Pursuant to section 16-2301.01, the term “Division” shall be deemed to refer to the Family Court of the Superior Court of the District of Columbia.”

(2) A new paragraph (1A) is added to read as follows:

“(1A) “Family Court” means the Family Court of the Superior Court of the District of Columbia.”

(3) A new paragraph (43) is added to read as follows:

“(43) The term “weapons offense” means any violation of any law, rule, or regulation which involves the sale, purchase, transfer in any manner, receipt, acquisition,

Note,
§ 16-2301

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possession, having under control, use, repair, manufacture, carrying, or transportation of any firearm, ammunition, or destructive device as these terms are defined in section 7-2501.01.”.

(b) Section 16-2331 is amended by adding a new subsection (d-1) to read as follows:

“(d-1)(1) Notwithstanding subsections (b), (b-1), (b-2), (c), or (d) of this section, for every respondent whom the Office of the Attorney General has filed a petition against for the following: (i) a crime of violence (as defined in section 23-1331(4)); (ii) a weapons offense; (iii) unauthorized use of a vehicle; (iv) theft in the first degree where the property obtained or used is a motor vehicle (as defined in section 22-3215(a)); or (v) the Office of the Attorney General has filed 3 or more petitions against the respondent, and the respondent is not detained by the Family Court of the Superior Court of the District of Columbia pursuant to section 16-2313(b)(3), the Family Court shall provide, within 48 hours of the decision not to detain the respondent, the following case record information to the Chief of the Metropolitan Police Department (“Chief”):

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§ 16-2331

“(A) Respondent’s name and date of birth;

“(B) Last known address of the respondent;

“(C) Last known address of respondent’s parents, guardians, caretakers, and custodians;

“(D) Address to which the respondent will be placed and the name and address of the person into whose custody the respondent will be placed; and

“(E) All terms of the placement or conditions of release.

“(2) Notwithstanding subsections (b), (b-1), (b-2), (c), or (d) of this section, the Family Court shall provide the following case record information to the Chief for all cases in which the respondent is not detained by the Family Court pursuant to section 16-2313(b)(3) and cases in which the respondent is placed on probation pursuant to section 16-2320(c)(3):

“(A) Respondent’s name and date of birth;

“(B) All terms or conditions of any stay-away order; and

“(C) All terms or conditions of any curfew order.

“(3) The Chief shall utilize information obtained from the Family Court and may disclose such information to law enforcement officers or law enforcement entities only as necessary to preserve public safety or the safety of the respondent. The Chief shall not otherwise disclose this information, except as authorized by this section.

“(4) If the Chief discloses information pursuant to paragraph (3) of this subsection, the Chief shall notify the recipient that the information may only be re-disclosed to law enforcement officers and only to the extent necessary to preserve public safety or the safety of the respondent. The Chief shall notify the recipient of the information that any other use or disclosure of the information shall be governed by this section and sections 16-2332 and 16-2333, and that unauthorized re-disclosure may be prosecuted under section 16-2336. Any violation of this paragraph will result in an investigation of the violation by the Inspector General of the District of Columbia.

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"(5) If the petition filed against the juvenile does not result in disposition, the Family Court, within 48 hours of the entry of the decision by the court to dismiss or close the case, or the withdrawal of the petition by the Office of the Attorney General, shall notify the Chief of the Metropolitan Police Department that the case has not resulted in a disposition. The Chief shall, within 48 hours of the notification, destroy and erase from Metropolitan Police Department files the case record information received from the Family Court pursuant to this subsection and shall notify all parties and agencies to which it transmitted case record information pursuant to paragraph (3) of this subsection that the juvenile's case did not result in a disposition and any information that has been transmitted shall be destroyed and erased."

(c) Section 16-2332 is amended by adding a new subsection (d-1) to read as follows:

"(d-1)(1) Notwithstanding subsections (b), (c), or (d) of this section, for every respondent committed to the Department of Youth Rehabilitation Services ("Department") pursuant to section 16-2320(c)(2) who has been adjudicated of: (i) a crime of violence (as defined in section 23-1331(4)); (ii) a weapons offense; (iii) unauthorized use of a vehicle; (iv) theft in the first degree where property obtained or used is a motor vehicle (as defined in section 22-3215(a)); or (v) adjudicated 3 or more times, the Mayor may direct the Director of the Department ("Director") to provide notice to the Chief of the Metropolitan Police Department ("Chief") of any assignment or placement of the respondent in a Department facility or residential or other placement, including any facility operated by a contractor or agent, as soon as practicable prior to the assignment or placement.

Note,
§ 16-2332

"(2) Notwithstanding subsections (b), (c), or (d) of this section, for any respondent who is detained or committed to the Department, the Director shall provide notice to the Chief of any respondent absconding or escaping from any Department facility, or residential or other placement, including any facility or placement operated by an agent or contractor, within one hour of the absconding or escaping.

"(3) Notice issued pursuant to this subsection shall include the following information, as applicable:

"(A) Respondent's name and date of birth;

"(B) Last known address of the respondent;

"(C) Last known address of the respondent's parents, guardians, caretakers, and custodians;

"(D) Address to which the respondent will be assigned, placed, or released and the name and address of the person into whose custody the respondent will be placed if the respondent is not placed into a Department facility; and

"(E) A recent photograph of the respondent, if available.

"(4) The Chief shall utilize information obtained from the Director and may disclose such information to law enforcement persons or law enforcement entities only as necessary to preserve public safety or the safety of the respondent. The Chief shall not otherwise disclose this information, except as authorized by this section.

“(5) If the Chief discloses information pursuant to paragraph (4) of this subsection, the Chief shall notify the recipient that the information may only be re-disclosed to law enforcement officers and only to the extent necessary to preserve public safety or the safety of the respondent. The Chief shall notify the recipient of the information that any other use or disclosure of the information shall be governed by this section and sections 16-2331 and 16-2333, and that unauthorized re-disclosure may be prosecuted under section 16-2336. Any violation of this paragraph will result in an investigation of the violation by the Inspector General of the District of Columbia.

“(6) The Chief may make additional case-specific inquiries to the Mayor based on information disclosed under paragraph (1) of this subsection. The Mayor may direct the Director to provide such additional information, when requested by the Chief, but only as necessary to protect public safety or the safety of the respondent.”

TITLE III. USE OF CLOSED CIRCUIT TELEVISION TO COMBAT CRIME.

Sec. 301. Chapter 25 of Title 24 of the District of Columbia Municipal Regulations is amended as follows:

DCMR

(a) Section 2500.1 is amended by striking the phrase “within the Synchronized Operations Command Complex (SOCC)”.

(b) Section 2500.2 is amended by striking the phrase “and (2) to coordinate traffic control on an as needed basis.” and inserting the phrase “(2) to coordinate traffic control on an as-needed basis; and (3) to combat crime as authorized by § 2508.” in its place.

(c) Section 2502.1 is amended to read as follows:

“2502.1 The Chief of Police shall provide public notification prior to the deployment of any permanent cameras, except:

“(a) Under exigent circumstances; or

“(b) When cameras are deployed pursuant to a court order.”

(d) Section 2504.2 is amended by striking the phrase “SOCC personnel will enter activation information, including the disposition of any observed incidents, into the running resume of the daily SOCC report, including” and inserting the phrase “MPD personnel will record activation information, including the disposition of any observed incidents,” in its place.

(e) Section 2505.4 is amended by striking the phrase “of the SOCC”.

(f) Section 2505.11 is amended by striking the phrase “SOCC staff shall maintain a video catalog” and inserting the phrase “MPD personnel shall maintain a video catalog” in its place.

(g) A new section 2508 is added to read as follows:

“2508 USE OF CCTV TO COMBAT CRIME

“2508.1 The Chief of Police is authorized to use the CCTV system for the purpose of preventing, detecting, deterring, and investigating crime in neighborhoods in the District of Columbia.

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“(e) The number of crimes in the specific areas detected and reported to the Metropolitan Police Department because of the presence of the video surveillance cameras; and

“(f) The number of crime investigations aided by the Closed Circuit Television Cameras, and a description in each case of how the camera was helpful to the investigation, during the period July 19, 2006 to January 1, 2008.

“2508.7 The report due February 15, 2008 shall also state the Metropolitan Police Department’s long-term plan for the use of CCTV cameras to combat crime, including:

“(a) Changes to the program, if any;

“(b) Ultimate number of cameras to be installed;

“(c) How CCTV cameras will be integrated with other crime-fighting measures; and

“(d) Estimated fiscal impact of the long-range CCTV plan.”.

(h) Section 2599.1 is amended to read as follows:

“2599 DEFINITIONS

“2599.1 When used in this chapter, the following words and phrases shall have the meanings ascribed:

“ANC – Advisory Neighborhood Commission.

“Chief of Police – The Chief of Police or his or her designee.

“Closed Circuit Television or CCTV – Any live video link that is electronically received into any MPD property.

“Demonstration – A temporary presentation of the capacity of the CCTV system to visitors of the MPD.

“Exigent Circumstances – Unanticipated situations that threaten the immediate safety of individuals or property within the District of Columbia; provided, that the cameras have no greater scope or capabilities than reasonably necessary to achieve a legitimate law enforcement purpose.

“External Video Feeds – Any video link received by MPD on a live basis from a source other than MPD.

“MPD - Metropolitan Police Department.

“PSA - Police Service Area.

“Public Entities – District of Columbia, state, or federal agencies.

“Public Notice or Notification– Notice that includes at a minimum, but is not limited to, publication in the District of Columbia Register, posting on the MPD website, written notice to the relevant Councilmember, written notice to the relevant ANC Commissioner, and issuance of a press release.”.

TITLE IV. FISCAL IMPACT

Sec. 401. Fiscal impact statement.

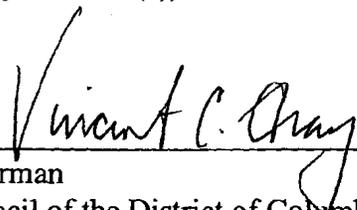
The Council adopts the fiscal impact statements in the committee reports for the Mandatory Juvenile Public Safety Notification Act of 2006, signed by the Mayor on December

28, 2006 (D.C. Act 16-630), and the Rebuttable Presumption to Detain Robbery and Handgun Violation Suspects Act of 2006, signed by the Mayor on December 28, 2006 (D.C. Act 16-643), and the December 4, 2006 fiscal impact statement of the Chief Financial Officer for the Use of Closed Circuit Television to Combat Crime Amendment Act of 2006, signed by the Mayor on December 28, 2006 (D.C. Act 16-642), as the fiscal impact statements required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

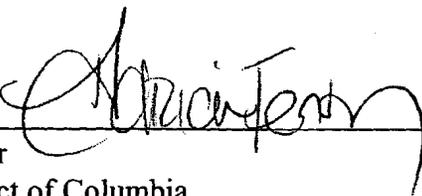
TITLE V. EFFECTIVE DATE.

Sec. 501. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 16, 2007

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AN ACT
D.C. ACT 17-10

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To establish, on an emergency basis, due to Congressional review, criminal offenses for recruiting members for criminal street gangs, causing a person to participate in or remain in a criminal street gang, and participating in any felony or violent misdemeanor on behalf of the street gang; to provide for enhanced criminal penalties of up to 1 ½ times the maximum otherwise provided by law for those adults who commit crimes of violence against minors; to establish a criminal offense for an adult causing a minor to engage in certain status offenses or delinquent acts; to authorize the Chief of Police to declare any public area a prostitution free zone for a period not to exceed 240 hours, and to establish a criminal offense for persons congregating within such a zone for purposes of prostitution after being ordered to disperse; to establish a criminal offense for installing an electronic recording device, mirror, or peephole in such manner as to surreptitiously observe individuals engaged in personal activities including sexual relations, changing clothes, or using a restroom, or for recording any of those activities; to establish a criminal offense for intimidating, impeding, interfering with, or retaliating against a public official or an employee of the District of Columbia; to establish a criminal offense for disabling a telephone or other communicative device for the purpose of preventing a victim from summoning medical or police assistance, or from reporting acts of child abuse or neglect; to amend the Interpreters for Hearing-Impaired and Non-English Speaking Persons Act of 1987 to clarify definitions of communication-impaired and hearing-impaired persons, to require the Metropolitan Police Department to certify qualified interviewers and develop regulations for certifying qualified interviewers, and to expand the list of those entities qualified to certify interpreters to include the United States Department of State and the Metropolitan Police Department; to amend the Prevention of Child Abuse and Neglect Act of 1977 to clarify the requirements of and procedures for criminal background checks for persons who are caring for or residing with children who had been abused or neglected; to amend An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children to expand the list of individuals who must report child neglect and the circumstances which mandate that a report be made,

