ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-226

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 28, 2009

Codification District of Columbia Official Code

2001 Edition

2010 Winter Supp.

West Group Publisher

To establish, on an emergency basis, due to Congressional review, the authority to organize a District of Columbia National Guard Morale, Welfare, and Recreation Association, to authorize the establishment of military corporations within the District of Columbia National Guard to raise funds and provide services for unit support or charitable purposes, to authorize the establishment of, and provide requirements for the operation of, unit and company funds, and to permit the District of Columbia National Guard to accept and expend donations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "National Guard Morale, Welfare, and Recreation Congressional Review Emergency Act of 2009".

Sec. 2. District of Columbia National Guard Morale, Welfare, and Recreation Association.

(a) All commissioned officers, warrant officers, and enlisted personnel of the District of Columbia National Guard, including retired personnel, may organize themselves into an association, the name of which shall be the District of Columbia National Guard Morale, Welfare, and Recreation Association ("MWRA"). The purpose of the MWRA shall be to enhance the morale and welfare of District of Columbia National Guard members and their families. The MWRA may adopt, alter, and amend bylaws not otherwise inconsistent with District law. Participation in the MWRA shall be voluntary.

(b) To facilitate its purpose, the MWRA may accept donations of money, property, or services from any lawful source to improve the capabilities of the District of Columbia National Guard or otherwise support members and their families.

(c) The District may appropriate funds, donate any other valuable thing, or grant or lease
any land belonging to the District to aid, or further the purpose of, the MWRA.

(d) The money so appropriated, other valuable thing donated, or the land so granted or leased to the MWRA shall be, so far as practicable, expended or disposed of by the District of Columbia National Guard in such manner and under such lawful conditions as the donor may direct.

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Sec. 3. Military corporations; establishment, membership, purpose, and powers.

(a) The officers, the enlisted personnel, or the officers and enlisted personnel of an organization or unit of the District of Columbia National Guard ("DCNG"), may organize themselves into a military corporation for social purposes and for the purpose of holding, acquiring, and disposing of those funds, goods, or property as such military organizations may possess or acquire. The military corporation shall not engage in business and shall not be required to pay any filing or license fee to the District. A military corporation may include:

(1) Enlisted, officer, or all-ranks clubs;

(2) Family support groups;

(3) Auxiliary organizations;

(4) Service branch organizations;

(5) Battalion, brigade, company, or unit fund organizations; and

(6) Other such organizations that provide support to personnel and their families.

(b) A military corporation may raise funds and provide services, if retained funds are used for unit or company support or for other charitable purposes.

(c) A military corporation may use armory or DCNG facilities if there is no expense to the District government. When any area of the armory or DCNG facilities is used, the District and the DCNG shall have access to that area as needed or practical, and the use of that area by the military corporation is not exclusive.

(d) Any sale of alcoholic beverages must conform to the limitations of sales under other provisions of District law, except that sales within the unit, and not-for-profit, do not require licensing by the District.

(e) The Adjutant General and the Mayor shall coordinate and make provisions to standardize applications for incorporation. No incorporation may be made under this act without the approval of the Adjutant General and the District Judge Advocate. All accounts and documents of a military corporation organized under this act shall be available for inspection and review by the Adjutant General.

(f) The Commanding General of the DCNG shall have authority to issue rules and regulations regarding the operations and the authority to receive donations and make expenditures of military corporations established under this section.

Sec. 4. Unit and company funds.

(a)(1) There is authorized to be created and maintained for each separate unit of the District of Columbia National Guard a unit fund. Expenditures from the unit fund shall be made in accordance with rules and regulations established by the Commanding General of the District of Columbia National Guard and all applicable federal and District laws, rules, and regulations.

(2) There is authorized to be deposited in each unit fund such moneys as may be received from gifts, bequests, contributions, including federal and District contributions, and such amounts as may be appropriated to the unit funds by the District of Columbia.

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(3) The unit commander of each unit is the custodian of the unit fund. The unit commander shall:

(A) Receive, safely keep, and properly disburse, as the Commanding General may require, the money trusted to the unit commander's care; and

(B) Submit to the Adjutant General, on June 30 and December 31 of each year, an itemized statement of money received and disbursed during the preceding 6 months.

(b)(1) There is authorized to be created and maintained for each separate company of the
District of Columbia National Guard a company fund. Expenditures from the company fund shall be made in accordance with rules and regulations established by the Commanding General of the District of Columbia National Guard and all applicable federal and District laws, rules, and regulations.

(2) There is authorized to be deposited in each company fund such moneys as may be received from gifts, bequests, contributions, including federal and District contributions,
and such amounts as may be appropriated to the company fund by the District of Columbia.

(3) The commanding officer of each company is the custodian of the company fund. The commanding officer shall:

(A) Receive, safely keep, and properly disburse, as the Commanding General may require, the money trusted to the commanding officer's care; and

(B) Submit to the Adjutant General, on June 30 and December 31 of each year, an itemized statement of money received and disbursed during the preceding 6 months.

Sec. 5. 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. 6. 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

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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)).

Vincent C. Gray

Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
October 26, 2009

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AN ACT

D.C. ACT 18-227

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 21, 2009

Codification District of Columbia Official Code

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2010 Spring Supp.

West Group Publisher

To establish, on an emergency basis, due to Congressional review, the criminal offense of being voluntarily present in a motor vehicle containing a firearm that is not lawfully carried nor lawfully transported; to establish a criminal offense for entering or remaining in a motor vehicle without consent; to prohibit persons required to wear a detection device as a condition of supervision to remove, intentionally alter, or interfere with or mask the operation of the device, or to allow any unauthorized person to do so; to establish a Gang and Crew Intervention Joint Working Group to coordinate responses to high-profile youth violence; to amend the District of Columbia Election Code of 1995 to prohibit the destruction of campaign materials for the period beginning 30 days before and ending 4 days after any election, initiative, referendum, or recall, and to establish a civil infraction as a penalty for violations; to amend the Advisory Commission on Sentencing Establishment Act of 1998 to extend the deadline for completion of criminal code reform to 2012; to amend the Establishment of the Office of the Chief Medical Examiner Act of 2000 to authorize the Mayor to waive, until April 30, 2013, the requirement that the Chief Medical Examiner for the District of Columbia be certified in forensic pathology by the American Board of Pathology or be eligible for such certification; to amend the District of Columbia Mental Health Information Act of 1978 to clarify the authorization period for a person to release mental health information, to provide for emergency authorization of disclosure, to provide for disclosure of mental health information under certain circumstances to correctional institutions or law enforcement officials, and to authorize the court to order disclosure or redisclosure of mental health information; to amend the Firearms Control Regulations Act of 1975 to establish a gun-offender registry and require the registration of gun offenders; to amend section 14-306 of the District of Columbia Official Code to clarify that a spouse or domestic partner shall be competent and compellable to testify in civil or criminal proceedings involving an intrafamily offense or an offense against a child, minor, or vulnerable adult, in civil proceedings involving an offense against the child, minor, or vulnerable adult, in criminal or delinquency proceedings involving joint crimes, and in criminal proceedings involving crimes that occurred prior to the marriage or domestic partnership; to amend section 14-307 of the District of Columbia Official Code to

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clarify exceptions to the physician-patient privilege in grand jury, criminal, delinquency, family, or domestic violence proceedings where the person is targeted or charged with certain crimes; to amend An Act To establish a code of law for the District of Columbia to increase the penalties for repeated offenses of crimes of violence; to amend An Act To prohibit the introduction of contraband into the District of Columbia penal institutions to establish offenses pertaining to the possession or delivery of contraband into jails and secure juvenile residential facilities; to amend An Act For the suppression of prostitution in the District of Columbia to increase the penalties for repeat offenders; to amend the Omnibus Public Safety Amendment Act of 2006 to extend the effective period for prostitution free zones to 480 consecutive hours; to amend the Anti-Sexual Abuse Act of 1994 to strike the affirmative defense of consent; to amend the District of Columbia Theft and White Collar Crimes Act of 1982 to expand the definition of the terms "property," "person" and "value" and to make related conforming amendments so that the terms more broadly encompass conduct associated with theft and identify theft, to permit a person to be convicted of any combination of theft, fraud, and other property offenses arising out of the same course of conduct, to expand the jurisdiction of the District of Columbia to prosecute fraud and insurance fraud, to include in the definition of the crime of identity theft the use of personal identifying information belonging to or pertaining to another person to identify himself or herself at the time of an arrest or to facilitate or conceal the commission of a crime, to provide for increased penalties for unauthorized use of a vehicle during a crime of violence and for repeated offenses of unauthorized use of a vehicle; to repeal An Act To define and punish vagrancy in the District of Columbia, and for other purposes; to amend the Bias-Related Crime Act of 1989 to add homelessness as a protected class; to amend the DNA Sample Collection Act of 2001 to add all felonies as a qualifying offense for the purposes of DNA collection; 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 specify categories of persons for whom it would be unlawful to possess a firearm, to provide for increased penalties for repeat offenders, and to increase the mandatory-minimum sentence for a felon in possession of a firearm; to amend section 23-110 of the District of Columbia Official Code to allow for dismissal of a motion to strike a sentence if the government demonstrates that it has been materially prejudiced in its ability to respond to the motion; to amend section 23-523 of the District of Columbia Official Code to clarify that daylight hours mean the period from 6:00 a.m. to 9:00 p.m.; to amend section 23-581 of the District of Columbia Official Code to add malicious destruction, voyeurism, unlawful entry of a motor vehicle, and tampering with a detection device as arrests that do not require the officer to obtain a warrant; to amend section 23-1322 of the District of Columbia Official Code to expand the types of crimes that cause a rebuttable presumption to detain individuals pending trial, and to change the standard for detention

