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A BILL
24-416

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Revised Criminal Code Act of 2022”.

39 Title I. CRIMINAL CODE ENACTMENT.

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

42 “TITLE 22A

43 REVISED CRIMINAL CODE

44 Chapter

45 1. General Part.

46 2. Offenses Against Persons.

47 3. Property Offenses.

48 4. Offenses Against Government Operations.

49 5. Public Order and Safety Offenses.

50

51 CHAPTER 1. GENERAL PART.

52 SUBCHAPTER I. PRELIMINARY PROVISIONS.

53 Sec.

54 22A-101. Definitions.

55 22A-102. Rules of interpretation.

56 22A-103. Interaction of Title 22A with other District laws.

57 22A-104. Applicability of the General Part.

58 22A-105. Role of Commentaries.

- 59 SUBCHAPTER II. BASIC REQUIREMENTS OF OFFENSE LIABILITY.
- 60 22A-201. Proof of offense elements beyond a reasonable doubt.
- 61 22A-202. Conduct requirement.
- 62 22A-203. Voluntariness requirement.
- 63 22A-204. Causation requirement.
- 64 22A-205. Culpable mental state requirement.
- 65 22A-206. Definitions and hierarchy of culpable mental states.
- 66 22A-207. Rules of interpretation applicable to culpable mental states.
- 67 22A-208. Principles of liability governing accident, mistake, and ignorance.
- 68 22A-209. Principles of liability governing intoxication.
- 69 22A-210. Accomplice liability.
- 70 22A-211. Criminal liability for conduct by an innocent or irresponsible person.
- 71 22A-212. Merger of related offenses.
- 72 22A-213. Judicial dismissal for minimal or unforeseen harms.
- 73 22A-214. Minimum age for offense liability.
- 74 SUBCHAPTER III. INCHOATE LIABILITY.
- 75 22A-301. Criminal attempt.
- 76 22A-302. Criminal solicitation.
- 77 22A-303. Criminal conspiracy.
- 78 22A-304. Exceptions to general inchoate liability.

79 22A-305. Renunciation defense to attempt, conspiracy, and solicitation.

80 SUBCHAPTER IV. JUSTIFICATION DEFENSES.

81 22A-401. Lesser harm.

82 22A-402. Execution of public duty.

83 22A-403. Defense of self or another person.

84 22A-404. Defense of property.

85 22A-405. Special responsibility for care, discipline, or safety defenses.

86 SUBCHAPTER V. EXCUSE DEFENSES.

87 22A-501. Duress.

88 22A-502. Temporary possession.

89 22A-503. Entrapment.

90 22A-504. Mental disability defense.

91 SUBCHAPTER VI. OFFENSE CLASSES, PENALTIES, AND ENHANCEMENTS.

92 22A-601. Offense classifications.

93 22A-602. Authorized dispositions.

94 22A-603. Authorized terms of imprisonment.

95 22A-604. Authorized fines.

96 22A-605. Charging and proof of penalty enhancements.

97 22A-606. Repeat offender penalty enhancement.

98 22A-607. Pretrial release penalty enhancement.

- 99 22A-608. Hate crime penalty enhancement.
- 100 22A-609. Hate crime penalty enhancement civil provisions.
- 101 22A-610. Abuse of government power penalty enhancement.
- 102 CHAPTER 2. OFFENSES AGAINST PERSONS.
- 103 SUBCHAPTER I. HOMICIDE.
- 104 22A-2101. Murder.
- 105 22A-2102. Manslaughter.
- 106 22A-2103. Negligent homicide.
- 107 SUBCHAPTER II. ROBBERY, ASSAULT, AND THREATS.
- 108 22A-2201. Robbery.
- 109 22A-2202. Carjacking.
- 110 22A-2203. Assault.
- 111 22A-2204. Assault on a law enforcement officer.
- 112 22A-2205. Criminal threats.
- 113 22A-2206. Offensive physical contact.
- 114 SUBCHAPTER III. SEXUAL ASSAULT AND RELATED PROVISIONS.
- 115 22A-2301. Sexual assault.
- 116 22A-2302. Sexual abuse of a minor.
- 117 22A-2303. Sexual abuse by exploitation.
- 118 22A-2304. Sexually suggestive conduct with a minor.

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- 119 22A-2305. Enticing a minor into sexual conduct.
- 120 22A-2306. Arranging for sexual conduct with a minor or person incapable of consenting.
- 121 22A-2307. Nonconsensual sexual conduct.
- 122 22A-2308. Incest.
- 123 22A-2309. Civil provisions on the duty to report a sex crime.
- 124 22A-2310. Admission of evidence in sexual assault and related cases.
- 125 SUBCHAPTER IV. KIDNAPPING, CRIMINAL RESTRAINT, AND BLACKMAIL.
- 126 22A-2401. Kidnapping.
- 127 22A-2402. Criminal restraint.
- 128 22A-2403. Blackmail.
- 129 SUBCHAPTER V. ABUSE AND NEGLECT OF VULNERABLE PERSONS.
- 130 22A-2501. Criminal abuse of a minor.
- 131 22A-2502. Criminal neglect of a minor.
- 132 22A-2503. Criminal abuse of a vulnerable adult or elderly person.
- 133 22A-2504. Criminal neglect of a vulnerable adult or elderly person.
- 134 SUBCHAPTER VI. HUMAN TRAFFICKING.
- 135 22A-2601. Forced labor.
- 136 22A-2602. Forced commercial sex.
- 137 22A-2603. Trafficking in labor.
- 138 22A-2604. Trafficking in forced commercial sex.

- 139 22A-2605. Sex trafficking of a minor or adult incapable of consenting.
- 140 22A-2606. Benefiting from human trafficking.
- 141 22A-2607. Misuse of documents in furtherance of human trafficking.
- 142 22A-2608. Commercial sex with a trafficked person.
- 143 22A-2609. Forfeiture.
- 144 22A-2610. Reputation or opinion evidence.
- 145 22A-2611. Civil action.
- 146 22A-2612. Limitation on liability and sentencing for human trafficking offenses.
- 147 22A-2613. Civil forfeiture.
- 148 SUBCHAPTER VII. TERRORISM.
- 149 22A-2701. Act of terrorism.
- 150 22A-2702. Material support for an act of terrorism.
- 151 22A-2703. Manufacture or possession of a weapon of mass destruction.
- 152 22A-2704. Use, dissemination, or detonation of a weapon of mass destruction.
- 153 SUBCHAPTER VIII. STALKING, OBSCENITY, AND INVASIONS OF PRIVACY.
- 154 22A-2801. Stalking.
- 155 22A-2802. Electronic stalking.
- 156 22A-2803. Voyeurism.
- 157 22A-2804. Unauthorized disclosure of a sexual recording.
- 158 22A-2805. Distribution of an obscene image.

- 159 22A-2806. Distribution of an obscene image to a minor.
- 160 22A-2807. Creating or trafficking an obscene image of a minor.
- 161 22A-2808. Possession of an obscene image of a minor.
- 162 22A-2809. Arranging a live sexual performance of a minor.
- 163 22A-2810. Attending or viewing a live sexual performance of a minor.
- 164 CHAPTER 3. PROPERTY OFFENSES.
- 165 SUBCHAPTER I. PROPERTY OFFENSE SUBTITLE PROVISIONS.
- 166 22A-3101. Aggregation to determine property offense grades.
- 167 SUBCHAPTER II. THEFT.
- 168 22A-3201. Theft.
- 169 22A-3202. Unauthorized use of property.
- 170 22A-3203. Unauthorized use of a motor vehicle.
- 171 22A-3204. Shoplifting.
- 172 22A-3205. Unlawful creation or possession of a recording.
- 173 22A-3206. Unlawful operation of a recording device inside a movie theater.
- 174 SUBCHAPTER III. FRAUD.
- 175 22A-3301. Fraud.
- 176 22A-3302. Payment card fraud.
- 177 22A-3303. Check fraud.
- 178 22A-3304. Forgery.

- 179 22A-3305. Identity theft.
- 180 22A-3306. Identity theft civil provisions.
- 181 22A-3307. Unlawful labeling of a recording.
- 182 22A-3308. Financial exploitation of a vulnerable adult or elderly person.
- 183 22A-3309. Financial exploitation of a vulnerable adult or elderly person civil provisions.
- 184 22A-3310. Trademark counterfeiting.
- 185 SUBCHAPTER IV. EXTORTION.
- 186 22A-3401. Extortion.
- 187 SUBCHAPTER V. STOLEN PROPERTY.
- 188 22A-3501. Possession of stolen property.
- 189 22A-3502. Trafficking of stolen property.
- 190 22A-3503. Alteration of a motor vehicle identification number.
- 191 22A-3504. Alteration of a bicycle identification number.
- 192 SUBCHAPTER VI. PROPERTY DAMAGE.
- 193 22A-3601. Arson.
- 194 22A-3602. Reckless burning.
- 195 22A-3603. Criminal damage to property.
- 196 22A-3604. Criminal graffiti.
- 197 SUBCHAPTER VII. TRESPASS.
- 198 22A-3701. Trespass.

199 SUBCHAPTER VIII. BURGLARY.

200 22A-3801. Burglary.

201 22A-3802. Possession of tools to commit a property crime.

202 CHAPTER 4. OFFENSES AGAINST GOVERNMENT OPERATIONS.

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

204 [Reserved].

205 SUBCHAPTER II. PERJURY AND OTHER OFFICIAL FALSIFICATION OFFENSES.

206 22A-4201. Impersonation of an official.

207 22A-4202. Misrepresentation as a District of Columbia entity.

208 22A-4203. Perjury.

209 22A-4204. Perjury by false certification.

210 22A-4205. Solicitation of perjury.

211 22A-4206. False swearing.

212 22A-4207. False statements.

213 22A-4208. Impersonation of another before a tribunal, officer, or person.

214 SUBCHAPTER III. OBSTRUCTION OF GOVERNMENT OPERATIONS.

215 22A-4301. Obstruction of justice.

216 22A-4302. Tampering with a witness or informant.

217 22A-4303. Tampering with a juror or court official.

218 22A-4304. Retaliation against a witness, informant, juror, or court official.

- 219 22A-4305. Tampering with evidence.
- 220 22A-4306. Hindering apprehension or prosecution.
- 221 SUBCHAPTER IV. GOVERNMENT CUSTODY.
- 222 22A-4401. Escape from a correctional facility or officer.
- 223 22A-4402. Tampering with a detection device.
- 224 22A-4403. Correctional facility contraband.
- 225 22A-4404. Resisting arrest or interfering with the arrest of another person.
- 226 CHAPTER 5. PUBLIC ORDER AND SAFETY OFFENSES.
- 227 SUBCHAPTER I. WEAPON OFFENSES AND RELATED PROVISIONS.
- 228 22A-5101. Merger of related weapon offenses.
- 229 22A-5102. Exclusions from liability for weapon offenses.
- 230 22A-5103. Possession of a prohibited weapon or accessory.
- 231 22A-5104. Carrying a dangerous weapon.
- 232 22A-5105. Possession of a dangerous weapon with intent to commit a crime.
- 233 22A-5106. Possession of a dangerous weapon during a crime.
- 234 22A-5107. Possession of a firearm by an unauthorized person.
- 235 22A-5108. Negligent discharge of a firearm.
- 236 22A-5109. Alteration of a firearm identification mark.
- 237 22A-5110. Civil provisions for prohibitions of firearms on public or private property.
- 238 22A-5111. Civil provisions for lawful transportation of a firearm or ammunition.

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- 239 22A-5112. Civil provisions for issuance of a license to carry a pistol.
- 240 22A-5113. Unlawful sale of a pistol.
- 241 22A-5114. Unlawful transfer of a firearm.
- 242 22A-5115. Sale of a firearm without a license.
- 243 22A-5116. Civil provisions for licenses of firearms dealers.
- 244 22A-5117. Unlawful sale of a firearm by a licensed dealer.
- 245 22A-5118. Use of false information for purchase or licensure of a firearm.
- 246 22A-5119. Civil provisions for taking and destruction of dangerous articles.
- 247 22A-5120. Endangerment with a firearm.
- 248 SUBCHAPTER II. BREACHES OF PEACE.
- 249 22A-5201. Disorderly conduct.
- 250 22A-5202. Public nuisance.
- 251 22A-5203. Blocking a public way.
- 252 22A-5204. Unlawful demonstration.
- 253 22A-5205. Breach of home privacy.
- 254 22A-5206. Indecent exposure.
- 255 22A-5207. Public urination or defecation.
- 256 SUBCHAPTER III. GROUP MISCONDUCT.
- 257 22A-5301. Failure to disperse.
- 258 SUBCHAPTER IV. PROSTITUTION AND RELATED STATUTES.

259 22A-5401. Prostitution.

260 22A-5402. Patronizing prostitution.

261 22A-5403. Trafficking in commercial sex.

262 22A-5404. Civil forfeiture.

263 SUBCHAPTER V. CRUELTY TO ANIMALS.

264 [Reserved].

265 SUBCHAPTER VI. OFFENSES AGAINST THE FAMILY AND YOUTH.

266 22A-5601. Contributing to the delinquency of a minor.

267 22A-5602. Bigamy.

268 SUBCHAPTER VII. GAMBLING.

269 22A-5701. Promoting gambling.

270 22A-5702. Rigging a publicly exhibited contest.

271 22A-5703. Permissible gambling activity.

272 SUBCHAPTER VIII. ENVIRONMENTAL OFFENSES.

273 [Reserved].

274

275 CHAPTER 1. GENERAL PART.

276 SUBCHAPTER I. PRELIMINARY PROVISIONS.

277 § 22A-101. Definitions.

278 For the purposes of this title, the term:

- 279 (1) “Act” shall have the same meaning as provided in § 22A-202.
- 280 (2) “Actor” means a person accused of a criminal offense.
- 281 (3) “Ammunition” shall have the same meaning as provided in § 7-2501.01(2).
- 282 (4)(A) “Amount of damage” means:
- 283 (i) When property is completely destroyed, the property’s fair
284 market value at the time it was destroyed; or
- 285 (ii) When the property is partially damaged, either:
- 286 (I) The reasonable cost of necessary repairs, if there are
287 repairs; or
- 288 (II) If there are no repairs, the change in the fair market value
289 of the property due to the damage.
- 290 (B) Notwithstanding subparagraph (A)(ii) of this paragraph, if the
291 reasonable cost of necessary repairs is greater than the fair market value of the property at the time
292 it was partially damaged, that fair market value is the amount of damage.
- 293 (5) “Assault weapon” shall have the same meaning as provided in § 7-2501.01(3A).
- 294 (6) “Audiovisual recording” means a material object upon which are fixed a series
295 of related images which are intrinsically intended to be shown by the use of machines or devices
296 such as projectors, viewers, or electronic equipment, now existing or later developed, together with
297 any accompanying sounds.

298 (7) “Biological agent” means any microorganism, virus, infectious substance, or
299 biological product that may be bioengineered, or any naturally occurring or bioengineered
300 component of any such microorganism, virus, infectious substance, or biological product, capable
301 of causing:

302 (A) Death, disease, or other biological malfunction in a human, an animal,
303 a plant, or another living organism;

304 (B) Deterioration of food, water, equipment, supplies, or material of any
305 kind; or

306 (C) Deleterious alteration of the environment.

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

309 (9) “Bodily injury” means physical pain, physical injury, illness, or impairment of
310 physical condition.

311 (10) “Building” means a structure affixed to land that is designed to contain one or
312 more natural persons.

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

316 (12) “Business yard” means securely fenced or walled land where goods are stored
317 or merchandise is traded.

318 (13) "Check" means any written instrument for payment of money by a financial
319 institution.

320 (14) "Circumstance element" shall have the same meaning as provided in § 22A-
321 201.

322 (15) "Class A contraband" means:

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

324 (B) Ammunition or an ammunition clip;

325 (C) A flammable liquid or explosive powder;

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

328 (E) A shank or a homemade knife;

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

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

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

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

338 (J) Rope; or

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

341 (16) "Class B contraband" means:

342 (A) Any controlled substance or marijuana;

343 (B) Any alcoholic liquor or beverage;

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

346 (D) A portable electronic communication device or an accessory to a
347 portable electronic communication device.

348 (17) "Close relative" means a parent, grandparent, sibling, child, grandchild, aunt,
349 or uncle.

350 (18) "Coercive threat" means a communication that, unless the complainant
351 complies, any person will do any of the following:

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

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

354 (ii) A property offense under Chapter 3 of this title;

355 (B) Take or withhold action as a public official, or cause a public official to
356 take or withhold action;

357 (C) Accuse a person of a crime;

358 (D) Expose a secret, publicize an asserted fact, or distribute a photograph,
359 video or audio recording, regardless of the truth or authenticity of the secret, fact, or item, that
360 tends to subject another person to, or perpetuate:

361 (i) Hatred, contempt, ridicule, or other significant injury to personal
362 reputation; or

363 (ii) Significant injury to credit or business reputation;

364 (E) Notify a federal, state, or local government agency or official of, or
365 publicize, another person's immigration or citizenship status;

366 (F) Restrict a person's access to either a controlled substance that the person
367 owns or a prescription medication that the person owns; or

368 (G) Cause any harm that is sufficiently serious, under all the circumstances,
369 to compel a reasonable person of the same background and in the same circumstances as the
370 complainant to comply.

371 (19) "Commercial sex act" means any sexual act or sexual contact on account of
372 which or for which anything of value is given to, promised to, or received by any person.

373 (20) "Comparable offense" means an offense committed against the District of
374 Columbia, a state, a federally recognized Indian tribe, or the United States and its territories, with
375 elements that would necessarily prove the elements of a corresponding current District offense.

376 (21) "Comparable violation" means a violation of civil law committed against the
377 District of Columbia, a state, a federally recognized Indian tribe, or the United States and its

378 territories, with elements that would necessarily prove the elements of a corresponding current
379 District civil law violation.

380 (22) “Complainant” means a person who is alleged to have been subjected to the
381 criminal offense.

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

383 (24) “Consent” means a word or act that:

384 (A) Indicates, explicitly or implicitly, agreement to particular conduct or a
385 particular result;

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

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

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

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

394 (25) “Contest official” means any person who acts or is likely to act in a publicly
395 exhibited contest as an umpire, referee, or judge, or otherwise to officiate at a publicly exhibited
396 contest.

397 (26) "Contest participant" means any person who participates or is likely to
398 participate in a publicly exhibited contest as:

399 (A) A player, contestant, or member of a team;

400 (B) A coach, manager, trainer, or owner; or

401 (C) Another person directly associated with a player, contestant, or team.

402 (27) "Controlled substance" shall have the same meaning as provided in § 48–
403 901.02(4).

404 (28) "Correctional facility" means any building or building grounds located in the
405 District of Columbia, operated by the Department of Corrections, for the secure confinement of
406 persons charged with or convicted of a criminal offense.

407 (29) "Counterfeit mark" means any trademark, service mark, trade name, label,
408 term, picture, seal, word, or advertisement, or any combination of these adopted or used by a
409 person to identify such person's goods or services and which is lawfully filed for record in the
410 Office of the Secretary of State of any state or which the exclusive right to reproduce is guaranteed
411 under the laws of the United States or the District of Columbia, that is used without the permission
412 of the owner of the trademark, service mark, trade name, label, term, picture, seal, word, or
413 advertisement.

414 (30) "Court of the District of Columbia" means the Superior Court of the District
415 of Columbia or the District of Columbia Court of Appeals.

416 (31) “Court official” means any of the following persons acting within their
417 professional role in connection to an official proceeding:

418 (A) Judicial officer;

419 (B) A lawyer or a person employed by or working with the lawyer;

420 (C) An employee of any court of the District of Columbia;

421 (D) An employee of the Court Services and Offender Supervision Agency
422 or Pretrial Services Agency; or

423 (E) An independent contractor or employee of an independent contractor
424 hired by any court of the District of Columbia.

425 (32) “Crime of violence” means:

426 (A) Murder under § 22A-2101;

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

428 (C) Robbery under § 22A-2201;

429 (D) Carjacking under § 22A-2202;

430 (E) First degree, second degree, and third degree assault under § 22A-
431 2203(a)-(c);

432 (F) First degree, second degree, and third degree assault on a law
433 enforcement officer under § 22A-2204(a)-(c);

434 (G) Enhanced first degree criminal threats under § 22A-2205(a) and
435 (d)(4)(B);

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- 436 (H) First degree, second degree, and third degree sexual assault under §
437 22A-2301(a)-(c);
- 438 (I) First, second, fourth, and fifth degree sexual abuse of a minor under §
439 22A-2302(a), (b), (d), or (e);
- 440 (J) Kidnapping under § 22A-2401;
- 441 (K) Enhanced criminal restraint under § 22A-2402(a) and (d)(2);
- 442 (L) First and second degree criminal abuse of a minor under § 22A-2501(a)-
443 (b);
- 444 (M) First and second degree criminal abuse of a vulnerable adult or elderly
445 person under § 22A-2503(a)-(b);
- 446 (N) Forced labor under § 22A-2601;
- 447 (O) Forced commercial sex under § 22A-2602;
- 448 (P) Trafficking in labor under § 22A-2603;
- 449 (Q) Trafficking in forced commercial sex under § 22A-2604;
- 450 (R) Sex trafficking of a minor or adult incapable of consenting under § 22A-
451 2605;
- 452 (S) Act of terrorism under § 22A-2701;
- 453 (T) Manufacture or possession of a weapon of mass destruction under §
454 22A-2703;

455 (U) Use, dissemination, or detonation of a weapon of mass destruction
456 under § 22A-2704;

457 (V) First degree arson under § 22A-3601(a);

458 (W) Enhanced first degree and enhanced second degree burglary under §
459 22A-3801(a) or (b) and (d)(4); or

460 (X) For any of the offenses described in subparagraphs (A)-(W) of this
461 paragraph, a criminal attempt under § 22A-301, a criminal solicitation under § 22A-302, or a
462 criminal conspiracy under § 22A-303.

463 (33) “Criminal investigation” means an investigation of a violation of any criminal
464 law in effect in the District of Columbia.

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

466 (35) “Culpable mental state” shall have the same meaning as provided in § 22A-
467 205.

468 (36) “Dangerous weapon” means:

469 (A) A firearm;

470 (B) A restricted explosive;

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

473 (D) A blackjack, billy club, slungshot, sand club, sandbag, or false
474 knuckles;

475 (E) A stun gun; or

476 (F) Any object, other than a body part or stationary object, that in the
477 manner of its actual, attempted, or threatened use is likely to cause death or serious bodily injury
478 to a person.

479 (37) “Deadly force” means any physical force that is likely to cause serious bodily
480 injury or death.

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

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

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

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

489 (39)(A) “Deceive”, and other parts of speech, including “deception”, mean:

490 (i) Creating or reinforcing a false impression as to a material fact,
491 including a false impression as to an intention to perform future actions;

492 (ii) Preventing another person from acquiring material information;

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

496 (iv) For offenses under Chapter 3 of this title, failing to disclose a
497 lien, adverse claim, or other legal impediment to the enjoyment of property which they transfer or
498 encumber in consideration for property, whether or not it is a matter of official record.

499 (B) The term “deceive” does not include puffing statements that are unlikely
500 to deceive ordinary persons.

501 (C) Deception as to a person’s intention to perform a future act shall not be
502 inferred from the fact alone that they did not subsequently perform the act.

503 (40) “Demonstration” means an act of marching, congregating, standing, sitting,
504 lying down, parading, or patrolling by one or more persons, with or without signs, with the desire
505 to persuade one or more individuals, or the public, or to protest some action, attitude, or belief.

506 (41) “Deprive” means:

507 (A) To withhold property, or to cause it to be withheld from an owner
508 permanently, or for so extended a period or under such circumstances that a substantial portion of
509 its value or its benefit is lost to the owner; or

510 (B) To dispose of the property, or to use or deal with the property so as to
511 make it unlikely that the owner will recover it.

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

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

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

517 (45) "Domestic partnership" shall have the same meaning as provided in § 32-
518 701(4).

519 (46) "Dwelling" means a structure that at the time of the offense is either designed
520 or actually used for lodging or residing overnight, including, in multi-unit buildings, communal
521 areas secured from the general public.

522 (47) "Effective consent" means consent other than consent induced by physical
523 force, an explicit or implicit coercive threat, or deception.

524 (48) "Elderly person" means a person who is 65 years of age or older.

525 (49) "Factual cause" shall have the same meaning as provided in § 22A-204.

526 (50) "Fair market value" means the price which a purchaser who is willing but not
527 obligated to buy would pay an owner who is willing but not obligated to sell, considering all the
528 uses to which the property is adapted and might reasonably be applied.

529 (51) "False knuckles" means an object, whether made of metal, wood, plastic, or
530 other similarly durable material that is constructed of one piece, the outside part of which is

531 designed to fit over and cover the fingers on a hand and the inside part of which is designed to be
532 gripped by the fist.

533 (52) “Felony” means:

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

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

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

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

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

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

544 (C) Medical bills;

545 (D) Relocation costs;

546 (E) Lost wages or compensation; and

547 (F) Attorneys’ fees.

548 (54) “Firearm” shall have the same meaning as provided in § 7-2501.01(9); except,
549 that, for the purposes of Subchapter I of Chapter 5 of this title, the term “firearm”:

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

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

552 (C) Shall include operable antique pistols.

553 (55) “Firearms instructor” shall have the same meaning as provided in § 7-
554 2501.01(9A).

555 (56) “Gambling activity” means:

556 (A) Any activity where parties mutually agree, explicitly or implicitly, to a
557 gain or loss of property contingent on the outcome of a future event not under the control or
558 influence of the parties; or

559 (B) Any contest, game, or gaming scheme in which the outcome of a wager
560 or a bet depends in a material degree upon an element of chance, notwithstanding that skill of the
561 contestants may also be a factor.

562 (57) “Gender identity or expression” shall have the same meaning as provided in §
563 2-1401.02(12A).

564 (58) “Ghost gun” shall have the same meaning as provided in § 7-2501.01(9B).

565 (59) “Halfway house” means any building or building grounds located in the
566 District of Columbia that are used for the confinement of persons participating in a work release
567 program under § 24-241.01.

568 (60) “Health professional” means a person required to obtain a District license,
569 registration, or certification in § 3-1205.01.

570 (61) "Healthcare provider" shall have the same meaning as provided in § 16-
571 2801(2).

572 (62) "Hoax weapon of mass destruction" means any device or object that by its
573 design, construction, content, or characteristics, appears to be or to contain, or is represented to be
574 or to contain, a weapon of mass destruction, even if it is an inoperative facsimile or imitation of a
575 weapon of mass destruction, or contains no weapon of mass destruction.

576 (63) "Homelessness" means the status or circumstance of an individual who:

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

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

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

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

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

586 (64) "Image" means a visual depiction, other than a depiction rendered by hand,
587 including a video, film, photograph, or hologram, whether in print, electronic, magnetic, digital,
588 or other format.

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

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

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

594 (68) “Incapacitated individual” shall have the same meaning as provided in § 21-
595 2011(11).

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

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

599 (71) “Juror” means a petit juror, grand juror, or any person summoned to the
600 Superior Court of the District of Columbia for the purpose of serving on a jury.

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

603 (73) “Labor” means work that has economic or financial value.

604 (74) “Large capacity ammunition feeding device” means a magazine, belt, drum,
605 feed strip, or similar device that has a capacity of, or that can be readily restored or converted to
606 accept, more than 10 rounds of ammunition. The term “large capacity ammunition feeding device”
607 shall not include an attached tubular device designed to accept, and capable of operating only with,
608 .22 caliber rimfire ammunition.

609 (75) “Law enforcement officer” means:

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

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

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

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

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

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

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

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

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

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

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

626 (80) “Misdemeanor” means an offense punishable by a term of imprisonment that
627 is one year or less.

628 (81) "Monitoring equipment or software" means equipment or software with
629 location tracking capability, including global positioning system and radio frequency identification
630 technologies.

631 (82) "Motor vehicle" means any automobile, all-terrain vehicle, self-propelled
632 mobile home, motorcycle, truck, truck tractor with or without a semitrailer or trailer, bus, or other
633 vehicle designed to be propelled only by an internal-combustion engine or electricity.

634 (83) "Movie theater" means a theater, auditorium, or other venue that is being
635 utilized primarily for the exhibition of a motion picture to the public.

636 (84) "Negligently", and other parts of speech, including "negligent" and
637 "negligence", shall have the same meaning as provided in § 22A-206.

638 (85) "Nuclear material" means material containing any:

639 (A) Plutonium;

640 (B) Uranium not in the form of ore or ore residue that contains the mixture
641 of isotopes as occurring in nature;

642 (C) Uranium that contains the isotope 233 or 235 or both in such amount
643 that the abundance ratio of the sum of those isotopes to the isotope 238 is greater than the ratio of
644 the isotope 235 to the isotope 238 occurring in nature; or

645 (D) Uranium 233.

646 (86) "Objective element" shall have the same meaning as provided in § 22A-201.

647 (87) "Obscene" means:

648 (A) Appealing to a prurient interest in sex, under contemporary community
649 standards and considered as a whole;

650 (B) Patently offensive; and

651 (C) Lacking serious literary, artistic, political, or scientific value,
652 considered as a whole.

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

654 (89) “Official custody” means full submission after an arrest or substantial physical
655 restraint after an arrest.

656 (90) “Official proceeding” means:

657 (A) Any trial, hearing, grand jury proceeding, or other proceeding in a court
658 of the District of Columbia; or

659 (B) Any hearing, official investigation, or other proceeding conducted by
660 the Council of the District of Columbia or an agency or department of the District of Columbia
661 government, excluding criminal investigations.

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

663 (92) “Open to the general public” means a location:

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

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

667 (93) "Owner" means a person holding an interest in property with which the actor
668 is not privileged to interfere without consent.

669 (94) "Payment card" means an instrument of any kind, whether tangible or digital,
670 including an instrument that is a credit card or debit card, that is issued for use by the cardholder
671 to obtain or pay for property, or the number inscribed on such a card.

672 (95) "Pecuniary gain" means before-tax profit that is monetary or readily
673 measurable in money, including additional revenue or cost savings.

674 (96) "Pecuniary loss" means actual harm that is monetary or readily measurable in
675 money.

676 (97) "Person", for the purposes of Chapter 3 of this title, means an individual,
677 whether living or dead, as well as a trust, estate, fiduciary, partnership, company, corporation,
678 association, organization, union, government, government agency, or government-owned
679 corporation, or any other legal entity.

680 (98) "Person acting in the place of a parent under civil law" means:

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

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

686 (99) "Person with legal authority over the complainant" means:

- 687 (A) When the complainant is a person under 18 years of age:
- 688 (i) A parent, or a person acting in the place of a parent under civil
- 689 law, who is responsible for the health, welfare, or supervision of the complainant; or
- 690 (ii) Someone who is acting with the effective consent of such a
- 691 parent or such a person; or
- 692 (B) When the complainant is an incapacitated individual:
- 693 (i) A court-appointed guardian to the complainant; or
- 694 (ii) Someone who is acting with the effective consent of such a
- 695 guardian.
- 696 (100) “Personal identifying information” means:
- 697 (A) Name, address, telephone number, date of birth, or mother’s given
- 698 name;
- 699 (B) Driver’s license or driver’s license number, or non-driver’s license or
- 700 non-driver’s license number;
- 701 (C) Savings, checking, or other financial account number;
- 702 (D) Social security number or tax identification number;
- 703 (E) Passport or passport number;
- 704 (F) Citizenship status, visa, or alien registration card or number;
- 705 (G) Birth certificate or a facsimile of a birth certificate;
- 706 (H) Credit or debit card, or credit or debit card number;

707 (I) Credit history or credit rating;

708 (J) Signature;

709 (K) Personal identification number, electronic identification number,
710 password, access code or device, electronic address, electronic identification number, routing
711 information or code, digital signature, or telecommunication identifying information;

712 (L) Biometric data, such as fingerprint, voice print, retina or iris image, or
713 other unique physical representation;

714 (M) Place of employment, employment history, or employee identification
715 number; or

716 (N) Any other numbers or information that can be used to access a person's
717 financial resources, access medical information, obtain identification, serve as identification, or
718 obtain property.

719 (101) "Physically following" means maintaining close proximity to a person, near
720 enough to see or hear the person's activities as they move from one location to another.

721 (102) "Physically monitoring" means being in close proximity to a person's
722 residence, workplace, or school to detect the person's whereabouts or activities.

723 (103) "Pistol" shall have the same meaning as provided in § 7-2501.01(12).

724 (104) "Position of trust with or authority over" means a relationship to a
725 complainant that is:

726 (A) A parent, grandparent, great-grandparent, sibling, or a parent's sibling,
727 or an individual with whom such a person is in a romantic, dating, or sexual relationship, whether
728 related by:

729 (i) Blood or adoption; or

730 (ii) Marriage, domestic partnership, either while the marriage or
731 domestic partnership creating the relationship exists, or after such marriage or domestic
732 partnership ends;

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

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

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

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

740 (F) A coach, not including a coach who is a secondary school student; a
741 teacher, counselor, principal, administrator, nurse, or security officer; provided, that such an actor
742 is an employee, contractor, or volunteer at the school at which the complainant is enrolled or at a
743 school where the complainant receives educational services or attends educational programming;

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

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

749 (105) “Possess”, and other parts of speech, including “possesses”, “possessing”,
750 and “possession”, mean:

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

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

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

756 (A) An adjudication of juvenile delinquency;

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

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

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

760 (107) “Property” means anything of value and includes:

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

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

763 (C) Services;

764 (D) Credit;

765 (E) Money, or any paper or document that evidences ownership in or of
766 property, an interest in or a claim to wealth, or a debt owed; and

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

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

772 (109) “Protected person” means:

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

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

777 (C) A vulnerable adult;

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

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

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

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

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

784 (111) "Public official" means a government employee, government contractor, law
785 enforcement officer, or public official as defined in § 1-1161.01(47).

786 (112) "Public safety employee" means:

787 (A) An on-duty District of Columbia firefighter, emergency medical
788 technician/paramedic, emergency medical technician/intermediate paramedic, or emergency
789 medical technician;

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

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

795 (113) "Publicly exhibited contest" means any:

796 (A) Professional sport, game, race, or contest, involving persons, animals,
797 or machines, that is viewed by the public; or

798 (B) Amateur sport, game, race, or contest, involving persons, animals, or
799 machines, that is viewed by the public and advertised or promoted to persons other than contest
800 participants, contest officials, or persons otherwise associated, directly or indirectly, with the
801 contest, a contest participant, or a contest official.

802 (114) "Purposely", and other parts of speech, including "purpose", shall have the
803 same meaning as provided in § 22A-206.

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804 (115) "Rail transit station" shall have the same meaning as provided in § 35-251(a).

805 (116) "Recklessly", and other parts of speech, including "reckless" and
806 "recklessness", shall have the same meaning as provided in § 22A-206.

807 (117) "Recording device" means a photographic or video camera, audio recorder,
808 or any other device that is later developed that may be used for recording sounds or images or
809 both.

810 (118) "Restricted explosive" means any device that is designed to explode or
811 produce uncontained combustion upon impact, including a breakable container containing
812 flammable liquid and having a wick or a similar device capable of being ignited, but excluding
813 any device that is lawfully and commercially manufactured primarily for the purpose of
814 illumination, construction work, or other lawful purpose.

815 (119) "Result element" shall have the same meaning as provided in § 22A-201.

816 (120) "Retail value" means the actor's regular selling price for the item or service
817 bearing or identified by the counterfeit mark. In the case of items bearing a counterfeit mark which
818 are components of a finished product, the retail value shall be the actor's regular selling price of
819 the finished product on or in which the component would be utilized.

820 (121) "Revoked or canceled" means that notice, in writing, of revocation or
821 cancellation either was received by the named holder, as shown on the payment card, or was
822 recorded by the issuer.

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

825 (123) “Sawed-off shotgun” shall have the same meaning as provided in § 7-
826 2501.01(15).

827 (124) “Secure juvenile detention facility” means any building or building grounds,
828 whether located in the District of Columbia or elsewhere, operated by the Department of Youth
829 Rehabilitation Services for the secure confinement of persons committed to the Department of
830 Youth Rehabilitation Services.

831 (125) “Self-induced intoxication” shall have the same meaning as provided in §
832 22A-209.

833 (126) “Serious bodily injury” means a bodily injury or significant bodily injury that
834 involves:

835 (A) A substantial risk of death;

836 (B) Protracted and obvious disfigurement;

837 (C) Protracted loss or impairment of the function of a bodily member or
838 organ; or

839 (D) Protracted loss of consciousness.

840 (127) “Serious mental injury” means substantial, prolonged harm to a person’s
841 psychological or intellectual functioning, that may be exhibited by severe anxiety, depression,

842 withdrawal, or outwardly aggressive behavior, or a combination of those behaviors, and that may
843 be demonstrated by a change in behavior, emotional response, or cognition.

844 (128) "Services" includes:

845 (A) Labor, whether professional or nonprofessional;

846 (B) The use of vehicles or equipment;

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

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

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

852 (F) Educational and hospital services, accommodations, and other related
853 services.

854 (129) "Sexual act" means:

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

857 (B) Contact between the mouth of any person and another person's penis,
858 vulva, or anus;

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

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

864 (130) "Sexual contact" means:

865 (A) Sexual act; or

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

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

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

872 (131) "Significant bodily injury" means a bodily injury that, to prevent long-term
873 physical damage or to abate severe pain, requires hospitalization or immediate medical treatment
874 beyond what a layperson can personally administer, and, in addition, the following injuries
875 constitute at least a significant bodily injury: a fracture of a bone; a laceration that is at least one
876 inch in length and at least one quarter of an inch in depth; a burn of at least second degree severity;
877 a brief loss of consciousness; a traumatic brain injury; and a contusion, petechia, or other bodily
878 injury to the neck or head sustained during strangulation or suffocation.

879 (132) "Significant emotional distress" means substantial, ongoing mental suffering
880 that may require medical or other professional treatment or counseling, and must rise significantly

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

883 (133) “Simulated” means feigned or pretended in a way that realistically duplicates
884 the appearance of actual conduct.

885 (134) “Social gambling” means any game, wager, or transaction that is:

886 (A) Incidental to a bona fide social relationship; and

887 (B) Organized so that all participants receive only their personal gambling
888 winnings or reimbursement equal to or less than any administrative costs incurred by a participant.

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

893 (136) “Speech” means oral or written language, symbols, or gestures.

894 (137) “Strangulation or suffocation” means a restriction of normal breathing or
895 circulation of the blood by applying pressure on the throat or neck or by obstructing the nose or
896 mouth.

897 (138) “Strict liability” or “strictly liable” shall have the same meaning as provided
898 in § 22A-205.

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

900 (140) “Toxic or poisonous chemical” means any chemical which, through its
901 chemical action on life processes, can cause death, permanent incapacitation, or permanent harm
902 to a living organism.

903 (141) “Toxin” means the toxic material of plants, animals, microorganisms, viruses,
904 fungi, or infectious substances, or a recombinant molecule, whatever its origin or method of
905 production, including:

906 (A) Any poisonous substance or biological product that may be
907 bioengineered or produced by a living organism; or

908 (B) Any poisonous isomer or biological product, homolog, or derivative of
909 such a substance.

910 (142) “Transportation worker” means:

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

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

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

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

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

926 (144) “Unit of government” means:

927 (A) The office of the President of the United States;

928 (B) The United States Congress;

929 (C) Any federal executive department or agency, including any independent
930 agency, board, or commission;

931 (D) The office of the Mayor of the District of Columbia;

932 (E) Any executive department or agency of the District of Columbia,
933 including any independent agency, board, or commission;

934 (F) The Council of the District of Columbia;

935 (G) The Superior Court of the District of Columbia;

936 (H) The District of Columbia Court of Appeals;

937 (I) The United States Court of Appeals for the District of Columbia;

938 (J) The United States District Court for the District of Columbia; or

939 (K) The Supreme Court of the United States.

940 (145)(A) “Value” means:

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

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

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

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

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

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

955 (146) “Vector” means a living organism, or molecule, including a recombinant or
956 synthesized molecule, capable of carrying a biological agent or toxin to a host.

957 (147) “Vehicle identification number” means a number or symbol that is originally
958 inscribed or affixed by the manufacturer to a motor vehicle or motor vehicle part for identification.

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

962 (149) “Weapon of mass destruction” means:

963 (A) An explosive, incendiary, or poison gas weapon that is designed,
964 planned for use, or otherwise used to cause death or serious bodily injury to a person, or property
965 damage, including a:

966 (i) Bomb;

967 (ii) Grenade;

968 (iii) Rocket having a propellant charge of more than 4 ounces;

969 (iv) Missile having an explosive or incendiary charge of more than
970 one-quarter ounce;

971 (v) Mine; or

972 (vi) Device similar to any of the devices described in sub-
973 subparagraphs (i)-(v) of this subparagraph;

974 (B) Any type of weapon other than a shotgun which will, or which may be
975 readily converted to, expel a projectile by the action of an explosive or other propellant, and which
976 has any barrel with a bore of more than one-half inch in diameter;

977 (C) Any combination of parts designed or planned for conversion into a
978 device described in subparagraph (A) or (B) of this paragraph and from which such a device may
979 be readily assembled;

980 (D) A weapon that is designed, planned for use, or otherwise used to cause
981 death or serious bodily injury to a person through the release, dissemination, or impact of a toxic
982 or poisonous chemical or its precursors;

983 (E) A weapon, including a vector, that is designed, planned for use, or
984 otherwise used to cause death or serious bodily injury to a person through the release,
985 dissemination, or impact of a biological agent or toxin; or

986 (F) A weapon that is designed, planned for use, or otherwise used to cause
987 death or serious bodily injury to a person through the release, dissemination, or impact of radiation,
988 or that contains nuclear material.

989 (150) "Written instrument" includes any:

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

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

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

996 (D) Stock certificate, money order, money order blank, traveler's check,
997 evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement,
998 transferable share, investment contract, voting trust certificate, certification of interest in any
999 tangible or intangible property, and any certificate or receipt for or warrant or right to subscribe to
1000 or purchase any of the foregoing items;

1001 (E) Commercial paper or document, or any other commercial instrument
1002 containing written or printed matter or the equivalent; or

1003 (F) Other instrument commonly called a security or so defined by an Act of
1004 Congress or an act of the Council.

1005 § 22A-102. Rules of interpretation.

1006 (a) *Interpretation generally.* To interpret a statutory provision of this title, the plain
1007 meaning of that provision shall be examined first. If necessary to determine the legislature's
1008 meaning, the structure, goal, and history of the provision also may be examined.

1009 (b) *Rule of lenity.* If the meaning of a statutory provision of this title remains in doubt after
1010 examination of that provision's plain meaning, structure, goal, and history, then the interpretation
1011 that is most favorable to the actor applies.

1012 (c) *Effect of headings.* Headings that appear at the beginning of subdivisions of this title
1013 may aid the interpretation of otherwise ambiguous statutory language.

1014 § 22A-103. Interaction of Title 22A with other District laws.

1015 (a) *Interaction of Title 22A with provisions in other laws.* Unless otherwise expressly
1016 specified by statute, a provision in this title applies to this title only.

1017 (b) *Civil provisions in other laws unaffected.* Unless expressly specified by this title or
1018 otherwise provided by law, the provisions of this title do not bar, suspend, or otherwise affect any
1019 right or liability to damages, penalty, forfeiture, or other remedy authorized by law to be recovered
1020 or enforced in a civil action.

1021 § 22A-104. Applicability of the General Part.

1022 Unless otherwise expressly specified by statute, the provisions in this chapter apply to all
1023 other provisions of this title.

1024 § 22A-105. Role of commentaries.

1025 On or before the effective date of this title, the Criminal Code Reform Commission shall
1026 transmit commentaries pertaining to the provisions of the Revised Criminal Code Reform Act of
1027 2022, as approved by the Committee on the Judiciary and Public Safety on October 26, 2022
1028 (Committee print of Bill 24-416) to the Secretary of the Council, who shall publish the
1029 commentaries in the D.C. Register. These commentaries may be used as an aid in understanding
1030 the provisions of this code.

1031 SUBCHAPTER II. BASIC REQUIREMENTS OF OFFENSE LIABILITY.

1032 § 22A-201. Proof of offense elements beyond a reasonable doubt.

1033 (a) *Proof of offense elements beyond a reasonable doubt.* No person may be convicted of
1034 an offense unless the government proves each offense element beyond a reasonable doubt.

1035 (b) *Burden of proof for exclusions from liability, defenses, and affirmative defenses.*

1036 (1) If there is any evidence of a statutory exclusion from liability at trial, the
1037 government must prove the absence of at least one element of the exclusion from liability beyond
1038 a reasonable doubt.

1039 (2) If there is any evidence of a statutory defense at trial, the government must prove
1040 the absence of at least one element of the defense beyond a reasonable doubt.

1041 (3) An actor has the burden of proving an affirmative defense by a preponderance
1042 of the evidence.

1043 (c) *Definitions.* For the purposes of this title, the term:

1044 (1) “Circumstance element” means any characteristic or condition relating to either
1045 a conduct element or result element that is required to establish liability for an offense.

1046 (2) “Conduct element” means any act or omission that is required to establish
1047 liability for an offense.

1048 (3) “Culpability required” includes:

1049 (A) The voluntariness requirement under § 22A-203;

1050 (B) The culpable mental state requirement under § 22A-205; and

1051 (C) Any other aspect of culpability specifically required for an offense.

1052 (4) “Objective element” means any conduct element, result element, or
1053 circumstance element.

1054 (5) “Offense element” includes the necessary objective elements and culpability
1055 required for an offense.

1056 (6) “Result element” means any consequence caused by a person’s act or omission
1057 that is required to establish liability for an offense.

1058 § 22A-202. Conduct requirement.

1059 (a) *Conduct requirement.* No person may be convicted of an offense unless the person’s
1060 liability is based on an act or omission.

1061 (b) *Existence of legal duty.* In this title, a legal duty to act exists when:

1062 (1) The failure to act is expressly made sufficient by the law defining the offense;

1063 or

1064 (2) A duty to perform the omitted act is otherwise imposed by law.

1065 (c) *Definitions.* For the purposes of this title, the term:

1066 (1) “Act” means a bodily movement.

1067 (2) “Omission” means a failure to engage in an act when:

1068 (A) A person is under a legal duty to act; and

1069 (B) The person is either:

1070 (i) Aware that the legal duty to act exists; or

1071 (ii) Culpably unaware that the legal duty to act exists.

1072 § 22A-203. Voluntariness requirement.

1073 (a) *Voluntariness requirement*. No person may be convicted of an offense unless the person
1074 voluntarily commits the conduct element required for the offense.

1075 (b) *Scope of voluntariness requirement*.

1076 (1) *Voluntariness of act*. When a person's act provides the basis for liability, a
1077 person voluntarily commits the conduct element of an offense when the act is:

1078 (A) The product of conscious effort or determination; or

1079 (B) Otherwise subject to the person's control.

1080 (2) *Voluntariness of omission*. When a person's omission provides the basis for
1081 liability, a person voluntarily commits the conduct element of an offense when:

1082 (A) The person has the physical capacity to perform the required legal duty;

1083 or

1084 (B) The failure to act is otherwise subject to the person's control.

1085 § 22A-204. Causation requirement.

1086 (a) *Causation requirement*. No person may be convicted of an offense that contains a result
1087 element unless the person's conduct is the factual cause and legal cause of the result.

1088 (b) "*Factual cause*". A person's conduct is the factual cause of a result if:

1089 (1) The result would not have occurred but for the person's conduct; or

1090 (2) When the conduct of 2 or more persons contributes to a result, the conduct of
1091 each alone would have been sufficient to produce that result.

1092 (c) "*Legal cause*". A person's conduct is the legal cause of a result if:

1093 (1) The result is reasonably foreseeable in its manner of occurrence; and

1094 (2) When the result depends on another person's volitional conduct, there is a close
1095 connection between the actor's conduct and the result.

1096 § 22A-205. Culpable mental state requirement.

1097 (a) *Culpable mental state requirement.* No person may be convicted of an offense unless
1098 the person acts with a culpable mental state as to every result element and circumstance element
1099 required for the offense, other than an element for which the person is strictly liable under § 22A-
1100 207(b).

1101 (b) *Definitions.* For the purposes of this title, the term:

1102 (1) "Culpable mental state" means:

1103 (A) Purpose, knowledge, intent, recklessness, or negligence; and

1104 (B) The object of the phrases "with intent" and "with the purpose".

1105 (2) "Strictly liable" and "strict liability" mean liability as to a result element or
1106 circumstance element in the absence of a culpable mental state.

1107 § 22A-206. Definitions and hierarchy of culpable mental states.

1108 (a) "*Purposely*". A person acts purposely:

1109 (1) As to a result element when the person consciously desires to cause the result;

1110 and

1111 (2) As to a circumstance element when the person consciously desires that the
1112 circumstance exists.

1113 (b) “*Knowingly*” or “*intentionally*”. A person acts knowingly or intentionally:

1114 (1) As to a result element, when the person is practically certain that the conduct
1115 will cause the result; and

1116 (2) As to a circumstance element when the person is practically certain that the
1117 circumstance exists.

1118 (c) “*Recklessly*”. A person acts recklessly:

1119 (1) As to a result element, when:

1120 (A) The person consciously disregards a substantial risk that the conduct
1121 will cause the result; and

1122 (B) The risk is of such a nature and degree that, considering the nature of
1123 and motivation for the person’s conduct and the circumstances the person is aware of, the person’s
1124 conscious disregard of that risk is a gross deviation from the standard of conduct that a reasonable
1125 individual would follow in the person’s situation; and

1126 (2) As to a circumstance element, when:

1127 (A) The person consciously disregards a substantial risk that the
1128 circumstance exists; and

1129 (B) The risk is of such a nature and degree that, considering the nature of
1130 and motivation for the person’s conduct and the circumstances the person is aware of, the person’s
1131 conscious disregard of that risk is a gross deviation from the standard of conduct that a reasonable
1132 individual would follow in the person’s situation.

1133 (d) “*Negligently*”. A person acts negligently:

1134 (1) As to a result element, when:

1135 (A) The person should be aware of a substantial risk that the conduct will
1136 cause the result; and

1137 (B) The risk is of such a nature and degree that, considering the nature of
1138 and motivation for the person’s conduct and the circumstances the person is aware of, the person’s
1139 failure to perceive that risk is a gross deviation from the standard of care that a reasonable
1140 individual would follow in the person’s situation; and

1141 (2) As to a circumstance element, when:

1142 (A) The person should be aware of a substantial risk that the circumstance
1143 exists; and

1144 (B) The risk is of such a nature and degree that, considering the nature of
1145 and motivation for the person’s conduct and the circumstances the person is aware of, the person’s
1146 failure to perceive that risk is a gross deviation from the standard of care that a reasonable
1147 individual would follow in the person’s situation.

1148 (e) *Hierarchical relationship of culpable mental states.*

1149 (1) *Proof of negligence.* When the law requires negligence as to a result element
1150 or circumstance element, the requirement is also satisfied by proof of recklessness, intent,
1151 knowledge, or purpose.

1152 (2) *Proof of recklessness.* When the law requires recklessness as to a result element
1153 or circumstance element, the requirement is also satisfied by proof of intent, knowledge, or
1154 purpose.

1155 (3) *Proof of knowledge or intent.* When the law requires knowledge or intent as to
1156 a result element or circumstance element, the requirement is also satisfied by proof of purpose.

1157 (f) *Same definitions for other parts of speech.* The words defined in this section have the
1158 same meaning when used as other parts of speech.

1159 § 22A-207. Rules of interpretation applicable to culpable mental states.

1160 (a) *Distribution of specified culpable mental states.* Any culpable mental state or strict
1161 liability specified in an offense applies to all subsequent result elements and circumstance elements
1162 until another culpable mental state or strict liability is specified.

1163 (b) *Identification of elements subject to strict liability.* A person is strictly liable for any
1164 result element or circumstance element in an offense:

1165 (1) That is modified by the phrase “in fact”; or

1166 (2) When another statutory provision explicitly indicates strict liability applies to
1167 that result element or circumstance element.

1168 (c) *Recklessness otherwise implied.* A culpable mental state of “recklessly” applies to any
1169 result element or circumstance element not otherwise subject to a culpable mental state or strict
1170 liability under subsection (a) or (b) of this section.

1171 § 22A-208. Principles of liability governing accident, mistake, and ignorance.

1172 (a) *Effect of accident, mistake, and ignorance on liability.* A person is not liable for an
1173 offense when the person's accident, mistake, or ignorance as to a matter of fact or law negates the
1174 existence of a culpable mental state required for a result element or circumstance element in the
1175 offense.

1176 (b) *Relationship between mistake and culpable mental state requirements.* A mistake as to
1177 a matter of fact or law negates the existence of a culpable mental state applicable to a circumstance
1178 element as follows:

1179 (1) *Purpose.* Any mistake as to a circumstance element negates purpose as to that
1180 element.

1181 (2) *Knowledge or intent.* Any mistake as to a circumstance element negates
1182 knowledge or intent as to that element.

1183 (3) *Recklessness.* A reasonable mistake as to a circumstance element negates
1184 recklessness as to that element. An unreasonable mistake as to a circumstance element negates
1185 recklessness as to that element unless the person made the mistake recklessly.

1186 (4) *Negligence.* A reasonable mistake as to a circumstance element negates
1187 negligence as to that element. An unreasonable mistake as to a circumstance element negates
1188 negligence as to that element unless the person made the mistake negligently.

1189 (c) *Mistake or ignorance as to criminality.* A person remains liable for an offense when
1190 they are mistaken or ignorant as to the illegality of their conduct unless the person's mistake or
1191 ignorance:

1192 (1) Negates a culpable mental state that is expressly specified by statute as to:

1193 (A) Whether conduct constitutes that offense; or

1194 (B) The existence, meaning, or application of the law defining an offense;

1195 or

1196 (2) Satisfies the requirements of a general defense under Subchapter IV or V of this

1197 chapter.

1198 (d) *Imputation of knowledge for deliberate ignorance.* Knowledge of a circumstance
1199 element is established if the person:

1200 (1) Is reckless as to whether the circumstance element exists; and

1201 (2) With the purpose of avoiding criminal liability, avoids confirming or fails to
1202 investigate whether the circumstance element exists.

1203 § 22A-209. Principles of liability governing intoxication.

1204 (a) *Relevance of intoxication to liability.* A person is not liable for an offense when the
1205 person's intoxication negates the existence of a culpable mental state required for a result element
1206 or circumstance element in the offense.

1207 (b) *Relationship between intoxication and culpable mental state requirements.*
1208 Intoxication negates the existence of a culpable mental state applicable to a result element or
1209 circumstance element as follows:

1210 (1) *Purpose*. Intoxication negates purpose as to a result element or circumstance
1211 element when, due to the person’s intoxicated state, the person does not consciously desire to cause
1212 the result or that the circumstance exists.

1213 (2) *Knowledge or intent*. Intoxication negates knowledge or intent as to a result
1214 element or circumstance element when, due to the person’s intoxicated state, the person is not
1215 practically certain that the result will occur or that the circumstance exists.

1216 (3) *Recklessness*. Except as specified in subsection (c) of this section, intoxication
1217 negates recklessness as to a result element or circumstance element when, due to the person’s
1218 intoxicated state:

1219 (A) The person is unaware of a substantial risk that the result will occur or
1220 that the circumstance exists; or

1221 (B) The person’s disregard of the risk is not a gross deviation from the
1222 standard of conduct that a reasonable individual would follow in the person’s situation under §
1223 22A-206(c)(1)(B) or (2)(B).

1224 (4) *Negligence*. Intoxication negates negligence as to a result element or
1225 circumstance element when, due to the person’s intoxicated state, the person’s failure to perceive
1226 a substantial risk that the result will occur or that the circumstance exists is not a gross deviation
1227 from the standard of care that a reasonable individual would follow in the person’s situation under
1228 § 22A-206(d)(1)(B) or (2)(B).

1229 (c) *Imputation of recklessness for self-induced intoxication.* Recklessness as to a result
1230 element or circumstance element is established if:

1231 (1) Because of an intoxicated state, the person is unaware of a substantial risk of
1232 the result occurring or circumstance existing;

1233 (2) The person would have been aware of this risk had the person been sober;

1234 (3) The person's intoxicated state is self-induced; and

1235 (4) The person acts at least negligently as to that result or circumstance.

1236 (d) *Definitions.* For the purposes of this title, the term:

1237 (1) "Intoxication" means a disturbance of mental or physical capacities resulting
1238 from the introduction of substances into the body.

1239 (2) "Self-induced intoxication" means intoxication that, in fact, is caused by a
1240 substance that an actor knowingly introduces into their body, negligent as to the tendency of the
1241 substance to cause intoxication and, in fact, the substance was not introduced pursuant to medical
1242 advice by a licensed health professional or under circumstances that would afford a general defense
1243 under Subchapter IV or V of this chapter.

1244 § 22A-210. *Accomplice liability.*

1245 (a) *Accomplice liability.* An actor is an accomplice to the commission of an offense by
1246 another person when the actor:

1247 (1) Purposely assists another person with the planning or commission of conduct
1248 constituting an offense and, in fact, acts with the culpability required for the offense; or

1249 (2) Purposely encourages another person to engage in specific conduct constituting
1250 an offense and, in fact, acts with the culpability required for the offense.

1251 (b) *Culpable mental state elevation applicable to circumstances of target offense.*
1252 Notwithstanding subsection (a) of this section, to be an accomplice to the commission of an
1253 offense, an actor must intend for all circumstance elements required by the offense to exist.

1254 (c) *Grading distinctions based on culpability as to result elements.* An accomplice to the
1255 commission of an offense that is graded by distinctions in culpability as to result elements is liable
1256 for any grade for which they have the culpability required.

1257 (d) *Affirmative defense.* It is an affirmative defense to liability under this section that the
1258 actor, in fact, terminates their efforts to promote or facilitate commission of an offense before it is
1259 committed, and:

1260 (1) Ensures their prior efforts are wholly ineffective;

1261 (2) Gives timely warning to the appropriate law enforcement authorities; or

1262 (3) Makes reasonable efforts to prevent the commission of the offense.

1263 (e) *Charging and penalties.* An actor who is an accomplice to the commission of an offense
1264 by another person shall be charged and subject to punishment as a principal.

1265 (f) *Disposition of principal not relevant.* An actor is liable as an accomplice under this
1266 section even though the principal has been acquitted, or has not been arrested, prosecuted,
1267 convicted, or adjudicated delinquent.

1268 (g) *Limitation on liability.* Unless otherwise expressly specified by statute, a person is not
1269 liable as an accomplice when, in fact, the person is a victim of the offense, or the person’s conduct
1270 is inevitably incident to commission of the offense.

1271 § 22A-211. Criminal liability for conduct by an innocent or irresponsible person.

1272 (a) *Criminal liability for conduct by an innocent or irresponsible person.* An actor is
1273 criminally liable for the conduct of an innocent or irresponsible person when the actor:

1274 (1) In fact, causes an innocent or irresponsible person to engage in conduct
1275 constituting an offense; and

1276 (2) Acts with the culpability required for the offense.

1277 (b) *“Innocent or irresponsible person”.* For the purposes of this title, the term “innocent
1278 or irresponsible person” includes a person who engages in conduct constituting an offense but
1279 either:

1280 (1) Lacks the culpability required for the offense;

1281 (2) Acts under conditions that establish a general defense under Subchapters IV or
1282 V of this chapter; or

1283 (3) Is a person under 12 years of age.

1284 (c) *Affirmative defense.* It is an affirmative defense to liability under this section that the
1285 actor, in fact, terminates their efforts to promote or facilitate commission of an offense before it is
1286 committed, and:

1287 (1) Ensures their prior efforts are wholly ineffective;

1288 (2) Gives timely warning to the appropriate law enforcement authorities; or

1289 (3) Makes reasonable efforts to prevent the commission of the offense.

1290 (d) *Charging and penalties.* An actor who is criminally liable for the conduct of an
1291 innocent or irresponsible person shall be charged and subject to punishment as if the actor had
1292 directly engaged in the conduct constituting the offense.

1293 (e) *Disposition of innocent or irresponsible person not relevant.* An actor is liable for the
1294 conduct of an innocent or irresponsible person under this section even though the innocent or
1295 irresponsible person has been acquitted, or has not been arrested, prosecuted, convicted, or
1296 adjudicated delinquent.

1297 (f) *Limitation on liability.* Unless otherwise expressly specified by statute, an actor is not
1298 liable for the conduct of an innocent or irresponsible person when, in fact, the actor is a victim of
1299 the offense, or the actor's conduct is inevitably incident to commission of the offense.

1300 § 22A-212. Merger of related offenses.

1301 (a) *Merger of multiple related offenses.* Multiple convictions for 2 or more offenses arising
1302 from the same act or course of conduct merge when:

1303 (1) One offense is necessarily established by proof of the elements of the other
1304 offense as a matter of law;

1305 (2) The offenses differ only in that:

1306 (A) One prohibits a less serious harm or wrong to the same person, property,
1307 or public interest;

1308 (B) One may be satisfied by a lower culpable mental state under § 22A-206
1309 or § 22A-207, or strict liability under § 22A-207; or

1310 (C) One is defined to prohibit a designated kind of conduct generally, and
1311 the other is defined to prohibit a specific instance of that kind of conduct;

1312 (3) One offense requires a finding of fact inconsistent with the requirements for
1313 commission of the other offense, as a matter of law;

1314 (4) One offense reasonably accounts for the other offense, given the harm or wrong,
1315 culpability, and penalty proscribed by each;

1316 (5) One offense consists only of a criminal attempt or criminal solicitation of:

1317 (A) The other offense; or

1318 (B) An offense that is related to that offense in the manner described in
1319 paragraphs (1)–(4) of this subsection; or

1320 (6) Each offense is a general inchoate offense designed to culminate in the
1321 commission of:

1322 (A) The same offense; or

1323 (B) Different offenses that are related to one another in the manner
1324 described in paragraphs (1)–(4) of this subsection.

1325 (b) *Merger procedure.* For an actor found guilty of 2 or more offenses that merge under
1326 this section the sentencing court shall either:

1327 (1) Vacate all but one of the offenses prior to sentencing according to the rule of
1328 priority in subsection (c) of this section; or

1329 (2) Enter judgment and sentence the actor for offenses that merge; provided, that:

1330 (A) Sentences for the offenses run concurrent to one another; and

1331 (B) The convictions for all but, at most, one of the offenses shall be vacated

1332 after:

1333 (i) The time for appeal has expired; or

1334 (ii) The judgment that was appealed has been decided.

1335 (c) *Rule of priority.* When convictions are vacated under subsection (b) of this section, the
1336 conviction that remains shall be the conviction for:

1337 (1) The offense with the highest authorized maximum period of incarceration; or

1338 (2) If 2 or more offenses have the same highest authorized maximum period of
1339 incarceration, any offense that the sentencing court deems appropriate.

1340 § 22A-213. Judicial dismissal for minimal or unforeseen harms.

1341 (a) *Court authority to dismiss.* The court may dismiss a prosecution if, in fact, considering
1342 the nature of the conduct alleged, the actor's culpable mental state, and the nature of the attendant
1343 circumstances, it finds that the actor's conduct constituting the offense:

1344 (1) Was within a customary license or tolerance, which was not expressly refused
1345 by the person whose interest was infringed and which is not inconsistent with the goal of the law
1346 defining the offense;

1347 (2) Did not actually cause or threaten the harm or evil sought to be prevented by
1348 the law defining the offense or did so only to an extent too trivial to warrant the condemnation of
1349 conviction; or

1350 (3) Presents such other extenuations that it cannot reasonably be regarded as
1351 envisioned by the legislature in forbidding the offense.

1352 (b) *Specific findings.* A court shall state its specific findings of facts, as determined by a
1353 preponderance of the evidence, or findings of law under this section in open court or in a written
1354 decision or opinion.

1355 § 22A-214. Minimum age for offense liability.

1356 (a) *Exception to liability for actors under 12.* An actor does not commit an offense when
1357 the actor, in fact, is under 12 years of age.

1358 (b) *Liability for conduct of persons under 12.* When otherwise liable for an offense based
1359 on the conduct of another person, an actor remains liable for the offense notwithstanding the fact
1360 that the conduct is committed by a person under 12 years of age.

1361 SUBCHAPTER III. INCHOATE LIABILITY.

1362 § 22A-301. Criminal attempt.

1363 (a) *Criminal attempt.* An actor commits criminal attempt when, in fact, the actor:

1364 (1) Plans to engage in conduct constituting an offense;

1365 (2) Engages in conduct that is reasonably adapted to completion of the offense;

1366 (3) Acts with the culpability required for the offense; and

1367 (4) Either:

1368 (A) Comes dangerously close to completing the offense; or

1369 (B) Would have come dangerously close to completing the offense if the
1370 situation was as the actor perceived it to be.

1371 (b) *Culpable mental state elevation applicable to results of target offense.* Notwithstanding
1372 subsection (a) of this section, to commit criminal attempt the actor must intend to cause all result
1373 elements required for the offense.

1374 (c) *Proof of completed offense sufficient.* An actor may be convicted of criminal attempt
1375 based upon proof that the actor actually committed the target offense; except, that no actor may be
1376 convicted of both the target offense and an attempt to commit the target offense arising from the
1377 same act or course of conduct.

1378 (d) *Penalties.* A criminal attempt is subject to not more than one-half the maximum term
1379 of imprisonment and fine applicable to the offense, after the application of any penalty
1380 enhancements.

1381 § 22A-302. Criminal solicitation.

1382 (a) *Criminal solicitation.* An actor commits criminal solicitation when the actor:

1383 (1) Purposely commands, requests, or tries to persuade another person to engage in
1384 or aid the planning or commission of specific conduct, which, if carried out, in fact, will constitute
1385 an offense or an attempt to commit an offense; and

1386 (2) Acts with the culpability required for the offense.

1387 (b) *Scope of criminal solicitation liability.* Notwithstanding subsection (a) of this section,
1388 an actor commits criminal solicitation only when the offense is, in fact:

1389 (1) An offense against persons as defined in Chapter 2 of this title; or

1390 (2) A felony property offense as defined in Chapter 3 of this title.

1391 (c) *Culpable mental state elevation applicable to results and circumstances of target*
1392 *offense.* Notwithstanding subsection (a) of this section, to commit criminal solicitation, an actor
1393 must:

1394 (1) Intend to cause all result elements required for the offense; and

1395 (2) Intend for all circumstance elements required for the offense to exist.

1396 (d) *Uncommunicated criminal solicitation.* It is immaterial under subsection (a) of this
1397 section that the planned recipient of the actor's command, request, or efforts at persuasion fails to
1398 receive the message, if the actor does everything they planned to do to transmit the message to the
1399 planned recipient.

1400 (e) *Penalties.* A criminal solicitation is subject to not more than one-half the maximum
1401 term of imprisonment and fine applicable to the offense, after the application of any penalty
1402 enhancements.

1403 § 22A-303. Criminal conspiracy.

1404 (a) *Criminal conspiracy.* An actor commits criminal conspiracy when the actor and at least
1405 one other person:

1406 (1) Purposely agree to engage in or aid the planning or commission of conduct
1407 which, if carried out, in fact, will constitute an offense or a criminal attempt to commit an offense;

1408 (2) The parties to the agreement act with the culpability required for the offense;
1409 and

1410 (3) Any one of the parties to the agreement engages in an overt act in furtherance
1411 of the agreement.

1412 (b) *Culpable mental state elevation applicable to results and circumstances of target*
1413 *offense.* Notwithstanding subsection (a) of this section, to commit criminal conspiracy to commit
1414 an offense, the actor and at least one other person must:

1415 (1) Intend to cause all result elements required for the offense; and

1416 (2) Intend for all circumstance elements required for the offense to exist.

1417 (c) *Limitation on vicarious liability for conspirators.* An actor who is a party to a criminal
1418 conspiracy under subsection (a) of this section shall not be liable for an offense committed by
1419 another party to the conspiracy, unless, in fact:

1420 (1) The actor satisfies the requirements for criminal liability specified in § 22A-
1421 210, § 22A-211, or § 22A-302; or

1422 (2) It is expressly specified by statute that a party to a conspiracy may be held
1423 criminally liable for an offense committed by another party to the conspiracy.

1424 (d) *Penalties.* A criminal conspiracy is subject to not more than one-half the maximum
1425 term of imprisonment and fine applicable to the offense, after the application of any penalty
1426 enhancements.

1427 (e) *Jurisdiction when object of criminal conspiracy is to engage in conduct outside the*
1428 *District.* When the object of a conspiracy formed inside the District is to engage in conduct outside
1429 the District, the conspiracy is a violation of this section only if:

1430 (1) The conduct would constitute a criminal offense under the statutory laws of the
1431 District if performed in the District; and

1432 (2) The conduct would constitute a criminal offense under:

1433 (A) The statutory laws of the other jurisdiction if performed in that
1434 jurisdiction; or

1435 (B) The statutory laws of the District even if performed outside the District.

1436 (f) *Jurisdiction when criminal conspiracy is formed outside the District.* A conspiracy
1437 formed outside the District to engage in conduct inside the District is a violation of this section if:

1438 (1) The conduct would constitute a criminal offense under the statutory laws of the
1439 District if performed within the District; and

1440 (2) An overt act in furtherance of the conspiracy is committed within the District.

1441 (g) *Legality of conduct in other jurisdiction no defense.* When subsection (e) of this section
1442 is proven, it is not a defense to a prosecution for conspiracy that the conduct that is the object of

1443 the conspiracy would not constitute a criminal offense under the laws of the jurisdiction in which
1444 the conspiracy was formed.

1445 § 22A-304. Exceptions to general inchoate liability.

1446 (a) *Exceptions to general inchoate liability.* A person does not commit criminal solicitation
1447 under § 22A-302 or criminal conspiracy under § 22A-303 when, in fact:

1448 (1) The person is a victim of the target offense; or

1449 (2) The person's criminal objective is inevitably incident to commission of the
1450 target offense as defined by statute.

1451 (b) *Exceptions inapplicable where liability expressly provided by statute.* The exceptions
1452 established in subsection (a) of this section do not limit the criminal liability expressly specified
1453 by statute.

1454 § 22A-305. Renunciation defense to attempt, conspiracy, and solicitation.

1455 (a) *Affirmative defense.* It is an affirmative defense to liability for a criminal attempt under
1456 § 22A-301, criminal solicitation under § 22A-302, or criminal conspiracy under § 22A-303 that,
1457 in fact:

1458 (1) The actor made reasonable efforts to prevent commission of the target offense;

1459 (2) Under circumstances manifesting a voluntary and complete renunciation of the
1460 actor's criminal intent; and

1461 (3) The target offense was not committed.

1462

1463 (b) *Scope of voluntary and complete.* A renunciation is not voluntary and complete under
1464 subsection (a) of this section when it is motivated, in whole or in part, by:

1465 (1) A belief that circumstances exist which:

1466 (A) Increase the probability of detection or apprehension of the actor or
1467 another participant in the criminal enterprise; or

1468 (B) Render accomplishment of the criminal plans more difficult; or

1469 (2) A decision to:

1470 (A) Postpone the criminal conduct until another time; or

1471 (B) Transfer the criminal effort to another victim or similar objective.

1472 SUBCHAPTER IV. JUSTIFICATION DEFENSES.

1473 § 22A-401. Lesser harm.

1474 (a) *Defense.* It is a defense that, in fact:

1475 (1) The actor reasonably believes that:

1476 (A) The actor or another person is in imminent danger of a specific,
1477 identifiable harm; and

1478 (B) The conduct constituting the offense:

1479 (i) Will protect against the harm; and

1480 (ii) Is necessary in degree; and

1481 (2) The conduct constituting the offense brings about a significantly lesser harm
1482 than that the actor seeks to avoid.

1483 (b) *Exceptions*. This defense is not available when:

1484 (1) Recklessness is the culpable mental state for an objective element of the offense
1485 and the actor recklessly brings about the situation requiring a choice of harms;

1486 (2) Negligence is the culpable mental state for an objective element of the offense
1487 and the actor negligently brings about the situation requiring a choice of harms; or

1488 (3) The conduct constituting the offense is expressly addressed by another available
1489 defense, affirmative defense, or exclusion from liability.