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and to increase penalties for failure to report child neglect; to amend the Criminal Background Checks for the Protection of Children Act of 2004 to clarify procedures for criminal background checks required of persons working with children or youth, and to establish standards for assessing the information obtained; to amend the Firearms Control Regulations Act of 1975 to enhance the penalties for possessing armor piercing ammunition to a maximum term of 10 years imprisonment and a mandatory-minimum term of one year; to amend Title 16 of the District of Columbia Official Code to add stalking and offenses by a person against another who has or has had a relationship with the same individual to the list of intrafamily offenses, to provide that the court may consider a child's failure to appear at a scheduled juvenile hearing in determining the disposition of a child adjudicated delinquent, and to require the court to provide to the Council certain information on juveniles who fail to appear at scheduled hearings in delinquency cases; to amend An Act To establish a code of law for the District of Columbia to establish a criminal offense for an enhanced assault that causes significant bodily injury, to establish criminal offenses for solicitation of murder and any other crime of violence, to clarify the elements of and increase the penalties for harboring a child from the custody and control of the child's parents or guardian, and to provide that the presence of a person on property that is boarded-up or otherwise secured shall be prima facie evidence that the person has entered against the will of the person in legal possession of the property; to amend section 432 of the Revised Statutes relating to the District of Columbia to create 2 levels of the offense of assault on a police officer to include a misdemeanor offense and a 10-year felony where significant bodily injury is involved, and to expand the definition of those police officers covered to include all law enforcement officers in the District of Columbia; to amend An act for the preservation of the public peace and the protection of property within the District of Columbia to clarify the elements of offenses involving lewd, indecent, or obscene acts or proposals; to amend An Act For the suppression of prostitution in the District of Columbia to make it unlawful for any person to engage in or to solicit for prostitution, to provide procedures for the seizure and impoundment of vehicles used in furtherance of prostitution-related offenses, and to establish a fund into which funds collected for the assessment of civil penalties and fees related to the impoundment of vehicles used in furtherance of prostitution-related offenses shall be deposited; to amend the Control of Prostitution and Sale of Controlled Substances in Public Places Criminal Control Act of 1981 to provide universal definitions applicable to all of the prostitution-related statutes; to amend An Act in relation to pandering, to define and prohibit the same and to provide for the punishment thereof to increase criminal penalties for pandering, procuring, or arranging for a person under 18 years of age, and to clarify elements of those offenses; to amend An Act To confer concurrent jurisdiction on the police court of the District of Columbia in certain cases to increase criminal penalties for keeping bawdy or disorderly houses; to

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amend the Anti-Sexual Abuse Act of 1994 to make it unlawful for an adult in a significant relationship with a minor to engage in sexual activity, to make it unlawful for any staff member to engage in sexual activity with wards, patients or inmates, to make it unlawful for a person purporting to treat another to falsely represent that he or she is licensed as a particular type of professional, to make it unlawful to seduce a child or a minor in a significant relationship, and to create the offense of misdemeanor sexual abuse of a child or minor; to amend the District of Columbia Theft and White Collar Crimes Act of 1982 to expand the enhancement provisions for crimes committed against the elderly to include any crime of violence, to establish the criminal offense of altering or removing vehicle identification numbers from motor vehicles or parts of motor vehicles, and to clarify the standards for assessment of penalties for identity theft; to amend the Sex Offender Registration Act of 1999 to expand the definition of sexual offenses that require sex offender registration; to amend the HIV Testing of Certain Criminal Offenders Act of 1995 to expand the definition of "victims" to include domestic partners; to amend An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes to increase the number of locations designated as gun free zones and enhance the penalties for violations; to amend Title 23 of the District of Columbia Official Code to permit either the United States Attorney's Office or the Office of the Attorney General for the District of Columbia to appeal a trial court order granting a new trial after verdict or judgment, or a decision or order denying a motion for revocation of, or modification of, the conditions of release, to expand the applicable statute of limitations to include offenses that are properly joinable with particular offenses, and to expand the list of offenses that constitute a "crime of violence"; to amend the District of Columbia Uniform Controlled Substances Act of 1981 to increase the applicable drug free zones to include areas in and around housing owned, operated, or financially assisted by the District of Columbia Housing Authority; to amend the Anti-Loitering/Drug Free Zone Act of 1996 to increase the duration of drug free zones from 120 to 240 hours; to amend the Drug Paraphernalia Act of 1982 to include cigarette rolling papers and cigar leaf wrappers within the definition of "drug paraphernalia," to provide circumstances under which a court may infer that small plastic or zip-lock bags and various pipes are being sold as drug paraphernalia, and to make it unlawful, with certain exceptions, to sell cocaine free base kits, certain glass or ceramic tubes, cigarette rolling papers, or cigar leaf wrappers in the District of Columbia; and to amend the District of Columbia Traffic Act, 1925, to impose a revocation of, or ineligibility to receive, an operator's permit for individuals convicted of an offense involving the use of a stolen vehicle or adjudicated a juvenile delinquent as a result of the commission of an offense involving the use of a stolen vehicle or where the individual was convicted of certain traffic offenses.

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BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Omnibus Public Safety Congressional Review Emergency Amendment Act of 2007".

TITLE I

Sec. 101. Criminal street gangs.

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

(2) A person convicted of a violation of this subsection shall be fined not more than \$1,000 or imprisoned for not more than 6 months, or both.

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

(2) A person convicted of a violation of this subsection shall be fined not more than \$5,000 or imprisoned for not more than 5 years, or both.

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

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

- (i) Join a criminal street gang;
- (ii) Participate in activities of a criminal street gang;
- (iii) Remain as a member of a criminal street gang; or
- (iv) Submit to a demand made by a criminal street gang to

commit a felony in violation of the laws of the District of Columbia, the United States, or any other state;

or

(B) Retaliate against an individual for a refusal to:

- (i) Join a criminal street gang;
- (ii) Participate in activities of a criminal street gang;
- (iii) Remain as a member of a criminal street gang; or
- (iv) Submit to a demand made by a criminal street gang to

commit a felony in violation of the laws of the District of Columbia, the United States, or any other state.

(2) A person convicted of a violation of this subsection shall be fined not more than \$10,000 or imprisoned for not more than 10 years, or both.

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

(e) For the purposes of this section, the term:

(1) "Criminal street gang" means an association or group of 6 or more persons that:

(A) Has as a condition of membership or continued membership, the committing of or actively participating in committing a crime of violence, as defined by D.C. Official Code § 23-1331(4); or

(B) Has as one of its purposes or frequent activities, the violation of the criminal laws of the District, or the United States, except for acts of civil disobedience.

(2) "Violent misdemeanor" shall mean:

(A) Destruction of property (D.C. Official Code § 22-303);

(B) Simple assault (D.C. Official Code § 22-404(a));

(C) Stalking (D.C. Official Code § 22-404(b));

(D) Threats to do bodily harm (D.C. Official Code § 22-407);

(E) Criminal abuse or criminal neglect of a vulnerable adult (D.C. Official Code § 22-936(a));

(F) Cruelty to animals (D.C. Official Code § 22-1001(a)); and

(G) Possession of prohibited weapon (D.C. Official Code § 22-4514).

Sec. 102. Enhanced penalties for crimes against minors.

(a) Any adult, being at least 2 years older than a minor, who commits a crime of violence against that minor may be punished by a fine of up to 1 ½ times the maximum fine otherwise authorized for the offense and may be imprisoned for a term of up to 1 ½ times the maximum term of imprisonment otherwise authorized for the offense, or both.

(b) It is an affirmative defense that the accused reasonably believed that the victim was not a minor at the time of the offense. This defense shall be established by a preponderance of the evidence.

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

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

(2) "Crime of violence" shall have the same meaning as provided in D.C.

Official Code § 23-1331(4).

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

Sec. 103. Contributing to the delinquency of a minor.

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

(1) Be truant from school;

(2) Possess or consume alcohol or, without a valid prescription, a controlled substance as that term is defined in section 102(4) of the District of Columbia Uniform

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Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-901.02(4));

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

(4) Violate a court order;

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

(6) Join a criminal street gang as that term is defined in section 101(e)(1); or

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

(b)(1) Except as provided in paragraphs (2), (4) and (5) of this subsection, a person convicted of violating subsection (a)(1)-(6) of this section shall be fined not more than \$1,000, or imprisoned for not more than 6 months, or both.

(2) A person convicted of violating subsection (a)(2)-(6) of this section, having previously been convicted of an offense under subsection (a)(2)-(6) of this section or a substantially similar offense in this or any other jurisdiction, shall be fined not more than \$3,000 or imprisoned for not more than 3 years, or both.

(3) Except as provided in paragraphs (4) and (5) of this subsection, a person convicted of violating subsection (a)(7) of this section shall be fined not more than \$5,000 or imprisoned for not more than 5 years, or both.

(4) A person convicted of violating subsection (a) of this section that results in serious bodily injury to the minor or any other person shall be fined not more than \$5,000 or imprisoned for not more than 5 years, or both.

(5) A person convicted of violating subsection (a) of this section that results in the death of the minor or any other person shall be fined not more than \$10,000 or imprisoned for not more than 10 years, or both.

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

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

(e) The Attorney General for the District of Columbia, or his or her assistants, shall prosecute a violation of subsection (a) of this section for which the penalty is set forth in subsection (c)(1) of this section.

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

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

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

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Sec. 104. Prostitution free zones.

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

(1) "Chief of Police" means the Chief of the Metropolitan Police Department.

(2) "Disperse" means to depart from the designated prostitution free zone and not to reassemble within the prostitution free zone with anyone from the group ordered to depart for the duration of the zone.

(3) "Known participant in prostitution or prostitution-related offenses" means a person who has been convicted in any court in any jurisdiction of any violation involving prostitution or prostitution-related offenses.

(4) "MPD" means the Metropolitan Police Department.

(5) "Prostitution" shall have the same meaning as provided in section 2(3) of the Control of Prostitution and Sale of Controlled Substances in Public Places Criminal Control Act of 1981, effective December 10, 1981 (D.C. Law 4-57; D.C. Official Code § 22-2701.01(3)).

(6) "Prostitution free zone" means public space or public property in an area not to exceed a square of 1000 feet on each side that is established pursuant to subsection (b) of this section.

(7) "Prostitution-related offenses" means those crimes and offenses defined in An Act For the suppression of prostitution in the District of Columbia, approved August 15, 1935 (49 Stat. 651; D.C. Official Code § 22-2701 *et seq.*); section 2 of the Control of Prostitution and Sale of Controlled Substances in Public Places Criminal Control Act of 1981, effective December 10, 1981 (D.C. Law 4-57; D.C. Official Code § 22-2701.01); section 813 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22-2704); An Act In relation to pandering, to define and prohibit the same and to provide for the punishment thereof, approved June 25, 1910 (36 Stat. 833; D.C. Official Code § 22-2705 *et seq.*); An Act To enjoin and abate houses of lewdness, assignation, and prostitution; to declare the same to be nuisances; to enjoin the person or persons who conduct or maintain the same and the owner or agent of any building used for such purpose; and to assess a tax against the person maintaining said nuisance and against the building and owner thereof, approved February 7, 1914 (38 Stat. 280; D.C. Official Code § 22-2713 *et seq.*); and section 1 of An Act To confer concurrent jurisdiction on the police court of the District of Columbia in certain cases, approved July 16, 1912 (37 Stat. 192; D.C. Official Code § 22-2722).

(b)(1) The Chief of Police may declare any public area a prostitution free zone for a period not to exceed 240 consecutive hours. The Chief of Police shall inform his commanders, the Mayor, and the Council of the declaration of a prostitution free zone.

(2) In determining whether to designate a prostitution free zone, the Chief of Police shall find the following:

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(A) The occurrence of disproportionately high arrests for prostitution or prostitution-related offenses, and calls for police service because of prostitution or prostitution-related offenses in the proposed prostitution free zone within the preceding 6-month period;

(B) Objective evidence or verifiable information that shows that disproportionately high incidence of prostitution or prostitution-related offenses are occurring on public space or public property within the proposed prostitution free zone; and

(C) Any other verifiable information from which the Chief of Police may ascertain whether the public health or safety is endangered by prostitution or prostitution-related offenses in the prostitution free zone.

(c) Upon the designation of a prostitution free zone, the MPD shall mark each block within the prostitution free zone by using barriers, tape, signs, or police officers that post or announce the following information in the immediate area of, and borders around, the prostitution free zone:

(1) A statement that it is unlawful for a person to congregate in a group of 2 or more persons for the purposes of prostitution or prostitution-related offenses within the boundaries of a prostitution free zone, and fail to disperse after being instructed to disperse by a uniformed officer of the MPD, or a non-uniformed officer of the MPD upon display of MPD identification, who reasonably believes the person is congregating for the purpose of engaging in prostitution or prostitution-related offenses;

(2) The boundaries of the prostitution free zone;

(3) A statement of the effective dates of the prostitution free zone designation;

and

(4) Any other additional information the Chief of Police provides.

