

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-434

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 14, 2010

*Codification
District of
Columbia
Official Code*

2001 Edition

2010 Fall
Supp.West Group
Publisher

To amend, on an emergency basis, the Neighborhood Investment Act of 2004 to provide that the Georgia Avenue Main Street functions may be performed by an organization currently providing business services for the commercial corridor designated as Georgia Avenue Main Street or may be managed directly by the Department of Small and Local Business Development for commercial corridor improvement activities.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Georgia Avenue Main Street Authorization Emergency Amendment Act of 2010".

Sec. 2. Section 2(j)(2)(E) of the Neighborhood Investment Act of 2004, effective March 30, 2004 (D.C. Law 15-131; D.C. Official Code § 6-1071(j)(2)(E)), is amended by striking the phrase "to Georgia Avenue, N.W." and inserting the phrase "to an organization currently providing business services for the commercial corridor designated as Georgia Avenue Main Street or for direct service delivery managed through the Department of Small and Local Business Development for the commercial corridor designated as Georgia Avenue Main Street" in its place.

Sec. 3. Fiscal impact statement.

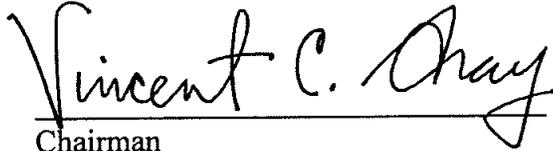
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

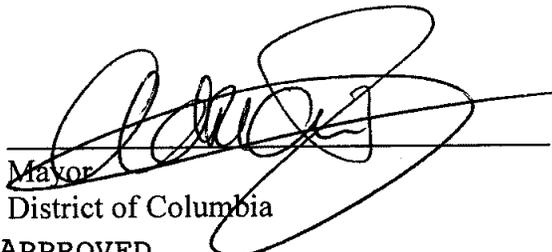
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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
June 14, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-435 _____

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 19, 2010*Codification
District of
Columbia
Official Code*

2001 Edition

2010 Fall
Supp.West Group
Publisher

To require, on a temporary basis, the Office of the Chief Financial Officer to determine the funds remaining for the 12th Street streetscape project, and for the District Department of Transportation to have a 90-day moratorium on any expenditures of non-committed funds for the 12th Street streetscape project in order to work with Advisory Neighborhood Commission 5A on a plan for the remaining phases for the 12th Street streetscape project, including the option of placing utility lines underground.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Brookland Streetscape Temporary Act of 2010".

Sec. 2. (a) Within 14 days of the effective date of the Brookland Streetscape Emergency Act of 2010, effective May 26, 2010 (D.C. Act 18-427; 57 DCR _____), the Office of the Chief Financial Officer ("OCFO") shall submit a written determination on the amount of funds expended and encumbered on the 12th Street streetscape project ("Project") by the District Department of Transportation ("Department"), and the amount of funds initially approved for the Project.

(b) The Department shall not expend or encumber any non-committed funds remaining for the Project, including any funds for a retaining wall on Otis Street, N.E., for 90 days, excluding weekends and holidays, from the effective date of the Brookland Streetscape Emergency Act of 2010, effective May 26, 2010 (D.C. Act 18-427; 57 DCR _____).

(c) Within 45 days of the effective date of the Brookland Streetscape Emergency Act of 2010, effective May 26, 2010 (D.C. Act 18-427; 57 DCR _____), the OCFO shall work with the Department to determine the cost of burying utility lines along part or all of the length of the Project and share that determination with Advisory Neighborhood Commission 5A ("ANC 5A"); the Brookland Neighborhood Civic Association, and the Council.

(d)(1) If the OCFO determines remaining funds are sufficient to bury the utility lines, the Department shall meet with the ANC 5A to present the following:

ENROLLED ORIGINAL

(A) The Department's original planned use of the remaining funds for the Project; and

(B) A plan on using the remaining funds to bury the utility lines along the length of the Project.

(2) The Mayor shall give the opinion of ANC 5A great weight with respect to the plan that will be implemented.

(e) The Mayor may submit a resolution to the Council to reprogram funds from the Department's Ward 5 general improvement budget authority and allotment to assist in placing the utility lines underground along the length of the Project.

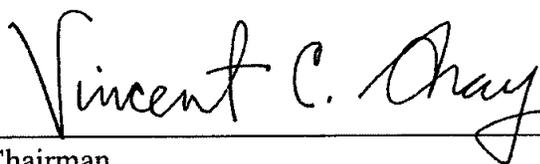
Sec. 3. Fiscal impact statement.

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.

(a) 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.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
June 14, 2010

ENROLLED ORIGINAL

AN ACT
D.C. ACT 18-436

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JUNE 17, 2010

Codification
District of
Columbia
Official Code

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To amend, on a temporary basis, the Clean and Affordable Energy Act of 2008 to expand the statutory authority for expenditures from the Sustainable Energy Trust Fund on the Renewable Energy Incentive Program to account for unexpended amounts from fiscal year 2009.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Renewable Energy Incentive Program Fund Balance Rollover Temporary Amendment Act of 2010".

Sec. 2. The Clean and Affordable Energy Act of 2008, effective October 22, 2008 (D.C. Law 17-250; D.C. Official Code § 8-1773.01 *et seq.*), is amended as follows:

(a) Section 209(e) (D.C. Official Code § 8-1774.09(e)) is amended by striking the phrase "every 6 months" and inserting the phrase "every 6 months; provided, that this subsection shall not apply to fiscal year 2011" in its place.

Note,
§ 8-1774.09

(b) Section 210(c)(8) (D.C. Official Code § 8-1774.10(c)(8)) is amended by striking the phrase "systems; and" and inserting the phrase "systems; provided, that the amount for fiscal year 2010 shall be \$3.167 million; and" in its place.