1490 § 22A-402. Execution of public duty.

1491 (a) *Defense*. It is a defense that, in fact:

1492 (1) The conduct constituting the offense is required or authorized by law, including:

1493 (A) A court order;

1494 (B) A law governing the armed services or the lawful conduct of war;

1495 (C) A law defining the duties or functions of a public official;

1496 (D) A law defining the assistance to be rendered to a public official in the
1497 performance of their official duties;

1498 (E) A law governing the execution of legal process; or

1499 (F) Any other provision of law imposing a public duty;

1500 (2) The actor reasonably believes the conduct constituting the offense is required
1501 or authorized by a court order or warrant; or

1502 (3) The actor reasonably believes the conduct constituting the offense is required
1503 or authorized by law to assist a public official in the performance of their official duties.

1504 (b) *Exceptions.*

1505 (1) This defense is not available in a situation that is expressly addressed by another
1506 available defense, affirmative defense, or exclusion from liability.

1507 (2) This defense is not available when the conduct constituting the offense is the
1508 use of deadly force, unless that use of deadly force:

1509 (A) Is expressly authorized by law; or

1510 (B) Occurs in the lawful conduct of war.

1511 § 22A-403. Defense of self or another person.

1512 (a) *Defense.* It is a defense that, in fact, the actor reasonably believes:

1513 (1) The actor or another person is in imminent danger of a physical contact, bodily
1514 injury, sexual act, sexual contact, confinement, or death; and

1515 (2) The conduct constituting the offense:

1516 (A) Will protect against the harm; and

1517 (B) Is necessary in degree.

1518 (b) *Exceptions.* This defense is not available when:

1519 (1) In fact, the actor uses or attempts to use deadly force, unless the actor reasonably
1520 believes:

1521 (A) The actor or another person is in imminent danger:

1522 (i) Of a serious bodily injury, a sexual act, confinement, or death; or
1523 (ii) While in their individual dwelling unit, of a bodily injury or a
1524 sexual contact; and

1525 (B) The conduct constituting the offense:

1526 (i) Will protect against the harm; and

1527 (ii) Is necessary in degree;

1528 (2) The actor purposely, through conduct other than speech or presence alone,
1529 provokes or brings about the situation requiring the defense and, in fact, does not withdraw or
1530 make reasonable efforts to withdraw; or

1531 (3) The actor is reckless as to the fact that they are protecting themselves or another
1532 from lawful conduct.

1533 (c) *Use of deadly force by a law enforcement officer.* When, in fact, the actor is a law
1534 enforcement officer who uses or attempts to use deadly force, a factfinder shall consider the totality
1535 of the circumstances, including all of the following when determining whether the actor satisfies
1536 the requirements of the defense:

1537 (1) The reasonableness of the law enforcement officer's belief and actions from the
1538 perspective of a reasonable law enforcement officer;

1539 (2) The law enforcement officer's training and experience;

1540 (3) Whether the complainant:

1541 (A) Possessed or appeared to possess, either on their person or in a location
1542 where it is readily available, a dangerous weapon; and

1543 (B) Refused to comply, after being afforded an opportunity to comply, with
1544 a lawful order to surrender any suspected dangerous weapons;

1545 (4) Whether the law enforcement officer engaged in de-escalation measures,
1546 including taking cover, waiting for back-up, requesting support from mental health, behavioral
1547 health, or social workers, trying to calm the complainant, or using non-deadly force, prior to the
1548 use of deadly force;

1549 (5) Whether any conduct by the law enforcement officer increased the risk of a
1550 confrontation resulting in deadly force being used; and

1551 (6) Whether the law enforcement officer made all reasonable efforts to prevent a
1552 loss of a life, including abandoning efforts to apprehend the complainant.

1553 § 22A-404. Defense of property.

1554 (a) *Defense*. It is a defense that, in fact, the actor reasonably believes:

1555 (1) Real or tangible personal property is in imminent danger of damage, taking,
1556 trespass, or misuse; and

1557 (2) The conduct constituting the offense:

1558 (A) Will protect against the harm; and

1559 (B) Is necessary in degree.

1560 (b) *Exceptions*. This defense is not available when:

1561 (1) In fact, the actor uses or attempts to use deadly force;

1562 (2) The property is land that is property of another, unless the actor has or
1563 reasonably believes they have the effective consent of a property owner to protect the land; or

1564 (3) The actor is reckless as to the fact that they are protecting themselves or another
1565 from lawful conduct.

1566 § 22A-405. Special responsibility for care, discipline, or safety defenses.

1567 (a) *Parental defense*. It is a defense to offenses under Chapters 2 and 3 of this title that:

1568 (1) In fact, the actor reasonably believes that:

1569 (A) The complainant is under 18 years of age; and

1570 (B) The actor is either:

1571 (i) A parent, or a person acting in the place of a parent under civil
1572 law, who is responsible for the health, welfare, or supervision of the complainant; or

1573 (ii) Acting with the effective consent of such a parent or such a
1574 person;

1575 (2) The actor engages in the conduct constituting the offense with intent to
1576 safeguard or promote the welfare of the complainant, including the prevention or punishment of
1577 the complainant's misconduct; and

1578 (3) In fact, such conduct:

1579 (A) Is reasonable, under all the circumstances; and

1580 (B) Either:

1581 (i) Does not create a substantial risk of, or cause, death or serious
1582 bodily injury; or

1583 (ii) Is the performance or authorization of a lawful cosmetic or
1584 medical procedure.

1585 (b) *Guardian defense.* It is a defense to offenses under Chapters 2 and 3 of this title that:

1586 (1) In fact, the actor reasonably believes that:

1587 (A) The complainant is an incapacitated individual; and

1588 (B) The actor is either:

1589 (i) A court-appointed guardian to the complainant; or

1590 (ii) Acting with the effective consent of such a guardian;

1591 (2) The actor engages in the conduct constituting the offense with intent to
1592 safeguard or promote the welfare of the complainant, including the prevention of the complainant's
1593 misconduct; and

1594 (3) In fact, such conduct:

1595 (A) Is reasonable under all the circumstances;

1596 (B) Is permitted under civil law controlling the guardianship; and

1597 (C) Either:

1598 (i) Does not create a substantial risk of, or cause, death or serious
1599 bodily injury; or

1600 (ii) Is the performance or authorization of a lawful cosmetic or
1601 medical procedure.

1602 (c) *Emergency health professional defense.* It is a defense to offenses under Chapters 2
1603 and 3 of this title that:

1604 (1) In fact, the actor reasonably believes that:

1605 (A) The complainant is presently unable to give effective consent;

1606 (B) The actor is either:

1607 (i) A licensed health professional; or

1608 (ii) A person acting at a licensed health professional's direction;

1609 (C) The conduct charged to constitute the offense is the performance or
1610 authorization of a lawful medical procedure;

1611 (D) The medical procedure is administered or authorized in an emergency;

1612 (E) No person who is legally permitted to consent to the medical procedure
1613 on behalf of the complainant can be timely consulted; and

1614 (F) There is no legally valid standing instruction by the complainant
1615 declining the medical procedure;

1616 (2) The actor engages in or authorizes the medical procedure with intent to
1617 safeguard or promote the physical or mental health of the complainant; and

1618 (3) In fact, a reasonable person wishing to safeguard the welfare of the complainant
1619 would consent to the medical procedure.

1620 (d) *Limited duty of care defense*. It is a defense to offenses under Chapters 2 and 3 of this
1621 title that:

1622 (1) In fact, the actor reasonably believes that the actor has a responsibility, under
1623 civil law, for the health, welfare, or supervision of the complainant;

1624 (2) The actor engages in the conduct constituting the offense with intent that the
1625 conduct:

1626 (A) Is necessary to fulfill the actor's responsibility to the complainant; and

1627 (B) Is consistent with the welfare of the complainant; and

1628 (3) In fact, such conduct:

1629 (A) Is reasonable, under all the circumstances; and

1630 (B) Does not create a substantial risk of, or cause, death or serious bodily
1631 injury; and

1632 (4) The defenses in subsections (a)–(c) of this section do not apply to the actor's
1633 conduct.

1634 (e) *Exceptions*. The defenses in this section do not apply to:

1635 (1) Offenses in Subchapter III of Chapter 2 of this title (Sexual Assault and Related
1636 Provisions); and

1637 (2) Offenses in Subchapter VI of Chapter 2 of this title (Human Trafficking).

1638 SUBCHAPTER V. EXCUSE DEFENSES.

1639 § 22A-501. Duress.

1640 (a) *Affirmative defense*. It is an affirmative defense that, in fact:

1641 (1) The actor reasonably believes:

1642 (A) A person communicated to the actor that the person will cause the actor
1643 or a third person to suffer a criminal bodily injury, sexual act, sexual contact, confinement, or
1644 death; and

1645 (B) The actor or third person is in imminent danger of the communicated
1646 harm; and

1647 (2) The communication would cause a reasonable person of the same background
1648 and in the same circumstances as the actor to engage in the conduct constituting the offense.

1649 (b) *Exceptions*. This defense is not available when, in fact:

1650 (1) The actor recklessly brings about the situation requiring a choice of harms;

1651 (2) Negligence is the culpable mental state for an objective element of the offense,
1652 and the actor is negligent in bringing about the situation requiring a choice of harms; or

1653 (3) The conduct constituting the offense is an escape from a correctional facility or
1654 officer under § 22A-4401, and the actor does not make reasonable efforts to safely return to official
1655 custody.

1656 § 22A-502. Temporary possession.

1657 (a) *Affirmative defense*. It is an affirmative defense that:

1658 (1) In fact, the offense is a predicate possessory or distribution offense;

1659 (2) The actor possesses or distributes the item with intent, exclusively and in good
1660 faith, to do one or more of the following:

1661 (A) Permanently relinquish control over the item to a law enforcement
1662 officer or prosecutor for appropriate and lawful action;

1663 (B) Permanently relinquish control over the item to the actor’s supervisor
1664 or a person in charge of the location where the item was found for appropriate and lawful action;

1665 (C) Seek legal services from an attorney or provide legal services as an
1666 attorney;

1667 (D) Seek medical services from a licensed health professional or provide
1668 medical services as a licensed health professional;

1669 (E) Investigate the circumstances surrounding the item’s possession,
1670 acquisition, or use by a specific person when the actor has a responsibility, under civil law, for the
1671 health, welfare, or supervision of the person; or

1672 (F) Permanently dispose of the item; and

1673 (3) In fact, the actor does not possess the item longer than is reasonably necessary
1674 to engage in the conduct specified in paragraph (2) of this subsection.

1675 (b) *Definitions.* For the purposes of this section, the term “predicate possessory or
1676 distribution offense” means:

1677 (1) Possession of an unregistered firearm, destructive device, or ammunition under
1678 § 7-2502.01a;

- 1679 (2) Possession of a stun gun under § 7-2502.15;
- 1680 (3) Carrying an air or spring gun under § 7-2502.17;
- 1681 (4) Carrying a pistol in an unlawful manner under § 7-2509.06;
- 1682 (5) Possession of a prohibited weapon or accessory under § 22A-5103;
- 1683 (6) Carrying a dangerous weapon under § 22A-5104; or
- 1684 (7) Possession of a firearm by an unauthorized person under § 22A-5107.

1685 § 22A-503. Entrapment.

1686 (a) *Affirmative defense*. It is an affirmative defense that, in fact, a law enforcement officer
1687 acting under color or pretense of official right, or a person cooperating with a law enforcement
1688 officer acting under color or pretense of official right:

1689 (1) Purposely commanded, requested, tried to persuade, or otherwise induced the
1690 actor to engage in the conduct constituting the offense; or

1691 (2) Purposely commanded, requested, tried to persuade, or otherwise induced a
1692 third party to engage in conduct constituting a criminal offense:

1693 (A) Reckless as to the fact that the third party would command, request, try
1694 to persuade, or otherwise induce one or more additional persons to engage in or assist the conduct;
1695 and

1696 (B) In fact, the command, request, effort to persuade or otherwise induce an
1697 additional person in subparagraph (A) of this paragraph induces the actor to engage in the conduct
1698 constituting the offense.

1699 (b) *Exception.* This defense is not available when, in fact, the actor is predisposed to
1700 engage in the specific conduct constituting the offense and the actor is merely afforded the
1701 opportunity or means to engage in such conduct.

1702 § 22A-504. Mental disability defense.

1703 (a) *Affirmative defense.* It is an affirmative defense in a criminal proceeding that, in fact,
1704 as a result of a mental disability, the actor:

1705 (1) Lacked substantial capacity to conform their conduct to the requirements of the
1706 law; or

1707 (2) Lacked substantial capacity to recognize the wrongfulness of their conduct.

1708 (b) *Effect of defense.* An actor who is acquitted solely because of mental disability shall
1709 be committed under § 24-501.

1710 (c) *Definitions.* For the purposes of this section, the term “mental disability” means an
1711 abnormal condition of the mind, regardless of its medical label, that affects mental or emotional
1712 processes and either substantially impairs a person’s ability to regulate and control their conduct
1713 or substantially impairs a person’s ability to recognize the wrongfulness of their conduct.

1714 (d) *Interpretation of statute.* This section shall not be construed to create or limit a court’s
1715 authority, on its own initiative, to order a psychiatric examination or to raise a mental disability
1716 defense.

1717 SUBCHAPTER VI. OFFENSE CLASSES, PENALTIES, AND ENHANCEMENTS.

1718 § 22A-601. Offense classifications.

1719 Each offense subject to this title is classified as a:

1720 (1) Class 1 felony;

1721 (2) Class 2 felony;

1722 (3) Class 3 felony;

1723 (4) Class 4 felony;

1724 (5) Class 5 felony;

1725 (6) Class 6 felony;

1726 (7) Class 7 felony;

1727 (8) Class 8 felony;

1728 (9) Class 9 felony;

1729 (10) Class A misdemeanor;

1730 (11) Class B misdemeanor;

1731 (12) Class C misdemeanor;

1732 (13) Class D misdemeanor; or

1733 (14) Class E misdemeanor.

1734 § 22A-602. Authorized dispositions.

1735 (a) *Authorized dispositions.* Unless otherwise expressly specified by statute, upon

1736 conviction for an offense subject to this title, a court may sentence a person to sanctions that

1737 include:

1738 (1) A term of imprisonment under § 22A-603;

- 1739 (2) A fine under § 22A-604;
- 1740 (3) Probation under § 16-710;
- 1741 (4) Restitution or reparation under § 16-711;
- 1742 (5) Community service under § 16-712;
- 1743 (6) A sentencing alternative under § 24-903; and
- 1744 (7) Work release under § 24-241.01.

1745 (b) *Limitations on both fine and imprisonment.* A court may sentence a person to either
1746 imprisonment under § 22A-603 or a fine under § 22A-604, but not both, upon conviction for the
1747 following statutes prosecuted by the Attorney General for the District of Columbia:

- 1748 (1) [RESERVED.];
- 1749 (2) [RESERVED.].

1750 § 22A-603. Authorized terms of imprisonment.

1751 Unless otherwise expressly specified by statute, the maximum term of imprisonment
1752 authorized for an offense subject to this title is:

- 1753 (1) For a Class 1 felony, 45 years;
- 1754 (2) For a Class 2 felony, 40 years;
- 1755 (3) For a Class 3 felony, 30 years;
- 1756 (4) For a Class 4 felony, 24 years;
- 1757 (5) For a Class 5 felony, 18 years;
- 1758 (6) For a Class 6 felony, 12 years;

- 1759 (7) For a Class 7 felony, 8 years;
- 1760 (8) For a Class 8 felony, 4 years;
- 1761 (9) For a Class 9 felony, 2 years;
- 1762 (10) For a Class A misdemeanor, 1 year;
- 1763 (11) For a Class B misdemeanor, 180 days;
- 1764 (12) For a Class C misdemeanor, 60 days;
- 1765 (13) For a Class D misdemeanor, 10 days; and
- 1766 (14) For a Class E misdemeanor, no imprisonment.

1767 § 22A-604. Authorized fines.

1768 (a) *Authorized fines.* Unless otherwise expressly specified by statute, the maximum fine
1769 for an offense subject to this title is:

- 1770 (1) For a Class 1 felony, \$1 million;
- 1771 (2) For a Class 2 felony, \$750,000;
- 1772 (3) For a Class 3 felony, \$500,000;
- 1773 (4) For a Class 4 felony, \$250,000;
- 1774 (5) For a Class 5 felony, \$100,000;
- 1775 (6) For a Class 6 felony, \$75,000;
- 1776 (7) For a Class 7 felony, \$50,000;
- 1777 (8) For a Class 8 felony, \$25,000;
- 1778 (9) For a Class 9 felony, \$10,000;

1779 (10) For a Class A misdemeanor, \$5,000;

1780 (11) For a Class B misdemeanor, \$2,500;

1781 (12) For a Class C misdemeanor, \$1,000;

1782 (13) For a Class D misdemeanor, \$500; and

1783 (14) For a Class E misdemeanor, \$250.

1784 (b) *Alternative fines for pecuniary loss or gain, or organizational actors.* A court may fine
1785 an actor who has been found guilty of an offense subject to this title:

1786 (1) Up to twice the pecuniary loss or pecuniary gain when:

1787 (A) The offense, in fact, results in either pecuniary loss to a person other
1788 than the actor, or pecuniary gain to any person; and

1789 (B) The information or indictment alleges the amount of the pecuniary loss
1790 or pecuniary gain and that the actor is subject to a fine double the amount of the pecuniary loss or
1791 pecuniary gain; or

1792 (2) Up to 3 times the amount otherwise provided by statute for the offense when
1793 the actor, in fact, is an organizational actor and the information or indictment alleges the actor is
1794 an organizational actor and is subject to a fine 3 times the maximum amount otherwise authorized.

1795 (c) *Limits on fines.* Notwithstanding any other provision of law:

1796 (1) A court shall not impose a fine that would impair the ability of a person who
1797 has been found guilty to make restitution or leave the person without sufficient means for
1798 reasonable living expenses and family obligations; and

1799 (2) A person who is eligible for appointed counsel under § 11-2601 shall not be
1800 subject to a fine under subsection (a) of this section.

1801 (d) *Definitions.* For the purposes of this section, the term “organizational actor” means any
1802 actor other than a natural person, including a trust, estate, fiduciary, partnership, company,
1803 corporation, association, organization, union, government, government agency, or government-
1804 owned corporation, or any other legal entity.

1805 § 22A-605. Charging and proof of penalty enhancements.

1806 (a) *Charging of penalty enhancements.* An offense subject to this title is not subject to a
1807 general penalty enhancement under this subchapter or any other penalty enhancement expressly
1808 specified by statute unless notice of the penalty enhancement is specified in the information or
1809 indictment for the offense.

1810 (b) *Standard of proof for penalty enhancements.* Except for the establishment of prior
1811 convictions under § 23-111, an offense is not subject to a general penalty enhancement under this
1812 subchapter or any other penalty enhancement expressly specified by statute unless each objective
1813 element and culpable mental state of the penalty enhancement is proven beyond a reasonable
1814 doubt.

1815 § 22A-606. Repeat offender penalty enhancement.

1816 (a) *Felony repeat offender penalty enhancement.* A felony repeat offender penalty
1817 enhancement applies to an offense subject to this title when, in fact:

1818 (1) The actor commits a felony offense under Chapter 2 of this title, or an enhanced
1819 first degree or enhanced second degree burglary offense under § 22A-3801(a), (b), or (d)(4); and

1820 (2) At the time of the offense, the actor has at least one prior conviction for a felony
1821 offense under Chapter 2 of this title, an enhanced first degree or enhanced second degree burglary
1822 offense under § 22A-3801(a) or (b) and (d)(4), or a comparable offense, that was:

1823 (A) Committed within 10 years of the offense being enhanced; and

1824 (B) Not committed on the same occasion as the offense being enhanced.

1825 (b) *Misdemeanor repeat offender penalty enhancement.* A misdemeanor repeat offender
1826 penalty enhancement applies to an offense subject to this title when, in fact:

1827 (1) The actor commits a misdemeanor offense under Chapter 2 of this title; and

1828 (2) At the time of the offense, the actor has at least 2 prior convictions for
1829 misdemeanor offenses under Chapter 2 of this title, or comparable offenses, or at least one prior
1830 conviction for a felony offense under Chapter 2 of this title, an enhanced burglary offense under §
1831 22A-3801, or a comparable offense, that were:

1832 (A) Committed within 10 years of the offense being enhanced; and

1833 (B) Not committed on the same occasion as one another or the offense being
1834 enhanced.

1835 (c) *Proceedings to establish prior convictions.* No person shall be subject to additional
1836 punishment for a felony or misdemeanor repeat offender penalty enhancement under this section
1837 unless the requirements under § 23-111 are satisfied.

1838 (d) *Penalties.*

1839 (1) A felony repeat offender penalty enhancement under subsection (a) of this
1840 section increases the maximum authorized term of imprisonment and fine for the offense above
1841 the otherwise authorized penalty classification:

1842 (A) For a Class 1 or Class 2 felony, by 6 years and \$50,000;

1843 (B) For a Class 3 or Class 4 felony, by 4 years and \$40,000;

1844 (C) For a Class 5 or Class 6 felony, by 2 years and \$30,000;

1845 (D) For a Class 7 or Class 8 felony, by 1 year and \$20,000; and

1846 (E) For a Class 9 felony, 180 days and \$10,000.

1847 (2) A misdemeanor repeat offender penalty enhancement under subsection (b) of
1848 this section increases the maximum authorized term of imprisonment and fine for the offense
1849 above the otherwise authorized penalty classification:

1850 (A) For a Class A or Class B misdemeanor, by 60 days and \$500; and

1851 (B) For a Class C, Class D, or Class E misdemeanor, by 10 days and \$50.

1852 (e) *Multiple penalty enhancements.* A penalty enhancement under this section shall be in
1853 addition to, and shall not limit application of, additional penalty enhancements specified elsewhere
1854 in this title; provided, that the determination of the offense class under subsection (d) of this section
1855 shall be based on the offense penalty before application of any additional penalty enhancements.

1856 § 22A-607. Pretrial release penalty enhancement.

1857 (a) *Pretrial release penalty enhancement.* A pretrial release penalty enhancement applies
1858 to an offense subject to this title when, in fact, at the time the actor commits the offense, the actor
1859 is on pretrial release under § 23-1321.

1860 (b) *Exceptions.* Notwithstanding any other provision of law, a penalty enhancement under
1861 this section does not apply to an offense of:

1862 (1) Contempt under § 11-741;

1863 (2) Third degree escape from a correctional facility or officer under § 22A-4401(c);

1864 (3) Tampering with a detection device under § 22A-4402(a)(1)(B); or

1865 (4) Violation of a condition of pretrial release under § 23-1329.

1866 (c) *Penalties.* A pretrial release penalty enhancement increases the maximum authorized
1867 term of imprisonment and fine for an offense subject to this title above the otherwise authorized
1868 penalty classification:

1869 (1) For a Class 1 or Class 2 felony, by 6 years and \$50,000;

1870 (2) For a Class 3 or Class 4 felony, by 4 years and \$40,000;

1871 (3) For a Class 5 or Class 6 felony, by 2 years and \$30,000;

1872 (4) For a Class 7 or Class 8 felony, by 1 year and \$20,000;

1873 (5) For a Class 9 felony, by 180 days and \$10,000;

1874 (6) For a Class A or B misdemeanor, by 60 days and \$500; and

1875 (7) For a Class C, Class D, or Class E misdemeanor, by 10 days and \$50.

1876 (d) *Multiple penalty enhancements.* A penalty enhancement under this section shall be in
1877 addition to, and shall not limit application of, additional penalty enhancements specified elsewhere
1878 in this title; provided, that the determination of the offense class under subsection (c) of this section
1879 shall be based on the offense penalty before application of any additional penalty enhancements.

1880 § 22A-608. Hate crime penalty enhancement.

1881 (a) *Hate crime penalty enhancement.* A hate crime penalty enhancement applies to an
1882 offense subject to this title when the actor commits the offense with the purpose, in whole or part,
1883 of threatening, physically harming, damaging the property of, or causing a pecuniary loss to any
1884 person or group because of prejudice against the perceived race, color, religion, national origin,
1885 sex, age, sexual orientation, homelessness, physical disability, political affiliation, or gender
1886 identity or expression of any person or group.

1887 (b) *Exceptions.* Notwithstanding any other provision of law, a penalty enhancement under
1888 this section does not apply to an offense of an act of terrorism under § 22A-2701.

1889 (c) *Penalties.* A hate crime penalty enhancement increases the penalty classification for
1890 an offense subject to this title by one class; except, that, for a Class 1 felony, the maximum
1891 authorized term of imprisonment increases by 6 years, and fine for the offense increases by
1892 \$50,000.

1893 (d) *Multiple penalty enhancements.* A penalty enhancement under this section shall be in
1894 addition to, and shall not limit application of, additional penalty enhancements specified elsewhere
1895 in this title.

1896 § 22A-609. Hate crime penalty enhancement civil provisions.

1897 (a) *Civil provisions on data collection and publication.*

1898 (1) The Metropolitan Police Department shall afford each crime victim the
1899 opportunity to submit with their complaint a written statement that contains information to support
1900 a claim that the conduct that occurred is a crime subject to a hate crime penalty enhancement under
1901 § 22A-608.

1902 (2) The Mayor shall collect and compile data on the incidence of crime subject to a
1903 hate crime penalty enhancement under § 22A-608; except, that such data shall be used for research
1904 or statistical purposes and shall not contain information that may reveal the identity of an
1905 individual crime victim.

1906 (3) The Mayor shall publish an annual summary of the data collected under
1907 paragraph (2) of this subsection and transmit the summary and recommendations based on the
1908 summary to the Council.

1909 (b) *Civil action.*

1910 (1) Irrespective of any criminal prosecution or the result of a criminal prosecution,
1911 a civil cause of action in a court of competent jurisdiction for appropriate relief shall be available
1912 for any person who alleges that they have been subjected to conduct that constitutes a criminal
1913 offense committed with the purpose, in whole or part, of threatening, physically harming,
1914 damaging the property of, or causing a pecuniary loss to any person or group because of prejudice
1915 against the person's or group's perceived race, color, religion, national origin, sex, age, sexual

1916 orientation, homelessness, physical disability, political affiliation, or gender identity or expression
1917 as, in fact, that term is defined in § 2-1401.02(12A).

1918 (2) In a civil action under paragraph (1) of this subsection, the relief available shall
1919 include:

1920 (A) An injunction;

1921 (B) Actual or nominal damages for economic or non-economic loss,
1922 including damages for emotional distress;

1923 (C) Punitive damages in an amount to be determined by a jury or a court
1924 sitting without a jury; and

1925 (D) Reasonable attorneys' fees and costs.

1926 (3) An actor's parent, or a person acting in the place of a parent under civil law,
1927 who is responsible for the health, welfare, or supervision of the actor shall be liable for any
1928 damages that an actor under 18 years of age is required to pay in a civil action brought under
1929 paragraph (1) of this subsection, if any act or omission of the parent or person acting in the place
1930 of a parent under civil law contributed to the conduct of the actor.

1931 § 22A-610. Abuse of government power penalty enhancement.

1932 (a) *Penalty enhancement.* An abuse of government power penalty enhancement applies to
1933 an offense subject to this title when the actor:

1934 (1) In fact, commits an offense under Chapter 2 or 3 of this title;

1935 (2) Knowing that they are a public official; and

1936 (3) Recklessly engages in the conduct constituting the offense under color or
1937 pretense of official right.

1938 (b) *Exceptions.* Notwithstanding any other provision of law, a penalty enhancement under
1939 this section shall not apply to an offense of:

1940 (1) Sexual abuse by exploitation under § 22A-2303; or

1941 (2) Blackmail under § 22A-2403(a)(2)(A).

1942 (c) *Penalties.* An abuse of government power penalty enhancement increases the penalty
1943 classification for an offense subject to this title by one class except, for a Class 1 felony, the
1944 maximum authorized term of imprisonment and the fine for the offense increases by 6 years and
1945 \$50,000.

1946 (d) *Multiple penalty enhancements.* A penalty enhancement under this section shall be in
1947 addition to, and shall not be construed to limit application of, additional penalty enhancements
1948 specified elsewhere in this title.

1949 CHAPTER 2. OFFENSES AGAINST PERSONS.

1950 SUBCHAPTER I. HOMICIDE.

1951 § 22A-2101. Murder.

1952 (a) *First degree.* An actor commits first degree murder when the actor purposely, with
1953 premeditation and deliberation, causes the death of another person.

1954 (b) *Second degree.* An actor commits second degree murder when the actor:

1955 (1) Knowingly causes the death of another person;

1956 (2) Recklessly, with extreme indifference to human life, causes the death of another
1957 person; or

1958 (3) Negligently causes the death of another person, other than an accomplice, by
1959 committing the lethal act in the course of and in furtherance of committing or attempting to commit
1960 an offense that is, in fact:

1961 (A) First or second degree robbery under § 22A-2201;

1962 (B) Carjacking under § 22A-2202;

1963 (C) First degree assault under § 22A-2203;

1964 (D) First degree assault on a law enforcement officer under § 22A-2204;

1965 (E) First degree sexual assault under § 22A-2301;

1966 (F) First or second degree sexual abuse of a minor under § 22A-2302;

1967 (G) First or second degree kidnapping under § 22A-2401;

1968 (H) First or second degree arson under § 22A-3601;

1969 (I) Enhanced first degree burglary under § 22A-3801; or

1970 (J) First degree criminal abuse of a minor under § 22A-2501 when the actor
1971 knowingly causes serious bodily injury.

1972 (c) *Self-induced intoxication.* An actor shall be deemed to have consciously disregarded
1973 the risk required to prove that the actor acted with extreme indifference to human life in subsection
1974 (b)(2) of this section if due to self-induced intoxication, in fact, the actor was unaware of the risk,
1975 but would have been aware had the actor been sober.

1976 (d) *Penalties.*

1977 (1) First degree murder is a Class 2 felony.

1978 (2) Second degree murder is a Class 4 felony.

1979 (3) *Mandatory minimum sentence for first degree murder.* Unless expressly
1980 provided by any other provision of law, a person convicted of murder in the first degree shall not
1981 be released from prison prior to the expiration of 24 years from the date of the commencement of
1982 the sentence.

1983 (4) *Penalty enhancements.* The penalty classification of any gradation of this
1984 offense shall be increased by one class when the actor commits the offense and the actor:

1985 (A) Is reckless as to the fact that the decedent is a protected person;

1986 (B) Commits the murder with the purpose of harming the decedent because
1987 of the decedent's status as a law enforcement officer, public safety employee, or District official;

1988 (C) Commits the murder with intent to avoid or prevent a lawful arrest or
1989 effecting an escape from official custody;

1990 (D) Knowingly commits the murder for hire;

1991 (E) Knowingly inflicts extreme physical pain or mental suffering for a
1992 prolonged period of time immediately prior to the decedent's death;

1993 (F) Knowingly mutilates or desecrates the decedent's body;

1994 (G) In fact, commits the murder after substantial planning;

1995 (H) By knowingly shooting from a vehicle that is being driven at the time
1996 of the shooting; or

1997 (I) Commits the murder with the purpose of harming the decedent because
1998 the decedent was or had been a witness in any criminal investigation or judicial proceeding, or the
1999 decedent was capable of providing or had provided assistance in any criminal investigation or
2000 judicial proceeding.

2001 (e) *Evidence of extreme pain, mental suffering, mutilation, or desecration.* Notwithstanding
2002 any other provision of law, an actor charged with penalty enhancements under subsection (d)(3)(E)
2003 or (F) of this section shall be subject to a bifurcated criminal proceeding with the same jury or
2004 factfinder serving in both stages of the proceeding. In the first stage of the proceeding, the
2005 factfinder must determine if the actor committed either first degree murder as defined under
2006 subsection (a) of this section or second degree murder as defined under subsection (b) of this
2007 section. In the first stage of the proceeding, evidence of penalty enhancements under subsection
2008 (d)(3)(E) or (F) of this section is inadmissible except if such evidence is relevant to determining
2009 whether the actor committed first degree murder or second degree murder. In the second stage of
2010 the proceeding, after the actor has been found guilty of either first degree murder or second degree
2011 murder, the factfinder may consider any evidence relevant to penalty enhancements under
2012 subsection (d)(3)(E) or (F) of this section.

2013 (f) *Defenses.*

2014 (1) The presence of mitigating circumstances is a defense to liability under
2015 subsections (a) and (b)(1) and (2) of this section. Mitigating circumstances means:

2016 (A) Acting under the influence of an extreme emotional disturbance for
2017 which there is a reasonable cause as determined from the viewpoint of a reasonable person in the
2018 actor's situation under the circumstances as the actor believed them to be;

2019 (B) Acting with an unreasonable belief that the use of deadly force was
2020 necessary to prevent a person from unlawfully causing imminent death or serious bodily injury to
2021 the actor or another person; or

2022 (C) Any other legally recognized partial defense which substantially
2023 diminishes either the actor's culpability or the wrongfulness of the actor's conduct.

2024 (2) *Effect of mitigation defense.* If the government fails to prove the absence of
2025 mitigating circumstances beyond a reasonable doubt, but proves all other elements of murder, the
2026 actor is not guilty of murder, but is guilty of voluntary manslaughter.

2027 (g) *No accomplice liability for felony murder.* Notwithstanding § 22A-210, no person shall
2028 be liable as an accomplice to second degree murder under subsection (b)(3) of this section.

2029 (h) *Felony murder merger.* Multiple convictions for second degree murder under
2030 subsection (b)(3) of this section and an offense listed in subsection (b)(3)(A)–(H) of this section
2031 merge when arising from the same act or course of conduct and the sentencing court shall follow
2032 the procedures specified in § 22A-212(b) and (c).

2033 § 22A-2102. Manslaughter.

- 2034 (a) *Voluntary manslaughter*. An actor commits voluntary manslaughter when the actor:
- 2035 (1) Knowingly causes the death of another person;
- 2036 (2) Recklessly, with extreme indifference for human life, causes death of another
- 2037 person; or
- 2038 (3) Negligently causes the death of another person, other than an accomplice, by
- 2039 committing the lethal act in the course of and in furtherance of committing or attempting to commit
- 2040 an offense that is, in fact:
- 2041 (A) First or second degree robbery under § 22A-2201;
- 2042 (B) Carjacking under § 22A-2202;
- 2043 (C) First degree assault under § 22A-2203;
- 2044 (D) First degree assault on a law enforcement officer under § 22A-2204;
- 2045 (E) First degree sexual assault under § 22A-2301;
- 2046 (F) First or second degree sexual abuse of a minor under § 22A-2302;
- 2047 (G) First or second degree kidnapping under § 22A-2401;
- 2048 (H) First or second degree arson under § 22A-3601;
- 2049 (I) Enhanced first degree burglary under § 22A-3801; or
- 2050 (J) First degree criminal abuse of a minor under § 22A-2501 when the actor
- 2051 knowingly causes serious bodily injury.
- 2052 (b) *Involuntary manslaughter*. An actor commits involuntary manslaughter when the actor
- 2053 recklessly causes the death of another person.

2054 (c) *Self-induced intoxication.* An actor shall be deemed to have consciously disregarded
2055 the risk required to prove that the person acted with extreme indifference to human life in
2056 subsection (a)(2) of this section if due to self-induced intoxication, in fact, the actor was unaware
2057 of the risk, but would have been aware had the actor been sober.

2058 (d) *Penalties.*

2059 (1) Voluntary manslaughter is a Class 5 felony.

2060 (2) Involuntary manslaughter is a Class 7 felony.

2061 (3) *Penalty enhancements.* The penalty classification for voluntary manslaughter
2062 and involuntary manslaughter is increased by one class when the actor commits the offense:

2063 (A) Reckless as to the fact that the decedent is a protected person; or

2064 (B) With the purpose of harming the decedent because of the decedent's
2065 status as a law enforcement officer, public safety employee, or District official.

2066 (e) *No accomplice liability for felony murder.* Notwithstanding § 22A-210, no person shall
2067 be liable as an accomplice to voluntary manslaughter under subsection (a)(3) of this section.

2068 (f) *Felony murder merger.* Multiple convictions for voluntary manslaughter under
2069 subsection (a)(3) of this section and another offense listed in subsection (a)(3)(A)–(H) of this
2070 section merge when arising from the same act or course of conduct and the sentencing court shall
2071 follow the procedures specified in § 22A-212(b) and (c).

2072 § 22A-2103. Negligent homicide.

2073 (a) *Offense.* An actor commits negligent homicide when the actor negligently causes the
2074 death of another person.

2075 (b) *Penalties.* Negligent homicide is a Class 8 felony.

2076 SUBCHAPTER II. ROBBERY, ASSAULT, AND THREATS.

2077 § 22A-2201. Robbery.

2078 (a) *First degree.* An actor commits first degree robbery when the actor:

2079 (1) Knowingly takes or exercises control over the property of another that the
2080 complainant possesses within the complainant's immediate physical control by:

2081 (A) Causing bodily injury to the complainant or another person physically
2082 present;

2083 (B) Communicating, explicitly or implicitly, that the actor immediately will
2084 cause the complainant or another person physically present to suffer bodily injury, a sexual act, a
2085 sexual contact, confinement, or death;

2086 (C) Applying physical force that moves or immobilizes another person
2087 present; or

2088 (D) Removing property from the hand or arms of the complainant;

2089 (2) With intent to deprive the complainant of the property; and

2090 (3) In the course of the robbery, recklessly causes serious bodily injury to another
2091 person, other than an accomplice.

2092 (b) *Second degree.* An actor commits second degree robbery when the actor:

2093 (1) Knowingly takes or exercises control over the property of another that the
2094 complainant possesses within the complainant's immediate physical control by:

2095 (A) Causing bodily injury to the complainant or another person physically
2096 present;

2097 (B) Communicating, explicitly or implicitly, that the actor immediately will
2098 cause the complainant or another person present to suffer bodily injury, a sexual act, a sexual
2099 contact, confinement, or death;

2100 (C) Applying physical force that moves or immobilizes another person
2101 present; or

2102 (D) Removing property from the hand or arms of the complainant;

2103 (2) With intent to deprive the complainant of the property; and

2104 (3) Either:

2105 (A) In the course of the robbery, recklessly causes significant bodily injury
2106 to another person, other than an accomplice; or

2107 (B) In fact, the property has a value of \$5,000 or more.

2108 (c) *Third degree.* An actor commits third degree robbery when the actor:

2109 (1) Knowingly takes or exercises control over the property of another that the
2110 complainant possesses within the complainant's immediate physical control by:

2111 (A) Causing bodily injury to the complainant or another person physically
2112 present;

2113 (B) Communicating to the complainant, explicitly or implicitly, that the
2114 actor immediately will cause the complainant or another person present to suffer bodily injury, a
2115 sexual act, a sexual contact, confinement, or death;

2116 (C) Applying physical force that moves or immobilizes another person
2117 present; or

2118 (D) Removing property from the hand or arms of the complainant;

2119 (2) With intent to deprive the complainant of the property.

2120 (d) *Affirmative defense.* It is an affirmative defense to liability under this section that, in
2121 fact, the actor reasonably believes that an owner of the property gives effective consent to the actor
2122 to take or exercise control over the property.

2123 (e) *Penalties.*

2124 (1) First degree robbery is a Class 6 felony, but notwithstanding § 22A-603, the
2125 maximum term of imprisonment for first degree robbery is 14 years.

2126 (2) Second degree robbery is a Class 8 felony.

2127 (3) Third degree robbery is a Class 9 felony.

2128 (4) *Penalty enhancements for first degree robbery.* The maximum penalty for first
2129 degree robbery shall be increased by 6 years when the actor commits the offense:

2130 (A) Reckless as to the fact that the complainant is a protected person; or

2131 (B) By using or displaying what is, in fact, a dangerous weapon or imitation
2132 dangerous weapon.

2133 (5) *Penalty enhancements for second degree robbery.*

2134 (A) The penalty classification of second degree robbery shall be increased
2135 by one class when the actor commits the offense reckless as to the fact that the complainant is a
2136 protected person; or

2137 (B) The maximum penalty for second degree robbery shall be increased
2138 by:

2139 (i) Two classes if the actor commits the offense by recklessly
2140 displaying or using what is, in fact, a dangerous weapon or imitation dangerous weapon; or

2141 (ii) 10 years if the actor commits the offense under subsection
2142 (b)(3)(A) of this section by recklessly displaying or using what, in fact, is a dangerous weapon and
2143 the display or use of the dangerous weapon directly or indirectly causes the injury to the
2144 complainant.

2145 (6) *Penalty enhancements for third degree robbery.*

2146 (A) The maximum penalty for third degree robbery shall be increased by
2147 one class when the actor commits the offense reckless as to the fact that the complainant is a
2148 protected person; or

2149 (B) The maximum penalty for third degree robbery shall be increased by:

2150 (i) 4 years if the actor commits the offense by recklessly displaying
2151 or using what is, in fact, a dangerous weapon or imitation dangerous weapon; or

2152 (ii) 8 years if the actor commits the offense under subsection
2153 (c)(1)(A) of this section by displaying or using what, in fact, is a dangerous weapon and the display
2154 or use of the dangerous weapon directly or indirectly causes the injury to the complainant.

2155 § 22A-2202. Carjacking.

2156 (a) *First degree*. An actor commits first degree carjacking when the actor:

2157 (1) Knowingly takes or exercises control over property of another that the
2158 complainant possesses within the complainant's immediate physical control by:

2159 (A) Causing bodily injury to the complainant or another person physically
2160 present;

2161 (B) Communicating to the complainant, explicitly or implicitly, that the
2162 actor immediately will cause the complainant or another person present to suffer bodily injury, a
2163 sexual act, a sexual contact, confinement, or death; or

2164 (C) Applying physical force that moves or immobilizes another person
2165 present;

2166 (2) With intent to deprive the complainant of the property;

2167 (3) In fact, the property is a motor vehicle; and

2168 (4) In the course of the carjacking, the actor recklessly causes serious bodily injury
2169 to another person, other than an accomplice.

2170 (b) *Second degree*. An actor commits second degree carjacking when the actor:

2171 (1) Knowingly takes or exercises control over property of another that the
2172 complainant possesses within the complainant's immediate physical control by:

2173 (A) Causing bodily injury to the complainant or another person physically
2174 present;

2175 (B) Communicating to the complainant, explicitly or implicitly, that the
2176 actor immediately will cause the complainant or another person present to suffer bodily injury, a
2177 sexual act, a sexual contact, confinement, or death; or

2178 (C) Applying physical force that moves or immobilizes another person
2179 present;

2180 (2) With intent to deprive the complainant of the property;

2181 (3) In fact, the property is a motor vehicle; and

2182 (4) In the course of the carjacking, the actor recklessly causes significant bodily
2183 injury to another person, other than an accomplice.

2184 (c) *Third degree.* An actor commits third degree carjacking when the actor:

2185 (1) Knowingly takes or exercises control over property of another that the
2186 complainant possesses within the complainant's immediate physical control by:

2187 (A) Causing bodily injury to the complainant or another person physically
2188 present;

2189 (B) Communicating to the complainant, explicitly or implicitly, that the
2190 actor immediately will cause the complainant or another person present to suffer bodily injury, a
2191 sexual act, a sexual contact, confinement, or death; or

2192 (C) Applying physical force that moves or immobilizes another person
2193 present;

2194 (2) With intent to deprive the complainant of the property; and

2195 (3) In fact, the property is a motor vehicle.

2196 (d) *Affirmative defense.* It is an affirmative defense to liability under this section that, in
2197 fact, the actor reasonably believes that an owner of the motor vehicle gives effective consent to the
2198 actor to take or exercise control over the motor vehicle.

2199 (e) *Penalties.*

2200 (1) First degree carjacking is a Class 5 felony.

2201 (2) Second degree carjacking is a Class 7 felony.

2202 (3) Third degree carjacking is a Class 8 felony.

2203 (4) *Penalty enhancements for first degree carjacking.* The penalty classification for
2204 first degree carjacking shall be increased by one class when the actor commits the offense:

2205 (A) Reckless as to the fact that the complainant is a protected person; or

2206 (B) By using or displaying what is, in fact, a dangerous weapon or imitation
2207 dangerous weapon.

2208 (5) *Penalty enhancements for second degree carjacking.* The maximum penalty
2209 for second degree carjacking shall be increased by:

2210 (A) Six years when the actor commits the offense:

2211 (i) Reckless as to the fact that the complainant is a protected person;

2212 or

2213 (ii) By using or displaying what is, in fact, a dangerous weapon or

2214 imitation dangerous weapon; or

2215 (B) Two classes when the actor commits the offense under subsection (b)(4)

2216 of this section, by recklessly displaying or using what, in fact, is a dangerous weapon and the

2217 display or use of the dangerous weapon directly or indirectly causes the injury to the complainant.

2218 (6) *Penalty enhancements for third degree carjacking.* The penalty classification

2219 of third degree carjacking shall be increased by:

2220 (A) One class when the actor commits the offense:

2221 (i) Reckless as to the fact that the complainant is a protected person;

2222 or

2223 (ii) By using or displaying what is, in fact, a dangerous weapon or

2224 imitation dangerous weapon; or

2225 (B) Two classes when the actor commits the offense under subsection

2226 (b)(1)(A) or subsection (c)(1)(A) of this section by recklessly displaying or using what, in fact, is

2227 a dangerous weapon and the display or use of the dangerous weapon directly or indirectly causes
2228 the injury to the complainant.

2229 § 22A-2203. Assault.

2230 (a) *First degree.* An actor commits first degree assault when the actor purposely:

2231 (1) Causes serious and permanent disfigurement to the complainant; or

2232 (2) Destroys, amputates, or permanently disables a member or organ of the
2233 complainant's body.

2234 (b) *Second degree.* An actor commits second degree assault when the actor recklessly,
2235 with extreme indifference to human life, causes serious bodily injury to the complainant.

2236 (c) *Third degree.* An actor commits third degree assault when the actor recklessly causes
2237 significant bodily injury to the complainant.

2238 (d) *Fourth degree.* An actor commits fourth degree assault when the actor recklessly
2239 causes bodily injury to the complainant.

2240 (e) *Exclusion from liability.* An actor does not commit an offense under this section when,
2241 in fact, the actor's conduct is specifically permitted by a District statute or regulation.

2242 (f) *Defenses.*

2243 (1) It is a defense to liability under subsections (a) and (b) of this section that, in
2244 fact:

2245 (A) The injury is caused by a lawful cosmetic or medical procedure;

2246 (B) The actor is not a person with legal authority over the complainant; and

2247 (C) The actor reasonably believes that:

2248 (i) The complainant is 18 years of age or older, and the complainant,

2249 or a person with legal authority over the complainant acting consistent with that authority, gives

2250 effective consent to the actor to cause the injury;

2251 (ii) The complainant is under 18 years of age and:

2252 (I) The actor is 18 years of age or older; and

2253 (II) A person with legal authority over the complainant

2254 acting consistent with that authority gives effective consent to the actor to cause the injury; or

2255 (iii) The complainant is under 18 years of age and:

2256 (I) The actor is under 18 years of age; and

2257 (II) The complainant gives effective consent to the actor to

2258 cause the injury.

2259 (2) It is a defense to liability under subsections (c) and (d) of this section that, in

2260 fact:

2261 (A) The actor is not a person with legal authority over the complainant; and

2262 (B) The actor reasonably believes that:

2263 (i) The complainant is 18 years of age or older, and the complainant,

2264 or a person with legal authority over the complainant acting consistent with that authority, gives

2265 effective consent to the actor either to cause the injury or to engage in a lawful sport, occupation,

2266 or other concerted activity, and the actor's infliction of the injury is a reasonably foreseeable hazard
2267 of that activity;

2268 (ii) The complainant is under 18 years of age and:

2269 (I) The actor is 18 years of age or older and is more than 4
2270 years older than the complainant; and

2271 (II) A person with legal authority over the complainant
2272 acting consistent with that authority gives effective consent to the actor either to cause the injury
2273 or to engage in a lawful sport, occupation, or other concerted activity, and the actor's infliction of
2274 the injury is a reasonably foreseeable hazard of that activity; or

2275 (iii) The complainant is under 18 years of age and:

2276 (I) The actor is either under 18 years of age or is 18 years of
2277 age or older and not more 4 years older than the complainant; and

2278 (II) The complainant gives effective consent to the actor to
2279 either to cause the injury or to engage in a lawful sport, occupation, or other concerted activity,
2280 and the actor's infliction of the injury is a reasonably foreseeable hazard of that activity.

2281 (g) *Self-induced intoxication.* An actor shall be deemed to have consciously disregarded
2282 the risk required to prove the actor acted with extreme indifference to human life in subsection (b)
2283 of this section if due to self-induced intoxication, in fact, the actor was unaware of the risk, but
2284 would have been aware had the actor been sober.

2285 (h) *Penalties.*

- 2286 (1) First degree assault is a Class 6 felony.
- 2287 (2) Second degree assault is a Class 7 felony.
- 2288 (3) Third degree assault is a Class 9 felony.
- 2289 (4) Fourth degree assault is a Class B misdemeanor.
- 2290 (5) *Penalty enhancements.* The penalty classification of second degree assault shall
- 2291 be increased by one class when the actor commits the offense:
- 2292 (A) Reckless as to the fact that the complainant is a protected person, other
- 2293 than a law enforcement officer;
- 2294 (B) By displaying or using what, in fact, is a dangerous weapon or imitation
- 2295 dangerous weapon; or
- 2296 (C) With the purpose of harming the complainant because of the
- 2297 complainant's status as a public safety employee or District official.
- 2298 (6) *Penalty enhancements.* The penalty classification of third degree assault shall
- 2299 be increased by:
- 2300 (A) One class when the actor commits the offense:
- 2301 (i) Reckless as to the fact that the complainant is a protected person,
- 2302 other than a law enforcement officer;
- 2303 (ii) By displaying or using what, in fact, is an imitation dangerous
- 2304 weapon; or

2305 (iii) With the purpose of harming the complainant because of the
2306 complainant's status as a public safety employee or District official; or

2307 (B) Two classes when the actor commits the offense by recklessly
2308 displaying or using what, in fact, is a dangerous weapon.

2309 (7) *Penalty enhancements.* The penalty classification of fourth degree assault shall
2310 be increased by:

2311 (A) One class when the actor commits the offense:

2312 (i) Reckless as to the fact that the complainant is a protected person,
2313 other than a law enforcement officer;

2314 (ii) By recklessly displaying or using what, in fact, is an imitation
2315 dangerous weapon; or

2316 (iii) With the purpose of harming the complainant because of the
2317 complainant's status as a public safety employee or District official; or

2318 (B) Three classes when the actor commits the offense by recklessly
2319 displaying or using what, in fact, is a dangerous weapon.

2320 § 22A-2204. Assault on a law enforcement officer.

2321 (a) *First degree.* An actor commits first degree assault on a law enforcement officer when
2322 the actor:

2323 (1) Purposely:

2324 (A) Causes serious and permanent disfigurement to the complainant; or

2325 (B) Destroys, amputates, or permanently disables a member or organ of the
2326 complainant's body; and

2327 (2) Engages in conduct specified in paragraph (1) of this subsection either:

2328 (A) With the purpose of harming the complainant because of the
2329 complainant's status as a law enforcement officer; or

2330 (B) Reckless as to the fact that the complainant is a law enforcement officer
2331 in the course of their official duties.

2332 (b) *Second degree.* An actor commits second degree assault on a law enforcement officer
2333 when the actor:

2334 (1) Recklessly, with extreme indifference to human life, causes serious bodily
2335 injury to the complainant; and

2336 (2) Engages in conduct specified in paragraph (1) of this subsection either:

2337 (A) With the purpose of harming the complainant because of the
2338 complainant's status as a law enforcement officer; or

2339 (B) Reckless as to the fact that the complainant is a law enforcement officer
2340 in the course of their official duties.

2341 (c) *Third degree.* An actor commits third degree assault on a law enforcement officer when
2342 the actor:

2343 (1) Recklessly causes significant bodily injury to the complainant; and

2344 (2) Engages in conduct specified in paragraph (1) of this subsection either:

2345 (A) With the purpose of harming the complainant because of the
2346 complainant's status as a law enforcement officer; or

2347 (B) Reckless as to the fact that the complainant is a law enforcement officer
2348 in the course of their official duties.

2349 (d) *Fourth degree.* An actor commits fourth degree assault on a law enforcement officer
2350 when the actor:

2351 (1) Recklessly causes bodily injury to the complainant; and

2352 (2) Engages in conduct specified in paragraph (1) of this subsection either:

2353 (A) With the purpose of harming the complainant because of the
2354 complainant's status as a law enforcement officer; or

2355 (B) Reckless as to the fact that the complainant is a law enforcement officer
2356 in the course of their official duties.

2357 (e) *Exclusion from liability.* An actor does not commit an offense under this section when,
2358 in fact, the actor's conduct is specifically permitted by a District statute or regulation.

2359 (f) *Defenses.*

2360 (1) It is a defense to liability under subsections (a) and (b) of this section that, in
2361 fact:

2362 (A) The injury is caused by a lawful cosmetic or medical procedure; and

2363 (B) The actor reasonably believes that the complainant gives effective
2364 consent to the actor to cause the injury.

2365 (2) It is a defense to liability under subsections (c) and (d) of this section that, in
2366 fact, the actor reasonably believes that the complainant gives effective consent to the actor either
2367 to cause the injury or to engage in a lawful sport, occupation, or other concerted activity, and the
2368 actor's infliction of the injury is a reasonably foreseeable hazard of that activity.

2369 (g) *Self-induced intoxication.* An actor shall be deemed to have consciously disregarded
2370 the risk required to prove the actor acted with extreme indifference to human life in subsection (b)
2371 of this section if due to self-induced intoxication, in fact, the actor was unaware of the risk, but
2372 would have been aware had the actor been sober.

2373 (h) *Penalties.*

2374 (1) First degree assault on a law enforcement officer is a Class 6 felony; except that,
2375 notwithstanding § 22A-603, the maximum term of imprisonment for first degree assault on a law
2376 enforcement officer is 14 years.

2377 (2) Second degree assault on a law enforcement officer is a Class 6 felony.

2378 (3) Third degree assault on a law enforcement officer is a Class 8 felony.

2379 (4) Fourth degree assault on a law enforcement officer is a Class A misdemeanor.

2380 - (5) *Penalty enhancements.*

2381 (A) The maximum penalty for second degree assault on a law enforcement
2382 officer shall be increased by 2 years when the actor commits the offense by recklessly displaying
2383 or using what, in fact, is a dangerous weapon or imitation dangerous weapon.

2384 (B) The maximum penalty for third degree assault on a law enforcement
2385 officer shall be increased by 6 years when the actor commits the offense by recklessly displaying
2386 or using what, in fact, is a dangerous weapon or imitation dangerous weapon.

2387 (C) The maximum penalty for fourth degree assault on a law enforcement
2388 officer shall be increased by 4 years when the actor commits the offense by recklessly displaying
2389 or using what, in fact, is a dangerous weapon or imitation dangerous weapon.

2390 § 22A-2205. Criminal threats.

2391 (a) *First degree.* An actor commits first degree criminal threats when the actor:

2392 (1) Knowingly communicates to a person other than a co-conspirator or
2393 accomplice, explicitly or implicitly, that the actor immediately will cause the complainant or
2394 another person to suffer a criminal death, serious bodily injury, sexual act, or confinement;

2395 (2) With intent that the communication be perceived as a serious expression that
2396 the actor would cause the harm; and

2397 (3) In fact, the communication would cause a reasonable person in the
2398 complainant's circumstances to believe that the harm would occur.

2399 (b) *Second degree.* An actor commits second degree criminal threats when the actor:

2400 (1) Knowingly communicates to a person other than a co-conspirator or
2401 accomplice, explicitly or implicitly, that the actor will cause the complainant or another person to
2402 suffer a criminal bodily injury or sexual contact;

2403 (2) With intent that the communication be perceived as a serious expression that
2404 the actor would cause the harm; and

2405 (3) In fact, the communication would cause a reasonable person in the
2406 complainant's circumstances to believe that the harm would occur.

2407 (c) *Third degree.* An actor commits third degree criminal threats when the actor:

2408 (1) Knowingly communicates to a person other than a co-conspirator or
2409 accomplice, explicitly or implicitly, that the actor will cause the complainant or another person to
2410 suffer a criminal loss or damage to property;

2411 (2) With intent that the communication be perceived as a serious expression that
2412 the actor would cause the harm; and

2413 (3) In fact, the communication would cause a reasonable person in the
2414 complainant's circumstances to believe that the harm would occur.

2415 (d) *Penalties.*

2416 (1) First degree criminal threats is a Class 9 felony.

2417 (2) Second degree criminal threats is a Class B misdemeanor.

2418 (3) Third degree criminal threats is a Class C misdemeanor.

2419 (4) *Penalty enhancements.* The penalty classification of any gradation of this
2420 offense shall be increased by one class when the actor commits the offense:

2421 (A) Reckless as to the fact that the complainant is a protected person;

2422 (B) By displaying or using what, in fact, is a dangerous weapon or imitation
2423 dangerous weapon; or

2424 (C) With the purpose of harming the complainant because of the
2425 complainant's status as a law enforcement officer, public safety employee, or District official.

2426 § 22A-2206. Offensive physical contact.

2427 (a) *First degree*. An actor commits first degree offensive physical contact when the actor:

2428 (1) Knowingly causes the complainant to come into physical contact with bodily
2429 fluid or excrement;

2430 (2) With intent that the physical contact be offensive to the complainant; and

2431 (3) In fact, a reasonable person in the situation of the complainant would regard it
2432 as offensive.

2433 (b) *Second degree*. An actor commits second degree offensive physical contact when the
2434 actor:

2435 (1) Knowingly causes the complainant to come into physical contact with any
2436 person or any object or substance;

2437 (2) With intent that the physical contact be offensive to the complainant; and

2438 (3) In fact, a reasonable person in the situation of the complainant would regard it
2439 as offensive.

2440 (c) *Exclusion from liability*. An actor does not commit an offense under this section when,
2441 in fact, the actor's conduct is specifically permitted by a District statute or regulation.

2442 (d) *Defense*. It is a defense to liability that, in fact:

2443 (1) The actor is not a person with legal authority over the complainant; and

2444 (2) The actor reasonably believes that:

2445 (A) The complainant is 18 years of age or older, and the complainant, or a
2446 person with legal authority over the complainant acting consistent with that authority, gives
2447 effective consent to the actor to:

2448 (i) Cause the physical contact; or

2449 (ii) Engage in a lawful sport, occupation, or other concerted activity,
2450 and the actor's infliction of the physical contact is a reasonably foreseeable hazard of that activity;

2451 (B) The complainant is under 18 years of age and:

2452 (i) The actor is 18 years of age or older and is more than 4 years
2453 older than the complainant; and

2454 (ii) A person with legal authority over the complainant acting
2455 consistent with that authority gives effective consent to the actor to:

2456 (I) Cause the physical contact; or

2457 (II) Engage in a lawful sport, occupation, or other concerted
2458 activity, and the actor's infliction of the physical contact is a reasonably foreseeable hazard of that
2459 activity; or

2460 (C) The complainant is under 18 years of age and:

2461 (i) The actor is either under 18 years of age or is 18 years of age or
2462 older and not more 4 years older than the complainant; and

2463 (ii) The complainant gives effective consent to the actor to:

2464 (I) Cause the physical contact; or

2465 (II) Engage in a lawful sport, occupation, or other concerted
2466 activity, and the actor's infliction of the physical contact is a reasonably foreseeable hazard of that
2467 activity.

2468 (e) *Penalties.*

2469 (1) First degree offensive physical contact is a Class B misdemeanor.

2470 (2) Second degree offensive physical contact is a Class D misdemeanor.

2471 (3) *Penalty enhancements.* The penalty classification of any gradation of this
2472 offense shall be increased by one class when the actor commits the offense:

2473 (A) Reckless as to the fact that the complainant is a protected person; or

2474 (B) With the purpose of harming the complainant because of the
2475 complainant's status as a law enforcement officer, public safety employee, or District official.

2476 SUBCHAPTER III. SEXUAL ASSAULT AND RELATED PROVISIONS.

2477 § 22A-2301. Sexual assault.

2478 (a) *First degree.* An actor commits first degree sexual assault when the actor:

2479 (1) Knowingly engages in a sexual act with the complainant or causes the
2480 complainant to engage in or submit to a sexual act;

2481 (2) In one or more of the following ways:

2482 (A) By causing bodily injury to the complainant, or by using physical force
2483 that moves or immobilizes the complainant;

2484 (B) By communicating to the complainant, explicitly or implicitly, that the
2485 actor will cause:

2486 (i) The complainant to suffer a bodily injury, confinement or death;

2487 or

2488 (ii) A third party to suffer a bodily injury, sexual act, sexual contact,
2489 confinement, or death; or

2490 (C) By administering or causing to be administered to the complainant,
2491 without the complainant's effective consent, a drug, intoxicant, or other substance:

2492 (i) With intent to impair the complainant's ability to express
2493 willingness or unwillingness to engage in the sexual act; and

2494 (ii) In fact, the drug, intoxicant, or other substance renders the
2495 complainant:

2496 (I) Asleep, unconscious, substantially paralyzed, or passing
2497 in and out of consciousness;

2498 (II) Substantially incapable of appraising the nature of the
2499 sexual act; or

2500 (III) Substantially incapable of communicating willingness
2501 or unwillingness to engage in the sexual act.

2502 (b) *Second degree*. An actor commits second degree sexual assault when the actor:

2503 (1) Knowingly engages in a sexual act with the complainant or causes the
2504 complainant to engage in or submit to a sexual act;

2505 (2) In one or more of the following ways:

2506 (A) By making a coercive threat, explicit or implicit; or

2507 (B) When the complainant is:

2508 (i) Asleep, unconscious, or passing in and out of consciousness;

2509 (ii) Incapable of appraising the nature of the sexual act or of
2510 understanding the right to give or withhold consent to the sexual act, either due to a drug,
2511 intoxicant, or other substance, or, due to an intellectual, developmental, or mental disability or
2512 mental illness when the actor has no similarly serious disability or illness;

2513 (iii) Incapable of communicating willingness or unwillingness to
2514 engage in the sexual act; or

2515 (iv) Substantially paralyzed.

2516 (c) *Third degree*. An actor commits third degree sexual assault when the actor:

2517 (1) Knowingly engages in a sexual contact with the complainant or causes the
2518 complainant to engage in or submit to a sexual contact;

2519 (2) In one or more of the following ways:

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2520 (A) By causing bodily injury to the complainant, or by using physical force
2521 that moves or immobilizes the complainant;

2522 (B) By communicating to the complainant, explicitly or implicitly, that the
2523 actor will cause:

2524 (i) The complainant to suffer a bodily injury, confinement or death;

2525 or

2526 (ii) A third party to suffer a bodily injury, sexual act, sexual contact,
2527 confinement, or death; or

2528 (C) By administering or causing to be administered to the complainant,
2529 without the complainant's effective consent, a drug, intoxicant, or other substance:

2530 (i) With intent to impair the complainant's ability to express
2531 unwillingness to engage in the sexual contact; and

2532 (ii) In fact, the drug, intoxicant, or other substance renders the
2533 complainant:

2534 (I) Asleep, unconscious, substantially paralyzed, or passing
2535 in and out of consciousness;

2536 (II) Substantially incapable of appraising the nature of the
2537 sexual contact; or

2538 (III) Substantially incapable of communicating willingness
2539 or unwillingness to engage in the sexual contact.

2540 (d) *Fourth degree.* An actor commits fourth degree sexual assault when the actor:

2541 (1) Knowingly engages in a sexual contact with the complainant or causes the
2542 complainant to engage in or submit to a sexual contact;

2543 (2) In one or more of the following ways:

2544 (A) By making a coercive threat, explicit or implicit; or

2545 (B) When the complainant is:

2546 (i) Asleep, unconscious, or passing in and out of consciousness;

2547 (ii) Incapable of appraising the nature of the sexual contact or of
2548 understanding the right to give or withhold consent to the sexual contact, either due to a drug,
2549 intoxicant, or other substance, or, due to an intellectual, developmental, or mental disability or
2550 mental illness when the actor has no similarly serious disability or illness;

2551 (iii) Incapable of communicating willingness or unwillingness to
2552 engage in the sexual contact; or

2553 (iv) Substantially paralyzed.

2554 (e) *Defense.* It is a defense to liability under subsections (a)(2)(A) and (B), (b)(2)(A) and
2555 (B), (c)(2)(A) and (B), and (d)(2)(A) and (B) of this section that, in fact, the actor reasonably
2556 believes that the complainant gives effective consent to the actor to engage in the conduct
2557 constituting the offense.

2558 (f) *Penalties.*

2559 (1) First degree sexual assault is a Class 4 felony.

2560 (2) Second degree sexual assault is a Class 5 felony.

2561 (3) Third degree sexual assault is a Class 7 felony.

2562 (4) Fourth degree sexual assault is a Class 8 felony.

2563 (5) *Penalty enhancements.* The penalty classification of any gradation of this
2564 offense shall be increased by one class when the actor:

2565 (A) Recklessly causes the sexual act or sexual contact by displaying or using
2566 what is, in fact, a dangerous weapon or imitation dangerous weapon;

2567 (B) Knowingly acts with one or more participants that are physically present
2568 at the time of the sexual act or sexual contact; or

2569 (C) Recklessly causes serious bodily injury to the complainant immediately
2570 before, during, or immediately after the sexual act or sexual contact; or

2571 (D) At the time of the sexual act or sexual contact:

2572 (i) In fact, the complainant is under 12 years of age, and the actor is
2573 at least 4 years older than the complainant;

2574 (ii) The actor is reckless as to the fact that the complainant is under
2575 16 years of age and, in fact, the actor is at least 4 years older than the complainant;

2576 (iii) The actor is reckless as to the fact that the complainant is under
2577 18 years of age and the fact that the actor is in a position of trust with or authority over the
2578 complainant, and, in fact, the actor is at least 4 years older than the complainant;

2579 (iv) The actor is reckless as to the fact that the complainant is 65
2580 years of age or older and, in fact, the actor is under 65 years of age and at least 10 years younger
2581 than the complainant; or

2582 (v) The actor is reckless as to the fact that the complainant is a
2583 vulnerable adult.

2584 § 22A-2302. Sexual abuse of a minor.

2585 (a) *First degree.* An actor commits first degree sexual abuse of a minor when the actor:

2586 (1) Knowingly engages in a sexual act with the complainant or causes the
2587 complainant to engage in or submit to a sexual act; and

2588 (2) In fact:

2589 (A) The complainant is under 12 years of age; and

2590 (B) The actor is at least 4 years older than the complainant.

2591 (b) *Second degree.* An actor commits second degree sexual abuse of a minor when the
2592 actor:

2593 (1) Knowingly engages in a sexual act with the complainant or causes the
2594 complainant to engage in or submit to a sexual act; and

2595 (2) In fact:

2596 (A) The complainant is under 16 years of age; and

2597 (B) The actor is at least 4 years older than the complainant.

2598 (c) *Third degree.* An actor commits third degree sexual abuse of a minor when the actor:

2599 (1) Knowingly engages in a sexual act with the complainant or causes the
2600 complainant to engage in or submit to a sexual act;

2601 (2) While in a position of trust with or authority over the complainant; and

2602 (3) In fact:

2603 (A) The complainant is under 18 years of age; and

2604 (B) The actor is 18 years of age or older and at least 4 years older than the
2605 complainant.

2606 (d) *Fourth degree.* An actor commits fourth degree sexual abuse of a minor when the actor:

2607 (1) Knowingly engages in a sexual contact with the complainant or causes the
2608 complainant to engage in or submit to a sexual contact; and

2609 (2) In fact:

2610 (A) The complainant is under 12 years of age; and

2611 (B) The actor is at least 4 years older than the complainant.

2612 (e) *Fifth degree.* An actor commits fifth degree sexual abuse of a minor when the actor:

2613 (1) Knowingly engages in a sexual contact with the complainant or causes the
2614 complainant to engage in or submit to a sexual contact; and

2615 (2) In fact:

2616 (A) The complainant is under 16 years of age; and

2617 (B) The actor is at least 4 years older than the complainant.

2618 (f) *Sixth degree.* An actor commits sixth degree sexual abuse of a minor when the actor:

2619 (1) Knowingly engages in a sexual contact with the complainant or causes the
2620 complainant to engage in or submit to a sexual contact;

2621 (2) While in a position of trust with or authority over the complainant; and

2622 (3) In fact:

2623 (A) The complainant is under 18 years of age; and

2624 (B) The actor is, in fact, 18 years of age or older and at least 4 years older
2625 than the complainant.

2626 (g) *Affirmative defenses.* It is an affirmative defense to liability under this section for
2627 conduct involving only the actor and the complainant that, in fact, the actor and the complainant
2628 are in a marriage or domestic partnership at the time of the sexual act or sexual contact.

2629 (h) *Penalties.*

2630 (1) First degree sexual abuse of a minor is a Class 4 felony.

2631 (2) Second degree sexual abuse of a minor is a Class 5 felony.

2632 (3) Third degree sexual abuse of a minor is a Class 6 felony.

2633 (4) Fourth degree sexual abuse of a minor is a Class 6 felony.

2634 (5) Fifth degree sexual abuse of a minor is a Class 7 felony.

2635 (6) Sixth degree sexual abuse of a minor is a Class 8 felony.

2636 (7) *Penalty enhancements.* The penalty classification of first, second, fourth, and
2637 fifth degree sexual abuse of a minor shall be increased by one class when the actor:

2638 (A) Recklessly causes the sexual act or sexual contact by displaying or using
2639 what is, in fact, a dangerous weapon or imitation dangerous weapon;

2640 (B) Knowingly acts with one or more participants that are physically present
2641 at the time of the sexual act or sexual contact;

2642 (C) Recklessly causes serious bodily injury to the complainant immediately
2643 before, during, or immediately after the sexual act or sexual contact; or

2644 (D) Knows at the time of the sexual act or sexual contact that the actor is in
2645 a position of trust with or authority over the complainant.

2646 (8) *Penalty enhancements.* The penalty classification of third and sixth degree
2647 sexual abuse of a minor shall be increased by one class when the actor:

2648 (A) Recklessly causes the sexual act or sexual contact by displaying or using
2649 what is, in fact, a dangerous weapon or imitation dangerous weapon;

2650 (B) Knowingly acts with one or more participants that are physically present
2651 at the time of the sexual act or sexual contact; or

2652 (C) Recklessly causes serious bodily injury to the complainant immediately
2653 before, during, or immediately after the sexual act or sexual contact.

2654 § 22A-2303. Sexual abuse by exploitation.

2655 (a) *First degree.* An actor commits first degree sexual abuse by exploitation when the
2656 actor:

2657 (1) Knowingly engages in a sexual act with the complainant or causes the
2658 complainant to engage in or submit to a sexual act;

2659 (2) In one or more of the following situations:

2660 (A) The actor is a coach, not including a coach who is a secondary school
2661 student; a teacher, counselor, principal, administrator, nurse, or security officer at a secondary
2662 school, working as an employee, contractor, or volunteer, and is reckless as to the fact that:

2663 (i) The complainant:

2664 (I) Is an enrolled student in the same secondary school; or

2665 (II) Receives educational services or attends educational
2666 programming at the same secondary school; and

2667 (ii) The complainant is under 20 years of age;

2668 (B) The actor knowingly and falsely represents that the actor is someone
2669 else with whom the complainant is in a romantic, dating, or sexual relationship;

2670 (C) The actor is, or purports to be, a healthcare provider, a health
2671 professional, or a religious leader described in § 14-309, and:

2672 (i) Falsely represents that the sexual act is for a bona fide medical,
2673 therapeutic, or professional purpose;

2674 (ii) Commits the sexual act during a consultation, examination,
2675 treatment, therapy, or other provision of professional services; or

2676 (iii) Commits the sexual act while the complainant is a patient or
2677 client of the actor, and is reckless as to the fact that the mental, emotional, or physical condition
2678 of the complainant is such that the complainant is impaired from declining participation in the
2679 sexual act;

2680 (D) The actor:

2681 (i) Knowingly works as an employee, contractor, or volunteer at or
2682 for a hospital, treatment facility, detention or correctional facility, group home, or institution
2683 housing persons who are not free to leave at will; and

2684 (ii) Is reckless as to the fact that the complainant is:

2685 (I) A ward, patient, client, or prisoner at that institution;

2686 (II) Awaiting admission to that institution; or

2687 (III) In transport to or from that institution; or

2688 (E) The actor knowingly works as a law enforcement officer, and is reckless
2689 as to the fact that the complainant is:

2690 (i) In official custody or detained for a legitimate police purpose;

2691 (ii) Detained pending or following:

2692 (I) A charge or conviction of an offense, or an allegation or
2693 finding of juvenile delinquency;

2694 (II) Commitment as a material witness; or

2695 (III) Civil commitment proceedings, extradition,
2696 deportation, or exclusion; or

2697 (iii) On probation or parole.