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from a substantial probability to probable cause; to amend section 47-2811 of the District of Columbia Official Code to clarify licensing requirements for massage establishments; to amend the District of Columbia Uniform Controlled Substances Act of 1981 to add "cathinone" to the schedule; to amend the Anti-Loitering/Drug Free Zone Act of 1996 to provide additional bases for the Chief of Police to declare a drug free zone upon a finding of a disproportionately high number of arrests for dangerous crimes or crimes of violence within the proposed drug free zone; to amend the Distract Driving Safety Act of 2004 to provide definitions for "use" of a wireless communication device, and for "text" or "texting;" to amend the District of Columbia Traffic Act, 1925 to clarify the previous conviction date for purposes of enhanced penalties, to clarify the blood alcohol content, and to provide that alcohol concentration of 0.05 to 0.08 constitutes prima facie proof that the person was under the influence of intoxicating liquor; to amend the Innocence Protection Act of 2001 to provide that the government must establish material prejudice; to amend An Act To establish a code of law for the District of Columbia to repeal unnecessary provisions pertaining to stalking; to amend section 16-801 of the District of Columbia Official Code to correct an incorrect reference to attempted theft so it properly references attempted identity theft; to amend section 16-909 of the District of Columbia Official Code to clarify the relationship between a donor of semen to a person for artificial insemination and the child thereby conceived; to amend section 16-916.01 of the District of Columbia Official Code to clarify the self-support reserve for a parent with a legal duty to pay child support by aligning this amount with revised poverty guideline figures; to amend the Anti-Sexual Abuse Act of 1994 to provide a defense to sexual abuse for the domestic partner of a ward, patient, or client to mirror the defense that currently exists in the law for a spouse; to prohibit stalking and establish criminal penalties for violations of this prohibition; and to amend the Regulation Establishing Standards for Certification and Employment for Security Officers to repeal various provisions requiring security agencies to execute bonds.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Omnibus Public Safety and Justice Congressional Review Emergency Amendment Act of 2009".

TITLE I

Sec. 101. Presence in a motor vehicle containing a firearm.

(a) It is unlawful for a person to be voluntarily in a motor vehicle if that person knows that a firearm is in the vehicle, unless the firearm is being lawfully carried or lawfully transported.

(b) It shall be an affirmative defense to this offense, which the defendant must prove by

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a preponderance of the evidence, that the defendant, upon learning that a firearm was in the vehicle, had the specific intent to immediately leave the vehicle, but did not have a reasonable opportunity under the circumstances to do so.

(c)(1) Except as provided in paragraph (2) of this subsection, a person who violates this section shall be fined not more than $5,000, imprisoned for not more than 5 years, or both.

(2) If the violation of this section occurs after a person has been convicted in the District of Columbia of a violation of section 4(a) of 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 § 22-4504(a)), or of a felony, either in the District of Columbia or another jurisdiction, the person shall be fined not more than $10,000, imprisoned for not more than10 years, or both.

(3) No person shall be sentenced consecutively for this offense and any other firearms offense arising out of the same incident. Any conviction under this section and any conviction for carrying or possessing the same firearm on the same occasion shall be considered as one conviction for purposes of any application of repeat offender sentencing provisions.

Sec. 102. Unlawful entry of a motor vehicle.

(a) It is unlawful to enter or be inside of the motor vehicle of another person without the permission of the owner or person lawfully in charge of the motor vehicle. A person who violates this subsection shall, upon conviction, be fined not more than $500, imprisoned for not more than 90 days, or both.

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

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

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

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

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

Sec. 103. Tampering with a detection device.

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

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

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

(2) For the purposes of this subsection, the term "device" includes a bracelet, anklet, or other equipment with electronic monitoring capability or global positioning system technology.

(b) Whoever violates this section shall be fined not more than $1,000, imprisoned for not more than180 days, or both.

Sec. 104. Establishment of a gang and crew intervention joint working group.

(a) By December 31, 2009, the Mayor shall create a Gang and Crew Intervention Joint Working Group ("Joint Working Group") consisting of members of the Executive Committee of the Citywide Coordinating Council for Youth Violence Prevention ("CCCYVP") and the core Focused Improvement Area ("FIA") team, to include the Metropolitan Police Department ("MPD"), the Office of the City Administrator, and other agencies as identified by the Office of the Mayor.

(b) The Joint Working Group shall develop a coordinated response to high-profile youth violence through the following measures:

(1) Assess critical incident ("CI") need and capacity by:

(A) Identifying and mapping all CIs involving youth over the past 6 months;

(B) Determining what portion of these incidents generated a CI response from CCCYVP partners; and

(C) Evaluating the current capacity of community-based organizations funded by the District (through both the CCCYVP and Children's Youth Investment Trust) for violence intervention to respond to CIs;

(2) Endeavor to align existing resources to respond to critical incidents by:

(A) Developing a plan to align all violence intervention initiatives funded in fiscal year 2010, regardless of funding source, into a coordinated CI strategy, to include proposals to modify contracts, as necessary;

(B) Assuring that CI resources are targeted to gang and crew "hot spots" and those neighborhoods experiencing the highest rates of youth violence; and

(C) Clarifying the geographic areas that each intervention service partner is or will be covering;

(3) Coordinate existing resources to respond to critical incidents by:

(A) Developing protocols for the immediate engagement of intervention partners by MPD when critical incidents occur;

(B) Assuring that Department of Parks and Recreation Roving Leaders in targeted neighborhoods are a part of the CI teams; and

(C) Engaging staff and School Resource Officers of middle and high

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schools in targeted neighborhoods in the CI process, as appropriate;

(4) Identify targeted youth by:

(A) Identifying existing and emerging conflicts between gangs and crews based on MPD's Gang Intelligence Fusion Unit, MPD Division officers, and street intelligence from community partners and schools;

(B) In partnership with schools and community partners, identifying the youth most immediately at risk of involvement in violent behavior in targeted neighborhoods;

(C) Establishing and implementing a process to review unsolved violent offenses for possible gang and crew involvement; provided, that MPD shall review all unsolved suspected gang or crew homicides and attempted homicides involving minors or young adults within the last 5 years, to determine which may be connected to gang and crew violence, and deploy resources to close these cases quickly; and

(D) Partnering with Department of Youth Rehabilitation Services and Court Social Services prior to a youth's release from detention to ensure youth and community safety are carefully planned for, including access to robust post-detention services; and

(5) Intervene with targeted youth by:

(A) Developing protocols for CIs that outline the necessary steps when responding to violent incidents involving youth, including the development of containment and de-escalation strategies that are incident-specific and designed to prevent acts of retaliation; provided, that:

(i) The protocols shall address:

(I) What information is shared;

(II) The roles and responsibilities of all parties in responding to violent incidents;

(III) Guidelines for street mediation, truces, and rumor control; and

(IV) Engagement of family members and others significant in the lives of both perpetrators and victims; and

(ii) Standards for individualized diversion plans for involved youth shall be developed that engage schools, government agencies, recreation centers, and other community-based resources;

(B) Establishing core components of an individual intervention and diversion plan, including direct outreach to all involved parties (both of the victim and alleged perpetrator), and engagement of families, schools, and community-based resources;

(C) Developing a proposal to provide flexible funds to resource these plans with the participation, as necessary, of agency personnel in review sessions and implementation; provided, that, when possible, any existing family team meeting processes at the Child and Family Services Agency and the Department of Youth Rehabilitation Services may be key elements of this process for youth involved with either of these agencies; and

(D) Identifying additional resources from agencies that should, where

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appropriate, be available to provide support for individual CI plans.

(c) By December 31, 2009, the Joint Working Group shall expand capacity of Critical Incident and Targeted Youth Outreach Teams through the following measures:

(1) Based on the CI capacity assessment, described in subsection (b) of this section, estimate what the current gap is between capacities and need;

(2) Assess the existing capacity of CCCYVP partners to provide targeted outreach to the highest-risk youth;

(3) Develop a plan to expand CI and targeted outreach that realistically reflects time necessary for recruitment and orientation of new staff; and

(4) Prepare a cost estimate for the short-term expansion plan, and a funding proposal for its implementation.

TITLE II

Sec. 201. Section 14 of the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 704; D.C. Official Code § 1-1001.14), is amended by adding a new subsection (b-1) to read as follows: **Note, § 1-1001.14**

"(b-1)(1) A person who, during the period beginning 30 days before any election or referendum, initiative, or recall and ending 4 days after the election, referendum, initiative, or recall, intentionally removes, defaces, damages, or destroys any lawfully placed billboard, poster, sign, or other material relating to any candidate for election for any office or to a referendum, initiative, or recall, shall be subject to imposition of civil fines, penalties, and fees for a civil infraction pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*).

"(2) A person who violates paragraph (1) of this subsection shall be fined not more than $100.

"(3) This subsection shall not apply to:

"(A) The candidate for election;

"(B) A sponsor of a referendum, initiative, or recall;

"(C) The owner of the material;

"(D) The owner of the premises where the material is located;

"(E) Persons authorized and acting on behalf of the owner of the material or the premises; or

"(F) Any person charged with enforcement of any law of the District of Columbia acting within the scope of his or her authority.".

Sec. 202. Section 2a(b) of the Advisory Commission on Sentencing Establishment Act of 1998, effective June 16, 2006 (D.C. Law 16-126; D.C. Official Code § 3-101.01(b)), is amended by striking the number "2010" and inserting the number "2012" in its place. **Note, § 3-101.01**

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Sec. 203. Section 2903(c)(3) of the Establishment of the Office of the Chief Medical Examiner Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 5-1402(c)(3)), is amended to read as follows: Note, § 5-1402

"(3) The certification requirement of paragraph (2) of this subsection may be waived by the Mayor for the CME appointed to fill the term beginning on May 1, 2007, and ending on April 30, 2013.".