Note,
§ 8-1774.10

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)).

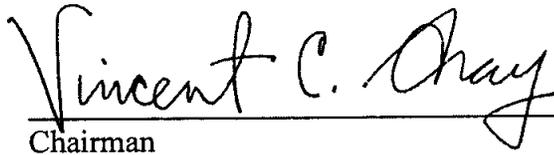
Sec. 4. Effective date.

(a) 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

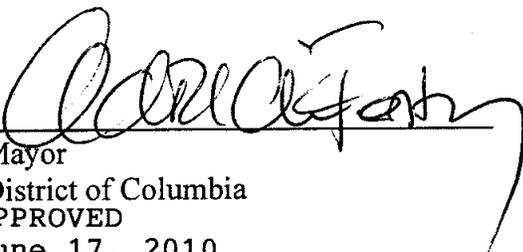
ENROLLED ORIGINAL

December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
June 17, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-437

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 17, 2010*Codification
District of
Columbia
Official Code*

2001 Edition

2010 Fall
Supp.West Group
Publisher

To authorize, on a temporary basis, the Chairman of the Council, the Chief Judge of the Superior Court of the District of Columbia, and the Mayor to appoint representatives to the National Conference of Commissioners on Uniform State Laws to advise the Mayor and the Council concerning proposals for uniform and model state laws, and to provide that a person who has been elected a life member of the National Conference of Commissioners on Uniform State Laws and the General Counsel to the Council shall also be members.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Commission on Uniform State Laws Appointment Authorization Temporary Act of 2010".

Sec. 2. Appointments to National Conference of Commissioners on Uniform State Laws.

(a) The official commissioners of the District of Columbia to the National Conference of Commissioners on Uniform State Laws ("NCCUSL") shall be members of the District of Columbia Bar, and shall be appointed as follows:

- (1) Three commissioners shall be appointed by the Mayor;
- (2) One commissioner shall be appointed by the Chairman of the Council; and
- (3) One commissioner shall be appointed by the Chief Judge of the Superior

Court of the District of Columbia.

(b) Each commissioner appointed pursuant to subsection (a) of this section shall serve a term of 3 years, beginning on July 1 of the year of appointment, and shall serve until his or her successor is appointed.

(c) In addition to the 5 members appointed under this section, the following persons shall be members of the NCCUSL:

(1) Any resident of the District of Columbia who, because of long service in the cause of the uniformity of state legislation, shall have been elected a life member of the NCCUSL; and

(2) The General Counsel to the Council of the District of Columbia, or his or her designee.

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(d) A person serving as a NCCUSL commissioner as of the effective date of this act may continue to serve until the expiration of his or her term, or until a successor has been appointed, whichever occurs later.

Sec. 3. Duties of commissioners.

(a) The commissioners shall advise the Mayor and the Council, and Council committees, concerning:

- (1) Proposals for uniform and model state laws;
- (2) The effect that the proposals would have on the laws of the District of Columbia; and
- (3) Other matters pertinent to desirable uniformity in legislation between the District and other jurisdictions.

(b) Each commissioner shall attend the meetings of the NCCUSL and, both within and out of the NCCUSL, do all in his or her power to promote uniformity in state laws in all subjects in which uniformity is desirable and practicable.

(c) The commissioners shall report to the Council after each annual meeting, and from time to time thereafter as the commissioners consider proper.

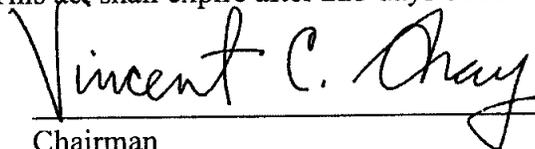
Sec. 4. Fiscal impact statement.

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. 5. Effective date.

(a) 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.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED

June 17, 2010

Codification District of Columbia Official Code, 2001 Edition

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-438

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 19, 2010*Codification
District of
Columbia
Official Code*

2001 Edition

2010 Fall
Supp.West Group
Publisher

To require, on a temporary basis, that the Office of the Chief Financial Officer submit to the Council a written determination on whether the District of Columbia Public Schools has a surplus in its fiscal year 2010 budget and if its reduction-in-force action was based on an accounting error, and if so, to require the District of Columbia Public Schools to submit a feasibility plan on the possible reinstatement of separated faculty and staff.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Public Schools Teacher Reinstatement Temporary Act of 2010".

Sec. 2. (a) Within 14 days of the effective date of the District of Columbia Public Schools Teacher Reinstatement Emergency Act of 2010, effective May 26, 2010 (D.C. Act 18-425; 57 DCR ___), the Office of the Chief Financial Officer shall submit a written determination on whether the District of Columbia Public Schools ("DCPS") has a surplus in its fiscal year 2010 budget, including, if applicable, the amount of the surplus and the reason for the surplus.

(b) If the Office of the Chief Financial Officer determines there is a budget surplus in DCPS based in part, or in whole, on an accounting error resulting in a reduction-in-force action ("RIF"), the DCPS shall submit to the Council, within 30 days of the effective date of the District of Columbia Public Schools Teacher Reinstatement Emergency Act of 2010, effective May 26, 2010 (D.C. Act 18-425; 57 DCR ___), a feasibility plan on whether DCPS plans to reinstate faculty and staff separated from service pursuant to the RIF. The plan shall include:

(1) A legal review of the RIF laws, rules, guidelines, and regulations, including the budgetary criteria necessary for a RIF in DCPS;

(2) If DCPS acts to reinstate separated faculty and staff, the length of time necessary to reinstate separated faculty and staff;

(3) If DCPS acts to reinstate separated faculty and staff, the criteria used for a competitive scale for reinstatement if the Office of the Chief Financial Officer determines that funding is available to reinstate fewer than all of the separated faculty and staff; and

ENROLLED ORIGINAL

(4) A written analysis on whether or not DCPS plans to reinstate separated faculty and staff, and the criteria for that decision.