(d)(1) It shall be unlawful for a person to congregate in a group of 2 or more persons on public space or public property within the perimeter of a prostitution free zone established pursuant to subsection (b) of this section and thereafter to fail to disperse after being instructed to disperse by a uniformed officer of the MPD, or a non-uniformed officer of the MPD upon display of MPD identification, who reasonably believes the person is congregating for the purpose of engaging in prostitution or prostitution-related offenses.

(2) In making a determination that a person is congregating in a prostitution free zone for the purpose of engaging in prostitution or prostitution-related offenses, the totality of the circumstances involved shall be considered. Among the circumstances which may be considered in determining whether such purpose is manifested are:

(A) The conduct of a person being observed, including that such person is behaving in a manner raising a reasonable belief that the person is engaging or is about to engage in prostitution or prostitution-related offenses, such as:

(i) Repeatedly beckoning to, stopping, attempting to stop, or attempting to engage passers-by in conversation for the purpose of prostitution;

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(ii) Stopping or attempting to stop motor vehicles for the purpose of prostitution; or

(iii) Repeatedly interfering with the free passage of other persons for the purpose of prostitution;

(B) Information from a reliable source indicating that a person being observed routinely engages in or is currently engaging in prostitution or prostitution-related offenses within the prostitution free zone;

(C) Physical identification by an officer of the person as a member of a gang or association which engages in prostitution or prostitution-related offenses;

(D) Knowledge by an officer that the person is a known participant in prostitution or prostitution-related offenses; and

(E) Knowledge by an officer that any vehicle involved in the observed circumstances is registered to a known participant in prostitution or prostitution-related offenses, or a person for whom there is an outstanding arrest warrant for a crime involving prostitution or prostitution-related offenses.

(e) Any person who violates this section shall, upon conviction, be subject to a fine of not more than \$300, imprisonment for not more than 6 months, or both.

(f) The Attorney General for the District of Columbia, or his or her assistants, shall prosecute all violations of this section.

Sec. 105. Voyeurism.

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

(1) "Electronic device" means any electronic, mechanical, or digital equipment that captures visual or aural images, including cameras, computers, tape recorders, video recorders, and cellular telephones.

(2) "Private area" means the naked or undergarment-clad genitals, pubic area, anus, or buttocks, or female breast below the top of the areola.

(b) Except as provided in subsection (e) of this section, it is unlawful for any person to occupy a hidden observation post or to install or maintain a peephole, mirror, or any electronic device for the purpose of secretly or surreptitiously observing an individual who is:

- (1) Using a bathroom or rest room;
- (2) Totally or partially undressed or changing clothes; or
- (3) Engaging in sexual activity.

(c)(1) Except as provided in subsection (e) of this section, it is unlawful for a person to electronically record, without the express and informed consent of the individual being recorded, an individual who is:

- (A) Using a bathroom or rest room;
- (B) Totally or partially undressed or changing clothes; or
- (C) Engaging in sexual activity.

(2) Express and informed consent is only required when the individual engaged in these activities has a reasonable expectation of privacy.

(d) Except as provided in subsection (e) of this section, it is unlawful for a person to intentionally capture an image of a private area of an individual, under circumstances in which the individual has a reasonable expectation of privacy, without the individual's express and informed consent.

(e) This section does not prohibit the following:

(1) Any lawful law enforcement, correctional, or intelligence observation or surveillance;

(2) Security monitoring in one's own home;

(3) Security monitoring in any building where there are signs prominently displayed informing persons that the entire premises or designated portions of the premises are under surveillance; or

(4) Any electronic recording of a medical procedure which is conducted under circumstances where the patient is unable to give consent.

(f)(1) A person who violates subsection (b), (c), or (d) of this section is guilty of a misdemeanor and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than 1 year, or both.

(2) A person who distributes or disseminates, or attempts to distribute or disseminate, directly or indirectly, by any means, a photograph, film, videotape, audiotape, compact disc, digital video disc, or any other image or series of images or sounds or series of sounds that the person knows or has reason to know were taken in violation of subsection (b), (c), or (d) of this section is guilty of a felony and, upon conviction, shall be fined not more than \$5,000 or imprisoned for not more than 5 years, or both.

(g) The Attorney General for the District of Columbia, or his or her assistants, shall prosecute a violation of subsection (b), (c), or (d) of this section for which the penalty is set forth in subsection (f)(1) of this section.

Sec. 106. Protection of District public officials.

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

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

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

(b) A person who corruptly or, by threat or force, or by any threatening letter or communication, intimidates, impedes, interferes with, or retaliates against, or attempts to

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intimidate, impede, interfere with, or retaliate against any official or employee, while the official or employee is engaged in the performance of his or her duties or on account of the performance of those duties, shall be fined not more than \$5,000 or imprisoned not more than 5 years, or both.

(c) A person who stalks, threatens, assaults, kidnaps, or injures any official or employee or vandalizes, damages, destroys, or takes the property of an official or employee, while the official or employee is engaged in the performance of his or her duties or on account of the performance of those duties, shall be fined not more than \$3,000 or imprisoned not more than 3 years, or both, in addition to any other penalties authorized by law.

(d) A person who stalks, threatens, assaults, kidnaps, or injures a family member or vandalizes, damages, destroys, or takes the property of a family member on account of the performance of the official or employee's duties, shall be fined not more than \$3,000 or imprisoned not more than 3 years, or both, in addition to any other penalties authorized by law.

Sec. 107. Obstructing, preventing, or interfering with reports to or requests for assistance from law enforcement agencies, medical providers, or child welfare agencies.

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

- (1) The report of any criminal offense to any law enforcement agency;
- (2) The report of any bodily injury or property damage to any law enforcement agency;
- (3) A request for ambulance or emergency medical assistance to any governmental agency, or any hospital, doctor, or other medical service provider; or
- (4) The report of any act of child abuse or neglect to a law enforcement or child welfare agency.

(b) A person who violates subsection (a) of this section shall be fined not more than \$1,000 or imprisoned not more than 180 days, or both.

TITLE II

Sec. 201. The Interpreters for Hearing-Impaired and Non-English Speaking Persons Act of 1987, effective January 28, 1988 (D.C. Law 7-62; D.C. Official Code § 2-1901 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 2-1901) is amended as follows:

(1) Paragraph (2) is amended by striking the phrase "a person whose hearing is impaired or who does not speak English." and inserting the phrase "a hearing-impaired person or a non-English or limited-English speaking person." in its place.

Note,
§ 2-1901

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(2) Paragraph (3) is amended by striking the word "speech" and inserting the phrase "speech, and, if the communication at issue is in writing, who cannot communicate effectively in the written English language" in its place.

(3) Paragraph (4) is amended by adding after the phrase "Non-English" the phrase "or limited-English" and adding after the phrase "spoken" the phrase "or written".

(4) Paragraph (5) is amended to read as follows:

"(5) "Qualified interpreter" means a person who is listed by the Office of Court Interpreter Services or the United States Department of State as being, or is otherwise found by the court to be, skilled in the language or form of communication needed to communicate fluently with a communication-impaired person and to translate or interpret information accurately to and from the communication-impaired person."

(5) Redesignate paragraph (6) as paragraph (3A).

(6) A new paragraph (6) is added to read as follows:

"(6) "Qualified interviewer" means a person who is certified by the Metropolitan Police Department as being, or is otherwise found by the court to be, skilled in the language or form of communication needed to communicate fluently with a communication-impaired person."

(b) Section 3(e) (D.C. Official Code § 2-1902(e)) is amended to read as follows:

"(e)(1) Whenever a communication-impaired person is arrested and taken into custody for an alleged violation of a criminal law, the arresting officer shall either:

"(A) Procure a qualified interpreter to translate or interpret information to and from the person during any custodial interrogation, warning, notification of rights, or taking of a written or oral statement; or

"(B) Have a qualified interviewer conduct the custodial interrogation, warning, notification of rights, or taking of a written or oral statement in a language other than English, including sign language.

"(2) No person who has been arrested but who is otherwise eligible for release shall be held in custody pending arrival of a qualified interpreter or qualified interviewer.

"(3) No answer, statement, or admission, written or oral, made by a communication-impaired person in reply to a question of a law enforcement officer may be used against that communication-impaired person in any criminal or delinquency proceeding unless the answer, statement, or admission was made or elicited through either a qualified interpreter or a qualified interviewer and was made knowingly, voluntarily, and intelligently or, in the case of a waiver, unless the court makes a special finding upon proof by a preponderance of the evidence that the answer, statement, or admission made by the communication-impaired person was made knowingly, voluntarily, and intelligently.

"(4) A qualified interpreter shall be used to translate any statement taken by a qualified interviewer into English for use in any criminal or delinquency proceeding."

(c) A new section 13a is added to read as follows:

Note,
§ 2-1902

Note,
§ 2-1902

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"Sec. 13a. Procedures to certify qualified interviewers.

"Within 180 days of July 19, 2006, the Chief of Police shall develop and implement a General Order establishing procedures to certify qualified interviewers. The procedures shall include reasonable standards for evaluating the qualifications and credentials of persons who may serve as qualified interviewers. The standards shall take into consideration such factors as native speaking, education, training, experience, and demonstrated competence."

Sec. 202. Title IIIA of the Prevention of Child Abuse and Neglect Act of 1977, effective June 27, 2000 (D.C. Law 13-136; D.C. Official Code § 4-1305.01 *et seq.*), is amended as follows:

(a) Section 321 (D.C. Official Code § 4-1305.01) is amended as follows:

Note,
§ 4-1305.01

(1) Paragraph (4) is amended to read as follows:

"(4) "Criminal record check" means a search of criminal records to determine whether an individual has a criminal conviction that is performed by the Federal Bureau of Investigation of national records, and by:

"(A) The Metropolitan Police Department, if the individual as an adult has resided, worked, or attended school in the District at any time in the past 5 years; or

"(B) The state's law enforcement agency, if the individual as an adult has resided, worked, or attended school outside of the District at any time in the past 5 years."

(2) A new paragraph (6A) is added to read as follows:

"(6A) "Information form" means a written statement in a form established by the Agency that:

"(A) Is signed by the individual under penalty of perjury;

"(B) Identifies each state in which the individual has resided, worked, or attended school at any time in the past 5 years;

"(C) Identifies each felony for which the individual has been convicted as an adult, and the date and state of that conviction;

"(D) Identifies each state in which the individual is currently on parole or probation; and

"(E) Includes any other information required by the Agency."

(b) Section 323(a) (D.C. Official Code § 4-1305.03(a)) is amended to read as follow:

Note,
§ 4-1305.03

"(a) Within the time stated in subsection (b) of this section, an applicant shall apply for a criminal records check by submitting to the Agency, licensed child-placing agency, or the police:

"(1) A complete set of legible fingerprints taken on standard fingerprint cards by the Agency or the police;

"(2) Payment of the fees and costs of the criminal records check as described in section 324;

"(3) The completed information form; and

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“(4) Any documentation required to conduct a criminal records check by a state identified in the completed information form.”

(c) Section 325 (D.C. Official Code § 4-1305.05) is amended as follows:

Note,
§ 4-1305.05

(1) Subsection (a) is amended to read as follows:

“(a) The Agency or licensed child-placing agency shall forward complete sets of legible fingerprints taken on standard fingerprints cards by the Agency or licensed child-placing agency to the police or state law enforcement agency.”

(2) Subsection (c) is amended to read as follows:

“(c)(1) Except as provided in paragraph (2) of this subsection, the Agency or licensed child-placing agency shall request the law enforcement agency of each state identified in the completed information form to conduct a state criminal records check and return the results to the Agency or licensed child-placing agency, as appropriate.

“(2) If the Agency or licensed child-placing agency has already determined that an individual has a disqualifying conviction, it is not required to make further requests to additional states.

“(3) The Agency or licensed child-placing agency may also use interstate databases or systems to conduct a single check for multiple states.”

Sec. 203. An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children, approved November 6, 1966 (80 Stat. 1354; D.C. Official Code § 4-1321.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 4-1321.02) is amended as follows:

Note,
§ 4-1321.02

(1) Subsection (a) is amended by striking the phrase “Child Protective Services Division of the Department of Human Services” and inserting the phrase “Child and Family Services Agency” in its place.

(2) Subsection (b) is amended as follows:

(A) Strike the word “include” and insert the phrase “include Child and Family Services Agency employees, agents, and contractors, and” in its place.

(B) Strike the phrase “teacher,” and insert the phrase “teacher, athletic coach, Department of Parks and Recreation employee, public housing resident manager,” in its place.

(3) Subsection (c) is amended by striking the phrase “Child Protective Services Division of the Department of Human Services” and inserting the phrase “Child and Family Services Agency” in its place.

(4) Subsection (d) is amended by striking the phrase “Child Protective Services Division of the Department of Human Services” and inserting the phrase “Child and Family Services Agency” in its place.