2698 (b) *Second degree*. An actor commits second degree sexual abuse by exploitation when
2699 the actor:

2700 (1) Knowingly engages in a sexual contact with the complainant or causes the
2701 complainant to engage in or submit to a sexual contact;

2702 (2) In one or more of the following situations:

2703 (A) The actor is a coach, not including a coach who is a secondary school
2704 student; a teacher, counselor, principal, administrator, nurse, or security officer at a secondary
2705 school, working as an employee, contractor, or volunteer, and is reckless as to the fact that:

2706 (i) The complainant:

2707 (I) Is an enrolled student in the same secondary school; or

2708 (II) Receives educational services or attends educational
2709 programming at the same secondary school; and

2710 (ii) The complainant is under 20 years of age;

2711 (B) The actor knowingly and falsely represents that the actor is someone
2712 else with whom the complainant is in a romantic, dating, or sexual relationship;

2713 (C) The actor is, or purports to be, a healthcare provider, a health
2714 professional, or a religious leader described in § 14-309, and:

2715 (i) Falsely represents that the sexual contact is for a bona fide
2716 medical, therapeutic, or professional purpose;

2717 (ii) Commits the sexual contact during a consultation, examination,
2718 treatment, therapy, or other provision of professional services; or

2719 (iii) Commits the sexual contact while the complainant is a patient
2720 or client of the actor, and is reckless as to the fact that the mental, emotional, or physical condition
2721 of the complainant is such that the complainant is impaired from declining participation in the
2722 sexual contact;

2723 (D) The actor:

2724 (i) Knowingly works as an employee, contractor, or volunteer at or
2725 for a hospital, treatment facility, detention or correctional facility, group home, or institution
2726 housing persons who are not free to leave at will; and

2727 (ii) Is reckless as to the fact that the complainant is:

2728 (I) A ward, patient, client, or prisoner at that institution;

2729 (II) Awaiting admission to that institution; or

2730 (III) In transport to or from that institution; or

2731 (E) The actor knowingly works as a law enforcement officer, and is reckless
2732 as to the fact that the complainant is:

2733 (i) In official custody or detained for a legitimate police purpose;

2734 (ii) Detained pending or following:

2735 (I) A charge or conviction of an offense, or an allegation or
2736 finding of juvenile delinquency;

2737 (II) Commitment as a material witness; or

2738 (III) Civil commitment proceedings, extradition,
2739 deportation, or exclusion; or

2740 (iii) On probation or parole.

2741 (c) *Affirmative defense.* It is an affirmative defense to liability under this section that, in
2742 fact, the actor and the complainant are in a marriage or domestic partnership at the time of the
2743 sexual act or sexual contact.

2744 (d) *Penalties.*

2745 (1) First degree sexual abuse by exploitation is a Class 7 felony.

2746 (2) Second degree sexual abuse by exploitation is a Class 8 felony.

2747 § 22A-2304. Sexually suggestive conduct with a minor.

2748 (a) *Offense.* An actor commits sexually suggestive conduct with a minor when the actor:

2749 (1) In fact, is 18 years of age or older and at least 4 years older than the complainant;

2750 and:

2751 (A) The actor is reckless as to the fact that the complainant is under 16 years

2752 of age; or

2753 (B) The actor:

2754 (i) Is reckless as to the fact that the complainant is under 18 years of
2755 age; and

2756 (ii) Knows that the actor is in a position of trust with or authority
2757 over the complainant; and

2758 (2) The actor:

2759 (A) Purposely engages in:

2760 (i) A sexual act that is visible to the complainant;

2761 (ii) A sexual contact that is visible to the complainant; or

2762 (iii) A sexual or sexualized display of the genitals, pubic area, or
2763 anus that is visible to the complainant;

2764 (B) Knowingly:

2765 (i) Engages in one of the following with the complainant or causes
2766 the complainant to engage in or submit to one of the following:

2767 (I) Touching or kissing any person, either directly or through
2768 the clothing; or

2769 (II) Removing clothing from any person;

2770 (ii) With intent to cause the sexual arousal or sexual gratification of
2771 any person; or

2772 (C) Knowingly engages in a sexual act or sexual contact with the
2773 complainant or causes the complainant to engage in or submit to a sexual act or sexual contact.

2774 (b) *Affirmative defense.* It is an affirmative defense to liability under this section for
2775 conduct involving only the actor and the complainant that, in fact, the actor and the complainant
2776 are in a marriage or domestic partnership at the time of the prohibited conduct.

2777 (c) *Penalties.* Sexually suggestive contact with a minor is a Class A misdemeanor.

2778 § 22A-2305. Enticing a minor into sexual conduct.

2779 (a) *Offense.* An actor commits enticing a minor into sexual conduct when the actor:

2780 (1) Knowingly commands, requests, or tries to persuade the complainant to engage
2781 in or submit to a sexual act or sexual contact;

2782 (2) In fact, is 18 years of age or older and at least 4 years older than the complainant,
2783 and:

2784 (A) The actor is reckless as to the fact that the complainant is under 16 years
2785 of age; or

2786 (B) The actor:

2787 (i) Is reckless as to the fact that the complainant is under 18 years of
2788 age; and

2789 (ii) Knows that the actor is in a position of trust with or authority
2790 over the complainant; or

2791 (3) In fact, is 18 years of age or older and at least 4 years older than the purported
2792 age of the complainant, and:

2793 (A) The complainant is a law enforcement officer who purports to be a
2794 person under 16 years of age; and

2795 (B) The actor is reckless as to the fact that the purported age of the
2796 complainant is under 16 years of age.

2797 (b) *Affirmative defense.* It is an affirmative defense to liability under this section for
2798 conduct involving only the actor and the complainant that, in fact, the actor and the complainant
2799 are in a marriage or domestic partnership at the time of the prohibited conduct.

2800 (c) *Penalties.* Enticing a minor into sexual conduct is a Class 9 felony.

2801 § 22A-2306. Arranging for sexual conduct with a minor or person incapable of consenting.

2802 (a) *Offense.* An actor commits arranging for sexual conduct with a minor or person
2803 incapable of consenting when the actor:

2804 (1) Knowingly:

2805 (A) As a person with a responsibility under civil law for the health, welfare,
2806 or supervision of the complainant;

2807 (B) Gives effective consent to a third party to:

2808 (i) Engage in or submit to a sexual act or sexual contact with or for
2809 the complainant; or

2810 (ii) Cause the complainant to engage in or submit to a sexual act or
2811 sexual contact with or for the third party or any other person;

2812 (2) In one of the following situations:

2813 (A) The actor is reckless as to:
2814 (i) The fact that the complainant is under 16 years of age; and
2815 (ii) The fact that the third party or other person is at least 4 years
2816 older than the complainant;
2817 (B) The actor:
2818 (i) Is reckless as to:
2819 (I) The fact that the complainant is under 18 years of age;
2820 and
2821 (II) The fact that the third party or other person is 18 years
2822 of age or older and at least 4 years older than the complainant; and
2823 (ii) Knows that the third party or other person is in a position of trust
2824 with or authority over the complainant; or
2825 (C) The actor is reckless as to:
2826 (i) The fact that the complainant is incapable of appraising the nature
2827 of the sexual act or sexual contact or of understanding the right to give or withhold consent to the
2828 sexual act or sexual contact, either due to a drug, intoxicant, or other substance, or, due to an
2829 intellectual, developmental, or mental disability or mental illness when the actor has no similarly
2830 serious disability or illness; or
2831 (ii) The fact that the complainant is incapable of communicating
2832 willingness or unwillingness to engage in the sexual act or sexual contact.

2833 (b) *Penalties.* Arranging for sexual conduct with a minor or person incapable of consenting
2834 is a Class 9 felony.

2835 § 22A-2307. Nonconsensual sexual conduct.

2836 (a) *First degree.* An actor commits first degree nonconsensual sexual conduct when the
2837 actor:

2838 (1) Knowingly engages in a sexual act with the complainant or causes the
2839 complainant to engage in or submit to a sexual act;

2840 (2) Reckless as to the fact that the actor lacks the complainant's effective consent.

2841 (b) *Second degree.* An actor commits second degree nonconsensual sexual contact when
2842 the actor:

2843 (1) Knowingly engages in a sexual contact with the complainant or causes the
2844 complainant to engage in or submit to a sexual contact;

2845 (2) Reckless as to the fact that the actor lacks the complainant's effective consent.

2846 (c) *Exclusion from liability.* An actor does not commit an offense under this section when,
2847 in fact, the actor uses deception, unless it is deception as to the nature of the sexual act or sexual
2848 contact.

2849 (d) *Penalties.*

2850 (1) First degree nonconsensual sexual conduct is a Class 9 felony.

2851 (2) Second degree nonconsensual sexual conduct is a Class A misdemeanor.

2852 § 22A-2308. Incest.

2853 (a) *First degree*. An actor commits first degree incest when the actor:

2854 (1) In fact, is 16 years of age or older;

2855 (2) Knowingly engages in a sexual act with another person who is a:

2856 (A) Parent, grandparent, great-grandparent, child, grandchild, great-
2857 grandchild, sibling, parent's sibling, a sibling's child, or a child of a parent's sibling, whether
2858 related by:

2859 (i) Blood or adoption; or

2860 (ii) Marriage or domestic partnership, either while the marriage or
2861 domestic partnership creating the relationship exists, or after such marriage or domestic
2862 partnership ends; or

2863 (B) A half-sibling related by blood; and

2864 (3) Obtains the consent of the other person by undue influence.

2865 (b) *Second degree*. An actor commits second degree incest when the actor:

2866 (1) In fact, is 16 years of age or older;

2867 (2) Knowingly engages in a sexual contact with another person who is a:

2868 (A) Parent, grandparent, great-grandparent, child, grandchild, great-
2869 grandchild, sibling, parent's sibling, a sibling's child, or a child of a parent's sibling, whether
2870 related by:

2871 (i) Blood or adoption; or

2872 (ii) Marriage or domestic partnership, either while the marriage or
2873 domestic partnership creating the relationship exists, or after such marriage or domestic
2874 partnership ends; or

2875 (B) A half-sibling related by blood; and

2876 (3) Obtains the consent of the other person by undue influence.

2877 (c) *Penalties.*

2878 (1) First degree incest is a Class 8 felony.

2879 (2) Second degree incest is a Class A misdemeanor.

2880 § 22A-2309. Civil provisions on the duty to report a sex crime.

2881 (a) *Duty to report a sex crime.* A person who is, in fact, 18 years of age or older, and is
2882 aware of a substantial risk that a person under 16 years of age is being subjected to, or has been
2883 subjected to, a predicate crime, shall immediately report such information or belief in a call to 911,
2884 a report to the Child and Family Services Agency, or a report to the Metropolitan Police
2885 Department.

2886 (b) *Exclusions from duty to report.*

2887 (1) A person does not have a duty to report a predicate crime under subsection (a)
2888 of this section when the person is, in fact:

2889 (A) Subjected to a predicate crime by the same person alleged to have
2890 committed a predicate crime against the person under 16 years of age;

2891 (B) A lawyer or a person employed by a lawyer when the lawyer or
2892 employee is providing representation in a criminal, civil, or delinquency matter, and the
2893 information or basis for the belief arises solely in the course of that representation;

2894 (C) A religious leader described in § 14-309, when the information or basis
2895 for the belief is the result of a confession or penitential communication made by a penitent directly
2896 to the religious leader if:

2897 (i) The penitent made the confession or penitential communication
2898 in confidence;

2899 (ii) The confession or penitential communication was made
2900 expressly for a spiritual or religious purpose;

2901 (iii) The penitent made the confession or penitential communication
2902 to the religious leader in the religious leader's professional capacity; and

2903 (iv) The confession or penitential communication was made in the
2904 course of discipline enjoined by the church or other religious body to which the religious leader
2905 belongs; or

2906 (D) A sexual assault counselor, when the information or basis for the belief
2907 is disclosed in a confidential communication, unless the sexual assault counselor is aware of a
2908 substantial risk that:

2909 (i) A sexual assault victim is under 13 years of age;

2910 (ii) A perpetrator or alleged perpetrator of the predicate crime in
2911 subsection (a) of this section is in a position of trust with or authority over the sexual assault victim
2912 or, if the confidential communication was made prior to the applicability date of the Revised
2913 Criminal Code Reform Act of 2022, as approved by the Committee on the Judiciary and Public
2914 Safety on October 26, 2022 (Committee print of Bill 24-416), in a significant relationship, as that
2915 term was defined in former § 22-3001(10), with the sexual assault victim;

2916 or

2917 (iii) A perpetrator or alleged perpetrator of the predicate crime in
2918 subsection (a) of this section is more than 4 years older than the sexual assault victim.

2919 (2) No legal privilege, except the privileges set forth in this subsection, shall apply
2920 to the duty to report in subsection (a) of this section.

2921 (c) *Relationship to § 4-1321.02.* This section shall not be construed as altering the special
2922 duty to report by persons specified in § 4-1321.02(b).

2923 (d) *Civil violation.* A person commits failure to report a sex crime involving a person under
2924 16 years of age when the person:

2925 (1) Is, in fact, 18 years of age or older;

2926 (2) Knows that they have a duty to report a predicate crime involving a person under
2927 16 years of age under subsection (a) of this section; and

2928 (3) Fails to carry out this duty.

2929 (e) *Defense.* It is a defense to liability under subsection (d) of this section that the person
2930 fails to report a predicate crime under subsection (a) of this section because the person, in fact,
2931 reasonably believes that they are a survivor of an intrafamily offense, as that term is defined in §
2932 16-1001(8).

2933 (f) *Penalty.*

2934 (1) Failure to report a sex crime involving a person under 16 years of age is a civil
2935 violation subject to a civil fine of \$300.

2936 (2) A violation of subsection (d) of this section shall not constitute a criminal
2937 offense or a delinquent act, as that term is defined in § 16-2301(7).

2938 (g) *Judicial venue.* Adjudication of a civil violation under this section shall occur in the
2939 Office of Administrative Hearings pursuant to § 2-1831.03(b-6).

2940 (h) *Immunity for good faith report of a sex crime.*

2941 (1) Any person who in good faith makes a report under this section shall have
2942 immunity from liability, civil or criminal, that might otherwise be incurred or imposed with respect
2943 to the making of the report or any participation in any judicial proceeding involving the report. In
2944 all civil or criminal proceedings concerning the person under 16 years of age who is the subject of
2945 the report, or resulting from the report, good faith shall be presumed unless rebutted.

2946 (2) Any person who makes a good-faith report under this section and, as a result
2947 thereof, is discharged from the person's employment or in any other manner is discriminated
2948 against with respect to compensation, hire, tenure, or terms, conditions, or privileges of

2949 employment, may commence a civil action for appropriate relief. If the court finds that the person
2950 was required to report under this section, in good faith made a report, and was discharged or
2951 discriminated against as a result, the court may issue an order granting appropriate relief, including
2952 reinstatement with back pay. The District may intervene in any action commenced under this
2953 subsection.

2954 (i) *Definitions.* For the purposes of this section, the term:

2955 (1) “Confidential communication” shall have the same meaning as provided in §
2956 14-312.

2957 (2) “Predicate crime” means any conduct that constitutes:

2958 (A) An offense under Subchapter III of Chapter 2 of this title;

2959 (B) Forced commercial sex under § 22A-2602, trafficking in forced
2960 commercial sex under § 22A-2604, sex trafficking of a minor or adult incapable of consenting
2961 under § 22A-2605, or commercial sex with a trafficked person under § 22A-2608;

2962 (C) Creating or trafficking an obscene image of a minor under § 22A-2807,
2963 possession of an obscene image of a minor under § 22A-2808, arranging a live sexual performance
2964 of a minor under § 22A-2809, or attending or viewing a live sexual performance of a minor under
2965 § 22A-2810; or

2966 (D) Trafficking in commercial sex under § 22A-5403.

2967 (3) “Sexual assault counselor” shall have the same meaning as provided in § 23-
2968 1907(10).

2969 (4) "Sexual assault victim" shall have the same meaning as provided in § 23-
2970 1907(11).

2971 § 22A-2310. Admission of evidence in sexual assault and related cases.

2972 (a) *Reputation or opinion evidence of complainant's past sexual behavior inadmissible.*

2973 Notwithstanding any other provision of law, in a criminal case under this subchapter, reputation
2974 or opinion evidence of the past sexual behavior of the complainant is not admissible.

2975 (b) *Admissibility of other evidence of complainant's past sexual behavior.*

2976 (1) Notwithstanding any other provision of law, in a criminal case for an offense
2977 under this subchapter, evidence of a complainant's past sexual behavior, other than reputation or
2978 opinion evidence, is not admissible, unless such evidence is:

2979 (A) Admitted in accordance with paragraphs (2), (3), and (4) of this
2980 subsection and is constitutionally required to be admitted; or

2981 (B) Admitted in accordance with paragraphs (2), (3), and (4) of this
2982 subsection and is evidence of:

2983 (i) Past sexual behavior with persons other than the actor, offered by
2984 the actor upon the issue of whether the actor was or was not, with respect to the complainant, the
2985 source of semen or bodily injury; or

2986 (ii) Past sexual behavior with the actor where the consent or
2987 effective consent of the complainant is at issue and is offered by the actor upon the issue of whether

2988 the complainant gave consent or effective consent to the sexual behavior that is the basis of the
2989 criminal charge.

2990 (2) If the actor plans to offer under paragraph (1) of this subsection, evidence of
2991 specific instances of the complainant's past sexual behavior, the actor shall make a written motion
2992 to offer such evidence not later than 15 days before the date on which the trial in which such
2993 evidence is to be offered is scheduled to begin, except that the court may allow the motion to be
2994 made at a later date, including during trial, if the court determines either that the evidence is newly
2995 discovered and could not have been obtained earlier through the exercise of due diligence or that
2996 the issue to which such evidence relates has newly arisen in the case. Any motion made under this
2997 paragraph, and the accompanying offer of proof, shall be filed under seal and served on all other
2998 parties and on the complainant.

2999 (3) The motion described in paragraph (2) of this subsection shall be accompanied
3000 by a written offer of proof. If the court determines that the offer of proof contains evidence
3001 described in paragraph (1) of this subsection, the court shall order a hearing in chambers to
3002 determine if such evidence is admissible. At such hearing, the parties may call witnesses, including
3003 the complainant, and offer relevant evidence. If the relevancy of the evidence which the actor
3004 seeks to offer in the trial depends upon the fulfillment of a condition of fact, the court, at the
3005 hearing in chambers, or at a subsequent hearing in chambers scheduled for such purpose, shall
3006 accept evidence on the issue of whether such condition of fact is fulfilled and shall determine such
3007 issue.

3008 (4) If the court determines on the basis of the hearing described in paragraph (3) of
3009 this subsection that the evidence which the actor seeks to offer is relevant and that the probative
3010 value of such evidence outweighs the danger of unfair prejudice, such evidence shall be admissible
3011 in the trial to the extent an order made by the court specifies evidence which may be offered and
3012 areas with respect to which the complainant may be examined or cross-examined.

3013 (c) *Prompt reporting.* Evidence of delay in reporting an offense under this subchapter to a
3014 public authority shall not raise any presumption concerning the credibility or veracity of a charge
3015 under this subchapter.

3016 (d) *Privilege inapplicable for spouses or domestic partners.* Laws attaching a privilege
3017 against disclosure of communications between spouses or domestic partners are inapplicable in
3018 prosecutions under this subchapter where the actor is or was married to the complainant, or is or
3019 was a domestic partner of the complainant, or where the complainant is a person under 16 years of
3020 age.

3021 (e) *Definitions.* For the purposes of this section, the term “past sexual behavior” means
3022 sexual behavior other than the sexual behavior with respect to which an offense under this
3023 subchapter is alleged.

3024 SUBCHAPTER IV. KIDNAPPING, CRIMINAL RESTRAINT, AND BLACKMAIL.

3025 § 22A-2401. Kidnapping.

3026 (a) *First degree.* An actor commits first degree kidnapping when the actor:

3027 (1) Knowingly and substantially confines or moves the complainant;

- 3028 (2) By means of:
- 3029 (A) Causing bodily injury to the complainant or by using physical force;
- 3030 (B) Making an explicit or implicit coercive threat;
- 3031 (C) Deception; or
- 3032 (D) With acquiescence of the complainant, when the actor is:
- 3033 (i) Reckless as to the facts that:
- 3034 (I) The complainant is an incapacitated individual; and
- 3035 (II) A person with legal authority over the complainant who
- 3036 is acting consistent with that authority has not given effective consent to the confinement or
- 3037 movement; or
- 3038 (ii) In fact, 18 years of age or older and reckless as to the facts that:
- 3039 (I) The complainant is under 16 years of age and 4 years
- 3040 younger than the actor; and
- 3041 (II) A person with legal authority over the complainant who
- 3042 is acting consistent with that authority has not given effective consent to the confinement or
- 3043 movement; and
- 3044 (3) With intent to:
- 3045 (A) Hold the complainant for ransom or reward;
- 3046 (B) Use the complainant as a shield or hostage;
- 3047 (C) Facilitate the commission of any felony or flight thereafter;

- 3048 (D) Inflict death or serious bodily injury upon the complainant;
- 3049 (E) Commit a sexual offense defined in Subchapter III of this chapter
3050 against the complainant;
- 3051 (F) Cause any person to believe that the complainant will not be released
3052 without suffering death, serious bodily injury, or a sex offense defined in Subchapter III of this
3053 chapter;
- 3054 (G) Permanently leave a person with legal authority over the complainant
3055 without custody of the complainant; or
- 3056 (H) Confine or move the complainant for 72 hours or more.
- 3057 (b) *Second degree*. An actor commits second degree kidnapping when the actor:
- 3058 (1) Knowingly and substantially confines or moves the complainant;
- 3059 (2) By means of:
- 3060 (A) Causing bodily injury to the complainant or by using physical force;
- 3061 (B) Making an explicit or implicit coercive threat;
- 3062 (C) Deception; or
- 3063 (D) With acquiescence of the complainant, when the actor is:
- 3064 (i) Reckless as to the facts that:
- 3065 (I) The complainant is an incapacitated individual; and

3066 (II) A person with legal authority over the complainant who
3067 is acting consistent with that authority has not given effective consent to the confinement or
3068 movement; or

3069 (ii) In fact, 18 years of age or older and reckless as to the facts that:

3070 (I) The complainant is under 16 years of age and 4 years
3071 younger than the actor; and

3072 (II) A person with legal authority over the complainant who
3073 is acting consistent with that authority has not given effective consent to the confinement or
3074 movement; and

3075 (3) With intent to:

3076 (A) Inflict bodily injury upon the complainant; or

3077 (B) Cause any person to believe that the complainant will not be released
3078 without suffering bodily injury.

3079 (c) *Defense.* It is a defense to liability under subsection (a)(3)(G) and (H) of this section
3080 when the complainant is, in fact, under 18 years of age and the actor is either:

3081 (1) A close relative or a former legal guardian who had authority to control the
3082 complainant's freedom of movement who:

3083 (A) Acts with intent to assume full responsibility for the care and
3084 supervision of the complainant; and

3085 (B) Does not cause bodily injury or use an explicit or implicit coercive threat
3086 to cause the confinement or movement; or

3087 (2) A person who reasonably believes they are acting at the direction of a close
3088 relative who:

3089 (A) Acts with intent that the close relative will assume full responsibility
3090 for the care and supervision of the complainant; and

3091 (B) Does not cause bodily injury or use an explicit or implicit coercive threat
3092 to cause the confinement or movement.

3093 (d) *Penalties.*

3094 (1) First degree kidnapping is a Class 5 felony.

3095 (2) Second degree kidnapping is a Class 7 felony.

3096 (3) *Penalty enhancements.* The penalty classification of any gradation of this
3097 offense is increased by one class when the actor commits the offense:

3098 (A) Reckless as to the fact that the complainant is a protected person;

3099 (B) By recklessly causing the confinement or movement by displaying or
3100 using what, in fact, is a dangerous weapon or imitation dangerous weapon; or

3101 (C) With the purpose of harming the complainant because of the
3102 complainant's status as a law enforcement officer, public safety employee, or District official.

3103 (e) *Multiple convictions for related offenses.* Multiple convictions for first degree
3104 kidnapping or second degree kidnapping and another offense merge when arising from the same

3105 act or course of conduct and when the confinement or movement was incidental to commission of
3106 the other offense, and the sentencing court shall follow the procedures specified in § 22A-212(b)
3107 and (c).

3108 § 22A-2402. Criminal restraint.

3109 (a) *Offense.* An actor commits criminal restraint when the actor knowingly and
3110 substantially confines or moves the complainant:

3111 (1) By means of:

3112 (A) Causing bodily injury to the complainant or by using physical force;

3113 (B) Making an explicit or implicit coercive threat; or

3114 (C) Deception; or

3115 (2) By any means, including with acquiescence of the complainant, when the actor
3116 is:

3117 (A) Reckless as to the facts that:

3118 (i) The complainant is an incapacitated individual; and

3119 (ii) A person with legal authority over the complainant who is acting
3120 consistent with that authority has not given effective consent to the confinement or movement; or

3121 (B) In fact, 18 years of age or older and reckless as to the facts that:

3122 (i) The complainant is under 16 years of age and 4 years younger
3123 than the actor; and

3124 (ii) A person with legal authority over the complainant who is acting
3125 consistent with that authority has not given effective consent to the confinement or movement.

3126 (b) *Defenses.*

3127 (1) It is a defense that the complainant is, in fact, under 18 years of age, and the
3128 actor is:

3129 (A) A close relative or a former legal guardian who had authority to control
3130 the complainant's freedom of movement who:

3131 (i) Acts with intent to assume full responsibility for the care and
3132 supervision of the complainant; and

3133 (ii) Does not cause bodily injury or use an explicit or implicit
3134 coercive threat to cause the confinement or movement; or

3135 (B) A person who reasonably believes they are acting at the direction of a
3136 close relative who:

3137 (i) Acts with intent that the close relative will assume full
3138 responsibility for the care and supervision of the complainant; and

3139 (ii) Does not cause bodily injury or use an explicit or implicit
3140 coercive threat to cause the confinement or movement.

3141 (2) It is a defense to liability under subsection (a)(2) of this section that, in fact, the
3142 actor:

3143 (A) Is a transportation worker who moves the complainant while in the
3144 course of the worker's official duties; or

3145 (B) Is a person who moves the complainant solely by persuading the
3146 complainant to go to a location open to the general public to engage in a commercial or other legal
3147 activity.

3148 (c) *Affirmative defenses.*

3149 (1) It is an affirmative defense to liability under subsection (a)(1)(C) of this section
3150 that the actor, in fact:

3151 (A) Lacks the complainant's effective consent solely because of deception
3152 by the actor; and

3153 (B) Does not confine or move the complainant with intent to use bodily
3154 injury or an explicit or implicit coercive threat if the deception should fail.

3155 (2) It is an affirmative defense to liability under subsection (a)(2) of this section
3156 that the actor, in fact, reasonably believes that a person with legal authority over the complainant
3157 would have given effective consent to the conduct constituting the offense.

3158 (d) *Penalties.*

3159 (1) Criminal restraint is a Class A misdemeanor.

3160 (2) *Penalty enhancements.* The penalty classification of this offense is increased by
3161 one class when the actor commits the offense:

3162 (A) Reckless as to the fact that the complainant is a protected person;

3163 (B) By recklessly causes the confinement or movement by displaying or
3164 using what, in fact, is a dangerous weapon or imitation dangerous weapon; or

3165 (C) With the purpose of harming the complainant because of the
3166 complainant's status as a law enforcement officer, public safety employee, or District official.

3167 (e) *Multiple convictions for related offenses.* Multiple convictions for criminal restraint
3168 and another offense merge when arising from the same act or course of conduct and when the
3169 confinement or movement was incidental to commission of the other offense, and the sentencing
3170 court shall follow the procedures specified in § 22A-212(b) and (c).

3171 § 22A-2403. Blackmail.

3172 (a) *Offense.* An actor commits blackmail when the actor:

3173 (1) Purposely causes another person to commit or refrain from any act;

3174 (2) By communicating, explicitly or implicitly, that if the person does not commit
3175 or refrain from the act, any person will:

3176 (A) Take or withhold action as a public official, or cause a public official to
3177 take or withhold action;

3178 (B) Accuse another person of a crime;

3179 (C) Expose a secret, publicize an asserted fact, or distribute a photograph,
3180 video or audio recording, regardless of the truth or authenticity of the secret, fact, or item, that
3181 tends to subject another person to, or perpetuate:

3182 (i) Hatred, contempt, ridicule, or other significant injury to personal
3183 reputation; or

3184 (ii) Significant injury to credit or business reputation;

3185 (D) Significantly impair the reputation of a deceased person;

3186 (E) Notify a federal, state, or local government agency or official of, or
3187 publicize, another person's immigration or citizenship status;

3188 (F) Restrict a person's access to a controlled substance that the person owns,
3189 or restrict a person's access to prescription medication that the person owns; or

3190 (G) Engage in conduct that, in fact, constitutes:

3191 (i) An offense against persons under Chapter 2 of this title; or

3192 (ii) A property offense under Chapter 3 of this title.

3193 (b) *Exclusions to liability.*

3194 (1) An actor does not commit an offense under subsection (a)(2)(C) this section for
3195 communicating that, in fact, any person will engage in legal employment or business actions.

3196 (2) An actor does not commit an offense under this section for causing a person to
3197 do any of the following:

3198 (A) Transfer, use, give control over, or consent to damage property;

3199 (B) Remain in or move to a location; or

3200 (C) Give consent for a person to enter or remain in a location.

3201 (c) *Affirmative defenses.*

3202 (1) It is an affirmative defense to liability under this section committed by means
3203 of the conduct specified in subsection (a)(1)(A)-(F) this section that:

3204 (A) The actor, in fact, reasonably believes the threatened official action to
3205 be justified, or the accusation, secret, or assertion to be true, or that the photograph, video, or audio
3206 recording is authentic, and

3207 (B) Engages in the conduct with the purpose of compelling the other person
3208 to:

3209 (i) Desist or refrain from criminal or tortious activity or behavior
3210 harmful to any person's physical or mental health,

3211 (ii) Act or refrain from acting in a manner reasonably related to the
3212 wrong that is the subject of the accusation, assertion, invocation of official action, or photograph,
3213 video or audio recording; or

3214 (iii) Refrain from taking any action or responsibility for which the
3215 actor believes the other unqualified.

3216 (2) It is an affirmative defense to liability under this section that, in fact, the actor
3217 reasonably believes that the complainant gives effective consent to the actor to engage in the
3218 conduct constituting the offense.

3219 (d) *Penalties.* Blackmail is a Class 8 felony.

3220 SUBCHAPTER V. ABUSE AND NEGLECT OF VULNERABLE PERSONS.

3221 § 22A-2501. Criminal abuse of a minor.

3222 (a) *First degree*. An actor commits first degree criminal abuse of a minor when the actor:

3223 (1) Is reckless as to the fact that:

3224 (A) The actor has a responsibility under civil law for the health, welfare, or
3225 supervision of the complainant; and

3226 (B) The complainant is under 18 years of age; and

3227 (2) Either:

3228 (A) Purposely causes serious mental injury to the complainant; or

3229 (B) Recklessly causes serious bodily injury to the complainant.

3230 (b) *Second degree*. An actor commits second degree criminal abuse of a minor when the
3231 actor:

3232 (1) Is reckless as to the fact that:

3233 (A) The actor has a responsibility under civil law for the health, welfare, or
3234 supervision of the complainant; and

3235 (B) The complainant is under 18 years of age; and

3236 (2) Causes significant bodily injury to the complainant.

3237 (c) *Third degree*. An actor commits third degree criminal abuse of a minor when the actor:

3238 (1) Is reckless as to the fact that:

3239 (A) The actor has a responsibility under civil law for the health, welfare, or
3240 supervision of the complainant; and

3241 (B) The complainant is under 18 years of age; and

3242 (2) Either:

3243 (A) Causes serious mental injury to the complainant; or

3244 (B) In fact, commits a predicate offense against persons against the
3245 complainant.

3246 (d) *Exclusion from liability.* An actor does not commit an offense under this section when,
3247 in fact, the actor’s conduct is specifically permitted by a District statute or regulation.

3248 (e) *Affirmative defense.* It is an affirmative defense to liability under subsections (b) and
3249 (c) of this section that the actor, in fact:

3250 (1) Is not a person with legal authority over the complainant; and

3251 (2) Reasonably believes that a person with legal authority over the complainant,
3252 acting consistent with that authority, would give effective consent to the injury or the conduct
3253 constituting the offense.

3254 (f) *Penalties.*

3255 (1) First degree criminal abuse of a minor is a Class 6 felony.

3256 (2) Second degree criminal abuse of a minor is a Class 8 felony.

3257 (3) Third degree criminal abuse of a minor is a Class 9 felony.

3258 (g) *Definitions.* For the purposes of this section, the term “predicate offense against
3259 persons” means:

3260 (1) Fourth degree assault under § 22A-2203(d);

3261 (2) Criminal threats under § 22A-2205;

3262 (3) Offensive physical contact under § 22A-2206;

3263 (4) Criminal restraint under § 22A-2402;

3264 (5) Stalking under § 22A-2801; or

3265 (6) Electronic stalking under § 22A-2802.

3266 § 22A-2502. Criminal neglect of a minor.

3267 (a) *First degree*. An actor commits first degree criminal neglect of a minor when the actor:

3268 (1) Is reckless as to the fact that:

3269 (A) The actor has a responsibility under civil law for the health, welfare, or
3270 supervision of the complainant; and

3271 (B) The complainant is under 18 years of age; and

3272 (2) Created, or failed to mitigate or remedy, a substantial risk that the complainant
3273 would experience serious bodily injury or death.

3274 (b) *Second degree*. An actor commits second degree criminal neglect of a minor when the
3275 actor:

3276 (1) Is reckless as to the fact that:

3277 (A) The actor has a responsibility under civil law for the health, welfare, or
3278 supervision of the complainant; and

3279 (B) The complainant is under 18 years of age; and

3280 (2) Created, or failed to mitigate or remedy, a substantial risk that the complainant
3281 would experience:

3282 (A) Significant bodily injury; or

3283 (B) Serious mental injury.

3284 (c) *Third degree.* An actor commits third degree criminal neglect of a minor when the
3285 actor:

3286 (1) Is reckless as to the fact that:

3287 (A) The actor has a responsibility under civil law for the health, welfare, or
3288 supervision of the complainant; and

3289 (B) The complainant is under 18 years of age; and

3290 (2) Engages in one of the following:

3291 (A) Knowingly leaves the complainant in any place with intent to abandon
3292 the complainant; or

3293 (B) Recklessly:

3294 (i) Fails to make a reasonable effort to provide food, clothing,
3295 shelter, supervision, medical services, medicine, or other items or care essential for the physical
3296 health, mental health, or safety of the complainant; or

3297 (ii) Creates, or fails to mitigate or remedy, a substantial risk that the
3298 complainant would experience bodily injury from consumption of alcohol, or consumption or
3299 inhalation, without a valid prescription, of a controlled substance or marijuana.

3300 (d) *Exclusions from liability.*

3301 (1) An actor does not commit an offense under this section for conduct that, in fact,
3302 constitutes surrendering a newborn child in accordance with Chapter 14A of Title 4.

3303 (2) An actor does not commit an offense under this section when, in fact, the actor's
3304 conduct is specifically permitted by a District statute or regulation.

3305 (e) *Affirmative defense.* It is an affirmative defense to liability under subsections (b) and
3306 (c)(2)(B) of this section that the actor, in fact:

3307 (1) Is not a person with legal authority over the complainant; and

3308 (2) Reasonably believes that a person with legal authority over the complainant,
3309 acting consistent with that authority, would give effective consent to the conduct constituting the
3310 offense.

3311 (f) *Penalties.*

3312 (1) First degree criminal neglect of a minor is a Class 8 felony.

3313 (2) Second degree criminal neglect of a minor is a Class A misdemeanor.

3314 (3) Third degree criminal neglect of a minor is a Class B misdemeanor.

3315 § 22A-2503. Criminal abuse of a vulnerable adult or elderly person.

3316 (a) *First degree.* An actor commits first degree criminal abuse of a vulnerable adult or
3317 elderly person when the actor:

3318 (1) Is reckless as to the fact that:

3319 (A) The actor has a responsibility under civil law for the health, welfare, or
3320 supervision of the complainant; and

3321 (B) The complainant is a vulnerable adult or elderly person; and

3322 (2) Either:

3323 (A) Purposely causes serious mental injury to the complainant; or

3324 (B) Recklessly causes serious bodily injury to the complainant.

3325 (b) *Second degree.* An actor commits second degree criminal abuse of a vulnerable adult
3326 or elderly person when the actor:

3327 (1) Is reckless as to the fact that:

3328 (A) The actor has a responsibility under civil law for the health, welfare, or
3329 supervision of the complainant; and

3330 (B) The complainant is a vulnerable adult or elderly person; and

3331 (2) Causes significant bodily injury to the complainant.

3332 (c) *Third degree.* An actor commits third degree criminal abuse of a vulnerable adult or
3333 elderly person when the actor:

3334 (1) Is reckless as to the fact that:

3335 (A) The actor has a responsibility under civil law for the health, welfare, or
3336 supervision of the complainant; and

3337 (B) The complainant is a vulnerable adult or elderly person; and

3338 (2) Either:

3339 (A) Causes serious mental injury to the complainant; or

3340 (B) In fact, commits a predicate offense against persons against the
3341 complainant.

3342 (d) *Exclusion from liability.* An actor does not commit an offense under this section when,
3343 in fact, the actor's conduct is specifically permitted by a District statute or regulation.

3344 (e) *Defenses.*

3345 (1) It is a defense to liability under subsection (a)(2)(B) of this section that, in fact:

3346 (A) The injury is caused by:

3347 (i) A lawful cosmetic or medical procedure; or

3348 (ii) An omission;

3349 (B) The actor is not a person with legal authority over the complainant; and

3350 (C) The actor reasonably believes that the complainant, or a person with
3351 legal authority over the complainant acting consistent with that authority, gives effective consent
3352 to the actor to cause the injury or engage in the omission that causes the injury.

3353 (2) It is a defense to liability under subsections (b) and (c) of this section that, in
3354 fact:

3355 (A) The actor is not a person with legal authority over the complainant; and

3356 (B) The actor reasonably believes that the complainant, or a person with
3357 legal authority over the complainant acting consistent with that authority, gives effective consent
3358 to the actor to:

3359 (i) Cause the injury;

3360 (ii) Engage in the omission that causes the injury; or
3361 (iii) Engage in a lawful sport, occupation, or other concerted
3362 activity, and the actor's infliction of the injury is a reasonably foreseeable hazard of that activity.

3363 (f) *Penalties.*

3364 (1) First degree criminal abuse of a vulnerable adult or elderly person is a Class 6
3365 felony.

3366 (2) Second degree criminal abuse of a vulnerable adult or elderly person is a Class
3367 8 felony.

3368 (3) Third degree criminal abuse of a vulnerable adult or elderly person is a Class 9
3369 felony.

3370 (g) *Definitions.* For the purposes of this section, the term "predicate offense against
3371 persons" means:

3372 (1) Fourth degree assault under § 22A-2203(d);

3373 (2) Criminal threats under § 22A-2205;

3374 (3) Offensive physical contact under § 22A-2206;

3375 (4) Criminal restraint under § 22A-2402;

3376 (5) Stalking under § 22A-2801; or

3377 (6) Electronic stalking under § 22A-2802.

3378 § 22A-2504. Criminal neglect of a vulnerable adult or elderly person.

3379 (a) *First degree.* An actor commits first degree criminal neglect of a vulnerable adult or
3380 elderly person when the actor:

3381 (1) Is reckless as to the fact that:

3382 (A) The actor has a responsibility under civil law for the health, welfare, or
3383 supervision of the complainant; and

3384 (B) The complainant is a vulnerable adult or elderly person; and

3385 (2) Creates, or fails to mitigate or remedy, a substantial risk that the complainant
3386 would experience serious bodily injury or death.

3387 (b) *Second degree.* An actor commits second degree criminal neglect of a vulnerable adult
3388 or elderly person when the actor:

3389 (1) Is reckless as to the fact that:

3390 (A) The actor has a responsibility under civil law for the health, welfare, or
3391 supervision of the complainant; and

3392 (B) The complainant is a vulnerable adult or elderly person; and

3393 (2) Creates, or fails to mitigate or remedy, a substantial risk that the complainant
3394 would experience:

3395 (A) Significant bodily injury; or

3396 (B) Serious mental injury.

3397 (c) *Third degree.* An actor commits third degree criminal neglect of a vulnerable adult or
3398 elderly person when the actor:

3399 (1) Is reckless as to the fact that:

3400 (A) The actor has a responsibility under civil law for the health, welfare, or
3401 supervision of the complainant; and

3402 (B) The complainant is a vulnerable adult or elderly person; and

3403 (2) Either:

3404 (A) Fails to make a reasonable effort to provide food, clothing, shelter,
3405 supervision, medical services, medicine, or other items or care essential for the physical health,
3406 mental health, or safety of the complainant; or

3407 (B) Creates, or fails to mitigate or remedy, a substantial risk that the
3408 complainant would experience bodily injury from consumption of alcohol, or consumption or
3409 inhalation, without a valid prescription, of a controlled substance or marijuana.

3410 (d) *Exclusion from liability.* An actor does not commit an offense under this section when,
3411 in fact, the actor's conduct is specifically permitted by a District statute or regulation.

3412 (e) *Defenses.*

3413 (1) It is a defense to liability under subsection (a) of this section that, in fact:

3414 (A) The risk is caused by:

3415 (i) A lawful cosmetic or medical procedure; or

3416 (ii) An omission;

3417 (B) The actor is not a person with legal authority over the complainant; and

3418 (C) The actor reasonably believes that the complainant, or a person with
3419 legal authority over the complainant acting consistent with that authority, gives effective consent
3420 to the actor to engage in the conduct that constitutes the offense.

3421 (2) It is a defense to liability under subsections (b) and (c) of this section that, in
3422 fact:

3423 (A) The actor is not a person with legal authority over the complainant; and

3424 (B) The actor reasonably believes that the complainant, or a person with
3425 legal authority over the complainant acting consistent with that authority, gives effective consent
3426 to the actor to:

3427 (i) Engage in the conduct that constitutes the offense; or

3428 (ii) Engage in a lawful sport, occupation, or other concerted activity,
3429 and the actor's creation, or failure to mitigate or remedy, the risk is a reasonably foreseeable hazard
3430 of that activity.

3431 (f) *Penalties.*

3432 (1) First degree criminal neglect of a vulnerable adult or elderly person is a Class 8
3433 felony.

3434 (2) Second degree criminal neglect of a vulnerable adult or elderly person is a Class
3435 A misdemeanor.

3436 (3) Third degree criminal neglect of a vulnerable adult or elderly person is a Class
3437 B misdemeanor.

3438 SUBCHAPTER VI. HUMAN TRAFFICKING.

3439 § 22A-2601. Forced labor.

3440 (a) *Offense.* An actor commits forced labor when the actor:

3441 (1) Knowingly causes a person to provide services;

3442 (2) By means of debt bondage or making an explicit or implicit coercive threat.

3443 (b) *Exclusions from liability.* An actor does not commit an offense under this section for,
3444 in fact, communicating that any person will engage in legal employment actions, such as threats
3445 of termination, demotion, reduced pay or benefits, or scheduling changes, in order to compel an
3446 employee to provide labor or services.

3447 (c) *Penalties.*

3448 (1) Forced labor is a Class 5 felony.

3449 (2) *Penalty enhancements.* The penalty classification of this offense is increased
3450 by one class when the actor commits the offense:

3451 (A) Reckless as to the fact that the complainant is under 18 years of age; or

3452 (B) By holding the complainant, or causing the complainant to provide
3453 services, for more than 180 days.

3454 § 22A-2602. Forced commercial sex.

3455 (a) *Offense.* An actor commits forced commercial sex when the actor:

3456 (1) Knowingly causes the complainant to engage in or submit to a commercial sex
3457 act with or for another person;

- 3458 (2) In one or more of the following ways:
- 3459 (A) By using physical force that causes bodily injury to, overcomes, or
3460 restrains any person;
- 3461 (B) By making a coercive threat, explicit or implicit;
- 3462 (C) By debt bondage; or
- 3463 (D) By administering or causing to be administered to the complainant,
3464 without the complainant's effective consent, a drug, intoxicant, or other substance:
- 3465 (i) With intent to impair the complainant's ability to express
3466 willingness or unwillingness to engage in the commercial sex act; and
- 3467 (ii) In fact, the drug, intoxicant, or other substance renders the
3468 complainant:
- 3469 (I) Asleep, unconscious, substantially paralyzed, or passing
3470 in and out of consciousness;
- 3471 (II) Substantially incapable of appraising the nature of the
3472 commercial sex act; or
- 3473 (III) Substantially incapable of communicating
3474 unwillingness to engage in the commercial sex act.
- 3475 (b) *Penalties.*
- 3476 (1) Forced commercial sex is a Class 4 felony.

3477 (2) *Penalty enhancements.* The penalty classification of this offense is increased
3478 by one class when the actor commits the offense:

3479 (A) Reckless as to the fact that the complainant is under 18 years of age, or,
3480 in fact, the complainant is under 12 years of age; or

3481 (B) By recklessly holding the complainant, or causing the complainant to
3482 provide commercial sex acts, for a total of more than 180 days.

3483 § 22A-2603. Trafficking in labor.

3484 (a) *Offense.* An actor commits trafficking in labor when the actor:

3485 (1) Knowingly recruits, entices, houses, transports, provides, obtains, or maintains
3486 by any means, a person;

3487 (2) With intent that, as a result, the person will be caused to provide services by
3488 means of debt bondage or an explicit or implicit coercive threat.

3489 (b) *Penalties.*

3490 (1) Trafficking in labor is a Class 6 felony.

3491 (2) *Penalty enhancements.* The penalty classification of this offense is increased
3492 by one class when the actor commits the offense:

3493 (A) Reckless as to the fact that the complainant is under 18 years of age; or

3494 (B) By holding the complainant, or causing the complainant to provide
3495 services, for a total of more than 180 days.

3496 § 22A-2604. Trafficking in forced commercial sex.

3497 (a) *Offense.* An actor commits trafficking in forced commercial sex when the actor:

3498 (1) Knowingly recruits, entices, houses, transports, provides, obtains, or maintains
3499 by any means, the complainant;

3500 (2) With intent that, as a result, the complainant will be caused to engage in or
3501 submit to a commercial sex act with or for another person in one or more of the following ways:

3502 (A) By physical force that causes bodily injury to, overcomes, or restrains
3503 any person;

3504 (B) By an explicit or implicit coercive threat;

3505 (C) By debt bondage; or

3506 (D) By a drug, intoxicant, or other substance, administered to the
3507 complainant without the complainant's effective consent.

3508 (b) *Penalties.*

3509 (1) Trafficking in forced commercial sex is a Class 6 felony.

3510 (2) *Penalty enhancements.* The penalty classification of this offense is increased
3511 by one class when the actor commits the offense:

3512 (A) Reckless as to the fact that the complainant is under 18 years of age, or,
3513 in fact, the complainant is under 12 years of age; or

3514 (B) By recklessly holding the complainant, or causing the complainant to
3515 provide commercial sex acts, for a total of more than 180 days.

3516 § 22A-2605. Sex trafficking of a minor or adult incapable of consenting.

3517 (a) *Offense.* An actor commits sex trafficking of a minor or adult incapable of consenting
3518 when the actor:

3519 (1) Knowingly recruits, entices, houses, transports, provides, obtains, or maintains
3520 by any means the complainant;

3521 (2) With intent that the complainant, as a result, will be caused to engage in or
3522 submit to a commercial sex act with or for another person; and

3523 (3) Reckless as to the fact that the complainant is:

3524 (A) Under 18 years of age;

3525 (B) Incapable of appraising the nature of the commercial sex act or of
3526 understanding the right to give or withhold consent to the commercial sex act, either due to a drug,
3527 intoxicant, or other substance, or, due to an intellectual, developmental, or mental disability or
3528 mental illness when the actor has no similarly serious disability or illness; or

3529 (C) Incapable of communicating willingness or unwillingness to engage in
3530 the commercial sex act.

3531 (b) *Penalties.*

3532 (1) Sex trafficking of a minor or adult incapable of consenting is a Class 5 felony.

3533 (2) *Penalty enhancements.* The penalty classification of this offense is increased
3534 by one class when the actor commits the offense and recklessly holds the complainant, or causes
3535 the complainant to provide commercial sex acts, for a total of more than 180 days.

3536 § 22A-2606. Benefiting from human trafficking.

3537 (a) *First degree.* An actor commits first degree benefiting from human trafficking when
3538 the actor:

3539 (1) Knowingly obtains any financial benefit or property;

3540 (2) By participating in a group of 2 or more persons;

3541 (3) Reckless as to the fact that the group is engaging in conduct that, in fact:
3542 constitutes forced commercial sex under § 22A-2602, trafficking in forced commercial sex under
3543 § 22A-2604, or sex trafficking of a minor or adult incapable of consenting under § 22A-2605; and

3544 (4) The actor's participation in the group furthers, in any manner, the conduct that
3545 constitutes a human trafficking offense.

3546 (b) *Second degree.* An actor commits second degree benefiting from human trafficking
3547 when the actor:

3548 (1) Knowingly obtains any financial benefit or property;

3549 (2) By participation in a group of 2 or more persons;

3550 (3) Reckless as to the fact that the group is engaging in conduct that, in fact:
3551 constitutes forced labor under § 22A-2601 or trafficking in labor under § 22A-2603; and

3552 (4) The actor's participation in the group furthers, in any manner, the conduct that
3553 constitutes a human trafficking offense.

3554 (c) *Penalties.*

3555 (1) First degree benefiting from human trafficking is a Class 6 felony.

3556 (2) Second degree benefiting from human trafficking is a Class 7 felony.

3557 § 22A-2607. Misuse of documents in furtherance of human trafficking.

3558 (a) *First degree.* An actor commits first degree misuse of documents in furtherance of
3559 human trafficking when the actor:

3560 (1) Knowingly destroys, conceals, removes, confiscates, or possesses any actual or
3561 purported government identification document, including a passport or other immigration
3562 document of any person;

3563 (2) With intent to restrict the person's liberty to move or travel in order to maintain
3564 performance of a commercial sex act by the person.

3565 (b) *Second degree.* An actor commits second degree misuse of documents in furtherance
3566 of human trafficking when the actor:

3567 (1) Knowingly destroys, conceals, removes, confiscates, or possesses any actual or
3568 purported government identification document, including a passport or other immigration
3569 document of any person;

3570 (2) With intent to restrict the person's liberty to move or travel in order to maintain
3571 the services of the person.

3572 (c) *Penalties.*

3573 (1) First degree misuse of documents in furtherance of human trafficking is a Class
3574 8 felony.

3575 (2) Second degree misuse of documents in furtherance of human trafficking is a
3576 Class 9 felony.

3577 § 22A-2608. Commercial sex with a trafficked person.

3578 (a) *First degree.* An actor commits first degree commercial sex with a trafficked person

3579 when the actor:

3580 (1) Knowingly engages in a commercial sex act;

3581 (2) When a coercive threat, explicit or implicit, or debt bondage by another person

3582 causes the complainant to submit to or engage in the commercial sex act;

3583 (3) Reckless as to the fact that the complainant is under 18 years of age, or, in fact,

3584 the complainant is under 12 years of age.

3585 (b) *Second degree.* An actor commits second degree commercial sex with a trafficked

3586 person when the actor:

3587 (1) Knowingly engages in a commercial sex act;

3588 (2) When either:

3589 (A) An explicit or implicit coercive threat, or debt bondage by another

3590 person causes the complainant to submit to or engage in the commercial sex act; or

3591 (B) The complainant is recruited, enticed, housed, transported, provided,

3592 obtained, or maintained for the purpose of causing the person to submit to or engage in the

3593 commercial sex act; and:

3594 (i) The actor is reckless as to the fact that the complainant is under

3595 18 years of age;

3596 (ii) Incapable of appraising the nature of the commercial sex act or
3597 of understanding the right to give or withhold consent to the commercial sex act, either due to a
3598 drug, intoxicant, or other substance, or, due to an intellectual, developmental, or mental disability
3599 or mental illness when the actor has no similarly serious disability or illness; or

3600 (iii) Incapable of communicating willingness or unwillingness to
3601 engage in the commercial sex act; or

3602 (iv) The complainant is, in fact, under 12 years of age.

3603 (c) *Penalties.*

3604 (1) First degree commercial sex with a trafficked person is a Class 3 felony.

3605 (2) Second degree commercial sex with a trafficked person is a Class 4 felony.

3606 § 22A-2609. Forfeiture.

3607 (a) *Forfeiture penalty.* In imposing sentence on any person convicted of a violation of this
3608 subchapter, the court may order, in addition to any sentence imposed, that the person shall forfeit
3609 to the District of Columbia:

3610 (1) Any interest in any property, real or personal, that was used or planned to be
3611 used to commit or to facilitate the commission of the violation; and

3612 (2) Any property, real or personal, constituting or derived from any proceeds that
3613 the person obtained, directly or indirectly, as a result of the violation.

3614 (b) *Property subject to forfeiture.* The following shall be subject to forfeiture to the District
3615 of Columbia and no property right shall exist in them:

3616 (1) Any property, real or personal, that was used or planned to be used to commit
3617 or to facilitate the commission of an offense under this subchapter; and

3618 (2) Any property, real or personal, which constitutes or is derived from proceeds
3619 traceable to an offense under this subchapter.

3620 § 22A-2610. Reputation or opinion evidence.

3621 (a) In a criminal case in which a person is accused of forced commercial sex under § 22A-
3622 2602, trafficking in forced commercial sex under § 22A-2604, sex trafficking of a minor or adult
3623 incapable of consenting under § 22A-2605, or benefiting from human trafficking under § 22A-
3624 2606, reputation or opinion evidence of the past sexual behavior of the alleged victim is not
3625 admissible. Evidence of an alleged victim’s past sexual behavior other than reputation or opinion
3626 evidence also is not admissible, unless such evidence other than reputation or opinion evidence is
3627 admitted in accordance with § 22A-2310(b) and is constitutionally required to be admitted.

3628 (b) *Definitions.* For the purposes of this section, the term “past sexual behavior” means
3629 sexual behavior other than the sexual behavior with respect to which an offense under this
3630 subchapter is alleged.

3631 § 22A-2611. Civil action.

3632 (a) An individual who is a victim of an offense prohibited by § 22A-2601, § 22A-2602, §
3633 22A-2603, § 22A-2604, § 22A-2605, § 22A-2606, § 22A-2607, or § 22A-2608 may bring a civil
3634 action in the Superior Court of the District of Columbia. The court may award actual damages,
3635 compensatory damages, punitive damages, injunctive relief, and any other appropriate relief. A

3636 prevailing plaintiff shall also be awarded attorney's fees and costs. Treble damages shall be
3637 awarded on proof of actual damages where a defendant's acts were willful and malicious.

3638 (b) Any action for recovery of damages arising out of an offense in this subchapter may
3639 not be brought after 5 years from when the victim knew, or reasonably should have been aware,
3640 of any act constituting an offense in this subchapter, or if the offense occurred while the victim
3641 was less than 35 years of age, the date that the victim turns 40 years of age, whichever is later.

3642 (c) If a person entitled to sue is imprisoned, insane, or similarly incapacitated at the time
3643 the cause of action accrues, so that it is impossible or impracticable for the person to bring an
3644 action, then the time of the incapacity is not part of the time limited for the commencement of the
3645 action.

3646 (d) A defendant is estopped to assert a defense of the statute of limitations when the
3647 expiration of the statute is due to conduct by the defendant inducing the plaintiff to delay the filing
3648 of the action.

3649 § 22A-2612. Limitation on liability and sentencing for human trafficking offenses.

3650 (a) *Accomplice liability for victims of trafficking.* A person shall not be charged as an
3651 accomplice to the commission of an offense under this subchapter if, prior to commission of the
3652 offense, the person was themselves a victim of an offense under this subchapter by the principal
3653 within 3 years prior to the conduct by the principal that constitutes the offense.

3654 (b) *Conspiracy liability for victims of trafficking.* A person shall not be charged with
3655 conspiracy to commit an offense under this subchapter if, prior to the conspiracy, the person was

3656 themselves a victim of an offense under this subchapter by a party to the conspiracy within 3 years
3657 prior to the formation of the conspiracy.

3658 § 22A-2613. Civil forfeiture.

3659 (a) *Property subject to forfeiture.* The following are subject to civil forfeiture:

3660 (1) In fact, all conveyances, including aircraft, vehicles or vessels, which are
3661 possessed with intent to be used, or are, in fact, used, to facilitate the commission of an offense
3662 under this subchapter; and

3663 (2) In fact, all money, coins, and currency which are possessed with intent to be
3664 used, or are, in fact, used, to facilitate the commission of an offense under this subchapter.

3665 (b) *Requirements for forfeiture.* All seizures and forfeitures under this section shall be
3666 pursuant to the standards and procedures set forth in Chapter 3 of Title 41.

3667 SUBCHAPTER VII. TERRORISM.

3668 § 22A-2701. Act of terrorism.

3669 (a) *First degree.* An actor commits a first degree act of terrorism when the actor:

3670 (1) In fact, commits murder under § 22A-2101;

3671 (2) With the purpose, in whole or part, of:

3672 (A) Intimidating or coercing a significant portion of the civilian population
3673 of the District of Columbia or the United States; or

3674 (B) Influencing the policy or conduct of a unit of government by
3675 intimidation or coercion.

3676 (b) *Second degree*. An actor commits a second degree act of terrorism when the actor:

3677 (1) In fact, commits:

3678 (A) Manslaughter under § 22A-2102;

3679 (B) First degree assault under § 22A-2203(a);

3680 (C) First degree assault on a law enforcement officer under § 22A-2204(a);

3681 or

3682 (D) Kidnapping under § 22A-2401;

3683 (2) With the purpose, in whole or part, of:

3684 (A) Intimidating or coercing a significant portion of the civilian population

3685 of the District of Columbia or the United States; or

3686 (B) Influencing the policy or conduct of a unit of government by

3687 intimidation or coercion.

3688 (c) *Third degree*. An actor commits a third degree act of terrorism when the actor:

3689 (1) In fact, commits:

3690 (A) Arson under § 22A-3601; or

3691 (B) First degree criminal damage to property under § 22A-3603(a);

3692 (2) With the purpose, in whole or part, of:

3693 (A) Intimidating or coercing a significant portion of the civilian population

3694 of the District of Columbia or the United States; or

3695 (B) Influencing the policy or conduct of a unit of government by
3696 intimidation or coercion.

3697 (d) *Penalties.*

3698 (1) First degree act of terrorism is a Class 1 felony.

3699 (2) Second degree act of terrorism is a Class 3 felony.

3700 (3) Third degree act of terrorism is a Class 6 felony.

3701 § 22A-2702. Material support for an act of terrorism.

3702 (a) *Offense.* An actor commits material support for an act of terrorism when the actor:

3703 (1) Knowingly provides, or commands, requests, or tries to persuade, any person to
3704 provide material support or resources;

3705 (2) With intent that the material support or resources will be used, in whole or in
3706 part:

3707 (A) To assist the planning or commission of conduct constituting an act of
3708 terrorism under § 22A-2701; or

3709 (B) To flee after committing an act of terrorism under § 22A-2701.

3710 (b) *Uncommunicated criminal solicitation.* It is immaterial under subsection (a) of this
3711 section that the planned recipient of the actor's command, request, or efforts at persuasion fails to
3712 receive the message, if the actor does everything they plan to do to transmit the message to the
3713 planned recipient.

3714 (c) *Penalties.* Material support for an act of terrorism is a Class 7 felony.

3715 (d) *Merger*. A conviction for material support for an act of terrorism merges with any other
3716 conviction for being an accomplice to an act of terrorism under § 22A-2701 arising from the same
3717 act or course of conduct. The sentencing court shall follow the procedures specified in § 22A-
3718 212(b) and (c).

3719 (e) *Definitions*. For the purposes of this section, the term “material support or resources”
3720 means:

- 3721 (1) Expert services or assistance;
- 3722 (2) Currency, financial securities or other monetary instruments; financial services;
3723 lodging; training; false documentation or identification; equipment; facilities; weapons; lethal
3724 substances; explosives; personnel; transportation; and other physical assets; or
- 3725 (3) A weapon of mass destruction.

3726 § 22A-2703. Manufacture or possession of a weapon of mass destruction.

3727 (a) *Offense*. An actor commits manufacture or possession of a weapon of mass destruction
3728 when the actor:

- 3729 (1) Either:
 - 3730 (A) Knowingly manufactures or possesses a weapon of mass destruction; or
 - 3731 (B) With intent that it will be used to cause death or serious bodily injury to
3732 multiple persons, other than as part of a lawful medical procedure, knowingly manufactures or
3733 possesses an item that is:

- 3734 (i) A toxic or poisonous chemical or its precursors;

3735 (ii) A biological agent or toxin; or

3736 (iii) Radioactive or nuclear material; and

3737 (2) In fact, the weapon of mass destruction or other item is capable of causing
3738 multiple deaths, serious bodily injuries to multiple persons, or an amount of damage to property
3739 of \$500,000 or more.

3740 (b) *Exclusions from liability.* An actor does not commit an offense under subsection
3741 (a)(1)(A) of this section when, in fact, the actor is:

3742 (1) An employee of the District or federal government, who is on duty and acting
3743 within the scope of those duties;

3744 (2) Lawfully engaging in the business of manufacturing, repairing, or dealing the
3745 weapon involved in the offense;

3746 (3) Lawfully engaging in the business of shipping or delivering the weapon
3747 involved in the offense;

3748 (4) Acting within the scope of authority granted by the Chief of the Metropolitan
3749 Police Department or a competent court; or

3750 (5) A university, research institution, private company, individual, or hospital
3751 engaged in scientific or public health research and, as required by federal law, has registered with
3752 the Centers for Disease Control and Prevention pursuant to Part 121 (commencing with Section
3753 121.1) of Subchapter E of Chapter 1 of Title 9 or pursuant to Part 73 (commencing with Section

3754 73.1) of Subchapter F of Chapter 1 of Title 42 of the Code of Federal Regulations, or any successor
3755 provisions.

3756 (c) *Affirmative defense.* It is an affirmative defense to liability under this section that the
3757 actor possesses the weapon or item while, in fact, voluntarily surrendering the weapon or item
3758 pursuant to District or federal law.

3759 (d) *Penalties.* Manufacture or possession of a weapon of mass destruction is a Class 6
3760 felony.

3761 (e) *Merger.* A conviction for manufacture or possession of a weapon of mass destruction
3762 merges with any other weapon possession offense arising from the same act or course of conduct
3763 under Subchapter I of Chapter 5 of this title or Chapter 25 of Title 7. The sentencing court shall
3764 follow the procedures specified in subsections § 22A-212(b) and (c).

3765 § 22A-2704. Use, dissemination, or detonation of a weapon of mass destruction.

3766 (a) *First degree.* An actor commits first degree use, dissemination, or detonation of a
3767 weapon of mass destruction when the actor:

3768 (1) With intent to cause serious bodily injury or death to multiple persons, other
3769 than as part of a lawful medical procedure;

3770 (2) Knowingly uses, disseminates, or detonates:

3771 (A) A weapon of mass destruction;

3772 (B) A toxic or poisonous chemical or its precursors;

3773 (C) A biological agent or toxin; or

3774 (D) Radioactive or nuclear material; and

3775 (3) In fact, the weapon of mass destruction or other item is capable of causing
3776 multiple deaths or serious bodily injuries to multiple persons.

3777 (b) *Second degree.* An actor commits second degree use, dissemination, or detonation of
3778 a weapon of mass destruction when the actor:

3779 (1) With intent to cause:

3780 (A) Bodily injury to multiple persons, other than as part of a lawful medical
3781 procedure; or

3782 (B) Massive damage to property, including plants and animals, on land
3783 owned by a government, government agency, or government-owned corporation;

3784 (2) Knowingly uses, disseminates, or detonates:

3785 (A) A weapon of mass destruction;

3786 (B) A toxic or poisonous chemical or its precursors;

3787 (C) A biological agent or toxin; or

3788 (D) Radioactive or nuclear material; and

3789 (3) In fact, the weapon of mass destruction or other item is capable of causing
3790 multiple deaths, serious bodily injuries to multiple persons, or an amount of damage to property
3791 of \$500,000 or more.

3792 (c) *Exclusions from liability.* An actor does not commit an offense under subsection
3793 (b)(1)(B) of this section when, in fact, the actor is:

3794 (1) An employee of the District or federal government, who is on duty and acting
3795 within the scope of those duties;

3796 (2) Acting within the scope of authority granted by the Chief of the Metropolitan
3797 Police Department or a competent court; or

3798 (3) A university, research institution, private company, individual, or hospital
3799 engaged in scientific or public health research and, as required by federal law, has registered with
3800 the Centers for Disease Control and Prevention pursuant to Part 121 (commencing with Section
3801 121.1) of Subchapter E of Chapter 1 of Title 9 or pursuant to Part 73 (commencing with Section
3802 73.1) of Subchapter F of Chapter 1 of Title 42 of the Code of Federal Regulations, or any successor
3803 provisions;

3804 (d) *Affirmative defense.* It is an affirmative defense to liability under subsection (b)(1)(B)
3805 of this section that the actor, in fact, reasonably believes they are acting in compliance with a
3806 current license or authority under civil law and with the effective consent of an owner of the
3807 property.

3808 (e) *Penalties.*

3809 (1) First degree use, dissemination, or detonation of a weapon of mass destruction
3810 is a Class 3 felony.

3811 (2) Second degree use, dissemination, or detonation of a weapon of mass
3812 destruction is a Class 5 felony.

3813 (f) *Merger*. A conviction for use, dissemination, or detonation of a weapon of mass
3814 destruction merges with any other weapon possession offense arising from the same act or course
3815 of conduct under Subchapter I of Chapter 5 of this title or Chapter 25 of Title 7. The sentencing
3816 court shall follow the procedures specified in § 22A-212(b) and (c).

3817 SUBCHAPTER VIII. STALKING, OBSCENITY, AND INVASIONS OF PRIVACY.

3818 § 22A-2801. Stalking.

3819 (a) *Offense*. An actor commits stalking when the actor:

3820 (1) Purposely engages in a course of conduct directed at a complainant that consists
3821 of 2 or more separate occasions of any of the following:

3822 (A) Physically following or physically monitoring the complainant;

3823 (B) Falsely personating the complainant;

3824 (C) Contacting the complainant, by use of a telephone, mail, delivery
3825 service, electronic message, in person, or any other means; or

3826 (D) In fact, committing, soliciting, or attempting:

3827 (i) Criminal threats under § 22A-2205;

3828 (ii) Theft under § 22A-3201;

3829 (iii) Identity theft under § 22A-3305;

3830 (iv) Arson under § 22A-3601;

3831 (v) Criminal damage to property under § 22A-3603;

3832 (vi) Criminal graffiti under § 22A-3604;

3833 (vii) Trespass under § 22A-3701;

3834 (viii) Breach of home privacy under § 22A-5205; or

3835 (ix) Indecent exposure under § 22A-5206;

3836 (2) Negligent as to the fact that the course of conduct is without the complainant's

3837 effective consent; and

3838 (3) Either:

3839 (A) With intent to cause the complainant to:

3840 (i) Fear for the complainant's safety or the safety of another person;

3841 or

3842 (ii) Suffer significant emotional distress; or

3843 (B) Negligently causing the complainant to:

3844 (i) Fear for the complainant's safety or the safety of another person;

3845 or

3846 (ii) Suffer significant emotional distress.

3847 (b) *Exclusions from liability.*

3848 (1) An actor does not commit an offense under subsection (a)(1)(C) of this section

3849 when, in fact, the actor is expressing an opinion on a political or public matter, and the expression

3850 is directed to a complainant who is a law enforcement officer, District official, candidate for

3851 elected office, or employee of a business that serves the public, while the complainant is involved

3852 in their official duties.

3853 (2) An actor does not commit an offense under this section when, in fact, the actor
3854 is:

3855 (A) Authorized to engage in the conduct by a court order or District statute,
3856 regulation, rule, or license; or

3857 (B) Carrying out a specific, lawful commercial purpose or employment
3858 duty, when acting within the reasonable scope of that purpose or duty.

3859 (c) *Unit of prosecution.* Under this section, where conduct is of a continuing nature, each
3860 24-hour period constitutes one occasion.

3861 (d) *Penalties.*

3862 (1) Stalking is a Class A misdemeanor.

3863 (2) *Penalty enhancements.* The penalty classification of this offense shall be
3864 increased by one class when the actor, in fact:

3865 (A) Violates a court order or condition of release prohibiting or restricting
3866 contact with the complainant;

3867 (B) Has one or more prior convictions within 10 years for:

3868 (i) Stalking under § 22A-2801 or a comparable offense; or

3869 (ii) Electronic stalking under § 22A-2802 or a comparable offense;

3870 (C) Causes more than \$5,000 in financial injury; or

3871 (D) Is 18 years of age or older, is at least 4 years older than the complainant,

3872 and is reckless as to the fact that the complainant is under 18 years of age.

3873 (3) *No repeat offender enhancement.* A person shall not be subject to both a penalty
3874 enhancement under paragraph (2)(B) of this subsection and a repeat offender penalty enhancement
3875 in § 22A-606 for the same course of conduct.

3876 (e) *Definitions.* For the purposes of this section, the term “safety” means ongoing security
3877 from significant intrusions on one’s bodily integrity or bodily movement.

3878 § 22A-2802. Electronic stalking.

3879 (a) *Offense.* An actor commits electronic stalking when the actor:

3880 (1) Purposely engages in a course of conduct directed at a complainant that consists
3881 of 2 or more separate occasions of:

3882 (A) Creating an image or an audio recording of the complainant, other than
3883 a derivative image or audio recording; or

3884 (B) Accessing monitoring equipment or software, on property of another,
3885 that discloses the complainant’s location;

3886 (2) Negligent as to the fact that the course of conduct is without the complainant’s
3887 effective consent; and

3888 (3) Either:

3889 (A) With intent to cause the complainant to:

3890 (i) Fear for the complainant’s safety or the safety of another person;

3891 or

3892 (ii) Suffer significant emotional distress; or

3893 (B) Negligently causing the complainant to:

3894 (i) Fear for the complainant's safety or the safety of another person;

3895 or

3896 (ii) Suffer significant emotional distress.

3897 (b) *Exclusions from liability.*

3898 (1) An actor does not commit an offense under subsection (a)(1)(A) of this section
3899 when, in fact, the actor is expressing an opinion on a political or public matter, and the expression
3900 is directed to a complainant who is a law enforcement officer, District official, candidate for
3901 elected office, or employee of a business that serves the public, while the complainant is involved
3902 in their official duties.

3903 (2) An actor does not commit an offense under subsection (a)(1)(A) of this section
3904 when, in fact:

3905 (A) The actor is a party to the communication on the audio recording; or

3906 (B) One of the parties to the communication on the audio recording gives
3907 effective consent to the conduct.