Sec. 204. The District of Columbia Mental Health Information Act of 1978, effective March 3, 1979 (D.C. Law 2-136; D.C. Official Code § 7-1201.01 *et seq.*), is amended as follows:

(a) Section 202(a)(5) (D.C. Official Code § 7-1202.02(a)(5)) is amended by striking the phrase "60 days" and inserting the phrase "365 days" in its place. Note, § 7-1202.02

(b) Section 303 (D.C. Official Code § 7-1203.03) is amended as follows: Note, § 7-1203.03

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

"(a) To the extent the disclosure of mental health information is not otherwise authorized by this act, mental health information may be disclosed, on an emergency basis, to one or more of the following if the mental health professional reasonably believes that such disclosure is necessary to initiate or seek emergency hospitalization of the client under D.C. Official Code § 21-521 or to otherwise protect the client or another individual from a substantial risk of imminent and serious physical injury:

"(1) The client's spouse, parent, or legal guardian;

"(2) A duly accredited officer or agent of the District of Columbia in charge of public health;

"(3) The Department of Mental Health;

"(4) A provider as that term is defined in section 102(27) of the Mental Health Service Delivery Reform Act of 2001, effective December 18, 2001 (D.C. Law 14-56; D.C. Official Code § 7-1131.02(27));

"(5) The District of Columbia Pretrial Services Agency;

"(6) The Court Services and Offender Supervision Agency;

"(7) A court exercising jurisdiction over the client as a result of a pending criminal proceeding;

"(8) Emergency medical personnel;

"(9) An officer authorized to make arrests in the District of Columbia; or

"(10) An intended victim.".

(2) A new subsection (a-1) is added to read as follows:

"(a-1) Any disclosure of mental health information under this section shall be limited to the minimum necessary to initiate or seek emergency hospitalization of the client under D.C. Official Code § 21-521 or to otherwise protect the client or another individual from a substantial risk of imminent and serious physical injury.".

(c) A new section 305a is added to read as follows:

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"Sec. 305a. Disclosures to correctional institutions or law enforcement officials.

"(a) A mental health professional or mental health facility may disclose to a correctional institution or a law enforcement official having lawful custody of an individual mental health information about the individual to facilitate the delivery of mental health services and mental health supports to the individual.

"(b) Any disclosure of mental health information under this section shall be limited to the minimum necessary to facilitate the delivery of mental health services and mental health supports.".

(d) Section 403 (D.C. Official Code § 7-1204.03) is amended as follows: Note, § 7-1204.03

(1) Designate the existing text as subsection (a).

(2) A new subsection (b) is added to read as follows:

"(b)(1) In addition to mental health information that is disclosed when a defendant=s competence or mental health is at issue or when otherwise authorized by law, in a criminal proceeding, the court may order the disclosure, or redisclosure, of a defendant or offender=s mental health information when and only to the extent necessary to monitor the defendant or offender's compliance with a condition of pretrial release, probation, parole, supervised release, or diversion agreement that the defendant or offender obtain or comply with mental health treatment ordered by a court or the U.S. Parole Commission.

"(2) Any disclosure or redisclosure of mental health information ordered under this subsection shall be limited to the minimum necessary to monitor the individual's compliance and the court's order shall specify the information that may be disclosed or redisclosed.".

Sec. 205. The Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01 *et seq.*), is amended by adding a new Title VIII to read as follows:

"TITLE VIII B GUN OFFENDER REGISTRY.

"Sec. 801. Definitions.

"For the purposes of this title, the term:

"(1) "Correctional facility" means any building or group of buildings and concomitant services operated as a single management unit by the Department of Corrections, or a similar federal, state, county, or local government agency, or a contractor to such an agency, for the purpose of housing and providing services to persons ordered confined pending trial or sentencing, or incarcerated following sentencing for a violation of law.

"(2) "Gun offender" means a person:

"(A) Convicted of a gun offense in the District;

"(B) Convicted of a gun offense who resides in the District within the registration period established pursuant to section 802; or

"(C) Who has as a mandatory condition of release a registration requirement in the District pursuant to section 804(f).

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"(3) "Gun offense" means:

"(A) A conviction for the sale, purchase, transfer, receipt, acquisition, possession, use, manufacture, carrying, transportation, registration, or licensing of a firearm under 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.*);

"(B) A conviction for violating sections 201, 401, 501, or 601 of this act; or

"(C) Violations in other jurisdictions of any offense with an element that involves the violations listed in subparagraph (A) or (B) of this paragraph.

"(4) "Resides" means to stay overnight in the District of Columbia for an aggregate period of time exceeding 30 days in any calendar year.

"Sec. 802. Duty to register and to verify.

"(a) A gun offender shall register with the Chief for a period of 2 years, unless a longer period is required by section 803 or section 807(b). The offender shall register:

"(1) Within 48 hours of:

"(A) Release, if the gun offender receives a sentence of imprisonment;

"(B) The time sentence is imposed, if the sentence does not include imprisonment;

"(C) Remaining in the District to reside, work, or attend school after receipt of notice of the obligation to register; or

"(D) Changing the place where he or she resides, works, or attends school in the District or elsewhere;

"(2) By personally appearing at an office designated by the Chief to sign a statement under oath, verified by whatever documentation may be required, that provides, to the extent it is available:

"(A) The gun offender;s name, date of birth, sex, race, height, weight, and eye color;

"(B) The address where the gun offender resides or expects to reside in the District;

"(C) Any other legal names of the gun offender;

"(D) Aliases of the gun offender;

"(E) The jurisdiction and a description of the offense for which the gun offender was convicted and the date of conviction;

"(F) Fingerprints of the gun offender;

"(G) The identification number of the gun offender's driver's license or non-driver photo identification card;

"(H) The name and address of any school the gun offender attends or expects to attend; and

"(I) The name and address of the gun offender's expected place of work,

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including the name and phone number of a supervisor.

"(b) During the period in which a gun offender is required to register under this title, the gun offender shall comply with the following:

"(1) Except as specified in paragraphs (2) and (3) of this subsection, no later than 20 calendar days following the one-year anniversary of the gun offender's initial registration date, the gun offender shall personally appear at such office as the Chief may direct for the purpose of verifying the information required under subsection (a) of this section.

"(2) If a gun offender required to register under this title is confined to any federal, state, or local correctional facility, residential treatment center, hospital, or institution throughout the 20-day period described in paragraph (1) of this subsection, the gun offender shall personally appear as required by paragraph (1) of this subsection within 48 hours of release.

"(3) If a gun offender neither resides, works, nor attends school in the District of Columbia, the gun offender shall not be required to comply with paragraph (1) or (2) of this subsection.

"(4) The Chief may photograph the gun offender and require the gun offender to provide such documentation as the Chief considers acceptable to verify the information provided in subsection (a)(2) of this section.

"(c) The Chief shall have the authority to maintain and operate the gun offender registry for the District, including the authority to collect and maintain gun offender information obtained pursuant to subsection (b) of this section and enter the information into appropriate record systems and databases.

"Sec. 803. Registration period.

"A gun offender shall comply with the registration and verification provisions required by section 802 for a period beginning when he or she is sentenced for a gun offense and continuing until 2 years after the expiration of any time being served on probation, parole, supervised release, or conditional release, or 2 years after the gun offender is unconditionally released from a correctional facility, prison, hospital, or other place of confinement, whichever is latest. The registration period is tolled for any time the gun offender fails to register or otherwise fails to comply with the requirements of this title.

"Sec. 804. Certification duties of the Superior Court of the District of Columbia.

"(a) Upon a defendant's conviction for a gun offense, the Superior Court of the District of Columbia ("Court") shall enter an order certifying that the defendant is a gun offender. The Court shall:

"(1) Advise the gun offender of his or her duties under this title;

"(2) Order the gun offender to report to the Chief to register as required by this title; and

"(3) Order the gun offender to comply with the requirements of this title.

"(b) The Court shall provide to the Chief, and to the Court Services and Offender Supervision Agency, a copy of the certification and order, and such other records and

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information in its possession that will assist in the registration of the gun offender.

"(c) In any case where the Court orders the release of a gun offender into the community following a period of detention, incarceration, confinement, civil commitment, or hospitalization, the Court shall provide the gun offender with a copy of the order required under subsection (a) of this section and require the gun offender to read, or have read to him or her, and sign the copy of the order.

"(d)(1) For persons who have not been required to comply with the requirements of this title as set forth in subsections (a) and (c) of this section, but nevertheless qualify, the Court may, upon motion of the government, enter an order certifying that a person convicted of a gun offense within the period for which registration is required by this title is a gun offender and issue an order requiring the gun offender to register and to comply with the provisions of this title.

"(2) The certification and order shall be personally served upon the person, at which time the requirements of this title shall apply, unless that person moves the Court to rescind the certification and order and the Court grants the motion.

"(e) Agencies in the District of Columbia to which the probation, parole, supervised release, or conditional release of a gun offender is transferred from another jurisdiction are authorized to inform the Chief of that transfer of supervision for purposes of implementing the provisions of subsection (d) of this section.

"(f) Notwithstanding the court certification requirements of this title, any person convicted of a gun offense in any jurisdiction other than the District of Columbia who is ordered by competent authority in that jurisdiction to register as a gun offender in the District of Columbia shall comply with the registration and other requirements of this title.

"Sec. 805. Sharing of registration information; Freedom of Information Act exception.

"(a) Gun offender registration information shall not be made available except as authorized under subsection (b) of this section. No gun offender registration information shall be available as a public record under section 202 of the Freedom of Information Act of 1976, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-532).

"(b) The Chief is authorized to make gun offender registration information available to other local, state, or federal government agencies.

"Sec. 806. Rules.

"The Chief, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules and establish such forms as are necessary to implement the provisions of this title.

"Sec. 807. Penalties; mandatory release condition.

"(a) Any knowing violation by a gun offender of this title or of rules or regulations established pursuant to this title, including knowingly failing to register, verify, or update information in the manner and within the time periods provided for in this title, shall be a misdemeanor punishable by a fine of not more than $1,000, imprisonment of not more than 12 months, or both.

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"(b) Compliance with the requirements of this title, including any rules or regulations adopted by the Chief pursuant to this title, shall be a mandatory condition after the expiration of any time being served on probation, parole, supervised release, or conditional release for any gun offender convicted in the District of Columbia.".