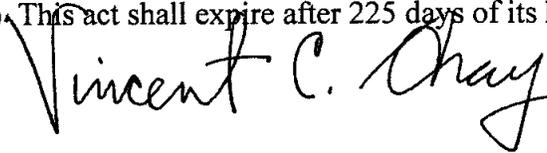
Sec. 3. Fiscal impact statement.

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.

(a) 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.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
June 17, 2010

ENROLLED ORIGINAL

AN ACT
D.C. ACT 18-439

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 17, 2010

Codification
District of
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Official Code

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2010 Fall
Supp.

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Publisher

To amend, on a temporary basis, the Renewable Energy Portfolio Act of 2004 to allow solar thermal systems located within the District to generate solar renewable energy credits.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Solar Thermal Incentive Temporary Amendment Act of 2010".

Sec. 2. The Renewable Energy Portfolio Act of 2004, effective April 12, 2005 (D.C. Law 15-340; D.C. Official Code § 34-1431 *et seq.*) is amended as follows:

(a) The lead-in text of section 3(10) (D.C. Official Code § 34-1431(10)) is amended by striking the word "consumed".

Note,
§ 34-1431

(b) Section 4(e) (D.C. Official Code § 34-1432(e)) is amended as follows:

(1) Strike the phrase "interconnected to the distribution grid serving the District of Columbia" and insert the phrase "located within the District" in its place.

Note,
§ 34-1432

(2) Strike the phrase "that the solar energy systems be connected to the grid within the District of Columbia,".

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)).

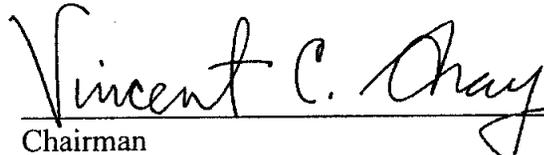
Sec. 4. Effective date.

(a) 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

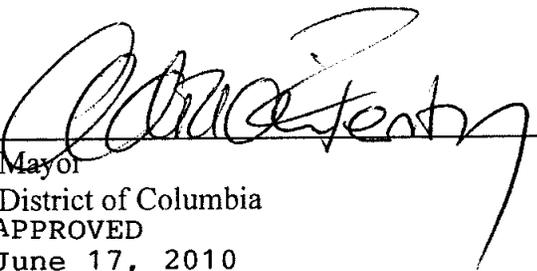
ENROLLED ORIGINAL

December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
June 17, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-440

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 17, 2010*Codification
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To establish a Senior Citizens Housing Modernization Grant Fund and to authorize the Deputy Mayor for Planning and Economic Development to make grants from the Senior Citizens Housing Modernization Grant Fund to qualified senior citizens who reside in an area affected by a planned unit development for repairs and improvements to their single-family dwellings.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Senior Housing Modernization Grant Fund Act of 2010".

Sec. 2. Definitions.

For the purposes of this act, the term:

- (1) "Deputy Mayor" means the Deputy Mayor for Planning and Economic Development.
- (2) "Fund" means the Senior Citizens Housing Modernization Grant Fund established by section 3.
- (3) "Planned unit development" or "PUD" means a plan for the development of residential, institutional, and commercial developments, industrial parks, urban renewal projects, or a combination of these as defined in section 199 of Title 11 of the District of Columbia Municipal Regulations (11 DCMR § 199).
- (4) "Principal place of residence" means a single-family dwelling in which a person lives in a particular locality with the intent to make it a fixed and permanent home.
- (5) "Qualified senior citizen" means the owner of a single-family dwelling located in the District that is his or her principal place of residence who:
 - (A) Is 65 years of age or older;
 - (B) Is a resident of the District;
 - (C) Has resided in his or her principal place of residence for at least 3 years preceding the date of the application for assistance under this act; and
 - (D) Whose income does not exceed that for a household within the Section 8 low-income guidelines established by the Secretary of the United States Department

ENROLLED ORIGINAL

of Housing and Urban Development pursuant to section 8 of the United States Housing Act of 1937, approved August 22, 1974 (88 Stat. 662; 42 U.S.C. § 1437f).

Sec. 3. Senior Citizens Housing Modernization Grant Fund.

(a) There is established as a nonlapsing fund the Senior Citizens Housing Modernization Grant Fund ("Fund"). All funds deposited into the Fund, and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsection (b) of this section without regard to fiscal year limitation, subject to authorization by Congress.

(b) The Fund shall be continually available to the Deputy Mayor for the purpose of providing one-time grants of up to \$5,000 to qualified senior citizens to enable them to make repairs and improvements to their single-family dwellings to ensure their health and safety in their principal places of residence.

(c) Deposits into the Fund shall consist of the following:

(1) Payments by developers seeking relief from zoning laws by way of the PUD process, which may be considered part of the required community benefits package of the proposed PUD;

- (2) Appropriated funds;
- (3) Other District funds; or
- (4) Private gifts.

Sec. 4. Eligibility for grants.

(a)(1) An applicant shall receive a grant if he or she is a qualified senior citizen residing within the boundaries of an Advisory Neighborhood Commission in which a developer, seeking relief from zoning laws by way of the PUD process, has made a payment to the Senior Citizens Housing Modernization and Grant Fund.

(2) An applicant is eligible for a grant if he or she is a qualified senior citizen, provided, that the Deputy Mayor gives priority consideration to lower-income applicants.

(b) To determine the eligibility of an applicant, the Deputy Mayor shall develop an application form.

(c) To apply for a grant under this act, an applicant shall complete the application form and return it to the Deputy Mayor at the time and in the manner in which the Deputy Mayor shall prescribe.