3908 (3) An actor does not commit an offense under this section when, in fact, the actor
3909 is:

3910 (A) Authorized to engage in the conduct by a court order or District statute,
3911 regulation, rule, or license; or

3912 (B) Carrying out a specific, lawful commercial purpose or employment
3913 duty, when acting within the reasonable scope of that purpose or duty.

3914 (c) *Unit of prosecution.* Under this section, where conduct is of a continuing nature, each
3915 24-hour period constitutes one occasion.

3916 (d) *Penalties.*

3917 (1) Electronic stalking is a Class A misdemeanor.

3918 (2) *Penalty enhancements.* The penalty classification of this offense shall be
3919 increased by one class when the actor, in fact:

3920 (A) Violates a court order or condition of release prohibiting or restricting
3921 contact with the complainant;

3922 (B) Has one or more prior convictions within 10 years for:

3923 (i) Stalking under § 22A-2801 or a comparable offense; or

3924 (ii) Electronic stalking under § 22A-2802 or a comparable offense;

3925 (C) Causes more than \$5,000 in financial injury; or

3926 (D) Is 18 years of age or older, is at least 4 years older than the complainant,
3927 and is reckless as to the fact that the complainant is under 18 years of age.

3928 (3) *No repeat offender enhancement.* A person shall not be subject to both a penalty
3929 enhancement under paragraph (2)(B) of this subsection and a repeat offender penalty enhancement
3930 in § 22A-606 for the same course of conduct.

3931 (e) *Definitions*. For the purposes of this section, the term “safety” means ongoing security
3932 from significant intrusions on one’s bodily integrity or bodily movement.

3933 § 22A-2803. Voyeurism.

3934 (a) *First degree*. An actor commits first degree voyeurism when the actor:

3935 (1) Knowingly creates:

3936 (A) An image, other than a derivative image, of the complainant’s nude or
3937 undergarment-clad genitals, pubic area, anus, buttocks, or female breast below the top of the
3938 areola;

3939 (B) An image or audio recording, other than a derivative image or audio
3940 recording, of the complainant engaging in or submitting to a sexual act or masturbation; or

3941 (C) An image, other than a derivative image, of the complainant urinating
3942 or defecating;

3943 (2) Without the complainant’s effective consent; and

3944 (3) In fact, the complainant has a reasonable expectation of privacy under the
3945 circumstances.

3946 (b) *Second degree*. An actor commits second degree voyeurism when the actor:

3947 (1) Knowingly observes directly:

3948 (A) The complainant’s nude or undergarment-clad genitals, anus, pubic
3949 area, buttocks, or female breast below the top of the areola;

3950 (B) The complainant engaging in or submitting to a sexual act or
3951 masturbation; or

3952 (C) The complainant urinating or defecating.

3953 (2) Without the complainant's effective consent; and

3954 (3) In fact, the complainant has a reasonable expectation of privacy under the
3955 circumstances.

3956 (c) *Penalties.*

3957 (1) First degree voyeurism is a Class 9 felony.

3958 (2) Second degree voyeurism is a Class B misdemeanor.

3959 (3) *Penalty enhancement.* The penalty classification of any gradation of this
3960 offense shall be increased by one class when the actor is reckless as to the fact that the complainant
3961 is under 18 years of age.

3962 § 22A-2804. Unauthorized disclosure of a sexual recording.

3963 (a) *Offense.* An actor commits unauthorized disclosure of a sexual recording when the
3964 actor:

3965 (1) Knowingly distributes or displays to a person other than the complainant, or
3966 makes accessible on an electronic platform to a user other than the complainant or actor:

3967 (A) An image of the complainant's:

3968 (i) Nude genitals or anus; or

3969 (ii) Nude or undergarment-clad pubic area, buttocks, or female
3970 breast below the top of the areola; or

3971 (B) An image or an audio recording of the complainant engaging in or
3972 submitting to a sexual act, masturbation, or sadomasochistic abuse;

3973 (2) Without the complainant's effective consent; and

3974 (3) Either:

3975 (A) After reaching an explicit or implicit agreement with the complainant
3976 that the image or audio recording will not be distributed or displayed, with intent to:

3977 (i) Alarm or sexually abuse, humiliate, harass, or degrade the
3978 complainant; or

3979 (ii) Receive financial gain as a result of the distribution or display;

3980 or

3981 (B) In fact, after personally obtaining the image or audio recording by
3982 committing an offense that is, in fact:

3983 (i) Voyeurism under § 22A-2803;

3984 (ii) Theft under § 22A-3201;

3985 (iii) Unauthorized use of property under § 22A-3202; or

3986 (iv) Extortion under § 22A-3401.

3987 (b) *Exclusions from liability.*

3988 (1) An actor does not commit an offense under this section when, in fact, the actor
3989 is a licensee under the 47 U.S.C. § 151 *et seq.* engaged in activities regulated pursuant to 47 U.S.C.
3990 § 151 *et seq.*

3991 (2) An actor does not commit an offense under this section when, in fact, the actor
3992 is an interactive computer service, as that term is defined in 47 U.S.C. § 230(f)(2), for content
3993 provided by another person.

3994 (c) *Affirmative defense.* It is an affirmative defense to liability under this section, that the
3995 actor:

3996 (1) With intent, exclusively and in good faith, to report possible illegal conduct or
3997 seek legal counsel from any attorney;

3998 (2) In fact, distributes the image or audio recording to a person whom the actor
3999 reasonably believes is:

4000 (A) A law enforcement officer, prosecutor, or attorney; or

4001 (B) A teacher, school counselor, school administrator, or a person with a
4002 responsibility under civil law for the health, welfare, or supervision of a person who is:

4003 (i) Depicted in the image or audio recording; or

4004 (ii) Involved in the creation of the image or audio recording.

4005 (d) *Penalties.*

4006 (1) Unauthorized disclosure of a sexual recording is a Class B misdemeanor.

4007 (2) *Penalty enhancements.* The penalty classification of this offense shall be
4008 increased by 2 classes when the actor knowingly:

4009 (A) Distributes or displays the image or audio recording to 6 or more
4010 persons other than the complainant; or

4011 (B) Makes the image or audio recording publicly accessible on an electronic
4012 platform to a user other than the complainant or actor.

4013 (e) *Definitions.* For the purposes of this section, the term “licensee” shall have the same
4014 meaning as provided in 47 U.S.C. § 153(30).

4015 § 22A-2805. Distribution of an obscene image.

4016 (a) *Offense.* An actor commits distribution of an obscene image when the actor:

4017 (1) Knowingly distributes or displays to a complainant an image that depicts a real
4018 or fictitious person engaging in or submitting to an actual or simulated:

4019 (A) Sexual act;

4020 (B) Sadomasochistic abuse;

4021 (C) Masturbation;

4022 (D) Sexual or sexualized display of the genitals, pubic area, or anus, when
4023 there is less than a full opaque covering;

4024 (E) Sexual contact; or

4025 (F) Sexual or sexualized display of the breast below the top of the areola, or
4026 buttocks, when there is less than a full opaque covering;

4027 (2) Without the complainant's effective consent; and

4028 (3) Reckless as to the fact that the image is obscene.

4029 (b) *Exclusions from liability.*

4030 (1) An actor does not commit an offense under this section when, in fact, the actor
4031 is a licensee under 47 U.S.C. § 151 *et seq.* engaged in activities regulated pursuant to 47 U.S.C. §
4032 151 *et seq.*

4033 (2) An actor does not commit an offense under this section when, in fact, the actor
4034 is an interactive computer service, as that term is defined in 47 U.S.C. § 230(f)(2), for content
4035 provided by another person.

4036 (3) An actor does not commit an offense under this section when, in fact, the actor
4037 distributes or displays an image to a complainant in a location open to the general public or in an
4038 electronic forum, unless the actor:

4039 (A) Knowingly distributes or displays the image directly to the complainant;

4040 or

4041 (B) Purposely distributes or displays the image to the complainant.

4042 (4) An actor does not commit an offense under this section when, in fact, the actor
4043 reasonably believes that they are distributing the image to:

4044 (A) A person who is depicted in the image;

4045 (B) A person who was involved in the creation or distribution of the image;

4046 or

4047 (C) A person with a responsibility under civil law for the health, welfare, or
4048 supervision of a person who the actor reasonably believes is:

4049 (i) Depicted in the image; or

4050 (ii) Involved in the creation of the image.

4051 (c) *Affirmative defenses.*

4052 (1) It is an affirmative defense to liability under this section that the actor, in fact:

4053 (A) Is an employee of a school, museum, library, movie theater, or other
4054 venue;

4055 (B) Is acting within the reasonable scope of that role; and

4056 (C) Has no control over the selection of the image.

4057 (2) It is an affirmative defense to liability under this section, that the actor:

4058 (A) With intent, exclusively and in good faith, to report possible illegal
4059 conduct or seek legal counsel from any attorney;

4060 (B) In fact, distributes the image to a person whom the actor reasonably
4061 believes is:

4062 (i) A law enforcement officer, prosecutor, or attorney; or

4063 (ii) A teacher, school counselor, or school administrator of a person
4064 that the actor reasonably believes to be depicted in the image or involved in the creation of the
4065 image.

4066 (d) *Penalties.* Distribution of an obscene image is a Class C misdemeanor.

4067 (e) *Definitions.* For the purposes of this section, the term “licensee” shall have the same
4068 meaning as provided in 47 U.S.C. § 153(30).

4069 § 22A-2806. Distribution of an obscene image to a minor.

4070 (a) *Offense.* An actor commits distribution of an obscene image to a minor when the actor:

4071 (1) Knowingly distributes or displays to a complainant an image that depicts a real
4072 or fictitious person engaging in or submitting to an actual or simulated:

4073 (A) Sexual act;

4074 (B) Sadomasochistic abuse;

4075 (C) Masturbation;

4076 (D) Sexual or sexualized display of the genitals, pubic area, or anus, when
4077 there is less than a full opaque covering;

4078 (E) Sexual contact; or

4079 (F) Sexual or sexualized display of the breast below the top of the areola or
4080 buttocks, when there is less than a full opaque covering;

4081 (2) Reckless as to the fact that:

4082 (A) The image is obscene; and

4083 (B) The complainant is under 16 years of age; and

4084 (3) In fact, the actor is 18 years of age or older and at least 4 years older than the
4085 complainant.

4086 (b) *Exclusions from liability.*

4087 (1) An actor does not commit an offense under this section when, in fact, the actor
4088 is a licensee under 47 U.S.C. § 151 *et seq.* engaged in activities regulated pursuant to 47 U.S.C. §
4089 151 *et seq.*

4090 (2) An actor does not commit an offense under this section when, in fact, the actor
4091 is an interactive computer service, as that term is defined in 47 U.S.C. § 230(f)(2), for content
4092 provided by another person.

4093 (3) An actor does not commit an offense under this section when, in fact, the actor
4094 distributes or displays an image to a complainant in a location open to the general public or in an
4095 electronic forum, unless the actor:

4096 (A) Knowingly distributes or displays the image directly to the complainant;

4097 or

4098 (B) Purposely distributes or displays the image to the complainant.

4099 (4) An actor does not commit an offense under this section when, in fact, the actor
4100 reasonably believes that they are distributing the image or audio recording to:

4101 (A) A person who is depicted in the image or audio recording;

4102 (B) A person who was involved in the creation or distribution of the image
4103 or audio recording; or

4104 (C) A person with a responsibility under civil law for the health, welfare, or
4105 supervision of a person who the actor reasonably believes is:

4106 (i) Depicted in the image or audio recording; or

4107 (ii) Involved in the creation of the image or audio recording.

4108 (c) *Affirmative defenses.*

4109 (1) It is an affirmative defense to liability under this section that the actor, in fact:

4110 (A) Is an employee of a school, museum, library, movie theater, or other
4111 venue;

4112 (B) Is acting within the reasonable scope of that role; and

4113 (C) Has no control over the selection of the image.

4114 (2) It is an affirmative defense to liability under this section that the actor, in fact:

4115 (A) Is married to, or in a domestic partnership with the complainant; and

4116 (B) Reasonably believes that complainant gave effective consent to the
4117 conduct.

4118 (d) *Penalties.* Distribution of an obscene image to a minor is a Class B misdemeanor.

4119 (e) *Definitions.* For the purposes of this section, the term “licensee” shall have the same
4120 meaning as provided in 47 U.S.C. § 153(30).

4121 § 22A-2807. Creating or trafficking an obscene image of a minor.

4122 (a) *First degree.* An actor commits first degree creating or trafficking an obscene image
4123 of a minor when the actor:

4124 (1) Knowingly:

4125 (A) Creates an image, other than a derivative image, by recording,
4126 photographing, or filming the complainant, or produces or directs the creation of such an image;

4127 (B) As a person with a responsibility under civil law for the health, welfare,
4128 or supervision of the complainant, gives effective consent for the complainant to engage in or
4129 submit to the recording, photographing, or filming of an image, other than a derivative image;

4130 (C) Displays, distributes, or manufactures with intent to distribute an image;

4131 (D) Makes an image accessible to another user on an electronic platform; or

4132 (E) Sells or advertises an image;

4133 (2) Reckless as to the fact that the image depicts, or will depict, in part or whole,
4134 the body of a real complainant under 18 years of age engaging in or submitting to:

4135 (A) A sexual act or simulated sexual act;

4136 (B) Sadomasochistic abuse or simulated sadomasochistic abuse;

4137 (C) Masturbation or simulated masturbation; or

4138 (D) A sexual or sexualized display of the genitals, pubic area, or anus, when
4139 there is less than a full opaque covering.

4140 (b) *Second degree.* An actor commits second degree creating or trafficking an obscene
4141 image of a minor when the actor:

4142 (1) Knowingly:

4143 (A) Creates an image, other than a derivative image, by recording,
4144 photographing, or filming the complainant, or produces or directs the creation of such an image;

4145 (B) As a person with a responsibility under civil law for the health, welfare,
4146 or supervision of the complainant, gives effective consent for the complainant to engage in or
4147 submit to the recording, photographing, or filming of an image, other than a derivative image;

4148 (C) Displays, distributes, or manufactures with intent to distribute an image;

4149 (D) Makes an image accessible to another user on an electronic platform; or

4150 (E) Sells or advertises an image;

4151 (2) Reckless as to the fact that the image depicts, or will depict, in part or whole,
4152 the body of a real complainant under 18 years of age engaging in or submitting to:

4153 (A) An obscene sexual contact; or

4154 (B) An obscene sexual or sexualized display of the breast below the top of
4155 the areola, or the buttocks, when there is less than a full opaque covering.

4156 (c) *Exclusions from liability.*

4157 (1) An actor does not commit an offense under this section when, in fact, the actor
4158 is a licensee under 47 U.S.C. § 151 *et seq.* engaged in activities regulated pursuant to 47 U.S.C. §
4159 151 *et seq.*

4160 (2) An actor does not commit an offense under this section when, in fact, the actor
4161 is an interactive computer service, as that term is defined in 47 U.S.C. § 230(f)(2), for content
4162 provided by another person.

4163 (d) *Affirmative defenses.*

4164 (1) It is an affirmative defense to liability under subsection (a) of this section that,
4165 in fact, the image has, or will have, serious literary, artistic, political, or scientific value, when
4166 considered as a whole.

4167 (2) It is an affirmative defense to liability under subsections (a)(1)(A), (B), (C), and
4168 (D) and (b)(1)(A), (B), (C), and (D) of this section that, in fact:

4169 (A) The actor is under 18 years of age; and

4170 (B) Either:

4171 (i) The actor is the only person under 18 years of age who is, or who
4172 will be, depicted in the image; or

4173 (ii) The actor reasonably believes that every person under 18 years
4174 of age who is, or who will be, depicted in the image, gives effective consent to the actor to engage
4175 in the conduct constituting the offense.

4176 (3) It is an affirmative defense to liability under subsections (a)(1)(A), (C), and (D)
4177 and (b)(1)(A), (C), and (D) of this section that, in fact:

4178 (A) The actor is at least 18 years of age;

4179 (B) Either:

4180 (i) The actor is married to, or in a domestic partnership with, the
4181 complainant; or

4182 (ii) The actor is in a romantic, dating, or sexual relationship with the
4183 complainant, and:

4184 (I) When the complainant is under 16 years of age, the actor
4185 is less than 4 years older than the complainant; or

4186 (II) When the complainant is under 18 years of age and the
4187 actor is at least 4 years older than the complainant, the actor is not in a position of trust with or
4188 authority over the complainant;

4189 (C) The complainant is the only person who is, or who will be, depicted in
4190 the image, or the actor and the complainant are the only persons who are, or who will be, depicted
4191 in the image;

4192 (D) The actor reasonably believes that the complainant gives effective
4193 consent to the actor to engage in the conduct constituting the offense; and

4194 (E) Under subsections (a)(1)(C) and (D) and (b)(1)(C) and (D) of this
4195 section, the actor reasonably believes that the recipient, the planned recipient, or the user of the
4196 electronic platform is the complainant.

4197 (4) It is an affirmative defense to liability under subsections (a)(1)(C) and (b)(1)(C)
4198 of this section for displaying or distributing an image that the actor:

4199 (A) With intent, exclusively and in good faith, to report possible illegal
4200 conduct or seek legal counsel from any attorney;

4201 (B) In fact, distributes or displays the image to a person whom the actor
4202 reasonably believes is:

4203 (i) A law enforcement officer, prosecutor, or attorney; or

4204 (ii) A teacher, school counselor, school administrator, or person with
4205 a responsibility under civil law for the health, welfare, or supervision of a person that the actor
4206 reasonably believes to be depicted in the image or involved in the creation of the image.

4207 (5) It is an affirmative defense to liability under subsections (a)(1)(C), (D), and (E)
4208 and (b)(1)(C), (D), and (E) of this section that the actor, in fact:

4209 (A) Is an employee of a school, museum, library, movie theater, or other
4210 venue;

4211 (B) Is acting within the reasonable scope of that role; and

4212 (C) Has no control over the creation or selection of the image.

4213 (e) *Penalties.*

4214 (1) First degree creating or trafficking an obscene image of a minor is a Class 7
4215 felony.

4216 (2) Second degree creating or trafficking an obscene image of a minor is a Class 8
4217 felony.

4218 (f) *Definitions.* For the purposes of this section, the term “licensee” shall have the same
4219 meaning as provided in 47 U.S.C. § 153(30).

4220 § 22A-2808. Possession of an obscene image of a minor.

4221 (a) *First degree.* An actor commits first degree possession of an obscene image of a minor
4222 when the actor:

4223 (1) Knowingly possesses an image;

4224 (2) Reckless as to the fact that the image depicts, in part or whole, the body of a
4225 real complainant under 18 years of age engaging in or submitting to:

4226 (A) A sexual act or simulated sexual act;

4227 (B) Sadomasochistic abuse or simulated sadomasochistic abuse;

4228 (C) Masturbation or simulated masturbation; or

4229 (D) A sexual or sexualized display of the genitals, pubic area, or anus, when
4230 there is less than a full opaque covering.

4231 (b) *Second degree*. An actor commits second degree possession of an obscene image of a
4232 minor when the actor:

4233 (1) Knowingly possesses an image;

4234 (2) Reckless as to the fact that the image depicts, in part or whole, the body of a
4235 real complainant under 18 years of age engaging in or submitting to:

4236 (A) An obscene sexual contact; or

4237 (B) An obscene sexual or sexualized display of the breast below the top of
4238 the areola, or the buttocks, when there is less than a full opaque covering.

4239 (c) *Exclusions from liability*.

4240 (1) An actor does not commit an offense under this section when, in fact, the actor
4241 is a licensee under 47 U.S.C. § 151 *et seq.* engaged in activities regulated pursuant to 47 U.S.C. §
4242 151 *et seq.*

4243 (2) An actor does not commit an offense under this section when, in fact, the actor
4244 is an interactive computer service, as that term is defined in 47 U.S.C. § 230(f)(2), for content
4245 provided by another person.

4246 (d) *Affirmative defenses.*

4247 (1) It is an affirmative defense to liability under subsection (a) of this section that,
4248 in fact, the image has serious literary, artistic, political, or scientific value, when considered as a
4249 whole.

4250 (2) It is an affirmative defense to liability under this section that, in fact:

4251 (A) The actor is under 18 years of age; and

4252 (B) Either:

4253 (i) The actor is the only person under 18 years of age who is depicted
4254 in the image; or

4255 (ii) The actor reasonably believes that every person under 18 years
4256 of age who is depicted in the image gives effective consent to the actor to engage in the conduct
4257 constituting the offense.

4258 (3) It is an affirmative defense to liability under this section that, in fact:

4259 (A) The actor is at least 18 years of age;

4260 (B) Either:

4261 (i) The actor is married to, or in a domestic partnership with, the
4262 complainant; or

4263 (ii) The actor is in a romantic, dating, or sexual relationship with the
4264 complainant, and:

4265 (I) When the complainant is under 16 years of age, the actor
4266 is less than 4 years older than the complainant; or

4267 (II) When the complainant is under 18 years of age and the
4268 actor is at least 4 years older than the complainant, the actor is not in a position of trust with or
4269 authority over the complainant;

4270 (C) The complainant is the only person who is depicted in the image, or the
4271 actor and the complainant are the only persons who are depicted in the image; and

4272 (D) The actor reasonably believes that the complainant gives effective
4273 consent to the actor to engage in the conduct constituting the offense.

4274 (4) It is an affirmative defense to liability under this section that the actor:

4275 (A) With intent, exclusively and in good faith, to report possible illegal
4276 conduct or to seek legal counsel from any attorney;

4277 (B) In fact, promptly contacts a person whom the actor reasonably believes
4278 is:

4279 (i) A law enforcement officer, prosecutor, or attorney; or

4280 (ii) A teacher, school counselor, school administrator, or person with
4281 a responsibility under civil law for the health, welfare, or supervision of the complainant that the
4282 actor reasonably believes to be depicted in the image; and

4283 (C) Either:

4284 (i) Promptly distributes the image to one of the individuals specified

4285 in subsection (d)(4)(B)(i) or (ii) of this section, without making or retaining a copy; or

4286 (ii) Affords a law enforcement officer access to the image.

4287 (5) It is an affirmative defense to liability under this section that the actor, in fact:

4288 (A) Is an employee of a school, museum, library, movie theater, or other

4289 venue;

4290 (B) Is acting within the reasonable scope of that role; and

4291 (C) Has no control over the creation or selection of the image.

4292 (6) It is an affirmative defense to liability under this section that the actor possesses

4293 the image:

4294 (A) With intent, exclusively and in good faith, to permanently dispose of

4295 the item; and

4296 (B) In fact, the actor does not possess the item longer than is reasonably

4297 necessary to permanently dispose of the item.

4298 (e) *Penalties.*

4299 (1) First degree possession of an obscene image of a minor is a Class 8 felony.

4300 (2) Second degree possession of an obscene image of a minor is a Class 9 felony.

4301 (f) *Definitions.* For the purposes of this section, the term “licensee” shall have the same

4302 meaning as provided in 47 U.S.C. § 153(30).

4303 § 22A-2809. Arranging a live sexual performance of a minor.

4304 (a) *First degree.* An actor commits first degree arranging a live sexual performance of a
4305 minor when the actor:

4306 (1) Knowingly:

4307 (A) Creates, produces, or directs a live performance;

4308 (B) As a person with a responsibility under civil law for the health, welfare,
4309 or supervision of the complainant, gives effective consent for the complainant to engage in or
4310 submit to the creation of a live performance; or

4311 (C) Sells admission to or advertises a live performance;

4312 (2) Reckless as to the fact that the live performance depicts, or will depict, in part
4313 or whole, the body of a real complainant under 18 years of age engaging in or submitting to:

4314 (A) A sexual act or simulated sexual act;

4315 (B) Sadomasochistic abuse or simulated sadomasochistic abuse;

4316 (C) Masturbation or simulated masturbation; or

4317 (D) A sexual or sexualized display of the genitals, pubic area, or anus, when
4318 there is less than a full opaque covering.

4319 (b) *Second degree.* An actor commits second degree arranging a live sexual performance
4320 of a minor when the actor:

4321 (1) Knowingly:

4322 (A) Creates, produces, or directs a live performance;

4323 (B) As a person with a responsibility under civil law for the health, welfare,
4324 or supervision of the complainant, gives effective consent for the complainant to engage in or
4325 submit to the creation of a live performance; or

4326 (C) Sells admission to or advertises a live performance;

4327 (2) Reckless as to the fact that the live performance depicts, or will depict, in part
4328 or whole, the body of a real complainant under 18 years of age engaging in or submitting to:

4329 (A) An obscene sexual contact; or

4330 (B) An obscene sexual or sexualized display of the breast below the top of
4331 the areola, or the buttocks, when there is less than a full opaque covering.

4332 (c) *Affirmative defenses.*

4333 (1) It is an affirmative defense to liability under subsection (a) of this section that,
4334 in fact, the live performance has, or will have, serious literary, artistic, political, or scientific value,
4335 when considered as a whole.

4336 (2) It is an affirmative defense to liability under subsections (a)(1)(A) and (B) and
4337 (b)(1)(A) and (B) of this section that, in fact:

4338 (A) The actor is under 18 years of age; and

4339 (B) Either:

4340 (i) The actor is the only person under 18 years of age who is, or who
4341 will be, depicted in the live performance; or

4342 (ii) The actor reasonably believes that every person under 18 years
4343 of age who is, or who will be, depicted in the live performance, gives effective consent to the actor
4344 to engage in the conduct constituting the offense.

4345 (3) It is an affirmative defense to liability under subsections (a)(1)(A) and (b)(1)(A)
4346 of this section, that, in fact:

4347 (A) The actor is at least 18 years of age;

4348 (B) Either:

4349 (i) The actor is married to, or in a domestic partnership with, the
4350 complainant; or

4351 (ii) The actor is in a romantic, dating, or sexual relationship with the
4352 complainant, and:

4353 (I) When the complainant is under 16 years of age, the actor
4354 is less than 4 years older than the complainant; or

4355 (II) When the complainant is under 18 years of age and the
4356 actor is at least 4 years older than the complainant, the actor is not in a position of trust with or
4357 authority over the complainant;

4358 (C) The complainant is the only person who is, or who will be, depicted in
4359 the live performance, or the actor and complainant are the only persons who are, or who will be,
4360 depicted in the live performance;

4361 (D) The actor reasonably believes that the complainant gives effective
4362 consent to the actor to engage in the conduct constituting the offense; and

4363 (E) The actor reasonably believes that the actor is the only audience for the
4364 live performance, other than the complainant.

4365 (4) It is an affirmative defense to subsections (a)(1)(C) and (b)(1)(C) of this section
4366 that the actor, in fact:

4367 (A) Is an employee of a school, museum, library, movie theater, or other
4368 venue;

4369 (B) Is acting within the reasonable scope of that role;

4370 (C) Has no control over the creation or selection of the live performance;

4371 and

4372 (D) Does not record, photograph, or film the live performance.

4373 (d) *Penalties.*

4374 (1) First degree arranging a live sexual performance of a minor is a Class 7 felony.

4375 (2) Second degree arranging a live sexual performance of a minor is a Class 8
4376 felony.

4377 § 22A-2810. Attending or viewing a live sexual performance of a minor.

4378 (a) *First degree.* An actor commits attending or viewing a live sexual performance of a
4379 minor when the actor:

4380 (1) Knowingly attends or views a live performance or views a live broadcast;

4381 (2) Reckless as to the fact that the live performance or live broadcast depicts, in
4382 part or whole, the body of a real complainant under 18 years of age engaging in or submitting to:

4383 (A) A sexual act or simulated sexual act;

4384 (B) Sadomasochistic abuse or simulated sadomasochistic abuse;

4385 (C) Masturbation or simulated masturbation; or

4386 (D) A sexual or sexualized display of the genitals, pubic area, or anus, when
4387 there is less than a full opaque covering.

4388 (b) *Second degree*. An actor commits attending or viewing a live sexual performance of a
4389 minor when the actor:

4390 (1) Knowingly attends or views a live performance or views a live broadcast;

4391 (2) Reckless as to the fact that the live performance or live broadcast depicts, in
4392 part or whole, the body of a real complainant under 18 years of age engaging in or submitting to:

4393 (A) An obscene sexual contact; or

4394 (B) An obscene sexual or sexualized display of the breast below the top of
4395 the areola, or the buttocks, when there is less than a full opaque covering.

4396 (c) *Affirmative defenses*.

4397 (1) It is an affirmative defense to liability under this section that, in fact, the live
4398 performance or live broadcast has serious literary, artistic, political, or scientific value, when
4399 considered as a whole.

4400 (2) It is an affirmative defense to liability under this section that, in fact:

- 4401 (A) The actor is under 18 years of age; and
- 4402 (B) Either:
- 4403 (i) The actor is the only person under 18 years of age who is depicted
- 4404 in the live performance or live broadcast; or
- 4405 (ii) The actor reasonably believes that every person under 18 years
- 4406 of age who is depicted in the live performance or live broadcast gives effective consent to the actor
- 4407 to engage in the conduct constituting the offense.
- 4408 (3) It is an affirmative defense to liability under this section that, in fact:
- 4409 (A) The actor is at least 18 years of age;
- 4410 (B) Either:
- 4411 (i) The actor is married to, or in a domestic partnership with, the
- 4412 complainant; or
- 4413 (ii) The actor is in a romantic, dating, or sexual relationship with the
- 4414 complainant, and:
- 4415 (I) When the complainant is under 16 years of age, the actor
- 4416 is less than 4 years older than the complainant; or
- 4417 (II) When the complainant is under 18 years of age and the
- 4418 actor is at least 4 years older than the complainant, the actor is not in a position of trust with or
- 4419 authority over the complainant;

4420 (C) The complainant is the only person that is depicted in the live
4421 performance or live broadcast, or the actor and the complainant are the only persons that are
4422 depicted in the live performance or live broadcast;

4423 (D) The actor reasonably believes that the complainant gives effective
4424 consent to the actor to engage in the conduct constituting the offense; and

4425 (E) The actor reasonably believes that the actor is the only audience for the
4426 live performance or live broadcast, other than the complainant.

4427 (4) It is an affirmative defense to liability under this section that the actor, in fact:

4428 (A) Is an employee of a school, museum, library, movie theater, or other
4429 venue;

4430 (B) Is acting within the reasonable scope of that role;

4431 (C) Has no control over the creation or selection of the live performance or
4432 live broadcast; and

4433 (D) Does not record, photograph, or film the live performance or live
4434 broadcast.

4435 (d) *Penalties.*

4436 (1) First degree attending or viewing a live sexual performance of a minor is a Class
4437 8 felony.

4438 (2) Second degree attending or viewing a live sexual performance of a minor is a
4439 Class 9 felony.

4440 CHAPTER 3. PROPERTY OFFENSES.

4441 SUBCHAPTER I. PROPERTY OFFENSE SUBTITLE PROVISIONS.

4442 § 22A-3101. Aggregation to determine property offense grades.

4443 (a) *Requirements for aggregation.* When a single scheme or systematic course of conduct
4444 could give rise to multiple charges of an offense listed in subsection (b) of this section, the
4445 government instead may bring one charge and aggregate the values, amounts of damage, or
4446 quantities of the property involved to determine the grade of the offense.

4447 (b) *Offenses subject to aggregation.* Aggregation under subsection (a) of this section may
4448 be applied to the following offenses:

4449 (1) Theft under § 22A-3201;

4450 (2) Unlawful creation or possession of a recording under § 22A-3205;

4451 (3) Fraud under § 22A-3301;

4452 (4) Payment card fraud under § 22A-3302;

4453 (5) Check fraud under § 22A-3303;

4454 (6) Forgery under § 22A-3304;

4455 (7) Identity theft under § 22A-3305;

4456 (8) Unlawful labeling of a recording under § 22A-3307;

4457 (9) Financial exploitation of a vulnerable adult or elderly person under § 22A-3308;

4458 (10) Extortion under § 22A-3401;

4459 (11) Possession of stolen property under § 22A-3501;

4460 (12) Trafficking of stolen property under § 22A-3502;

4461 (13) Alteration of motor vehicle identification number under § 22A-3503; and

4462 (14) Criminal damage to property under § 22A-3603.

4463 SUBCHAPTER II. THEFT.

4464 § 22A-3201. Theft.

4465 (a) *First degree*. An actor commits first degree theft when the actor:

4466 (1) Knowingly takes, obtains, transfers, or exercises control over the property of

4467 another;

4468 (2) Without the consent of an owner;

4469 (3) With intent to deprive an owner of the property; and

4470 (4) In fact, the property has a value of \$500,000 or more.

4471 (b) *Second degree*. An actor commits second degree theft when the actor:

4472 (1) Knowingly takes, obtains, transfers, or exercises control over the property of

4473 another;

4474 (2) Without the consent of an owner;

4475 (3) With intent to deprive an owner of the property; and

4476 (4) In fact, the property has a value of \$50,000 or more.

4477 (c) *Third degree*. An actor commits third degree theft when the actor:

4478 (1) Knowingly takes, obtains, transfers, or exercises control over the property of

4479 another;

4480 (2) Without the consent of an owner;

4481 (3) With intent to deprive an owner of the property; and

4482 (4) In fact:

4483 (A) The property has a value of \$5,000 or more; or

4484 (B) The property is a motor vehicle.

4485 (d) *Fourth degree*. An actor commits fourth degree theft when the actor:

4486 (1) Knowingly takes, obtains, transfers, or exercises control over the property of

4487 another;

4488 (2) Without the consent of an owner;

4489 (3) With intent to deprive an owner of the property; and

4490 (4) In fact:

4491 (A) The property has a value of \$500 or more; or

4492 (B) The property is taken from a complainant who possesses the property

4493 within the complainant's immediate physical control.

4494 (e) *Fifth degree*. An actor commits fifth degree theft when the actor:

4495 (1) Knowingly takes, obtains, transfers, or exercises control over the property of

4496 another;

4497 (2) Without the consent of an owner;

4498 (3) With intent to deprive an owner of the property; and

4499 (4) In fact, the property has any value.

4500 (f) *Exclusion from liability.* An actor does not commit an offense under this section for
4501 conduct that, in fact, constitutes a failure to pay established fare or to present a valid transfer under
4502 § 35-252.

4503 (g) *Penalties.*

4504 (1) First degree theft is a Class 7 felony.

4505 (2) Second degree theft is a Class 8 felony.

4506 (3) Third degree theft is a Class 9 felony.

4507 (4) Fourth degree theft is a Class A misdemeanor.

4508 (5) Fifth degree theft is a Class C misdemeanor.

4509 § 22A-3202. Unauthorized use of property.

4510 (a) *Offense.* An actor commits unauthorized use of property when the actor:

4511 (1) Knowingly takes, obtains, transfers, or exercises control over the property of
4512 another;

4513 (2) Without the effective consent of an owner.

4514 (b) *Exclusion from liability.* An actor does not commit an offense under this section for
4515 conduct that, in fact, constitutes a failure to pay established fare or to present a valid transfer under
4516 § 35-252.

4517 (c) *Defense.* It is a defense to liability under this section that, in fact:

4518 (1) The actor reasonably believes that the property is lost or was stolen by a third
4519 party; and

4520 (2) Engages in the conduct constituting the offense with intent to return the property
4521 to a lawful owner.

4522 (d) *Penalties*. Unauthorized use of property is a Class D misdemeanor.

4523 § 22A-3203. Unauthorized use of a motor vehicle.

4524 (a) *Offense*. An actor commits unauthorized use of a motor vehicle when the actor:

4525 (1) Knowingly operates a motor vehicle;

4526 (2) Without the effective consent of an owner.

4527 (b) *Defense*. It is a defense to liability under this section that, in fact:

4528 (1) The actor reasonably believes that the motor vehicle is lost or was stolen by a
4529 third party; and

4530 (2) Engages in the conduct constituting the offense with intent to return the motor
4531 vehicle to a lawful owner.

4532 (c) *Penalties*. Unauthorized use of a motor vehicle is a Class A misdemeanor.

4533 § 22A-3204. Shoplifting.

4534 (a) *Offense*. An actor commits shoplifting when the actor:

4535 (1) Knowingly:

4536 (A) Holds or carries on the actor's person, or conceals;

4537 (B) Removes, alters, or transfers the price tag, serial number, or other
4538 identification mark that is imprinted on or attached to; or

4539 (C) Transfers from one container or package to another container or
4540 package;

4541 (2) Personal property of another that is:

4542 (A) Displayed or offered for sale; or

4543 (B) Held or stored on the premises in reasonably close proximity to the
4544 customer sales area, for future display or sale;

4545 (3) With intent to take or make use of the property without complete payment.

4546 (b) *No attempt liability.* The criminal attempt provision in § 22A-301 shall not apply to
4547 this section.

4548 (c) *Penalties.* Shoplifting is a Class D misdemeanor.

4549 (d) *Qualified immunity.* A person who displays, holds, stores, or offers for sale personal
4550 property as specified in subsection (a)(2) of this section, or an employee or agent of such a person,
4551 who detains or causes the arrest of a person in a place where such property is displayed, held,
4552 stored, or offered for sale shall not be held liable for detention, false imprisonment, malicious
4553 prosecution, defamation, or false arrest, in any proceeding arising out of such detention or arrest,
4554 if, in fact:

4555 (1) The person detaining or causing the arrest has, at the time thereof, probable
4556 cause to believe that the person detained or arrested committed an offense described in this section;

4557 (2) The manner of the detention or arrest is reasonable;

4558 (3) Law enforcement authorities are notified as soon as practicable; and

4559 (4) The person detained or arrested is released as soon as practicable after the
4560 detention or arrest, or is surrendered to law enforcement authorities as soon as practicable.

4561 § 22A-3205. Unlawful creation or possession of a recording.

4562 (a) *First degree.* An actor commits first degree unlawful creation or possession of a
4563 recording when the actor:

4564 (1) Knowingly makes, obtains, or possesses either:

4565 (A) A sound recording that is a copy of an original sound recording that was
4566 fixed before February 15, 1972; or

4567 (B) A sound recording or audiovisual recording of a live performance;

4568 (2) Without the effective consent of an owner;

4569 (3) With intent to sell, rent, or otherwise use the recording for commercial gain or
4570 advantage; and

4571 (4) In fact, the number of recordings made, obtained, or possessed is 100 or more.

4572 (b) *Second degree.* An actor commits second degree unlawful creation or possession of a
4573 recording when the actor:

4574 (1) Knowingly makes, obtains, or possesses either:

4575 (A) A sound recording that is a copy of an original sound recording that was
4576 fixed before February 15, 1972; or

4577 (B) A sound recording or audiovisual recording of a live performance;

4578 (2) Without the effective consent of an owner;

4579 (3) With intent to sell, rent, or otherwise use the recording for commercial gain or
4580 advantage; and

4581 (4) In fact, any number of recordings were made, obtained, or possessed.

4582 (c) *Exclusions from liability.* An actor does not commit an offense under this section when
4583 the actor, in fact:

4584 (1) Copies or reproduces a sound recording or audiovisual recording in the manner
4585 specifically permitted by Title 17 of the United States Code; or

4586 (2) Copies or reproduces a sound recording that is made by a licensed radio or
4587 television station or a cable broadcaster solely for broadcast or archival use.

4588 (d) *Penalties.*

4589 (1) First degree unlawful creation or possession of a recording is a Class C
4590 misdemeanor.

4591 (2) Second degree unlawful creation or possession of a recording is a Class D
4592 misdemeanor.

4593 (e) *Forfeiture.* Upon conviction under this section, the court may, in addition to the
4594 penalties provided by this section, order the forfeiture and destruction or other disposition of all
4595 sound recordings, audiovisual recordings, and equipment used, or attempted to be used, in
4596 violation of this section.

4597 § 22A-3206. Unlawful operation of a recording device inside a movie theater.

4598 (a) *Offense.* An actor commits unlawful operation of a recording device inside a movie
4599 theater when the actor:

4600 (1) Knowingly operates a recording device inside a movie theater;

4601 (2) Without the effective consent of an owner of the movie theater; and

4602 (3) With intent to record a motion picture, or any part of it.

4603 (b) *Penalties.* Unlawful operation of a recording device inside a movie theater is a Class
4604 D misdemeanor.

4605 (c) *Qualified immunity.* An owner of the movie theater specified in subsection (a) of this
4606 section, or the owner's employee or agent, who detains or causes the arrest of a person inside, or
4607 immediately adjacent to, the movie theater, shall not be held liable for detention, false
4608 imprisonment, malicious prosecution, defamation, or false arrest in any proceeding arising out of
4609 such detention or arrest, if, in fact:

4610 (1) The person detaining or causing the arrest has, at the time thereof, probable
4611 cause to believe that the person detained or arrested committed, or attempted to commit, an offense
4612 described in this section;

4613 (2) The manner of the detention or arrest is reasonable;

4614 (3) Law enforcement authorities are notified as soon as practicable; and

4615 (4) The person detained or arrested is released as soon as practicable after the
4616 detention or arrest, or is surrendered to law enforcement authorities as soon as practicable.

4617 (d) *Forfeiture.* Upon conviction under this section, the court may, in addition to the
4618 penalties provided by this section, order the forfeiture and destruction or other disposition of any
4619 recording and all equipment used, or attempted to be used, in violation of this section.

4620 SUBCHAPTER III. FRAUD.

4621 § 22A-3301. Fraud.

4622 (a) *First degree.* An actor commits first degree fraud when the actor:

4623 (1) Knowingly takes, obtains, transfers, or exercises control over the property of
4624 another;

4625 (2) With the consent of an owner obtained by deception;

4626 (3) With intent to deprive an owner of the property; and

4627 (4) In fact:

4628 (A) The property, other than labor or services, has a value of \$500,000 or
4629 more; or

4630 (B) The property is 2080 hours or more of labor or services.

4631 (b) *Second degree.* An actor commits second degree fraud when the actor:

4632 (1) Knowingly takes, obtains, transfers, or exercises control over the property of
4633 another;

4634 (2) With the consent of an owner obtained by deception;

4635 (3) With intent to deprive an owner of the property; and

4636 (4) In fact:

4637 (A) The property, other than labor or services, has a value of \$50,000 or
4638 more; or

4639 (B) The property is 160 hours or more of labor or services.

4640 (c) *Third degree.* An actor commits third degree fraud when the actor:

4641 (1) Knowingly takes, obtains, transfers, or exercises control over the property of
4642 another;

4643 (2) With the consent of an owner obtained by deception;

4644 (3) With intent to deprive an owner of the property; and

4645 (4) In fact:

4646 (A) The property, other than labor or services, has a value of \$5,000 or
4647 more; or

4648 (B) The property is 40 hours or more of labor or services.

4649 (d) *Fourth degree.* An actor commits fourth degree fraud when the actor:

4650 (1) Knowingly takes, obtains, transfers, or exercises control over the property of
4651 another;

4652 (2) With the consent of an owner obtained by deception;

4653 (3) With intent to deprive an owner of the property; and

4654 (4) In fact:

4655 (A) The property, other than labor or services, has a value of \$500 or more;
4656 or

4657 (B) The property is 8 hours or more of labor or services.

4658 (e) *Fifth degree.* An actor commits fifth degree fraud when the actor:

4659 (1) Knowingly takes, obtains, transfers, or exercises control over the property of

4660 another;

4661 (2) With the consent of an owner obtained by deception;

4662 (3) With intent to deprive an owner of the property; and

4663 (4) In fact, the property has any value.

4664 (f) *Penalties.*

4665 (1) First degree fraud is a Class 7 felony.

4666 (2) Second degree fraud is a Class 8 felony.

4667 (3) Third degree fraud is a Class 9 felony.

4668 (4) Fourth degree fraud is a Class A misdemeanor.

4669 (5) Fifth degree fraud is a Class C misdemeanor.

4670 § 22A-3302. Payment card fraud.

4671 (a) *First degree.* An actor commits first degree payment card fraud when the actor:

4672 (1) Knowingly obtains or pays for property by using a payment card:

4673 (A) Without the effective consent of the person to whom the payment card

4674 was issued;

4675 (B) After the payment card was revoked or canceled;

4676 (C) When the payment card was never issued; or

4677 (D) For the actor's own purposes, when the actor is an employee or
4678 contractor and the payment card was issued to the actor for the employer's purposes; and

4679 (2) In fact, the property has a value of \$500,000 or more.

4680 (b) *Second degree*. An actor commits second degree payment card fraud when the actor:

4681 (1) Knowingly obtains or pays for property by using a payment card:

4682 (A) Without the effective consent of the person to whom the payment card
4683 was issued;

4684 (B) After the payment card was revoked or canceled;

4685 (C) When the payment card was never issued; or

4686 (D) For the actor's own purposes, when the actor is an employee or
4687 contractor and the payment card was issued to the actor for the employer's purposes; and

4688 (2) In fact, the property has a value of \$50,000 or more.

4689 (c) *Third degree*. An actor commits third degree payment card fraud when the actor:

4690 (1) Knowingly obtains or pays for property by using a payment card:

4691 (A) Without the effective consent of the person to whom the payment card
4692 was issued;

4693 (B) After the payment card was revoked or canceled;

4694 (C) When the payment card was never issued; or

4695 (D) For the actor's own purposes, when the actor is an employee or
4696 contractor and the payment card was issued to the actor for the employer's purposes; and

4697 (2) In fact, the property has a value of \$5,000 or more.

4698 (d) *Fourth degree.* An actor commits fourth degree payment card fraud when the actor:

4699 (1) Knowingly obtains or pays for property by using a payment card:

4700 (A) Without the effective consent of the person to whom the payment card

4701 was issued;

4702 (B) After the payment card was revoked or canceled;

4703 (C) When the payment card was never issued; or

4704 (D) For the actor's own purposes, when the actor is an employee or

4705 contractor and the payment card was issued to the actor for the employer's purposes; and

4706 (2) In fact, the property has a value of \$500 or more.

4707 (e) *Fifth degree.* An actor commits fifth degree payment card fraud when the actor:

4708 (1) Knowingly obtains or pays for property by using a payment card:

4709 (A) Without the effective consent of the person to whom the payment card

4710 was issued; or

4711 (B) After the payment card was revoked or canceled; or

4712 (C) When the payment card was never issued; or

4713 (D) For the actor's own purposes, when the actor is an employee or

4714 contractor and the payment card was issued to the actor for the employer's purposes; and

4715 (2) In fact, the property has any value.

4716 (f) *Penalties.*

4717 (1) First degree payment card fraud is a Class 7 felony.

4718 (2) Second degree payment card fraud is a Class 8 felony.

4719 (3) Third degree payment card fraud is a Class 9 felony.

4720 (4) Fourth degree payment card fraud is a Class A misdemeanor.

4721 (5) Fifth degree payment card fraud is a Class C misdemeanor.

4722 § 22A-3303. Check fraud.

4723 (a) *First degree.* An actor commits first degree check fraud when the actor:

4724 (1) Knowingly obtains or pays for property by using a check;

4725 (2) With intent that the check not be honored in full upon presentation to the bank

4726 or depository institution drawn upon; and

4727 (3) The amount of loss to the check holder is, in fact, \$5,000 or more.

4728 (b) *Second degree.* An actor commits second degree check fraud when the actor:

4729 (1) Knowingly obtains or pays for property by using a check;

4730 (2) With intent that the check not be honored in full upon presentation to the bank

4731 or depository institution drawn upon; and

4732 (3) The amount of loss to the check holder is, in fact, \$500 or more.

4733 (c) *Third degree.* An actor commits third degree check fraud when the actor:

4734 (1) Knowingly obtains or pays for property by using a check;

4735 (2) With intent that the check not be honored in full upon presentation to the bank

4736 or depository institution drawn upon; and

4737 (3) The amount of loss to the check holder is, in fact, any amount.

4738 (d) *Penalties.*

4739 (1) First degree check fraud is a Class 9 felony.

4740 (2) Second degree check fraud is a Class A misdemeanor.

4741 (3) Third degree check fraud is a Class C misdemeanor.

4742 § 22A-3304. Forgery.

4743 (a) *First degree.* An actor commits first degree forgery when the actor:

4744 (1) Commits third degree forgery; and

4745 (2) The written instrument appears to be, in fact:

4746 (A) A stock certificate, bond, or other instrument representing an interest in
4747 or claim against a corporation or other organization of its property;

4748 (B) A public record, or instrument filed in a public office or with a public
4749 servant;

4750 (C) A written instrument officially issued or created by a public office,
4751 public servant, or government instrumentality;

4752 (D) A deed, will, codicil, contract, assignment, commercial instrument, or
4753 other instrument which does or may evidence, create, transfer, terminate, or otherwise affect a
4754 legal right, interest, obligation, or status; or

4755 (E) A written instrument having a value of \$50,000 or more.

4756 (b) *Second degree.* An actor commits second degree forgery when the actor:

4757 (1) Commits third degree forgery; and

4758 (2) The written instrument appears to be, in fact:

4759 (A) A token, fare card, public transportation transfer certificate, or other
4760 article manufactured for use as a symbol of value in place of money for the purchase of property
4761 or services;

4762 (B) A prescription of a duly licensed physician or other person authorized
4763 to issue the same for any controlled substance or other instrument or devices used in the taking or
4764 administering of controlled substances for which a prescription is required by law; or

4765 (C) A written instrument having a value of \$5,000 or more.

4766 (c) *Third degree.* An actor commits third degree forgery when the actor:

4767 (1) Knowingly does any of the following:

4768 (A) Alters a written instrument without authorization, and the written
4769 instrument is reasonably adapted to deceive a person into believing it is genuine;

4770 (B) Makes or completes a written instrument:

4771 (i) That appears:

4772 (I) To be the act of another who did not authorize that act, or

4773 (II) To have been made or completed at a time or place or in

4774 a numbered sequence other than was in fact the case, or

4775 (III) To be a copy of an original when no such original

4776 existed; and

4777 (ii) The written instrument is reasonably adapted to deceive a person
4778 into believing the written instrument is genuine; or

4779 (C) Transmits or otherwise uses a written instrument that was made, signed,
4780 or altered in a manner specified in subsection (c)(1)(A) or (B) of this section;

4781 (2) With intent to:

4782 (A) Obtain the property of another by deception; or

4783 (B) Harm another person.

4784 (d) *Penalties.*

4785 (1) First degree forgery is a Class 8 felony.

4786 (2) Second degree forgery is a Class 9 felony.

4787 (3) Third degree forgery is a Class A misdemeanor.

4788 § 22A-3305. Identity theft.

4789 (a) *First degree.* An actor commits identity theft when the actor:

4790 (1) Commits fifth degree identity theft; and

4791 (2) The value of the property intended to be obtained or the amount of the payment
4792 intended to be avoided, or the financial injury, whichever is greater, in fact, is \$500,000 or more.

4793 (b) *Second degree.* An actor commits second degree identity theft when the actor:

4794 (1) Commits fifth degree identity theft; and

4795 (2) The value of the property intended to be obtained or the amount of the payment
4796 intended to be avoided, or the financial injury, whichever is greater, in fact, is \$50,000 or more.

4797 (c) *Third degree.* An actor commits third degree identity theft when the actor:

4798 (1) Commits fifth degree identity theft; and

4799 (2) The value of the property intended to be obtained or the amount of the payment

4800 intended to be avoided, or the financial injury, whichever is greater, in fact, is \$5,000 or more.

4801 (d) *Fourth degree.* A person commits fourth degree identity theft when the actor:

4802 (1) Commits fifth degree identity theft; and

4803 (2) The value of the property intended to be obtained or the amount of the payment

4804 intended to be avoided, or the financial injury, whichever is greater, in fact, is \$500 or more.

4805 (e) *Fifth degree.* An actor commits fifth degree identity theft when the actor:

4806 (1) Knowingly creates, possesses, or uses personal identifying information

4807 belonging to or pertaining to another person;

4808 (2) Without that other person's effective consent; and

4809 (3) With intent to use the personal identifying information to:

4810 (A) Obtain the property of another by deception;

4811 (B) Avoid payment due for any property, fines, or fees by deception; or

4812 (C) Give, sell, transmit, or transfer the information to a third person to

4813 facilitate the use of the identifying information by that third person to obtain property by deception.

4814 (f) *Unit of prosecution and calculation of time to commence prosecution of offense.*

4815 Creating, possessing, or using a person's personal identifying information in violation of this

4816 section shall constitute a single course of conduct for determining the applicable period of

4817 limitation under § 23-113(b). The applicable time limitation under § 23-113 shall not begin to run
4818 until after the day after the course of conduct has been completed, or the person whose identifying
4819 information was taken, possessed, or used knows, or reasonably should have been aware, of the
4820 identity theft, whichever occurs earlier.

4821 (g) *Penalties.*

4822 (1) First degree identity theft is a Class 7 felony.

4823 (2) Second degree identity theft is a Class 8 felony.

4824 (3) Third degree identity theft is a Class 9 felony.

4825 (4) Fourth degree identity theft is a Class A misdemeanor.

4826 (5) Fifth degree identity theft is a Class C misdemeanor.

4827 (h) *Police reports.* The Metropolitan Police Department shall make a report of each
4828 complaint of identity theft and provide the complainant with a copy of the report.

4829 § 22A-3306. Identity theft civil provisions.

4830 (a) When a person is convicted, adjudicated delinquent, or found not guilty of identity theft
4831 under the mental disability affirmative defense in § 22A-504, the court may issue such orders as
4832 are necessary to correct any District of Columbia public record that contains false information as
4833 a result of a violation of § 22A-3305.

4834 (b) In all other cases, a person who alleges that they are a victim of identity theft may
4835 petition the court for an expedited judicial determination that a District of Columbia public record
4836 contains false information as a result of a violation of § 22A-3305. Upon a finding of clear and

4837 convincing evidence that the person was a victim of identity theft, the court may issue such orders
4838 as are necessary to correct any District of Columbia public record that contains false information
4839 as a result of a violation of § 22A-3305.

4840 (c) Notwithstanding any other provision of law, District of Columbia agencies shall comply
4841 with orders issued under subsection (a) of this section within 30 days after the issuance of the
4842 order.

4843 § 22A-3307. Unlawful labeling of a recording.

4844 (a) *First degree*. An actor commits first degree unlawful labeling of a recording when the
4845 actor:

4846 (1) Knowingly possesses sound recordings or audiovisual recordings that do not
4847 clearly and conspicuously disclose the true name and address of the manufacturer on their labels,
4848 covers, or jacket that, in fact, number 100 or more;

4849 (2) With intent to sell or rent the sound recordings or audiovisual recordings.

4850 (b) *Second degree*. An actor commits second degree unlawful labeling of a recording when
4851 the actor:

4852 (1) Knowingly possesses one or more sound recordings or audiovisual recordings
4853 that does not clearly and conspicuously disclose the true name and address of the manufacturer on
4854 its label, cover, or jacket;

4855 (2) With intent to sell or rent the sound recordings or audiovisual recordings.

4856 (c) *Exclusions from liability.* An actor does not commit an offense under this section when
4857 the actor, in fact:

4858 (1) Transfers any sounds or images recorded on a sound recording or audiovisual
4859 recording in connection with, or as part of, a radio or television broadcast transmission, or for the
4860 purposes of archival preservation; or

4861 (2) Transfers, in their home for their own personal use, any sounds or images
4862 recorded on a sound recording or audiovisual recording.

4863 (d) *Penalties.*

4864 (1) First degree unlawful labeling of a recording is a Class C misdemeanor.

4865 (2) Second degree unlawful labeling of a recording is a Class D misdemeanor.

4866 (e) *Forfeiture.* Upon conviction under this section, the court may, in addition to the
4867 penalties provided by this section, order the forfeiture and destruction or other disposition of all
4868 sound recordings, audiovisual recordings, and equipment used, or attempted to be used, in
4869 violation of this section.

4870 (f) *Definitions.* For the purposes of this section, the term “manufacturer” means the person
4871 who affixes, or authorizes the affixation of, sounds or images to a sound recording or audiovisual
4872 recording.

4873 § 22A-3308. Financial exploitation of a vulnerable adult or elderly person.

4874 (a) *First degree.* An actor commits first degree financial exploitation of a vulnerable adult
4875 or elderly person when the actor:

4876 (1) Commits fifth degree financial exploitation of a vulnerable adult or elderly
4877 person; and

4878 (2) In fact, the value of the property or the amount of the financial injury, whichever
4879 is greater, is \$500,000 or more.

4880 (b) *Second degree.* An actor commits second degree financial exploitation of a vulnerable
4881 adult or elderly person when the actor:

4882 (1) Commits fifth degree financial exploitation of a vulnerable adult or elderly
4883 person; and

4884 (2) In fact, the value of the property or the amount of the financial injury, whichever
4885 is greater, is \$50,000 or more.

4886 (c) *Third degree.* An actor commits third degree financial exploitation of a vulnerable
4887 adult or elderly person when the actor:

4888 (1) Commits fifth degree financial exploitation of a vulnerable adult or elderly
4889 person; and

4890 (2) In fact, the value of the property or the amount of the financial injury, whichever
4891 is greater, is \$5,000 or more.

4892 (d) *Fourth degree.* An actor commits fourth degree financial exploitation of a vulnerable
4893 adult or elderly person when the actor:

4894 (1) Commits fifth degree financial exploitation of a vulnerable adult or elderly
4895 person; and

4896 (2) In fact, the value of the property or the amount of the financial injury, whichever
4897 is greater, is \$500 or more.

4898 (e) *Fifth degree*. An actor commits fifth degree financial exploitation of a vulnerable adult
4899 or elderly person when the actor:

4900 (1) Knowingly takes, obtains, transfers, or exercises control over the property of
4901 another:

4902 (A) With consent of an owner obtained by undue influence;

4903 (B) Reckless as to the fact that the owner is a vulnerable adult or elderly
4904 person;

4905 (C) With intent to deprive an owner of the property; and

4906 (D) In fact, the property has any value; or

4907 (2) Reckless as to the fact that the complainant is a vulnerable adult or elderly
4908 person, commits one or more offenses that is, in fact:

4909 (A) Theft under § 22A-3201;

4910 (B) Fraud under § 22A-3301;

4911 (C) Payment card fraud under § 22A-3302;

4912 (D) Check fraud under § 22A-3303;

4913 (E) Forgery under § 22A-3304;

4914 (F) Identity theft under § 22A-3305; or

4915 (G) Extortion under § 22A-3401.

4916 (f) *Penalties.*

4917 (1) First degree financial exploitation of a vulnerable adult or elderly person is a
4918 Class 6 felony.

4919 (2) Second degree financial exploitation of a vulnerable adult or elderly person is a
4920 Class 7 felony.

4921 (3) Third degree financial exploitation of a vulnerable adult or elderly person is a
4922 Class 8 felony.

4923 (4) Fourth degree financial exploitation of a vulnerable adult or elderly person is a
4924 Class 9 felony.

4925 (5) Fifth degree financial exploitation of a vulnerable adult or elderly person is a
4926 Class B misdemeanor.

4927 (g) *Restitution.* In addition to the penalties set forth in subsection (f) of this section, a
4928 person shall make restitution, before the payment of any fines or civil penalties.

4929 § 22A-3309. Financial exploitation of a vulnerable adult or elderly person civil provisions.

4930 (a) *Petition for injunctive relief and protections.* Notwithstanding any other provision of
4931 law, if the Attorney General for the District of Columbia or the United States Attorney has reason
4932 to believe that any person has violated, or intends to violate, section § 22A-3308, the Attorney
4933 General or the United States Attorney may bring a civil action in the Court, in the name of the
4934 District, which may be by ex parte motion and without notice to the person, to seek any of the
4935 following:

- 4936 (1) A temporary or permanent injunction;
- 4937 (2) Restitution of money or property;
- 4938 (3) The cost of the action, including reasonable attorney's fees;
- 4939 (4) Revocation of all permits, licenses, registrations, or certifications issued by the
- 4940 District authorizing the person to provide services to vulnerable adults or elderly persons, which
- 4941 shall be effective upon the issuance of the Court's judgment, and the person shall not be entitled
- 4942 to a hearing with the relevant licensing board or agency;
- 4943 (5) Civil penalties of not more than \$10,000 per violation; or
- 4944 (6) Any other relief the court deems just.
- 4945 (b) In an action under this section:
- 4946 (1) A related criminal proceeding need not have been initiated, nor judgment
- 4947 secured, prior to bringing the action;
- 4948 (2) The Attorney General shall not be required to prove damages; and
- 4949 (3) The burden of proof shall be by a preponderance of the evidence.
- 4950 (c) *Standard for court review of petition.* The court may grant an ex parte motion
- 4951 authorized by subsection (a) of this section without notice to the person against whom the
- 4952 injunction or order is sought if the court finds that facts offered in support of the motion establish
- 4953 that:
- 4954 (1) There is a substantial likelihood that the person committed financial exploitation
- 4955 of a vulnerable adult or elderly person;

4956 (2) The harm that may result from the injunction or order is clearly outweighed by
4957 the risk of harm to the vulnerable adult or elderly person if the injunction or order is not issued;
4958 and

4959 (3) If the Attorney General for the District of Columbia or the United States
4960 Attorney has petitioned for an order temporarily freezing assets, the order is necessary to prevent
4961 dissipation of assets obtained in violation of § 22A-3308.

4962 (d) *Effect of order to temporarily freeze assets.*

4963 (1) An order temporarily freezing assets without notice to the person under
4964 subsections (a) and (c) of this section shall expire on a date set by the court, not later than 14 days
4965 after the court issues the order unless, before that time, the court extends the order for good cause
4966 shown.

4967 (2) A person whose assets were temporarily frozen under subsections (a) and (c) of
4968 this section may move to dissolve or modify the order after notice to the Attorney General for the
4969 District of Columbia or the United States Attorney. The court shall hear and decide the motion or
4970 application on an expedited basis.

4971 (e) *Appointment of receiver or conservator.* The court may issue an order temporarily
4972 freezing the assets of the vulnerable adult or elderly person to prevent dissipation of assets;
4973 provided, that the court also appoints a receiver or conservator for those assets. The order shall
4974 allow for the use of assets to continue care for the vulnerable adult or elderly person, and can only
4975 be issued upon a showing that a temporary injunction or temporary restraining order authorized by

4976 this section would be insufficient to safeguard the assets, or with the consent of the vulnerable
4977 adult or elderly person or their legal representative.

4978 § 22A-3310. Trademark counterfeiting.

4979 (a) *First degree.* An actor commits first degree trademark counterfeiting when the actor:

4980 (1) Knowingly manufactures for sale, possesses with intent to sell, or offers to sell,
4981 property bearing or identified by a counterfeit mark; and

4982 (2) In fact, the property consists of 100 or more items, or the property has a total
4983 retail value of \$5,000 or more.

4984 (b) *Second degree.* An actor commits second degree trademark counterfeiting when the
4985 actor:

4986 (1) Knowingly manufactures for sale, possesses with intent to sell, or offers to sell,
4987 property bearing or identified by a counterfeit mark; and

4988 (2) In fact, the property has any value.

4989 (c) *Exclusion from liability.* An actor does not commit an offense under this section if the
4990 actor, in fact, uses a trademark in a manner that is legal under civil law.

4991 (d) *Seizure and disposal of seized items bearing a counterfeit mark.*

4992 (1) Any items bearing a counterfeit mark shall be seized, and all personal property,
4993 including any items, objects, tools, machines, equipment, instrumentalities, or vehicles of any kind,
4994 employed or used in connection with a violation of this section may be seized, by any law

4995 enforcement officer, including any designated civilian employee of the Metropolitan Police
4996 Department, in accordance with the procedures set forth in Chapter 3 of Title 41.

4997 (2) All seized personal property shall be subject to forfeiture pursuant to the
4998 standards and procedures set forth in Chapter 3 of Title 41.

4999 (3) Upon the request of the owner of the trademark, service mark, trade name, label,
5000 term, picture, seal, word, or advertisement, all seized items bearing a counterfeit mark shall be
5001 released to the owner of the trademark, service mark, trade name, label, term, picture, seal, word,
5002 or advertisement for destruction or disposition.

5003 (4) If the owner of the trademark, service mark, trade name, label, term, picture,
5004 seal, word, or advertisement does not request release of seized items bearing a counterfeit mark,
5005 such items shall be destroyed unless the owner of the of the trademark, service mark, trade name,
5006 label, term, picture, seal, word, or advertisement consents to another disposition.

5007 (e) *Evidence of state or federal registration.* Any state or federal certificate of registration
5008 of any trademark, service mark, trade name, label, term, picture, seal, word, or advertisement shall
5009 be prima facie evidence of the facts stated therein.

5010 (f) *Penalties.*

5011 (1) First degree trademark counterfeiting is a Class A misdemeanor.

5012 (2) Second degree trademark counterfeiting is a Class C misdemeanor.

5013 SUBCHAPTER IV. EXTORTION.

5014 § 22A-3401. Extortion.

5015 (a) *First degree.* An actor commits first degree extortion when the actor:

5016 (1) Knowingly takes, obtains, transfers, or exercises control over the property of

5017 another;

5018 (2) With the consent of an owner obtained by an explicit or implicit coercive threat;

5019 (3) With intent to deprive an owner of the property; and

5020 (4) In fact, the property has a value of \$500,000 or more.

5021 (b) *Second degree.* An actor commits second degree extortion when the actor:

5022 (1) Knowingly takes, obtains, transfers, or exercises control over the property of

5023 another;

5024 (2) With the consent of an owner obtained by an explicit or implicit coercive threat;

5025 (3) With intent to deprive an owner of the property; and

5026 (4) In fact, the property has a value of \$50,000 or more.

5027 (c) *Third degree.* An actor commits third degree extortion when the actor:

5028 (1) Knowingly takes, obtains, transfers, or exercises control over the property of

5029 another;

5030 (2) With the consent of an owner obtained by an explicit or implicit coercive threat;

5031 (3) With intent to deprive an owner of the property; and

5032 (4) In fact, the property has a value \$5,000 or more.

5033 (d) *Fourth degree.* An actor commits fourth degree extortion when the actor:

5034 (1) Knowingly takes, obtains, transfers, or exercises control over the property of
5035 another;

5036 (2) With the consent of an owner obtained by an explicit or implicit coercive threat;

5037 (3) With intent to deprive an owner of the property; and

5038 (4) In fact, the property has a value of \$500 or more.

5039 (e) *Fifth degree.* An actor commits fifth degree extortion when the actor:

5040 (1) Knowingly takes, obtains, transfers, or exercises control over the property of
5041 another;

5042 (2) With the consent of an owner obtained by an explicit or implicit coercive threat;

5043 (3) With intent to deprive an owner of the property; and

5044 (4) In fact, the property has any value.

5045 (f) *Penalties.*

5046 (1) First degree extortion is a Class 6 felony.

5047 (2) Second degree extortion is a Class 7 felony.

5048 (3) Third degree extortion is a Class 8 felony.

5049 (4) Fourth degree extortion is a Class 9 felony.

5050 (5) Fifth degree extortion is a Class B misdemeanor.

5051 SUBCHAPTER V. STOLEN PROPERTY.

5052 § 22A-3501. Possession of stolen property.

5053 (a) *First degree.* An actor commits first degree possession of stolen property when the
5054 actor:

- 5055 (1) Knowingly buys or possesses property;
- 5056 (2) With intent that the property be stolen;
- 5057 (3) With intent to deprive an owner of the property; and
- 5058 (4) In fact, the property has a value of \$500,000 or more.

5059 (b) *Second degree.* An actor commits second degree possession of stolen property when
5060 the actor:

- 5061 (1) Knowingly buys or possesses property;
- 5062 (2) With intent that the property be stolen;
- 5063 (3) With intent to deprive an owner of the property; and
- 5064 (4) In fact, the property has a value of \$50,000 or more.

5065 (c) *Third degree.* An actor commits third degree possession of stolen property when the
5066 actor:

- 5067 (1) Knowingly buys or possesses property;
- 5068 (2) With intent that the property be stolen;
- 5069 (3) With intent to deprive an owner of the property; and
- 5070 (4) In fact, the property has a value of \$5,000 or more.

5071 (d) *Fourth degree.* An actor commits fourth degree possession of stolen property when the
5072 actor:

- 5073 (1) Knowingly buys or possesses property;
5074 (2) With intent that the property be stolen;
5075 (3) With intent to deprive an owner of the property; and
5076 (4) In fact, the property has a value of \$500 or more.

5077 (e) *Fifth degree.* An actor commits fifth degree possession of stolen property when the
5078 actor:

- 5079 (1) Knowingly buys or possesses property;
5080 (2) With intent that the property be stolen;
5081 (3) With intent to deprive an owner of the property; and
5082 (4) In fact, the property has any value.

5083 (f) *Penalties.*

- 5084 (1) First degree possession of stolen property is a Class 8 felony.
5085 (2) Second degree possession of stolen property is a Class 9 felony.
5086 (3) Third degree possession of stolen property is a Class A misdemeanor.
5087 (4) Fourth degree possession of stolen property is a Class B misdemeanor.
5088 (5) Fifth degree possession of stolen property is a Class D misdemeanor.

5089 § 22A-3502. Trafficking of stolen property.

5090 (a) *First degree.* An actor commits first degree trafficking of stolen property when the
5091 actor:

- 5092 (1) Knowingly buys or possesses property on 2 or more separate occasions;

5093 (2) With intent that the property be stolen;

5094 (3) With intent to sell, pledge as consideration, or trade the property; and

5095 (4) In fact, the total property trafficked has a value of \$500,000 or more.

5096 (b) *Second degree.* An actor commits second degree trafficking of stolen property when
5097 the actor:

5098 (1) Knowingly buys or possesses property on 2 or more separate occasions;

5099 (2) With intent that the property be stolen;

5100 (3) With intent to sell, pledge as consideration, or trade the property; and

5101 (4) In fact, the total property trafficked has a value of \$50,000 or more.

5102 (c) *Third degree.* An actor commits third degree trafficking of stolen property when the
5103 actor:

5104 (1) Knowingly buys or possesses property on 2 or more separate occasions;

5105 (2) With intent that the property be stolen;

5106 (3) With intent to sell, pledge as consideration, or trade the property; and

5107 (4) In fact, the total property trafficked has a value of \$5,000 or more.

5108 (d) *Fourth degree.* An actor commits fourth degree trafficking of stolen property when the
5109 actor:

5110 (1) Knowingly buys or possesses property on 2 or more separate occasions;

5111 (2) With intent that the property be stolen;

5112 (3) With intent to sell, pledge as consideration, or trade the property; and

5113 (4) In fact, the total property trafficked has a value of \$500 or more.

5114 (e) *Fifth degree.* An actor commits fifth degree trafficking of stolen property when the
5115 actor:

5116 (1) Knowingly buys or possesses property on 2 or more separate occasions;

5117 (2) With intent that the property be stolen;

5118 (3) With intent to sell, pledge as consideration, or trade the property; and

5119 (4) In fact, the property trafficked has any value.

5120 (f) *Penalties.*

5121 (1) First degree trafficking of stolen property is a Class 7 felony.

5122 (2) Second degree trafficking of stolen property is a Class 8 felony.

5123 (3) Third degree trafficking of stolen property is a Class 9 felony.

5124 (4) Fourth degree trafficking of stolen property is a Class A misdemeanor.

5125 (5) Fifth degree trafficking of stolen property is a Class C misdemeanor.

5126 § 22A-3503. Alteration of a motor vehicle identification number.

5127 (a) *First degree.* An actor commits first degree alteration of a motor vehicle identification
5128 number when the actor:

5129 (1) Knowingly alters a vehicle identification number of a motor vehicle or motor
5130 vehicle part;

5131 (2) With intent to conceal or misrepresent the identity of the motor vehicle or motor
5132 vehicle part; and

5133 (3) The value of such motor vehicle or motor vehicle part, in fact, is \$5,000 or more.

5134 (b) *Second degree.* An actor commits second degree alteration of a motor vehicle
5135 identification number when the actor:

5136 (1) Knowingly alters a vehicle identification number of a motor vehicle or motor
5137 vehicle part;

5138 (2) With intent to conceal or misrepresent the identity of the motor vehicle or motor
5139 vehicle part; and

5140 (3) The motor vehicle or motor vehicle part, in fact, has any value.

5141 (c) *Penalties.*

5142 (1) First degree alteration of a motor vehicle identification number is a Class 9
5143 felony.