Sec. 206. Section 14-306 of the District of Columbia Official Code is amended as follows: Note, § 14-306

(a) New subsections (b-1) through (b-3) are added to read as follows:

"(b-1) Notwithstanding subsections (a) and (b) of this section, a spouse or domestic partner is both competent and compellable to testify against his or her spouse or domestic partner as to both confidential communications made by one to the other during the marriage or domestic partnership and any other matter in:

"(1) A criminal or delinquency proceeding where one spouse or domestic partner is charged with committing:

"(A) Intimate partner violence as defined in § 16-1001(7) if the spouse or domestic partner has previously refused to testify in a criminal or delinquency proceeding against the same spouse or domestic partner for an offense against him or her; or

"(B) An offense against a child, minor, or vulnerable adult who is:

"(i) In the custody of or resides temporarily or permanently in the household of one of the spouses or domestic partners; or

"(ii) Related by blood, marriage, domestic partnership, or adoption to one of the spouses or domestic partners;

"(2) A civil proceeding involving the abuse, neglect, abandonment, custody, or dependency of a child, minor, or vulnerable adult who is:

"(A) In the custody of or resides temporarily or permanently in the household of one of the spouses or domestic partners; or

"(B) Related by blood, marriage, domestic partnership, or adoption to one of the spouses or domestic partners; or

"(3) A criminal or delinquency proceeding where one spouse or domestic partner is charged with committing a crime jointly with the other spouse or domestic partner.

"(b-2) Notwithstanding subsections (a) and (b) of this section, when one spouse or domestic partner is charged with committing a crime that occurred prior to the marriage of the spouses or prior to the filing of a domestic partnership agreement, the other spouse or domestic partner is both competent and compellable to testify against his or her spouse or domestic partner as to the crime, communications made by one to the other, and any other matter that occurred prior to the marriage of the spouses, or prior to the filing of the domestic partnership agreement.

"(b-3) The burden is upon the person asserting a privilege under this section to establish that it exists.".

(b) Subsection (c) is amended by adding a new paragraph (3) to read as follows:

"(3) "Refused to testify" means that the witness spouse or domestic partner has:

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"(A) Submitted an affidavit or other writing stating that she or he will not testify before a grand jury or in court;

"(B) Taken the stand in the grand jury or in any court proceeding and asserted his or her privilege under this section not to testify; or

"(C) Intentionally failed to appear in response to a subpoena.".

Sec. 207. Section 14-307 of the District of Columbia Official Code is amended as follows: Note, § 14-307

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

(1) Paragraph (1) is amended by striking the phrase "evidence in criminal cases where the accused is charged with causing the death of, or inflicting injuries upon, a human being," and inserting the phrase "evidence in a grand jury, criminal, delinquency, family, or domestic violence proceeding where a person is targeted for or charged with causing the death of or injuring a human being, or with attempting or threatening to kill or injure a human being, or a report has been filed with the police pursuant to § 7-2601," in its place.

(2) Paragraph (4) is amended as follows:

(A) Strike the phrase "in criminal or civil cases" and insert the phrase "in a grand jury, criminal, delinquency, or civil proceeding" in its place.

(B) Strike the phrase "approved July 30, 1965 (79 Stat. 343; 42 U.S.C. sec. 1396 et seq.)." and insert the phrase "approved July 30, 1965 (79 Stat. 343; 42 U.S.C. § 1396 *et seq.*), or where a person is alleged to have defrauded a health care benefit program." in its place.

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

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

"(1) "Health care benefit program" means any public or private plan or contract under which a medical benefit, item, or service is or may be provided to an individual, and includes an individual or entity who provides a medical benefit, item, or service for which payment may be made under the plan or contract.

"(2) "Injury" includes, in addition to physical damage to the body, a sexual act or sexual contact prohibited by Chapter 30 of Title 22.".

Sec. 208. Section 907a(a)(2) of An Act To establish a code of law for the District of Columbia, approved July 29, 1970 (84 Stat. 599; D.C. Official Code § 22-1804a(a)(2)), is amended by striking the phrase "the court may in lieu of any sentence authorized, impose" and inserting the phrase "the court, in lieu of the term of imprisonment authorized, shall impose a term of imprisonment of not less than 15 years and may impose" in its place. Note, § 22-1804a

Sec. 209. Section 908A(a) of An Act To establish a code of law for the District of Columbia, approved July 29, 1970 (84 Stat. 599; D.C. Official Code § 22-1805a(a)), is amended as follows: Note, § 22-1805a

(a) Designate the existing language as paragraph (1).

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

"(a)(2) If 2 or more persons conspire to commit a crime of violence as defined in D.C. Official Code § 23-1331(4), each shall be fined not more than $3000 nor the maximum fine prescribed for the offense, the commission of which was the object of the conspiracy, whichever is less, or imprisoned not more than15 years nor the maximum imprisonment prescribed for the offense, the commission of which was the object of the conspiracy, whichever is less, or both.".

Note, § 22-2603

Sec. 210. An Act To prohibit the introduction of contraband into the District of Columbia penal institutions, approved December 15, 1941 (55 Stat. 800; D.C. Official Code § 22-2603), is amended to read as follows:

"Sec. 2. Definitions.

" For the purposes of this act, the term:

"(1) "Cellular telephone or other portable communication device" means any device carried, worn, or stored that is designed, intended, or readily converted to create, receive, or transmit verbal or written messages or visual images, access or store data, or connect electronically to the Internet or any other electronic device and which allows communications in any form. The term "cellular telephone or other portable communication device" includes portable 2-way pagers, hand-held radios, cellular telephones, Blackberry-type devices, personal digital assistants or PDAs, computers, cameras, or any components of these devices which are intended to be used to assemble such devices. The term "cellular telephone or other portable communication device" also includes any new technology that is developed for similar purposes.

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

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

"(ii) Any controlled substance listed or described in 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 any controlled substance scheduled by the Mayor pursuant to section 201 (D.C. Official Code § 48-902.01) of that act;

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

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

"(II) Ammunition or ammunition clip;

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

"(IV) Flammable liquid or explosive powder;

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

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"(VI) A shank or homemade knife; or

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

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

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

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

"(vii) Rope; or

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

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

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

"(i) Any alcoholic liquor or beverage;

"(ii) A hypodermic needle or syringe or other item that can be used for the administration of unlawful controlled substances; or

"(iii) A cellular telephone or other portable communication device.

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

"(4)(A) "Class C Contraband" means any article or thing which a person confined in a penal institution or secure juvenile residential facility is prohibited from obtaining or possessing by rule. The Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall promulgate by rulemaking the articles or things that are Class C contraband. The rules shall be posted in the facility to give notice of the prohibited articles or things.

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

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

"(6) "Penal institution" means any penitentiary, prison, jail, or secure facility

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owned, operated, or under the control of the Department of Corrections, whether located within the District of Columbia or elsewhere.

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

"Sec. 3. Unlawful possession of contraband.

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

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

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

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

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

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

"(d)(1) Any item listed as contraband is not deemed to be contraband when issued by a penal institution or secure juvenile residential facility to an employee and the item is being used in the performance of the employee's duties within the penal institution or secure juvenile residential facility.

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

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

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

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

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

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"Sec. 4. Penalties.

"(a) A person convicted of violating this act with regard to Class A contraband shall be imprisoned for not more than 10 years, fined not more than $10,000, or both.

"(b) A person convicted of violating this act with regard to Class B contraband shall be imprisoned for not more than 2 years, fined not more than $2,000, or both.

"(c) A person convicted of violating section 3(c) shall be imprisoned for not more than 1 year, fined not more than $1,000, or both.

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

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

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

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

"Sec. 5. Detainment power.

"Any person who, being lawfully upon the grounds of the penal institution, introduces or attempts to introduce contraband prohibited by section 3(a) may be taken into custody by the warden and detained for not more than 2 hours, pending surrender to a police officer with the Metropolitan Police Department.".

Sec. 211. Section 1 of 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), is amended to read as follows: **Note, § 22-2701**

"Sec. 1. (a) It is unlawful for any person to engage in prostitution or to solicit for prostitution.

"(b)(1) Except as provided in paragraph (2) of this subsection, a person convicted of prostitution shall be:

"(A) Fined not more than $500, imprisoned for not more than 90 days, or both, for the first offense; and

"(B) Fined not more than $1,000, imprisoned not more than 180 days, or both, for the second offense.

"(2) A person convicted of prostitution who has 2 or more prior convictions for prostitution, not committed on the same occasion, shall be fined not more than $4,000, imprisoned for not more than 2 years, or both.

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

"(1) This section;

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"(2) A statute in one or more other jurisdictions prohibiting prostitution; or

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

Note, § 22-2731

Sec. 212. Section 104(b)(1) of the Omnibus Public Safety Amendment of 2006, effective April 24, 2007 (D.C. Law 16-306; D.C. Official Code § 22-2731(b)(1)), is amended by striking the phrase "240 consecutive hours" and inserting the phrase "480 consecutive hours" in its place.

Note, § 22-3007

Sec. 213. Section 206 of the Anti-Sexual Abuse Act of 1994, effective May 25, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3007), is amended by striking the phrase ", which the defendant must establish by a preponderance of the evidence,".

Sec. 214. 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 as follows:

(a) Section 101 (D.C. Official Code § 22-3201) is amended as follows:

Note, § 22-3201

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

"(2A) "Person" means an individual (whether living or dead), trust, estate, fiduciary, partnership, company, corporation, association, organization, union, government department, agency, or instrumentality, or any other legal entity.".

(2) Paragraph (3) is amended as follows:

(A) Subparagraph (B) is amended by striking the word "and" at the end.

(B) Subparagraph (C) is amended by striking the period at the end and inserting a semicolon in its place.

(C) New subparagraphs (D), (E), and (F) are added to read as follows:

"(D) Credit;

"(E) Debt; and

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

(3) A new paragraph (7) is added to read as follows:

"(7) "Value" with respect to a credit card, check, or other written instrument means the amount of money, credit, debt, or other tangible or intangible property or services that has been or can be obtained through its use, or the amount promised or paid by the credit card, check, or other written instrument.".