(d) The Deputy Mayor shall verify the contents of the application form to determine if the applicant is eligible for a grant and to determine if the applicant shall receive funding, or be given priority consideration pursuant to subsection (a) of this section.

(e) The Deputy Mayor shall establish rules for payment to qualified home improvement contractors, which may include establishing a list of program-eligible contractors.

ENROLLED ORIGINAL

Sec. 5. Rules.

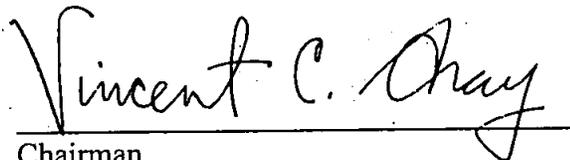
The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this act. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed approved.

Sec. 6. Fiscal impact statement.

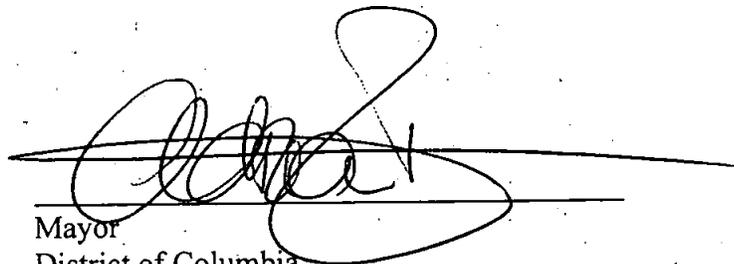
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 7. 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
June 17, 2010

ENROLLED ORIGINAL

AN ACT
D.C. ACT 18-441

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JUNE 17, 2010

To approve, on an emergency basis, modifications to Contract No. POFA-2006-C-0066 with American Traffic Solutions, Inc., to operate an automated traffic safety enforcement system and to authorize payment for the services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. POFA-2006-C-0066 Modifications Approval and Payment Authorization Emergency Act of 2010".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council approves Modification Nos. 8 and 9 and proposed Modification No. 10 to Contract No. POFA-2006-C-0066 to operate an automated traffic safety enforcement system and authorizes payment in the not-to-exceed amount of \$7,692,411.28 for services received and to be received under the contract in option year 2.

Sec. 3. Fiscal impact statement.

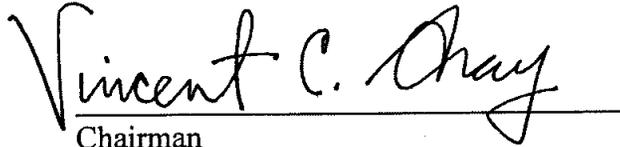
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

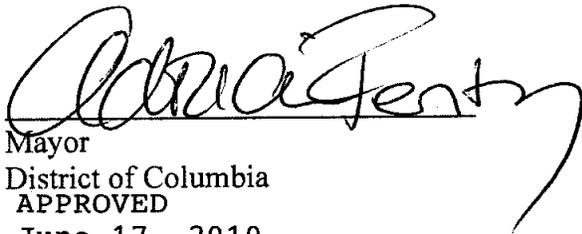
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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
June 17, 2010

ENROLLED ORIGINAL

AN ACT
D.C. ACT 18-442

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JUNE 17, 2010

*Codification
District of
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Official Code*

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2010 Fall
Supp.

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Publisher

To amend, on an emergency basis, the Health Services Planning Program Re-establishment Act of 1996 to exempt the acquisition of the Washington Center for Aging Services by Stoddard Baptist Home Foundation, Inc., from certificate of need review.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Health Services Planning Program Re-establishment Emergency Amendment Act of 2010 ".

Sec. 2. Section 8(b) of the Health Services Planning Program Re-establishment Act of 1996, effective April 9, 1997 (D.C. Law 11-191; D.C. Official Code § 44-407(b)), is amended by adding a new paragraph 14 to read as follows:

Note,
§ 44-407

“(14) The acquisition of the Washington Center for Aging Services by the Stoddard Baptist Home Foundation, Inc.”.

Sec. 3. Fiscal impact statement.

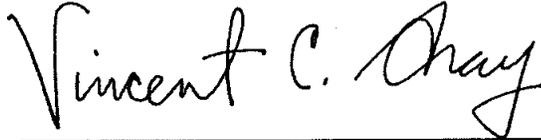
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

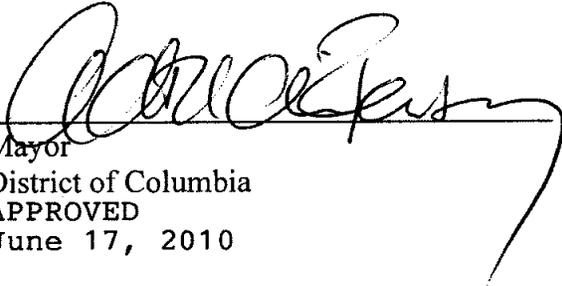
This act shall take effect following the approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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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)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
June 17, 2010

ENROLLED ORIGINAL

AN ACT
D.C. ACT 18-443

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 17, 2010

To amend, on an emergency basis, the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010 to call for a referendum on the amendments to the Charter of the District of Columbia establishing the Attorney General for the District of Columbia as an elected position.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Elected Attorney General Referendum Emergency Amendment Act of 2010".

Sec. 2. Section 202 of the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, enacted March 30, 2010 (D.C. Act 18-351; 57 DCR 3012), is amended to read as follows:

"Sec. 202. Applicability.

"Section 201 shall apply upon its ratification by a majority of the registered qualified electors of the District of Columbia voting in a referendum held for such purpose and a 35-day period of Congressional review as provided in section 303 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 784; D.C. Official Code § 1-203.03), and publication in the District of Columbia Register."

Sec. 3. Transmittal.

The Chairman of the Council shall transmit copies of the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, enacted March 30, 2010 (D.C. Act 18-351; 57 DCR 3012), and this act, upon its effective date, to the Board of Elections and Ethics.