5144 (2) Second degree alteration of a motor vehicle identification number is a Class B
5145 misdemeanor.

5146 § 22A-3504. Alteration of a bicycle identification number.

5147 (a) *Offense.* An actor commits alteration of a bicycle identification numbers when the actor:

5148 (1) Knowingly alters an identification number of a bicycle or bicycle part;

5149 (2) With intent to conceal or misrepresent the identity of the bicycle or bicycle part.

5150 (b) *Penalties.* Alteration of a bicycle identification number is a Class D misdemeanor.

5151 (c) *Definitions.* For the purposes of this section, the terms “bicycle” “and “identification
5152 number” shall have the same meaning as provided in § 50-1609(1) and (1A), respectively.

5153 SUBCHAPTER VI. PROPERTY DAMAGE.

5154 § 22A-3601. Arson.

5155 (a) *First degree*. An actor commits first degree arson when the actor:

5156 (1) Knowingly starts a fire, or causes an explosion, that damages or destroys a
5157 dwelling or building;

5158 (2) Reckless as to the fact that a person who is not a participant in the crime is
5159 present inside the dwelling or building; and

5160 (3) In fact, the fire or explosion causes death or serious bodily injury to any person
5161 who is not a participant in the crime.

5162 (b) *Second degree*. An actor commits second degree arson when the actor:

5163 (1) Knowingly starts a fire, or causes an explosion, that damages or destroys a
5164 dwelling or building;

5165 (2) Reckless as to the fact that a person who is not a participant in the crime is
5166 present inside the dwelling or building.

5167 (c) *Third degree*. An actor commits third degree arson when the actor knowingly starts a
5168 fire, or causes an explosion, that damages or destroys a dwelling or building.

5169 (d) *Affirmative defense*. It is an affirmative defense to liability under subsection (c) of this
5170 section that the actor, in fact, has a valid blasting permit issued by the Fire and Emergency Medical
5171 Services Department, and complied with all the rules and regulations governing the use of such a
5172 permit.

5173 (e) *Penalties.*

5174 (1) First degree arson is a Class 5 felony.

5175 (2) Second degree arson is a Class 7 felony.

5176 (3) Third degree arson is a Class 9 felony.

5177 § 22A-3602. Reckless burning.

5178 (a) *Offense.* An actor commits reckless burning when the actor:

5179 (1) Knowingly starts a fire or causes an explosion;

5180 (2) Reckless as to the fact that the fire or explosion damages or destroys a dwelling
5181 or building.

5182 (b) *Affirmative defense.* It is an affirmative defense to liability under this section that the
5183 actor, in fact, has a valid blasting permit issued by the Fire and Emergency Medical Services
5184 Department, and complied with all the rules and regulations governing the use of such a permit.

5185 (c) *Penalties.* Reckless burning is a Class A misdemeanor.

5186 § 22A-3603. Criminal damage to property.

5187 (a) *First degree.* An actor commits first degree criminal damage to property when the
5188 actor:

5189 (1) Knowingly damages or destroys the property of another;

5190 (2) Without the effective consent of an owner; and

5191 (3) In fact, the amount of damage is \$500,000 or more.

5192 (b) *Second degree.* An actor commits second degree criminal damage to property when
5193 the actor:

5194 (1) Knowingly damages or destroys the property of another;

5195 (2) Without the effective consent of an owner; and

5196 (3) In fact, the amount of damage is \$50,000 or more.

5197 (c) *Third degree.* An actor commits third degree criminal damage to property when the
5198 actor:

5199 (1) Knowingly damages or destroys the property of another;

5200 (A) Without the effective consent of an owner; and

5201 (B) In fact:

5202 (i) The amount of damage is \$5,000 or more;

5203 (ii) The property is a cemetery, grave, or other place for the
5204 internment of human remains; or

5205 (iii) The property is a place of worship or a public monument; or

5206 (2) Recklessly damages or destroys property;

5207 (A) Knowing that it is the property of another;

5208 (B) Without the effective consent of an owner; and

5209 (C) In fact, the amount of damage is \$50,000 or more.

5210 (d) *Fourth degree.* An actor commits fourth degree criminal damage to property when the
5211 actor:

- 5212 (1) Recklessly damages or destroys property;
5213 (2) Knowing that it is the property of another;
5214 (3) Without the effective consent of an owner; and
5215 (4) In fact, the amount of damage is \$500 or more.

5216 (e) *Fifth degree.* An actor commits fifth degree criminal damage to property when the
5217 actor:

- 5218 (1) Recklessly damages or destroys property;
5219 (2) Knowing that it is the property of another;
5220 (3) Without the effective consent of an owner; and
5221 (4) In fact, there is any amount of damage to the property.

5222 (f) *Penalties.*

- 5223 (1) First degree criminal damage to property is a Class 7 felony.
5224 (2) Second degree criminal damage to property is a Class 8 felony.
5225 (3) Third degree criminal damage to property is a Class 9 felony.
5226 (4) Fourth degree criminal damage to property is a Class A misdemeanor.
5227 (5) Fifth degree criminal damage to property is a Class C misdemeanor.

5228 § 22A-3604. Criminal graffiti.

5229 (a) *Offense.* An actor commits criminal graffiti when the actor:

- 5230 (1) Knowingly places any inscription, writing, drawing, marking, or design on the
5231 property of another;

5232 (2) Without the effective consent of an owner.

5233 (b) *Penalties.* Criminal graffiti is a Class D misdemeanor.

5234 SUBCHAPTER VII. TRESPASS.

5235 § 22A-3701. Trespass.

5236 (a) *First degree.* An actor commits first degree trespass when the actor:

5237 (1) Knowingly enters or remains inside a dwelling, or part thereof;

5238 (2) Without a privilege or license to do so under civil law.

5239 (b) *Second degree.* An actor commits second degree trespass when the actor:

5240 (1) Knowingly enters or remains inside a building, or part thereof;

5241 (2) Without a privilege or license to do so under civil law.

5242 (c) *Third degree.* An actor commits third degree trespass when the actor:

5243 (1) Knowingly enters or remains inside or on land, a watercraft, or a motor vehicle,

5244 or part thereof;

5245 (2) Without a privilege or license to do so under civil law.

5246 (d) *Exclusions from liability.*

5247 (1) An actor does not commit an offense under this section by, in fact, violating a

5248 barring notice issued for District of Columbia Housing Authority properties unless the bar notice

5249 is lawfully issued pursuant to the District of Columbia Municipal Regulations on an objectively

5250 reasonable basis.

5251 (2) An actor does not commit an offense under this section for conduct that, in fact,
5252 constitutes a failure to pay established fare or to present a valid transfer under § 35-252.

5253 (e) *Permissive inference.* In a trial determining a violation of this section, a factfinder may,
5254 but is not required to, infer that an actor lacks a privilege or license to enter or remain inside or on
5255 a location that:

5256 (1) Is otherwise vacant;

5257 (2) Shows signs of a forced entry; and

5258 (3) Either:

5259 (A) Is secured in a manner that reasonably conveys that it is not to be
5260 entered; or

5261 (B) Displays signage that is reasonably visible prior to or outside the
5262 location's points of entry, and that sign says "no trespassing" or similarly indicates that a person
5263 may not enter.

5264 (f) *Penalties.*

5265 (1) First degree trespass is a Class B misdemeanor.

5266 (2) Second degree trespass is a Class C misdemeanor.

5267 (3) Third degree trespass is a Class D misdemeanor.

5268 SUBCHAPTER VIII. BURGLARY.

5269 § 22A-3801. Burglary.

5270 (a) *First degree.* An actor commits first degree burglary when the actor:

5271 (1) Knowingly and fully enters or surreptitiously remains inside a dwelling, or part
5272 thereof;

5273 (2) Without a privilege or license to do so under civil law;

5274 (3) With intent to commit while inside one or more offenses that is, in fact, an
5275 offense under Chapter 2 of this title or a predicate property offense;

5276 (4) Reckless as to the fact that a person who is not a participant in the burglary
5277 either is entering with the actor or is already inside; and

5278 (5) In fact, the person directly perceives the actor while the actor is inside.

5279 (b) *Second degree.* An actor commits second degree burglary when the actor:

5280 (1) Knowingly and fully enters or surreptitiously remains inside:

5281 (A) A dwelling, or part thereof, without a privilege or license to do so under
5282 civil law; or

5283 (B) A building, or part thereof, without a privilege or license to do so under
5284 civil law:

5285 (i) That is not open to the general public at the time of the burglary;

5286 (ii) Reckless as to the fact that a person who is not a participant in
5287 the burglary either is entering with the actor or is already inside; and

5288 (2) With intent to commit while inside one or more offense that is, in fact, an offense
5289 under Chapter 2 of this title or a predicate property offense.

5290 (c) *Third degree.* An actor commits third degree burglary when the actor:

- 5291 (1) Knowingly and fully enters or surreptitiously remains inside:
5292 (A) A building or business yard, or part thereof;
5293 (B) That is not open to the general public at the time of the burglary;
5294 (2) Without a privilege or license to do so under civil law; and
5295 (3) With intent to commit while inside one or more offenses that is, in fact, an
5296 offense under Chapter 2 of this title or a predicate property offense.

5297 (d) *Penalties.*

5298 (1) First degree burglary is a Class 8 felony, but notwithstanding § 22A-603, the
5299 maximum term of imprisonment for first degree burglary is 6 years.

5300 (2) Second degree burglary is a Class 8 felony.

5301 (3) Third degree burglary is a Class A misdemeanor.

5302 (4) *Penalty enhancements.*

5303 (A) The maximum penalty for first degree burglary shall be increased by 2
5304 classes if the actor knowingly holds or carries on the actor's person, while entering or
5305 surreptitiously remaining in the location, what is, in fact, a dangerous weapon or imitation firearm.

5306 (B) The maximum penalty for second degree burglary shall be increased by
5307 one class if the actor knowingly holds or carries on the actor's person, while entering or
5308 surreptitiously remaining in the location, what is, in fact, a dangerous weapon or imitation firearm.

5309 (C) The maximum penalty for third degree burglary shall be increased by 5
5310 years if the actor knowingly holds or carries on the actor's person, while entering or surreptitiously
5311 remaining in the location, what is, in fact, a dangerous weapon or imitation firearm.

5312 (e) *Definitions.* For the purposes of this section, the term "predicate property offense"
5313 means:

5314 (1) Theft under § 22A-3201;

5315 (2) Unauthorized use of property under § 22A-3202;

5316 (3) Unauthorized use of a motor vehicle under § 22A-3203;

5317 (4) Extortion under § 22A-3401;

5318 (5) Arson under § 22A-3601;

5319 (6) Reckless burning under § 22A-3602; or

5320 (7) Criminal damage to property under § 22A-3603.

5321 § 22A-3802. Possession of tools to commit a property crime.

5322 (a) *Offense.* An actor commits possession of tools to commit a property crime when the
5323 actor:

5324 (1) Knowingly possesses a tool, or tools, designed or specifically adapted for
5325 picking locks, cutting chains, cutting glass, bypassing an electronic security system, or bypassing
5326 a locked door;

5327 (2) With intent to use the tool or tools to commit one or more offenses that is, in
5328 fact:

- 5329 (A) Theft under § 22A-3201;
- 5330 (B) Unauthorized use of property under § 22A-3202;
- 5331 (C) Unauthorized use of a motor vehicle under § 22A-3203;
- 5332 (D) Shoplifting under § 22A-3204;
- 5333 (E) Alteration of motor vehicle identification number under § 22A-3503;
- 5334 (F) Alteration of bicycle identification number under § 22A-3504;
- 5335 (G) Arson under § 22A-3601;
- 5336 (H) Criminal damage to property under § 22A-3603;
- 5337 (I) Criminal graffiti under § 22A-3604;
- 5338 (J) Trespass under § 22A-3701; or
- 5339 (K) Burglary under § 22A-3801.

5340 (b) *No attempt liability.* The criminal attempt provision in § 22A-301 shall not apply to
5341 this section.

5342 (c) *Penalties.* Possession of tools to commit a property crime is a Class D misdemeanor.

5343 CHAPTER 4. OFFENSES AGAINST GOVERNMENT OPERATIONS.

5344 SUBCHAPTER I. BRIBERY, IMPROPER INFLUENCE, AND OFFICIAL
5345 MISCONDUCT.

5346 [Reserved.]

5347 SUBCHAPTER II. PERJURY AND OTHER OFFICIAL FALSIFICATION OFFENSES.

5348 § 22A-4201. Impersonation of an official.

- 5349 (a) *First degree*. An actor commits first degree impersonation of an official when the actor:
- 5350 (1) With intent:
- 5351 (A) To deceive any other person as to the actor's lawful authority; and
- 5352 (B) Either:
- 5353 (i) To cause harm to another person; or
- 5354 (ii) That any person receives a personal benefit of any kind;
- 5355 (2) Knowingly and falsely represents themselves to currently hold lawful authority
- 5356 as a:
- 5357 (A) Judge of a federal or local court in the District of Columbia;
- 5358 (B) Prosecutor for the United States Attorney for the District of Columbia,
- 5359 or the Attorney General for the District of Columbia;
- 5360 (C) Notary public;
- 5361 (D) Law enforcement officer;
- 5362 (E) Public safety employee;
- 5363 (F) District official;
- 5364 (G) District employee with power to enforce District laws or regulations; or
- 5365 (H) Person authorized to solemnize marriage; and
- 5366 (3) Performs the duty, exercises the authority, or attempts to perform the duty or
- 5367 exercise the authority pertaining to a person listed in subsection (a)(2) of this section.

5368 (b) *Second degree*. An actor commits second degree impersonation of an official when the
5369 actor:

5370 (1) With intent:

5371 (A) To deceive any other person as to the actor's lawful authority; and

5372 (B) Either:

5373 (i) To cause harm to another person; or

5374 (ii) That any person receive a personal benefit of any kind;

5375 (2) Knowingly and falsely represents themselves to currently hold lawful authority
5376 as a:

5377 (A) Judge of a federal or local court in the District of Columbia;

5378 (B) Prosecutor for the United States Attorney for the District of Columbia,
5379 or the Attorney General for the District of Columbia;

5380 (C) Notary public;

5381 (D) Law enforcement officer;

5382 (E) Public safety employee;

5383 (F) District official;

5384 (G) District employee with power to enforce District laws or regulations; or

5385 (H) Person authorized to solemnize marriage.

5386 (c) *Civil provision regarding use of official uniform insignia*. The Metropolitan Police
5387 Department and the Fire and Emergency Medical Services Department shall have the sole and

5388 exclusive rights to have and use, in carrying out their respective missions, the official badges,
5389 patches, emblems, copyrights, descriptive or designating marks, and other official insignia
5390 displayed upon their current and future uniforms.

5391 (d) *Penalties.*

5392 (1) First degree impersonation of an official is a Class 9 felony.

5393 (2) Second degree impersonation of an official is a Class B misdemeanor.

5394 § 22A-4202. Misrepresentation as a District of Columbia entity.

5395 (a) *Offense.* An actor commits misrepresentation as a District of Columbia entity when the
5396 actor:

5397 (1) Knowingly:

5398 (A) Engages in the business of collecting or aiding in the collection of debts
5399 or obligations, or of providing private police, investigation, or other detective services; and

5400 (B) Uses the words “District of Columbia”, “District”, or “D.C.” in the
5401 business name or in a business communication;

5402 (2) With intent to:

5403 (A) Deceive any other person as to the actor’s lawful authority as a District
5404 of Columbia entity; and

5405 (B) Receive a personal or business benefit of any kind; and

5406 (3) In fact, the name or communication would cause a reasonable person in the
5407 complainant's circumstances to believe that the actor is a District of Columbia government entity
5408 or representative.

5409 (b) *Prosecutorial authority.* The Attorney General for the District of Columbia shall
5410 prosecute violations of this section.

5411 (c) *Penalties.* Misrepresentation as a District of Columbia entity is a Class C misdemeanor.

5412 (d) *Definitions.* For the purposes of this section, the term "actor" includes a legal entity
5413 that is not a natural person.

5414 § 22A-4203. Perjury.

5415 (a) *Offense.* An actor commits perjury when the actor either:

5416 (1) Knowingly makes a false statement in an official proceeding and, in fact:

5417 (A) The actor makes the false statement while testifying, orally or in
5418 writing, under oath or affirmation attesting to the truth of the statement;

5419 (B) The oath or affirmation is administered:

5420 (i) Before a competent tribunal, officer, or person; and

5421 (ii) In a case or matter in which the law authorizes the taking of such
5422 an oath or affirmation; and

5423 (C) The false statement is material to the course or outcome of the official
5424 proceeding; or

5425 (2) Knowingly makes a false statement in a sworn declaration or unsworn
5426 declaration and, in fact, the statement is:

5427 (A) In a writing with a statement indicating that the declaration is made
5428 under penalty of perjury;

5429 (B) Delivered in a case or matter where the law requires or permits the
5430 statement to be made in a sworn declaration; and

5431 (C) Material to the case or matter in which the declaration is delivered.

5432 (b) *Requirement of corroboration.* In a prosecution under this section, proof of falsity of a
5433 statement may not be established solely by the uncorroborated testimony of a single witness.

5434 (c) *Defenses.*

5435 (1) It is a defense to liability under subsection (a)(1) of this section that, in fact:

5436 (A) The actor retracted the false statement during the course of the official
5437 proceeding;

5438 (B) The retraction occurred before the falsity of the statement was exposed;
5439 and

5440 (C) The retraction occurred before the false statement substantially affected
5441 the proceeding.

5442 (2) It is a defense to liability under subsection (a)(2) of this section that, in fact:

5443 (A) The actor retracted the false statement before the statement was
5444 delivered in the case or matter; and

5445 (B) The retraction occurred before the falsity of the statement was exposed.

5446 (d) *Penalties*. Perjury is a Class 8 felony.

5447 (e) *Definitions*. For the purposes of this section, the term:

5448 (1) “Competent” means having jurisdiction over the actor and case or matter.

5449 (2) “Tribunal” means any District of Columbia court, regulatory agency,
5450 commission, or other body or person authorized by law to render a decision of a judicial or quasi-
5451 judicial nature.

5452 (3) “Officer” shall have the same meaning as provided in § 1-301.45.

5453 (4) “Sworn declaration” means a signed record given under oath or affirmation
5454 attesting to its truth including a sworn statement, verification, certificate, or affidavit.

5455 (5) “Unsworn declaration” means a declaration in a signed record that is not given
5456 under oath but is given under penalty of perjury in the form specified in § 16-5306 or 28 U.S.C.
5457 §1746(2).

5458 § 22A-4204. Perjury by false certification.

5459 (a) *Offense*. An actor commits perjury by false certification when the actor:

5460 (1) Knowingly makes a false certification of:

5461 (A) Acknowledgement; or

5462 (B) Another material matter in an acknowledgment; and

5463 (2) In fact, the actor is a notarial official or other officer authorized to take proof or
5464 certification.

5465 (b) *Penalties*. Perjury by false certification is a Class 8 felony.

5466 (c) *Definitions*. For the purposes of this section, the term:

5467 (1) "Acknowledgement" shall have the same meaning as provided in § 1-1231.01.

5468 (2) "Notarial officer" shall have the same meaning as provided in § 1-1231.01.

5469 (3) "Officer" shall have the same meaning as provided in § 1-301.45.

5470 § 22A-4205. Solicitation of perjury.

5471 (a) *Offense*. An actor commits solicitation of perjury when the actor:

5472 (1) Knowingly commands, requests, or tries to persuade another person to engage
5473 in conduct, which, if carried out, in fact, will constitute either the offense of perjury or perjury by
5474 false certification under District of Columbia law;

5475 (2) Acts with the culpability required for the offense of perjury or the offense of
5476 perjury by false certification; and

5477 (3) The other person engages in conduct which constitutes either the offense of
5478 perjury or the offense of perjury by false certification under District of Columbia law.

5479 (b) *Penalties*. Solicitation of perjury is a Class 8 felony.

5480 § 22A-4206. False swearing.

5481 (a) *Offense*. An actor commits false swearing when the actor:

5482 (1) Knowingly makes a false statement in a writing to a notarial officer or other
5483 person while under oath or affirmation attesting to the truth of the statement; and

5484 (2) In fact:

5485 (A) The oath or affirmation was administered by a notarial officer or other
5486 person authorized to administer oaths; and

5487 (B) The statement is:

5488 (i) Material to the case or matter in which it was delivered; and

5489 (ii) Required by law to be sworn or affirmed before a notarial official
5490 or other person authorized to take and certify acknowledgment or proof.

5491 (b) *Penalties.*

5492 (1) False swearing is a Class A misdemeanor.

5493 (2) *Penalty enhancements.* The penalty classification of this offense shall be
5494 increased by one class when the actor commits the offense negligent as to the fact that the statement
5495 is material to the arrest, detention, prosecution, conviction, sentence, search, or seizure of another
5496 person.

5497 (c) *Definitions.* The terms “acknowledgment” and “notarial officer” have the same
5498 meanings specified in § 1-1231.01.

5499 § 22A-4207. False statements.

5500 (a) *Offense.* An actor commits false statements when the actor:

5501 (1) Knowingly makes a false statement in writing, directly or indirectly, to any
5502 District of Columbia government agency, department, or instrumentality, including any court of
5503 the District of Columbia;

5504 (2) Negligent as to the fact that the writing indicates the making of a false statement
5505 is punishable by criminal penalty; and

5506 (3) In fact, the statement is:

5507 (A) Made under circumstances in which the statement could reasonably be
5508 expected to be relied upon as true; and

5509 (B) Material to the case or matter to which it was delivered or likely to be
5510 delivered.

5511 (b) *Penalties.*

5512 (1) False statements is a Class B misdemeanor.

5513 (2) *Penalty enhancements.* The penalty classification of this offense shall be
5514 increased by 2 classes when the actor commits the offense negligent as to the fact that the statement
5515 is material to the arrest, detention, prosecution, conviction, sentence, search, or seizure of another
5516 person.

5517 § 22A-4208. Impersonation of another before a tribunal, officer, or person.

5518 (a) *Offense.* An actor commits impersonation of another before a tribunal, officer, or person
5519 when the actor:

5520 (1) Knowingly provides personal identifying information belonging to another
5521 person to a competent tribunal, officer, or person;

5522 (2) With intent to deceive the tribunal, officer, or person as to the actor's identity;

5523 and

5524 (3) In fact, the personally identifying information was given under circumstances
5525 in which the information could reasonably be expected to be relied upon as true.

5526 (b) *Prosecutorial authority.* The Attorney General for the District of Columbia shall
5527 prosecute violations of this section.

5528 (c) *Penalties.* Impersonation of another before a tribunal, officer, or person is a Class C
5529 misdemeanor.

5530 SUBCHAPTER III. OBSTRUCTION OF GOVERNMENT OPERATIONS.

5531 § 22A-4301. Obstruction of justice.

5532 (a) *First degree.* An actor commits first degree obstruction of justice when the actor:

5533 (1) Knowing that an official proceeding or criminal investigation has been initiated
5534 for any crime that is, in fact, a predicate felony;

5535 (2) Commits any criminal offense under District of Columbia law;

5536 (3) With the purpose of obstructing or impeding the proper functioning and
5537 integrity of the official proceeding or the criminal investigation.

5538 (b) *Second degree.* An actor commits second degree obstruction of justice when the actor:

5539 (1) Knowing that an official proceeding or criminal investigation has been initiated
5540 for any crime;

5541 (2) In fact, commits any criminal offense under District of Columbia law;

5542 (3) With the purpose of obstructing or impeding the proper functioning and
5543 integrity of the official proceeding or the criminal investigation.

5544 (c) *Penalties.*

5545 (1) First degree obstruction of justice is a Class 9 felony.

5546 (2) Second degree obstruction of justice is a Class A misdemeanor.

5547 (d) *Merger.*

5548 (1) A conviction for obstruction of justice shall not merge with a conviction for any
5549 offense specified in subsection (a)(2) or subsection (b)(2) of this section when arising from the
5550 same act or course of conduct except as provided in paragraph (2) of this subsection.

5551 (2) A conviction for obstruction of justice shall merge with a conviction for any
5552 other offense under Chapter 4 of this title arising from the same act or course of conduct. The
5553 sentencing court shall follow the procedures specified in § 22A-212(b) and (c).

5554 (e) *Definitions.*

5555 (1) For the purposes of this section, the term “predicate felony” means:

5556 (A) Any Class 1, 2, 3, 4, 5, 6, or 7 felony under this title that requires as an
5557 element a bodily injury, sexual act, sexual contact, confinement, or death; or

5558 (B) A criminal attempt, solicitation, or conspiracy to commit any Class 1,
5559 2, 3, 4, 5, 6, or 7 felony under this title that requires as an element a bodily injury, sexual act,
5560 sexual contact, confinement, or death.

5561 § 22A-4302. Tampering with a witness or informant.

5562 (a) *First degree.* An actor commits first degree tampering with a witness or informant when
5563 the actor:

- 5564 (1) In fact, commits a crime of violence;
- 5565 (2) Knowing that an official proceeding or criminal investigation has been initiated
5566 or is likely to be initiated;
- 5567 (3) With the purpose of causing a person to:
- 5568 (A) Testify or inform falsely in the official proceeding or criminal
5569 investigation;
- 5570 (B) Withhold any testimony or information that has the natural tendency to
5571 influence, or is capable of influencing, the official proceeding or criminal investigation;
- 5572 (C) Elude legal process summoning the person to testify or supply evidence
5573 in the official proceeding;
- 5574 (D) Be absent from the official proceeding to which the person has been
5575 legally summoned; or
- 5576 (E) Destroy, conceal, remove, or alter a document, record, image,
5577 audiovisual recording, or other object so as to either:
- 5578 (i) Impair its value as evidence in the official proceeding; or
5579 (ii) Prevent its production or use in the official proceeding.
- 5580 (b) *Second degree*. An actor commits second degree tampering with a witness or informant
5581 when the actor:
- 5582 (1) Either:

5583 (A) Knowingly, directly or indirectly, offers, confers or agrees to confer
5584 upon another person anything of value; or

5585 (B) In fact:

5586 (i) Commits any criminal offense other than obstruction of justice
5587 under District of Columbia law;

5588 (ii) With intent to cause a person to:

5589 (I) Fear for the person's safety or the safety of another
5590 person; or

5591 (II) Suffer significant emotional distress;

5592 (2) Knowing that an official proceeding or criminal investigation has been initiated
5593 or is likely to be initiated;

5594 (3) With the purpose of causing a person to:

5595 (A) Testify or inform falsely in the official proceeding or criminal
5596 investigation;

5597 (B) Withhold any testimony or information that has the natural tendency to
5598 influence, or is capable of influencing, the official proceeding or criminal investigation;

5599 (C) Elude legal process summoning the person to testify or supply evidence
5600 in the official proceeding;

5601 (D) Be absent from the official proceeding to which the person has been
5602 legally summoned; or

5603 (E) Destroy, conceal, remove, or alter a document, record, image,
5604 audiovisual recording, or other object so as to either:

5605 (i) Impair its value as evidence in the official proceeding; or

5606 (ii) Prevent its production or use in the official proceeding.

5607 (c) *Third degree.* An actor commits third degree tampering with a witness or informant
5608 when the actor:

5609 (1) In fact, commits any criminal offense other than obstruction of justice under
5610 District of Columbia law;

5611 (2) Knowing that an official proceeding or criminal investigation has been initiated
5612 or is likely to be initiated;

5613 (3) With the purpose of causing a person to:

5614 (A) Testify or inform falsely in the official proceeding or criminal
5615 investigation;

5616 (B) Withhold any testimony or information that has the natural tendency to
5617 influence, or is capable of influencing, the official proceeding or criminal investigation;

5618 (C) Elude legal process summoning the person to testify or supply evidence
5619 in the official proceeding;

5620 (D) Be absent from the official proceeding to which the person has been
5621 legally summoned; or

5622 (E) Destroy, conceal, remove, or alter a document, record, image,
5623 audiovisual recording, or other object so as to either:

5624 (i) Impair its value as evidence in the official proceeding; or

5625 (ii) Prevent its production or use in the official proceeding.

5626 (d) *Penalties.*

5627 (1) First degree tampering with a witness or informant is a Class 7 felony.

5628 (2) Second degree tampering with a witness or informant is a Class 9 felony.

5629 (3) Third degree tampering with a witness or informant is a Class A misdemeanor.

5630 (e) *Merger.*

5631 (1) A conviction for tampering with a witness or informant shall not merge with a
5632 conviction for any offense specified in subsection (a)(1) or subsection (b)(1) of this section when
5633 arising from the same act or course of conduct except as provided in paragraph (2) of this
5634 subsection.

5635 (2) A conviction for tampering with a witness or informant shall merge with a
5636 conviction for any other offense under Chapter 4 of this title arising from the same act or course
5637 of conduct. The sentencing court shall follow the procedures specified in § 22A-212(b) and (c).

5638 § 22A-4303. Tampering with a juror or court official.

5639 (a) *First degree.* An actor commits first degree tampering with a juror or court official
5640 when the actor:

5641 (1) In fact, commits a crime of violence;

5642 (2) Knowing that an official proceeding has been initiated or is likely to be initiated;
5643 and

5644 (3) With the purpose of:

5645 (A) Influencing the vote, opinion, decision, deliberation, or other official
5646 action of a juror in the official proceeding;

5647 (B) Influencing the opinion, decisions, or other official action of a court
5648 official in the official proceeding;

5649 (C) Causing a juror to withhold any testimony or information that has the
5650 natural tendency to influence, or is capable of influencing, the official proceeding; or

5651 (D) Causing a person to be absent from jury service to which the person has
5652 been legally summoned or ordered to return.

5653 (b) *Second degree*. An actor commits second degree tampering with a juror or court official
5654 when the actor:

5655 (1) Either:

5656 (A) Knowingly, directly or indirectly, offers, confers or agrees to confer
5657 upon another person anything of value; or

5658 (B) In fact:

5659 (i) Commits any criminal offense other than obstruction of justice
5660 under District of Columbia law;

5661 (ii) With intent to cause a person to:

5662 (I) Fear for the person's safety or the safety of another
5663 person; or

5664 (II) Suffer significant emotional distress;

5665 (2) Knowing that an official proceeding has been initiated or is likely to be initiated;

5666 (3) With the purpose of:

5667 (A) Influencing the vote, opinion, decision, deliberation, or other official
5668 action of a juror in the official proceeding;

5669 (B) Influencing the opinion, decisions, or other official action of a court
5670 official in the official proceeding;

5671 (C) Causing a juror to withhold any testimony or information that has the
5672 natural tendency to influence, or is capable of influencing, the official proceeding; or

5673 (D) Causing a person to be absent from jury service to which the person has
5674 been legally summoned or ordered to return.

5675 (c) *Third degree.* An actor commits third degree tampering with a juror or court official
5676 when the actor:

5677 (1) In fact, commits any criminal offense other than obstruction of justice under
5678 District of Columbia law;

5679 (2) Knowing that an official proceeding has been initiated or is likely to be initiated;

5680 (3) With the purpose of:

5681 (A) Influencing the vote, opinion, decision, deliberation, testimony, or other
5682 official action of a juror in the official proceeding;

5683 (B) Influencing the opinion, decisions, testimony, or other official action of
5684 a court official in the official proceeding;

5685 (C) Causing a juror to withhold any testimony or information that has the
5686 natural tendency to influence, or is capable of influencing, the official proceeding; or

5687 (D) Causing a person to be absent from jury service to which the person has
5688 been legally summoned or ordered to return.

5689 (d) *Penalties.*

5690 (1) First degree tampering with a juror or court official is a Class 7 felony.

5691 (2) Second degree tampering with a juror or court official is a Class 9 felony.

5692 (3) Third degree tampering with a juror or court official is a Class A misdemeanor.

5693 (e) *Merger.*

5694 (1) A conviction for tampering with a juror or court official shall not merge with a
5695 conviction for any offense specified in subsection (a)(1) or subsection (b)(1) of this section when
5696 arising from the same act or course of conduct except as provided in paragraph (2) of this
5697 subsection.

5698 (2) A conviction for tampering with a juror or court official shall merge with a
5699 conviction for any other offense under Chapter 4 of this title arising from the same act or course
5700 of conduct. The sentencing court shall follow the procedures specified in § 22A-212(b) and (c).

5701 § 22A-4304. Retaliation against a witness, informant, juror, or court official.

5702 (a) *First degree.* An actor commits first degree retaliation against a witness, informant,
5703 juror, or court official when the actor:

5704 (1) With the purpose of harming another person because of the person's prior:

5705 (A) Appearance at or testimony in an official proceeding;

5706 (B) Provision of any information, document, record, image, audiovisual
5707 recording, or other object related to a violation of any criminal statute to a court official in an
5708 official proceeding or a law enforcement officer in a criminal investigation; or

5709 (C) Performance of their official duties as a juror or court official in an
5710 official proceeding;

5711 (2) In fact, commits a crime of violence against any person.

5712 (b) *Second degree.* An actor commits second degree retaliation against a witness,
5713 informant, juror, or court official when the actor:

5714 (1) With the purpose, in whole or part, of harming another person because of the
5715 person's prior:

5716 (A) Appearance at or testimony in an official proceeding;

5717 (B) Provision of any information, document, record, image, audiovisual
5718 recording, or other object related to a violation of any criminal statute to a court official in an
5719 official proceeding or a law enforcement officer in a criminal investigation; or

5720 (C) Performance of their official duties as a juror or court official in an
5721 official proceeding;

5722 (2) In fact, commits a predicate offense against any person.

5723 (c) *Penalties.*

5724 (1) First degree retaliation against a witness, informant, juror, or court official is a
5725 Class 9 felony.

5726 (2) Second degree retaliation against a witness, informant, juror, or court official is
5727 a Class B misdemeanor.

5728 (d) *Merger.*

5729 (1) A conviction for retaliation against a witness, informant, juror, or court official
5730 shall not merge with a conviction for any offense specified in subsection (a)(2) or subsection (b)(2)
5731 of this section when arising from the same act or course of conduct except as provided in paragraph
5732 (2) of this subsection.

5733 (2) A conviction for retaliation against a witness, informant, juror, or court official
5734 shall merge with a conviction for any other offense under Chapter 4 of this title arising from the
5735 same act or course of conduct. The sentencing court shall follow the procedures specified in §
5736 22A-212(b) and (c).

5737 (e) *Definitions.*

5738 (1) For the purposes of this section, the term “predicate offense” means:

5739 (A) Any crime under this title that includes as an element a bodily injury,
5740 sexual act, sexual contact, confinement, or death;

5741 (B) Any crime under this title that includes as an element damage to or
5742 destruction of a dwelling, building, or the property of another; or

5743 (C) A criminal attempt, solicitation, or conspiracy to commit any crime
5744 under this title that includes as an element:

5745 (i) A bodily injury, sexual act, sexual contact, confinement, death;

5746 or

5747 (ii) Damage to or destruction of a dwelling, building, or the property
5748 of another.

5749 § 22A-4305. Tampering with evidence.

5750 (a) *First degree.* An actor commits tampering with evidence in the first degree when the
5751 actor:

5752 (1) Knowingly destroys, conceals, removes, or alters a document, record, image,
5753 audiovisual recording, or other object, regardless of medium, either:

5754 (A) With the purpose of impairing its value as evidence in an official
5755 proceeding or criminal investigation that, in fact, has been or is likely to be initiated for a predicate
5756 felony; or

5757 (B) With the purpose of preventing its production or use in an official
5758 proceeding or criminal investigation that, in fact, has been or is likely to be initiated for a predicate
5759 felony; or

5760 (2) Knowingly makes, presents, or uses any document, record, image, audiovisual
5761 recording, or other object, regardless of medium:

5762 (A) With the purpose of deceiving another person as to its veracity; and

5763 (B) With the purpose of affecting the course or outcome of an official
5764 proceeding or criminal investigation that, in fact, has been or is likely to be initiated for a predicate
5765 felony.

5766 (b) *Second degree.* An actor commits tampering with evidence in the second degree when
5767 the actor:

5768 (1) Knowingly destroys, conceals, removes, or alters a document, record, image,
5769 audiovisual recording, or other object, regardless of medium, either:

5770 (A) With the purpose of impairing its value as evidence in an official
5771 proceeding or criminal investigation that, in fact, has been or is likely to be initiated; or

5772 (B) With the purpose of preventing its production or use in an official
5773 proceeding or criminal investigation that, in fact, has been or is likely to be initiated; or

5774 (2) Knowingly makes, presents, or uses any document, record, image, audiovisual
5775 recording, or other object, regardless of medium:

5776 (A) With the purpose of deceiving another person as to its veracity; and

5777 (B) With the purpose of affecting the course or outcome of an official
5778 proceeding or criminal investigation that, in fact, has been or is likely to be initiated.

5779 (c) *Penalties.*

5780 (1) First degree tampering with evidence is a Class 9 felony.

5781 (2) Second degree tampering with evidence is a Class B misdemeanor.

5782 (d) *Merger.* A conviction for tampering with evidence shall merge with a conviction for
5783 any other offense under Chapter 4 of this title arising from the act or same course of conduct. The
5784 sentencing court shall follow the procedures specified in § 22A-212(b) and (c).

5785 (e) *Definitions.*

5786 (1) For the purposes of this section, the term “predicate felony” means:

5787 (A) Any Class 1, 2, 3, 4, 5, 6, or 7 felony under this title that includes as an
5788 element in a bodily injury, sexual act, sexual contact, confinement, or death; or

5789 (B) A criminal attempt, solicitation, or conspiracy to commit any Class 1,
5790 2, 3, 4, 5, 6, or 7 felony under this title that includes as an element a bodily injury, sexual act,
5791 sexual contact, confinement, or death.

5792 § 22A-4306. Hindering apprehension or prosecution.

5793 (a) *First degree.* An actor commits first degree hindering apprehension or prosecution
5794 when the actor:

5795 (1) With the purpose of impeding or preventing the apprehension, prosecution,
5796 conviction, or punishment of another person for prior conduct;

5797 (2) Knowingly:

5798 (A) Harbors or conceals the other person; or

5799 (B) Provides or aids in providing the other person a weapon, transportation,
5800 disguise, or other means of avoiding apprehension; and

5801 (3) The prior conduct that the other person is charged with or liable to be charged
5802 with, in fact, constitutes a predicate felony.

5803 (b) *Second degree.* An actor commits second degree hindering apprehension or
5804 prosecution when the actor:

5805 (1) With the purpose of impeding or preventing the apprehension, prosecution,
5806 conviction, or punishment of another person for prior conduct;

5807 (2) Knowingly:

5808 (A) Harbors or conceals the other person; or

5809 (B) Provides or aids the other person by providing a weapon, transportation,
5810 disguise, or other means of avoiding apprehension.

5811 (c) *Penalties.*

5812 (1) First degree hindering apprehension or prosecution is a Class 9 felony.

5813 (2) Second degree hindering apprehension or prosecution is a Class A
5814 misdemeanor.

5815 (d) *Merger.* A conviction for hindering apprehension or prosecution shall merge with a
5816 conviction for any other offense under Chapter 4 of this title arising from the same act or course
5817 of conduct. The sentencing court shall follow the procedures specified in § 22A-214(b) and (c).

5818 (e) *Definitions.*

5819 (1) For the purposes of this section, the term “predicate felony” means:

5820 (A) Any Class 1, 2, 3, 4, 5, 6, or 7 felony under this title that includes as an
5821 element in a bodily injury, sexual act, sexual contact, confinement, or death; or

5822 (B) A criminal attempt, solicitation, or conspiracy to commit any Class 1,
5823 2, 3, 4, 5, 6, or 7 felony under this title that includes as an element a bodily injury, sexual act,
5824 sexual contact, confinement, or death.

5825 SUBCHAPTER IV. GOVERNMENT CUSTODY.

5826 § 22A-4401. Escape from a correctional facility or officer.

5827 (a) *First degree.* An actor commits first degree escape from a correctional facility or officer
5828 when the actor:

5829 (1) In fact, is subject to a court order that authorizes the actor’s confinement in a
5830 correctional facility, secure juvenile detention facility, or cellblock operated by the United States
5831 Marshals Service; and

5832 (2) Knowingly, without the effective consent of the Mayor, the Director of the
5833 Department of Corrections, the Director of the Department of Youth Rehabilitation Services, or

5834 the United States Marshals Service, leaves the correctional facility, juvenile detention facility, or
5835 cellblock operated by the United States Marshals Service.

5836 (b) *Second degree*. An actor commits second degree escape from a correctional facility or
5837 officer when the actor:

5838 (1) In fact, is in the lawful official custody of a law enforcement officer of the
5839 District of Columbia or of the United States; and

5840 (2) Knowingly, without the effective consent of the law enforcement officer, leaves
5841 official custody.

5842 (c) *Third degree*. An actor commits third degree escape from a correctional facility or
5843 officer when the actor:

5844 (1) In fact, is subject to a court order that authorizes the person's confinement in a
5845 correctional facility or halfway house; and

5846 (2) Knowingly, without the effective consent of the Mayor, the Director of the
5847 Department of Corrections, or the Director of the Department of Youth Rehabilitation Services:

5848 (A) Fails to return to the correctional facility or halfway house;

5849 (B) Fails to report to the correctional facility or halfway house; or

5850 (C) Leaves a halfway house.

5851 (d) *Exclusion from liability*. An actor does not commit an offense under subsection (b) of
5852 this section when, in fact, the actor is within a correctional facility, juvenile detention facility, or
5853 halfway house.

5854 (e) *Penalties.*

5855 (1) First degree escape from a correctional facility or officer is a Class 8 felony.

5856 (2) Second degree escape from a correctional facility or officer is a Class A
5857 misdemeanor.

5858 (3) Third degree escape from a correctional facility or officer is a Class B
5859 misdemeanor.

5860 § 22A-4402. Tampering with a detection device.

5861 (a) *Offense.* An actor commits tampering with a detection device when the actor:

5862 (1) Knows the actor is required to wear a detection device while:

5863 (A) Subject to a final civil protection order issued under § 16-1005;

5864 (B) On pretrial release in a District of Columbia case;

5865 (C) On presentence or predisposition release in a District of Columbia case;

5866 (D) Committed to the Department of Youth Rehabilitation Services or
5867 incarcerated, in a District of Columbia case; or

5868 (E) On supervised release, probation, or parole, in a District of Columbia
5869 case; and

5870 (2) Either:

5871 (A) Removes the detection device or allows an unauthorized person to do

5872 so; or

5873 (B) Interferes with the emission or detection of the detection device or
5874 allows an unauthorized person to do so.

5875 (b) *Jurisdiction.* An offense under this section shall be deemed to be committed in the
5876 District of Columbia, regardless of whether the actor is physically present in the District of
5877 Columbia.

5878 (c) *Penalties.* Tampering with a detection device is a Class B misdemeanor.

5879 § 22A-4403. Correctional facility contraband.

5880 (a) *First degree.* An actor commits first degree correctional facility contraband when the
5881 actor:

5882 (1) With intent that an item be received by someone confined to a correctional
5883 facility or secure juvenile detention facility:

5884 (A) Knowingly brings the item to a correctional facility or secure juvenile
5885 detention facility;

5886 (B) Without the effective consent of the Mayor, the Director of the
5887 Department of Corrections, or the Director of the Department of Youth Rehabilitation Services;
5888 and

5889 (C) The item, in fact, is Class A contraband; or

5890 (2) In fact, is someone confined to a correctional facility or secure juvenile
5891 detention facility and:

5892 (A) Knowingly possesses an item in a correctional facility or secure juvenile
5893 detention facility;

5894 (B) Without the effective consent of the Mayor, the Director of the
5895 Department of Corrections, or the Director of the Department of Youth Rehabilitation Services;
5896 and

5897 (C) The item, in fact, is Class A contraband.

5898 (b) *Second degree*. An actor commits second degree correctional facility contraband when
5899 the actor:

5900 (1) With intent that an item be received by someone confined to a correctional
5901 facility or secure juvenile detention facility:

5902 (A) Knowingly brings the item to a correctional facility or secure juvenile
5903 detention facility;

5904 (B) Without the effective consent of the Mayor, the Director of the
5905 Department of Corrections, or the Director of the Department of Youth Rehabilitation Services;
5906 and

5907 (C) The item, in fact, is Class B contraband; or

5908 (2) In fact, is someone confined to a correctional facility or secure juvenile
5909 detention facility and:

5910 (A) Knowingly possesses an item in a correctional facility or secure juvenile
5911 detention facility;

5912 (B) Without the effective consent of the Mayor, the Director of the
5913 Department of Corrections, or the Director of the Department of Youth Rehabilitation Services;
5914 and

5915 (C) The item, in fact, is Class B contraband.

5916 (c) *Exclusion from liability.* An actor does not commit an offense under this section for, in
5917 fact, possessing:

5918 (1) A portable electronic communication device, in the course of a legal visit;

5919 (2) A controlled substance that is prescribed to the actor and medically necessary
5920 to have immediately or constantly accessible; or

5921 (3) A syringe, needle, or other medical device, that is medically necessary to have
5922 immediately or constantly available.

5923 (d) *Detainment authority.* If there is probable cause to suspect an actor of committing
5924 correctional facility contraband under subsection (a)(1) or subsection (b)(1) of this section, the
5925 warden or director of a correctional facility may detain the actor for not more than 2 hours, pending
5926 surrender to the Metropolitan Police Department or a law enforcement agency acting pursuant to
5927 § 10-509.01.

5928 (e) *Penalties.*

5929 (1) First degree correctional facility contraband is a Class 9 felony.

5930 (2) Second degree correctional facility contraband is a Class A misdemeanor.

5931 § 22A-4404. Resisting arrest or interfering with the arrest of another person.

5932 (a) *Offense.* An actor commits resisting arrest or interfering with the arrest of another
5933 person when the actor:

5934 (1) With the purpose of preventing the actor or another person from being placed
5935 in official custody;

5936 (2) Knowingly:

5937 (A) Uses physical force against a law enforcement officer; or

5938 (B) Engages in conduct other than speech or passive resistance that either:

5939 (i) Creates a substantial risk of causing significant bodily injury to a
5940 law enforcement officer; or

5941 (ii) Requires substantial physical force by a law enforcement officer
5942 to overcome the actor's resistance; and

5943 (3) The actor is reckless as to the fact that:

5944 (A) A law enforcement officer verbally communicated to the person under
5945 arrest that the person was under arrest;

5946 (B) The communication would cause a reasonable person in the actor's
5947 circumstances to believe that the actor or another person was under arrest; and

5948 (C) The actor was given a reasonable opportunity to:

5949 (i) Submit to arrest; or

5950 (ii) Cease or refrain from using force or engaging in conduct
5951 interfering with the arrest of another person.

5952 (b) *Affirmative defense*. It is an affirmative defense to liability under this section that, in
5953 fact, the actor reasonably believes:

5954 (1) The actor or another person is in imminent danger of significant bodily injury;

5955 and

5956 (2) The conduct constituting the offense:

5957 (A) Will protect against such bodily injury; and

5958 (B) Is necessary in degree.

5959 (c) *Unit of prosecution*. Where conduct is of a continuing nature, the unit of prosecution is
5960 based on the arrest regardless of the number of law enforcement officers involved in the arrest.

5961 (d) *Penalties*. Resisting arrest or interfering with the arrest of another person is a Class C
5962 misdemeanor.

5963 CHAPTER 5. PUBLIC ORDER AND SAFETY OFFENSES.

5964 SUBCHAPTER I. WEAPON OFFENSES AND RELATED PROVISIONS.

5965 § 22A-5101. Merger of related weapon offenses.

5966 (a) *Merger of possessory offenses and offenses related to other crime*. Multiple convictions
5967 for 2 or more of the following offenses merge when arising from the same act or course of conduct:

5968 (1) Possession of an unregistered firearm, destructive device, or ammunition under
5969 § 7-2502.01a;

5970 (2) Possession of a stun gun under § 7-2502.15;

5971 (3) Carrying an air or spring gun under § 7-2502.17;

- 5972 (4) Carrying a dangerous weapon under § 22A-5104;
- 5973 (5) Possession of a dangerous weapon with intent to commit a crime under § 22A-
- 5974 5105; and
- 5975 (6) Possession of a dangerous weapon during a crime under § 22A-5106.
- 5976 (b) *Merger of offenses related to other crime and display or use of weapon.* When arising
- 5977 from the same act or course of conduct, convictions for possession of a dangerous weapon with
- 5978 intent to commit a crime under § 22A-5105 or possession of a dangerous weapon during a crime
- 5979 under § 22A-5106 merge with any offense under Chapter 2 or 3 of this title that includes as an
- 5980 element of any gradation or enhancement that the person displayed or used a dangerous weapon.
- 5981 (c) *Merger procedure and rule of priority.* For an actor found guilty of 2 or more offenses
- 5982 that merge under this section the sentencing court shall follow the procedures specified in § 22A-
- 5983 212(b) and (c).
- 5984 § 22A-5102. Exclusions from liability for weapon offenses.
- 5985 (a) *Scope of exclusion.* The exclusions from liability specified in this section apply to the
- 5986 following offenses:
- 5987 (1) Possession of an unregistered firearm, destructive device, or ammunition under
- 5988 § 7-2502.01a;
- 5989 (2) Possession of a stun gun under § 7-2502.15;
- 5990 (3) Carrying an air or spring gun under § 7-2502.17;
- 5991 (4) Carrying a pistol in an unlawful manner under § 7-2509.06A;

5992 (5) Possession of a prohibited weapon or accessory under § 22A-5103; and

5993 (6) Carrying a dangerous weapon under § 22A-5104.

5994 (b) *Exclusion from liability.* Notwithstanding any other District law, an actor does not
5995 commit an offense specified in subsection (a) of this section when, in fact, the actor is:

5996 (1) A member of the Army, Navy, Air Force, or Marine Corps of the United States;

5997 (2) An on-duty member of the National Guard or Organized Reserves;

5998 (3) A qualified law enforcement officer, as that term is defined in 18 U.S.C. § 926B;

5999 (4) A qualified retired law enforcement officer, as that term is defined in 18 U.S.C.

6000 § 926C(c), who carries a concealed pistol that is registered under § 7-2502.07 and is conveniently
6001 accessible and within reach;

6002 (5) An on-duty licensed special police officer or campus police officer, who
6003 possesses or carries a firearm registered under § 7-2502.07 in accordance with § 5-129.02 and all
6004 rules issued pursuant to that section;

6005 (6) An on-duty director, deputy director, officer, or employee of the Department of
6006 Corrections who possesses or carries a firearm registered under § 7-2502.07;

6007 (7) An employee of the District or federal government, who is on duty and acting
6008 within the scope of those duties;

6009 (8) Lawfully engaging in the business of manufacturing, repairing, or dealing the
6010 weapon involved in the offense;

6011 (9) Lawfully engaging in the business of shipping or delivering the weapon
6012 involved in the offense; or

6013 (10) Acting within the scope of authority granted by the Chief of the Metropolitan
6014 Police Department or a competent court.

6015 (c) *Exclusion from liability.* Notwithstanding any other District law, an actor shall not be
6016 subject to prosecution for an offense specified in subsection (a) of this section if, in fact, the actor:

6017 (1) Holds a valid registration certificate issued under § 7-2502.07; and

6018 (2) Possesses the registered firearm or ammunition for a firearm of the same caliber
6019 while:

6020 (A) At the home or place of business designated on the registration
6021 certificate;

6022 (B) Transporting the firearm or ammunition, in accordance with § 22A-
6023 5111, to or from:

6024 (i) A place of sale;

6025 (ii) The person's home or place of business;

6026 (iii) A place of repair;

6027 (iv) A firearms training and safety class conducted by a firearms
6028 instructor; or

6029 (v) A lawful recreational firearm-related activity; or

6030 (C) Transporting the firearm or ammunition for a lawful purpose as
6031 expressly authorized by a District or federal statute and in accordance with the requirements of
6032 that statute.

6033 (d) *Exclusion from liability.* Notwithstanding any other District law, an actor does not
6034 commit an offense specified in subsection (a) of this section when, in fact, the actor possesses or
6035 carries a firearm while participating in a firearms training and safety class conducted by a firearms
6036 instructor.

6037 § 22A-5103. Possession of a prohibited weapon or accessory.

6038 (a) *First degree.* An actor commits first degree possession of a prohibited weapon or
6039 accessory when the actor:

6040 (1) Knowingly possesses a firearm or explosive;

6041 (2) Reckless as to the fact that the firearm or explosive is:

6042 (A) An assault weapon;

6043 (B) A machine gun;

6044 (C) A sawed-off shotgun;

6045 (D) A restricted explosive; or

6046 (E) A ghost gun.

6047 (b) *Second degree.* An actor commits second degree possession of a prohibited weapon or
6048 accessory when the actor:

6049 (1) Knowingly possesses a firearm accessory;

6050 (2) Reckless as to the fact that the firearm accessory is:

6051 (A) A firearm silencer;

6052 (B) A bump stock; or

6053 (C) A large capacity ammunition feeding device.

6054 (c) *Exclusion from liability.* An actor does not commit an offense under this section when,
6055 in fact, the actor satisfies the criteria in § 22A-5102.

6056 (d) *Affirmative defense.* It is an affirmative defense to liability under this section that the
6057 actor possesses the item while, in fact, voluntarily surrendering the item pursuant to District or
6058 federal law.

6059 (e) *Penalties.*

6060 (1) First degree possession of a prohibited weapon or accessory is a Class 8 felony.

6061 (2) Second degree possession of a prohibited weapon or accessory is a Class 9
6062 felony.

6063 (3) *Merger.* A conviction for possession of a prohibited weapon or accessory does
6064 not merge with any other offense arising from the same act or course of conduct.

6065 § 22A-5104. Carrying a dangerous weapon.

6066 (a) *First degree.* An actor commits first degree carrying a dangerous weapon when the
6067 actor:

6068 (1) Knowingly possesses:

6069 (A) A firearm, other than a pistol;

- 6070 (B) A pistol, without a license to carry under § 22A-5112; or
- 6071 (C) A restricted explosive;
- 6072 (2) The firearm, pistol, or restricted explosive is conveniently accessible and within
- 6073 reach; and
- 6074 (3) The actor is in a location:
- 6075 (A) Other than the actor's home, place of business, or land; and
- 6076 (B) That, in fact, is:
- 6077 (i) Within 300 feet of the boundary line of a school, college,
- 6078 university, public swimming pool, public playground, public youth center, public library, or
- 6079 children's day care center; and
- 6080 (ii) Displays clear and conspicuous signage indicating that firearms
- 6081 or explosives are prohibited.
- 6082 (b) *Second degree*. An actor commits second degree carrying a dangerous weapon when
- 6083 the actor:
- 6084 (1) Knowingly possesses:
- 6085 (A) A firearm, other than a pistol;
- 6086 (B) A pistol, without a license to carry under § 22A-5112; or
- 6087 (C) A restricted explosive;
- 6088 (2) The firearm, pistol, or restricted explosive is conveniently accessible and within
- 6089 reach; and

6090 (3) The actor is in a location other than the actor's home, place of business, or land.

6091 (c) *Third degree.* An actor commits third degree carrying a dangerous weapon when the

6092 actor:

6093 (1) Knowingly possesses a dangerous weapon;

6094 (2) The dangerous weapon is conveniently accessible and within reach;

6095 (3) The actor is in a location other than the actor's home, place of business, or land;

6096 and

6097 (4) With intent to use the weapon in a manner that:

6098 (A) Is likely to cause death or serious bodily injury to another person; and

6099 (B) Does not constitute defense of self or another person under § 22A-403.

6100 (d) *Exclusion from liability.* An actor does not commit an offense under this section when,

6101 in fact, the actor satisfies the criteria in § 22A-5102.

6102 (e) *Affirmative defense.* It is an affirmative defense to liability under this section that the

6103 actor possesses the item while, in fact, voluntarily surrendering the item pursuant to District or

6104 federal law.

6105 (f) *Penalties.*

6106 (1) First degree carrying a dangerous weapon is a Class 8 felony.

6107 (2) Second degree carrying a dangerous weapon is a Class 9 felony.

6108 (3) Third degree carrying a dangerous weapon is a Class B misdemeanor.

6109 § 22A-5105. Possession of a dangerous weapon with intent to commit a crime.

6110 (a) *First degree.* An actor commits first degree possession of a dangerous weapon with
6111 intent to commit a crime when the actor:

6112 (1) Knowingly possesses an object designed to explode or produce uncontained
6113 combustion;

6114 (2) With intent to use the object to commit a criminal harm that is, in fact:

6115 (A) An offense under Chapter 2 of this title; or

6116 (B) An offense under Chapter 3 of this title.

6117 (b) *Second degree.* An actor commits second degree possession of a dangerous weapon
6118 with intent to commit a crime when the actor:

6119 (1) Knowingly possesses:

6120 (A) A dangerous weapon; or

6121 (B) An imitation firearm;

6122 (2) With intent to use the imitation firearm or dangerous weapon to commit a
6123 criminal harm that is, in fact:

6124 (A) An offense under Chapter 2 of this title; or

6125 (B) Burglary under § 22A-3801.

6126 (c) *Limitation on attempt liability.* The criminal attempt provision in § 22A-301 shall not
6127 apply to this section if the actor does not actually possess an item with intent to use it to commit
6128 an offense under Chapter 2 or 3 of this title.

6129 (d) *Penalties.*

6130 (1) First degree possession of a dangerous weapon with intent to commit a crime is
6131 a Class 8 felony.

6132 (2) Second degree possession of a dangerous weapon with intent to commit a crime
6133 is a Class A misdemeanor.

6134 § 22A-5106. Possession of a dangerous weapon during a crime.

6135 (a) *First degree.* An actor commits first degree possession of a dangerous weapon during
6136 a crime when the actor:

6137 (1) Knowingly possesses a firearm;

6138 (2) In furtherance of and while committing what, in fact, is an offense under
6139 Chapter 2 of this title.

6140 (b) *Second degree.* An actor commits second degree possession of a dangerous weapon
6141 during a crime when the actor:

6142 (1) Knowingly possesses:

6143 (A) An imitation firearm; or

6144 (B) A dangerous weapon;

6145 (2) In furtherance of and while committing what, in fact, is an offense under
6146 Chapter 2 of this title.

6147 (c) *Penalties.*

6148 (1) First degree possession of a dangerous weapon during a crime is a Class 9
6149 felony.

6150 (2) Second degree possession of a dangerous weapon during a crime is a Class A
6151 misdemeanor.

6152 § 22A-5107. Possession of a firearm by an unauthorized person.

6153 (a) *First degree*. An actor commits first degree possession of a firearm by an unauthorized
6154 person when the actor:

6155 (1) Knowingly possesses a firearm; and

6156 (2) Has a prior conviction for what is, in fact, a crime of violence other than
6157 conspiracy, or a comparable offense.

6158 (b) *Second degree*. An actor commits second degree possession of a firearm by an
6159 unauthorized person when the actor:

6160 (1) Knowingly possesses a firearm; and

6161 (2) In addition:

6162 (A) Is a fugitive from justice;

6163 (B) Has a prior conviction for what is, in fact:

6164 (i) A District offense that is currently punishable by imprisonment
6165 for a term exceeding one year, or a comparable offense, committed within 10 years of the current
6166 possession of a firearm;

6167 (ii) An offense under this subchapter, or a comparable offense,
6168 committed within 5 years of the current possession of a firearm; or

6169 (iii) An intrafamily offense, as that term is defined in § 16-1001(8),
6170 that requires as an element confinement, a sexual act, sexual contact, bodily injury, or threats, or a
6171 comparable offense, committed within 5 years of the current possession of a firearm; or

6172 (C) Is subject to a final civil protection order issued under § 16-1005 or a
6173 final anti-stalking order issued under § 16-1064.

6174 (c) *Exclusion from liability.* An actor does not commit an offense under this section for, in
6175 fact, possessing a firearm within the first 24 hours of the prior conviction or service of the
6176 protection order, or, when the judicial officer sentencing the actor or issuing the protection order
6177 specifically orders a shorter period of time for the actor to retrieve and safely transport the firearm
6178 or relinquish ownership, within the time specified by the judicial officer.

6179 (d) *Affirmative defense.* It is an affirmative defense to liability under this section that the
6180 actor possesses the item while, in fact, voluntarily surrendering the item pursuant to District or
6181 federal law.

6182 (e) *Penalties.*

6183 (1) First degree possession of a firearm by an unauthorized person is a Class 8
6184 felony.

6185 (2) Second degree possession of a firearm by an unauthorized person is a Class 9
6186 felony.

6187 (f) *Definitions.* For the purposes of this section, the term “fugitive from justice” means a
6188 person who has an open arrest warrant for:

- 6189 (1) Fleeing to avoid prosecution for a crime;
- 6190 (2) Fleeing to avoid giving testimony in a criminal proceeding; or
- 6191 (3) Escape from a correctional facility or officer under § 22A-4401.
- 6192 § 22A-5108. Negligent discharge of firearm.
- 6193 (a) *Offense.* An actor commits negligent discharge of a firearm when the actor:
- 6194 (1) Negligently discharges a projectile from a firearm outside a licensed firing
- 6195 range; and
- 6196 (2) In fact, does not have:
- 6197 (A) A written permit issued by the Metropolitan Police Department; or
- 6198 (B) Other permission under District or federal law.
- 6199 (b) *Prosecutorial authority.* The Attorney General for the District of Columbia shall
- 6200 prosecute violations of this section.
- 6201 (c) *Penalties.* Negligent discharge of a firearm is a Class A misdemeanor.
- 6202 § 22A-5109. Alteration of a firearm identification mark.
- 6203 (a) *Offense.* An actor commits alteration of a firearm identification mark when the actor:
- 6204 (1) Knowingly alters or removes from a firearm:
- 6205 (A) The name of the maker;
- 6206 (B) The model;
- 6207 (C) The manufacturer's number; or
- 6208 (D) Other identifying mark;

6209 (2) With intent to conceal or misrepresent the identity of the firearm.

6210 (b) *Penalties.* Alteration of a firearm identification mark is a Class A misdemeanor.

6211 (c) *Definitions.* For the purposes of this section, the term “manufacturer” shall have the
6212 same meaning as provided in § 7-2505.03(2).

6213 § 22A-5110. Civil provisions for prohibitions of firearms on public or private property.

6214 (a) The District may prohibit or restrict the possession of firearms on its property and any
6215 property under its control.

6216 (b) Private persons or entities owning property in the District may prohibit or restrict the
6217 possession of firearms on their property by any person other than a law enforcement officer while
6218 that law enforcement officer is lawfully authorized to enter onto the private property.

6219 § 22A-5111. Civil provisions for lawful transportation of a firearm or ammunition.

6220 Notwithstanding any other District law, a person shall be permitted to transport a firearm
6221 or ammunition under the following circumstances:

6222 (1) The person is not otherwise prohibited by law from possessing a firearm or
6223 ammunition;

6224 (2) The transportation of the firearm or ammunition is:

6225 (A) For any lawful purpose;

6226 (B) From any place where the person may lawfully possess the firearm or
6227 ammunition; and

6228 (C) To any place where the person may lawfully possess the firearm or
6229 ammunition;

6230 (3) When the firearm is transported in a motor vehicle, the firearm is unloaded, and:

6231 (A) If the motor vehicle has a compartment separate from the passenger
6232 area, neither the firearm nor any ammunition is conveniently accessible and within reach from the
6233 passenger area of the motor vehicle; or

6234 (B) If the motor vehicle does not have a compartment separate from the
6235 passenger area, the firearm and any ammunition is in a locked container other than the glove
6236 compartment or console; and

6237 (4) When the firearm is not transported in a motor vehicle, the firearm is:

6238 (A) Unloaded;

6239 (B) Inside a locked container; and

6240 (C) Separate from any ammunition.

6241 § 22A-5112. Civil provisions for issuance of a license to carry a pistol.

6242 (a) The Chief of the Metropolitan Police Department may, upon the application of a person
6243 having a bona fide residence or place of business within the District of Columbia, or of a person
6244 having a bona fide residence or place of business within the United States and a license to carry a
6245 pistol concealed upon their person issued by the lawful authorities of any state or subdivision of
6246 the United States, issue a license to such person to carry a pistol concealed upon their person within

6247 the District of Columbia for not more than 2 years from the date of issue, if it appears that the
6248 person is a suitable person to be so licensed.

6249 (b) A non-resident who lives in a state or subdivision of the United States that does not
6250 require a license to carry a concealed pistol may apply to the Chief of the Metropolitan Police
6251 Department for a license to carry a pistol concealed upon their person within the District of
6252 Columbia for not more than 2 years from the date of issue; provided, that the person meets the
6253 same reasons and requirements set forth in subsection (a) of this section.

6254 (c) For any person issued a license pursuant to this section, or renewed pursuant to § 7-
6255 2509.03, the Chief of the Metropolitan Police Department may limit the geographic area,
6256 circumstances, or times of the day, week, month, or year in which the license is effective, and may
6257 subsequently limit, suspend, or revoke the license as provided under § 7-2509.05.

6258 (d) The application for a license to carry shall be on a form prescribed by the Chief of the
6259 Metropolitan Police Department and shall bear the name, address, description, photograph, and
6260 signature of the licensee.

6261 (e) Except as provided in § 7-2509.05(b), any person whose application has been denied or
6262 whose license has been limited or revoked may, within 15 days after the date of the notice of denial
6263 or notice of intent, appeal to the Concealed Pistol Licensing Review Board established pursuant to
6264 § 7-2509.08.

6265 § 22A-5113. Unlawful sale of a pistol.

6266 (a) *Offense.* An actor commits unlawful sale of a pistol when the actor:

- 6267 (1) Knowingly sells a pistol;
- 6268 (2) Reckless as to the fact that the purchaser is:
- 6269 (A) Not of sound mind;
- 6270 (B) Prohibited from possessing a firearm by § 22A-5107; or
- 6271 (C) Under 21 years of age, except when the purchaser is a child or ward of
- 6272 the actor.

6273 (b) *Penalties.* Unlawful sale of a pistol is a Class 9 felony.

6274 § 22A-5114. Unlawful transfer of a firearm.

6275 (a) *Offense.* An actor commits unlawful transfer of a firearm when the actor:

6276 (1) Knowingly, as the seller of a firearm, delivers the firearm to a purchaser:

6277 (A) Fewer than 10 days after the date of the purchase, except in the case of

6278 sales to law enforcement officers; or

6279 (B) In a manner other than as specified in § 22A-5111;

6280 (2) Knowingly, as the purchaser of a firearm, fails to sign in duplicate and deliver

6281 to the seller a statement containing the purchaser's full name, address, occupation, date and place

6282 of birth, the date of purchase, the caliber, make, model, and manufacturer's number of the firearm

6283 and a statement that the purchaser is not prohibited from possessing a firearm under § 22A-5107;

6284 (3) Knowingly, as the seller of a firearm, fails to sign and attach their address to the

6285 purchaser's statement described in subsection (a)(2) of this section and deliver one copy to such

6286 person or persons as the Chief of the Metropolitan Police Department may designate, and retain
6287 the other copy for 6 years; or

6288 (4) Knowingly sells an assault weapon, machine gun, or sawed-off shotgun:

6289 (A) To any person other than the persons designated in § 22A-5102(b) as
6290 entitled to possess the same; or

6291 (B) Without prior permission to make such sale obtained from the Chief of
6292 the Metropolitan Police Department.

6293 (b) *Exclusion from liability.* An actor does not commit an offense under this section when,
6294 in fact, the actor is a wholesale dealer selling a firearm to a dealer licensed under § 22A-5116.

6295 (c) *Penalties.* Unlawful transfer of a firearm is a Class 9 felony.

6296 § 22A-5115. Sale of a firearm without a license.

6297 (a) *Offense.* An actor commits sale of a firearm without a license when the actor
6298 knowingly:

6299 (1) As a retail dealer:

6300 (A) Sells, exposes for sale, or possesses with intent to sell, a firearm;

6301 (B) Without a license under § 22A-5116; or

6302 (2) As a wholesale dealer, sells, or possesses with intent to sell, a firearm to any
6303 person other than a dealer licensed under § 22A-5116.

6304 (b) *Penalties.* Unlawful sale of a firearm without a license is a Class 9 felony.

6305 § 22A-5116. Civil provisions for licenses of firearms dealers.

6306 (a) The Mayor of the District of Columbia may, in their discretion, grant licenses and may
6307 prescribe the form thereof, effective for not more than one year after the date of issue, permitting
6308 the licensee to sell a firearm at retail within the District of Columbia. Any license issued under this
6309 section shall require the licensee to follow the licensure requirements described in subsection (b)
6310 of this section.

6311 (b)(1) Firearm sales shall occur only in the building designated in the license.

6312 (2) The license or a copy thereof, certified by the issuing authority, shall be clearly
6313 and conspicuously displayed on the premises.

6314 (3) No firearm shall be sold if the purchaser is:

6315 (A) Not of sound mind;

6316 (B) Prohibited from possessing a firearm under § 22A-5107;

6317 (C) Under 21 years of age; or

6318 (D) Unknown to the seller, unless the purchaser presents clear evidence of
6319 the purchaser's identity.

6320 (4) No assault weapon, machine gun, or sawed-off shotgun shall be sold to any
6321 person other than the persons specified in § 22A-5102(b) as entitled to possess the same, and then
6322 only after permission to make such sale has been obtained from the Chief of the Metropolitan
6323 Police Department.

6324 (5) A true record shall be made of all firearms in the possession of the licensee, in
6325 a form prescribed by the Mayor. The record shall contain the date of purchase, the caliber, make,

6326 model, and manufacturer's number of each weapon, to which shall be added, when sold, the date
6327 of sale.

6328 (6) A true record in duplicate shall be made of every firearm sold, in a form
6329 prescribed by the Mayor. The record shall be personally signed by the purchaser and by the person
6330 effecting the sale, each in the presence of the other, and shall contain the date of sale; the name,
6331 address, occupation, and place of birth of the purchaser; so far as applicable, the caliber, make,
6332 model, and manufacturer's number of the weapon; and a statement by the purchaser that the
6333 purchaser is not a person prohibited from possessing a firearm under § 22A-5107. A copy of the
6334 record shall, within 7 days after the sale, be forwarded by mail to the Chief of the Metropolitan
6335 Police Department and the other copy retained by the seller for 6 years after the sale.

6336 (7) No firearm or imitation firearm or placard advertising the sale of a firearm or
6337 imitation firearm shall be clearly and conspicuously displayed on the premises, where it can readily
6338 be seen from outside.

6339 (c) Any license shall be subject to forfeiture for any violation of the requirements specified
6340 in subsection (b) of this section.

6341 (d) Any license issued under this section shall be issued by the Metropolitan Police
6342 Department as a Public Safety endorsement to a basic business license under the basic business
6343 license system as set forth in Subchapter I-A of Chapter 28 of Title 47.

6344 (e) *Definitions.* For the purposes of this section, the term "manufacturer" shall have the
6345 same meaning as provided in § 7-2505.03(2).

6346 § 22A-5117. Unlawful sale of a firearm by a licensed dealer.

6347 (a) *Offense.* An actor commits unlawful sale of a firearm by a licensed dealer when the
6348 actor:

6349 (1) In fact, is a licensed dealer under § 22A-5116; and

6350 (2) Recklessly violates a licensure requirement specified in § 22A-5116(b).

6351 (b) *Penalties.* Unlawful sale of a firearm by a licensed dealer is a Class A misdemeanor.

6352 § 22A-5118. Use of false information for purchase or licensure of a firearm.

6353 (a) *Offense.* An actor commits use of false information for purchase or licensure of a
6354 firearm when the actor knowingly gives false information or false evidence of identity to:

6355 (1) Purchase a firearm; or

6356 (2) Apply for a license to carry a pistol under § 22A-5112.

6357 (b) *Penalties.* Use of false information for purchase or licensure of a firearm is a Class A
6358 misdemeanor.

6359 § 22A-5119. Civil provisions for the taking and destruction of dangerous articles.

6360 (a) A dangerous article unlawfully owned, possessed, or carried is hereby declared to be a
6361 nuisance.

6362 (b) When a police officer, in the course of a lawful arrest or lawful search, or when a
6363 designated civilian employee of the Metropolitan Police Department in the course of a lawful
6364 search, discovers a dangerous article that the officer reasonably believes is a nuisance under

6365 subsection (a) of this section the officer shall take it into their possession and surrender it to the
6366 Property Clerk of the Metropolitan Police Department.