(5) A new subsection (e) is added to read as follows:

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“(e) Notwithstanding D.C. Official Code § 14-307, any person specified in subsection (b) of this section who knows or has reasonable cause to suspect that a child known to him or her in his or her professional or official capacity has been, or is in immediate danger of being, the victim of “sexual abuse” or “attempted sexual abuse” prohibited by the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3001 *et seq.*); or that the child was assisted, supported, caused, encouraged, commanded, enabled, induced, facilitated, or permitted to become a prostitute, as that term is defined in section 2(3) of the Control of Prostitution and Sale of Controlled Substances in Public Places Criminal Control Act of 1981, effective December 10, 1981 (D.C. Law 4-57; D.C. Official Code § 22-2701.01(3)); or that the child has an injury caused by a bullet; or that the child has an injury caused by a knife or other sharp object which has been caused by other than accidental means, shall immediately report or have a report made of such knowledge, information, or suspicion to the Metropolitan Police Department or the Child and Family Services Agency.”

(b) Section 3(a)(1) (D.C. Official Code § 4-1321.03(a)(1)) is amended by striking the phrase “Child Protective Services Division of the Department of Human Services” and inserting the phrase “Child and Family Services Agency” in its place.

Note,
§ 4-1321.03

(c) Section 7 (D.C. Official Code § 4-1321.07) is amended as follows:

Note,
§ 4-1321.07

(1) Strike the phrase “\$100” and insert the phrase “\$300” in its place.

(2) Strike the number “30” and insert the number “90” in its place.

Sec. 204. The Criminal Background Checks for the Protection of Children Act of 2004, effective April 13, 2005 (D.C. Law 15-353; D.C. Official Code § 4-1501.01 *et seq.*), is amended as follows:

(a) Section 205(c)(5) (D.C. Official Code § 4-1501.05(c)(5)) is amended to read as follows:

Note,
§ 4-1501.05

“(5) A signed affirmation stating whether or not the applicant, employee, or volunteer has been convicted of a crime, has pleaded *nolo contendere*, is on probation before judgment or placement of a case upon a stet docket, or has been found not guilty by reason of insanity, for any sexual offenses or intrafamily offenses in the District of Columbia or their equivalent in any other state or territory, or for any of the following felony offenses or their equivalent in another state or territory:

“(A) Murder, attempted murder, manslaughter, or arson;

“(B) Assault, assault with a dangerous weapon, mayhem, malicious disfigurement, or threats to do bodily harm;

“(C) Burglary;

“(D) Robbery;

“(E) Kidnapping;

“(F) Illegal use or possession of a firearm;

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“(G) Sexual offenses, including indecent exposure; promoting, procuring, compelling, soliciting, or engaging in prostitution; corrupting minors (sexual relations with children); molesting; voyeurism; committing sex acts in public; incest; rape; sexual assault; sexual battery; or sexual abuse; but excluding sodomy between consenting adults;

“(H) Child abuse or cruelty to children; or

“(I) Unlawful distribution of or possession with intent to distribute a controlled substance.”

(b) A new section 205a is added to read as follows:

“Sec. 205a. Assessment of information obtained from criminal background check.

“(a) The information obtained from the criminal background check shall not create a disqualification or presumption against employment or volunteer status of the applicant unless the Mayor determines that the applicant poses a present danger to children or youth. In making this determination, the Mayor shall consider the following factors:

“(1) The specific duties and responsibilities necessarily related to the employment sought;

“(2) The bearing, if any, the criminal offense for which the person was previously convicted will have on his or her fitness or ability to perform one or more of such duties or responsibilities;

“(3) The time which has elapsed since the occurrence of the criminal offense;

“(4) The age of the person at the time of the occurrence of the criminal offense;

“(5) The frequency and seriousness of the criminal offense;

“(6) Any information produced by the person, or produced on his or her behalf, regarding his or her rehabilitation and good conduct since the occurrence of the criminal offense; and

“(7) The public policy that it is beneficial generally for ex-offenders to obtain employment.

“(b) The Mayor and covered child or youth services providers shall not employ or permit to serve as an unsupervised volunteer an applicant who has been convicted of, has pleaded nolo contendere to, is on probation before judgment or placement of a case on the stet docket because of, or has been found not guilty by reason of insanity for any sexual offenses involving a minor.

“(c) If an application is denied because the applicant presents a present danger to children or youth, the Mayor shall inform the applicant in writing and the applicant may appeal the denial to the Commission on Human Rights within 30 days of the date of the written statement.”

Note,
§ 4-1501.05

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Sec. 205. Section 706 of the Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2507.06), is amended by adding a new paragraph (3) to read as follows:

Note,
§ 7-2507.06

“(3) A person convicted of knowingly possessing restricted pistol bullets in violation of section 601(3) may be sentenced to imprisonment for a term not to exceed 10 years and shall be sentenced to imprisonment for a mandatory-minimum term of not less than 1 year and shall not be released from prison or granted probation or suspension of sentence prior to serving the mandatory-minimum sentence, and, in addition, may be fined an amount not to exceed \$10,000.”.

Sec. 206. Title 16 of the District of Columbia Official Code is amended as follows:

(a) Section 16-1001(5) is amended to read as follows:

Note,
§ 16-1001

“(5) The term “intrafamily offense” means an act punishable as a criminal offense committed by an offender upon a person:

“(A) To whom the offender is related by blood, legal custody, marriage, domestic partnership, having a child in common, or with whom the offender shares or has shared a mutual residence;

“(B) With whom the offender maintains or maintained a romantic relationship not necessarily including a sexual relationship; provided, that a person seeking a protection order under this subparagraph shall reside in the District of Columbia or the underlying intrafamily offense shall have occurred in the District of Columbia;

“(C) Who was or is married to, a domestic partner of, divorced or separated from, or in a romantic relationship, not necessarily including a sexual relationship, with a person who was or is married to, a domestic partner of, divorced or separated from, or in a romantic relationship, not necessarily including a sexual relationship, with the offender; or

“(D) Who had been stalked or is being stalked by the offender.”.

(b) Section 16-2317(d)(5) is amended by striking the phrase “Division shall:” and inserting the phrase “Division may consider the child’s failure to appear at a scheduled hearing and shall:” in its place.

Note,
§ 16-2317

(c) Section 16-2320 is amended by adding a new subsection (c-3) to read as follows:

“(c-3) When determining what disposition shall be ordered under subsection (a) of this section, the Division may consider a child’s failure to appear at a scheduled hearing.”.

Note,
§ 16-2320

(d) A new section 16-2325.02 is added to read as follows:

“§ 16-2325.02. Report on failure of respondents to appear in delinquency cases.

Note,
§ 16-2325.01

“The Chief Judge of the Superior Court of the District of Columbia shall submit to the Council a semiannual report detailing the number of respondents in delinquency cases who fail to appear before any court or judicial official as required and the percentage that represents of those adjudicated. For each failure to appear, the report shall include the age of the respondent,

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the underlying offense with which the respondent was charged, and whether the respondent had previously failed to appear.”.

Sec. 207. Section 806(a) of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22-404(a)), is amended to read as follows: Note,
§ 22-404

“(a)(1) Whoever unlawfully assaults, or threatens another in a menacing manner, shall be fined not more than \$1,000 or be imprisoned not more than 180 days, or both.

“(2) Whoever unlawfully assaults, or threatens another in a menacing manner, and intentionally, knowingly, or recklessly causes significant bodily injury to another shall be fined not more than \$3,000 or be imprisoned not more than 3 years, or both. For the purposes of this paragraph, the term “significant bodily injury” means an injury that requires hospitalization or immediate medical attention.”.

Sec. 208. Section 432 of the Revised Statutes relating to the District of Columbia (D.C. Official Code § 22-405), is amended to read as follows: Note,
§ 22-405

“Sec. 432. (a) For the purposes of this section, the term “law enforcement officer” means any officer or member of any police force operating and authorized to act in the District of Columbia, including any reserve officer or designated civilian employee of the Metropolitan Police Department, any licensed special police officer, any officer or member of any fire department operating in the District of Columbia, any officer or employee of any penal or correctional institution of the District of Columbia, any officer or employee of the government of the District of Columbia charged with the supervision of juveniles being confined pursuant to law in any facility of the District of Columbia regardless of whether such institution or facility is located within the District, any investigator or code inspector employed by the government of the District of Columbia, or any officer or employee of the Department of Youth Rehabilitation Services, Court Services and Offender Supervision Agency, the Social Services Division of the Superior Court, or Pretrial Services Agency charged with intake, assessment, or community supervision.

“(b) Whoever without justifiable and excusable cause, assaults, resists, opposes, impedes, intimidates, or interferes with a law enforcement officer on account of, or while that law enforcement officer is engaged in the performance of his or her official duties shall be guilty of a misdemeanor and, upon conviction, shall be imprisoned not more than 180 days or fined not more than \$1,000, or both.

“(c) A person who violates subsection (b) of this section and causes significant bodily injury to the law enforcement officer, or commits a violent act that creates a grave risk of causing significant bodily injury to the officer, shall be guilty of a felony and, upon conviction, shall be imprisoned not more than 10 years or fined not more than \$10,000, or both.

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

Sec. 209. An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22-2101 *et seq.*), is amended by adding a new section 802b to read as follows:

“Sec. 802b. PENALTY FOR SOLICITATION OF MURDER OR OTHER CRIME OF VIOLENCE.

“(a) Whoever is guilty of soliciting a murder, whether or not such murder occurs, shall be sentenced to a period of imprisonment not exceeding 20 years, a fine of \$20,000, or both.

“(b) Whoever is guilty of soliciting a crime of violence as defined by D.C. Official Code § 23-1331(4), whether or not such crime occurs, shall be sentenced to a period of imprisonment not exceeding 10 years, a fine of \$10,000, or both.”.

Sec. 210. Section 9(a) of An act for the preservation of the public peace and the protection of property within the District of Columbia, approved July 29, 1892 (27 Stat. 324; D.C. Official Code § 22-1312(a)), is amended to read as follows:

Note,
§ 22-1312

“(a) It shall not be lawful for any person or persons to make any obscene or indecent exposure of his or her person, or to make any lewd, obscene, or indecent sexual proposal in the District of Columbia under penalty of not more than \$300 fine, or imprisonment of not more than 90 days, or both, for each and every such offense.”.

Sec. 211. An Act For the suppression of prostitution in the District of Columbia, approved August 15, 1935 (49 Stat. 651; D.C. Official Code § 22-2701 *et seq.*), is amended as follows:

(a) Section 1 (D.C. Official Code § 22-2701) is amended to read as follows:

Note,
§ 22-2701

“Sec. 1. It is unlawful for any person to engage in prostitution or to solicit for prostitution. The penalties for violation of this section shall be a fine of \$500 or not more than 90 days imprisonment, or both, for the first offense, a fine of \$750 or not more than 135 days imprisonment, or both, for the second offense, and a fine of \$1,000 or not more than 180 days imprisonment, or both, for the third and each subsequent offense.”.

(b) Section 5(a) (D.C. Official Code § 22-2723(a)) is amended as follows:

Note,
§ 22-2723

(1) Paragraph (1) is amended as follows:

(A) The lead-in language is amended by striking the phrase “a violation of this act” and inserting the phrase “a violation of a prostitution-related offense” in its place.

(B) Subparagraph (A) is amended by striking the phrase “a violation of this act” and inserting the phrase “a violation of a prostitution-related offense” in its place.

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(2) Paragraph (2) is amended by striking "violation of this act" and inserting the phrase "violation of a prostitution-related offense" in its place.

(c) New sections 6 and 7 are added to read as follows:

"Sec. 6. Impoundment.

"(a) Any vehicle used in furtherance of a violation of a prostitution-related offense shall be subject to impoundment pursuant to this section.

"(b) Whenever a police officer has probable cause to believe that a vehicle is being used in furtherance of a violation of a prostitution-related offense, and an arrest is made for that violation, the police officer, other member of the Metropolitan Police Department, or duly authorized agent thereof shall:

"(1) Arrange for the towing of the vehicle by the Department of Public Works, or other designee of the Mayor, to a facility controlled by the District of Columbia or its agents, as designated by the Mayor, or, if towing services are not immediately available, arrange for the immobilization of the vehicle until such time as towing services become available; and

"(2) Provide written notice to the owner of record of the vehicle and to the person who is found to be in control of the vehicle at the time of the seizure conveying the fact of seizure and impoundment of the vehicle, as well as the right to obtain immediate return of the vehicle pursuant to subsection (d) of this section, in lieu of requesting a hearing.

"(c) The notices to be given pursuant to this section shall be provided by hand delivery at the time of the seizure and impoundment of the vehicle to the person in control of the vehicle or to the owner of record of the vehicle. If the owner of record of the vehicle is not available to receive such notice at the time of seizure, then the notice shall be sent to each owner of record via registered mail, return receipt requested, to the address listed in the records of the Department of Motor Vehicles within 3 days of the time of the impoundment, excluding Saturdays, Sundays, and legal holidays.