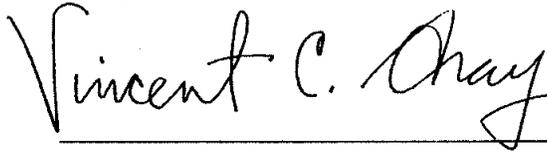
ENROLLED ORIGINAL

Sec. 4. Fiscal impact statement.

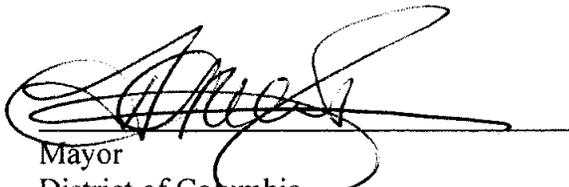
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
June 17, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-444

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 21, 2010*Codification
District of
Columbia
Official Code*

2001 Edition

2010 Fall
Supp.West Group
Publisher

To prohibit human trafficking in the District of Columbia by establishing the criminal offenses of forced labor, trafficking in labor or commercial sex, sex trafficking of children, unlawful conduct with respect to documents in furtherance of human trafficking, and benefitting financially from human trafficking services, providing for forfeiture of real or personal property related to the commission of human trafficking, permitting civil actions by victims of human trafficking, and requiring the publication of statistical data related to human trafficking; to amend the Victims of Violent Crime Compensation Act of 1996 to expand the list of victims eligible for compensation, including the victims of human trafficking; to amend An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children to include human trafficking counselors as mandatory reporters; to amend Chapter 3 of Title 14 of the District of Columbia Official Code to protect confidential communications between human trafficking counselors and victims; to amend the Anti-Sexual Abuse Act of 1994 to establish the criminal offenses of first- and second-degree sexual abuse of a secondary student; to amend the District of Columbia Protection of Minors Act of 1982 to make it a crime to knowingly attend, transmit, or possess a sexual performance by a minor; and to amend Title 23 of the District of Columbia Official Code to establish a statute of limitations for human trafficking and like cases, to include human trafficking in the definition of "dangerous crime," and to include an opportunity to consult a victim advocate in the codified rights of crime victims.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Prohibition Against Human Trafficking Amendment Act of 2010".

TITLE I

Sec. 101. Definitions.

For the purposes of this title, the term:

(1) "Abuse or threatened abuse of law or legal process" means the use or threatened use of law or legal process, whether administrative, civil, or criminal, in any manner

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or for any purpose for which the law was not designed, to exert pressure on another person to cause that person to take some action or refrain from taking some action.

(2) "Business" means any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, holding company, joint stock, trust, and any legal entity through which business is conducted.

(3) "Coercion" means any one of, or a combination of, the following:

(A) Force, threats of force, physical restraint, or threats of physical restraint;

(B) Serious harm or threats of serious harm;

(C) The abuse or threatened abuse of law or legal process;

(D) Fraud or deception;

(E) Any scheme, plan, or pattern intended to cause a person to believe that if that person did not perform labor or services, that person or another person would suffer serious harm or physical restraint;

(F) Facilitating or controlling a person's access to an addictive or controlled substance or restricting a person's access to prescription medication; or

(G) Knowingly participating in conduct with the intent to cause a person to believe that he or she is the property of a person or business and that would cause a reasonable person in that person's circumstances to believe that he or she is the property of a person or business.

(4) "Commercial sex act" means any sexual act or sexual contact on account of which or for which anything of value is given to, promised to, or received by any person. The term "commercial sex act" includes a violation of 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 *et seq.*); section 813 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22-2704); An Act In relation to pandering, to define and prohibit the same and to provide for the punishment thereof, approved June 25, 1910 (36 Stat. 833; D.C. Official Code § 22-2705 *et seq.*); An Act To enjoin and abate houses of lewdness, assignation, and prostitution; to declare the same to be nuisances; to enjoin the person or persons who conduct or maintain the same and the owner or agent of any building used for such purpose; and to assess a tax against the person maintaining said nuisance and against the building and owner thereof, approved February 7, 1914 (38 Stat. 280; D.C. Official Code § 22-2713 *et seq.*); and section 1 of An Act To confer concurrent jurisdiction on the police court of the District of Columbia in certain cases, approved July 16, 1912 (37 Stat. 192; D.C. Official Code § 22-2722).

(5) "Debt bondage" means the status or condition of a person who provides labor, services, or commercial sex acts, for a real or alleged debt, where:

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

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

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

(6) "Labor" means work that has economic or financial value.

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

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

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

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

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

Sec. 102. Forced labor.

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

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

Sec. 103. Trafficking in labor or commercial sex acts.

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

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

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

Sec. 104. Sex trafficking of children.

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

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

Sec. 105. Unlawful conduct with respect to documents in furtherance of human trafficking.

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

Sec. 106. Benefitting financially from human trafficking.

It is unlawful for an individual or business knowingly to benefit, financially or by receiving anything of value, from voluntarily participating in a venture which has engaged in any act in violation of sections 102, 103, 104, or 105, knowing or in reckless disregard of the fact that the venture has engaged in the violation.

Sec. 107. Penalties.

(a) (1) Except as provided in paragraph (2) of this subsection, whoever violates sections 102, 103, or 104 shall be fined not more than \$200,000, imprisoned for not more than 20 years, or both.

(2) Whoever violates sections 102, 103, or 104 when the victim is held or provides services for more than 180 days shall be fined not more than 1 ½ times the maximum fine authorized for the designated act, imprisoned for not more than 1 ½ times the maximum term authorized for the designated act, or both.

(b) Whoever violates section 105 shall be fined not more than \$5,000, imprisoned for not more than 5 years, or both.