Note, § 22-3203

(b) Section 103 (D.C. Official Code § 22-3203) is amended to read as follows:

"Sec. 103. Consecutive sentences.

"(a) A person may be convicted of any combination of theft, identity theft, fraud, credit card fraud, unauthorized use of a vehicle, commercial piracy, and receiving stolen property for the same act or course of conduct; provided, that no person shall be consecutively sentenced for any such combination or combinations that arise from the same act or course of conduct.

"(b) Convictions arising out of the same act or course of conduct shall be considered as

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one conviction for purposes of any application of repeat offender sentencing provisions.".

(c) A new section 104 is added to read as follows:

"Sec. 104. Case referral.

"For the purposes of this title, in cases involving more than one jurisdiction, or in cases where more than one District of Columbia agency is responsible for investigating an alleged violation, the investigating agency to which the report was initially made may refer the matter to another investigating or law enforcement agency with proper jurisdiction.".

(d) Section 112 (D.C. Official Code § 22-3212) is amended as follows: Note, § 22-3212

(1) Subsection (a) is amended by striking the phrase "$250" and inserting the phrase "$1,000" in its place.

(2) Subsection (b) is amended by striking the phrase "if the value of the property obtained or used is less than $250" and inserting the phrase "if the property obtained or used has some value" in its place.

(3) New subsections (c) and (d) are added to read as follows:

"(c) A person convicted of theft in the first or second degree who has 2 or more prior convictions for theft, not committed on the same occasion, shall be fined not more than $5,000 or imprisoned for not more than 10 years and for a mandatory-minimum term of not less than one year, or both. A person sentenced under this subsection shall not be released from prison, granted probation, or granted suspension of sentence, prior to serving the mandatory-minimum.

"(d) For the purposes of this section, a person shall be considered as having 2 or more prior convictions for theft if he or she has been convicted on at least 2 occasions of violations of:

"(1) Section 111;

"(2) A statute in one or more jurisdictions prohibiting theft or larceny; or

"(3) Conduct that would constitute a violation of section 111 if committed in the District of Columbia.".

(e) Section 115 (D.C. Official Code § 22-3215) is amended as follows: Note, § 22-3215

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

"(b) A person commits the offense of unauthorized use of a motor vehicle under this subsection if, without the consent of the owner, the person takes, uses, or operates a motor vehicle, or causes a motor vehicle to be taken, used, or operated, for his or her own profit, use, or purpose.".

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

"(d)(1) Except as provided in paragraphs (2) and (3) of this subsection, a person convicted of unauthorized use of a motor vehicle under subsection (b) of this section shall be fined not more than $1,000, imprisoned for not more than 5 years, or both.

"(2)(A) A person convicted of unauthorized use of a motor vehicle under subsection (b) of this section who took, used, or operated the motor vehicle, or caused the motor vehicle to be taken, used, or operated, during the course of or to facilitate a crime of violence, shall be:

"(i) Fined not more than $10,000, imprisoned for not more than

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10 years, or both, consecutive to the penalty imposed for the crime of violence; and

"(ii) If serious bodily injury results, imprisoned for not less than 5 years, consecutive to the penalty imposed for the crime of violence.

"(B) For the purposes of this paragraph, the term "crime of violence" shall have the same meaning as provided in D.C. Official Code § 23-1331(4).

"(3)(A) A person convicted of unauthorized use of a motor vehicle under subsection (b) of this section who has 2 or more prior convictions for unauthorized use of a motor vehicle or theft in the first degree, not committed on the same occasion, shall be fined not less than $5,000 nor more than $15,000, or imprisoned for not less than 30 months nor more than 15 years, or both.

"(B) For the purposes of this paragraph, a person shall be considered as having 2 prior convictions for unauthorized use of a motor vehicle or theft in the first degree if the person has been twice before convicted on separate occasions of:

"(i) A prior violation of subsection (b) of this section or theft in the first degree;

"(ii) A statute in one or more other jurisdictions prohibiting unauthorized use of a motor vehicle or theft in the first degree;

"(iii) Conduct that would constitute a violation of subsection (b) of this section or a violation of theft in the first degree if committed in the District of Columbia; or

"(iv) Conduct that is substantially similar to that prosecuted as a violation of subsection (b) of this section or theft in the first degree.

"(4) A person convicted of unauthorized use of a motor vehicle under subsection (c) of this section shall be fined not more than $1,000, imprisoned for not more than 3 years, or both.".

(f) Section 123 (D.C. Official Code § 22-3223) is amended as follows: **Note, § 22-3223**

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

"(a) For the purposes of this section, the term "credit card" means an instrument or device, whether known as a credit card, debit card, or by any other name, issued for use of the cardholder in obtaining or paying for property or services.".

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

(A) The lead-in language is amended by striking the phrase "obtains property of another by" and inserting the phrase "obtains or pays for property or services by" in its place.

(B) Paragraph (3) is amended by striking the word "or" at the end.

(C) Paragraph (4) is amended by striking the period at the end and inserting the phrase "; or" in its place.

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

"(5) Knowingly using for the employee's or contractor's own purposes a credit card, or the number on or description of the credit card, issued to or provided to an employee or contractor by or at the request of an employer for the employer's purposes.".

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

"(d)(1) Except as provided in paragraph (2) of this subsection, any person convicted of credit card fraud shall be fined not more than $1,000, imprisoned for not more than 180 days, or both.

"(2) Any person convicted of credit card fraud shall be fined not more than $5,000, imprisoned for not more than 10 years, or both, if the value of the property or services obtained or paid for is $1,000 or more.".

(g) A new section 124a is added to read as follows:

"Sec. 124a. Jurisdiction.

"An offense under this subtitle shall be deemed to be committed in the District of Columbia, regardless of whether the offender is physically present in the District of Columbia, if:

"(1) The person to whom a credit card was issued or in whose name the credit card was issued is a resident of, or located in, the District of Columbia;

"(2) The person who was defrauded is a resident of, or located in, the District of Columbia at the time of the fraud;

"(3) The loss occurred in the District of Columbia; or

"(4) Any part of the offense takes place in the District of Columbia.".

(h) A new section 125o is added to read as follows:

"Sec. 125o. Jurisdiction.

"An offense under this subtitle shall be deemed to be committed in the District of Columbia, regardless of whether the offender is physically present in the District of Columbia, if:

"(1) The insured, insurer, claimant, or applicant is a resident of, or located in, the District of Columbia;

"(2) A District of Columbia address is used on an application, policy, or claim for payment or benefit;

"(3) The services for which a claim is made were provided or alleged to have been provided in the District of Columbia;

"(4) Payment of a claim or benefit was made or was to be made to an address in the District of Columbia;

"(5) The loss occurred or is alleged to have occurred in the District of Columbia; or

"(6) Any part of the offense takes place in the District of Columbia.".

(i) Section 127a (D.C. Official Code § 22-3227.01) is amended as follows:

Note, § 22-3227.01

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

(A) Subparagraph (C) is amended by striking the word "and" at the end.

(B) Subparagraph (D) is amended by striking the period at the end and inserting the phrase "; and" in its place.

(C) A new subparagraph (E) is added to read as follows:

"(E) Lost time, wages, and benefits, other losses sustained, legal fees,

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and other expenses incurred as a result of the use, without permission, of one's personal identifying information by another as prohibited by section 127b.".

(2) Paragraph (2) is repealed.

(j) Section 127b (D.C. Official Code § 22-3227.02) is amended as follows: Note, § 22-3227.02

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

(2) Paragraph (2) is amended by striking the period at the end and inserting the phrase "; or" in its place.

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

"(3) Uses personal identifying information belonging to or pertaining to another person, without that person's consent, to:

"(A) Identify himself or herself at the time of his or her arrest;

"(B) Facilitate or conceal his or her commission of a crime; or

"(C) Avoid detection, apprehension, or prosecution for a crime.".

(k) Section 127c (D.C. Official Code § 22-3227.03) is amended as follows: Note, § 22-3227.03

(1) Subsection (a) is amended by striking the phrase "$250 or more" and inserting the phrase "$1,000 or more" in its place.

(2) Subsection (b) is amended by striking the phrase "whichever is greater, is less than $250." and inserting the phrase "has some value, or if another person is falsely accused of, or arrested for, committing a crime because of the use, without permission, of that person's personal identifying information." in its place.

(l) Section 127f(1) (D.C. Official Code § 22-3227.06(1)) is amended by striking the phrase "resident of" and inserting the phrase "resident of, or located in," in its place. Note, § 22-3227.06

(m) Section 502(a) (D.C. Official Code § 22-722(a)) is amended as follows: Note, § 22-722

(1) Paragraph (4) is amended by striking the word "Injures" and inserting the phrase "Injures or threatens to injure" in its place.

(2) Paragraph (5) is amended by striking the word "Injures" and inserting the phrase "Injures or threatens to injure" in its place.

Sec. 215. 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 as follows: Note, § 22-3302

(a) Designate the existing language as subsection (a).

(b) The newly designated subsection (a) is amended as follows:

(1) Designate the existing language as paragraph (1).

(2) The newly designated paragraph (1) is amended as follows:

(A) Strike the phrase "public or".

(B) Strike the phrase "a fine not exceeding $100 or imprisonment in the Jail for not more than 6 months, or both, in the discretion of the court" and insert the phrase "a fine of not more than $1,000, imprisonment for not more than 180 days, or both" in its place.

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

"(2) For the purposes of this subsection, the term "private dwelling" includes a

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privately owned house, apartment, condominium, or any building used as living quarters, or cooperative or 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 Department of Housing and Urban Development, or housing that is owned, operated, or financially assisted by the District of Columbia Housing Authority.".

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

"(b) Any person who, without lawful authority, shall enter, or attempt to enter, any public building, or other property, or part of such building, or other property, against the will of the lawful occupant or of the person lawfully in charge thereof or his or her agent, or being therein or thereon, without lawful authority to remain therein or thereon shall refuse to quit the same on the demand of the lawful occupant, or of the person lawfully in charge thereof or his or her agent, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than $1,000, imprisonment for not more than 6 months, or both.".