"(d) An owner, or a person duly authorized by an owner, shall, upon proof of same, be permitted to repossess or secure the release of the immobilized or impounded vehicle at any time (subject to administrative availability) by paying to the District government, as directed by the Department of Public Works, an administrative civil penalty of \$150, a booting fee, if applicable, and all applicable towing and storage costs for impounded vehicles as provided by section 9(a)(6) of the Removal and Disposition of Abandoned and Other Unlawfully Parked Vehicles Reform Act of 2003, effective October 28, 2003 (D.C. Law 15-35; D.C. Official Code § 50-2421.09(a)(6)) ("Disposition Act"). Payment of such fees shall not be admissible as evidence of guilt in any criminal proceeding.

"(e) An owner, or person duly authorized by an owner, shall be entitled to refund of the administrative civil penalty, booting fee, and 2 days' towing and storage costs by showing that the prosecutor dropped the underlying criminal charges (except for instances of *nolle prosequi* or because the defendant completed a diversion program), that the Superior Court of the District of Columbia dismissed the case after consideration of the merits, or that the case resulted in a

Note,
§ 22-2723

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finding of not guilty on all prostitution-related charges, or by providing a police report demonstrating that the vehicle was stolen at the time that it was subject to seizure and impoundment. If the vehicle had been stolen at the time of seizure and impoundment, a refund of all towing and storage costs shall be made.

“(f) An owner, or person duly authorized by an owner, shall be entitled to a due process hearing regarding the seizure of the vehicle.

“(g) Vehicles seized and impounded under this section shall not be subject to replevin, but shall be deemed to be in the custody of the Mayor.

“(h) Vehicles that remain unclaimed for 30 days may be disposed of pursuant to sections 7(c), (d), (e), and (f), 8, 9, and 10 of the Disposition Act; provided, that if the owner wants to claim the vehicle before it is auctioned, the owner must pay the administrative civil penalty imposed by subsection (d) of this section in addition to the amounts required in section 9 of the Disposition Act.

“(i) The Attorney General for the District of Columbia, or his or her assistants, shall represent the District of Columbia in all proceedings under this section.

“(j) The Mayor shall issue rules setting forth the process by which a refund shall be obtained timely pursuant to subsection (e) of this section. Until such rules are published in the District of Columbia Register, this section shall not be enforceable.

“Sec. 7. Anti-Prostitution Vehicle Impoundment Proceeds Fund.

“(a) There is established a fund designated as the Anti-Prostitution Vehicle Impoundment Proceeds Fund (“Fund”), which shall be used for the purpose set forth in subsection (b) of this section. All funds collected from the assessment of civil penalties, booting, towing, impoundment, and storage fees pursuant to section 5, and any and all interest earned on those funds, shall be deposited into the Fund, and shall be continually available for the uses and purposes set forth in subsection (b) of this section, subject to authorization by Congress, except that any unused funds remaining in the Fund on September 30th of each fiscal year shall revert to the General Fund of the District of Columbia.

“(b) The Fund shall be used solely to fund expenses directly related to the booting, towing, and impoundment of vehicles used in furtherance of prostitution-related activities, in violation of a prostitution-related offense.

“(c) The Mayor shall submit to the Council, as part of the annual budget, a requested appropriation for expenditures from the Fund.”.

Sec. 212. Section 2 of the Control of Prostitution and Sale of Controlled Substances in Public Places Criminal Control Act of 1981, effective December 10, 1981 (D.C. Law 4-57; D.C. Official Code § 22-2701.01), is amended to read as follows:

“Sec. 2. Definitions.

For the purposes of this act and An Act For the suppression of prostitution in the District of Columbia, approved August 15, 1935 (49 Stat. 651; D.C. Official Code § 22-2701 *et seq.*);

Note,
§ 22-2701.01

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Section 812 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat 1322; D.C. Official Code § 22-2704); An Act In relation to pandering, to define and prohibit the same and to provide for the punishment thereof, approved June 25, 1910 (36 Stat 833; D.C. Official Code § 22-2705 *et seq.*); An Act To enjoin and abate houses of lewdness, assignation, and prostitution; to declare the same to be nuisances; to enjoin the person or persons who conduct or maintain the same and the owner or agent of any building used for such purpose, and to assess a tax against the person maintaining said nuisance and against the building and owner thereof, approved February 7, 1914 (38 Stat. 280; D.C. Official Code § 22-2713 *et seq.*); and section 1 of An Act To confer concurrent jurisdiction on the police court of the District of Columbia in certain cases, approved July 16, 1912 (37 Stat. 192; D.C. Official Code § 22-2722), the term:

“(1) “Arranging for prostitution” means any act to procure or attempt to procure or otherwise arrange for the purpose of prostitution, regardless of whether such procurement or arrangement occurred or a fee was paid.

“(2) “Domestic partner” shall have the same meaning as provided in section 2(3) of the Health Care Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(3)).

“(3) “Prostitution” means a sexual act or contact with another person in return for giving or receiving a fee.

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

“(5) “Sexual act” shall have the same meaning as provided in section 101(8) of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3001(8)).

“(6) “Sexual contact” shall have the same meaning as provided in section 101(9) of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3001(9)).

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

Sec. 213. Section 813 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22-2704), is amended to read as follows:

Note,
§ 22-2704

"Sec. 813. Abducting or enticing child from his or her home for purposes of prostitution; harboring such child.

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

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

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

“(b) A person who violates subsection (a) of this section shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not more than 20 years, or by a fine of not more than \$20,000, or both.”.

· Sec. 214. An Act In relation to pandering, to define and prohibit the same and to provide for the punishment thereof, approved June 25, 1910 (36 Stat. 833; D.C. Official Code § 22- 2705 *et seq.*), is amended as follows:

(a) Section 1 (D.C. Official Code § 22-2705) is amended to read as follows:

“Sec. 1. (a) It is unlawful for any person, within the District of Columbia to:

“(1) Place or cause, induce, entice, procure, or compel the placing of any individual in the charge or custody of any other person, or in a house of prostitution, with intent that such individual shall engage in prostitution;

“(2) Cause, compel, induce, entice, or procure or attempt to cause, compel, induce, entice, or procure any individual:

“(A) To reside with any other person for the purpose of prostitution;

“(B) To reside or continue to reside in a house of prostitution; or

“(C) To engage in prostitution; or

“(3) Take or detain an individual against the individual's will, with intent to compel such individual by force, threats, menace, or duress to marry the abductor or to marry any other person.

“(b) It is unlawful for any parent, guardian, or other person having legal custody of the person of an individual, to consent to the individual's being taken, detained, or used by any person, for the purpose of prostitution or a sexual act or sexual contact.

“(c)(1) Except as provided in paragraph (2) of this subsection, a person who violates subsection (a) or (b) of this section shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not more than 5 years, or by a fine of not more than \$5,000, or both.

“(2) A person who violates subsection (a) or (b) of this section when the individual so placed, caused, compelled, induced, enticed, procured, taken, detained, or used or attempted to be so placed, caused, compelled, induced, enticed, procured, taken, detained, or used is under the age of 18 years shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not more than 20 years or by a fine of not more than \$20,000, or both.”.

(b) Section 2 (D.C. Official Code § 22-2706) is amended to read as follows:

Note,
§ 22-2705

Note,
§ 22-2706

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“Sec. 2. (a) It is unlawful for any person, within the District of Columbia, by threats or duress, to detain any individual against such individual's will, for the purpose of prostitution or a sexual act or sexual contact, or to compel any individual against such individual's will, to reside with him or her or with any other person for the purposes of prostitution or a sexual act or sexual contact.

“(b)(1) Except as provided in paragraph (2) of this subsection, a person who violates subsection (a) of this section shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not more than 15 years or by a fine of not more than \$15,000, or both.

“(2) A person who violates subsection (a) of the section when the individual so detained or compelled is under the age of 18 years shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not more than 20 years or by a fine of not more than \$20,000, or both.”

(c) Section 3 (D.C. Official Code § 22-2707) is amended to read as follows:

Note,
§ 22-2707

“Sec. 3. (a) It is unlawful for any person, within the District of Columbia, to receive any money or other valuable thing for or on account of arranging for or causing any individual to engage in prostitution or a sexual act or contact.

“(b)(1) Except as provided in paragraph (2) of this subsection, a person who violates subsection (a) of this section shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not more than 5 years or by a fine of not more than \$5,000, or both.

“(2) A person who violates subsection (a) of this section when the individual so arranged for or caused to engage in prostitution or a sexual act or contact is under the age of 18 years shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not more than 20 years or by a fine of not more than \$20,000, or both.”

(d) Section 4 (D.C. Official Code § 22-2708) is amended by striking the word “spouse” and inserting the phrase “spouse or domestic partner” in its place.

Note,
§ 22-2708

Sec. 215. Section 1 of An Act To confer concurrent jurisdiction on the police court of the District of Columbia in certain cases, approved July 16, 1912 (37 Stat. 192; D.C. Official Code § 22-2722), is amended by striking the phrase “\$1,000 or imprisoned not more than 180 days, or both.” and inserting the phrase “\$5,000 or imprisoned not more than 5 years, or both.” in its place.

Note,
§ 22-2722

Sec. 216. The Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3001 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 22-3001) is amended as follows:

Note,
§ 22-3001

(1) A new paragraph (5A) is added to read as follows:

“(5A) “Minor” means a person who has not yet attained the age of 18 years.”

(2) Paragraph (10) is amended as follows:

(A) Subparagraph (A) is amended by striking the phrase "marriage, or adoption" and inserting the phrase "marriage, domestic partnership, or adoption" in its place.

(B) Subparagraph (C) is amended by striking the phrase "spouse or paramour" and inserting the phrase "spouse, domestic partner, or paramour" in its place.

(C) Subparagraph (D) is amended to read as follows:

"(D) Any employee or volunteer of a school, church, synagogue, mosque, or other religious institution, or an educational, social, recreational, athletic, musical, charitable, or youth facility, organization, or program, including a teacher, coach, counselor, clergy, youth leader, chorus director, bus driver, administrator, or support staff, or any other person in a position of trust with or authority over a child or a minor."

(b) A new section 208a is added to read as follows:

"Sec. 208a. First degree sexual abuse of a minor.

"Whoever, being 18 years of age or older, is in a significant relationship with a minor, and engages in a sexual act with that minor or causes that minor to engage in a sexual act shall be imprisoned for not more than 15 years and may be fined in an amount not to exceed \$150,000, or both."

(c) A new section 208b is added to read as follows:

"Sec. 208b. Second degree sexual abuse of a minor.

"Whoever, being 18 years of age or older, is in a significant relationship with a minor and engages in a sexual contact with that minor or causes that minor to engage in a sexual contact shall be imprisoned for not more than 7 ½ years and may be fined in an amount not to exceed \$75,000, or both."

(d) Section 209 (D.C. Official Code § 22-3010) is amended to read as follows:

"Sec. 209. Enticing a child or minor.

"(a) Whoever, being at least 4 years older than a child or being in a significant relationship with a minor, (1) takes that child or minor to any place for the purpose of committing any offense set forth in sections and 207-208b, or (2) seduces, entices, allures, convinces, or persuades or attempts to seduce, entice, allure, convince, or persuade a child or minor to engage in a sexual act or contact shall be imprisoned for not more than 5 years or may be fined in an amount not to exceed \$50,000, or both.

"(b) Whoever, being at least 4 years older than the purported age of a person who represents himself or herself to be a child, attempts (1) to seduce, entice, allure, convince, or persuade any person who represents himself or herself to be a child to engage in a sexual act or contact, or (2) to entice, allure, convince, or persuade any person who represents himself or herself to be a child to go to any place for the purpose of engaging in a sexual act or contact shall be imprisoned for not more than 5 years or may be fined in an amount not to exceed \$50,000, or both.

Note,
§ 22-3010

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“(c) No person shall be consecutively sentenced for enticing a child or minor to engage in a sexual act or sexual contact under subsection (a)(2) of this section and engaging in that sexual act or sexual contact with that child or minor; provided, that the enticement occurred closely associated in time with the sexual act or sexual contact .”.

(e) A new section 209a is added to read as follows:

“Sec. 209a. Misdemeanor sexual abuse of a child or minor.

Note,
§ 22-3010

“(a) Whoever, being 18 years of age or older and more than 4 years older than a child, or being 18 years of age or older and being in a significant relationship with a minor, engages in sexually suggestive conduct with that child or minor shall be imprisoned for not more than 180 days, or fined in an amount not to exceed \$1,000, or both.