(c) Whoever violates section 106 shall be fined or imprisoned up to the maximum fine or term of imprisonment for a violation of each referenced section.

(d) Whoever attempts to violate sections 102, 103, 104, 105, or 106 shall be fined not more than ½ the maximum fine otherwise authorized for the offense, imprisoned for not more than ½ the maximum term otherwise authorized for the offense, or both.

(e) No person shall be sentenced consecutively for violations of sections 103 and 104 for an offense arising out of the same incident.

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Sec. 108. Forfeiture.

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

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

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

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

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

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

Sec. 109. Reputation or opinion evidence.

In a criminal case in which a person is accused of trafficking in commercial sex, as prohibited by section 103, sex trafficking of children, as prohibited by section 104, or benefitting financially from human trafficking, as prohibited by section 106, reputation or opinion evidence of the past sexual behavior of the alleged victim is not admissible. Evidence of an alleged victim's past sexual behavior other than reputation or opinion evidence also is not admissible, unless such evidence other than reputation or opinion evidence is admitted in accordance with section 302(b) of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3022(b)), and is constitutionally required to be admitted.

Sec. 110. Civil action.

(a) An individual who is a victim of an offense prohibited by sections 102, 103, 104, 105, or 106 may bring a civil action in the Superior Court of the District of Columbia. The court may award actual damages, compensatory damages, punitive damages, injunctive relief, and any other appropriate relief. A prevailing plaintiff shall also be awarded attorney's fees and costs. Treble damages shall be awarded on proof of actual damages where a defendant's acts were willful and malicious.

(b) Any statute of limitation imposed for the filing of a civil suit under this section shall not begin to run until the plaintiff knew, or reasonably should have known, of any act constituting a violation of section 102, 103, 104, 105, or 106, or until a minor plaintiff has reached the age of majority, whichever is later.

(c) If a person entitled to sue is imprisoned, insane, or similarly incapacitated at the time the cause of action accrues, so that it is impossible or impracticable for him or her to bring an

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action, then the time of the incapacity is not part of the time limited for the commencement of the action.

(d) A defendant is estopped to assert a defense of the statute of limitations when the expiration of the statute is due to conduct by the defendant inducing the plaintiff to delay the filing of the action.

Sec. 111. Data collection and dissemination.

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

(1) "Persons engaged in human trafficking or human trafficking-related crimes" includes:

(A) Any person who attempts to recruit, entice, harbor, transport, provide, or obtain, or successfully recruits, entices, harbors, transports, provides, or obtains, by any means, another person, intending or knowing that the person will be subjected to forced labor or services; and

(B) Any person who purchases or receives the benefits of commercial sex acts, sexual performance, labor, or services by victims of human trafficking or human trafficking-related crimes.

(2) "Human trafficking-related crimes" means pimping, pandering, procuring, operating a house of prostitution, keeping a bawdy or disorderly house, possessing a sexual performance by a minor, visa fraud, document fraud, and assisting in unlawful entry into the United States, as well as violations of sections 102, 103, 104, 105, and 106.

(3) "Victim" means any person who has suffered a physical, mental, or emotional injury as a direct or indirect result of human trafficking or a human trafficking-related crime.

(b) The District, in cooperation with appropriate criminal justice agencies, shall collect statistical data related to human trafficking. The data shall include:

(1) Numbers of investigations, arrests, prosecutions, and convictions of traffickers and those committing human trafficking-related crimes;

(2) Numbers of and demographic characteristics of persons engaged in human trafficking or human trafficking-related crimes, including age, race, sex;

(3) Numbers of and demographic characteristics of victims, including age, race, sex, national origin, and current citizenship; and

(4) Human trafficking routes and patterns in and out of the District of Columbia.

(c) The Mayor shall elicit the cooperation and assistance of other government agencies, and non-government organizations as appropriate, to assist in the data collection required under subsection (b) of this section. The appropriate authorities in each agency shall make best efforts to collect information relevant to tracking progress on human trafficking.

(d) The District shall publish, periodically and not less than once every 36 months, a report of all current statistical data described in subsection (b) of this section.

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(e) This section shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

TITLE II

Sec. 201. The Victims of Violent Crime Compensation Act of 1996, effective April 9, 1997 (D.C. Law 11-243; D.C. Official Code § 4-501 *et seq.*), is amended as follows:

(a) Section 2(6) (D.C. Official Code § 4-501(6)) is amended by striking the phrase “unlawful use of an explosive,” and inserting the phrase “unlawful use of an explosive, forced labor, benefitting financially from human trafficking, using a minor in a sexual performance, promoting a sexual performance by a minor, attending or possessing a sexual performance by a minor, trafficking in labor or commercial sex acts, sex trafficking of children, a felony violation of an act codified in Chapter 27 of Title 22 of the District of Columbia Official Code, where a person was compelled to engage in prostitution or was a minor; a violation of an act codified in Title 50 of the District of Columbia Official Code that resulted in death or bodily injury to a person,” in its place.

Amend
§ 4-501

(b) Section 9(a)(1) (D.C. Official Code § 4-508(a)(1)) is amended by striking the phrase “claim; or” and inserting the phrase “claim; provided, that a claimant who was a minor and a victim of sex trafficking of children, may be awarded compensation; or”.

Amend
§ 4-508

Sec. 202. Section 2(b) of An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children, approved November 6, 1966 (80 Stat. 1354; D.C. Official Code § 4-1321.02(b)), is amended by striking the phrase “day care worker,” and inserting the phrase “day care worker, human trafficking counselor as defined in D.C. Official Code § 14-311(2),” in its place.

Amend
§ 4-1321.02

Sec. 203. Chapter 3 of Title 14 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows:

“14-311. Human trafficking counselors.”

(b) Section 14-307(a) is amended by striking the phrase “defined in § 14-310(a)(2)” and inserting the phrase “defined in § 14-310(a)(2), or a human trafficking counselor as defined in § 14-311(a)(2)” in its place.