6367 (c) *Hearing procedures.*

6368 (1) Within 30 days after the date of such surrender, any person may file in the office
6369 of the Property Clerk of the Metropolitan Police Department a written claim for possession of such
6370 dangerous article. Upon the expiration of the period, the Property Clerk shall notify each claimant,
6371 by registered mail addressed to the address shown on the claim, of the time and place of a hearing
6372 to determine which claimant, if any, is entitled to possession of such dangerous article. The
6373 hearing shall be held within 60 days after the date of such surrender.

6374 (2) At the hearing, the Property Clerk shall hear and receive evidence with respect
6375 to the claims filed under paragraph (1) of this subsection. Thereafter the Property Clerk shall
6376 determine which claimant, if any, is entitled to possession of such dangerous article and shall
6377 reduce their decision to writing. The Property Clerk shall send a true copy of the written decision
6378 to each claimant by registered mail addressed to the most recent address of the claimant.

6379 (3) Any claimant may, within 30 days after the day on which the copy of the
6380 decision was mailed to such claimant, file an appeal in the Superior Court of the District of
6381 Columbia. If the claimant files an appeal, the claimant shall at the same time give written notice
6382 thereof to the Property Clerk. If the decision of the Property Clerk is so appealed, the Property
6383 Clerk shall not dispose of the dangerous article while the appeal is pending and, if the final
6384 judgment is entered by the court, the Property Clerk shall dispose of the dangerous article in

6385 accordance with the judgment of the court. The court is authorized to determine which claimant,
6386 if any, is entitled to possession of the dangerous article and to enter a judgment ordering a
6387 disposition of the dangerous article consistent with subsection (e) of this section.

6388 (4) If there is no appeal, or if the appeal is dismissed or withdrawn, the Property
6389 Clerk shall dispose of the dangerous article in accordance with subsection (e) of this section.

6390 (5) The Property Clerk shall make no disposition of a dangerous article under this
6391 section, whether in accordance with their own decision or in accordance with the judgment of the
6392 court, until the United States Attorney for the District of Columbia or the Attorney General for the
6393 District of Columbia certifies to the Property Clerk that the dangerous article will not be needed
6394 as evidence.

6395 (d) A person claiming a dangerous article shall be entitled to its possession only if:

6396 (1) The claimant shows, on satisfactory evidence that the ownership is lawful and:

6397 (A) The person is the owner of the dangerous article; or

6398 (B) The person is the accredited representative of the owner and has a power
6399 of attorney from the owner;

6400 (2) The claimant shows, on satisfactory evidence, that at the time the dangerous
6401 article was taken into possession by a police officer or a designated civilian employee of the
6402 Metropolitan Police Department, it was not unlawfully owned and was not unlawfully possessed
6403 or carried by the claimant or with their awareness or consent; and

6404 (3) The receipt of possession by the claimant does not cause the article to be a
6405 nuisance.

6406 (e) If a person claiming a dangerous article is entitled to its possession as determined under
6407 subsections (c) and (d) of this section, possession of such dangerous article shall be given to the
6408 claimant. If no person so claiming is entitled to its possession as determined under subsections (c)
6409 and (d) of this section, or if there is no claimant, the dangerous article shall be destroyed or, upon
6410 order of the Mayor of the District of Columbia, transferred to and used by any federal or District
6411 government law enforcement agency. A District government agency receiving a dangerous article
6412 under this section shall establish responsibility and records for the item.

6413 (f) The Property Clerk shall not be liable in damages for any action performed in good faith
6414 under this section.

6415 (g) *Definitions.* For the purposes of this section, the term “dangerous article” means:

6416 (1) A bump stock;

6417 (2) A firearm;

6418 (3) A firearm silencer;

6419 (4) A large capacity ammunition feeding device; or

6420 (5) A restricted explosive.

6421 § 22A-5120. Endangerment with a firearm.

6422 (a) *Offense.* An actor commits endangerment with a firearm when the actor:

6423 (1) Knowingly discharges a projectile from a firearm outside a licensed firing
6424 range; and

6425 (2) Either:

6426 (A) The discharged projectile creates a substantial risk of death or bodily
6427 injury to another person; or

6428 (B) In fact:

6429 (i) The actor or the discharged projectile is in a location that is:

6430 (I) Open to the general public at the time of the offense;

6431 (II) A communal area of multi-unit housing; or

6432 (III) Inside a public conveyance or a rail station; and

6433 (ii) The actor does not have permission to discharge a projectile from
6434 a firearm under:

6435 (I) A written permit issued by the Metropolitan Police
6436 Department; or

6437 (II) Other District or federal law.

6438 (b) *Penalties.* Endangerment with a firearm is a Class 9 felony.

6439 (c) *Multiple convictions for related offenses.* A conviction for an offense under this section
6440 and a conviction for another offense that has as an objective element in the offense definition or
6441 applicable penalty enhancement the use or display, or attempted use or display, of a firearm,

6442 imitation firearm, or dangerous weapon shall merge when the convictions arise from the same act
6443 or course of conduct and the same complainant.

6444 (d) *Merger procedure and rule of priority.* For an actor found guilty of 2 or more offenses
6445 that merge under this section, the sentencing court shall follow the procedures specified in § 22A-
6446 212(b) and (c).

6447 SUBCHAPTER II. BREACHES OF PEACE.

6448 § 22A-5201. Disorderly conduct.

6449 (a) *Offense.* An actor commits disorderly conduct when the actor:

6450 (1) In fact, is in a location that is:

6451 (A) Open to the general public at the time of the offense;

6452 (B) Inside a public conveyance or a rail transit station; or

6453 (C) A communal area of multi-unit housing; and

6454 (2) Engages in any of the following conduct:

6455 (A) Recklessly, by conduct other than speech, causes any person present to
6456 reasonably believe that they are likely to suffer immediate criminal bodily injury, taking of
6457 property, or damage to property;

6458 (B) Purposely commands, requests, or tries to persuade any person present
6459 to cause immediate criminal bodily injury, taking of property, or damage to property, reckless as
6460 to the fact that the harm is likely to occur;

6461 (C) Purposely directs abusive speech to any person present, reckless as to
6462 the fact that such conduct is likely to provoke immediate retaliatory criminal bodily injury, taking
6463 of property, or damage to property; or

6464 (D) Knowingly continues or resumes fighting with another person after
6465 receiving a law enforcement officer's order to stop.

6466 (b) *Exclusions from liability.*

6467 (1) An actor does not commit an offense under subsection (a)(2)(A) of this section
6468 when, in fact, the other person present is a law enforcement officer in the course of official duties.

6469 (2) An actor does not commit an offense under subsection (a)(2)(C) of this section
6470 when, in fact, the conduct is directed to or likely to provoke a law enforcement officer in the course
6471 of official duties.

6472 (c) *Prosecutorial authority.* The Attorney General for the District of Columbia shall
6473 prosecute violations of this section.

6474 (d) *Penalties.* Disorderly conduct is a Class D misdemeanor.

6475 § 22A-5202. Public nuisance.

6476 (a) *First degree.* An actor commits first degree public nuisance when the actor purposely
6477 causes significant interruption to:

6478 (1) The orderly conduct of a meeting by a District or federal public body;

6479 (2) A person's reasonable, quiet enjoyment of their dwelling, between 10:00 p.m.
6480 and 7:00 a.m., and continues or resumes the conduct after receiving oral or written notice to stop;

6481 (3) A person’s lawful use of a public conveyance; or

6482 (4) A religious service, funeral, or wedding, that is, in fact, lawful and in a location
6483 that is open to the general public at the time of the offense.

6484 (b) *Second degree.* An actor commits second degree public nuisance when the actor:

6485 (1) Knowingly makes an unreasonably loud noise between 10:00 p.m. and 7:00
6486 a.m.;

6487 (2) That is likely to annoy or disturb one or more other persons in their residences.

6488 (c) *Prosecutorial authority.* The Attorney General for the District of Columbia shall
6489 prosecute violations of this section.

6490 (d) *Penalties.*

6491 (1) First degree public nuisance is a Class D misdemeanor.

6492 (2) Second degree public nuisance is a Class E misdemeanor.

6493 (e) *Definitions.* For the purposes of this section, the terms “meeting” and “public body”
6494 shall have the same meanings as provided in § 2-574(1) and (3), respectively.

6495 § 22A-5203. Blocking a public way.

6496 (a) *Offense.* An actor commits blocking a public way when the actor:

6497 (1) Knowingly blocks a street, sidewalk, bridge, path, entrance, exit, or
6498 passageway;

6499 (2) While on land or inside a building that is owned by a government, government
6500 agency, or government-owned corporation; and

6501 (3) Continues or resumes the blocking after receiving a law enforcement officer's
6502 order that, in fact, is lawful, to stop.

6503 (b) *Prosecutorial authority.* The Attorney General for the District of Columbia shall
6504 prosecute violations of this section.

6505 (c) *Penalties.* Blocking a public way is a Class D misdemeanor.

6506 § 22A-5204. Unlawful demonstration.

6507 (a) *Offense.* An actor commits unlawful demonstration when the actor:

6508 (1) Knowingly engages in a demonstration;

6509 (2) In a location where the demonstration, in fact, is otherwise unlawful under
6510 District or federal law; and

6511 (3) Continues or resumes engaging in the demonstration after receiving a law
6512 enforcement order to stop.

6513 (b) *Prosecutorial authority.* The Attorney General for the District of Columbia shall
6514 prosecute violations of this section.

6515 (c) *Penalties.* Unlawful demonstration is a Class D misdemeanor.

6516 § 22A-5205. Breach of home privacy.

6517 (a) *Offense.* An actor commits breach of home privacy when the actor:

6518 (1) Knowingly and surreptitiously observes inside a dwelling, by any means; and

6519 (2) In fact, an occupant of the dwelling would have a reasonable expectation of
6520 privacy.

6521 (b) *Prosecutorial authority.* The Attorney General for the District of Columbia shall
6522 prosecute violations of this section.

6523 (c) *Penalties.* Breach of home privacy is a Class C misdemeanor.

6524 § 22A-5206. Indecent exposure.

6525 (a) *First degree.* An actor commits first degree indecent exposure when the actor:

6526 (1) Knowingly engages in:

6527 (A) A sexual act;

6528 (B) Masturbation; or

6529 (C) A sexual or sexualized display of the genitals, pubic area, or anus, when
6530 there is less than a full opaque covering; and

6531 (2) The conduct is:

6532 (A) Visible to the complainant;

6533 (B) Without the complainant's effective consent; and

6534 (C) With the purpose of alarming or sexually abusing, humiliating,
6535 harassing, or degrading the complainant.

6536 (b) *Second degree.* An actor commits second degree indecent exposure when the actor:

6537 (1) Knowingly engages in:

6538 (A) A sexual act;

6539 (B) Masturbation; or

6540 (C) A display of the genitals, pubic area, or anus, when there is less than a
6541 full opaque covering;

6542 (2) In, or visible from, a location that is:

6543 (A) Open to the general public at the time of the offense;

6544 (B) Inside a public conveyance or a rail transit station; or

6545 (C) A communal area of multi-unit housing; and

6546 (3) Reckless as to the fact that the conduct:

6547 (A) Is visible to the complainant;

6548 (B) Is without the complainant's effective consent; and

6549 (C) Alarms or sexually abuses, humiliates, harasses, or degrades any person.

6550 (c) *Exclusions from liability.*

6551 (1) An actor does not commit an offense under subsection (a) of this section when,
6552 in fact:

6553 (A) The actor is inside their own individual dwelling unit; and

6554 (B) The conduct is not visible to any person outside the dwelling.

6555 (2) An actor shall not be subject to prosecution under this section when, in fact, the
6556 actor is:

6557 (A) An employee of a licensed sexually-oriented business establishment;

6558 and

6559 (B) Acting within the reasonable scope of that role.

6560 (d) *Prosecutorial authority.* The Attorney General for the District of Columbia shall
6561 prosecute violations of subsection (b) of this section.

6562 (e) *Penalties.*

6563 (1) First degree indecent exposure is a Class B misdemeanor.

6564 (2) Second degree indecent exposure is a Class C misdemeanor.

6565 (f) *Definitions.* For the purposes of this section, the term “sexually-oriented business
6566 establishment” shall have the same meaning as provided in 11 DCMR § 199.1.

6567 § 22A-5207. Public urination or defecation.

6568 (a) *Offense:* An actor commits public urination or defecation when the actor knowingly
6569 urinates or defecates in a public place, other than a urinal or toilet.

6570 (b) *Penalty.* Public urination or defecation is a Class E misdemeanor.

6571 SUBCHAPTER III. GROUP MISCONDUCT.

6572 § 22A-5301. Failure to disperse.

6573 (a) *Offense.* An actor commits failure to disperse when the actor:

6574 (1) Knowingly fails to obey a law enforcement officer’s dispersal order;

6575 (2) Reckless as to the fact that 8 or more people are each personally and
6576 simultaneously committing or attempting to commit a criminal bodily injury, taking of property,
6577 or damage to property, in the area reasonably perceptible to the actor; and

6578 (3) In fact, the actor’s presence substantially impairs the ability of a law
6579 enforcement officer to safely prevent or stop the criminal conduct.

6580 (b) *Penalties.* Failure to disperse is a Class D misdemeanor.

6581 SUBCHAPTER IV. PROSTITUTION AND RELATED STATUTES.

6582 § 22A-5401. Prostitution.

6583 (a) *Offense.* An actor commits prostitution when the actor knowingly:

6584 (1) Pursuant to a prior agreement, explicit or implicit, engages in or submits to a
6585 sexual act or sexual contact in exchange for the actor or a third party receiving anything of value;

6586 (2) Agrees, explicitly or implicitly, to engage in or submit to a sexual act or sexual
6587 contact in exchange for the actor or a third party receiving anything of value; or

6588 (3) Commands, requests, or tries to persuade any person to engage in or submit to
6589 a sexual act or sexual contact in exchange for the actor or a third party receiving anything of value.

6590 (b) *Immunity.*

6591 (1) An actor does not commit an offense under this section when, in fact, the actor
6592 is under 18 years of age.

6593 (2) The Metropolitan Police Department and any other District agency designated
6594 by the Mayor shall refer any person under 18 years of age that is suspected of violating subsection
6595 (a) of this section to an organization that provides treatment, housing, or services appropriate for
6596 victims of sex trafficking of a minor under § 22A-2605.

6597 (c) *Penalties.* Prostitution is a Class D misdemeanor.

6598 (d) *Judicial deferral and dismissal of proceedings.*

6599 (1) When a person is found guilty of prostitution under this section, the court may,
6600 without entering a judgment of guilty and with the consent of the person, defer further proceedings
6601 on that offense and place the person on probation upon such reasonable conditions as it may require
6602 and for such period, not to exceed one year, as the court may prescribe. Upon violation of a
6603 condition of the probation, the court may enter an adjudication of guilt and proceed as otherwise
6604 provided. The court may, in its discretion, dismiss the proceedings against such person and
6605 discharge the person from probation before the expiration of the maximum period prescribed for
6606 such person's probation. If during the period of probation the person does not violate any of the
6607 conditions of the probation, then upon expiration of such period the court shall discharge the person
6608 and dismiss the proceedings against the person. Discharge and dismissal under this subsection
6609 shall be without court adjudication of guilt. Such discharge or dismissal shall not be deemed a
6610 conviction with respect to disqualifications or disabilities imposed by law upon conviction of a
6611 crime or for any other reason.

6612 (2) Upon the dismissal of such proceedings and discharge of the person under
6613 paragraph (1) of this subsection, such person may apply to the court for an order to expunge from
6614 all official records (other than the nonpublic records to be retained under paragraph (1) of this
6615 subsection) all recordation relating to their arrest, indictment or information, trial, finding of guilty,
6616 and dismissal and discharge pursuant to this subsection. If the court determines, after hearing, that
6617 the proceedings were dismissed and the person discharged, it shall enter such order. The effect of
6618 such order shall be to restore such person, in the contemplation of this law, to the status they

6619 occupied before such arrest or indictment or information. No person as to whom such order has
6620 been entered shall be held thereafter under any provision of any law to be guilty of perjury or
6621 otherwise giving a false statement by reason of failure to recite or acknowledge such arrest, or
6622 indictment, or trial in response to any inquiry made of them for any purpose.

6623 § 22A-5402. Patronizing prostitution.

6624 (a) *Offense.* An actor commits patronizing prostitution when the actor knowingly:

6625 (1) Pursuant to a prior agreement, explicit or implicit, engages in or submits to a
6626 sexual act or sexual contact in exchange for the actor giving another person anything of value;

6627 (2) Agrees, explicitly or implicitly, to give anything of value to another person in
6628 exchange for that person or a third party engaging in or submitting to a sexual act or sexual contact;

6629 or

6630 (3) Commands, requests, or tries to persuade any person to engage in or submit to
6631 a sexual act or sexual contact in exchange for the actor giving another person anything of value.

6632 (b) *Penalties.*

6633 (1) Patronizing prostitution is a Class D misdemeanor.

6634 (2) *Penalty enhancements.* The penalty classification of this offense shall be
6635 increased by one class when the actor:

6636 (A) Is reckless as to the fact that the person patronized is under 18 years of
6637 age, or, in fact, the person patronized is under 12 years of age; or

6638 (B) Is reckless as to the fact that the person patronized is:

6639 (i) Incapable of appraising the nature of the sexual act or sexual
6640 contact or of understanding the right to give or withhold consent to the sexual act or sexual contact,
6641 either due to a drug, intoxicant, or other substance, or, due to an intellectual, developmental, or
6642 mental disability or mental illness when the actor has no similarly serious disability or illness; or

6643 (ii) Incapable of communicating willingness or unwillingness to
6644 engage in the sexual act or sexual contact.

6645 § 22A-5403. Trafficking in commercial sex.

6646 (a) *Offense.* An actor commits trafficking in commercial sex when the actor:

6647 (1) With intent to receive anything of value as a result, purposely:

6648 (A) Causes, procures, provides, recruits, or entices a person to engage in or
6649 submit to a commercial sex act with or for another person; or

6650 (B) Provides or maintains a location for a person to engage in or submit to
6651 a commercial sex act with or for another person;

6652 (2) Knowingly receives anything of value as a result of:

6653 (A) Causing, procuring, providing, recruiting, or enticing a person to engage
6654 in or submit to a commercial sex act with or for another person; or

6655 (B) Providing or maintaining a location for a person to engage in or submit
6656 to a commercial sex act with or for another person; or

6657 (3) Obtains anything of value from the proceeds or earnings of a commercial sex
6658 act that a person has engaged in or submitted to, either without consideration or when the
6659 consideration is providing or maintaining a location for a commercial sex act.

6660 (b) *Penalties.*

6661 (1) Trafficking in commercial sex is a Class 9 felony.

6662 (2) *Penalty enhancements.* The penalty classification of this offense shall be
6663 increased by one class when the actor:

6664 (A) Is reckless as to the fact that the person trafficked is under 18 years of
6665 age, or, in fact, the person trafficked is under 12 years of age; or

6666 (B) Is reckless as to the fact that the person trafficked is:

6667 (i) Incapable of appraising the nature of the commercial sex act or
6668 of understanding the right to give or withhold consent to the commercial sex act, either due to a
6669 drug, intoxicant, or other substance, or, due to an intellectual, developmental, or mental disability
6670 or mental illness when the actor has no similarly serious disability or illness; or

6671 (ii) Incapable of communicating willingness or unwillingness to
6672 engage in the commercial sex act.

6673 § 22A-5404. Civil forfeiture.

6674 (a) *Property subject to forfeiture.* The following are subject to civil forfeiture:

6675 (1) In fact, all conveyances, including aircraft, vehicles, or vessels, which are
6676 possessed with intent to be used, or are, in fact, used, to facilitate the commission of trafficking in
6677 commercial sex under § 22A-5403; and

6678 (2) In fact, all money, coins, and currency which are possessed with intent to be
6679 used, or are, in fact, used, to facilitate the commission of trafficking in commercial sex under §
6680 22A-5403.

6681 (b) *Requirements for forfeiture.* All seizures and forfeitures under this section shall be
6682 pursuant to the standards and procedures set forth in Chapter 3 of Title 41.

6683 SUBCHAPTER V. CRUELTY TO ANIMALS.

6684 [Reserved].

6685 SUBCHAPTER VI. OFFENSES AGAINST THE FAMILY AND YOUTH.

6686 § 22A-5601. Contributing to the delinquency of a minor.

6687 (a) *Offense.* An actor commits contributing to the delinquency of a minor when the actor:

6688 (1) In fact, is 18 years of age or older and at least 4 years older than the complainant;

6689 (2) Is reckless as to the fact that the complainant is under 18 years of age; and

6690 (3) In fact, either:

6691 (A) Is an accomplice to the complainant under § 22A-210 for any District
6692 offense, a violation of § 25-1002, or a comparable offense or comparable violation; or

6693 (B) Engages in criminal solicitation of the complainant under § 22A-302
6694 for any District offense, a violation of § 25-1002, or a comparable offense or comparable violation.

6695 (b) *Exclusions from liability.*

6696 (1) An actor does not commit an offense under this section when, in fact, during a
6697 demonstration, the complainant's conduct constitutes, or, if carried out, would constitute, a
6698 trespass under § 22A-2601, a public nuisance under § 22A-5202, blocking a public way under §
6699 22A-5203, an unlawful demonstration under § 22A-5204, an attempt to commit any such an
6700 offense, or a comparable offense.

6701 (2) An actor does not commit an offense under this section when, in fact, the actor
6702 satisfies the requirements specified under § 7-403.

6703 (c) *Relationship to minor's conduct.* An actor may be convicted of an offense under this
6704 section even though the complainant has been acquitted, or has not been arrested, prosecuted,
6705 convicted, or adjudicated delinquent.

6706 (d) *Affirmative defense.* It is an affirmative defense to liability under this section that the
6707 actor engages in the conduct constituting the offense:

6708 (1) With intent to safeguard or promote the welfare of the complainant; and

6709 (2) In fact, such conduct:

6710 (A) Is reasonable in manner and degree, under all the circumstances; and

6711 (B) Does not create a substantial risk of, or cause, death or serious bodily

6712 injury.

6713 (e) *Penalties.* Contributing to the delinquency of a minor is a Class B misdemeanor.

6714 § 22A-5602. Bigamy.

6715 (a) *Offense.* An actor commits bigamy when the actor knowingly misrepresents the
6716 existence or status of a previous marriage or domestic partnership on a District of Columbia:

6717 (1) Marriage license application; or

6718 (2) Domestic partnership declaration.

6719 (b) *Exclusion from liability.* An actor does not commit an offense under this section when
6720 the actor, in fact, for 5 successive years or more immediately prior to the application or declaration,
6721 both:

6722 (1) Has had no contact with the spouse or domestic partner; and

6723 (2) Is not aware that the spouse or domestic partner is living.

6724 (c) *Affirmative defense.* It is an affirmative defense to liability under this section that, in
6725 fact, the actor reasonably believes that the spouse or domestic partner is deceased.

6726 (d) *Penalties.* Bigamy is a Class A misdemeanor.

6727 (e) *Merger.* A conviction for an offense under this section and a conviction for false
6728 statements under § 22A-4207 shall merge when the convictions arise from the same act or course
6729 of conduct and the same complainant. The sentencing court shall follow the procedures in § 22A-
6730 212(b) and (c).

6731 SUBCHAPTER VII. GAMBLING.

6732 § 22A-5701. Promoting gambling.

6733 (a) *Offense.* An actor commits promoting gambling when the actor:

6734 (1) Knowingly:

6735 (A) Induces or tries to induce another person to engage in any gambling
6736 activity; or

6737 (B) Installs or operates a game of skill machine at any location reckless as
6738 to the fact that such installation or operation violates subchapter III of Chapter 6 in Title 36;

6739 (2) With intent that the actor or another person receive financial gain other than
6740 personal gambling winnings; and

6741 (3) In fact, the actor is not engaging in conduct:

6742 (A) Solely as a player; or

6743 (B) Authorized by a District law, regulation, rule, or license.

6744 (b) *Exclusion from liability.* It is an exclusion from liability under this section that the
6745 gambling activity in question was, in fact, social gambling.

6746 (c) *Forfeiture.* Upon conviction under this section, the court may, in addition to the
6747 penalties provided by this section, order the forfeiture and destruction or other disposition of any
6748 equipment or money used, or attempted to be used, in violation of this section.

6749 (d) *Penalties.* Promoting gambling is a Class B misdemeanor.

6750 (e) *Definitions.* For the purposes of this section, the term:

6751 (1) "Game of skill machine" shall have the same meaning as provided in § 36-
6752 641.01.

6753 (2) "Player" means a person engaged in gambling activity solely as a contestant or
6754 bettor.

6755 § 22A-5702. Rigging a publicly exhibited contest.

6756 (a) *First degree.* An actor commits first degree rigging a publicly exhibited contest when
6757 the actor:

6758 (1) Knowingly:

6759 (A) Offers or gives anything of value to any person;

6760 (B) Demands or requests anything of value from any person; or

6761 (C) Makes an explicit or implicit coercive threat to any person;

6762 (2) With the purpose of causing a contest participant or contest official in a publicly
6763 exhibited contest to agree to engage in conduct that affects:

6764 (A) The course or outcome of the publicly exhibited contest; and

6765 (B) The outcome of any wager or bet on the publicly exhibited contest.

6766 (b) *Second degree.* An actor commits second degree rigging a publicly exhibited contest
6767 when the actor:

6768 (1) Knowingly agrees to accept anything of value from another person;

6769 (2) In exchange for the actor or another person engaging in conduct as a contest
6770 participant or contest official in a publicly exhibited contest that affects:

6771 (A) The course or outcome of the publicly exhibited contest; and

6772 (B) The outcome of any wager or bet on the publicly exhibited contest.

6773 (c) *Exclusions from liability.* An actor does not commit an offense under this section when,
6774 in fact, the actor engages in the conduct constituting the offense with the purpose of encouraging

6775 a contest participant or contest official to perform with a higher degree of skill, ability, or diligence
6776 in the publicly exhibited contest.

6777 (d) *Penalties.*

6778 (1) First degree rigging a publicly exhibited contest is a Class 9 felony.

6779 (2) Second degree rigging a publicly exhibited contest is a Class A misdemeanor.

6780 § 22-5703. Permissible gambling activity.

6781 (a) Nothing in this subchapter shall be construed to prohibit participation in, or operation,
6782 advertisement, or promotion of any gambling activity that is authorized by District law, regulation,
6783 rule, or license and regulated, licensed, or operated by the Office of Lottery and Gaming.

6784 (b) Nothing in this subchapter shall be construed to prohibit advertising a lottery by the
6785 Maryland State Lottery so long as Maryland does not prohibit advertising or otherwise publishing
6786 an account of a lottery by the District of Columbia.

6787 SUBCHAPTER VIII. ENVIRONMENTAL OFFENSES.

6788 “[Reserved].”

6789 TITLE II. ADDITIONAL REVISED CRIMINAL OFFENSES AND PROVISIONS.

6790 Sec. 201. The Firearms Control Regulations Act of 1975, effective September 24, 1976
6791 (D.C. Law 1–85; D.C. Official Code § 7–2501.01 *et seq.*), is amended as follows:

6792 (a) Section 201 (D.C. Official Code § 7-2502.01) is amended as follows:

6793 (1) The section heading is amended to read as follows:

6794 “Sec. 201. Eligibility for firearm registration.”

6795 (2) Subsection (a) is amended by striking the phrase “Except as otherwise provided
6796 in this act, no person or organization in the District of Columbia (“District”) shall receive, possess,
6797 control, transfer, offer for sale, sell, give, or deliver any destructive device, and no person or
6798 organization in the District shall possess or control any firearm, unless the person or organization
6799 holds a valid registration certificate for the firearm. A registration” and inserting the phrase “A
6800 registration” in its place.

6801 (3) Subsection (b) is repealed.

6802 (4) Subsection (c) is repealed.

6803 (b) A new section 201a is added to read as follows:

6804 “Sec. 201a. Possession of an unregistered firearm, destructive device, or ammunition.

6805 “(a) *First degree.* An actor commits first degree possession of an unregistered firearm,
6806 destructive device, or ammunition when the actor knowingly possesses:

6807 “(1) A destructive device;

6808 “(2) One or more restricted pistol bullets; or

6809 “(3) A firearm without, in fact, being the holder of a registration certificate issued
6810 under section 207 for that firearm.

6811 “(b) *Second degree.* An actor commits second degree possession of an unregistered
6812 firearm, destructive device, or ammunition when the actor knowingly possesses ammunition
6813 without, in fact, being the holder of a registration certificate issued under section 207 for a firearm
6814 of the same caliber.

6815 “(c) *Exclusions from liability.*

6816 “(1) An actor does not commit an offense under subsection (a) of this section for,
6817 in fact, possessing a firearm frame, receiver, muffler, or silencer.

6818 “(2) An actor does not commit an offense under subsection (a) of this section for,
6819 in fact, possessing a lacrimator or sternutator.

6820 “(3) An actor does not commit an offense under subsection (a) of this section when,
6821 in fact, the actor is a nonresident of the District of Columbia who is:

6822 “(A) Participating in a lawful recreational firearm-related activity inside the
6823 District; or

6824 “(B) Traveling to or from a lawful recreational firearm-related activity
6825 outside the District and:

6826 “(i) Is transporting the firearm in accordance with the requirements
6827 specified in D.C. Official Code § 22A-5111; and

6828 “(ii) Upon demand of a law enforcement officer, the actor exhibits
6829 proof that:

6830 “(I) The actor is traveling to or from a lawful recreational
6831 firearm-related activity outside the District; and

6832 “(II) The actor’s possession or control of the firearm is
6833 lawful in the actor’s jurisdiction of residence.

6834 “(4) An actor does not commit an offense under subsection (b) of this section when,
6835 in fact, the actor is the holder of an ammunition collector’s certificate effective on or before
6836 September 24, 1976.

6837 “(5) An actor does not commit an offense under subsection (b) this section for, in
6838 fact, possessing one or more empty cartridge cases, shells, or spent bullets.

6839 “(6) An actor does not commit an offense under this section when, in fact, the actor
6840 satisfies the criteria in D.C. Official Code § 22A-5102.

6841 “(d) *Affirmative defense.* It is an affirmative defense to liability under this section that the
6842 actor possesses the item while, in fact, voluntarily surrendering the item pursuant to District or
6843 federal law.

6844 “(e) *Prosecutorial authority.* The Attorney General for the District of Columbia shall
6845 prosecute violations of this section.

6846 “(f) *Penalties.*

6847 “(1) First degree possession of an unregistered firearm, destructive device, or
6848 ammunition is a Class A misdemeanor.

6849 “(2) Second degree possession of an unregistered firearm, destructive device, or
6850 ammunition is a Class B misdemeanor.

6851 “(3) *Administrative disposition.* The Attorney General for the District of Columbia
6852 may, in its discretion, offer an administrative disposition under Subtitle A of Title III of the First

6853 Amendment Assembly Enforcement and Procedure Act of 2004, effective April 13, 2005 (D.C.
6854 Law 15-352; D.C. Official Code § 5-335.01 *et seq.*), for a violation of this section.

6855 “(g) *Interpretation of statute.* Chapter 1 of Title 22A shall apply to this offense.”

6856 (c) Section 212 (D.C. Official Code § 7-2502.12) is repealed.

6857 (d) Section 213 (D.C. Official Code § 7-2502.13) is repealed.

6858 (e) Section 215 (D.C. Official Code § 7-2502.15) is amended to read as follows:

6859 “Sec. 215. Possession of a stun gun.

6860 “(a) *Offense.* An actor commits possession of a stun gun when the actor knowingly
6861 possesses a stun gun and:

6862 “(1) Is under 18 years of age; or

6863 “(2) Is in a location that:

6864 “(A) Is a building, building grounds, or part of a building, that is occupied
6865 by the District of Columbia;

6866 “(B) Is a building, building grounds, or part of a building, that is occupied
6867 by a preschool, a primary or secondary school, public recreation center, or a children’s day care
6868 center; or

6869 “(C) Displays clear and conspicuous signage indicating that stun guns are
6870 prohibited.

6871 “(b) *Exclusion from liability.* An actor does not commit an offense under this section when,
6872 in fact, the actor satisfies the criteria in D.C. Official Code § 22A-5102.

6873 “(c) *Affirmative defense.* It is an affirmative defense to liability under this section that, in
6874 fact:

6875 “(1) A person lawfully in charge of the location gave effective consent to the
6876 conduct charged to constitute the offense; or

6877 “(2) The actor reasonably believes that a person lawfully in charge of the location
6878 gave effective consent to the conduct charged to constitute the offense.

6879 “(d) *Prosecutorial authority.* The Attorney General for the District of Columbia shall
6880 prosecute violations of this section.

6881 “(e) *Penalties.* Possession of a stun gun is a Class B misdemeanor.

6882 “(f) *Interpretation of statute.* Chapter 1 of Title 22A shall apply to this offense.”.

6883 (f) A new section 217 is added to read as follows:

6884 “Sec. 217. Carrying an air or spring gun.

6885 “(a) *Offense.* An actor commits carrying an air or spring gun when the actor:

6886 “(1) Knowingly possesses any instrument or weapon of the kind commonly called
6887 an air rifle, air gun, air pistol, B-B gun, spring gun, blowgun, or bowgun;

6888 “(2) While outside a building; and

6889 “(3) The instrument or weapon is conveniently accessible and within reach.

6890 “(b) *Exclusions from liability.*

6891 “(1) An actor does not commit an offense under this section if, in fact, the conduct
6892 occurs:

6893 “(A) As part of a lawful theatrical performance, athletic contest, or
6894 educational or cultural presentation;

6895 “(B) In a licensed firing range; or

6896 “(C) With the permission of the Metropolitan Police Department.

6897 “(2) An actor does not commit an offense under this section if, in fact, the actor:

6898 “(A) Is 18 years of age or older; and

6899 “(B) Transports the instrument or weapon while it is unloaded and securely
6900 wrapped.

6901 “(3) An actor does not commit an offense under this section when, in fact, the actor
6902 satisfies the criteria in D.C. Official Code § 22A-5102.

6903 “(c) *Prosecutorial authority.* The Attorney General for the District of Columbia shall
6904 prosecute violations of this section.

6905 “(d) *Penalties.* Carrying an air or spring gun is a Class D misdemeanor.

6906 “(e) *Interpretation of statute.* Chapter 1 of Title 22A shall apply to this offense.”.

6907 (g) Section 601 (D.C. Official Code § 7-2506.01) is repealed.

6908 (h) Section 702 (D.C. Official Code § 7-2507.02) is amended to read as follows:

6909 “Sec. 702. Unlawful storage of a firearm.

6910 “(a) *Offense.* An actor commits unlawful storage of a firearm when the actor:

6911 “(1) Knowingly possesses a firearm that is:

6912 “(A) Not conveniently accessible and within reach;

6913 “(B) Not in a securely locked container; and

6914 “(C) Not in another location that, in fact, a reasonable person would believe
6915 to be secure; and

6916 “(2) Is negligent as to the fact that:

6917 “(A) A person other than the actor who is under 18 years of age is able to
6918 access the firearm without the permission of their parent or guardian; or

6919 “(B) A person other than the actor who is prohibited from possessing a
6920 firearm under District law is able to access the firearm.

6921 “(b) *Prosecutorial authority.* The Attorney General for the District of Columbia shall
6922 prosecute violations of this section.

6923 “(c) *Penalties.*

6924 “(1) Unlawful storage of a firearm is a Class A misdemeanor.

6925 “(2) *Penalty enhancements.* The penalty classification of unlawful storage of a
6926 firearm shall be increased by one class when, in fact, a person under 18 years of age accesses and
6927 uses the firearm to cause either:

6928 “(A) A criminal bodily injury; or

6929 “(B) A bodily injury to themselves.

6930 “(d) *Interpretation of statute.* Chapter 1 of Title 22A shall apply to this offense.”.

6931 (i) Section 706 (D.C. Official Code § 7-2507.06) is amended to read as follows:

6932 “Sec. 706. Penalties.

6933 “(a) Any person convicted of a violation of any provision of this act shall be fined not more
6934 than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of
6935 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or
6936 incarcerated for no more than one year, or both, except as provided in:

6937 “(1) Subsection (b) of this section;

6938 “(2) Section 201a;

6939 “(3) Section 205;

6940 “(4) Section 208;

6941 “(5) Section 215;

6942 “(6) Section 217;

6943 “(7) Section 301;

6944 “(8) Section 702;

6945 “(9) Section 807;

6946 “(10) Title IX; and

6947 “(11) Section 1011.

6948 “(b) A person who knowingly or intentionally sells, transfers, or distributes a firearm,
6949 destructive device, or ammunition to a person under 18 years of age shall be fined not more than
6950 the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012,
6951 effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or incarcerated for
6952 no more than 10 years, or both.”.

6953 (j) A new section 906a is added to read as follows:

6954 “Sec. 906a. Carrying a pistol in an unlawful manner.

6955 “(a) *Offense.* An actor commits carrying a pistol in an unlawful manner when the actor:

6956 “(1) Knowingly possesses a pistol;

6957 “(2) While outside the actor’s home or place of business;

6958 “(3) The pistol is conveniently accessible and within reach; and

6959 “(4) In addition:

6960 “(A) The actor possesses ammunition that is conveniently accessible and
6961 within reach and is either:

6962 “(i) More than is required to fully load the pistol twice; or

6963 “(ii) More than 20 rounds;

6964 “(B) The pistol is not entirely hidden from public view; or

6965 “(C) The pistol is not in a holster on the actor’s person in a firmly secure
6966 manner that is reasonably designed to prevent loss, theft, and accidental discharge of the pistol.

6967 “(b) *Exclusions from liability.* An actor does not commit an offense under this section
6968 when, in fact, the actor satisfies the criteria in D.C. Official Code § 22A-5102.

6969 “(c) *Prosecutorial authority.* The Attorney General for the District of Columbia
6970 shall prosecute violations of this section.

6971 “(d) *Penalties.* Carrying a pistol in an unlawful manner is a Class D misdemeanor.

6972 “(e) *Interpretation of statute.* Chapter 1 of Title 22A shall apply to this offense.”.

6973 Sec. 202. Title 16 of the District of Columbia Official Code is amended as follows:

6974 (a) Section 16-705 is amended to read as follows:

6975 “§ 16-705. Jury trial; trial by court.

6976 “(a) A trial in a criminal case in Superior Court shall be by jury when:

6977 “(1) According to the Constitution of the United States, the defendant is entitled to
6978 a jury trial; or

6979 “(2) The defendant is charged with:

6980 “(A) An offense which is punishable by a fine or penalty of more than
6981 \$1,000 or by imprisonment for more than 180 days (or for more than 6 months, in the case of the
6982 offense of contempt of court);

6983 “(B) Trespass under § 22A-3701 or attempted trespass, where the trespass
6984 is to public property;

6985 “(C) Two or more offenses which are punishable by a cumulative fine or
6986 penalty of more than \$4,000 or a cumulative term of imprisonment of more than 2 years; or

6987 “(D) One of the following offenses, when the person who is alleged to have
6988 been subjected to the offense is a law enforcement officer, as that term is defined in § 22A-101 or
6989 former § 22-405(a):

6990 “(i) Assault under § 22A-2203 or former § 22-404(a)(1);

6991 “(ii) Resisting arrest or interfering with the arrest of another person
6992 under § 22A-4404 or former § 22-405.01;

6993 “(iii) Criminal threats under § 22A-2205 or former § 22-407; or

6994 “(iv) Offensive physical contact under § 22A-2206.

6995 “(b) In addition to the circumstances described in subsection (a) of this section, beginning
6996 2 years after the applicability date of the Revised Criminal Code Act of 2022, as approved by the
6997 Committee on the Judiciary and Public Safety on October 26, 2022 (Committee print of Bill 24-
6998 416), a trial in a criminal case in Superior Court shall be by jury when:

6999 “(1) The defendant is charged with:

7000 “(A) An offense that is punishable by a fine of more than \$1,000 or
7001 imprisonment for more than 60 days;

7002 “(B) A lifetime registration offense or registration offense, as those terms
7003 are defined in § 22-4001; or

7004 “(C) Two or more offenses which are punishable by a cumulative fine or
7005 penalty of more than \$1,000 or a cumulative term of imprisonment of more than 60 days; or

7006 “(2) The person who is alleged to have been subjected to an offense is a law
7007 enforcement officer, as that term is defined in § 22A-101 or former § 22-405(a).

7008 “(c) In addition to the circumstances described in subsections (a) and (b) of this section,
7009 beginning 4 years after the applicability date of the Revised Criminal Code Act of 2022, as
7010 approved by the Committee on the Judiciary and Public Safety on October 26, 2022 (Committee
7011 print of Bill 24-416), a trial in a criminal case in Superior Court shall be by jury when the defendant
7012 is charged with:

7013 “(1) An offense that is punishable by a fine of more than \$500 or imprisonment for
7014 more than 10 days; or

7015 “(2) Two or more offenses which are punishable by a cumulative fine or penalty of
7016 more than \$500 or a cumulative term of imprisonment of more than 10 days.

7017 “(d) In addition to the circumstances described in subsections (a), (b), and (c) of this
7018 section, beginning 5 years after the applicability date of the Revised Criminal Code Act of 2022,
7019 as approved by the Committee on the Judiciary and Public Safety on October 26, 2022 (Committee
7020 print of Bill 24-416), a trial in a criminal case in Superior Court shall be by jury when the defendant
7021 is charged with:

7022 “(1) An offense that is punishable by a fine of more than \$250 or by any
7023 imprisonment;

7024 “(2) An offense that, if the defendant were a non-citizen and were convicted of the
7025 offense, could result in the defendant’s deportation from the United States under federal
7026 immigration law, or denial of naturalization under federal immigration law; or

7027 “(3) Two or more offenses which are punishable by a cumulative fine of more than
7028 \$250 or by any imprisonment.

7029 “(e) A trial in a criminal case in Superior Court shall be by a single judge whose verdict
7030 shall have the same force and effect as that of a jury in any case:

7031 “(1) Not specified in subsection (a), (b), (c), or (d) of this section; or

7032 “(2) Specified in subsection (a), (b), (c), or (d) of this section, if the defendant, in
7033 open court, expressly waives trial by jury and requests trial by the court more than 10 days before
7034 the scheduled trial or, with the consent of the court, within 10 days of the scheduled trial.

7035 “(f) If a defendant in a criminal case is charged with 2 or more offenses, and the offenses
7036 include at least one jury demandable offense and one non-jury demandable offense, the trial for all
7037 offenses charged against that defendant shall be by jury, unless the defendant, in open court,
7038 expressly waives trial by jury and requests trial by the court, in which case, the trial shall be by a
7039 single judge, whose verdict shall have the same force and effect as that of a jury.

7040 “(g) The jury shall consist of 12 persons, unless the parties, with the approval of the court
7041 and in the manner provided by rules of the court, agree to a number less than 12. Even absent such
7042 agreement, if, due to extraordinary circumstances, the court finds it necessary to excuse a juror for
7043 just cause after the jury has retired to consider its verdict, in the discretion of the court, a valid
7044 verdict may be returned by the remaining 11 jurors.”.

7045 (b) A new section 16-1005a is added to read as follows:

7046 “§ 16-1005a. Criminal contempt for violation of a civil protection order.

7047 “(a) *Offense.* An actor commits criminal contempt for violation of a civil protection order
7048 when the actor:

7049 “(1) Knows they are subject to a protection order that, in fact:

7050 “(A) Is one of the following:

7051 “(i) A temporary civil protection order issued under § 16-1004;

7052 “(ii) A final civil protection order issued under § 16-1005; or

7053 “(iii) A valid foreign protection order;

7054 “(B) Is in writing;

7055 “(C) Advises the actor of the consequences for violating the order, including

7056 immediate arrest, the issuance of a warrant for the person’s arrest, and the criminal penalties under

7057 this section; and

7058 “(D) Is sufficiently clear and specific to serve as a guide for the actor’s

7059 conduct; and

7060 “(2) Knowingly fails to comply with the order.

7061 “(b) *Defense*. It is a defense to liability under this section that, in fact, a judicial officer

7062 gives effective consent to the conduct constituting the offense.

7063 “(c) *Jurisdiction*. An oral or written statement made by an actor located outside the District

7064 of Columbia to a person located in the District of Columbia by means of telecommunication, mail,

7065 or any other method of communication shall be deemed to be made in the District of Columbia.

7066 “(d) *Penalties*. Criminal contempt for violation of a civil protection order is a Class B

7067 misdemeanor.

7068 “(e) *Definitions*. For the purposes of this section, the term:

7069 “(1) “Foreign protection order” shall have the same meaning as provided in § 16-

7070 1041(2).

7071 “(2) “Judicial officer” shall have the same meaning as provided in § 16-1001(10).

7072 “(f) *Interpretation of statute.* Chapter 1 of Title 22A shall apply to this offense.”.

7073 (c) Section 16-1021 is amended as follows:

7074 (1) Paragraph (2) is repealed.

7075 (2) Paragraph (3) is amended to read as follows:

7076 “(3) “Lawful custodian” means a person who is authorized to have custody under
7077 District law, or by an order of the Superior Court of the District of Columbia or a court of
7078 competent jurisdiction of any state, or a person designated by the lawful custodian temporarily to
7079 care for the child.”.

7080 (d) Section 16-1022 is amended to read as follows:

7081 “§ 16-1022. Parental kidnapping.

7082 “(a) *First degree.* An actor commits the offense of first degree parental kidnapping when
7083 the actor:

7084 “(1) Commits fourth degree parental kidnapping;

7085 “(2) Knowingly takes, conceals, or detains the child outside of the District for more
7086 than 24 hours; and

7087 “(3) The child is, in fact, outside the custody of the lawful custodian for more than
7088 30 days.

7089 “(b) *Second degree.* An actor commits the offense of second degree parental kidnapping
7090 when the actor:

7091 “(1) Commits fourth degree parental kidnapping;

7092 “(2) Knowingly takes, conceals, or detains the child outside of the District for more
7093 than 24 hours; and

7094 “(3) Fails to release the child without injury in a safe place prior to arrest.

7095 “(c) *Third degree.* An actor commits the offense of third degree parental kidnapping when
7096 the actor:

7097 “(1) Commits fourth degree parental kidnapping; and

7098 “(2) Knowingly takes, conceals, or detains the child outside of the District for more
7099 than 24 hours.

7100 “(d) *Fourth degree.* An actor commits the offense of fourth degree parental kidnapping
7101 when the actor:

7102 “(1) Knowingly takes, conceals, or detains a person who has another lawful
7103 custodian;

7104 “(2) With intent to prevent a lawful custodian from exercising rights to custody of
7105 the person;

7106 “(3) The person taken, concealed, or detained is, in fact, under 16 years of age; and

7107 “(4) The actor is a relative of the complainant, or a person who believes they are
7108 acting pursuant to the direction of a relative of the complainant.

7109 “(e) *Exclusion from liability.* An actor does not commit an offense under this section when,
7110 in fact:

7111 “(1) The actor is a parent who reasonably believes they are fleeing from imminent
7112 physical harm to the parent;

7113 “(2) The actor has the effective consent of the other parent; or

7114 “(3) The actor has intent to protect the child from imminent physical harm.

7115 “(f) *Defense.*

7116 “(1) If a person engages in conduct constituting a violation of this section, the
7117 person may file a petition in the Superior Court of the District of Columbia that:

7118 “(A) States that at the time the act was done, a failure to do the act would
7119 have resulted in a clear and present danger to the health, safety, or welfare of the child; and

7120 “(B) Seeks to establish custody, to transfer custody, or to revise or to clarify
7121 the existing custody order; except that if the Superior Court of the District of Columbia does not
7122 have jurisdiction over the custody issue, the person shall seek to establish, transfer, revise, or
7123 clarify custody in a court of competent jurisdiction.

7124 “(2) It is a defense to liability under this section that the actor filed a petition as
7125 provided in paragraph (1) of this subsection within 5 business days of the action taken, and that
7126 the court finds that at the time the act was done, a failure to do the act would have resulted in a
7127 clear and present danger to the health, safety, or welfare of the child.

7128 “(g) *Continuous offense.* The offense prohibited by this section is continuous in nature and
7129 continues for so long as the child is concealed, detained, or otherwise unlawfully physically
7130 removed from the lawful custodian.

7131 “(h) *Prosecutorial authority.* The Attorney General for the District of Columbia shall
7132 prosecute violations of this section.

7133 “(i) *Penalties.*

7134 “(1) First degree parental kidnapping is a Class A misdemeanor.

7135 “(2) Second degree parental kidnapping is a Class B misdemeanor.

7136 “(3) Third degree parental kidnapping is a Class D misdemeanor.

7137 “(4) Fourth degree parental kidnapping is a Class E misdemeanor.

7138 “(5) *Reimbursement of expenses.* Any expenses incurred by the District in returning
7139 the child shall be assessed by the court against any person convicted of the violation and
7140 reimbursed to the District. Those expenses reasonably incurred by the lawful custodian and child
7141 victim as a result of a violation of this section shall be assessed by the court against any person
7142 convicted of the violation and reimbursed to the lawful custodian.

7143 “(6) *First and second degree parental kidnapping designated as felonies.*
7144 Notwithstanding the maximum authorized penalties, first and second degree parental kidnapping
7145 shall be deemed felonies under § 23-563.

7146 “(j) *Interpretation of statute.* Chapter 1 of Title 22A shall apply to this offense.”.

7147 (e) Section 16-1023 is repealed.

7148 (f) A new section 16-1023a is added to read as follows:

7149 “§ 16-1023a. Protective custody and return of child.

7150 “(a) A law enforcement officer may take a child into protective custody if it reasonably
7151 appears to the officer that any person is in violation of this subchapter and unlawfully will flee the
7152 District with the child.

7153 “(b) A child who has been detained or concealed shall be returned by a law enforcement
7154 officer to the lawful custodian or placed in the custody of another entity authorized by law.

7155 “(c) *Definitions.* For the purposes of this section, the term “law enforcement officer” shall
7156 have the same meaning as provided in § 22A-101.”.

7157 (g) Section 16-1024 is repealed.

7158 (h) Section 16-1025 is repealed.

7159 (i) Section 16-1026 is amended to read as follows:

7160 “§ 16-1026. Expungement of parental kidnapping conviction.

7161 “Any parent convicted in the Superior Court of the District of Columbia of violating any
7162 provision of this subchapter with respect to their child may apply to the court for an order to
7163 expunge from all official records all records relating to the conviction at such time that the parent’s
7164 youngest child has reached the age of 18 years; provided, that the parent has no more than one
7165 conviction for a violation of this subchapter at the time that the application for expungement is
7166 made. Any other person convicted of violating the provisions of this subchapter may apply to the
7167 court for an order to expunge all records relating to the conviction 5 years after the conviction, or
7168 at such time as the child has reached the age of 18 years, whichever shall later occur; provided,

7169 further that the person has no more than one conviction for violating any provision of this
7170 subchapter at the time that the application for expungement is made.”.

7171 Sec. 203. Title 23 of the District of Columbia Official Code is amended as follows:

7172 (a) Section 23-585(b) is repealed.

7173 (b) A new section 23-586 is added to read as follows:

7174 “§ 23-586. Failure to appear after release on citation or bench warrant bond.

7175 “(a) *First degree.* An actor commits first degree failure to appear after release on citation
7176 or bench warrant bond when the actor:

7177 “(1) Knows that they are released on a condition to appear before a judicial officer
7178 on a specified date and time either:

7179 “(A) By a citation that, in fact, is issued under § 23-584 for a felony; or

7180 “(B) After knowingly posting a bond that is, in fact, for a bench warrant
7181 issued from the Superior Court of the District of Columbia in a felony case; and

7182 “(2) Knowingly fails to appear or remain for the hearing.

7183 “(b) *Second degree.* An actor commits second degree failure to appear after release on
7184 citation or bench warrant bond when the actor:

7185 “(1) Knows that they are released on a condition to appear before a judicial officer
7186 on a specified date and time either:

7187 “(A) By a citation that, in fact, is issued under § 23-584 for a felony or
7188 misdemeanor; or

7189 “(B) After knowingly posting a bond that is, in fact, for a bench warrant
7190 issued from the Superior Court of the District of Columbia in a felony or misdemeanor case; and

7191 “(2) Knowingly fails to appear or remain for the hearing.

7192 “(c) *Defenses.*

7193 “(1) It is a defense to liability under this section that, in fact, a releasing official,
7194 prosecutor, or judicial officer gives effective consent to the conduct constituting the offense.

7195 “(2) It is a defense to liability under this section that, in fact, the actor makes good
7196 faith, reasonable efforts to appear or remain for the hearing.

7197 “(d) *Penalties.*

7198 “(1) First degree failure to appear after release on citation or bench warrant bond is
7199 a Class B misdemeanor.

7200 “(2) Second degree failure to appear after release on citation or bench warrant bond
7201 is a Class D misdemeanor.

7202 “(e) *Definitions.* For the purposes of this section, the term:

7203 “(1) “Judicial officer” shall have the same meaning as provided in § 23-501(1).

7204 “(2) “Releasing official” shall have the same meaning as provided in § 23-1110(1).

7205 “(f) *Interpretation of statute.* Chapter 1 of Title 22A shall apply to this offense.”.

7206 (c) Section 23-1327 is amended to read as follows:

7207 “§ 23-1327. Failure to appear in violation of a court order.

7208 “(a) *First degree.* An actor commits first degree failure to appear in violation of a court
7209 order when the actor:

7210 “(1) Knows that they are required to appear before a judicial officer on a specified
7211 date and time by a court order for what is, in fact, a hearing:

7212 “(A) In a case in which the actor is charged with a felony; or

7213 “(B) In which the actor is scheduled to be sentenced; and

7214 “(2) Knowingly fails to appear or remain for the hearing.

7215 “(b) *Second degree.* An actor commits second degree failure to appear in violation of a
7216 court order when the actor:

7217 “(1) Knows that they are required to appear before a judicial officer on a specified
7218 date and time by a court order for what is, in fact, a hearing:

7219 “(A) In a case in which the actor is charged with a felony or misdemeanor;

7220 or

7221 “(B) In which the actor is scheduled to appear as a material witness in a
7222 criminal case; and

7223 “(2) Knowingly fails to appear or remain for the hearing.

7224 “(c) *Defenses.*

7225 “(1) It is a defense to liability under this section that, in fact, a judicial officer gives
7226 effective consent to the conduct constituting the offense.

7227 “(2) It is a defense to liability under this section that, in fact, the actor makes good
7228 faith, reasonable efforts to appear or remain for the hearing.

7229 “(d) *Penalties.*

7230 “(1) First degree failure to appear in violation of a court order is a Class A
7231 misdemeanor.

7232 “(2) Second degree failure to appear in violation of a court order is a Class C
7233 misdemeanor.

7234 “(3) *Forfeiture.* Upon conviction under this section, the court may, subject to the
7235 provisions of the Federal Rules of Criminal Procedure, order the forfeiture of any security which
7236 was given or pledged for the actor’s release.

7237 “(e) *Definitions.* For the purposes of this section, the term “judicial officer” shall have the
7238 same meaning as provided in § 23-1331(1).

7239 “(f) *Interpretation of statute.* Chapter 1 of Title 22A shall apply to this offense.”.

7240 (d) Section 23-1329 is amended as follows:

7241 (1) Subsection (a-1) is repealed.

7242 (2) Subsection (c) is repealed.

7243 (e) A new section 23-1329a is added to read as follows:

7244 § 23-1329a. Criminal contempt for violation of a pretrial release condition.

7245 “(a) *Offense.* An actor commits criminal contempt for violation of a pretrial release
7246 condition when the actor:

7247 “(1) Knows they are subject to a conditional release order that, in fact:
7248 “(A) Is issued under § 23-1321;
7249 “(B) Is in writing;
7250 “(C) Advises the actor of the consequences for violating the order, including
7251 immediate arrest or the issuance of a warrant for the actor’s arrest, the criminal penalties under
7252 this section, the pretrial release penalty enhancements under § 22A-607, and the criminal penalties
7253 for obstruction of justice under § 22-722; and
7254 “(D) Is sufficiently clear and specific to serve as a guide for the actor’s
7255 conduct; and
7256 “(2) Knowingly fails to comply with the conditional release order.
7257 “(b) *Defense*. It is a defense to liability under this section that, in fact, a judicial officer
7258 gives effective consent to the conduct constituting the offense.
7259 “(c) *Prosecutorial authority*. A judicial officer or a prosecutor may initiate a proceeding
7260 for contempt under this section.
7261 “(d) *Non-jury hearing*. A proceeding determining a violation of this section shall be by a
7262 single judge, whose verdict shall have the same force and effect as that of a jury.
7263 “(e) *Penalties*. Criminal contempt for violation of a pretrial release condition is a Class B
7264 misdemeanor.
7265 “(f) *Definitions*. For the purposes of this section, the term “judicial officer” shall have the
7266 same meaning as provided in § 23-1331(1).

7267 “(g) *Interpretation of statute.* Chapter 1 of Title 22A shall apply to this offense.”.

7268 (f) A new section 23-1329b is added to read as follows:

7269 “§ 23-1329b. Criminal contempt for violation of a post-conviction no contact order.

7270 “(a) *Offense.* An actor commits criminal contempt for violation of a post-conviction no
7271 contact order when the actor:

7272 “(1) Knows they are subject to a condition of release that, in fact:

7273 “(A) Was issued as a release condition of supervised release, probation, or
7274 parole;

7275 “(B) Requires that the actor stay away from, or have no contact with,
7276 specific individuals or locations;

7277 “(C) Is in writing;

7278 “(D) Advises the actor of the consequences for violating the order, including
7279 immediate arrest or the issuance of a warrant for the actor’s arrest, and the criminal penalties under
7280 this section; and

7281 “(E) Is sufficiently clear and specific to serve as a guide for the actor’s
7282 conduct; and

7283 “(2) Knowingly fails to comply with the post-conviction conditional release order.

7284 “(b) *Defense.* It is a defense to liability under this section that, in fact, a judicial officer
7285 gives effective consent to the conduct constituting the offense.

7286 “(c) *Prosecutorial authority.* A judicial officer or a prosecutor may initiate a proceeding
7287 for contempt under this section.

7288 “(d) *Non-jury hearing.* A proceeding determining a violation of this section shall be by a
7289 single judge, whose verdict shall have the same force and effect as that of a jury.

7290 “(e) *Penalties.* Criminal contempt for violation of a post-conviction no contact order is a
7291 Class B misdemeanor.

7292 “(f) *Definitions.* For the purposes of this section, the term “judicial officer” shall have the
7293 same meaning as provided in § 23-1331(1).

7294 “(g) *Interpretation of statute.* Chapter 1 of Title 22A shall apply to this offense.”.

7295 Sec. 204. The District of Columbia Work Release Act, approved November 10, 1966 (80
7296 Stat. 1519; D.C. Official Code § 24-241.01 *et seq.*), is amended as follows:

7297 (a) Section 6(b) (D.C. Official Code § 24-241.05(b)) is repealed.

7298 (b) A new section 6a is added to read as follows:

7299 “Sec. 6a. Violation of work release.

7300 “(a) *Offense.* An actor commits violation of work release when the actor:

7301 “(1) In fact, is granted a work release privilege under section 3; and

7302 “(2) Knowingly fails to return at the time and to the place of confinement

7303 designated in their work release plan.

7304 “(b) *Defense*. It is a defense to liability under this section that, in fact, a judicial officer,
7305 the Director of the Department of Corrections, or the Chairman of the United States Parole
7306 Commission gives effective consent to the conduct constituting the offense.

7307 “(c) *Prosecutorial authority*. The Attorney General for the District of Columbia shall
7308 prosecute violations of this section.

7309 “(d) *Penalties*. Violation of work release is a Class C misdemeanor.

7310 “(e) *Definitions*. For the purposes of this section, the term “judicial officer” shall have the
7311 same meaning as provided in D.C. Official Code § 23-1331(1).

7312 “(f) *Interpretation of statute*. Chapter 1 of Title 22A shall apply to this offense.”.

7313 Sec. 205. An Act to Establish a Board of Indeterminate Sentence and Parole for the District
7314 of Columbia and to determine its functions, and for other purposes, approved July 15, 1932 (47
7315 Stat. 697; D.C. Official Code § 24-403 *et seq.*), is amended as follows:

7316 (a) Section 3a (D.C. Official Code § 24-403.01) is amended to read as follows:

7317 “Sec. 3a. Sentencing, supervised release, and good time credit for felonies committed on
7318 or after August 5, 2000.

7319 “(a) For any felony committed on or after August 5, 2000, the court shall impose a sentence
7320 that:

7321 “(1) Reflects the seriousness of the offense and the criminal history of the person
7322 found guilty;

7323 “(2) Provides for just punishment and affords adequate deterrence to potential
7324 criminal conduct of the person found guilty and others; and

7325 “(3) Provides the person found guilty with needed educational or vocational
7326 training, medical care, and other correctional treatment.

7327 “(b)(1) If a person found guilty is sentenced to imprisonment, or to commitment pursuant
7328 to section 4 of the Youth Rehabilitation Amendment Act of 1985, effective December 7, 1985
7329 (D.C. Law 6-69; D.C. Official Code § 24-903), under this section, the court shall impose an
7330 adequate period of supervision (“supervised release”) to follow release from the imprisonment or
7331 commitment.

7332 “(2) If the court imposes a sentence of more than one year, the court shall impose a
7333 term of supervised release of:

7334 “(A) Not more than 5 years, if the maximum term of imprisonment
7335 authorized for the offense is 24 years or more;

7336 “(B) Not more than 3 years, if the maximum term of imprisonment
7337 authorized for the offense is 8 years or more, but less than 24 years; or

7338 “(C) Not more than one year, if the maximum term of imprisonment
7339 authorized for the offense is less than 8 years.

7340 “(3) In the case of a person sentenced for an offense for which registration is
7341 required by the Sex Offender Registration Act of 1999, effective July 11, 2000 (D.C. Law 13-137;

7342 D.C. Official Code § 22-4001 *et seq.*), the court may, in its discretion, impose a longer term of
7343 supervised release than that required or authorized by paragraph (2) of this subsection, of:

7344 “(A) Not more than 10 years; or

7345 “(B) Not more than life if the person is required to register for life.

7346 “(4) The term of supervised release commences on the day the incarcerated person
7347 is released from imprisonment, and runs concurrently with any federal, state, or local term of
7348 probation, parole, or supervised release for another offense to which the person is subject or
7349 becomes subject during the term of supervised release. A term of supervised release does not run
7350 during any period in which the person is imprisoned in connection with a conviction for a federal,
7351 state, or local crime unless the period of imprisonment is less than 30 days.

7352 “(5) Persons on supervised release shall be subject to the authority of the United
7353 States Parole Commission until completion of the term of supervised release. The Parole
7354 Commission shall have and exercise the same authority as is vested in the United States District
7355 Courts by 18 U.S.C. § 3583(d)-(i), except that:

7356 “(A) The procedures followed by the Parole Commission in exercising such
7357 authority shall be those set forth in Chapter 311 of Title 18 of the United States Code; and

7358 “(B) An extension of a term of supervised release under 18 U.S.C. §
7359 3583(e)(2) may be ordered only by the court upon motion from the Parole Commission.

7360 “(6) A person whose term of supervised release is revoked may be imprisoned for
7361 a period of:

7362 “(A) Not more than 5 years, if the maximum term of imprisonment
7363 authorized for the offense is 40 years or more;

7364 “(B) Not more than 3 years, if the maximum term of imprisonment
7365 authorized for the offense is 24 years or more, but less than 40 years;

7366 “(C) Not more than 2 years, if the maximum term of imprisonment
7367 authorized for the offense is 8 years or more, but less than 24 years; or

7368 “(D) Not more than one year, if the maximum term of imprisonment
7369 authorized for the offense is less than 8 years.

7370 “(c) The maximum term of imprisonment authorized upon revocation of supervised release
7371 pursuant to subsection (b)(6) of this section shall not be deducted from the maximum term of
7372 imprisonment or commitment authorized for such offense.

7373 “(d)(1) Except as provided under paragraph (2) of this subsection, a sentence under this
7374 section of imprisonment, or of commitment pursuant to section 4 of the Youth Rehabilitation
7375 Amendment Act of 1985, effective December 7, 1985 (D.C. Law 6-69; D.C. Official Code § 24-
7376 903), shall be for a definite term, which shall not exceed the maximum term allowed by law or be
7377 less than any minimum term required by law.

7378 “(2) Notwithstanding any other provision of law, if the person committed the
7379 offense for which they are being sentenced under this section while under 18 years of age:

7380 “(A) The court may issue a sentence less than the minimum term otherwise
7381 required by law; and

7382 “(B) The court shall not impose a sentence of life imprisonment without the
7383 possibility of parole or release.

7384 “(e) A person sentenced under this section to imprisonment, or to commitment pursuant to
7385 section 4 of the Youth Rehabilitation Amendment Act of 1985, effective December 7, 1985 (D.C.
7386 Law 6-69; D.C. Official Code § 24-903), shall serve the term of imprisonment or commitment
7387 specified in the sentence, less any time credited toward service of the sentence under subsection
7388 (f) of this section and subject to section 3c, if applicable.

7389 “(f) Notwithstanding any other law, a person sentenced to imprisonment, or to commitment
7390 pursuant to section 4 of the Youth Rehabilitation Amendment Act of 1985, effective December 7,
7391 1985 (D.C. Law 6-69; D.C. Official Code § 24-903), under this section for any offense may receive
7392 good time credit toward service of the sentence only as provided in 18 U.S.C. § 3624(b).

7393 “(g)(1) A person sentenced to imprisonment under this section for a nonviolent offense
7394 may receive up to a one-year reduction in the term the person must otherwise serve if the person
7395 successfully completes a substance abuse treatment program in accordance with 18 U.S.C. §
7396 3621(e)(2).

7397 “(2) For the purposes of this subsection, the term “nonviolent offense” means any
7398 crime other than those included within the definition of the term “crime of violence” in D.C.
7399 Official Code § 23-1331(4).”.

7400 (b) Section 3c (D.C. Official Code § 24-403.03) is amended as follows:

7401 (1) The section heading is amended by striking the phrase “imprisonment for
7402 violations of law committed before 25 years of age.” and inserting the phrase “imprisonment.” in
7403 its place.

7404 (2) Subsection (a) is amended to read as follows:

7405 “(a) Notwithstanding any other provision of law, the court shall reduce a term of
7406 imprisonment imposed upon a defendant for an offense if:

7407 “(1) The defendant:

7408 “(A) Was under 25 years of age at the time the offense was committed, was
7409 sentenced pursuant to section 3 or 3a or committed pursuant to section 4 of the Youth
7410 Rehabilitation Amendment Act of 1985, effective December 7, 1985 (D.C. Law 6-69; D.C.
7411 Official Code § 24-903), and has served at least 15 years in prison; or

7412 “(B) Was 25 years of age or older at the time the offense was committed,
7413 was sentenced pursuant to section 3 or 3a, and has served at least 20 years in prison; and

7414 “(2) The court finds, after considering the factors set forth in subsection (c) of this
7415 section, that the defendant is not a danger to the safety of any person or the community and that
7416 the interests of justice warrant a sentence modification.”.

7417 (3) Subsection (b) is amended as follows:

7418 (A) Paragraph (1) is amended by striking the phrase “offense committed
7419 before the defendant's 25th birthday may” and inserting the phrase “offense may” in its place.

7420 (B) Paragraph (3)(B) is amended by striking the phrase “after the
7421 defendant's 18th birthday but before the defendant's 25th birthday may” and inserting the phrase
7422 “after the defendant's 18th birthday may” in its place.

7423 (4) Subsection (g) is amended by striking the phrase “after the defendant’s” and
7424 inserting the phrase “on or after the defendant’s” in its place.

7425 Sec. 206. Section 25-1001 of the District of Columbia Official Code is amended to read
7426 as follows:

7427 “§ 25-1001. Possession of an open container of alcohol.

7428 “(a) *First degree.* An actor commits first degree possession of an open container of alcohol
7429 when the actor:

7430 “(1) Knowingly:

7431 “(A) Consumes an alcoholic beverage; or

7432 “(B) Possesses an alcoholic beverage in an open container;

7433 “(2) In the passenger area of a motor vehicle on a public highway, or the right-of-
7434 way of a public highway.

7435 (b) *Second degree.* An actor commits second degree possession of an open container of
7436 alcohol when the actor:

7437 (1) Knowingly consumes an alcoholic beverage or possesses an alcoholic
7438 beverage in an open container in or upon any of the following places:

7439 (A) A street, alley, park, or sidewalk;

- 7440 (B) A vehicle in or upon any street, alley, or park;
- 7441 (C) A premises not licensed under this title where food or nonalcoholic
7442 beverages are sold or entertainment is provided for compensation;
- 7443 (D) Any place to which the public is invited and for which a license to sell
7444 alcoholic beverages has not been issued under this title;
- 7445 (E) Any place to which the public is invited for which a license to sell
7446 alcoholic beverages has been issued under this title at a time when the sale of alcoholic
7447 beverages on the premises is prohibited by this title or by the regulations promulgated under this
7448 title; or
- 7449 (F) Any place licensed under a club license at a time when the
7450 consumption of the alcoholic beverages on the premises is prohibited by this title or by
7451 regulations promulgated under this title.
- 7452 “(c) *Exclusion from liability.*
- 7453 “(1) An actor does not commit an offense under subsection (a) of
7454 this section when, in fact, the actor is:
- 7455 “(A) Located in:
- 7456 “(i) The passenger area of a motor vehicle designed, maintained, or
7457 used primarily for the transportation of persons for compensation; or
- 7458 “(ii) The living quarters of a house coach or house trailer; and
- 7459 “(B) Not operating the motor vehicle.

7460 “(2) An actor does not commit an offense under subsection (b) of this section when,
7461 in fact, the possession of the open container of alcohol occurs at an event licensed by the Board.

7462 “(d) *No attempt liability.* The criminal attempt provision in § 22A-301 shall not apply to
7463 this section.

7464 “(e) *Penalties.*

7465 (1) First degree possession of an open container of alcohol is a Class C
7466 misdemeanor.

7467 (2) Second degree possession of an open container of alcohol is a Class E
7468 misdemeanor.

7469 “(f) *Definitions.* For the purposes of this section, the term “highway” shall have the same
7470 meaning as provided in section 3a(7) of the Anti-Drunk Driving Act of 1982, effective April 27,
7471 2013 (D.C. Law 19-266; D.C. Official Code § 50-2206.01(7)).

7472 “(g) *Interpretation of statute.* Chapter 1 of Title 22A shall apply to this offense.”.

7473 Sec. 207. Section 1 of An Act To establish a code of law for the District of Columbia,
7474 approved March 3, 1901 (31 Stat. 1189; D.C. Official Code § 45-401), is amended as follows:

7475 (a) Subsection (a) is amended by striking the phrase “some provision of the 1901 Code”
7476 and inserting the phrase “some provision of the 1901 Code, or an Act of the Council” in its place.

7477 (b) Subsection (b) is amended to read as follows:

7478 “(b) Common law offenses are abolished and no act or omission shall constitute an offense
7479 unless made so by an Act of Congress, an act of the Council, or the District of Columbia Municipal

7480 Regulations. This subsection shall not affect the power to punish for contempt, or to employ any
7481 sanction authorized by law for the enforcement of an order or a civil judgment or decree. This
7482 subsection shall not be construed to repeal any common law defenses or any legal precedent other
7483 than that which recognizes common law offenses.”.

7484 Sec. 208. The District of Columbia Uniform Controlled Substances Act of 1981, effective
7485 August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-901.01 *et seq.*), is amended by adding
7486 new sections 412, 413, and 414 to read as follows:

7487 “Sec. 412. Possession of drug manufacturing paraphernalia.

7488 “(a) *Offense.* An actor commits possession of drug manufacturing paraphernalia when the
7489 actor knowingly possesses an object with intent to use the object to manufacture a controlled
7490 substance.