“(b) For the purposes of this section, the term “sexually suggestive conduct” means engaging in any of the following acts in a way which is intended to cause or reasonably causes the sexual arousal or sexual gratification of any person:

“(1) Touching a child or minor inside his or her clothing;

“(2) Touching a child or minor inside or outside his or her clothing close to the genitalia, anus, breast, or buttocks;

“(3) Placing one’s tongue in the mouth of the child or minor; or

“(4) Touching one’s own genitalia or that of a third person.”.

(f) Section 210 (D.C. Official Code § 22-3011) is amended as follows:

Note,
§ 22-3011

(1) The section heading is amended by striking the word “abuse” and inserting the phrase “abuse and sexual abuse of a minor” in its place.

(2) Strike the number “209” both times it appears and insert the phrase “209a” in its place.

(g) Section 212 (D.C. Official Code § 22-3013) is amended to read as follows:

Note,
§ 22-3013

“Sec. 212. First degree sexual abuse of a ward.

“Any staff member, employee, contract employee, consultant, or volunteer at a hospital, treatment facility, detention or correctional facility, group home, or other institution; anyone who is an ambulance driver or attendant, a bus driver or attendant, or person who participates in the transportation of a ward, patient, client, or prisoner to and from such institutions; or any official custodian of a ward, patient, client, or prisoner, who engages in a sexual act with a ward, patient, client, or prisoner, or causes a ward, patient, client, or prisoner to engage in or submit to a sexual act shall be imprisoned for not more than 10 years or fined in an amount not to exceed \$100,000, or both.”.

(h) Section 213 (D.C. Official Code § 22-3014) is amended to read as follows:

Note,
§ 22-3014

“Sec. 213. Second degree sexual abuse of a ward.

“Any staff member, employee, contract employee, consultant, or volunteer at a hospital, treatment facility, detention or correctional facility, group home, or other institution; anyone who is an ambulance driver or attendant, a bus driver or attendant, or person who participates in the transportation of a ward, patient, client, or prisoner to and from such institutions; or any

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official custodian of a ward, patient, client, or prisoner, who engages in a sexual contact with a ward, patient, client, or prisoner, or causes a ward, patient, client, or prisoner, to engage in or submit to a sexual contact shall be imprisoned for not more than 5 years or fined in an amount not to exceed \$50,000, or both.”

(i) Section 214(a) (D.C. Official Code § 22-3015(a)) is amended as follows:

Note,
§ 22-3015

(1) Paragraph (1) is amended by striking the word “or” at the end.

(2) Paragraph (2) is amended by striking the period and inserting a semicolon in its place.

(3) New paragraph (3) and (4) are added to read as follows:

“(3) The actor represents falsely that he or she is licensed as a particular type of professional; or

“(4) The sexual act occurs during the course of a consultation, examination, treatment, therapy, or other provision of professional services.”

(j) Section 215(a) (D.C. Official Code § 22-3016(a)) is amended as follows:

Note,
§ 22-3016

(1) Paragraph (1) is amended by striking the word “or” at the end.

(2) Paragraph (2) is amended by striking the period and inserting a semicolon in its place.

(3) New paragraphs (3) and (4) are added to read as follows:

“(3) The actor represents falsely that he or she is licensed as a particular type of professional; or

“(4) The sexual contact occurs during the course of a consultation, examination, treatment, therapy, or other provision of professional services.”

(k) Section 218 (D.C. Official Code § 22-3019) is amended to read as follows:

Note,
§ 22-3019

“Sec. 218. No immunity from prosecution for spouses or domestic partners.

“No actor is immune from prosecution under any section of Title II because of marriage, domestic partnership, or cohabitation with the victim; provided, that marriage or the domestic partnership of the parties may be asserted as an affirmative defense in prosecution under Title II where it is expressly so provided.”

(l) Section 304 (D.C. Official Code § 22-3024) is amended to read as follows:

Note,
§ 22-3024

“Sec. 304. Privilege inapplicable for spouses or domestic partners.

“Laws attaching a privilege against disclosure of communications between spouses or domestic partners are inapplicable in prosecutions under Title II where the defendant is or was married to the victim, or is or was a domestic partner of the victim, or where the victim is a child.”

Sec. 217. The District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-3201 *et seq.*), is amended by adding a new section 133 to read as follows:

“Sec. 133. Altering or removing motor vehicle identification numbers.

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“(a) It is unlawful for a person to knowingly remove, obliterate, tamper with, or alter any identification number on a motor vehicle or a motor vehicle part.

“(b)(1) Any person who violates subsection (a) of this section shall be guilty of a misdemeanor and, upon conviction, shall be imprisoned for not more than 180 days, or fined not more than \$1,000, or both.

“(2) Any person who violates subsection (a) of this section shall be guilty of a felony if the value of the motor vehicle or motor vehicle part is \$250 or more and, upon conviction, shall be imprisoned for not more than 5 years, or fined not more than \$5000, or both.

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

“(1) "Identification number" means a number or symbol that is originally inscribed or affixed by the manufacturer to a motor vehicle or motor vehicle part for purposes of identification.

“(2) "Motor vehicle" means any automobile, self-propelled mobile home, motorcycle, motor scooter, truck, truck tractor, truck semi trailer, truck trailer, bus, or other vehicle propelled by an internal-combustion engine, electricity, or steam, including any non-operational vehicle that is being restored or repaired.”.

Sec. 218. Sec. 127c of the District of Columbia Theft and White Collar Crimes Act of 1982, effective March 27, 2004 (D.C. Law 15-106; D.C. Official Code § 22-3227.03), is amended as follows:

Note,
§ 22-3227.03

(a) Subsection (a) is amended by adding the phrase “, or attempted to be obtained,” after the phrase “if the property obtained”.

(b) Subsection (b) is amended by adding the phrase “, or attempted to be obtained,” after the phrase “of the property obtained”.

Sec. 219. Section 824 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1324; D.C. Official Code § 22-3302), is amended by adding a new sentence at the end to read as follows:

Note,
§ 22-3302

“The presence of a person in any private dwelling, building, or other property that is otherwise vacant and boarded-up or otherwise secured in a manner that conveys that it is vacant and not to be entered, or displays a no trespassing sign, shall be prima facie evidence that any person found in such property has entered against the will of the person in legal possession of the property.”.

Sec. 220. Section 201 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-3601), is amended as follows:

Note,
§ 22-3601

(a) Subsection (b) is amended to read as follows:

“(b) The provisions of subsection (a) of this section shall apply to the following offenses:

Abduction, arson, aggravated assault, assault with a dangerous weapon, assault with intent to kill, commit first degree sexual abuse, or commit second degree sexual abuse, assault with intent to commit any other offense, burglary, carjacking, armed carjacking, extortion or blackmail accompanied by threats of violence, kidnapping, malicious disfigurement, manslaughter, mayhem, murder, robbery, sexual abuse in the first, second, and third degrees, theft, fraud in the first degree, and fraud in the second degree, or an attempt or conspiracy to commit any of the foregoing offenses.”.

(b) Subsection (c) is amended to read as follows:

“(c) It is an affirmative defense that the accused knew or reasonably believed the victim was not 60 years old or older at the time of the offense, or could not have known or determined the age of the victim because of the manner in which the offense was committed. This defense shall be established by a preponderance of the evidence.”.

Sec. 221. Section 2(8)(C) of the Sex Offender Registration Act of 1999, effective July 11, 2000 (D.C. Law 13-137; D.C. Official Code § 22-4001(8)(C)), is amended by striking the phrase “(prostitution; pandering);” and inserting the phrase “section 2 of the Control of Prostitution and Sale of Controlled Substances in Public Places Criminal Control Act of 1981, effective December 10, 1981 (D.C. Law 4-57; D.C. Official Code § 22-2701.01); section 813 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22-2704); An Act In relation to pandering, to define and prohibit the same and to provide for the punishment thereof, approved June 25, 1910 (36 Stat. 833; D.C. Official Code § 22-2705 *et seq.*); An Act To enjoin and abate houses of lewdness, assignation, and prostitution; to declare the same to be nuisances; to enjoin the person or persons who conduct or maintain the same and the owner or agent of any building used for such purpose; and to assess a tax against the person maintaining said nuisance and against the building and owner thereof, approved February 7, 1914 (38 Stat. 280; D.C. Official Code § 22-2713 *et seq.*); and section 1 of An Act To confer concurrent jurisdiction on the police court of the District of Columbia in certain cases, approved July 16, 1912 (37 Stat. 192; D.C. Official Code § 22-2722) (prostitution; pandering);” in its place.

Note,
§ 22-4001

Sec. 222. Section 2(5) of the HIV Testing of Certain Criminal Offenders Act of 1995, effective November 11, 1995 (D.C. Law 11-74; D.C. Official Code § 22-3901(5)), is amended to read as follows:

Note,
§ 22-3901

“(5) “Victim” means a person injured by the commission of an offense, and includes the parent or legal guardian of the victim, if the victim is a minor, or the spouse, domestic partner, or child of a victim, if the victim is deceased or incapacitated.”.

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Sec. 223. An Act To control the possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4501 *et seq.*), is amended as follows:

(a) The definition of "Crime of violence" in section 1 (D.C. Official Code § 22-4501) is amended to read as follows:

Note,
§ 22-4501

"Crime of violence" as used in this Act, shall have the same meaning as provided in D.C. Official Code § 23-1331(4)."

(b) Section 2a(a) (D.C. Official Code § 22-4502.01(a)) is amended to read as follows:

Note,
§ 22-4502.01

"(a) All areas within 1000 feet of an appropriately identified public or private day care center, elementary school, vocational school, secondary school, college, junior college, or university, or any public swimming pool, playground, video arcade, youth center, or public library, or in and around public housing as defined in section 3(1) of the United States Housing Act of 1937, approved August 22, 1974 (88 Stat. 654; 42 U.S.C. § 1437a(b)), the development or administration of which is assisted by the United States Department of Housing and Urban Development, or in or around housing that is owned, operated, or financially assisted by the District of Columbia Housing Authority, or an event sponsored by any of the above entities shall be declared a gun free zone. For the purposes of this subsection, the term "appropriately identified" means that there is a sign that identifies the building or area as a gun free zone."

(c) Section 3 (D.C. Official Code § 22-4503) is amended as follows:

Note,
§ 22-4503

(1) Strike the word "pistol" wherever it appears and insert the word "firearm" in its place.

(2) Subsection (b) is amended by striking the second sentence and inserting in its place the following: "Whoever violates this section shall be sentenced to imprisonment for not more than 10 years and shall be sentenced to imprisonment for a mandatory-minimum term of not less than 1 year and shall not be released from prison or granted probation or suspension of sentence prior to serving the mandatory-minimum sentence."

Sec. 224. Title 23 of the District of Columbia Official Code is amended as follows:

(a) Section 23-104 is amended as follows:

Note,
§ 23-104

(1) New subsections (d-1) and (d-2) are added to read as follows:

"(d-1) In a criminal or delinquency case, the United States or the District of Columbia may appeal an order of a trial court granting a new trial after verdict or judgment, as to any one or more counts, or any part thereof, except that no appeal shall lie where the double jeopardy clause of the United States Constitution prohibits further prosecution.

"(d-2) In a criminal or delinquency case, the United States or the District of Columbia may appeal a decision or order entered by the trial court granting the release of a person charged with, or convicted or adjudicated delinquent of an offense, the denial of a motion for revocation of release, or modification of the conditions of release."

ENROLLED ORIGINAL

(2) Subsection (e) is amended by striking the phrase “subsection (b) or (d)” and inserting the phrase “subsection (b), (d), (d-1), or (d-2)” in its place.

(3) Subsection (f) is amended to read as follows:

“(f) Pending the prosecution and determination of an appeal taken pursuant to this section, the defendant shall be detained or released in accordance with Chapter 13 of this title and a juvenile respondent shall be detained or released in accordance with Chapter 23 of Title 16.”

(b) Section 23-113(a) is amended as follows:

(1) Paragraph (2) is amended by adding the phrase “and any offense that is properly joinable with any of the following crimes” after the phrase “A prosecution for the following crimes”.

Note,
§ 23-113

(2) Paragraph (3) is amended by adding the phrase “and any offense that is properly joinable with any of the following crimes” after the phrase “A prosecution for the following crimes”.

(c) Section 23-1331(4) is amended to read as follows:

“(4) The term “crime of violence” means aggravated assault; act of terrorism; arson; assault on a police officer (felony); assault with a dangerous weapon; assault with intent to kill, commit first degree sexual abuse, commit second degree sexual abuse, or commit child sexual abuse; assault with intent to commit any other offense; burglary; carjacking; armed carjacking; child sexual abuse; cruelty to children in the first degree; extortion or blackmail accompanied by threats of violence; gang recruitment, participation, or retention by the use or threatened use of force, coercion, or intimidation; kidnapping; malicious disfigurement; manslaughter; manufacture or possession of a weapon of mass destruction; mayhem; murder; robbery; sexual abuse in the first, second, or third degrees; use, dissemination, or detonation of a weapon of mass destruction; or an attempt or conspiracy to commit any of the foregoing offenses.”