Amend
§ 14-310

(c) A new section 14-311 is added to read as follows:

“§ 14-311. Human trafficking counselors.

New
§ 14-311

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

“(1) “Confidential communication” means information exchanged between a victim and a human trafficking counselor during the course of the counselor providing counseling, support, and assistance to a victim, including all records kept by the counselor and

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the human trafficking program concerning the victim and services provided to the victim.

“(2) “Human trafficking counselor” means an employee, contractor, or volunteer of a human trafficking program who:

“(A) Is rendering support, counseling, or assistance to a victim;

“(B) Has undergone not less than 40 hours of human trafficking counselor training conducted by a human trafficking program that includes dynamics of human trafficking, trauma resulting from human trafficking, crisis intervention, personal safety, risk management, criminal and civil court processes, and resources available to victims; and

“(C)(i) Is or is under the supervision of a licensed social worker, nurse, physician, psychologist, or psychotherapist; or

“(ii) Is or is under the supervision of a person who has a minimum of 5 years of experience rendering support, counseling, or assistance to persons against whom severe emotional abuse or a criminal offense has been committed or is alleged to have been committed, of which at least 2 years of experience involves human trafficking victims.

“(3) “Human trafficking offense” means abducting or enticing a child from his or her home for purposes of prostitution (§ 22-2704); harboring such child (§ 22-2704); pandering (§ 22-2705); inducing or compelling an individual to engage in prostitution (§ 22-2705); compelling an individual to live life of prostitution against his or her will (§ 22-2706); causing spouse to live in prostitution (§ 22-2708); sexual performance using minors (§ 22-3102); forced labor as prohibited by section 102 of the Prohibition Against Human Trafficking Amendment Act of 2010, passed on 2nd reading on June 1, 2010 (Enrolled version of Bill 18-70) (“Human Trafficking Act”); trafficking in labor or commercial sex as prohibited by section 103 of the Human Trafficking Act; sex trafficking of children as prohibited by section 104 of the Human Trafficking Act; unlawful conduct with respect to documents in furtherance of human trafficking as prohibited by section 105 of the Human Trafficking Act; or benefitting financially from human trafficking, as prohibited by section 106 of the Human Trafficking Act.

“(4) “Human trafficking program” means a nonprofit, non-governmental organization that supports, counsels, and assists victims of human trafficking.

“(5) “Intrafamily offense” shall have the same meaning as provided in § 16-1001(8).

“(6) “Victim” means a person against whom a human trafficking offense has been committed or is alleged to have been committed.

“(b)(1) A human trafficking counselor shall not disclose a confidential communication except:

“(A) As required by statute or by a court of law;

“(B) As voluntarily authorized in writing by the victim;

“(C) To other individuals employed at the human trafficking program

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and third party providers when and to the extent necessary to facilitate the delivery of services to the victim;

“(D) To the Metropolitan Police Department or other law enforcement agency to the extent necessary to protect the victim or another individual from a substantial risk of imminent and serious physical injury or kidnapping;

“(E) To compile statistical or anecdotal information, without personal identifying information, for research or public information purposes; or

“(F) For any confidential communications relevant to a claim or defense if the victim files a lawsuit against a human trafficking counselor or a human trafficking program.

“(2) Unless the disclosure is public, confidential communications disclosed pursuant to paragraph (1) of this subsection shall not be further disclosed by the recipient except as authorized in paragraph (1) of this subsection.

“(3) Confidential communications are not waived by the presence of a sign language or foreign language interpreter. Such an interpreter is subject to the same disclosure limitations set forth in paragraph (1) of this subsection and the same privilege set forth in subsection (c) of this section.

“(c)(1) Except as provided in paragraph (2) of this subsection, when a victim is under 12 years of age, has been adjudicated incompetent by a court of competent jurisdiction for the purpose of asserting or waiving the privilege established by this section, or is deceased, the victim’s parent, guardian, or personal representative may assert or waive the privilege.

“(2) If the parent, guardian, or personal representative of a victim described in paragraph (1) of this subsection has been charged with an intrafamily offense or has had a protection order or a neglect petition entered against him or her at the request of or on behalf of the victim, or otherwise has interests adverse to those of the victim with respect to the assertion or waiver of the privilege, the court shall appoint an attorney for purposes of asserting or waiving the privilege.

“(d) The assertion of any privilege under this section is not admissible in evidence.”

Sec. 204. 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 by adding new sections 208c and 208d to read as follows:

“Sec. 208c. First degree sexual abuse of a secondary education student.

“Any teacher, counselor, principal, coach, or other person of authority in a secondary level school who engages in a sexual act with a student under the age of 20 years enrolled in that school or school system, or causes that student to engage in a sexual act, shall be imprisoned for not more than 10 years, fined in an amount not to exceed \$100,000, or both.

“Sec. 208d. Second degree sexual abuse of a secondary education student.

“Any teacher, counselor, principal, coach, or other person of authority in a secondary

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level school who engages in sexual conduct with a student under the age of 20 years enrolled in that school or school system, or causes that student to engage in sexual conduct, shall be imprisoned for not more than 5 years, fined in an amount not to exceed \$50,000, or both.”.

Sec. 205. The District of Columbia Protection of Minors Act of 1982, effective March 9, 1983 (D.C. Law 4-173; D.C. Official Code § 22-3101 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 22-3101) is amended as follows:

Amend
§ 22-3101

(1) Paragraph (2) is amended by striking the number “16” and inserting the number “18” in its place.

(2) Paragraph (6) is amended by striking the number “16” and inserting the number “18” in its place.

(b) Section 3 (D.C. Official Code § 22-3102) is amended as follows:

Amend
§ 22-3102

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

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

(A) Paragraph (1) is amended by striking the number “16” and inserting the number “18” in its place.