Note, §§ 22-3501 - 22-3506

Sec. 216. An Act To define and punish vagrancy in the District of Columbia, and for other purposes, approved December 17, 1941 (55 Stat. 808; D.C. Official Code § 22-3501 *et seq.*), is repealed.

Sec. 217. The Bias-Related Crime Act of 1989, effective May 8, 1990 (D.C. Law 8-121; D.C. Official Code § 22-3701 *et seq.*), is amended as follows:

Note, § 22-3701

(a) Section 2 (D.C. Official Code § 22-3701) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase "family responsibility," and inserting the phrase "family responsibility, homelessness," in its place.

(2) A new paragraph (4) is added to read as follows:

"(4) "Homelessness" means:

"(A) The status or circumstance of an individual who lacks a fixed, regular, and adequate nighttime residence; or

"(B) The status or circumstance of an individual who has a primary nighttime residence that is:

"(i) A supervised publicly or privately operated shelter designed to provide temporary living accommodations, including welfare motels, hotels, congregate shelters, and transitional housing for the mentally ill;

"(ii) An institution that provides a temporary residence for individuals intended to be institutionalized; or

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

Note, § 22-3704

(b) Section 5 (D.C. Official Code § 22-3704) is amended as follows:

(1) Subsection (a) is amended by striking the phrase "family responsibilities," and inserting the phrase "family responsibilities, homelessness," in its place.

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(2) Subsection (b) is amended by striking the phrase "family responsibilities," and inserting the phrase "family responsibilities, homelessness," in its place.

Sec. 218. Section 2 of the DNA Sample Collection Act of 2001, effective November 3, 2001 (D.C. Law 14-52; D.C. Official Code § 22- 4151), is amended to read as follows: Note, § 22-4151

"Sec. 2. Qualifying offenses.

"(a) The following criminal offenses shall be qualifying offenses for the purposes of DNA collection under the DNA Analysis Backlog Elimination Act of 2000, approved December 19, 2000 (Pub. L. No. 106-546; 114 Stat. 2726):

"(1) Any felony;

"(2) Any offense for which the penalty is greater than one year imprisonment;

"(3) Section 9(b) 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(b)) (lewd, indecent, or obscene acts (knowingly in the presence of a child under the age of 16 years));

"(4) Section 872 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1189; D.C. Official Code § 22-2201) (certain obscene activities involving minors);

"(5) Section 3 of the District of Columbia Protection of Minors Act of 1982, effective March 9, 1983 (D.C. Law 4-173; D.C. Official Code § 22-3102) (sexual performances using minors);

"(6) Section 205 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3006) (misdemeanor sexual abuse);

"(7) Section 209a of the Anti-Sexual Abuse Act of 1994, effective April 24, 2007 (D.C. Law 16-306; D.C. Official Code § 22-3010.01) (misdemeanor sexual abuse of a child or minor); and

"(8) Attempt or conspiracy to commit any of the offenses listed in paragraphs (1) through (7) of this subsection.

"(b) DNA collected by an agency of the District of Columbia shall not be searched for the purpose of identifying a family member related to the individual from whom the DNA sample was acquired.".

Sec. 219. 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) Section 2(a)(2) (D.C. Official Code § 22-4502(a)(2)) is amended by striking the phrase "Columbia," and inserting the phrase "Columbia, or an offense in any other jurisdiction that would constitute a crime of violence or dangerous crime if committed in the District of Columbia," in its place. Note, § 22-4502

(b) Section 3 (D.C. Official Code § 22-4503) is amended to read as follows: Note, § 22-4503

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"Sec. 3. Unlawful possession of firearm.

"(a) No person shall own or keep a firearm, or have a firearm in his or her possession or under his or her control, within the District of Columbia, if the person:

"(1) Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

"(2) Is not licensed under section 10 to sell weapons, and the person has been convicted of violating this act;

"(3) Is a fugitive from justice;

"(4) Is addicted to any controlled substance, as defined in section 102(4) of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-901.02(4));

"(5) Is subject to a court order that:

"(A)(i) Was issued after a hearing of which the person received actual notice, and at which the person had an opportunity to participate; or

"(ii) Remained in effect after the person failed to appear for a hearing of which the person received actual notice;

"(B) Restrains the person from assaulting, harassing, stalking, or threatening the petitioner or any other person named in the order; and

"(C) Requires the person to relinquish possession of any firearms (as provided in D.C. Official Code § 16-1005(c)(10));

"(6) Has been convicted of an intrafamily offense, as defined in D.C. Official Code § 16-1001, or a substantially similar offense in another jurisdiction;

"(b)(1) A person who violates subsection (a)(1) of 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 1 year, unless she or he has a prior conviction for a crime of violence other than conspiracy, in which case she or he shall be sentenced to imprisonment for not more than 15 years and shall be sentenced to a mandatory-minimum term of 3 years.

"(2) A person sentenced to a mandatory-minimum term of imprisonment under paragraph (1) of this subsection shall not be released from prison or granted probation or suspension of sentence prior to serving the mandatory-minimum sentence.

"(c) A person who violates subsection (a)(2) through (a)(6) of this section shall be sentenced to not less than 2 years nor more than 10 years, fined not more than $15,000, or both.

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

"(1) "Crime of violence" shall have the same meaning as provided in D.C. Official Code § 23-1331(4), or a crime under the laws of any other jurisdiction that involved conduct that would constitute a crime of violence if committed in the District of Columbia, or conduct that is substantially similar to that prosecuted as a crime of violence under the District of Columbia Official Code.

"(2) "Fugitive from justice" means a person who has:

"(A) Fled to avoid prosecution for a crime or to avoid giving testimony

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in a criminal proceeding; or

"(B) Escaped from a federal, state, or local prison, jail, halfway house, or detention facility or from the custody of a law enforcement officer.".

Note, § 23-110

Sec. 220. Section 23-110(b) of the District of Columbia Official Code is amended as follows:

(a) Designate the existing language as paragraph (1).

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

"(2) A motion for such relief may be dismissed if the government demonstrates that it has been materially prejudiced in its ability to respond to the motion by the delay in its filing, unless the movant shows that the motion is based on grounds which the movant could not have raised by the exercise of reasonable diligence before the circumstances prejudicial to the government occurred.".

Note, § 23-523

Sec. 221. Section 23-523(b) of the District of Columbia Official Code is amended by adding the following sentence at the end: "For the purposes of this subsection, the term "hours of daylight" means between 6:00 a.m. and 9:00 p.m.".

Note, § 23-581

Sec. 222. Section 23-581 of the District of Columbia Official Code is amended as follows:

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

(1) Subparagraph (A) is amended by adding the phrase "Malicious burning, destruction or injury of another's property . . . . . section 848 (D.C. Official Code § 22-303)." after the phrase "Unlawful entry . . . . . (D.C. Official Code sec. 22-3302).".

(2) Subparagraph (B) is amended to read as follows:

"(B) The following offense specified in the Omnibus Public Safety Amendment Act of 2006, effective April 24, 2007 (D.C. Law 16-306; 53 DCR 8610):

"Offense	Specified in
"Voyeurism.....	Section 105 (D.C. Official Code § 22-3531).".

(b) New subsections (a-4) and (a-5) are added to read as follows:

"(a-4) A law enforcement officer may arrest a person without a warrant if the officer has probable cause to believe the person has committed the offense of unlawful entry of a motor vehicle as provided in section 102 of the Omnibus Public Safety and Justice Congressional Review Emergency Amendment Act of 2009, passed on emergency basis on October 6, 2009 (Enrolled version of Bill 18-466).

"(a-5) A law enforcement officer may arrest a person without a warrant if the officer has probable cause to believe the person has committed the offense of tampering with a detection device as provided in section 103 of the Omnibus Public Safety and Justice

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Congressional Review Emergency Amendment Act of 2009, passed on emergency basis on October 6, 2009 (Enrolled version of Bill 18-466).".

Sec. 223. Section 23-1322(c) of the District of Columbia Official Code is amended as follows: Note, § 23-1322

(a) The lead-in language is amended by striking the phrase "a substantial probability" and inserting the phrase "probable cause" in its place.

(b) Paragraph (b) is amended by striking the word "or" at the end.

(c) Paragraph (7) is amended to read as follows:

"(7) Violated § 22-4504(a) (carrying a pistol without a license), § 22-4504(a-1) (carrying a rifle or shotgun), § 22-4504(b) (possession of a firearm during the commission of a crime of violence or dangerous crime), § 22-4503 (unlawful possession of a firearm) or section 101 of the Omnibus Public Safety and Justice Congressional Review Emergency Amendment Act of 2009, passed on emergency basis on October 6, 2009 (Enrolled version of Bill 18-466) (presence in a motor vehicle containing a firearm); or".

(d) A new paragraph (8) is added to read as follows:

"(8) Violated Title VIII of the Firearms Control Regulations Act of 1975, passed on emergency basis on October 6, 2009 (Enrolled version of Bill 18-466), while on probation, parole, or supervised release for committing a dangerous crime or a crime of violence, as these crimes are defined in § 23-1331, and while armed with or having readily available a firearm, imitation firearm, or other deadly or dangerous weapon as described in § 22-4502(a).".

Sec. 224. Section 47-2811(a) of the District of Columbia Official Code is amended to read as follows: Note, § 47-2811

"(a) No person shall offer or administer for commercial purposes a massage unless licensed pursuant to Chapter 12 of Title 3.".

Sec. 225. Section 204(5) of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-902.04(5)), is amended as follows: Note, § 48-902.04

(a) Subparagraph (A) is amended by striking the word "and" at the end.

(b) Subparagraph (B) is amended by striking the period at the end and inserting the phrase "; and" in its place.

(c) A new subparagraph (C) is added to read as follows:

"(C) Cathinone.".

Sec. 226. Section 3 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), is amended as follows: Note, § 48-1002

(a) Subsection (a) is amended by striking the phrase "240 consecutive hours" and inserting the phrase "480 consecutive hours" in its place.