Note,
§ 23-1331

Sec. 225. Section 407a(a) of the District of Columbia Uniform Controlled Substances Act of 1981, effective March 21, 1995 (D.C. Law 10-229; D.C. Official Code § 48-904.07a(a)), is amended to read as follows:

Note,
§ 48-904.07a

“(a) All areas within 1000 feet of an appropriately identified public or private day care center, elementary school, vocational school, secondary school, junior college, college, or university, or any public swimming pool, playground, video arcade, youth center, or public library, or in and around public housing, as defined in section 3(1) of the United States Housing Act of 1937, approved August 22, 1974 (88 Stat. 654; 42 U.S.C. § 1437a(b)), the development or administration of which is assisted by Department of Housing and Urban Development, or in or around housing that is owned, operated, or financially assisted by the District of Columbia Housing Authority, or an event sponsored by any of the above entities shall be declared a drug

free zone. For the purposes of this subsection, the term "appropriately identified" means that there is a sign that identifies the building or area as a drug free zone."

Sec. 226. Section 3(a) of the Anti-Loitering/Drug Free Zone Act of 1996, effective June 3, 1997 (D.C. Law 11-270; D.C. Official Code § 48-1002(a)), is amended by striking the phrase "120 consecutive hours" and inserting the phrase "240 consecutive hours" in its place. Note,
§ 48-1002

Sec. 227. The Drug Paraphernalia Act of 1982, effective September 17, 1982 (D.C. Law 4-149; D.C. Official Code § 48-1101 *et seq.*), is amended as follows:

(a) Section 2(3)(L) (D.C. Official Code § 48-1101(3)(L)) is amended as follows: Note,
§ 48-1101

(1) Sub-subparagraph (xiii) is amended by striking the word "or" at the end.

(2) Sub-subparagraph (xiv) is amended by striking the period at the end and inserting a semicolon in its place.

(3) New sub-subparagraph (xv) is added to read as follows:

"(xv) Cigarette rolling paper or cigar leaf wrappers sold at a commercial retail or wholesale establishment, which does not derive at least 25% of its total annual revenue from the sale of tobacco products and which does not sell loose tobacco intended to be rolled into cigarettes and cigars."

(b) Section 3 (D.C. Official Code § 48-1102) is amended as follows: Note,
§ 48-1102

(1) Subsection (a)(8) is amended to read as follows:

"(8) The size or packaging of the object, or the manner in which it is displayed;"

(2) Subsection (b) is amended to read as follows:

"(b) Where the alleged violation of the act occurred at a commercial retail or wholesale establishment, the court or other authority may infer, based upon consideration of the factors in subsection (a) of this section, that the following items are drug paraphernalia:

"(1) Glassy plastic bags or zip-lock bags that measure 1 inch by 1 inch or less; or

"(2) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes, with or without screens, permanent screens, hashish heads, or punctuated metal bowls."

(c) Section 4 (D.C. Official Code § 48-1103) is amended by adding a new subsection (e) to read as follows: Note,
§ 48-1103

"(e)(1) Except as provided in paragraphs (2) and (3) of this subsection, it is unlawful to sell the following products in the District of Columbia:

"(A) Cocaine free base kits;

"(B) Glass or ceramic tubes less than 6 inches in length and 1 inch in diameter sold or possessed with or without any screen-like device;

"(C) Cigarette rolling papers; and

"(D) Cigar leaf wrappers.

ENROLLED ORIGINAL

“(2) A commercial retail or wholesale establishment may sell cigarette rolling papers or cigar leaf wrappers if the establishment:

“(A) Derives at least 25% of its total annual revenue from the sale of tobacco products; and

“(B) Sells loose tobacco intended to be rolled into cigarettes or cigars.

“(3) A wholesaler may sell cigarette rolling papers or cigar leaf wrappers to retail establishments described in paragraph (2) of this subsection.

“(4) A person who violates this subsection shall be imprisoned for not more than 180 days or fined not more than \$1,000, or both, unless the violation occurs after the person has been convicted in the District of Columbia of a violation of this act, in which case the person shall be imprisoned for not more than 2 years, or fined not more than \$5,000, or both.”

Sec. 228. The District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.01 *passim*), is amended as follows:

(a) Section 10(d) (D.C. Official Code § 50-2201.05(d)) is amended by striking the phrase “who is convicted in the District” and inserting the phrase “who is convicted or adjudicated a juvenile delinquent as a result of the commission in the District” in its place.

Note,
§ 50-2201.05

(b) Section 13a (D.C. Official Code § 50-1403.02) is amended as follows:

Note,
§ 50-1403.02

(1) The section heading is amended to read as follows:

“Sec. 13a. Revocation and disqualification of motor vehicle operator’s permit.”

(2) New subsections (a-1), (a-2), (a-3), and (a-4) are added to read as follows:

“(a-1) The Mayor may delay issuance of an operator’s permit by disqualifying anyone not already in possession of a valid operator’s permit when such individual is convicted of or adjudicated delinquent as a result of:

“(1) The commission of a stolen vehicle offense;

“(2) Operating a motor vehicle without a permit (section 7(d) – residents; section 8(i) – non-residents);

“(3) Operating a motor vehicle after revocation or suspension of an operator’s permit (section 13); or

“(4) Any felony in the commission of which a motor vehicle is involved.

“(a-2) In all cases where a person is convicted or adjudicated delinquent of any of the offenses set forth in subsection (a-1) of this section, the disqualification period shall commence on the later of:

“(1) The date of conviction or adjudication if the person is imprisoned or legal custody of the person has been transferred to a public agency for care of delinquent children as a result of the conviction or adjudication;

“(2) The person’s 16th birthday if the conviction or adjudication occurs before the person is 16 years of age; or

ENROLLED ORIGINAL

“(3) The date that a person over 16 years of age becomes eligible to have driving privileges restored if such privileges have previously been revoked or suspended.

“(a-3) The disqualification period referenced in subsection(a-2) of this section shall, for any offense set forth in subsection (a-1) of this section, be:

“(1) Six months for a first time violation of any offense set forth in subsection (a-1) of this section;

“(2) One year for a second violation; or

“(3) Two years for each subsequent violation.

“(a-4) A copy of the conviction or adjudication shall be forwarded by the court to the Mayor, along with the offender’s social security number or operator’s permit number, together with a copy of the operator’s permit.

(3) Subsection (b) is amended to read as follows:

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

“(1) “Drug offense” means:

“(A) The possession, distribution, manufacture, cultivation, sale, transfer, or the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or transfer any substance the possession of which is prohibited under the Comprehensive Drug Abuse Prevention and Control Act of 1970, approved October 27, 1970 (84 Stat. 1236; 21 U.S.C. § 801 *et seq.*), the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-901.01 *et seq.*), or the law of any state, territory, or possession of the United States; or

“(B) The operation of a motor vehicle under the influence of such a substance.

“(2) “Stolen vehicle offense” means:

“(A) A theft of a motor vehicle in violation of section 111 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-3211) (“Act”);

“(B) The unauthorized use of a motor vehicle in violation of section 115 of the Act; or

“(C) Trafficking in or receiving a stolen motor vehicle in violation of sections 131 or 132 of the Act.”

TITLE III

Sec. 301. Fiscal impact statement.

The Council adopts the June 2, 2006 fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

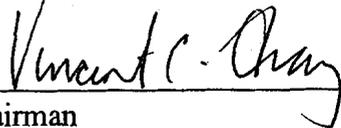
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DISTRICT OF COLUMBIA REGISTER

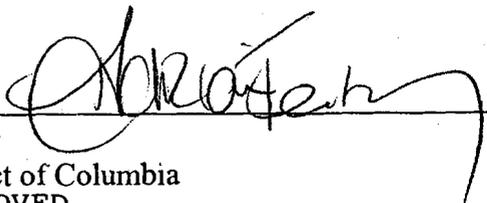
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Sec. 302. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 16, 2007

ENROLLED ORIGINAL

AN ACT
 D.C. ACT 17-11

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 26, 2007

*Codification
 District of
 Columbia
 Official Code*

2001 Edition

2007 Winter
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To maintain, on an emergency basis, the previously established caps on the District's contribution to the project budget for certain hard and soft costs of the ballpark.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Ballpark Hard and Soft Costs Cap Emergency Act of 2007".

Sec. 2. For the purposes of this act, the term:

(1) "Ballpark" has the same meaning as in section 105 (a)(1) of the Ballpark Omnibus Financing and Revenue Act of 2004, effective April 8, 2005 (D.C. Law 15-320; D.C. Official Code § 10-1601.05(a)(1)).

(2) "Hard costs" means the direct construction and Builders Contingency costs estimated as \$295,075,993 and \$24,924,007, respectively, in the revised budget for the Ballpark transmitted by the Sports and Entertainment Commission to the Council on February 3, 2006.

(3) "Soft costs" means the soft, ancillary, contingency, completion guarantee fee, and financing fee costs, excluding the land acquisition, environmental remediation, relocation, and demolition costs, estimated at \$111,615,782, and excluding the \$24 million utilized for the renovation of RFK Stadium, as reflected in the revised budget for the Ballpark transmitted by the Sports and Entertainment Commission to the Council on February 3, 2006.

Sec. 3. (a) The District's contribution of bond proceeds from public financing to the project budget for hard costs and soft costs of the Ballpark, as that term is defined in section 105 (a)(1) of the Ballpark Omnibus Financing and Revenue Act of 2004, effective April 8, 2005 (D.C. Law 15-320; D.C. Official Code § 10-1601.05(a)(1)), shall not exceed \$300 million and \$175,184,218, respectively, excluding the costs for land acquisition, environmental remediation, relocation, and demolition currently estimated at approximately \$111,615,782, as reflected in the revised projected budget for the Ballpark transmitted by the Sports and Entertainment Commission to the Council on February 3, 2006.

(b) The expenditure limits of \$300 million and \$175,184,218 include in their calculation public dollars from whatever source expended by the District government or any of its independent agencies or instrumentalities.

ENROLLED ORIGINAL

Sec. 4. (a) Notwithstanding any other provision of law, and in accordance with Council approval of contract CA 16-185, the lease agreement between the District of Columbia Sports and Entertainment Commission and Baseball Expos, L.P. ("Team"), and the Construction Administration Agreement as set forth in the Ballpark Hard and Soft Costs Cap and Ballpark Lease Conditional Approval Temporary Act of 2006, effective June 8, 2006 (D.C. Law 16-115; 53 DCR 2542), and subject to section 3, any amount of the hard costs for the Ballpark in excess of \$300 million and the soft costs in excess of \$175,184,218 shall be paid by:

- (1) The Team;
- (2) Savings realized from value engineering; or
- (3)(A) Federal;

(B) Private; or

(C) Other non-District government funds, except that District

government non-General Fund funds may be used if required by the bond indenture to finance the Ballpark project.

(b) The bond indenture fees needed to finance the Ballpark project, referred to in subsection (a)(3)(C) of this section, includes the approximate \$37 million in baseball revenue collected in 2005 (plus interest), the approximate \$30 million interest earned from the borrowing, and the approximate \$9 million premium received on the sale of the Ballpark bonds. These fees shall not exceed the total cap set forth in this act.

(c) Any revenue derived from development rights on the Ballpark Site, as that term is defined in section 105(a)(2) of the Ballpark Omnibus Financing and Revenue Act of 2004, effective April 8, 2005 (D.C. Law 15-320; D.C. Official Code § 10-1601.05(a)(2)), by the Anacostia Waterfront Corporation or any District governmental entity, independent agency or instrumentality shall not be used for any overruns on the hard and soft costs of the Ballpark but may be used for any overruns on the land acquisition and remediation costs that are documented. (d) The Council hereby authorizes the sources listed in subsection (a) of this section to be used to cover any amount of the hard costs of the Ballpark in excess of \$300 million and any amount of the soft costs in excess of \$175,184,218.

Sec. 5. Development rights.

(a) The District government shall control development rights on the north side of the Ballpark Site and all but 210,000 (Floor Area Ratio) square feet of development rights reserved for Team purposes on the south side of the Ballpark Site. Development on the east side of the Ballpark Site, on First Street, S.E., shall generate revenue to the District and shall be developed in accordance with a plan approved by the Council.

(b) Any excess revenues derived from development monies that are not used for costs overruns for land acquisition and environmental remediation shall be deposited into the Community Benefits Fund.

ENROLLED ORIGINAL

Sec. 6. Monthly reports.

The Commission shall submit a monthly report of expenditures to the Council no later than the 15th of each month.

Sec. 7. Conforming amendment.