7491 “(b) *Exclusions from liability.* An actor does not commit an offense under this section:

7492 “(1) If the object possessed is, in fact, 50 years of age or older;

7493 “(2) If the actor possesses an object with intent solely to use the object to package
7494 or repackage a controlled substance for the actor’s own use; or

7495 “(3) If the actor, in fact, satisfies the requirements specified under section 3 of An
7496 Act To relieve physicians of liability for negligent medical treatment at the scene of an accident in
7497 the District of Columbia, effective March 19, 2013 (D.C. Law 19-243; D.C. Official Code § 7-
7498 403).

7499 “(c) *Penalties.* Possession of drug manufacturing paraphernalia is a Class D misdemeanor.

7500 “(d) *Interpretation of statute.* The general provisions of Chapter 1 of Title 22A shall apply
7501 to this offense.

7502 “Sec. 413. Trafficking of drug paraphernalia.

7503 “(a) *Offense.* An actor commits trafficking of drug paraphernalia when the actor:

7504 “(1) Knowingly sells or delivers, or possesses with intent to sell or deliver, an
7505 object;

7506 “(2) With intent that another person will use the object to introduce into the human
7507 body, produce, process, prepare, test, analyze, pack, store, conceal, manufacture, or measure a
7508 controlled substance.

7509 “(b) *Defenses.* It is a defense to liability under this section that the object specified in
7510 subsection (a)(1) of this section is, in fact:

7511 “(1) Testing equipment or other objects used, planned for use, or designed for use
7512 in identifying or analyzing the strength, effectiveness, or purity of a controlled substance or for
7513 ingestion or inhalation of a controlled substance; provided, that the actor is a community-based
7514 organization, an employee of the District government acting within the scope of their official
7515 duties, or a contractor or grantee of the District government engaged to combat opioid overdoses;

7516 “(2) An unused hypodermic syringe or needle;

7517 “(3) An item planned for use in a medical procedure or treatment permitted under
7518 District or federal civil law, to be performed by a licensed health professional or by a person acting
7519 at the direction of a licensed health professional; or

7520 “(4) An object that is 50 years of age or older.

7521 “(c) *Penalties*. Trafficking of drug paraphernalia is a Class D misdemeanor.

7522 “(d) *Definitions*. For the purposes of this section, the term “community-based
7523 organization” shall have the same meaning as provided in section 4(a)(1) of An Act To relieve
7524 physicians of liability for negligent treatment at the scene of an accident in the District of
7525 Columbia, approved November 8, 1965 (79 Stat. 1302; D.C. Official Code § 7-404(a)(1)).

7526 “(e) *Interpretation of statute*. The general provisions of Chapter 1 of Title 22A shall apply
7527 to this offense.

7528 “Sec. 414. Maintaining methamphetamine production.

7529 “(a) *Offense*. An actor commits the offense of maintaining methamphetamine production
7530 when the actor knowingly maintains or opens any location with intent that the location will be used
7531 to manufacture, other than by mere packaging, repackaging, labeling, or relabeling,
7532 methamphetamine, its salts, isomers, or salts of its isomers.

7533 “(b) *Penalties*. Maintaining methamphetamine production is a Class A misdemeanor.

7534 “(c) *Interpretation of statute*. The general provisions of Chapter 1 of Title 22A shall apply
7535 to this offense.”.

7536 Sec. 209. The Drug Paraphernalia Act of 1982, effective September 17, 1982 (D.C. Law
7537 4-149; D.C. Official Code § 48-1101 *et seq.*), is amended as follows:

7538 (a) Section 2 (D.C. Official Code § 48-1101) is repealed.

7539 (b) Section 3 (D.C. Official Code § 48-1102) is repealed.

7540 (c) Section 4 (D.C. Official Code § 48-1103) is repealed.

7541 (d) Section 5(a) (D.C. Official Code § 48-1104(a)) is amended as follows:

7542 (1) Paragraph (1) is amended by striking the phrase “of this subchapter” and
7543 inserting the phrase “of section 412 or 413 of the District of Columbia Uniform Controlled
7544 Substances Act of 1981, as approved by the Committee on the Judiciary and Public Safety on
7545 October 26, 2022 (Committee print of Bill 24-416)” in its place.

7546 (2) Paragraph (2) is amended to read as follows:

7547 “(2) All money or currency which shall be found in close proximity to drug
7548 paraphernalia or which otherwise has been used or intended for use in connection with the
7549 manufacture, distribution, delivery, or sale, dispensing, or possession of drug paraphernalia in
7550 violation of section 412 or 413 of the District of Columbia Uniform Controlled Substances Act of
7551 1981, as approved by the Committee on the Judiciary and Public Safety on October 26, 2022
7552 (Committee print of Bill 24-416).”.

7553 (3) Paragraph (3) is amended as follows:

7554 “(3) All items possessed in violation of section 412 or 413 of the District of
7555 Columbia Uniform Controlled Substances Act of 1981, as approved by the Committee on the
7556 Judiciary and Public Safety on October 26, 2022 (Committee print of Bill 24-416).”.

7557 TITLE III. REPEALERS.

7558 Sec. 301. Section 2 of An Act To give additional powers to the Board of Public Welfare
7559 of the District of Columbia, and for other purposes, approved January 12, 1942 (55 Stat. 883; D.C.
7560 Official Code § 4-125), is repealed.

7561 Sec. 302. Section 304 of District of Columbia Law Enforcement Act of 1953, approved
7562 June 29, 1953 (67 Stat. 100; D.C. Official Code § 5-113.05), is repealed.

7563 Sec. 303. Section 10 of An Act To regulate the importation of nursery stock and other
7564 plants and plant products; to enable the Secretary of Agriculture to establish and maintain
7565 quarantine districts for plant diseases and insect pests; to permit and regulate the movement of
7566 fruits, plants, and vegetables therefrom, and for other purposes, approved August 20, 1912 (37
7567 Stat. 318; D.C. Official Code § 8-305), is repealed.

7568 Sec. 304. An Act To regulate plumbing and gas fitting in the District of Columbia,
7569 approved June 18, 1898 (30 Stat. 477; D.C. Official Code § 9-431.01 *et seq.*), is amended as
7570 follows:

7571 (a) Section 7 (D.C. Official Code § 9-431.01) is repealed.

7572 (b) Section 8 (D.C. Official Code § 9-431.02) is repealed.

7573 Sec. 305. The Permit Restoration Act of 1999, effective April 12, 2000 (D.C. Law 13-91;
7574 D.C. Official Code § 9-433.01 *et seq.*), is amended as follows:

7575 (a) Section 202 (D.C. Official Code § 9-433.01) is repealed.

7576 (b) Section 203 (D.C. Official Code § 9-433.02) is repealed.

7577 Sec. 306. The Revised Statutes of the District of Columbia (D.C. Official Code *passim*), is
7578 amended as follows:

7579 (a) Sections 1, 2, 96, and 270 (D.C. Official Code § 22-3322) are repealed.

7580 (b) Section 268 (D.C. Official Code § 22-3320) is repealed.

7581 (c) Section 269 (D.C. Official Code § 22-3321) is repealed.

7582 (d) Section 432 (D.C. Official Code § 22-405) is repealed.

7583 (e) Section 432a (D.C. Official Code § 22-405.01) is repealed.

7584 (f) Section 1806 (D.C. Official Code § 22-3318) is repealed.

7585 Sec. 307. An Act To confer concurrent jurisdiction on the police court of the District of
7586 Columbia in certain jurisdictions, approved July 16, 1912 (37 Stat. 192; D.C. Official Code
7587 *passim*), is amended as follows:

7588 (a) Section 1 (D.C. Official Code § 22-1301) is repealed.

7589 (b) Section 2 (D.C. Official Code § 22-407) is repealed.

7590 (c) Section 433 (D.C. Official Code § 22-1406) is repealed.

7591 Sec. 308. Section 203 of An Act To reorganize the courts of the District of Columbia, to
7592 revise the procedures for handling juveniles in the District of Columbia, to codify title 23 of the
7593 District of Columbia Code, and for other purposes, approved July 29, 1970 (84 Stat. 600; D.C.
7594 Official Code § 22-601), is repealed.

7595 Sec. 309. The District of Columbia Theft and White Collar Crimes Act of 1982, effective
7596 December 1, 1982 (D.C. Law 4-164; D.C. Official Code *passim*), is amended as follows:

- 7597 (a) Section 102 (D.C. Official Code § 22-3202) is repealed.
- 7598 (b) Section 103 (D.C. Official Code § 22-3203) is repealed.
- 7599 (c) Section 104 (D.C. Official Code § 22-3204) is repealed.
- 7600 (d) Section 111 (D.C. Official Code § 22-3211) is repealed.
- 7601 (e) Section 112 (D.C. Official Code § 22-3212) is repealed.
- 7602 (f) Section 113 (D.C. Official Code § 22-3213) is repealed.
- 7603 (g) Section 114 (D.C. Official Code § 22-3214) is repealed.
- 7604 (h) Section 114a (D.C. Official Code § 22-3214.01) is repealed.
- 7605 (i) Section 114b (D.C. Official Code § 22-3214.02) is repealed.
- 7606 (j) Section 115 (D.C. Official Code § 22-3215) is repealed.
- 7607 (k) Section 116 (D.C. Official Code § 22-3216) is repealed.
- 7608 (l) Section 121 (D.C. Official Code § 22-3221) is repealed.
- 7609 (m) Section 122 (D.C. Official Code § 22-3222) is repealed.
- 7610 (n) Section 123 (D.C. Official Code § 22-3223) is repealed.
- 7611 (o) Section 124 (D.C. Official Code § 22-3224) is repealed.
- 7612 (p) Section 124a (D.C. Official Code § 22-3224.01) is repealed.
- 7613 (q) Section 127a (D.C. Official Code § 22-3227.01) is repealed.
- 7614 (r) Section 127b (D.C. Official Code § 22-3227.02) is repealed.
- 7615 (s) Section 127c (D.C. Official Code § 22-3227.03) is repealed.
- 7616 (t) Section 127d (D.C. Official Code § 22-3227.04) is repealed.

- 7617 (u) Section 127e (D.C. Official Code § 22-3227.05) is repealed.
- 7618 (v) Section 127f (D.C. Official Code § 22-3227.06) is repealed.
- 7619 (w) Section 127g (D.C. Official Code § 22-3227.07) is repealed.
- 7620 (x) Section 127h (D.C. Official Code § 22-3227.08) is repealed.
- 7621 (y) Section 131 (D.C. Official Code § 22-3231) is repealed.
- 7622 (z) Section 132 (D.C. Official Code § 22-3232) is repealed.
- 7623 (aa) Section 133 (D.C. Official Code § 22-3233) is repealed.
- 7624 (bb) Section 134 (D.C. Official Code § 22-3234) is repealed.
- 7625 (cc) Section 141 (D.C. Official Code § 22-3241) is repealed.
- 7626 (dd) Section 142 (D.C. Official Code § 22-3242) is repealed.
- 7627 (ee) Section 151 (D.C. Official Code § 22-3251) is repealed.
- 7628 (ff) Section 152 (D.C. Official Code § 22-3252) is repealed.
- 7629 (gg) Section 201 (D.C. Official Code § 22-3601) is repealed.
- 7630 (hh) Section 202 (D.C. Official Code § 22-3602) is repealed.
- 7631 (ii) Section 401 (D.C. Official Code § 22-2402) is repealed.
- 7632 (jj) Section 402 (D.C. Official Code § 22-2403) is repealed.
- 7633 (kk) Section 403 (D.C. Official Code § 22-2404) is repealed.
- 7634 (ll) Section 404 (D.C. Official Code § 22-2405) is repealed.
- 7635 (mm) Section 501 (D.C. Official Code § 22-721) is repealed.
- 7636 (nn) Section 502 (D.C. Official Code § 22-722) is repealed.

7637 (oo) Section 503 (D.C. Official Code § 22-723) is repealed.

7638 Sec. 310. The Omnibus Public Safety Amendment Act of 2006, effective April 24, 2007

7639 (D.C. Law 16-306; D.C. Official Code *passim*), is amended as follows:

7640 (a) Section 103 (D.C. Official Code § 22-811) is repealed.

7641 (b) Section 105 (D.C. Official Code § 22-3531) is repealed.

7642 (c) Section 106 (D.C. Official Code § 22-851) is repealed.

7643 Sec. 311. The Commercial Counterfeiting Criminalization Act of 1996, effective June 3,

7644 1997 (D.C. Law 11-271; D.C. Official Code § 22-901 *et seq.*), is amended as follows:

7645 (a) Section 2 (D.C. Official Code § 22-901) is repealed.

7646 (b) Section 3 (D.C. Official Code § 22-902) is repealed.

7647 Sec. 312. Title II of the Senior Protection Amendment Act of 2000, effective June 8, 2001

7648 (D.C. Law 13-301; D.C. Official Code § 22-931 *et seq.*), is amended as follows:

7649 (a) Section 201 (D.C. Official Code § 22-931) is repealed.

7650 (b) Section 202 (D.C. Official Code § 22-932) is repealed.

7651 (c) Section 203 (D.C. Official Code § 22-933) is repealed.

7652 (d) Section 203a (D.C. Official Code § 22-933.01) is repealed.

7653 (e) Section 204 (D.C. Official Code § 22-934) is repealed.

7654 (f) Section 205 (D.C. Official Code § 22-935) is repealed.

7655 (g) Section 206 (D.C. Official Code § 22-936) is repealed.

7656 (h) Section 206a (D.C. Official Code § 22-936.01) is repealed.

7657 (i) Section 207 (D.C. Official Code § 22-937) is repealed.

7658 (j) Section 208 (D.C. Official Code § 22-938) is repealed.

7659 Sec. 313. Section 3 of An act for the protection of children in the District of Columbia and
7660 for other purposes, approved February 13, 1885 (23 Stat. 303; D.C. Official Code § 22-1101), is
7661 repealed.

7662 Sec. 314. Section 4 of An Act To enlarge the power of the courts in the District of Columbia
7663 in cases involving delinquent children, and for other purposes, approved March 3, 1901 (31 Stat.
7664 1095; D.C. Official Code § 22-1102), is repealed.

7665 Sec. 315. The Omnibus Public Safety and Justice Amendment Act of 2009, effective
7666 December 10, 2009 (D.C. Law 18-88; D.C. Official Code *passim*), is repealed.

7667 (a) Section 102 (D.C. Official Code § 22-1341) is repealed.

7668 (b) Section 103 (D.C. Official Code § 22-1211) is repealed.

7669 (c) Section 501 (D.C. Official Code § 22-3131) is repealed.

7670 (d) Section 502 (D.C. Official Code § 22-3132) is repealed.

7671 (e) Section 503 (D.C. Official Code § 22-3133) is repealed.

7672 (f) Section 504 (D.C. Official Code § 22-3134) is repealed.

7673 (g) Section 505 (D.C. Official Code § 22-3135) is repealed.

7674 Sec. 316. An act for the preservation of the public peace and protection of property within
7675 the District of Columbia, approved July 29, 1892 (27 Stat. 322; D.C. Official Code *passim*), is
7676 amended as follows:

7677 (a) Section 2 (D.C. Official Code § 22-3313) is repealed.

7678 (b) Section 3 (D.C. Official Code § 22-1309) is repealed.

7679 (c) Section 4 (D.C. Official Code § 22-1317) is repealed.

7680 (d) Section 6 (D.C. Official Code § 22-1307) is repealed.

7681 (e) Section 9 (D.C. Official Code § 22-1312) is repealed.

7682 (f) Section 13 (D.C. Official Code § 22-3310) is repealed.

7683 (g) Section 14 (D.C. Official Code § 22-1313) is repealed.

7684 (h) Section 16 (D.C. Official Code § 22-1318) is repealed.

7685 (i) Section 17 (D.C. Official Code § 22-1308) is repealed.

7686 Sec. 317. Section 9 of An act to create a revenue in the District of Columbia by levying a
7687 tax upon all dogs therein, to make such dogs personal property, and for other purposes, approved
7688 June 19, 1878 (20 Stat. 174; D.C. Official Code § 22-1311), is repealed.

7689 Sec. 318. The District of Columbia Law Enforcement Act of 1953, approved June 29, 1953
7690 (67 Stat. 95; D.C. Official Code § 22-1321), is amended as follows:

7691 (a) Section 209(a) (D.C. Official Code § 22-2501) is repealed.

7692 (b) Section 211 (D.C. Official Code § 22-1321) is repealed.

7693 Sec. 319. An Act To establish a code of law for the District of Columbia, approved March
7694 3, 1901 (31 Stat. 1189; D.C. Official Code *passim*), is amended as follows:

7695 (a) Section 798 (D.C. Official Code § 22-2101) is repealed.

7696 (b) Section 799 (D.C. Official Code § 22-2102) is repealed.

- 7697 (c) Section 800 (D.C. Official Code § 22-2103) is repealed.
- 7698 (d) Section 801 (D.C. Official Code § 22-2104) is repealed.
- 7699 (e) Section 801a (D.C. Official Code § 22-2104.01) is repealed.
- 7700 (f) Section 802 (D.C. Official Code § 22-2105) is repealed.
- 7701 (g) Section 802(a) (D.C. Official Code § 50-2203.01) is repealed.
- 7702 (h) Section 802(b) (D.C. Official Code § 50-2203.02) is repealed.
- 7703 (i) Section 802(c) (D.C. Official Code § 50-2203.03) is repealed.
- 7704 (j) Section 802a (D.C. Official Code § 22-2106) is repealed.
- 7705 (k) Section 802b (D.C. Official Code § 22-2107) is repealed.
- 7706 (l) Section 803 (D.C. Official Code § 22-401) is repealed.
- 7707 (m) Section 804 (D.C. Official Code § 22-402) is repealed.
- 7708 (n) Section 805 (D.C. Official Code § 22-403) is repealed.
- 7709 (o) Section 806 (D.C. Official Code § 22-404) is repealed.
- 7710 (p) Section 806a (D.C. Official Code § 22-404.01) is repealed.
- 7711 (q) Section 806b (D.C. Official Code § 22-404.02) is repealed.
- 7712 (r) Section 806c (D.C. Official Code § 22-404.03) is repealed.
- 7713 (s) Section 807 (D.C. Official Code § 22-406) is repealed.
- 7714 (t) Section 810 (D.C. Official Code § 22-2801) is repealed.
- 7715 (u) Section 811 (D.C. Official Code § 22-2802) is repealed.
- 7716 (v) Section 811a (D.C. Official Code § 22-2803) is repealed.

- 7717 (w) Section 812 (D.C. Official Code § 22-2001) is repealed.
- 7718 (x) Section 813 (D.C. Official Code § 22-2704) is repealed.
- 7719 (y) Section 820 (D.C. Official Code § 22-301) is repealed.
- 7720 (z) Section 821 (D.C. Official Code § 22-302) is repealed.
- 7721 (aa) Section 823 (D.C. Official Code § 22-801) is repealed.
- 7722 (bb) Section 824 (D.C. Official Code § 22-3302) is repealed.
- 7723 (cc) Section 825a (D.C. Official Code § 22-3305) is repealed.
- 7724 (dd) Section 836a (D.C. Official Code § 22-1808) is repealed.
- 7725 (ee) Section 844 (D.C. Official Code § 22-3307) is repealed.
- 7726 (ff) Section 845a (D.C. Official Code § 22-1402) is repealed.
- 7727 (gg) Section 846 (D.C. Official Code § 22-3319) is repealed.
- 7728 (hh) Section 848 (D.C. Official Code § 22-303) is repealed.
- 7729 (ii) Section 849 (D.C. Official Code § 22-3306) is repealed.
- 7730 (jj) Section 850 (D.C. Official Code § 22-3314) is repealed.
- 7731 (kk) Section 851 (D.C. Official Code § 22-3301) is repealed.
- 7732 (ll) Section 859 (D.C. Official Code § 22-1403) is repealed.
- 7733 (mm) Section 860 (D.C. Official Code § 22-1404) is repealed.
- 7734 (nn) Section 863 (D.C. Official Code § 22-1701) is repealed.
- 7735 (oo) Section 863a (D.C. Official Code § 22-1702) is repealed.
- 7736 (pp) Section 864 (D.C. Official Code § 22-1703) is repealed.

7737 (qq) Section 865 (D.C. Official Code § 22-1704) is repealed.

7738 (rr) Section 866 (D.C. Official Code § 22-1705) is repealed.

7739 (ss) Section 867 (D.C. Official Code § 22-1706) is repealed.

7740 (tt) Section 868 (D.C. Official Code § 22-1707) is repealed.

7741 (uu) Section 869 (D.C. Official Code § 22-1708) is repealed.

7742 (vv) Section 869e (D.C. Official Code § 22-1713) is repealed.

7743 (ww) Section 869f (D.C. Official Code § 22-1714) is repealed.

7744 (xx) Section 870 (D.C. Official Code § 22-501) is repealed.

7745 (yy) Section 872 (D.C. Official Code § 22-2201) is repealed.

7746 (zz) Section 875 (D.C. Official Code § 22-1901) is repealed.

7747 (aaa) Section 878c (D.C. Official Code § 36-153) is repealed.

7748 (bbb) Section 879 (D.C. Official Code § 22-1502) is repealed.

7749 (ccc) Section 880 (D.C. Official Code § 22-3309) is repealed.

7750 (ddd) Section 891 (D.C. Official Code § 22-3303) is repealed.

7751 (eee) Section 901 (D.C. Official Code § 22-4403) is repealed.

7752 (fff) Section 902 (D.C. Official Code § 22-4404) is repealed.

7753 (ggg) Section 910 (D.C. Official Code § 22-1807) is repealed.

7754 Sec. 320. An Act To punish the impersonation of inspectors of the health and other
7755 departments of the District of Columbia, approved March 2, 1897 (29 Stat. 619; D.C. Official
7756 Code § 22-1405), is repealed.

7757 Sec. 321. The Badge Protection Act of 2002, effective October 17, 2002 (D.C. Law 14-
7758 194; D.C. Official Code § 22-1409), is repealed.

7759 Sec. 322. An Act Regulating the issuance of checks, drafts, and orders for the payment of
7760 money within the District of Columbia, approved July 1, 1922 (42 Stat. 820; D.C. Official Code §
7761 22-1510), is repealed.

7762 Sec. 323. An Act To prevent fraudulent advertising in the District of Columbia, approved
7763 May 29, 1916 (39 Stat. 165; D.C. Official Code § 22-1511 *et seq.*), is repealed.

7764 Sec. 324. Section 3 of the Law to Legalize Lotteries, Daily Numbers Games, and Bingo
7765 and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C.
7766 Law 3-172; Official Code § 22-1716 *et seq.*), is repealed.

7767 Sec. 325. Section 211a of An act for the preservation of the public peace and the protection
7768 of property within the District of Columbia, approved July 29, 1892 (27 Stat. 325; D.C. Official
7769 Code § 22-1809), is repealed.

7770 Sec. 326. Section 1502 of the Omnibus Crime Control and Safe Streets Act of 1968,
7771 approved June 19, 1968 (82 Stat. 238; D.C. Official Code § 22-1810), is repealed.

7772 Sec. 327. Title I of the Prohibition Against Human Trafficking Amendment Act of 2010,
7773 effective October 23, 2010 (D.C. Law 18-239; D.C. Official Code § 22-1831 *et seq.*), is amended
7774 as follows:

7775 (a) Section 102 (D.C. Code § 22-1832) is repealed.

7776 (b) Section 103 (D.C. Code § 22-1833) is repealed.

7777 (c) Section 104 (D.C. Code § 22-1834) is repealed.

7778 (d) Section 105 (D.C. Code § 22-1835) is repealed.

7779 (e) Section 106 (D.C. Code § 22-1836) is repealed.

7780 (f) Section 107 (D.C. Code § 22-1837) is repealed.

7781 (g) Section 108 (D.C. Code § 22-1838) is repealed.

7782 (h) Section 109 (D.C. Code § 22-1839) is repealed.

7783 (i) Section 110 (D.C. Code § 22-1840) is repealed.

7784 Sec. 328. The Panhandling Control Act of 1993, effective November 17, 1993 (D.C. Law
7785 10-54; D.C. Official Code § 22-2301 *et seq.*), is repealed.

7786 Sec. 329. Section 8 of An Act To establish a Board of Indeterminate Sentence and Parole
7787 for the District of Columbia and to determine its functions, and for other purposes, approved July
7788 15, 1932 (47 Stat. 698; D.C. Official Code § 22-2601), is repealed.

7789 Sec. 330. An Act To prohibit the introduction of contraband into the District of Columbia
7790 penal institutions, approved December 15, 1941 (55 Stat. 800; D.C. Official Code § 22-2603.01 *et*
7791 *seq.*), is amended as follows:

7792 (a) Section 2 (D.C. Official Code § 22-2603.01) is repealed.

7793 (b) Section 3 (D.C. Official Code § 22-2603.02) is repealed.

7794 (c) Section 4 (D.C. Official Code § 22-2603.03) is repealed.

7795 (d) Section 5 (D.C. Official Code § 22-2603.04) is repealed.

7796 Sec. 331. Chapter 546 of An Act For the suppression of prostitution in the District of

7797 Columbia, approved August 15, 1935 (49 Stat. 651; D.C. Official Code § 22-2701 *et seq.*), is
7798 amended as follows:

7799 (a) Section 1 (D.C. Official Code § 22-2701) is repealed.

7800 (b) Section 3 (D.C. Official Code § 22-2703) is repealed.

7801 (c) Section 5 (D.C. Official Code § 22-2723) is repealed.

7802 (d) Section 6 (D.C. Official Code § 22-2724) is repealed.

7803 (e) Section 7 (D.C. Official Code § 22-2725) is repealed.

7804 Sec. 332. Section 2 of the Control of Prostitution and Sale of Controlled Substances in
7805 Public Places Criminal Control Act of 1981, effective December 10, 1981 (D.C. Law 4-57; D.C.
7806 Official Code § 22-2701.01), is repealed.

7807 Sec. 333. An Act In relation to pandering, to define and prohibit the same and to provide
7808 for the punishment thereof, approved June 25, 1910 (36 Stat. 833; D.C. Official Code § 22-2705
7809 *et seq.*), is amended as follows:

7810 (a) Section 1 (D.C. Official Code § 22-2705) is repealed.

7811 (b) Section 2 (D.C. Official Code § 22-2706) is repealed.

7812 (c) Section 3 (D.C. Official Code § 22-2707) is repealed.

7813 (d) Section 4 (D.C. Official Code § 22-2708) is repealed.

7814 (e) Section 5 (D.C. Official Code § 22-2709) is repealed.

7815 (f) Section 6 (D.C. Official Code § 22-2710) is repealed.

7816 (g) Section 7 (D.C. Official Code § 22-2711) is repealed.

7817 (h) Section 8 (D.C. Official Code § 22-2712) is repealed.

7818 Sec. 334. An Act To enjoin and abate houses of lewdness, assignation, and prostitution; to
7819 declare the same to be nuisances; to enjoin the person or persons who conduct or maintain the
7820 same and the owner or agent of any building used for such purpose; and to assess a tax against
7821 the person maintaining said nuisance and against the building and owner thereof, approved
7822 February 7, 1914 (38 Stat. 280; D.C. Official Code § 22-2713 *et seq.*), is amended as follows:

7823 (a) Section 1 (D.C. Official Code § 22-2713) is repealed.

7824 (b) Section 2 (D.C. Official Code § 22-2714) is repealed.

7825 (c) Section 3 (D.C. Official Code § 22-2715) is repealed.

7826 (d) Section 4 (D.C. Official Code § 22-2716) is repealed.

7827 (e) Section 5 (D.C. Official Code § 22-2717) is repealed.

7828 (f) Section 6 (D.C. Official Code § 22-2718) is repealed.

7829 (g) Section 7 (D.C. Official Code § 22-2719) is repealed.

7830 (h) Section 8 (D.C. Official Code § 22-2720) is repealed.

7831 Sec. 335. Section 1 of An Act To confer concurrent jurisdiction on the police court of the
7832 District of Columbia in certain cases, approved July 16, 1912 (37 Stat. 192; D.C. Official Code §
7833 22-2722), is repealed.

7834 Sec. 336. The Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257;
7835 D.C. Official Code § 22-3001 *et seq.*), is amended as follows:

7836 (a) Section 101 (D.C. Official Code § 22-3001) is repealed.

- 7837 (b) Section 201 (D.C. Official Code § 22-3002) is repealed.
- 7838 (c) Section 202 (D.C. Official Code § 22-3003) is repealed.
- 7839 (d) Section 203 (D.C. Official Code § 22-3004) is repealed.
- 7840 (e) Section 204 (D.C. Official Code § 22-3005) is repealed.
- 7841 (f) Section 205 (D.C. Official Code § 22-3006) is repealed.
- 7842 (g) Section 206 (D.C. Official Code § 22-3007) is repealed.
- 7843 (h) Section 207 (D.C. Official Code § 22-3008) is repealed.
- 7844 (i) Section 208 (D.C. Official Code § 22-3009) is repealed.
- 7845 (j) Section 208a (D.C. Official Code § 22-3009.01) is repealed.
- 7846 (k) Section 208b (D.C. Official Code § 22-3009.02) is repealed.
- 7847 (l) Section 208c (D.C. Official Code § 22-3009.03) is repealed.
- 7848 (m) Section 208d (D.C. Official Code § 22-3009.04) is repealed.
- 7849 (n) Section 209 (D.C. Official Code § 22-3010) is repealed.
- 7850 (o) Section 209a (D.C. Official Code § 22-3010.01) is repealed.
- 7851 (p) Section 209b (D.C. Official Code § 22-3010.02) is repealed.
- 7852 (q) Section 210 (D.C. Official Code § 22-3011) is repealed.
- 7853 (r) Section 211 (D.C. Official Code § 22-3012) is repealed.
- 7854 (s) Section 212 (D.C. Official Code § 22-3013) is repealed.
- 7855 (t) Section 213 (D.C. Official Code § 22-3014) is repealed.
- 7856 (u) Section 214 (D.C. Official Code § 22-3015) is repealed.

- 7857 (v) Section 215 (D.C. Official Code § 22-3016) is repealed.
- 7858 (w) Section 216 (D.C. Official Code § 22-3017) is repealed.
- 7859 (x) Section 217 (D.C. Official Code § 22-3018) is repealed.
- 7860 (y) Section 218 (D.C. Official Code § 22-3019) is repealed.
- 7861 (z) Section 219 (D.C. Official Code § 22-3020) is repealed.
- 7862 (aa) Section 251 (D.C. Official Code § 22-3020.51) is repealed.
- 7863 (bb) Section 252 (D.C. Official Code § 22-3020.52) is repealed.
- 7864 (cc) Section 253 (D.C. Official Code § 22-3020.53) is repealed.
- 7865 (dd) Section 254 (D.C. Official Code § 22-3020.54) is repealed.
- 7866 (ee) Section 255 (D.C. Official Code § 22-3020.55) is repealed.
- 7867 (ff) Section 301 (D.C. Official Code § 22-3021) is repealed.
- 7868 (gg) Section 302 (D.C. Official Code § 22-3022) is repealed.
- 7869 (hh) Section 303 (D.C. Official Code § 22-3023) is repealed.
- 7870 (ii) Section 304 (D.C. Official Code § 22-3024) is repealed.
- 7871 Sec. 337. The Criminalization of Non-Consensual Pornography Act of 2014, effective May
- 7872 7, 2015 (D.C. Law 20-275; D.C. Official Code § 22-3051 *et seq.*), is amended as follows:
- 7873 (a) Section 2 (D.C. Official Code § 22-3051) is repealed.
- 7874 (b) Section 3 (D.C. Official Code § 22-3052) is repealed.
- 7875 (c) Section 4 (D.C. Official Code § 22-3053) is repealed.
- 7876 (d) Section 5 (D.C. Official Code § 22-3054) is repealed.

7877 (e) Section 6 (D.C. Official Code § 22-3055) is repealed.

7878 (f) Section 7 (D.C. Official Code § 22-3056) is repealed.

7879 (g) Section 8 (D.C. Official Code § 22-3057) is repealed.

7880 Sec. 338. The District of Columbia Protection of Minors Act of 1982, effective March 9,
7881 1983 (D.C. Law 4-173; D.C. Official Code § 22-3101 *et seq.*), is amended as follows:

7882 (a) Section 2 (D.C. Official Code § 22-3101) is repealed.

7883 (b) Section 3 (D.C. Official Code § 22-3102) is repealed.

7884 (c) Section 4 (D.C. Official Code § 22-3103) is repealed.

7885 (d) Section 5 (D.C. Official Code § 22-3104) is repealed.

7886 Sec. 339. The Anti-Terrorism Act of 2002, effective October 17, 2002 (D.C. Law 14-194;
7887 D.C. Official Code § 22-3151 *et seq.*), is amended as follows:

7888 (a) Section 101 (D.C. Official Code § 22-3151) is repealed.

7889 (b) Section 102 (D.C. Official Code § 22-3152) is repealed.

7890 (c) Section 103 (D.C. Official Code § 22-3153) is repealed.

7891 (d) Section 104 (D.C. Official Code § 22-3154) is repealed.

7892 (e) Section 105 (D.C. Official Code § 22-3155) is repealed.

7893 (f) Section 106 (D.C. Official Code § 22-3156) is repealed.

7894 Sec. 340. The Anti-Intimidation and Defacing of Public or Private Property Criminal
7895 Penalty Act of 1982, effective March 10, 1983 (D.C. Law 4-203; D.C. Official Code § 22-3312.01
7896 *et seq.*), is amended as follows:

7897 (a) Section 1a (D.C. Official Code § 22-3312.05) is repealed.

7898 (b) Section 2 (D.C. Official Code § 22-3312.01) is repealed.

7899 (c) Section 5 (D.C. Official Code § 22-3312.04) is amended as follows:

7900 (1) Subsection (a) is repealed.

7901 (2) Subsection (c) is repealed.

7902 (3) Subsection (d) is repealed.

7903 (4) Subsection (e) is repealed.

7904 Sec. 341. An Act to prohibit the use by collecting agencies and private detective agencies
7905 of any name, emblem, or insignia which reasonably tends to convey the impression that any such
7906 agency is an agency of the government of the District of Columbia, approved October 16, 1962
7907 (76 Stat. 1071; D.C. Official Code § 22-3401 *et seq.*), is amended as follows:

7908 (a) Section 1 (D.C. Official Code § 22-3401) is repealed.

7909 (b) Section 2 (D.C. Official Code § 22-3402) is repealed.

7910 (c) Section 3 (D.C. Official Code § 22-3403) is repealed.

7911 Sec. 342. The Taxicab Drivers Protection Act of 2000, effective June 9, 2001 (D.C. Law
7912 13-307; D.C. Official Code § 22-3751 *et seq.*), is amended as follows;

7913 (a) Section 2 (D.C. Official Code § 22-3751) is repealed.

7914 (b) Section 2a (D.C. Official Code § 22-3751.01) is repealed.

7915 (c) Section 3 (D.C. Official Code § 22-3752) is repealed.

7916 Sec. 343. Section 11712(e) of the National Capital Revitalization and Self-Government
7917 Improvement Act of 1997, approved August 5, 1997 (111 Stat. 782; D.C. Official Code § 22-
7918 1323), is repealed.

7919 Sec. 344. An Act To amend section eight hundred and ninety-five of the Code of Law for
7920 the District of Columbia, approved February 3, 1913 (37 Stat. 656; D.C. Official Code § 22-4402),
7921 is repealed.

7922 Sec. 345. An Act To control the possession, sale, transfer, and use of pistols and other
7923 dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence,
7924 and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4501 *et seq.*),
7925 is amended as follows:

7926 (a) Section 1 (D.C. Official Code § 22-4501) is repealed.

7927 (b) Section 2 (D.C. Official Code § 22-4502) is repealed.

7928 (c) Section 2a (D.C. Official Code § 22-4502.01) is repealed.

7929 (d) Section 3 (D.C. Official Code § 22-4503) is repealed.

7930 (e) Section 3a (D.C. Official Code § 22-4503.01) is repealed.

7931 (f) Section 3b (D.C. Official Code § 22-4503.02) is repealed.

7932 (g) Section 4 (D.C. Official Code § 22-4504) is repealed.

7933 (h) Section 4a (D.C. Official Code § 22-4504.01) is repealed.

7934 (i) Section 4b (D.C. Official Code § 22-4504.02) is repealed.

7935 (j) Section 5 (D.C. Official Code § 22-4505) is repealed.

7936 (k) Section 6 (D.C. Official Code § 22-4506) is repealed.

7937 (l) Section 7 (D.C. Official Code § 22-4507) is repealed.

7938 (m) Section 8 (D.C. Official Code § 22-4508) is repealed.

7939 (n) Section 9 (D.C. Official Code § 22-4509) is repealed.

7940 (o) Section 10 (D.C. Official Code § 22-4510) is repealed.

7941 (p) Section 11 (D.C. Official Code § 22-4511) is repealed.

7942 (q) Section 12 (D.C. Official Code § 22-4512) is repealed.

7943 (r) Section 13 (D.C. Official Code § 22-4513) is repealed.

7944 (s) Section 14 (D.C. Official Code § 22-4514) is repealed.

7945 (t) Section 15 (D.C. Official Code § 22-4515) is repealed.

7946 (u) Section 15A (D.C. Official Code § 22-4515a) is repealed.

7947 (v) Section 16 (D.C. Official Code § 22-4516) is repealed.

7948 (w) Section 18 (D.C. Official Code § 22-4517) is repealed.

7949 Sec. 346. Section 8 of An Act Making appropriations to provide for the expenses of the
7950 government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred
7951 and fourteen, and for other purposes, approved March 4, 1913 (37 Stat. 974; D.C. Official Code §
7952 34-101 *et seq.*), is amended as follows:

7953 (a) Paragraph 80 (D.C. Official Code § 34-701) is repealed.

7954 (b) Paragraph 86 (D.C. Official Code § 34-707) is repealed.

7955 Sec. 347. Section 9(b) of the Vending Regulation Act of 2009, effective October 22, 2009
7956 (D.C. Law 18-71; D.C. Official Code § 37-131.08(b)), is repealed.

7957 Sec. 348. Section 47-102 of the District of Columbia Official Code is repealed.

7958 Sec. 349. Section 202(3) of the District of Columbia Traffic Adjudication Act of 1978,
7959 effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2302.02(3)), is repealed.

7960 TITLE IV. CONFORMING AND TECHNICAL AMENDMENTS.

7961 Sec. 401. Section 2(2A) of the District of Columbia Medical Liability Captive Insurance
7962 Agency Establishment Act of 2008, effective July 18, 2008 (D.C. Law 17-196; D.C. Official Code
7963 § 1-307.81(2A)), is amended by striking the phrase “shall have the same meaning as provided in
7964 section (102)(1) of the Anti-Terrorism Act of 2002, passed on 2nd reading on May 7, 2002
7965 (Enrolled version of Bill 14-373)” and inserting the phrase “means an act that constitutes an
7966 offense under D.C. Official Code § 22A-2701” in its place.

7967 Sec. 402. Section 821 of the District of Columbia Procurement Practices Act of 1985,
7968 effective May 8, 1998 (D.C. Law 12-104; D.C. Official Code § 2-381.09), is amended by striking
7969 the phrase “The Attorney General for the District of Columbia shall prosecute violations of this
7970 section. The fine” and inserting the phrase “The fine” in its place.

7971 Sec. 403. Section 204(a) of the Freedom of Information Act of 1976, effective March 29,
7972 1977 (D.C. Law 1-96; D.C. Official Code § 2-534(a)), is amended as follows:

7973 (a) Paragraph (2A)(B) is amended by striking the phrase “stalking as defined in section 503
7974 of the Omnibus Public Safety and Justice Amendment Act of 2009, effective December 10, 2009

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7975 (D.C. Law 18-88; D.C. Official Code § 22-3133), or sexual assault as defined in D.C. Official
7976 Code § 23-1907(a)(7)” and inserting the phrase “stalking, as proscribed by D.C. Official Code §
7977 22A-2801, electronic stalking, as proscribed by D.C. Official Code § 22A-2802, or sexual assault
7978 as defined in D.C. Official Code § 23-1907(9)” in its place.

7979 (b) Paragraph (10) is amended by striking the phrase “an act of terrorism, as that term is
7980 defined in section (102)(1) of the Anti-Terrorism Act of 2002, passed on 2nd reading on May 7,
7981 2002 (Enrolled version of Bill 14-373)” and inserting the phrase “an act of terrorism, as proscribed
7982 by D.C. Official Code § 22A-2701 or material support for an act of terrorism, as proscribed by
7983 D.C. Official Code § 22A-2702” in its place.

7984 Sec. 404. Section 102(29A) of The Human Rights Act of 1977, effective December 13,
7985 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.02(29A)), is amended by striking the phrase
7986 “section 503 of the Omnibus Public Safety and Justice Amendment Act of 2009, effective
7987 December 10, 2009 (D.C. Law 18-88; D.C. Official Code § 22-3133)” and inserting the phrase
7988 “D.C. Official Code § 22A-2801 or § 22A-2802” in its place.

7989 Sec. 405. Section 151(7) of the Department of Youth Rehabilitation Services Establishment
7990 Act of 2004, effective July 25, 2015 (D.C. Law 20-280; D.C. Official Code § 2-1515.51(7)), is
7991 amended by striking the phrase “shall have the same meaning as provided in section 2(7) of An
7992 Act To prohibit the introduction of contraband into the District of Columbia penal institutions,
7993 effective December 10, 2009 (55 Stat. 800; D.C. Official Code § 22-2603.01(7))” and inserting
7994 the phrase “means a locked residential facility providing custody, supervision, and care for one or

7995 more juveniles that is owned, operated, or under the control of the Department of Youth
7996 Rehabilitation Services, excluding residential treatment facilities and accredited hospitals” in its
7997 place.

7998 Sec. 406. The Office of Administrative Hearings Establishment Act of 2001, effective
7999 March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.01 *et seq.*), is amended as follows:

8000 (a) Section 6(b-6) (D.C. Official Code § 2-1831.03(b-6)) is amended by striking the phrase
8001 “Title II-A of the Anti-Sexual Abuse Act of 1994, passed on 2nd reading on December 4, 2012
8002 (Enrolled version of Bill 19-647)” and inserting the phrase “D.C. Official Code § 22A-2309 or
8003 former Title II-A of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-
8004 257; D.C. Official Code § 22-3020.51 *et seq.*)” in its place.

8005 (b) Section 16(h)(2) (D.C. Official Code § 2-1831.13(h)(2)) is amended by striking the
8006 phrase “for purposes of sections 401 and 403 of the District of Columbia Theft and White Collar
8007 Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code §§ 22-2402
8008 and 22-2404).” and inserting the phrase “for purposes of D.C. Official Code §§ 22A-4203, 22A-
8009 4204, and 22A-4206.” in its place.

8010 Sec. 407. Title XVIII of the District of Columbia Public Assistance Act of 1982, effective
8011 April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-218.01 *et seq.*), is amended as follows:

8012 (a) Section 1801 (D.C. Official Code § 4-218.01) is amended as follows:

8013 (1) Subsection (a) is amended by striking the phrase “public assistance to which he
8014 is not entitled” and inserting the phrase “public assistance to which they are not entitled” in its
8015 place.

8016 (2) Subsection (b) is amended as follows:

8017 (A) Strike the phrase “he is” both times it appears and insert the phrase “they
8018 are” in its place.

8019 (B) Strike the word “his” and insert the word “their” in its place.

8020 (b) Section 1805(c) (D.C. Official Code § 4-218.05(c)) is amended by striking the phrase
8021 “Corporation Counsel” and inserting the phrase “Attorney General for the District of Columbia”
8022 in its place.

8023 Sec. 408. Section 103(f) of the Grandparent Caregivers Pilot Program Establishment Act
8024 of 2005, effective March 8, 2006 (D.C. Law 16-69; D.C. Official Code § 4-251.03(f)), is amended
8025 by striking the phrase “a false statement under section 404(a) of the District of Columbia Theft
8026 and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official
8027 Code § 22-2405(a)).” and inserting the phrase “a false statement under D.C. Official Code § 22A-
8028 4207.” in its place.

8029 Sec. 409. Section 103a(h) of the Grandparent Caregivers Pilot Program Establishment Act
8030 of 2005, effective December 15, 2015 (D.C. Law 21-40; D.C. Official Code § 4-251.03a(h)), is
8031 amended by striking the phrase “section 404(a) of the District of Columbia Theft and White Collar

8032 Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-
8033 2405(a)”) and inserting the phrase “D.C. Official Code § 22A-4207” in its place.

8034 Sec. 410. Section 103(g) of the Close Relative Caregiver Subsidy Pilot Program
8035 Establishment Amendment Act of 2019, effective November 26, 2019 (D.C. Law 23–32; D.C.
8036 Official Code § 4–251.23(g)), is amended by striking the phrase “section 404(a) of the District of
8037 Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-
8038 164; D.C. Official Code § 22-2405(a)”) and inserting the phrase “D.C. Official Code § 22A-4207”
8039 in its place.

8040 Sec. 411. Section 2(6) of the Victims of Violent Crime Compensation Act of 1996,
8041 effective April 9, 1997 (D.C. Law 11–243; D.C. Official Code § 4–501(6)), is amended to read as
8042 follows:

8043 “(6) “Crime” means the following offenses, whether prosecuted under the District
8044 of Columbia Official Code or substantially similar offense defined in the United States Code, and
8045 whether committed in the District against any person or outside of the United States against a
8046 resident of the District:

8047 “(A)(i) Rioting, as described in section 901 of An Act Relating to crime and
8048 criminal procedure in the District of Columbia, approved December 27, 1967 (81 Stat. 742; D.C.
8049 Official Code § 22-1322), and cruelty to animals, as described in section 1 of Chapter 106 of the
8050 Acts of the Legislative Assembly, approved August 23, 1871, (D.C. Official Code § 22-1001),
8051 when committed against the victim’s animal, or an attempt to commit either offense;

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8052 “(ii) Any of the following offenses, or an attempt, under D.C.
8053 Official Code § 22A-301, to commit any of the following offenses: murder (D.C. Official Code §
8054 22A-2101); manslaughter (D.C. Official Code § 22A-2102); negligent homicide (D.C. Official
8055 Code § 22A-2103); robbery (D.C. Official Code § 22A-2201); carjacking (D.C. Official Code §
8056 22A-2202); assault (D.C. Official Code § 22A-2203); assault on a law enforcement officer (D.C.
8057 Official Code § 22A-2204); criminal threats (D.C. Official Code § 22A-2205); offensive physical
8058 contact (D.C. Official Code § 22A-2206); sexual assault (D.C. Official Code § 22A-2301); sexual
8059 abuse of a minor (D.C. Official Code § 22A-2302); sexual abuse by exploitation (D.C. Official
8060 Code § 22A-2303); sexually suggestive conduct with a minor (D.C. Official Code § 22A-2304);
8061 nonconsensual sexual conduct (D.C. Official Code § 22A-2307); kidnapping (D.C. Official Code
8062 § 22A-2401); criminal abuse of a minor (D.C. Official Code § 22A-2501); criminal neglect of a
8063 minor (D.C. Official Code § 22A-2502); act of terrorism (D.C. Official Code § 22A-2701);
8064 material support for an act of terrorism (D.C. Official Code § 22A-2702); manufacture or
8065 possession of a weapon of mass destruction (D.C. Official Code § 22A-2703); use, dissemination,
8066 or detonation of a weapon of mass destruction (D.C. Official Code § 22A-2704); forced labor
8067 (D.C. Official Code § 22A-2601); forced commercial sex (D.C. Official Code § 22A-2602);
8068 trafficking in labor (D.C. Official Code § 22A-2603); trafficking in forced commercial sex (D.C.
8069 Official Code § 22A- 2604); sex trafficking of a minor or adult incapable of consenting (D.C.
8070 Official Code § 22A-2605); benefiting from human trafficking (D.C. Official Code § 22A-2606);
8071 stalking (D.C. Official Code § 22A-2801); electronic stalking (D.C. Official Code § 22A-2802);

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8072 creating or trafficking an obscene image of a minor (D.C. Official Code § 22A-2807); possession
8073 of an obscene image of a minor (D.C. Official Code § 22A-2808); arranging a live sexual
8074 performance of a minor (D.C. Official Code § 22A-2809); attending or viewing a live sexual
8075 performance of a minor (D.C. Official Code § 22A-2810); arson (D.C. Official Code § 22A-3601);
8076 burglary (D.C. Official Code § 22A-3801); possession of a prohibited firearm by possessing an
8077 explosive (D.C. Official Code § 22A-5103(a)(1)); or a violation of trafficking in commercial sex
8078 (D.C. Official Code § 22A-5403), where a person was compelled to engage in prostitution or was
8079 a minor; or

8080 “(iii) The following offenses, or an attempt to commit any of the
8081 following offenses, that resulted in death or bodily injury to a person, notwithstanding that the
8082 offender lacked the capacity to commit the offense by reason of infancy, insanity, intoxication, or
8083 otherwise:

8084 “(I) Speeding and reckless driving, as described in section 9
8085 of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1123; D.C.
8086 Official Code § 50-2201.04);

8087 “(II) Fleeing from a law enforcement officer in a motor
8088 vehicle, as described in section 10b of District of Columbia Traffic Act, 1925, effective March 16,
8089 2005 (D.C. Law 15-239; D.C. Official Code § 50-2201.05b);

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8090 “(III) Leaving after colliding, as described in section 10c of
8091 District of Columbia Traffic Act, 1925, effective April 27, 2013 (D.C. Law 19-266; D.C. Official
8092 Code § 50-2201.05c);

8093 “(IV) Object falling or flying from vehicle, as described in
8094 section 10d of District of Columbia Traffic Act, 1925, effective April 27, 2013 (D.C. Law 19-266;
8095 D.C. Official Code § 50-2201.05d);

8096 “(V) Driving under the influence (DUI) of alcohol or a drug,
8097 as described in section 3b of the Anti-Drunk Driving Act of 1982, effective April 27, 2013 (D.C.
8098 Law 19-266; D.C. Official Code § 50-2206.11);

8099 “(VI) Driving under the influence of alcohol or a drug;
8100 commercial vehicle, as described in section 3c of the Anti-Drunk Driving Act of 1982, effective
8101 April 27, 2013 (D.C. Law 19-266; D.C. Official Code § 50-2206.12);

8102 “(VII) Operating a vehicle while impaired, as described in
8103 section 3e of the Anti-Drunk Driving Act of 1982, effective April 27, 2013 (D.C. Law 19-266;
8104 D.C. Official Code § 50-2206.14);

8105 “(VIII) Operating under the influence of alcohol or a drug
8106 (horse-drawn vehicle), as described in section 3g of the Anti-Drunk Driving Act of 1982, effective
8107 April 27, 2013 (D.C. Law 19-266; D.C. Official Code § 50-2206.16);

8108 “(IX) Operating under the influence of alcohol or a drug
8109 (watercraft), as described in section 3j of the Anti-Drunk Driving Act of 1982, effective April 27,
8110 2013 (D.C. Law 19-266; D.C. Official Code § 50-2206.31); and

8111 “(X) Operating a watercraft while impaired, as described in
8112 section 3l of the Anti-Drunk Driving Act of 1982, effective April 27, 2013 (D.C. Law 19-266;
8113 D.C. Official Code § 50-2206.33);

8114 “(B) Any of the following former offenses, or an attempt to commit any of
8115 the following former offenses:

8116 “(i) An act of terrorism, as described in section 103 of the Omnibus
8117 Anti-Terrorism Act of 2002, effective October 17, 2002 (D.C. Law 14-194; D.C Official Code §
8118 22-3153);

8119 “(ii) Arson, as described in section 820 of An Act To establish a
8120 code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1323; D.C. Official
8121 Code § 22-301);

8122 “(iii) Assault with intent to kill, rob, or poison, or to commit first
8123 degree sexual abuse, second degree sexual abuse or child sexual abuse, as described in section 803
8124 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31
8125 Stat. 1321; D.C. Official Code § 22-401);

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8126 “(iv) Assault with intent to commit mayhem or with a dangerous
8127 weapon, as described in section 804 of An Act To establish a code of law for the District of
8128 Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22-402);

8129 “(v) Assault with intent to commit any offense, as described in
8130 section 805 of An Act To establish a code of law for the District of Columbia, approved March 3,
8131 1901 (31 Stat. 1322; D.C. Official Code § 22-403);

8132 “(vi) Assault or threatened assault in a menacing manner; stalking,
8133 as described in section 806 of An Act To establish a code of law for the District of Columbia,
8134 approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22-404);

8135 “(vii) Aggravated assault, as described in section 806a of An Act To
8136 establish a code of law for the District of Columbia, effective August 20, 1994 (D.C. Law 10-151;
8137 D.C. Official Code § 22-404.01);

8138 “(viii) Assault on member of police force, campus or university
8139 special police, or fire department, as described in section 432 of the Revised Statutes of the District
8140 of Columbia (D.C. Official Code § 22-405)

8141 “(ix) Burglary, as described in section 823 of An Act To establish a
8142 code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1323; D.C. Official
8143 Code § 22-801);

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8144 “(x) Carjacking, as described in section 811a(a)(1) of An Act To
8145 establish a code of law for the District of Columbia, effective May 8, 1993 (D.C. Law 9-270; D.C.
8146 Official Code § 22-2803(a)(1)); or

8147 “(xi) Armed carjacking, as described in section 811a(b)(1) of An
8148 Act To establish a code of law for the District of Columbia, effective May 8, 1993 (D.C. Law 9-
8149 270; D.C. Official Code § 22-2803(b)(1));

8150 “(xii) Criminal abuse of a vulnerable adult or elderly person, as
8151 described in section 203 of the Senior Protection Amendment Act of 2000, effective June 8, 2001
8152 (D.C. Law 13-301; D.C. Official Code § 22-933);

8153 “(xiii) Financial exploitation of a vulnerable adult or elderly person,
8154 as described in section 203a of the Senior Protection Amendment Act of 2000, effective November
8155 23, 2016 (D.C. Law 21-166; D.C. Official Code § 22-933.01);

8156 “(xiv) Criminal negligence, as described in section 204 of the Senior
8157 Protection Amendment Act of 2000, effective June 8, 2001 (D.C. Law 13-301; D.C. Official Code
8158 § 22-934);

8159 “(xv) Cruelty to children, as described in section 3 of An act for the
8160 protection of children in the District of Columbia and for other purposes, approved February 13,
8161 1885 (23 Stat. 303; D.C. Official Code § 22-1101);

8162 “(xvi) Manufacture, transfer, use, possession, or transportation of
8163 Molotov cocktails, or other explosives for unlawful purposes, as described in section 15A of An

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8164 Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in
8165 the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other
8166 purposes, approved July 8, 1932 (47 Stat. 654; D.C. Official Code § 22-4515a);

8167 “(xvii) Forced labor, as described in section 102 of the Prohibition
8168 Against Human Trafficking Amendment Act of 2010, effective October 23, 2010 (D.C. Law 18-
8169 239; D.C. Official Code § 22-1832);

8170 “(xviii) Trafficking in labor or commercial sex acts, as described in
8171 section 103 of the Prohibition Against Human Trafficking Amendment Act of 2010, effective
8172 October 23, 2010 (D.C. Law 18-239; D.C. Official Code § 22-1833);

8173 “(xix) Sex trafficking of children, as described in section 104 of the
8174 Prohibition Against Human Trafficking Amendment Act of 2010, effective October 23, 2010
8175 (D.C. Law 18-239; D.C. Official Code § 22-1834);

8176 “(xx) Unlawful conduct with respect to documents in furtherance of
8177 human trafficking, as described in section 105 of the Prohibition Against Human Trafficking
8178 Amendment Act of 2010, effective October 23, 2010 (D.C. Law 18-239; D.C. Official Code § 22-
8179 1835);

8180 “(xxi) Benefitting financially from human trafficking, as described
8181 in section 106 of the Prohibition Against Human Trafficking Amendment Act of 2010, effective
8182 October 23, 2010 (D.C. Law 18-239; D.C. Official Code § 22-1836);

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8183 “(xxii) Kidnapping, as described in section 812 of An Act To
8184 establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C.
8185 Official Code § 22-2001);

8186 “(xxiii) Malicious burning, destruction, or injury of another’s
8187 property, as described in section 848 of An Act To establish a code of law for the District of
8188 Columbia, approved March 3, 1901 (31 Stat. 1327; D.C. Official Code § 22–303), that:

8189 “(I) Resulted from the discharge of a firearm into the
8190 victim’s residence or vehicle; or

8191 “(II) Was committed by an intimate partner;

8192 “(xxiv) Mayhem or maliciously disfiguring, as described in section
8193 807 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901
8194 (31 Stat. 1322; D.C. Official Code § 22–406);

8195 “(xxv) Manslaughter, as described in section 802 of An Act To
8196 establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C.
8197 Official Code § 22-2105);

8198 “(xxvi) Murder in the first degree (purposeful killing; killing while
8199 perpetrating certain crimes), as described in section 798 of An Act To establish a code of law for
8200 the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22-2101);

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8201 “(xxvii) Murder in the first degree (placing obstructions upon or
8202 displacement of railroads), as described in section 799 of An Act To establish a code of law for
8203 the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22-2102);

8204 “(xxviii) Murder in the second degree, as described in section 800
8205 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31
8206 Stat. 1321; D.C. Official Code § 22–2103);

8207 “(xxix) Murder of law enforcement officer, as described in section
8208 802a of An Act To establish a code of law for the District of Columbia, effective May 23, 1995
8209 (D.C. Law 10-256; D.C. Official Code § 22–2106);

8210 “(xxx) Negligent homicide, as described in section 802(a) of An Act
8211 To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321;
8212 D.C. Official Code § 22-2203.01);

8213 “(xxxi) Where a person was compelled to engage in prostitution:

8214 “(I) Engaging in prostitution or soliciting for prostitution, as
8215 described in section 1 of An Act For the Suppression of prostitution in the District of Columbia,
8216 approved August 15, 1935 (49 Stat. 651; D.C. Official Code § 22-2701);

8217 “(II) Abducting or enticing child from the child’s home for
8218 purposes of prostitution; harboring such child, as described in section 813 of An Act To establish
8219 a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official
8220 Code § 22-2704);

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8221 “(III) Pandering; inducing or compelling an individual to
8222 engage in prostitution, as described in section 1 of an Act In relation to pandering, to define and
8223 prohibit the same and to provide for the punishment thereof, approved June 25, 1910 (36 Stat. 833;
8224 D.C. Official Code § 22-2705);

8225 “(IV) Compelling an individual to live life of prostitution
8226 against the individual’s will, as described in section 2 of an Act In relation to pandering, to define
8227 and prohibit the same and to provide for the punishment thereof, approved June 25, 1910 (36 Stat.
8228 833; D.C. Official Code § 22-2706);

8229 “(V) Procuring; receiving money or other valuable thing for
8230 arranging assignation, as described in section 3 of an Act In relation to pandering, to define and
8231 prohibit the same and to provide for the punishment thereof, approved June 25, 1910 (36 Stat. 833;
8232 D.C. Official Code § 22-2707);

8233 “(VI) Causing spouse or domestic partner to live in
8234 prostitution, as described in section 4 of an Act In relation to pandering, to define and prohibit the
8235 same and to provide for the punishment thereof, approved June 25, 1910 (36 Stat. 833; D.C.
8236 Official Code § 22-2708);

8237 “(VII) Detaining an individual in disorderly house for debt
8238 there contracted, as described in section 5 of an Act In relation to pandering, to define and prohibit
8239 the same and to provide for the punishment thereof, approved June 25, 1910 (36 Stat. 833; D.C.
8240 Official Code § 22-2709);

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8241 “(VIII) Procuring for house of prostitution, as described in
8242 section 6 of an Act In relation to pandering, to define and prohibit the same and to provide for the
8243 punishment thereof, approved January 3, 1941 (54 Stat. 1226; D.C. Official Code § 22-2710);

8244 “(IX) Procuring for third persons, as described in section 7
8245 of an Act In relation to pandering, to define and prohibit the same and to provide for the
8246 punishment thereof, approved January 3, 1941 (54 Stat. 1226; D.C. Official Code § 22-2711); and

8247 “(X) Operating house of prostitution, as described in section
8248 8 of an Act In relation to pandering, to define and prohibit the same and to provide for the
8249 punishment thereof, approved January 3, 1941 (54 Stat. 1226; D.C. Official Code § 22-2712);

8250 “(xxxii) Robbery, as described in section 810 of An Act To establish
8251 a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official
8252 Code § 22-2801);

8253 “(xxxiii) Attempt to commit robbery, as described in section 811 of
8254 An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat.
8255 1322; D.C. Official Code § 22-2802);

8256 “(xxxiv) First degree sexual abuse, as described in section 201 of
8257 the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code
8258 § 22-3002);

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8259 “(xxxv) Second degree sexual abuse, as described in section 202 of
8260 the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code
8261 § 22-3003);

8262 “(xxxvi) Third degree sexual abuse, as described in section 203 of
8263 the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code
8264 § 22-3004);

8265 “(xxxvii) Fourth degree sexual abuse, as described in section 204 of
8266 the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code
8267 § 22-3005);

8268 “(xxxviii) Misdemeanor sexual abuse, as described in section 205 of
8269 the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code
8270 § 22-3006);

8271 “(xxxix) First degree child sexual abuse, as described in section 207
8272 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official
8273 Code § 22-3008);

8274 “(xl) Second degree child sexual abuse, as described in section 208
8275 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official
8276 Code § 22-3009);

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8277 “(xli) First degree sexual abuse of a minor, as described in section
8278 208a of the Anti-Sexual Abuse Act of 1994, effective April 24, 2007 (D.C. Law 16-306; D.C.
8279 Official Code § 22-3009.01);

8280 “(xlii) Second degree sexual abuse of a minor, as described in
8281 section 208b of the Anti-Sexual Abuse Act of 1994, effective April 24, 2007 (D.C. Law 16-306;
8282 D.C. Official Code § 22-3009.02);

8283 “(xliii) First degree sexual abuse of a secondary education student,
8284 as described in section 208c of the Anti-Sexual Abuse Act of 1994, effective October 23, 2010
8285 (D.C. Law 18-239; D.C. Official Code § 22-3009.03);

8286 “(xliv) Second degree sexual abuse of a secondary education
8287 student, as described in section 208d of the Anti-Sexual Abuse Act of 1994, effective October 23,
8288 2010 (D.C. Law 18-239; D.C. Official Code § 22-3009.04);

8289 “(xlv) Enticing a child or minor, as described in section 209 of the
8290 Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code §
8291 22-3010);

8292 “(xlvi) Misdemeanor sexual abuse of a child or minor, as described
8293 in section 209a of the Anti-Sexual Abuse Act of 1994, effective April 24, 2007 (D.C. Law 16-306;
8294 D.C. Official Code § 22-3010.01);

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8295 “(xlvii) Arranging for a sexual contact with a real or fictitious child,
8296 as described in section 209b of the Anti-Sexual Abuse Act of 1994, effective June 3, 2011 (D.C.
8297 Law 18-377; D.C. Official Code § 22-3010.02);

8298 “(xlviii) First degree sexual abuse of a ward, patient, client, arrestee,
8299 detainee, or prisoner, as described in section 212 of the Anti-Sexual Abuse Act of 1994, effective
8300 May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3013);

8301 “(xlix) Second degree sexual abuse of a ward, patient, client,
8302 arrestee, detainee, or prisoner, as described in section 213 of the Anti-Sexual Abuse Act of 1994,
8303 effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3014);

8304 “(l) First degree sexual abuse of a patient or client, as described in
8305 section 214 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257;
8306 D.C. Official Code § 22-3015);

8307 “(li) Second degree sexual abuse of a patient or client, as described
8308 in section 215 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257;
8309 D.C. Official Code § 22-3016);

8310 “(lii) Sexual performances using minors, as described in section 3
8311 of the District of Columbia Protection of Minors Act of 1982, effective March 9, 1983 (D.C. Law
8312 4-173; D.C. Official Code § 22-3102);

8313 “(lii) Stalking, as described in section 503 of the Omnibus Public
8314 Safety and Justice Amendment Act of 2009, effective December 10, 2009 (D.C. Law 18-88; D.C.
8315 Official Code § 22-3133);

8316 “(liv) Threats to do bodily harm, as described in section 2 of An Act
8317 To confer concurrent jurisdiction on the police court of the District of Columbia in certain cases,
8318 approved July 16, 1912 (37 Stat. 193; D.C. Official Code § 22-407);

8319 “(lv) Voyeurism, as described in section 105 of the Omnibus Public
8320 Safety Amendment Act of 2006, effective April 24, 2007 (D.C. Law 16-306; D.C. Official Code
8321 § 22-3531); and

8322 “(lvi) Use, dissemination, or detonation of a weapon of mass
8323 destruction, as described in section 105 of the Omnibus Anti-Terrorism Act of 2002, effective
8324 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 22-3155).”.

8325 Sec. 412. Section 101 of the Address Confidentiality Act of 2018, effective July 3, 2018
8326 (D.C. Law 22-118; D.C. Official Code § 4-555.01), is amended as follows:

8327 (a) Paragraph (9) is amended by striking the phrase “section 103 or section 104 of the
8328 Prohibition Against Human Trafficking Amendment Act of 2010, effective October 23, 2010
8329 (D.C. Law 18-239; D.C. Official Code § 22-1833 or § 22-1834)” and inserting the phrase “D.C.
8330 Official Code §§ 22A-1603, 22A-1604, and 22A-1605, or former section 103 or former section
8331 104 of the Prohibition Against Human Trafficking Amendment Act of 2010, effective October 23,
8332 2010 (D.C. Law 18-239; D.C. Official Code § 22-1833 or § 22-1834)” in its place.

8333 (b) Paragraph (15) is amended to read as follows:

8334 “(15) “Sexual offense” means any of the following offenses:

8335 “(A) Incest, as described in D.C. Official Code § 22A-2308;

8336 “(B) Sexual assault, as described in D.C. Official Code § 22A-2301;

8337 “(C) Sexual abuse by exploitation, as described in D.C. Official Code §
8338 22A-2303;

8339 “(D) Nonconsensual sexual conduct, as described in D.C. Official Code §
8340 22A-2307;

8341 “(E) An attempt to commit any offense listed in subparagraphs (A)-(D) of
8342 this paragraph under D.C. Official Code § 22A-301; or

8343 “(F) Any of the following offenses:

8344 “(i) Incest, as described in former section 875 of An Act To establish
8345 a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1332; D.C. Official
8346 Code § 22–1901);

8347 “(ii) First degree sexual abuse, as described in former section 201 of
8348 the Anti–Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10–257; D.C. Official
8349 Code § 22–3002) (“Act”);

8350 “(iii) Second degree sexual abuse, as described in former section
8351 202 of the Act;

8352 “(iv) Third degree sexual abuse, as described in former section 203
8353 of the Act;

8354 “(v) Fourth degree sexual abuse, as described in former section 204
8355 of the Act;

8356 “(vi) Misdemeanor sexual abuse, as described in former section 205
8357 of the Act;

8358 “(vii) First degree sexual abuse of a secondary education student, as
8359 described in former section 208c of the Act;

8360 “(viii) Second degree sexual abuse of a secondary education student,
8361 as described in former section 208d of the Act;

8362 “(ix) First degree sexual abuse of a ward, patient, client, or prisoner,
8363 as described in former section 212 of the Act;

8364 “(x) Second degree sexual abuse of a ward, patient, client, or
8365 prisoner, as described in former section 213 of the Act;

8366 “(xi) First degree sexual abuse of a patient or client, as described in
8367 former section 214 of the Act;

8368 “(xii) Second degree sexual abuse of a patient or client, as described
8369 in former section 215 of the Act; or

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8370 “(xiii) An attempt to commit a sexual offense specified in sub-
8371 subparagraphs (ii) through (xii) of this subparagraph, as described in former section 217 of the
8372 Act.”.

8373 (c) Paragraph (16) is amended by striking the phrase “section 503” and inserting the phrase
8374 “D.C. Official Code § 22A-2801 or § 22A-2802, or former section 503” in its place.

8375 Sec. 413. Section 2(42) of the Homeless Services Reform Act of 2005, effective October
8376 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-751.01(42)), is amended by striking the phrase
8377 “false knuckles, as referenced in section 2 of An Act To control the possession, sale, transfer, and
8378 use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to
8379 prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 560; D.C.
8380 Official Code § 22-4502),” and inserting the phrase “false knuckles,” in its place.

8381 Sec. 414. Section 5(d) of the Medicaid Provider Fraud Prevention Amendments Act of
8382 1984, effective March 16, 1985 (D.C. Law 5-193; D.C. Official Code § 4-804(d)), is amended by
8383 striking the phrase “prosecution pursuant to section 401 of the District of Columbia Theft and
8384 White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Code, sec.
8385 22-2511).” and inserting the phrase “prosecution pursuant to D.C. Official Code § 22A-4203.” in
8386 its place.

8387 Sec. 415. The Prevention of Child Abuse and Neglect Act of 1977, effective September
8388 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.02 *et seq.*), is amended as follows:

8389 (a) Section 102 (D.C. Official Code § 4-1301.02) is amended as follows:

8390 (1) Paragraph (1) is amended as follows:

8391 (A) Subparagraph (A)(ii)(I) is amended by striking the phrase “section
8392 103(9) or (10) of the Trafficking Victims Protection Act of 2000, approved October 28, 2000 (114
8393 Stat. 1469; 22 U.S.C. § 7102(9) or (10))” and inserting the phrase “section 103 (11) and (12) of
8394 the Trafficking Victims Protection Act of 2000, approved October 28, 2000 (114 Stat. 1469; 22
8395 U.S.C. § 7102 (11) and (12)” in its place.

8396 (B) Subparagraph (A)(ii)(III) is amended by striking the phrase “section 104
8397 of the Prohibition Against Human Trafficking Amendment Act of 2010, effective October 23,
8398 2010 (D.C. Law 18–239; D.C. Official Code § 22–1834)” and inserting the phrase “D.C. Official
8399 Code § 22A-2605” in its place.

8400 (2) Paragraph (15A)(D) is amended by striking the phase “section 104 of the
8401 Prohibition Against Human Trafficking Amendment Act of 2010, effective October 23, 2010
8402 (D.C. Law 18-239; D.C. Official Code § 22-1834)” and inserting the phrase “D.C. Official Code
8403 § 22A-2605” in its place.

8404 Sec. 416. Section 2 of An Act To provide for the mandatory reporting by physicians and
8405 institutions in the District of Columbia of certain physical abuse of children, approved November
8406 6, 1966 (80 Stat. 1354; D.C. Official Code § 4-1321.02), is amended as follows:

8407

8408 (a) Subsection (b)(1)(C) is amended to read as follows:

8409 “(C) Child they know in their professional capacity for which they have
8410 been designated as a mandatory reporter has been, or is in immediate danger of being the victim
8411 of a “predicate crime” as defined in D.C. Official Code § 22A-2309, the victim of sexual abuse or
8412 attempted sexual abuse prohibited by the former Anti-Sexual Abuse Act of 1994, effective May
8413 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3001 *et seq.*), or assisted, supported, caused,
8414 encouraged, commanded, enabled, induced, facilitated, or permitted to engage in a sexual act or
8415 sexual contact, as those terms are defined in D.C. Official Code § 22A-101 with another person in
8416 return for giving or receiving anything of value or to become a prostitute, as that term is defined
8417 in former section 2 of the Control of Prostitution and Sale of Controlled Substances in Public
8418 Places Criminal Control Act of 1981, effective December 10, 1981 (D.C. Law 4-57; D.C. Official
8419 Code § 22-2701.01(3)), make a report to the Child and Family Services Agency or the
8420 Metropolitan Police Department as described in section 3; or

8421 (b) Subsection (e) is amended to read as follows:

8422 “(e) A person who violates this section shall not be prosecuted under D.C. Official Code §
8423 22A-2309 or under provisions in former Title II-A of the Anti-Sexual Abuse Act of 1994, effective
8424 June 8, 2013 (D.C. Law 19-315; D.C. Official Code § 22-3020.51 *et seq.*)”.