(B) Paragraph (2) is amended by striking the number “16” and inserting the number “18” in its place.

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

“(b) It shall be unlawful in the District of Columbia for a person, knowing the character and content thereof, to attend, transmit, or possess a sexual performance by a minor.

“(c) If the sexual performance consists solely of a still or motion picture, then this section:

“(1) Shall not apply to the minor or minors depicted in a still or motion picture who possess it or transmit it to another person unless at least one of the minors depicted in it does not consent to its possession or transmission; and

“(2) Shall not apply to possession of a still or motion picture by a minor, or by an adult not more than 4 years older than the minor or minors depicted in it, who receives it from a minor depicted in it unless the recipient knows that at least one of the minors depicted in the still or motion picture did not consent to its transmission.

“(d) For the purposes of subsections (b) and (c) of this section, the term:

“(1) “Possess,” “possession,” or “possessing” requires accessing the sexual performance if electronically received or available.

“(2) “Still or motion picture” includes a photograph, motion picture, electronic or digital representation, video, or other visual depiction, however produced or reproduced.

“(3) “Transmit” or “transmission” includes distribution, and can occur by any means, including electronically.”.

(c) Section 5 (D.C. Official Code § 22-3104) is amended as follows:

Amend
§ 22-3104

(1) Subsection (a) is amended by striking the number “16” and inserting the

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number "18" in its place.

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

"(c) It shall be an affirmative defense to a charge under section 3 that the defendant:

"(1) Possessed or accessed less than 6 still photographs or one motion picture, however produced or reproduced, of a sexual performance by a minor; and

"(2) Promptly and in good faith, and without retaining, copying, or allowing any person, other than a law enforcement agency, to access any photograph or motion picture:

"(A) Took reasonable steps to destroy each such photograph or motion picture; or

"(B) Reported the matter to a law enforcement agency and afforded that agency access to each such photograph or motion picture."

Sec. 206. Title 23 of the District of Columbia Official Code is amended as follows:

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

Amend
§ 23-113

(1) Subsection (a)(3) is amended as follows:

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

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

(C) New subparagraphs (J) through (M) are added to read as follows:

"(J) Trafficking in labor or commercial sex and sex trafficking of children as prohibited by sections 103 and 104, respectively, of the Prohibition Against Human Trafficking Amendment Act of 2010, passed on 2nd reading on June 1, 2010 (Enrolled version of Bill 18-70) ("Human Trafficking Act");

"(K) Section 813 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22-2704);

"(L) Section 1 of An Act In relation to pandering, to define and prohibit the same and to provide for the punishment thereof, approved June 25, 1910 (36 Stat. 833; D.C. Official Code § 22-2705); and

"(M) Sections 2 and 4 of An Act In relation to pandering, to define and prohibit the same and to provide for the punishment thereof, approved June 25, 1910 (36 Stat. 833; D.C. Official Code §§ 22-2706 and 22-2708)."

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

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

(i) Subparagraph (D) is amended by striking the word "and" at the end.

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

(iii) New subparagraphs (F) through (J) are added to read as follows:

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“(F) Sections 208a and 208b of the Anti-Sexual Abuse Act of 1994, effective April 24, 2007 (D.C. Law 16-306; D.C. Official Code § 22-3009.01 and § 22-3009.02);

“(G) Section 813 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22-2704);

“(H) Section 1 of An Act In relation to pandering, to define and prohibit the same and to provide for the punishment thereof, approved June 25, 1910 (36 Stat. 833; D.C. Official Code § 22-2705);

“(I) Section 2 of An Act In relation to pandering, to define and prohibit the same and to provide for the punishment thereof, approved June 25, 1910 (36 Stat. 833; D.C. Official Code § 22-2706), where the victim is a minor; and

“(J) Forced labor, trafficking in labor or commercial sex, sex trafficking of children, and benefitting financially from human trafficking as prohibited by the Human Trafficking Act, where the victim is a minor.”.

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

“(5) The period of limitation shall not begin to run for forced labor, trafficking in labor or commercial sex, sex trafficking of children, and benefitting financially from human trafficking until the victim is no longer subject to the means used to obtain or maintain his or her labor or services or commercial sex acts.”.

(b) Section 23-1331(3) is amended as follows:

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

(2) Subparagraph (H) is amended by striking the period at the end and inserting the phrase “; or” in its place.

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

“(I) Any felony offense established by the Prohibition Against Human Trafficking Amendment Act of 2010, passed on 2nd reading on June 1, 2010 (Enrolled version of Bill 18-70), or any conspiracy to commit such an offense.

(c) Section § 23-1901(b) is amended as follows:

(1) Paragraph (7) is amended by striking the word “and” at the end.

(2) Paragraph (8) is amended by striking the period at the end and inserting the phrase “; and” in its place.

(3) A new paragraph (9) is added to read as follows:

“(9) Be notified of any available victim advocate or other appropriate person to develop a safety plan and appropriate services.”.

Amend
§ 23-1331

Amend
§ 23-1901

TITLE III

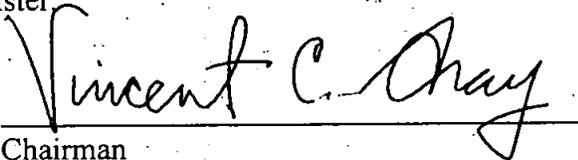
Sec. 301. Fiscal impact statement.

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)).

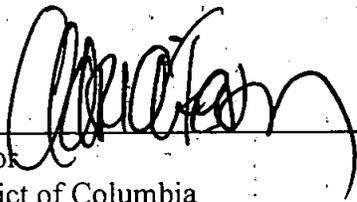
ENROLLED ORIGINAL

Sec. 302. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 60-day period of Congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
June 21, 2010