Section 103 of the Ballpark Omnibus Financing and Revenue Act of 2004, effective April 8, 2005 (D.C. Law 15-320; D.C. Official Code § 10-1601.03), is amended by adding a new subsection (j) at the end to read as follows:

Note,
§ 10-1601.03

“(j) Except as provided in sections 2, 3, and 4 of the Ballpark Hard and Soft Costs Cap Emergency Act of 2007, passed on emergency basis on January 9, 2007 (Enrolled version of Bill 17-9), no General Fund revenues shall be spent on the hard and soft costs for the construction of the Ballpark, as reflected in the revised budget for the Ballpark transmitted by the Sports and Entertainment Commission to the Council on February 3, 2006.”

Sec. 8. Fiscal impact statement.

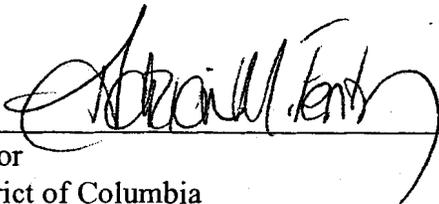
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 9. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED

January 26, 2007
Codification District of Columbia Official Code, 2001 Edition

ENROLLED ORIGINAL

AN ACT

D.C. ACT 17-12

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 26, 2007

*Codification
District of
Columbia
Official Code*

2001 Edition

2007 Winter
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Publisher

To authorize, on an emergency basis, additional funding from the Neighborhood Investment Fund to the Lower Georgia Avenue Job Training Center to enable it to continue to provide job training, skill building, and employment services to residents.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Lower Georgia Avenue Job Training Center Funding Authorization Emergency Act of 2007".

Sec. 2. The Council hereby authorizes the funding of an amount not to exceed \$250,000 from the Neighborhood Investment Fund, established by the Neighborhood Investment Act of 2004, effective March 30, 2004 (D.C. Law 15-131; D.C. Official Code § 6-1071), to the Lower Georgia Avenue Job Training Center, located at 633 Park Road, N.W., to enable it to continue to provide job training, skill building, and employment services to residents through a selected training provider.

Note,
§ 6-1071

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF THE BUDGET DIRECTOR
FISCAL IMPACT STATEMENT

FEB 16 2007

Bill Number:	Type: Emergency () Temporary (X) Permanent ()	Date Reported:
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Subject/Short Title: The "Lower Georgia Avenue Job Training Center Funding Authorization Temporary Act of 2007"

Part I. Summary of the Fiscal Estimates of the Bill

	YES	NO
1. It will impact spending.	(X)	()
a) It will affect local expenditures.	()	(X)
b) It will affect federal expenditures.	()	(X)
c) It will affect private/other expenditures.	(X)	()
d) It will affect intra-District expenditures.	()	(X)
2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet).	()	(X)
a) It will impact local revenue.	()	(X)
b) It will impact federal revenue.	()	(X)
c) It will impact private/other revenue.	()	(X)
d) It will impact intra-District revenue.	()	(X)
3. The bill will have NO or little fiscal impact on spending or revenue. (If "Yes," explain below).	(X)	()

Explanation for fiscal impact:

This temporary legislation would authorize additional funding from the Neighborhood Investment Fund ("NIF"), a nonlapsing, revolving fund outside the General Fund of the District of Columbia, to the Lower Georgia Avenue Job Training Center, located at 633 Park Road, NW, to continue to provide job training, skill building and employment services to residents. Funding in the amount of \$250,000 would be available from to NIF from any unobligated funds available in the NIF upon application acceptance.

Part II. Other Impact of the Bill

If you check "Yes" for each question, please explain on separate sheet.

	YES	NO
1. It will affect an agency and/or agencies in the District.	()	(X)
2. Will there be performance measures/output for this bill?	()	(X)
3. Will it have results/outcome, i.e., what would happen if this bill is enacted or not enacted?	()	(X)
4. Will the Budget and Financial Plan be affected by this bill?	()	(X)
5. The bill will have NO performance or outcome impact.	(X)	()

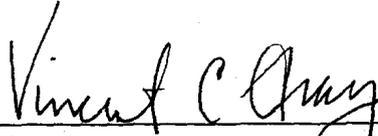
Sources of information:	Councilmember: Jim Graham
	Staff Person & Tel: Steve Hernandez, 202-727-8230
	Reviewed by Budget Director: <i>Eric Schulz</i> 1/9/07
	Budget Office Tel: 202-724-8139

FEB 16 2007

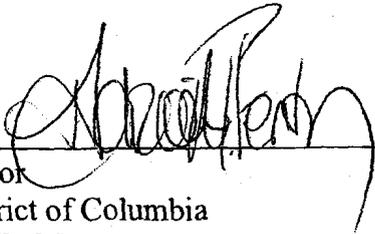
DISTRICT OF COLUMBIA REGISTER

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412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 26, 2007

ENROLLED ORIGINAL

AN ACT
D.C. ACT 17-13

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 29, 2007

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To require, on an emergency basis, all exploratory committees to file informational reports with the Office of Campaign Finance, to establish individual and aggregate contribution limits, and to treat exploratory contributions as campaign contributions; and to amend the District of Columbia Campaign Finance Reform and Conflict of Interest Act to define terms relating to this act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Exploratory Committee Regulation Emergency Amendment Act of 2007".

Sec. 2. Reports of exploratory committees.

(a) Each exploratory committee shall file an informational report with the Office of Campaign Finance that lists the following:

- (1) Each contributor's full name and the contribution received by the committee;
- (2) Itemized expenditures by category, including polling, travel, office rent, and administrative costs; and
- (3) The balance of the exploratory committee fund.

(b) The informational report shall be filed biannually, on January 31st and July 31st; provided, that within 12 months of an election for the office that is the subject of the exploratory committee, reports shall be filed on the last day of each month.

Sec. 3. Fund balance requirements.

(a) Any balance in the exploratory committee fund may only be transferred to an established principal campaign committee, political committee, or charitable organization in accordance with D.C. Official Code § 47-1803.03(a)(8).

(b) Exploratory committee fund balances shall not be deemed the personal funds of any individual, including the individual seeking elective office.

Sec. 4. Aggregate and individual contribution limits.

(a) Exploratory committees shall not receive aggregate contributions in excess of:

- (1) \$200,000 for Mayoral exploratory committees;
- (2) \$150,000 for Chairman of the Council exploratory committees;
- (3) \$100,000 for an at-large member of the Council exploratory committees;
- (4) \$50,000 for Ward Councilmember and President of the Board of Education exploratory committees; and

ENROLLED ORIGINAL

- (5) \$20,000 for Member of the Board of Education exploratory committees.
- (b) Exploratory committees shall not receive individual contributions in excess of:
- (1) \$2,000 for Mayoral exploratory committees;
 - (2) \$1,500 for Chairman of the Council exploratory committees;
 - (3) \$1,000 for at-large member of the Council exploratory committees;
 - (4) \$500 for Ward Councilmember and President of the Board of Education exploratory committees; and
 - (5) \$200 for Member of the Board of Education exploratory committees.

Sec. 5. Contribution prohibition.

When an individual decides to run for office and becomes a candidate, contributions received during the exploratory period, beginning June 2, 2006, shall apply to the campaign contribution limits for the candidate, as provided under section 3 of the District of Columbia Campaign Contribution Limitation Initiative Act of 1992, approved March 17, 1993 (D.C. Law 9-204; D.C. Official Code § 1-1131.01).

Sec. 6. Section 102 of the District of Columbia Campaign Finance Reform and Conflict of Interest Act, approved August 14, 1974 (88 Stat. 447; D.C. Official Code § 1-1101.01), is amended as follows:

(a) Paragraph (2)(C) is amended by striking the phrase "for that purpose." and inserting the phrase "; provided, that an individual shall not be deemed a candidate if he notifies each person who has received contributions or made expenditures that such individual is only testing the waters, has not yet made any decision whether to seek nomination or election to public office, and is not a candidate." in its place.

(b) New paragraphs (12), (13), and (14) are added to read as follows:

"(12) The term "exploratory activity" means, but shall not be limited to, polling to determine one's electability to public office, travel, and telephone calls.

"(13) The term "exploratory committee" means any individual or group of individuals organized for the purpose of examining or exploring the feasibility of becoming a candidate for an elective office in the District of Columbia.

"(14) The term "campaign activity" means, but shall not be limited to:

"(A) Making or authorizing statements that refer to an individual as a candidate;

"(B) Using general public political advertising to publicize an individual's intent to seek elective public office;

"(C) Raising more money than is reasonably needed to test the waters, or amassing funds to be used after candidacy is established;

"(D) Conducting activities over a protracted period of time or shortly before the election; or

"(E) Taking action to qualify for the ballot."

Sec. 7. Fiscal impact statement.

The Council adopts the January 8, 2007 fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Bill Number:	Type: Emergency (<input checked="" type="checkbox"/>) Temporary (<input type="checkbox"/>) Permanent (<input type="checkbox"/>)	Date Reported: January 8, 2007
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Subject/Short Title: Exploratory Committee Regulation Emergency Amendment Act of 2006

Part II: Summary of the Fiscal Estimates of the Bill		
	YES	NO
1. It will impact spending. (If "Yes," complete Section 1 in the Fiscal Estimate Worksheet).	()	(X)
a) It will affect local expenditures.	()	(X)
b) It will affect federal expenditures.	()	(X)
c) It will affect private/other expenditures.	()	(X)
d) It will affect intra-District expenditures.	()	(X)
2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet).	()	(X)
a) It will impact local revenue.	()	(X)
b) It will impact federal revenue.	()	(X)
c) It will impact private/other revenue.	()	(X)
d) It will impact intra-District revenue.	()	(X)
3. The bill will have NO or minimal fiscal impact. (If "Yes," explain below).	(X)	()
<p>Explanation: The amendment requires exploratory committees to file reports with the Office of Campaign Finance (OCF) detailing receipts and expenditures. It also places individual and aggregate limits on contributions and treats exploratory committee contributions as campaign contributions if the subject of the exploratory committee becomes a candidate. OCF can process the required reports with its current budget.</p>		

Part III: Other Impact of the Bill		
If you check "Yes" for each question, please explain on separate sheet, if necessary.		
	YES	NO
1. It will affect an agency and/or agencies in the District.	()	(X)
2. Are there performance measures/output for this bill?	()	(X)
3. Will it have results/outcome, i.e., what would happen if this bill is not enacted?	()	(X)
4. Are funds appropriated for this bill in the Budget and Financial Plan for the current year?	()	(X)

Sources of information: Council staff.	Councilmember: Carol Schwartz
	Staff Person & Tel: Lee Smith (202) 724-8105
	Council Budget Director's Signature: <i>Eric J. Gullett</i> 1/8/07

Bill Number:	Type: Emergency (<input checked="" type="checkbox"/>) Temporary (<input type="checkbox"/>) Permanent (<input type="checkbox"/>)	Date Reported: January 8, 2007
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Subject/Short Title: Exploratory Committee Regulation Emergency Amendment Act of 2006

Part I: Summary of the Fiscal Estimate of the Bill		
	YES	NO
1. It will impact spending. (If "Yes," complete Section 1 in the Fiscal Estimate Worksheet).	()	(X)
a) It will affect local expenditures.	()	(X)
b) It will affect federal expenditures.	()	(X)
c) It will affect private/other expenditures.	()	(X)
d) It will affect intra-District expenditures.	()	(X)
2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet).	()	(X)
a) It will impact local revenue.	()	(X)
b) It will impact federal revenue.	()	(X)
c) It will impact private/other revenue.	()	(X)
d) It will impact intra-District revenue.	(-)	(X)
3. The bill will have NO or minimal fiscal impact. (If "Yes," explain below).	(X)	()
<p>Explanation: The amendment requires exploratory committees to file reports with the Office of Campaign Finance (OCF) detailing receipts and expenditures. It also places individual and aggregate limits on contributions and treats exploratory committee contributions as campaign contributions if the subject of the exploratory committee becomes a candidate. OCF can process the required reports with its current budget.</p>		

Part II: Other Impact of the Bill		
	YES	NO
If you check "Yes" for each question, please explain on separate sheet, if necessary.		
1. It will affect an agency and/or agencies in the District.	()	(X)
2. Are there performance measures/output for this bill?	()	(X)
3. Will it have results/outcome, i.e., what would happen if this bill is not enacted?	()	(X)
4. Are funds appropriated for this bill in the Budget and Financial Plan for the current year?	()	(X)

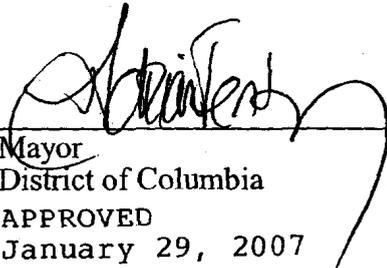
Sources of information: Council staff.	Councilmember: Carol Schwartz
	Staff Person & Tel: Lee Smith (202) 724-8105
	Council Budget Director's Signature: <i>Eric J. Holt</i> 1/8/07

Sec. 8. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 29, 2007