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(b) Subsection (b)(1) and (2) is amended to read as follows:

"(1) Within the preceding 6-month period, the occurrence of a disproportionately high number of:

"(A) Arrests for the possession or distribution of illegal drugs in the proposed drug free zone;

"(B) Police reports for dangerous crimes (as defined in D.C. Official Code § 23-1331(3)) that were committed in the proposed drug free zone; or

"(C) Police reports for crimes of violence (as defined in D.C. Official Code § 23-1331(4)) that were committed in the proposed drug free zone;

"(2) Any number of homicides that were committed in the proposed drug free zone.".

Sec. 227. The Distracted Driving Safety Act of 2004, effective March 30, 2004 (D.C. Law 15-124; D.C. Official Code § 50-1731.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 50-1731.02) is amended as follows: **Note, § 50-1731.02**

(1) A new paragraph (4A) is added to read as follows:

"(4A) "Text" or "texting" means using an electronic wireless communications device to compose, send, receive, or read a written message or image using a text-based communication system, including communications referred to as a text message, instant message, or electronic mail.".

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

"(5) "Use" means talking, placing, texting, or receiving a call, or attempting to place, text, or receive a call, on a wireless communications device, including a mobile telephone.".

(b) Section 6(a) (D.C. Official Code § 50-1731.06(a)) is amended by adding a new sentence at the end to read as follows: **Note, § 50-1731.06**

"The suspension shall not apply to violations related to texting.".

Sec. 228. Section 10(b) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.05(b)), is amended as follows: **Note, § 50-2201.05**

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

(1) Subparagraphs (B) and (C) are amended to read as follows:

"(B)(i) Any person convicted of a second offense under subparagraph (A)(i) of this paragraph shall be sentenced pursuant to sub-subparagraph (iii) of this subparagraph if the second offense occurs within 15 years of the conviction for the first offense under subparagraph (A)(i) of this paragraph.

"(ii) Any person who is convicted of an offense listed in subparagraph (A)(i) of this paragraph following a previous conviction for a violation of paragraph (2) of this subsection shall be sentenced pursuant to sub-subparagraph (iii) of this subparagraph if the offense listed in subparagraph (A)(i) of this paragraph occurs within 15 years of the prior conviction under paragraph (2) of this subsection.

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"(iii) Any person convicted of a subsequent offense pursuant to sub-subparagraphs (i) or (ii) of this subparagraph shall be fined not less than $1,000 and not more than $5,000, and sentenced to a term of imprisonment of not more than one year and not less than a mandatory-minimum of 5 days, which shall be imposed and not suspended. In addition to the mandatory-minimum and any additional term of imprisonment which may be imposed, the court may impose a sentence of at least 30 days of community service in accordance with D.C. Official Code § 16-712.

"(iv) In addition to the penalty authorized in sub-subparagraph (iii) of this subparagraph, if the person's alcohol concentration was at least 0.20 grams per 100 milliliters of blood or per 210 liters of breath, or was at least 0.25 grams per 100 milliliters of urine, but was not more than 0.25 grams per 100 milliliters of blood or per 210 liters of breath, or was not more than 0.32 grams per 100 milliliters of urine, the person shall be imprisoned for an additional mandatory-minimum period of 10 days, or if the person's alcohol concentration was more than 0.25 grams per 100 milliliters of blood or per 210 liters of breath or more than 0.32 grams per 100 milliliters of urine, the person shall be imprisoned for an additional mandatory-minimum period of 20 days. The additional mandatory-minimum periods of imprisonment shall not be suspended by the court.

"(C)(i) Any person convicted of a third or subsequent offense listed under subparagraph (A)(i) of this paragraph shall be sentenced pursuant to sub-subparagraph (iii) of this subparagraph if the third or subsequent offense occurs within 15 years of the prior conviction.

"(ii) Any person who is convicted of a second offense under subparagraph (A)(i) of this paragraph following a previous conviction for a violation of paragraph (2) of this subsection shall be sentenced pursuant to subsection sub-subparagraph (iii) of this subparagraph if the second offense occurs within 15 years of the prior conviction under paragraph (2) of this subsection.

"(iii) Any person convicted of a subsequent offense pursuant to sub-subparagraph (i) or (ii) of this subparagraph shall be fined an amount not less than $2,000 and not more than $ 10,000, and sentenced to a term of imprisonment of not more than one year and not less than a mandatory-minimum of 10 days, which shall be imposed and not suspended. In addition, the person may be required to perform at least 60 days of community service in accordance with D.C. Official Code § 16-712.

"(iv) In addition to the penalty authorized in sub-subparagraph (iii) of this subparagraph, if the person's alcohol concentration was at least 0.20 grams per 100 milliliters of blood or per 210 liters of breath, or was at least 0.25 grams per 100 milliliters of urine, but was not more than 0.25 grams per 100 milliliters of blood or per 210 liters of breath, or was not more than 0.32 grams per 100 milliliters of urine, the person shall be imprisoned for an additional mandatory-minimum period of 15 days, or if the person's alcohol concentration was more than 0.25 grams per 100 milliliters of blood or per 210 liters of breath or 0.32 grams per 100 milliliters of urine, the person shall be imprisoned for an additional mandatory-

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minimum period of 25 days. The additional mandatory-minimum periods of imprisonment shall not be suspended by the court.".

(2) Subparagraph (D) is amended as follows:

(A) Strike the phrase "for a violation" and insert the phrase "of a violation" in its place.

(B) Strike the phrase "benefitting children or, for a subsequent offense, 80 hours of community service in such program" and insert the phrase "benefitting children for the first such offense and 80 hours of community service for a subsequent such offense" in its place.

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

"(2)(A) No person shall, while the person's ability to operate a vehicle is impaired by the consumption of intoxicating liquor, operate or be in physical control of any vehicle in the District.

"(B) Any person violating any provision of subparagraph (A) of this paragraph, upon conviction for the first offense, unless the person has previously been convicted for a violation of paragraph (1) of this subsection, shall be fined not less than $200 and not more than $300 and may be imprisoned for not more than 30 days.

"(C) Any person convicted of a second offense under subparagraph (A) of this paragraph shall be sentenced pursuant to subparagraph (E) of this paragraph if the second offense occurs within 15 years of a conviction for a first offense under subparagraph (A) of this paragraph.

"(D) Any person convicted of an offense under subparagraph (A) of this paragraph following a prior conviction for a violation of paragraph (1)(A)(i) of this subsection shall be sentenced pursuant to subparagraph (E) of this paragraph if the offense under subparagraph (A) of this paragraph occurs within 15 years of the prior conviction for an offense listed under paragraph (1)(A)(i) of this subsection.

"(E) Any person convicted of an offense under subparagraph (A) of this paragraph pursuant to subparagraphs (C) or (D) of this paragraph shall be fined not less than $300 and not more than $500 and sentenced to a term of imprisonment of not more than one year and not less than a mandatory-minimum of 5 days, which shall be imposed and not suspended. In addition, the person may be required to perform at least 30 days of community service in accordance with D.C. Official Code § 16-712.

"(F) Any person convicted of a third or subsequent offense under subparagraph (A) of this paragraph shall be fined not less than $1,000 and not more than $5,000 and sentenced to a term of imprisonment of not more than one year and not less than a mandatory-minimum of 10 days, which shall be imposed and not suspended. In addition, the person may be required to perform at least 60 days of community service in accordance with D.C. Official Code § 16-712.

"(G) Any person convicted of a second offense under subparagraph (A) of this paragraph who has previously been convicted of an offense listed under paragraph (1)(A)(i) of this subsection shall, if the second offense occurs within 15 years of the prior

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conviction for an offense listed under paragraph (1)(A)(i) of this subsection, be fined in an amount not less than $1,000 and not more than $5,000 and sentenced to a period of imprisonment of not more than one year and not less than a mandatory-minimum of 10 days, which shall be imposed and not suspended. In addition, the person may be required to perform at least 60 days of community service in accordance with D.C. Official Code § 16-712.".

Note, § 50-2205.02

Sec. 229. Section 2 of the Anti-Drunk Driving Act of 1982, effective September 14, 1982 (D.C. Law 4-145; D.C. Official Code § 50-2205.02), is amended as follows:

(a) Paragraph (1) is amended by striking the phrase "0.05 grams or less" and inserting the phrase "less than 0.05 grams" in its place.

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

"(2) If at the time of testing, defendant's alcohol concentration was 0.05 grams or more per 100 milliliters of blood or per 210 liters of breath or more than 0.06 grams per 100 milliliters of urine, but less than 0.08 grams per 100 milliliters of blood or per 210 liters of breath or less than 0.10 grams per 100 milliliters of urine, this evidence shall constitute prima facie proof that the defendant was, at the time, under the influence of intoxicating liquor.".

TITLE III
CONFORMING AMENDMENTS

Note, § 22-4135

Sec. 301. Section 6(f) of the Innocence Protection Act of 2001, effective May 17, 2002 (D.C. Law 14-134; D.C. Official Code § 22-4135(f)), is amended by striking the phrase "if it appears that the government has been prejudiced" and inserting the phrase "if the government demonstrates that it has been materially prejudiced" in its place.

Note, § 22-404

Sec. 302. Section 806(b) through (e) 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(b) through (e)), is repealed.

TITLE IV
DOMESTIC PARTNERSHIP AND CHILD SUPPORT

Note, § 16-801

Sec. 401. Section 16-801(9)(Z) of the District of Columbia Official Code is amended by striking the phrase "Attempted theft" and inserting the term "Attempted identify theft" in its place.

Note, § 16-909

Sec. 402. Section 16-909 of the District of Columbia Official Code is amended as follows:

(a) Subsection (a-1)(2) is amended to read as follows:

"(2) There shall be a presumption that a woman is the mother of a child if she and the child's mother are or have been married, or in a domestic partnership, at the time of either conception or birth, or between conception or birth, and the child is born during the marriage or domestic partnership, or within 300 days after the termination of marital

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cohabitation by reason of death, annulment, divorce, or separation ordered by a court, or within 300 days after the termination of the domestic partnership pursuant to § 32-702(d)).".

(b) Subsection (e)(2) is amended by adding the following sentence at the beginning of the paragraph: "A donor of semen to a person for artificial insemination, other than the donor's spouse or domestic partner, is not a parent of a child thereby conceived unless the donor and the person agree in writing that said donor shall be a parent.".

Sec. 403. Section 16-916.01(g)(1) of the District of Columbia Official Code is amended to read as follows: Note, § 16-916.01

"(g)(1)(A) A parent with a legal duty to pay support may maintain a self-support reserve as provided in this subsection. The self-support reserve shall be calculated at 133% of the United States Department of Health and Human Services poverty guideline per year for a single individual. The self-support reserve shall be updated by the Mayor every 2 years with the updated amount to be published in the District of Columbia Register and made effective as of April 1.

"(B) As of April 1, 2007, the self-support reserve shall be $12,382.

"(C) As of April 1, 2009, the self-support reserve shall be $14,404. The Child Support Services Division of the Office of the Attorney General shall act promptly to ensure that all child support orders entered into on or after April 1, 2009 are modified, as appropriate and as permitted under applicable law, to incorporate the April 1, 2009 adjustment.".

Sec. 404. 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 by adding new paragraphs (4A) and (4B) to read as follows: Note, § 22-3001

"(4A) "Domestic partner" shall have the same meaning as provided in section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(3)).

"(4B) "Domestic partnership" shall have the same meaning as provided in section 2(4) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(4)).".

(b) Section 216(b) (D.C. Official Code § 22-3017(b)) is amended by striking the phrase "Marriage between the defendant and victim" and inserting the phrase "That the defendant and victim were married or in a domestic partnership" in its place. Note, § 22-3017

Sec. 405. Section 3(h) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-702(h)), is amended by striking the word "government" and inserting the phrase "District government" in its place. Note, § 32-702

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TITLE V
STALKING

Sec. 501. Legislative intent.

(a) The Council finds that stalking is a serious problem in this city and nationwide. Stalking involves severe intrusions on the victim=s personal privacy and autonomy. It is a crime that can have a long-lasting impact on the victim=s quality of life, and creates risks to the security and safety of the victim and others, even in the absence of express threats of physical harm. Stalking conduct often becomes increasingly violent over time. The Council recognizes the dangerous nature of stalking as well as the strong connections between stalking and domestic violence and between stalking and sexual assault. Therefore, the Council enacts this law to encourage effective intervention by the criminal justice system before stalking escalates into behavior that has even more serious or lethal consequences.

(b) The Council enacts this stalking statute to permit the criminal justice system to hold stalkers accountable for a wide range of acts, communications, and conduct. The Council recognizes that stalking includes a pattern of following or monitoring the victim, or committing violent or intimidating acts against the victim, regardless of the means.

Sec. 502. Definitions.

For the purposes of this title, the term:

(1) "Any device" means electronic, mechanical, digital or any other equipment, including: a camera, spycam, computer, spyware, microphone, audio or video recorder, global positioning system, electronic monitoring system, listening device, night-vision goggles, binoculars, telescope, or spyglass.

(2) "Any means" includes the use of a telephone, mail, delivery service, e-mail, website, or other method of communication or any device.

(3) "Communicating" means using oral or written language, photographs, pictures, signs, symbols, gestures, or other acts or objects that are intended to convey a message.

(4) "Emotional distress" means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling;

(5) "Financial injury" means the monetary costs, debts, or obligations incurred as a result of the stalking by the specific individual, member of the specific individual=s household, a person whose safety is threatened by the stalking, or a person who is financially responsible for the specific individual and includes:

(A) The costs of replacing or repairing any property that was taken or damaged;

(B) The costs of clearing the specific individual=s name or his or her credit, criminal, or any other official record;

(C) Medical bills;

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(D) Relocation expenses;
(E) Lost employment or wages; and
(F) Attorney's fees.

(6) "Personal identifying information" shall have the same meaning as provided in section 127a(3) 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 § 22-3227.01(3))

(7) "Specific individual" or "individual" means the victim or alleged victim of stalking.

(8) "To engage in a course of conduct" means directly or indirectly, or through one or more third persons, in person or by any means, on 2 or more occasions, to:

(A) Follow, monitor, place under surveillance, threaten, or communicate to or about another individual;

(B) Interfere with, damage, take, or unlawfully enter an individual's real or personal property or threaten or attempt to do so; or

(C) Use another individual's personal identifying information.

Sec. 503. Stalking.

(a) It is unlawful for a person to purposefully engage in a course of conduct directed at a specific individual:

(1) With the intent to cause that individual to:
(A) Fear for his or her safety or the safety of another person;
(B) Feel seriously alarmed, disturbed, or frightened; or
(C) Suffer emotional distress;

(2) That the person knows would cause that individual reasonably to:
(A) Fear for his or her safety or the safety of another person;
(B) Feel seriously alarmed, disturbed, or frightened; or
(C) Suffer emotional distress; or

(3) That the person should have known would cause a reasonable person in the individual's circumstances to:
(A) Fear for his or her safety or the safety of another person;
(B) Feel seriously alarmed, disturbed, or frightened; or
(C) Suffer emotional distress.

(b) This section does not apply to constitutionally protected activity.

(c) Where a single act is of a continuing nature, each 24-hour period constitutes a separate occasion.

(d) The conduct on each of the occasions need not be the same as it is on the others.

Sec. 504. Penalties.

(a) Except as provided in subsections (b) and (c) of this section, a person who violates section 503 shall be fined not more than $1,000, imprisoned for not more than 12 months, or both.

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(b) A person who violates section 503 shall be fined not more than $10,000, imprisoned for not more than 5 years, or both, if the person:

(1) At the time, was subject to a court, parole, or supervised release order prohibiting contact with the specific individual;

(2) Has one prior conviction in any jurisdiction of stalking any person within the previous 10 years;

(3) At the time, was at least 4 years older than the specific individual and the specific individual was less than 18 years of age; or

(4) Caused more than $ 2,500 in financial injury.

(c) A person who violates section 503 shall be fined not more than $ 25,000, imprisoned for not more than 10 years, or both, if the person has 2 or more prior convictions in any jurisdiction for stalking any person, at least one of which was for a jury demandable offense.

(d) A person shall not be sentenced consecutively for stalking and identify theft based on the same act or course of conduct.

Sec. 505. Jurisdiction.

(a) An offense shall be deemed to be committed in the District of Columbia if the conduct on at least one occasion was initiated in the District of Columbia or had an effect on the specific individual in the District of Columbia.

(b) A communication shall be deemed to be committed in the District of Columbia if it is made or received in the District of Columbia or, if the specific individual lives in the District of Columbia, it can be electronically accessed in the District of Columbia.

TITLE VI
PROFESSIONAL SECURITY

Sec. 601. The Regulation Establishing Standards for Certification and Employment for Security Officers, issued December 1, 1974 (Reg. 74-31; 17 DCMR § 2100 *et seq.*), is amended by repealing section 2127.1 through 2127.5. DCMR

TITLE VII

Sec. 701. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Omnibus Public Safety and Justice Amendmetn Act of 2009, signed by the Mayor on August 26, 2009 (D.C. Act 18-186; 56 DCR 7413), 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. 702. Effective date.

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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
October 21, 2009

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AN ACT

D.C. ACT 18-228

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 27, 2009

Codification District of Columbia Official Code

2001 Edition

2010 Winter Supp.

West Group Publisher

To amend, on an emergency basis, due to Congressional review, the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to increase the creditable service for reduction-in-force actions for District residents from 3 years to 6 years.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District Residency RIF Protection Congressional Review Emergency Amendment Act of 2009".

Sec. 2. Section 2402(c) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-624.02(c)), is amended by striking the phrase "shall have 3 years added" and inserting the phrase "shall have 6 years added" in its place.

Note, § 1-624.02

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

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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)).

Vincent C. Orange

Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
October 26, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-229

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 26, 2009

Codification District of Columbia Official Code

2001 Edition

2010 Winter Supp.

West Group Publisher

To amend the Business Improvement Districts Act of 1996 to approve the establishment of the Anacostia business improvement district.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Anacostia Business Improvement District Amendment Act of 2009".

Sec. 2. The Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11-134; D.C. Official Code § 2-1215.01 *et seq.*), is amended as follows:

Amend § 2-1215.04

(a) Section 5(b) (D.C. Official Code § 2-1215.04(b)) is amended by striking the phrase "or Capital Riverfront" and inserting the phrase "Capital Riverfront, or Anacostia" in its place.

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

"Sec. 209. Anacostia BID.

"(a) Subject to review and approval by the Mayor under the provisions of section 5 and 6, the formation of the Anacostia BID, which shall include all nonexempt real property within the geographic areas set forth in subsection (b) of this section, is authorized and the BID taxes established in subsection (c) of this section are imposed through the earlier of the expiration date of this act or the termination or dissolution of the BID.

"(b) The Anacostia BID shall be comprised of the geographical area which is delineated as follows:

"(1) All lots bordering Good Hope Road, S.E., between the Anacostia River and the intersection with 18th Street, S.E.;

"(2) All lots bordering Martin Luther King, Jr. Avenue, S.E., between S Street, S.E., and the intersection with Magnolia Street, S.E.;

"(3) All lots bordering Howard Road, S.E., between Martin Luther King, Jr. Avenue, S.E., and the intersection with Anacostia Drive, S.E.;

"(4) All lots bordering Anacostia Drive, S.E., between Howard Road, S.E., and the intersection with Good Hope Road, S.E.; and

"(5) All lots bordering Shannon Place, S.E., between U Street, S.E., and Chicago Street, S.E.

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"(c) The BID taxes for the nonexempt real properties in the Anacostia BID shall not exceed $0.19 per $100.00 of assessed value.".

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report 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), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
October 26, 2009