8425 (c) Subsection (f) is amended to read as follows:

8426 “(f) The Metropolitan Police Department shall immediately report or have a report made
8427 to the Child and Family Services Agency of any knowledge, information, or suspicion of a child

8428 engaging in or offering to engage in a sexual act or sexual contact, as those terms are defined in
8429 D.C. Official Code § 22A-101, in return for receiving anything of value.”.

8430 Sec. 417. Section 209 of the Child and Youth, Safety and Health Omnibus Amendment
8431 Act of 2004, effective April 13, 2005 (D.C. Law 15-353; D.C. Official Code § 4-1501.09), is
8432 amended by striking the phrase “subject to prosecution pursuant to section 404 of the District of
8433 Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-
8434 164; D.C. Official Code § 22-2405).” and inserting the phrase “subject to prosecution pursuant to
8435 D.C. Official Code § 22A-4207.” in its place.

8436 Sec. 418. Section 102 of the Millicent Allewelt Amendment Act of 2004, effective July 15,
8437 2004 (D.C. Law 15-174; D.C. Official Code § 5-113.32), is amended as follows:

8438 (a) Subsection (b) is amended to read as follows:

8439 “(b) In open investigations of the following crimes, law enforcement agencies shall retain
8440 case jackets, crime scene examination case files, and any evidence collected during the course of
8441 the investigation for the length of each crime's statute of limitations:

8442 “(1) Attempt, under D.C. Official Code § 22A-301, to commit either murder, under
8443 D.C. Official Code § 22A-2101, or manslaughter, under D.C. Official Code § 22A-2102;

8444 “(2) First or second degree assault under D.C. Official Code § 22A-2203;

8445 “(3) Third degree assault under D.C. Official Code § 22A-2203(h)(6)(B);

8446 “(4) Assault on a law enforcement officer under D.C. Official Code § 22A-2204
8447 that is committed by displaying or using what, in fact, is a dangerous weapon or imitation
8448 dangerous weapon, as those terms are defined in D.C. Official Code § 22A-101;

8449 “(5) Burglary under D.C. Official Code § 22A-3801;

8450 “(6) Sexual assault and sex offenses in Subchapter III of Chapter 2 of Title 22A,
8451 except for the crimes listed in D.C. Official Code § 23-113(a)(1)(B) through (E);

8452 “(7) Any crime of violence, as that term is defined in D.C. Official Code § 23-
8453 1331(4), that is committed by displaying or using what, in fact, is a dangerous weapon or imitation
8454 dangerous weapon, as those terms are defined in § 22A-101;

8455 “(8) Offenses formerly known as:

8456 “(A) Assault with intent to kill;

8457 “(B) Aggravated assault;

8458 “(C) Assault on a police officer with a dangerous weapon;

8459 “(D) Burglary;

8460 “(E) Mayhem;

8461 “(F) Malicious disfigurement;

8462 “(G) Sexual abuse and sex offenses, except for the crimes listed in § 23-
8463 113(a)(1)(G) through (U); and

8464 “(H) Any crime of violence, as that term was defined in former section 1 of
8465 An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons

8466 in the District of Columbia, to provide penalties, to prescribe the rules of evidence, and for other
8467 purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22–4501) (“Act”), that is
8468 committed while armed, as described in former section 2 of the Act.”.

8469 (b) Subsection (f) is amended to read as follows:

8470 “(f) In closed investigations of the following crimes, law enforcement agencies shall retain
8471 case jackets and crime scene examination case files for as long as evidence is preserved for those
8472 investigations pursuant to the Innocence Protection Act of 2011, effective May 17, 2002 (D.C.
8473 Law 14-134; D.C. Official Code § 22-4131 *et seq.*):

8474 “(1) Murder, under D.C. Official Code § 22A-2101, manslaughter, under D.C.
8475 Official Code § 22A-2102, or an attempt, under D.C. Official Code § 22A-301, to commit either
8476 offense;

8477 “(2) Negligent homicide, under D.C. Official Code § 22A-2103;

8478 “(3) First or second degree assault under D.C. Official Code § 22A-2203;

8479 “(4) Third degree assault under D.C. Official Code § 22A-2203(h)(6)(B);

8480 “(5) Assault on a law enforcement officer under D.C. Official Code § 22A-2204
8481 that is committed by displaying or using what, in fact, is a dangerous weapon or imitation
8482 dangerous weapon, as those terms are defined in D.C. Official Code § 22A-101;

8483 “(6) Burglary under D.C. Official Code § 22A-3801;

8484 “(7) Sexual assault and sex offenses in Subchapter III of Chapter 2 of Title 22A;

8485 “(8) Any crime of violence, as that term is defined in D.C. Official Code § 23-
8486 1331(4), that is committed by displaying or using what, in fact, is a dangerous weapon or imitation
8487 dangerous weapon, as those terms are defined in § 22A-101;

8488 “(9) Offenses formerly known as:

8489 “(A) Homicides;

8490 “(B) Assault with intent to kill;

8491 “(C) Aggravated assault;

8492 “(D) Burglary;

8493 “(E) Assault on a police officer with a dangerous weapon;

8494 “(F) Mayhem;

8495 “(G) Malicious disfigurement;

8496 “(H) Sexual abuse and sex offenses; and

8497 “(I) Any crime of violence, as that term was defined in former section 1 of
8498 An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons
8499 in the District of Columbia, to provide penalties, to prescribe the rules of evidence, and for other
8500 purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4501) (“Act”), that is
8501 committed while armed, as described in former section 2 of the Act.”.

8502 Sec. 419. Section 101(a) of the School Safe Passage Emergency Zone Amendment Act of
8503 2010, effective October 2, 2010 (D.C. Law 18-232; D.C. Official Code § 5-132.21(a)), is amended
8504 as follows:

8505 (a) Paragraph (1) is amended to read as follows:

8506 “(1)(A) “Assault-related offense” means:

8507 “(i) Assault or attempted assault under D.C. Official Code § 22A-
8508 2203 and § 22A-301;

8509 “(ii) First or second degree criminal threats under D.C. Official
8510 Code § 22A-2205;

8511 “(iii) Offensive physical contact under D.C. Official Code § 22A-
8512 2206; or

8513 “(iv) Attempt, under D.C. Official Code § 22A-301, to commit any
8514 offense where the attempt includes an assault, attempted assault, or act threatening immediate
8515 bodily injury; or

8516 “(v) A predicate offense, as that term is defined in D.C. Official
8517 Code § 22A-4304, criminal threats under D.C. Official Code § 22A-2205, the offense of stalking
8518 under D.C. Official Code § 22A-2802, or the offense of electronic stalking under D.C. Official
8519 Code § 22A-2802, when any such offense is committed against an official or employee while the
8520 official or employee is engaged in the performance of their duties or on account of the performance
8521 of those duties or against a family member of an official or employee on account of the
8522 performance of the official or employee's duties.

8523 “(B) For the purposes of this paragraph, the term:

8524 “(i) “Family member” means an individual to whom the official or
8525 employee of the District of Columbia is related by blood, legal custody, marriage, domestic
8526 partnership, having a child in common, the sharing of a mutual residence, or the maintenance of a
8527 romantic relationship not necessarily including a sexual relationship.

8528 “(ii) “Official or employee” means a person who currently holds or
8529 formerly held a paid or unpaid position in the legislative, executive, or judicial branch of
8530 government of the District of Columbia, including boards and commissions.”.

8531 (b) Paragraph (6) is amended by striking the phrase “an assault-related offense, a crime of
8532 violence, or a dangerous crime” and inserting the phrase “an assault-related offense, a crime of
8533 violence, a dangerous crime, or an offense established in former section 803 of An Act To establish
8534 a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official
8535 Code § 22-401), former section 804 of An Act To establish a code of law for the District of
8536 Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22-402), former section
8537 805 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901
8538 (31 Stat. 1322; D.C. Official Code § 22-403), former section 806 of An Act To establish a code of
8539 law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22-
8540 404), former section 806a of An Act To establish a code of law for the District of Columbia,
8541 effective August 20, 1994 (D.C. Law 10-151; D.C. Official Code § 22-404.01), former section 807
8542 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31
8543 Stat. 1321; D.C. Official Code § 22-406), former section 2 of An Act To confer concurrent

8544 jurisdiction on the police court of the District of Columbia in certain cases, approved July 16, 1912
8545 (37 Stat. 193; D.C. Official Code § 22-407), or former section 106 of the Omnibus Public Safety
8546 Amendment Act of 2006, effective April 24, 2007 (D.C. Law 16-306; D.C. Official Code § 22-
8547 851)” in its place.

8548 Sec. 420. Section 2 of the Prohibition on the Transfer of Firearms Act of 1995, effective
8549 September 22, 1995 (D.C. Law 11-50; D.C. Official Code § 5-133.16), is amended by striking the
8550 phrase “and section 18 of An Act to control the possession, sale, transfer, and use of pistols and
8551 other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of
8552 evidence, and for other purposes, approved February 20, 1952 (66 Stat. 8; D.C. Code § 22-3217)”
8553 and inserting the phrase “and D.C. Official Code § 22A-5119” in its place.

8554 Sec. 421. Section 11712(a) of The National Capital Revitalization and Self-Government
8555 Improvement Act of 1997, approved August 5, 1997 (111 Stat. 782; D.C. Official Code § 5-
8556 133.17(a)), is amended as by striking the phrase “subsection (e) of this section (except that nothing
8557 in such an agreement may be construed to grant authority to the United States to prosecute
8558 violations of subsection (e)).” and inserting the phrase “D.C. Official Code § 22A-5203 (except
8559 that nothing in such an agreement may be construed to grant authority to the United States to
8560 prosecute violations of D.C. Official Code § 22A-5203.” in its place.

8561 Sec. 422. Section 24(c) of the District of Columbia Housing Authority Act of 1999,
8562 effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-223(c)), is amended by striking
8563 the phrase “in accordance with section 5 of An Act to control the possession, sale, transfer, and

8564 use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to
8565 prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Code
8566 § 22-3205)” and inserting the phrase “in accordance with D.C. Official Code § 22A-5102” in its
8567 place.

8568 Sec. 423. Section 10(a) of An Act Providing for the zoning of the District of Columbia
8569 and the regulation of the location, height, bulk, and used of buildings and other structures and of
8570 the uses of land in the District of Columbia, and for other purposes, approved June 20, 1938 (52
8571 Stat. 800; D.C. Official Code § 6-641.09(a)), is amended by striking the phrase “his assistants”
8572 and inserting the phrase “their assistants” in its place.

8573 Sec. 424. Section 3(b) of An Act To relieve physicians of liability for negligent medical
8574 treatment at the scene of an accident in the District of Columbia, effective March 19, 2013 (D.C.
8575 Law 19-243; D.C. Official Code § 7-403(b)), is amended to read as follows:

8576 “(b) The following offenses apply to subsection (a) of this section:

8577 “(1) Unlawful possession of a controlled substance prohibited by section 401(d) of
8578 the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981
8579 (D.C. Law 4-29; D.C. Official Code § 48-904.01(d));

8580 “(2) Possession of alcohol by persons under 21 years of age as prohibited by D.C.
8581 Official Code § 25-1002; and

8582 “(3) Provided that the minor is at least 16 years of age and the provider is 25 years
8583 of age or younger:

8584 “(A) Purchasing an alcoholic beverage for the purpose of delivering it to a
8585 person under 21 years of age as prohibited by D.C. Official Code § 25-785(a);

8586 “(B) Contributing to the delinquency of a minor with regard to possessing
8587 or consuming alcohol or, without a prescription, a controlled substance as prohibited by D.C.
8588 Official Code § 22A-5601; and

8589 “(C) The sale or delivery of an alcoholic beverage to a person under 21 years
8590 of age as prohibited by D.C. Official Code § 25-781(a)(1).”.

8591 Sec. 425. Section 8(d) of the Natural Death Act of 1981, effective February 25, 1982 (D.C.
8592 Law 4-69; D.C. Official Code § 7-627(d)), is amended by striking the phrase “pursuant to section
8593 798” and inserting the phrase “pursuant to D.C. Official Code § 22A-2101 or former section 798”
8594 in its place.

8595 Sec. 426. Section 103(24B) of the Citizens with Intellectual Disabilities Constitutional
8596 Rights and Dignity Act of 1978, effective March 3, 1979 (D.C. Law 2-137; D.C. Official Code §
8597 7-1301.03(24B)), is amended to read as follows:

8598 “(24B) “Sex offenses” means offenses proscribed in Subchapter III of Chapter 2 of
8599 Title 22A or offenses proscribed in the former Anti-Sexual Abuse Act of 1994, effective May 23,
8600 1995 (D.C. Law 10-257; D.C. Official Code § 22-3001 *et seq.*), but does not include any offense
8601 described in section 17(b) of the Sex Offender Registration Act of 1999, effective July 11, 2000
8602 (D.C. Law 13-137; D.C. Official Code § 22-4016(b)).”.

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8603 Sec. 427. Section 2 of the Adult Protective Services Act of 1984, effective March 14, 1985
8604 (D.C. Law 5-156; D.C. Official Code § 7-1901), is amended as follows:

8605 (a) Paragraph (1)(A)(ii) is amended by striking the phrase ““sexual conduct,” defined in
8606 D.C. Code, sec. 22-2011(5)” and inserting the phrase “an actual or simulated sexual act, as those
8607 terms are defined in D.C. Official Code § 22A-101, a sexual or sexualized display of the genitals,
8608 pubic area, or anus, when there is less than a full opaque covering, as prohibited in D.C. Official
8609 Code §§ 22A-2805 through 22A-2810, sadomasochistic abuse, as that term is defined in D.C.
8610 Official Code § 22A-101, or masturbation” in its place.

8611 (b) Paragraph (8) is amended by striking the phrase ““property,” defined in D.C. Code, sec.
8612 22-3801” and inserting the phrase “property, as defined in D.C. Official Code § 22A-101” in its
8613 place.

8614 Sec. 428. Section 302(b)(1)(B) of the Disability Services Reform Amendment Act of 2018,
8615 effective May 5, 2018 (D.C. Law 22-93; D.C. Official Code § 7-2132(b)(1)(B)), is amended to
8616 read as follows:

8617 “(B) The individual is or has been convicted of any of the following criminal
8618 offenses, or their equivalent in any other state or territory, within 7 years before entering the
8619 supported decision-making agreement:

8620 “(i) Any sexual offense prohibited in Subchapter III of Chapter 2 of
8621 Title 22A, where the victim was a child, elderly individual, or a person with a disability, or former
8622 Title II of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C.

8623 Official Code § 22–3002 *et seq.*), where the victim was a child, elderly individual, or person with
8624 a disability;

8625 “(ii) Assault in the first or second degree as described in D.C.
8626 Official Code § 22A-2203, where the victim was a child, elderly individual, or a person with a
8627 disability, or aggravated assault, as described in former section 806a of An Act To establish a code
8628 of law for the District of Columbia, effective August 20, 1994 (D.C. Law 10–151; D.C. Official
8629 Code § 22–404.01), where the victim was a child, elderly individual, or person with a disability;

8630 “(iii) Fraud, as described in D.C. Official Code § 22A-3301 or
8631 former section 121 of the District of Columbia Theft and White Collar Crimes Act of 1982,
8632 effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-3221);

8633 “(iv) Theft in the first, second, or third degree as described in D.C.
8634 Official Code § 22A-3201 or theft in the first degree, as described in former section 112(a) of the
8635 District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982
8636 (D.C. Law 4–164; D.C. Official Code § 22–3212(a));

8637 “(v) Forgery, as described in D.C. Official Code § 22A-3304 or
8638 former section 141 of the District of Columbia Theft and White Collar Crimes Act of 1982,
8639 effective December 1, 1982 (D.C. Law 4–164; D.C. Official Code § 22–3241); or

8640 “(vi) Extortion, as described in D.C. Official Code § 22A-3401 or
8641 former section 151 of the District of Columbia Theft and White Collar Crimes Act of 1982,
8642 effective December 1, 1982 (D.C. Law 4–164; D.C. Official Code § 22–3251).”.

8643 Sec. 429. Section 3(c) of the District of Columbia Public Emergency Act of 1980, effective
8644 March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2302(c)), is amended by striking the
8645 phrase “an act of terrorism, as that term is defined in 102(1) of the Anti-Terrorism Act of 2002,
8646 passed on 2nd reading on May 7, 2002 (Enrolled version of Bill 14-373)” and inserting the phrase
8647 “conduct that constitutes an offense under D.C. Official Code § 22A-2701 or D.C. Official Code
8648 § 22A-2702” in its place.

8649 Sec. 430. The Firearms Control Regulations Act of 1975, effective September 24, 1976
8650 (D.C. Law 1-85; D.C. Official Code § 7-2501.01 *et seq.*), is amended as follows:

8651 (a) Section 203(a) (D.C. Official Code § 7-2502.03(a)) is amended as follows:

8652 (1) Paragraph (4) is amended to read as follows:

8653 “(4) Has not been convicted within 5 years prior to the application of any:

8654 “(A) Violation in any jurisdiction of any law restricting the use, possession,
8655 or sale of any narcotic or dangerous drug;

8656 “(B) Violation of assault under D.C. Official Code § 22A-2203, criminal
8657 threats under § 22A-2205 involving threats to do bodily harm, offensive physical contact under
8658 D.C. Official Code § 22A-2206, violation of former § 22-404 regarding assault and threats or
8659 former § 22-407 regarding threats to do bodily harm, or violation of any similar provision of the
8660 law of another jurisdiction;

8661 “(C) Two or more violations of D.C. Official Code § 50-2201.05(b), or, in
8662 this or any other jurisdiction, any law restricting driving under the influence of alcohol or drugs;

8663 “(D) Intrafamily offense punishable as a misdemeanor, including any
8664 similar provision in the law of another jurisdiction;

8665 “(E) Misdemeanor violation pursuant to section 702 or section 706;

8666 “(F) Violation of D.C. Official Code § 22A-2801 or former section 503 of
8667 the Omnibus Public Safety and Justice Amendment Act of 2000, effective December 10, 2009
8668 (D.C. Law 18-88; D.C. Official Code § 22-3133); or

8669 “(G) Violation of an extreme risk protection order pursuant to section
8670 1011;”.

8671 (2) Paragraph (9) is amended to read as follows:

8672 “(9) Is not otherwise ineligible to possess a firearm under D.C. Official Code §
8673 22A-5107;”.

8674 (b) Section 204(c) (D.C. Official Code § 7-2502.04(c)) is amended by striking the phrase
8675 “in accordance with section 4b of An Act To control the possession, sale, transfer, and use of
8676 pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe
8677 rules of evidence, and for other purposes, passed on 2nd reading on December 16, 2008 (Enrolled
8678 version of Bill 17-843)” and inserting the phrase “in accordance with D.C. Official Code § 22A-
8679 5111” in its place.

8680 (c) Section 205(c) (D.C. Official Code § 7-2502.05(c)) is amended by striking the phrase
8681 “penalty of perjury pursuant to section 401 of the District of Columbia Theft and White Collar
8682 Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-

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8683 2402).” and inserting the phrase “penalty of perjury pursuant to D.C. Official Code § 22A-4203.”
8684 in its place.

8685 (d) Section 211 (D.C. Official Code § 7-2502.11) is amended by striking the phrase
8686 “section 401 of the District of Columbia Theft and White Collar Crimes Act of 1982 (D.C. Code,
8687 sec. 22-2511)” and inserting the phrase “D.C. Official Code § 22A-4203” in its place.

8688 (e) Section 409 (D.C. Official Code § 7-2504.09) is amended by striking the phrase
8689 “section 401 of the District of Columbia Theft and White Collar Crimes Act of 1982 (D.C. Code,
8690 sec. 22-2511)” and inserting the phrase “D.C. Official Code § 22A-4203” in its place.

8691 (f) Section 504(e)(7) (D.C. Official Code § 7-2505.04(e)(7)) is amended by striking the
8692 phrase “in accordance with section 4b of An Act To control the possession, sale, transfer, and use
8693 of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to
8694 prescribe rules of evidence, and for other purposes, passed on 2nd reading on December 16, 2008
8695 (Enrolled version of Bill 17-843)” and inserting the phrase “in accordance with D.C. Official Code
8696 § 22A-5111” in its place.

8697 (g) Section 705(a)(3) (D.C. Official Code § 7-2507.05(a)(3)) is amended by striking the
8698 phrase “in accordance with section 4b of An Act To control the possession, sale, transfer, and use
8699 of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to
8700 prescribe rules of evidence, and for other purposes, passed on 2nd reading on December 16, 2008
8701 (Enrolled version of Bill 17-843)” and inserting the phrase “in accordance with D.C. Official Code
8702 § 22A-5111” in its place.

8703 (h) Section 706a (D.C. Official Code § 7-2507.06a) is amended to read as follows:

8704 “Sec. 706a. Seizure and forfeiture of conveyances.

8705 “Any conveyance in which a person or persons transport, possess, or conceal any firearm,
8706 or in any manner use to facilitate a violation of section 202 or D.C. Official Code § 22A-5107, §
8707 22A-5104, or § 22A-5106, is subject to forfeiture pursuant to the standards and procedures set
8708 forth in the Civil Asset Forfeiture Amendment Act of 2014, effective June 15, 2015 (D.C. Law 20-
8709 278; D.C. Official Code § 41-301 *et seq.*).”

8710 (i) Section 801(3) (D.C. Official Code § 7-2508.01(3)) is amended to read as follows:

8711 “(3) “Gun offense” means:

8712 “(A) A conviction for the sale, purchase, transfer, receipt, acquisition,
8713 possession, use, manufacture, carrying, transportation, registration, or licensing of a firearm under
8714 Subchapter I of Chapter 5 of Title 22A of the District of Columbia Official Code or the former An
8715 Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in
8716 the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other
8717 purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4501 *et seq.*), or an attempt
8718 or conspiracy to commit any of the foregoing offenses;

8719 “(B) A conviction for violating section 201a, section 401, section 501,
8720 former section 201, or former section 601, or an attempt or conspiracy to commit any of the
8721 foregoing offenses;

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8722 “(C) A conviction for a firearms-related violation of the provisions in
8723 assault (D.C. Official Code § 22A-2203), first degree or second degree criminal threats (D.C.
8724 Official Code § 22A-2205), correctional facility contraband (D.C. Official Code § 22A-4403),
8725 carjacking (D.C. Official Code § 22A-2202 or former section 811a(b) of An Act To establish a
8726 code of law for the District of Columbia, effective May 8, 1993 (D.C. Law 9-270; D.C. Official
8727 Code § 22-2803(b))), former section 804 of An Act To establish a code of law for the District of
8728 Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22-402) (assault with a
8729 dangerous weapon), or former section 3 of An Act To prohibit the introduction of contraband into
8730 the District of Columbia penal institutions, approved December 15, 1941 (55 Stat. 800; D.C.
8731 Official Code § 22-2603.02) (unlawful possession of contraband); or

8732 “(D) Violations in other jurisdictions of any offense with an element that
8733 involves the violations listed in subparagraphs (A), (B), or (C) of this paragraph.”

8734 (j) Section 902(e) (D.C. Official Code § 7-2509.02(e)) is amended as follows:

8735 (1) Paragraph (1) is amended by striking the phrase “section 6 of the Pistols and
8736 Other Dangerous Weapons Act” and inserting the phrase “D.C. Official Code § 22A-5112” in its
8737 place.

8738 (2) Paragraph (2) is amended by striking the phrase “section 401 of the District of
8739 Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-
8740 164; D.C. Official Code § 22-2402)” and inserting the phrase “D.C. Official Code § 22A-4203” in
8741 its place.

8742 Sec. 431. Section 15(b) of An Act To regulate the importation of nursery stock and other
8743 plants and plant products; to enable the Secretary of Agriculture to establish and maintain
8744 quarantine districts for plant diseases and insect pests; to permit and regulate the movement of
8745 fruits, plants, and vegetables therefrom, and for other purposes, approved August 20, 1912 (37
8746 Stat. 318; D.C. Official Code § 8-304(b)), is amended to read as follows:

8747 “(b) It shall be the duty of the Secretary of Agriculture, and he is hereby required, from
8748 time to time, to make and promulgate such rules and regulations as shall be necessary to carry out
8749 the purposes of this section.”.

8750 Sec. 432. An Act To revise and modernize the fish and game laws of the District of
8751 Columbia, and for other purposes, approved August 23, 1958 (72 Stat. 814; D.C. Official Code §
8752 8-2221.28 *et seq.*), is amended as follows:

8753 (a) Section 3(a) (D.C. Official Code § 8-2221.30(a)) is amended by striking the phrase
8754 “District of Columbia Council” and inserting the phrase “Council of the District of Columbia” in
8755 its place.

8756 (b) Section 4(b) (D.C. Official Code § 8-221.31(b)) is amended by striking the phrase
8757 “Corporation Counsel or any Assistant Corporation Counsel” and inserting the phrase “Attorney
8758 General for the District of Columbia or any Assistant Attorney General for the District of
8759 Columbia” in its place.

8760 Sec. 433. An Act To define the area of the United States Capitol Grounds, to regulate the
8761 use thereof, and for other purposes, approved July 31, 1946 (60 Stat. 721; D.C. Official Code §
8762 10-503.11 *et seq.*), is amended as follows:

8763 (a) Section 6(c) (D.C. Official Code § 10-503.16(c)) is amended by striking the word “his”
8764 and inserting the word “their” in its place.

8765 (b) Section 16(a)(3) (D.C. Official Code § 10-503.26(3)) is amended by striking the phrase
8766 “enumerated in section 14(a) of the Act of July 8, 1932 (47 Stat. 654, as amended; D.C. Code 22-
8767 3214(a))” and inserting the phrase “enumerated in the definition of “dangerous weapon” in D.C.
8768 Official Code § 22A-101” in its place.

8769 Sec. 434. Chapter 3 of Title 14 of the District of Columbia Official Code is amended to
8770 read as follows:

8771 (a) Section 14-307 is amended as follows:

8772 (1) Subsection (b)(4) is amended by striking the phrase “section 203a” and inserting
8773 the phrase “D.C. Official Code § 22A-3308 or former section 203a” in its place.

8774 (2) Subsection (c)(2) is amended by striking the phrase “Chapter 30 of Title 22 and
8775 inserting the phrase “Subchapter III of Chapter 2 of Title 22A” in its place.

8776 (b) Section 14-311(a)(3) is amended to read as follows:

8777 “(3) “Human trafficking offense” means:

8778 “(A) First degree kidnapping (§ 22A-2401(a)(3)(E)); forced labor (§ 22A-
8779 2601); forced commercial sex (§ 22A-2602); trafficking in labor (§ 22A-2603); trafficking in

8780 forced commercial sex (§ 22A-2604); trafficking in commercial sex (§ 22A-5403); sex trafficking
8781 of a minor or adult incapable of consenting (§ 22A-2605); benefiting from human trafficking (§
8782 22A-2606); misuse of documents in furtherance of human trafficking (§ 22A-2607); commercial
8783 sex with a trafficked person (§ 22A-2608); creating or trafficking an obscene image of a minor (§
8784 22A-2807); possession of obscene image of a minor (§ 22A-2808); arranging a live sexual
8785 performance of a minor (§ 22A-2809); attending or viewing a live sexual performance of a minor
8786 (§ 22A-2810); or trafficking in commercial sex (§ 22A-5403); or

8787 “(B) Abducting or enticing a child from his or her home for purposes of
8788 prostitution (former § 22-2704); harboring such child (former § 22-2704); pandering (former § 22-
8789 2705); inducing or compelling an individual to engage in prostitution (former § 22-2705);
8790 compelling an individual to live life of prostitution against his or her will (former § 22-2706);
8791 causing spouse to live in prostitution (former § 22-2708); sexual performance using minors (former
8792 § 22-3102); forced labor (former § 22-1832); trafficking in labor or commercial sex (former § 22-
8793 1833); sex trafficking of children (former § 22-1834); unlawful conduct with respect to documents
8794 in furtherance of human trafficking (former § 22-1835; or benefiting financially from human
8795 trafficking(former § 22-1836).”.

8796 (c) Section 14-312 is amended as follows:

8797 (1) Subsection (a)(5) is amended to read as follows:

8798 “(5) “Sexual assault” shall have the same meaning as provided in § 23-1907(9).”.

8799 (2) Subsection (b)(5)(B) is amended to read as follows:

8800 “(B) A perpetrator or alleged perpetrator who is in a position of trust with
8801 or authority over, as defined in D.C. Official Code § 22A-101, the sexual assault victim, or, if the
8802 confidential communication was made prior to the applicability date of the Revised Criminal Code
8803 Reform Act of 2022, as approved by the Committee on the Judiciary and Public Safety on October
8804 26, 2022 (Committee print of Bill 24-416), in a significant relationship, as that term was defined
8805 in former § 22-3001(10), with the sexual assault victim; or”.

8806 Sec. 435. Title 16 of the District of Columbia Official Code is amended as follows:

8807 (a) Section 16-710(c) is amended by striking the phrase “the provisions of section 907A of
8808 An Act To establish a code of law for the District of Columbia, approved July 29, 1970 (84 Stat.
8809 599; D.C. Code, sec. 22-104a)” and inserting the phrase “the provisions of D.C. Official Code §
8810 22A-606 or section 907A of An Act To establish a code of law for the District of Columbia,
8811 approved July 29, 1970 (84 Stat. 599; D.C. Code, sec. 22-104a)” in its place.

8812 (b) Section 16-801(9) is amended as follows:

8813 “(9) “Ineligible misdemeanor” means:

8814 “(A) An intrafamily offense, as that term is defined in § 16-1001(8);

8815 “(B) Driving while intoxicated, driving under the influence, and operating
8816 while impaired (§ 50-2201.05);

8817 “(C) A misdemeanor offense for which sex offender registration is required
8818 pursuant to Chapter 40 of Title 22, whether or not the registration period has expired;

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8819 “(D) Second or third degree criminal neglect of a vulnerable adult or elderly
8820 person (§ 22A-2504), or criminal abuse of a vulnerable adult (former § 22-936(a));
8821 “(E) Interfering with access to a medical facility (§ 22-1314.02);
8822 “(F) Second degree possession of a firearm by an unauthorized person (§
8823 22A-5107) or possession of a pistol by a convicted felon (former § 22-4503(a)(2));
8824 “(G) Failure to report child abuse (§ 4-1321.07);
8825 “(H) Second or third degree criminal neglect of a minor (§ 22A-2502) or
8826 refusal or neglect of guardian to provide for child under 14 years of age (former § 22-1102);
8827 “(I) Breach of home privacy (§ 22A-5205);
8828 “(J) Nonconsensual sexual conduct (§ 22A-2307) or misdemeanor sexual
8829 abuse (former § 22-3006);
8830 “(K) Violating the Sex Offender Registration Act (§ 22-4015);
8831 “(L) Violating child labor laws (§§ 32-201 through 32-224);
8832 “(M) Election/Petition fraud (§ 1-1001.08);
8833 “(N) Public assistance fraud (§§ 4-218.01 through 4-218.05);
8834 “(O) Trademark counterfeiting (§ 22A-3310) or trademark counterfeiting
8835 (former § 22-902(b)(1));
8836 “(P) Fourth or fifth degree fraud (§§ 22A-3301(d), 22A-3301(e)) or fraud
8837 in the second degree (former § 22-3222(b)(2));

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- 8838 “(Q) Fourth or fifth degree payment card fraud (§ 22A-3302(d), 22A-
8839 3302(e)) or credit card fraud (former § 22-3223(d)(2));
- 8840 “(R) Misdemeanor insurance fraud (§ 22-3225.03a);
- 8841 “(S) Attempted insurance fraud (§§ 22-1803, 22-3225.02, 22-3225.03);
- 8842 “(T) Telephone fraud (§§ 22-3226.06, 22-3226.10(3));
- 8843 “(U) Attempted telephone fraud (§§ 22-1803, 22-3226.06, 22-3226.10);
- 8844 “(V) Fourth or fifth degree identity theft (§ 22A-3305) or second degree
8845 identity theft (former §§ 22-3227.02 and 22-3227.03(b));
- 8846 “(W) Fraudulent statements or failure to make statements to employee (§
8847 47-4104);
- 8848 “(X) Fraudulent withholding information or failure to supply information to
8849 employer (§ 47-4105);
- 8850 “(Y) Fraud and false statements (§ 47-4106);
- 8851 “(Z) False statement/dealer certificate (§ 50-1501.04(a)(3));
- 8852 “(AA) False information/registration (§ 50-1501.04(a)(3));
- 8853 “(BB) No school bus driver's license (18 DCMR § 1305.1);
- 8854 “(CC) False statement on Department of Motor Vehicles document (18
8855 DCMR § 1104.1);
- 8856 “(DD) No permit--2nd or greater offense (§ 50-1401.01(d));
- 8857 “(EE) Altered title (18 DCMR § 1104.3);

8858 “(FF) Altered registration (18 DCMR § 1104.4);
8859 “(GG) No commercial driver's license (§ 50-405);
8860 “(HH) A violation of building and housing code regulations;
8861 “(II) A violation of the Public Utility Commission regulations; and
8862 “(JJ) Attempt or conspiracy to commit any of the foregoing offenses (§§ 22-
8863 1803, 22-1805a, 22A-301, 22A-303).”.

8864 (c) Section 16-1003 is amended as follows:

8865 (1) Subsection (a) is amended as follows:

8866 (A) Paragraph (3) is amended by striking the phrase “§ 22–1833” and
8867 inserting the phrase “§§ 22A-2603 and 22A-2604” in its place.

8868 (B) Paragraph (4) is amended by striking the phrase “§ 22–1834” and
8869 inserting the phrase “§ 22A-2605” in its place.

8870 (2) Subsection (b) is amended as follows:

8871 (A) Paragraph (2) is amended by striking the phrase “does not have a
8872 significant relationship, as that term is defined in § 22-3001(10),”and inserting the phrase “is not
8873 in a position of trust with or authority over, as that term is defined in § 22A-101,” in its place.

8874 (B) Paragraph (3) is amended by striking the phrase “§ 22–1834” and
8875 inserting the phrase “§ 22A-2605” in its place.

8876 (d) Section 16-1005 is amended as follows:

8877 (1) Subsection (f) is repealed.

8878 (2) Subsection (g) is repealed.

8879 (e) Section 16-1042(b) is amended by striking the phrase “under § 16-1005(f) or (g)” and
8880 inserting the phrase “under § 16-1005a or former § 16-1005(f) of (g)” in its place.

8881 (f) Section 16-1061(7) is amended by striking the phrase “§ 22-3133” and inserting the
8882 phrase “§§ 22A-2801 and § 22A-2802” in its place.

8883 (g) Section 16-2301 is amended as follows:

8884 (1) Paragraph (3)(A) is amended by striking the phrase “murder, first degree sexual
8885 abuse, burglary in the first degree, robbery while armed, or assault with intent to commit any such
8886 offense” and inserting the phrase “murder under 22A-2101, first degree sexual assault under 22A-
8887 2301, burglary in the first degree under 22A-2801, robbery under 22A-2201 committed by
8888 displaying or using, what, in fact, is a dangerous weapon or imitation dangerous weapon, as
8889 defined in 22A-101, an attempt, under 22A-301, to commit any such offense where the attempt
8890 includes an assault, attempted assault, or act threatening immediate bodily injury, or the offenses
8891 formerly known as assault with intent to kill, first degree sexual abuse, or robbery while armed;”
8892 in its place.

8893 (2) Paragraph (23)(B)(i)(VI) is amended by striking the phrase “means a firearm, a
8894 knife, or any of the prohibited weapons described in § 22-4514” and inserting the phrase “shall
8895 have the same meaning as provided in § 22A-101” in its place.

8896 (3) Paragraph (25) is amended to read as follows:

8897 “(25) The term “sexual exploitation” means a parent, guardian, or other custodian:

8898 “(A) Allows a child to engage in conduct constituting prostitution as
8899 described in § 22A-5401; or

8900 “(B) Engages a child in or allows a child to engage in conduct constituting:

8901 “(i) Creating or trafficking an obscene image of a minor (§ 22A-
8902 2807);

8903 “(ii) Possession of an obscene image of a minor (§ 22A-2808);

8904 “(iii) Arranging a live sexual performance of a minor (§ 22A-2809);

8905 or

8906 “(iv) Attending or viewing a live sexual performance of a minor (§
8907 22A-2810).”

8908 (4) Paragraph (34) is amended by striking the phrase “section 101(8) of the Anti-
8909 Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-
8910 3001(8))” and inserting the phrase “§ 22A-101” in its place.

8911 (5) Paragraph (35) is amended by striking the phrase “section 101(9) of the Anti-
8912 Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-
8913 3001(9))” and inserting the phrase “§ 22A-101” in its place.

8914 (6) Paragraph (46) is amended by striking the phrase “shall have the same meaning
8915 as provided in § 22-2603.01(6)” and inserting the phrase “means any penitentiary, prison, jail, or
8916 secure facility owned, operated, or under the control of the Department of Corrections, whether
8917 located within the District of Columbia or elsewhere” in its place.

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8918 (h) Section 16-2305.02(a)(2) is amended by striking the phrase “as defined in section 1(f)
8919 of An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons
8920 in the District of Columbia, to provide penalties to prescribe rules of evidence, and for other
8921 purposes, approved July 8, 1932 (47 Stat. 650; D.C. Code § 22-3201(f)),” and inserting the phrase
8922 “, as defined in § 23-1331(4),” in its place.

8923 (i) Section 16-2307(e-2)(1) is amended by striking the phrase “murder, first degree sexual
8924 abuse, burglary in the first degree, robbery while armed, or assault with intent to commit any such
8925 offense” and inserting the phrase “murder under 22A-2101, first degree sexual assault under 22A-
8926 2301, burglary in the first degree under 22A-2801, robbery under 22A-2201 committed by
8927 displaying or using, what, in fact, is a dangerous weapon or imitation dangerous weapon, as
8928 defined in 22A-101, an attempt, under 22A-301, to commit any such offense where the attempt
8929 includes an assault, attempted assault, or act threatening immediate bodily injury, or the offenses
8930 formerly known as assault with intent to kill, first degree sexual abuse, or robbery while armed”
8931 in its place.

8932 (j) Section 16-2309(a)(3) is amended by striking the phrase “, as defined in section 101(8)
8933 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official
8934 Code § 22-3001(8)), or sexual contact, as defined in section 101(9) of the Anti-Sexual Abuse Act
8935 of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3001(9))” and
8936 inserting the phrase “or sexual contact, as those terms are defined in § 22A-101” in its place.

8937 (k) Section 16-2310 is amended as follows:

8938 (1) Subsection (a-1) is amended as follows:

8939 (A) Paragraph (1) is amended as follows:

8940 (i) Subparagraph (A) is amended by striking the phrase “while
8941 armed with or having readily available a pistol, firearm, or imitation firearm” and inserting the
8942 phrase “by using or displaying what is, in fact, a pistol, firearm, or imitation firearm as defined in
8943 § 22A-101” in its place.

8944 (ii) Paragraph (B) is amended by striking the phrase “CPWL,
8945 carrying a pistol without a license” and inserting the phrase “first or second degree carrying a
8946 dangerous weapon under § 22A-5104 or carrying a pistol without a license under former § 22-
8947 4504” in its place.

8948 (B) Paragraph (2)(A) is amended by striking the phrase “Chapter 27 of Title
8949 22 (Prostitution, Pandering)” and inserting the phrase “Subchapter IV of Chapter 5 of Title 22A,
8950 § 22A-2401(a)(3)(E)); § 22A-2602, § 22A-2605, § 22A-5403, or former Chapter 27 of Title 22”
8951 in its place.

8952 (2) Subsection (e) is amended as follows:

8953 (A) Paragraph (1)(B) is amended by striking the phrase “murder, assault
8954 with intent to kill, first degree sexual abuse, burglary in the first degree, or robbery while armed”
8955 and inserting the phrase “murder under 22A-2101, an attempt, under 22A-301, to commit either
8956 murder under 22A-2101 or voluntary manslaughter under 22A-2102, first degree sexual assault
8957 under 22A-2301, burglary in the first degree under 22A-2801, or robbery under 22A-2201

8958 committed by displaying or using, what, in fact, is a dangerous weapon or imitation dangerous
8959 weapon, as defined in 22A-101, or the offenses formerly known as assault with intent to kill, first
8960 degree sexual abuse, or robbery while armed;” in its place.

8961 (B) Paragraph (2)(B)(i) is amended by striking the phrase “murder, assault
8962 with intent to kill, or first degree sexual abuse” and inserting the phrase “murder, attempted
8963 voluntary manslaughter, first degree sexual assault, assault with intent to kill under former D.C.
8964 Code § 22-401, or first degree sexual abuse under former Chapter 30 of Title 22” in its place.

8965 (l) Section 16-2311(a)(4) is amended by striking the phrase “, as defined in section 101(8)
8966 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official
8967 Code § 22-3001(8)), or sexual contact, as defined in section 101(9) of the Anti-Sexual Abuse Act
8968 of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3001(9))” and
8969 inserting the phrase “or sexual contact, as those terms are defined in § 22A-101” in its place.

8970 (m) Section 16-2320(d)(1) is amended by striking the phrase “as defined in § 22-
8971 2603.01(7)” and inserting the phrase “which means a locked residential facility providing custody,
8972 supervision, and care for one or more juveniles that is owned, operated, or under the control of the
8973 Department of Youth Rehabilitation Services, excluding residential treatment facilities and
8974 accredited hospitals” in its place.

8975 (n) Section 16-2331(h)(1)(D) is amended to read as follows:

8976 “(D) Theft in the first, second, or third degree under § 22A-3202 where the
8977 property obtained or used is a motor vehicle (as defined in § 22A-101), or theft in the first degree

8978 under former § 22-3211 where the property obtained or used is a motor vehicle (as defined in
8979 former § 22-3215(a));”.

8980 (o) Section 16-2332(g)(1)(D) is amended to read as follows:

8981 “(D) Theft in the first, second, or third degree under § 22A-3202, where the
8982 property obtained or used is a motor vehicle (as defined in § 22A-101), or theft in the first degree
8983 under former section 22-3211, where the property obtained or used is a motor vehicle (as defined
8984 in former § 22-3215(a));”.

8985 (p) Section 16-2333(e)(3) is amended to read as follows:

8986 “(3) The information shall be available only regarding:

8987 “(A) A juvenile who has been adjudicated delinquent of a crime of violence
8988 (as defined in section 23-1331(4)), any felony offense under Subchapter I of Chapter 5 of Title
8989 22A (weapons offenses and related provisions), any felony offense under former Chapter 45 of
8990 Title 22 (weapons), or any felony offense under Chapter 25 of Title 7 (Firearms Control);

8991 “(B) A juvenile who has been adjudicated delinquent 2 or more times of:

8992 “(i) A dangerous crime (as defined in section 23-1331(3)) that is not
8993 included in subparagraph (A) of this paragraph;

8994 “(ii) Unauthorized use of a vehicle;

8995 “(iii) Theft in the first, second, or third degree (as proscribed in §
8996 22A-3201(a)-(c)), where the property obtained or used is a motor vehicle, or theft in the first degree

8997 (as proscribed in former § 22–3212(a)), where the property obtained or used is a motor vehicle (as
8998 defined in § 22A-101);

8999 “(iv) Third degree assault (as proscribed in § 22A-2203) or assault
9000 as proscribed in former § 22–404(a)(2)); or

9001 “(v) Any combination thereof; and

9002 “(C) An adult offender (including a juvenile tried as an adult under this
9003 chapter) convicted of a felony, or of misdemeanor assault, offensive physical contact, or first
9004 degree or second degree criminal threats; provided, that no more than 3 years have lapsed between
9005 the completion of his or her juvenile sentence and the adult conviction.”.

9006 (q) Section 16-2333.02 is amended as follows:

9007 (1) Subsection (b)(2)(A) is amended by striking the phrase “assault with intent to
9008 kill, or assault with a deadly weapon (firearm)” and inserting the phrase “attempted murder or
9009 voluntary manslaughter, assault with intent to kill, criminal threats committed by using or
9010 displaying a firearm, or assault with a deadly weapon (firearm)” in its place.

9011 (2) Subsection (b)(2)(C) is amended by striking the phrase “assault with intent to
9012 kill, or assault with a deadly weapon” and inserting the phrase “attempted murder or voluntary
9013 manslaughter, assault with intent to kill, criminal threats committed by using or displaying a
9014 firearm, or assault with a deadly weapon (firearm)” in its place.

9015 (3) Subsection (d)(3)(A) is amended by striking the phrase “assault with intent to
9016 kill, or assault with a deadly weapon” and inserting the phrase “attempted murder or voluntary

9017 manslaughter, assault with intent to kill, criminal threats committed by using or displaying a
9018 firearm, or assault with a deadly weapon (firearm)” in its place.

9019 (r) Section 16-4205(a)(3) is amended to read as follows:

9020 “(3) A threat or statement of a plan to inflict bodily injury as defined by § 22A-
9021 2205(a)-(b), or commit a crime of violence as defined by § 23-1331(4).”.

9022 (s) Section 16-4901(b) is amended by striking the phrase “§§ 22-3241 and 22-3242” and
9023 inserting the phrase “§ 22A-3304” in its place.

9024 (t) Section 16-5501(4) is amended by striking the phrase “§ 22-3227.01(3)” and inserting
9025 the phrase “§ 22A-101” in its place.

9026 Sec. 436. Section 20-108.01(c) of the District of Columbia Official Code is amended by
9027 striking the phrase “section 122 of the District of Columbia Theft and White Collar Crimes Act of
9028 1982, effective December 1, 1982 (D.C. Law 4-164; § 22-3822)” and inserting the phrase “D.C.
9029 Official Code § 22A-3301” in its place.

9030 Sec. 437. Title I of the Omnibus Public Safety Amendment Act of 2006, effective April
9031 24, 2007 (D.C. Law 16-306; D.C. Official Code *passim*), is amended as follows:

9032 (a) Section 101(e)(2) (D.C. Official Code § 22-951(e)(2)) is amended to read as follows:

9033 “(2) “Violent misdemeanor” means:

9034 “(A) Fourth degree assault (D.C. Official Code § 22A-2203(d));

9035 “(B) Second degree criminal threats (D.C. Official Code § 22A-2205(b));

9036 “(C) Offensive physical contact (D.C. Official Code § 22A-2206);

9037 “(D) Second degree or third degree criminal neglect of a vulnerable adult or
9038 elderly person (D.C. Official Code § 22A-2504(b)-(c));

9039 “(E) Stalking or electronic stalking (D.C. Official Code § 22A-2801 or §
9040 22A-2802);

9041 “(F) Fourth degree or fifth degree criminal damage to property (D.C.
9042 Official Code § 22A-3603(d)-(e));

9043 “(G) Second degree possession of a dangerous weapon with intent to
9044 commit a crime (D.C. Official Code § 22A-5105(b)); and

9045 “(H) Cruelty to animals (section 1(a) of Chapter 106 of the Acts of the
9046 Legislative Assembly, adopted August 23, 1871 (D.C. Official Code § 22-1001(a)).”.

9047 (b) Section 102 (D.C. Official Code § 22-3611) is amended as follows:

9048 (1) Subsection (a) is amended by striking the phrase “a crime of violence” and
9049 inserting the phrase “gang recruitment, participation, or retention by the use or threatened use of
9050 force, coercion, or intimidation in violation of section 101” in its place.

9051 (2) Subsection (c)(2) is repealed.

9052 (3) A new subsection (d) is added to read as follows:

9053 “(d) The penalty provisions under this section shall not apply to any offense classified
9054 under D.C. Official Code § 22A-601.”.

9055 Sec. 438. Section 11(b) of Chapter 106 of the Acts of the Legislative Assembly, adopted
9056 August 23, 1871 (D.C. Official Code § 22-1012(b)), is amended by striking the phrase “and section

9057 3 of An act for the preservation of the public peace and protection of property within the District
9058 of Columbia, approved July 29, 1892 (27 Stat. 322; D.C. Official Code § 22-1309), shall” and
9059 inserting the word “shall” in its place.

9060 Sec. 439. Section 1 of An Act To prevent the giving of false alarms of fires in the District
9061 of Columbia, approved June 8, 1906 (34 Stat. 220; D.C. Official Code § 22–1319), is amended as
9062 follows:

9063 (a) Subsection (b) is amended as follows:

9064 (1) Paragraph (1) is amended by striking the phrase “section 102(12) of the Anti-
9065 Terrorism Act of 2002, passed on 2nd reading on May 7, 2002 (Enrolled version of Bill 14-373)”
9066 and inserting the phrase “D.C. Official Code § 22A-101” in its place.

9067 (2) Paragraph (2) is amended is by striking the phrase “section 102(3) of the Anti-
9068 Terrorism Act of 2002, passed on 2nd reading on May 7, 2002 (Enrolled version of Bill 14-373)”
9069 and inserting the phrase “D.C. Official Code § 22A-101” in its place.

9070 (b) Subsection (c) is amended as follows:

9071 (1) Paragraph (1) is amended by striking the phrase “section 102(12) of the Anti-
9072 Terrorism Act of 2002, passed on 2nd reading on May 7, 2002 (Enrolled version of Bill 14-373)”
9073 and inserting the phrase “D.C. Official Code § 22A-101” in its place.

9074 (2) Paragraph (2) is amended by striking the phrase “section 102(3) of the Anti-
9075 Terrorism Act of 2002, passed on 2nd reading on May 7, 2002 (Enrolled version of Bill 14-373)”
9076 and inserting the phrase “D.C. Official Code § 22A-101” in its place.

9077 (c) Subsection (d) is amended as follows:

9078 (1) Paragraph (1) is amended by striking the phrase “section 102(12) of the Anti-
9079 Terrorism Act of 2002, passed on 2nd reading on May 7, 2002 (Enrolled version of Bill 14-373)”
9080 and inserting the phrase “D.C. Official Code § 22A-101” in its place.

9081 (2) Paragraph (2) is amended by striking the phrase “section 102(3) of the Anti-
9082 Terrorism Act of 2002, passed on 2nd reading on May 7, 2002 (Enrolled version of Bill 14-373)”
9083 and inserting the phrase “D.C. Official Code § 22A-101” in its place.

9084 Sec. 440. An Act To establish a code of law for the District of Columbia, approved March
9085 3, 1901 (31 Stat. 1189; D.C. Official Code *passim*), is amended as follows:

9086 (a) Section 906 (D.C. Official Code § 22-1803) is amended by striking the phrase “or both.”
9087 and inserting the phrase “or both. This section shall not apply to any offense classified under D.C.
9088 Official Code § 22A-601.” in its place.

9089 (b) Section 907 (D.C. Official Code § 22-1804) is amended by adding a new subsection (c)
9090 to read as follows:

9091 “(c) This section shall not apply to any offense classified under D.C. Official Code § 22A-
9092 601.”.

9093 (c) Section 907a (D.C. Official Code § 22-1804a) is amended as follows:

9094 (1) Subsection (a)(2) is amended by striking the phrase “section 1 of An Act To
9095 control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District
9096 of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved

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9097 July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4501)” and inserting the phrase “D.C. Official
9098 Code § 22-1331(4)” in its place.

9099 (2) Subsection (b)(2) is amended by striking the phrase “section 1 of An Act To
9100 control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District
9101 of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved
9102 July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4501)” and inserting the phrase “D.C. Official
9103 Code § 22-1331(4)” in its place.

9104 (3) A new subsection (f) is added to read as follows:

9105 “(f) This section shall not apply to any offense classified under D.C. Official Code § 22A-
9106 601.”.

9107 (d) Section 908 (D.C. Official Code § 22-1805) is amended by striking the phrase
9108 “punishment may be.” and inserting the phrase “punishment may be. This section shall not apply
9109 to any offense classified under D.C. Official Code § 22A-601.” in its place.

9110 (e) Section 908A (D.C. Official Code § 22-1805a) is amended by adding a new subsection
9111 (e) to read as follows:

9112 “(e) This section shall not apply to any offense classified under D.C. Official Code § 22A-
9113 601.”.

9114 Sec. 441. Title I the Prohibition Against Human Trafficking Amendment Act of 2010,
9115 effective October 23, 2010 (D.C. Law 18-239; D.C. Official Code § 22-1831 *et seq.*), is amended
9116 as follows:

9117 (a) Section 101 (D.C. Official Code § 22-1831) is amended as follows:

9118 (1) Paragraph (4) is amended to read as follows:

9119 “(4) “Commercial sex act” means any sexual act or sexual contact on account of
9120 which or for which anything of value is given to, promised to, or received by any person. The term
9121 “commercial sex act” includes a violation of D.C. Official Code §§ 22A-2402(a)(3)(E), 22A-2602,
9122 22A-2605, 22A-2613, 22A-5401, 22A-5402, and 22A-5403, the Drug-Related Nuisance
9123 Abatement Act of 1998, effective March 26, 1999 (D.C. Law 12-194; D.C. Official Code § 42-
9124 3101 *et seq.*), former section 1 of An Act For the suppression of prostitution in the District of
9125 Columbia, approved August 15, 1935 (49 Stat. 651; D.C. Official Code § 22–2701 *et seq.*), former
9126 section 813 of An Act To establish a code of law for the District of Columbia, approved March 3,
9127 1901 (31 Stat. 1322; D.C. Official Code § 22–2704), former An Act In relation to pandering, to
9128 define and prohibit the same and to provide for the punishment thereof, approved June 25, 1910
9129 (36 Stat. 833; D.C. Official Code § 22–2705 *et seq.*), former An Act To enjoin and abate houses
9130 of lewdness, assignation, and prostitution; to declare the same to be nuisances; to enjoin the person
9131 or persons who conduct or maintain the same and the owner or agent of any building used for such
9132 purpose; and to assess a tax against the person maintaining said nuisance and against the building
9133 and owner thereof, approved February 7, 1914 (38 Stat. 280; D.C. Official Code § 22–2713 *et*
9134 *seq.*), and former section 1 of An Act To confer concurrent jurisdiction on the police court of the
9135 District of Columbia in certain cases, approved July 16, 1912 (37 Stat. 192; D.C. Official Code §
9136 22–2722).”.

9137 (2) Paragraph (5B)) is amended to read as follows:

9138 “(5B) “Ineligible offense” means:

9139 “(A) Murder under D.C. Official Code § 22A-2101, criminal solicitation to
9140 commit murder under D.C. Official Code § 22A-302, murder in the first degree under former
9141 section 798 of An Act To establish a code of law for the District of Columbia, approved March 3,
9142 1901 (31 Stat. 1321; D.C. Official Code § 22–2101), murder in the first degree —Placing
9143 obstructions upon or displacement of railroads under former section 799 of An Act To establish a
9144 code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official
9145 Code § 22–2102), murder in the second degree under former section 800 of An Act To establish a
9146 code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official
9147 Code § 22–2103), murder of law enforcement officer under former section 802a of An Act To
9148 establish a code of law for the District of Columbia, effective May 23, 1995 (D.C. Law 10–256;
9149 D.C. Official Code § 22–2106), or solicitation of murder under former section 802b(a) of An Act
9150 To establish a code of law for the District of Columbia, effective April 24, 2007 (D.C. Law 16–
9151 306; D.C. Official Code § 22–2107(a));

9152 “(B) Carjacking under D.C. Official Code § 22A-2202 that is committed by
9153 displaying or using what, in fact, is a dangerous weapon or imitation dangerous weapon or armed
9154 carjacking under former section 854(b)(1) of An Act To establish a code of law for the District of
9155 Columbia, effective May 8, 1993 (D.C. Law 9–270; D.C. Official Code 22–2803(b)(1));

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9156 “(C) First degree sexual assault under D.C. Official Code § 22A-2301 or
9157 first degree sexual abuse under former section 201 of the Anti-Sexual Abuse Act of 1994, effective
9158 May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3002);

9159 “(D) First, second, or third degree sexual abuse of a minor under D.C.
9160 Official Code § 22A-2302, first degree child sexual abuse under former section 207 of the Anti-
9161 Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-
9162 3008), or first degree sexual abuse of a minor under former section 208a of the Anti-Sexual Abuse
9163 Act of 1994, effective April 24, 2007 (D.C. Law 16-306; D.C. Official Code § 22-3009.01);

9164 “(E) First degree sexual abuse by exploitation under D.C. Official Code §
9165 22A-2303, first degree sexual abuse of a secondary education student under former section 208c
9166 of the Anti-Sexual Abuse Act of 1994, effective October 23, 2010 (D.C. Law 18-239; D.C.
9167 Official Code § 22-3009.03), first degree sexual abuse of a ward, patient, client, or prisoner under
9168 former section 212 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-
9169 257; D.C. Official Code § 22-3013), first degree sexual abuse of a patient or client under former
9170 section 214 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257;
9171 D.C. Official Code § 22-3015);

9172 “(F) Sex trafficking of a minor or adult incapable of consenting under D.C.
9173 Official Code § 22A-2605 or sex trafficking of children under former section 104;

9174 “(G) An act of terrorism under D.C. Official Code § 22A-2707 or former
9175 section 103 of the Omnibus Anti-Terrorism Act of 2002, effective October 17, 2002 (D.C. Law
9176 14-194; D.C. Official Code § 22-3153);

9177 “(H) Material support for an act of terrorism under D.C. Official Code §
9178 22A-2702, provision of material support or resources for an act of terrorism under former section
9179 103(m) of the Omnibus Anti-Terrorism Act of 2002, effective October 17, 2002 (D.C. Law 14-
9180 194; D.C. Official Code § 22-3153(m)); or solicitation of material support or resources to commit
9181 an act of terrorism under former section 103(n) of the Omnibus Anti-Terrorism Act of 2002,
9182 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 22-3153(n));

9183 “(I) Manufacture or possession of a weapon of mass destruction under D.C.
9184 Official Code § 22A-2703, or manufacture or possession of a weapon of mass destruction under
9185 former section 104 of the Omnibus Anti-Terrorism Act of 2002, effective October 17, 2002 (D.C.
9186 Law 14-194; D.C. Official Code § 22-3154);

9187 “(J) Use, dissemination, or detonation of a weapon of mass destruction
9188 under D.C. Official Code § 22A-2704, or use, dissemination, or detonation of a weapon of mass
9189 destruction under former section 105 of the Omnibus Anti-Terrorism Act of 2002, effective
9190 October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 22-3155);

9191 “(K) Former assault with intent to kill or poison, or to commit first degree
9192 sexual abuse, second degree sexual abuse, or child sexual abuse, under former section 803 of An
9193 Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat.

9194 1321; D.C. Official Code § 22–401 ("former Section 803"); provided, that assault with intent to
9195 rob under former Section 803 shall constitute an eligible offense;

9196 “(L) Attempted manslaughter under D.C. Official Code §§ 22A-301 and
9197 22A-2102, attempted second degree sexual assault under D.C. Official Code §§ 22A-301 and 22A-
9198 2301, or attempted fourth degree or fifth degree sexual abuse of a minor under D.C. Official Code
9199 §§ 22A-301 and 22A-2302; or

9200 “(M) Attempt or conspiracy to commit any of the offenses listed in
9201 subparagraphs (A) – (K) of this paragraph, except conspiracy to commit sex trafficking of a minor
9202 or adult incapable of consenting under D.C. Official Code § 22A-2605 or sex trafficking of
9203 children under former section 104.”

9204 (3) Paragraph (9) is amended by striking the phrase “section 101(8)” and inserting
9205 the phrase “D.C. Official Code § 22A-101” in its place.

9206 (4) Paragraph (10) is amended by striking the phrase “section 101(9)” and inserting
9207 the phrase “D.C. Official Code § 22A-101” in its place.

9208 (5) Paragraph (12) is amended to read as follows:

9209 “(12) “Victim of trafficking” means:

9210 “(A) A person against whom the following offenses were committed:

9211 “(i) Forced labor under D.C. Official Code § 22A-2601, or under
9212 former section 102;

9213 “(ii) Forced commercial sex under D.C. Official Code § 22A-2602;

9214 “(iii) Trafficking in labor under D.C. Official Code § 22A-2603,
9215 trafficking in forced commercial sex under D.C. Official Code § 22A-2604, or trafficking in labor
9216 or commercial sex acts under former section 103; or

9217 “(iv) Sex trafficking of a minor or adult of incapable of consenting
9218 under D.C. Official Code § 22A-2605, or sex trafficking of children under former section 104; or

9219 “(B) A person who has been subject to an act or practice described in section
9220 103(11) or (12) of the Trafficking Victims Protection Act of 2000, approved October 28, 2000
9221 (114 Stat. 1469; 22 U.S.C. § 7102(11) or (12)).”.

9222 (b) Section 111(a) (D.C. Official Code § 22-1841(a)) is amended as follows:

9223 (1) Paragraph (1)(A) is amended to read as follows:

9224 “(A) Any person who attempts to recruit, entice, house, harbor, transport,
9225 provide, obtain, or maintain, or successfully recruits, entices, houses, harbors, transports, provides,
9226 obtains, or maintains, by any means, another person, intending or knowing that the person will be
9227 subjected to forced labor or forced commercial sex; and”.

9228 (2) Paragraph (2) is amended to read as follows:

9229 “(2) “Human trafficking-related crimes” means any violation of Subchapter VI of
9230 Chapter 2 of Title 22A; trafficking in commercial sex under D.C. Official Code § 22A-5403;
9231 creating or trafficking an obscene image of a minor under D.C. Official Code § 22A-2807;
9232 possession of an obscene image of a minor under D.C. Official Code § 22A-2808; arranging a live
9233 sexual performance of a minor under D.C. Official Code § 22A-2809; attending or viewing a live

9234 sexual performance of a minor under D.C. Official Code § 22A-2810; former offenses of pimping,
9235 pandering, procuring, operating a house of prostitution, keeping a bawdy or disorderly house, and
9236 possessing a sexual performance by a minor; visa fraud; document fraud; assisting in unlawful
9237 entry into the United States; and any violation of former sections 102, 103, 104, 105, and 106 of
9238 the Prohibition Against Human Trafficking Amendment Act of 2010, effective October 23, 2010
9239 (D.C. Law 18-239; D.C. Official Code §§ 22-1832, 22-1833, 22-1834, 22-1835, and 22-1836).”.

9240 (c) Section 113(a)(4) (D.C. Official Code § 22-1843(a)(4)) is amended by striking the
9241 phrase “the Prohibition Against Human Trafficking Amendment Act of 2010, effective October
9242 23, 2010 (D.C. Law 18–239; D.C. Official Code § 22–1831 *et seq.*)” and inserting the phrase
9243 “Subchapter VI of Chapter II or Title 22A or former the Prohibition Against Human Trafficking
9244 Amendment Act of 2010, effective October 23, 2010 (D.C. Law 18–239; D.C. Official Code § 22–
9245 1831 *et seq.*),” in its place.

9246 Sec. 442. Title I of the District of Columbia Theft and White Collar Crimes Act of 1982,
9247 effective April 27, 1999 (D.C. Law 12–273; D.C. Code § 22–3201 *et seq.*), is amended as follows:

9248 (a) Section 125e(c) (D.C. Official Code § 22-3225.05(c)) is amended by striking the phrase
9249 “Corporation Counsel” and inserting the phrase “Attorney General for the District of Columbia”
9250 in its place.

9251 (b) Section 126a(8) (D.C. Official Code § 22-3226.01(8)) is amended by striking the word
9252 “himself” and inserting the word “themselves” in its place.

9253 Sec. 443. Section 102(c) of The Criminal Fine Proportionality Amendment Act of 2012,
9254 effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.02(c)), is amended to
9255 read as follows:

9256 “(c) This act shall not apply to any provisions of Title 11 of the District of Columbia
9257 Official Code or to any offenses classified under D.C. Official Code § 22A-601.”.

9258 Sec. 444. The Bias-Related Crime Act of 1989, effective May 8, 1990 (D.C. Law 8-121;
9259 D.C. Official Code § 22-3701 *et seq.*), is amended as follows:

9260 (a) Section 2(2) (D.C. Official Code § 22-3701(2)) is amended by striking the phrase
9261 “criminal act, including arson, assault, burglary, injury to property, kidnapping, manslaughter,
9262 murder, rape, robbery, theft, or unlawful entry, and attempting, aiding, abetting, advising, inciting,
9263 conniving, or conspiring to commit arson, assault, burglary, injury to property, kidnapping,
9264 manslaughter, murder, rape, robbery, theft, or unlawful entry” and inserting the phrase “criminal
9265 act” in its place.

9266 (b) Section 4 (D.C. Official Code § 22-3703) is amended as follows:

9267 (1) The existing text is designated as subsection (a).

9268 (2) A new subsection (b) is added to read as follows:

9269 “(b) This section shall not apply to any offense classified under D.C. Official Code 22A-
9270 601.”.

9271 Sec. 445. An Act To provide for the treatment of sexual psychopaths in the District of
9272 Columbia, and for other purposes, approved June 9, 1948 (62 Stat. 347; D.C. Official Code § 22–
9273 3803 *et seq.*), is repealed.

9274 Sec. 446. The Sex Offender Registration Act of 1999, effective July 11, 2000 (D.C. Law
9275 13–137; D.C. Official Code § 22–4001 *et seq.*), is amended as follows:

9276 (a) Section 2 (D.C. Official Code § 22–4001) is amended as follows:

9277 (1) Paragraph (6) is amended to read as follows:

9278 “(6) “Lifetime registration offense” means:

9279 “(A) First degree or second degree sexual assault as proscribed by D.C.
9280 Official Code § 22A-2301; first or second degree sexual abuse as those offenses were proscribed
9281 by former section 201 or 202 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C.
9282 Law 10–257; D.C. Official Code § 22–3002 or § 22–3003); forcible rape as that offense was
9283 proscribed by former section 808 of An Act To establish a code of law for the District of Columbia,
9284 approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22–4801); or sodomy, as that offense
9285 was proscribed by former section 104(a) of An Act To provide for the treatment of sexual
9286 psychopaths in the District of Columbia, and for other purposes, approved June 9, 1948 (62 Stat.
9287 347; D.C. Official Code § 22–3802(a)), where the offense was forcible;

9288 “(B) First degree sexual abuse of a minor or second degree sexual abuse of
9289 a minor committed against a person under the age of 12 years as proscribed by D.C. Official Code
9290 § 22A-2302; first degree child sexual abuse as this offense was proscribed by former section 207

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9291 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10–257; D.C. Official
9292 Code § 22–3008), committed against a person under the age of 12 years; carnal knowledge or
9293 statutory rape as these offenses were proscribed by former section 808 of An Act To establish a
9294 code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official
9295 Code § 22–4801), committed against a person under the age of 12 years; or sodomy as this offense
9296 was proscribed by former section 104(a) of An Act To provide for the treatment of sexual
9297 psychopaths in the District of Columbia, and for other purposes, approved June 9, 1948 (62 Stat.
9298 347; D.C. Official Code § 22–3802(a)), committed against a person under the age of 12 years;

9299 “(C) Murder or manslaughter as proscribed by D.C. Official Code §§ 22A-
9300 2101 and 22A-2102, or murder or manslaughter as those offenses were proscribed by former
9301 section 798 of An Act To establish a code of law for the District of Columbia, approved March 3,
9302 1901 (31 Stat. 1321; D.C. Official Code §§ 22-2101 to 2105), if the offense was committed before,
9303 during, or after engaging in, or attempting to engage in, a sexual act, a sexual contact, rape as this
9304 offense was proscribed until May 23, 1995 by former section 808 of An Act To establish a code
9305 of law for the District of Columbia, approved March 1, 1901 (31 Stat. 1322; D.C. Official Code §
9306 22–4801), or first degree or second degree sexual assault as proscribed by D.C. Official Code §
9307 22A-2301;

9308 “(D) An attempt or conspiracy to commit an offense described in
9309 subparagraphs (A) – (C) of this paragraph as proscribed by section 906 or 908A of An Act To
9310 establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1337; D.C.

9311 Official Code § 22–1803 or § 22–1805a), former section 217 of the Anti-Sexual Abuse Act of
9312 1994, effective May 23, 1995 (D.C. Law 10–257; D.C. Official Code § 22–4118), or D.C. Official
9313 Code § 22A-301 or § 22A-303;

9314 “(E) An assault with intent to commit rape, carnal knowledge, statutory
9315 rape, first degree sexual abuse, second degree sexual abuse, or child sexual abuse as proscribed by
9316 former section 803 of An Act To establish a code of law for the District of Columbia, approved
9317 March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22–401), which involved intent to commit an
9318 offense described in subparagraphs (A)-(B) of this paragraph; and

9319 “(F) An offense under the law of any state, under federal law, or under the
9320 law of any other jurisdiction, which involved conduct that would constitute an offense described
9321 in subparagraphs (A) through (E) of this paragraph if committed in the District of Columbia or
9322 prosecuted under the District of Columbia Official Code, or conduct which is substantially similar
9323 to that described in subparagraphs (A) through (E) of this paragraph.”.

9324 (2) Paragraph (8) is amended to read as follows:

9325 “(8) “Registration offense” means:

9326 “(A) An offense under Subchapter III of Chapter 2 of Title 22A, other than
9327 incest, as proscribed by D.C. Official Code § 22A-2308;

9328 “(B) An offense under the former Anti-Sexual Abuse Act of 1994, effective
9329 May 23, 1995 (D.C. Law 10–257; D.C. Official Code § 22–3001 *et seq.*);

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9330 “(C) Forcible rape, carnal knowledge or statutory rape as these offenses
9331 were proscribed by former section 808 of An Act To establish a code of law for the District of
9332 Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22–4801); indecent acts
9333 with children as this offense was proscribed by former section 103(a) of An Act To provide for
9334 the treatment of sexual psychopaths in the District of Columbia, and for other purposes, approved
9335 June 9, 1948 (62 Stat. 347; D.C. Official Code § 22–3801(a)); enticing a child as that offense was
9336 proscribed by former section 103(b) of An Act To provide for the treatment of sexual psychopaths
9337 in the District of Columbia, and for other purposes, approved June 9, 1948 (62 Stat. 347; D.C.
9338 Official Code § 22–3801(b)); or sodomy as this offense was proscribed by former section 104(a)
9339 of An Act To provide for the treatment of sexual psychopaths in the District of Columbia, and for
9340 other purposes, approved June 9, 1948 (62 Stat. 347; D.C. Official Code § 22–3802(a)), where the
9341 offense was forcible or committed against a minor;

9342 “(D) Any of the following offenses where the victim is a minor:

9343 “(i) Incest as proscribed by D.C. Official Code § 22A-2308;
9344 kidnapping as proscribed by D.C. Official Code § 22A-2401; distribution of an obscene image as
9345 proscribed by D.C. Official Code § 22A-2805; distribution of an obscene image to a minor as
9346 proscribed by D.C. Official Code § 22A-2806; creating or trafficking an obscene image of a minor
9347 as proscribed by D.C. Official Code § 22A-2807; possession of obscene image of a minor as
9348 proscribed by D.C. Official Code § 22A-2808; arranging a live sexual performance of a minor as
9349 proscribed by D.C. Official Code § 22A-2809; attending or viewing a live sexual performance of

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9350 a minor as proscribed by D.C. Official Code § 22A-2810; indecent exposure as proscribed by D.C.
9351 Official Code § 22A-5206; prostitution as proscribed by D.C. Official Code § 22A-5401;
9352 patronizing prostitution as proscribed by D.C. Official Code § 22A-5402; or

9353 “(ii) Acts proscribed by former section 9 of An Act for the
9354 preservation of the public peace and the protection of property within the District of Columbia,
9355 approved July 29, 1892 (27 Stat. 324; D.C. Official Code § 22–1312) (lewd, indecent, or obscene
9356 acts); acts proscribed by former section 872 of An Act To establish a code of law for the District
9357 of Columbia, approved March 3, 1901 (31 Stat. 1332; D.C. Official Code § 22–2201) (obscenity);
9358 acts proscribed by former section 3 of the District of Columbia Protection of Minors Act of 1982,
9359 effective March 9, 1983 (D.C. Law 4–173; D.C. Official Code § 22–3102) (sexual performances
9360 using minors); acts proscribed by former section 875 of An Act To establish a code of law for the
9361 District of Columbia, approved March 3, 1901 (31 Stat. 1332; D.C. Official Code § 22–1901)
9362 (incest); acts proscribed by former section 812 of An Act To establish a code of law for the District
9363 of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22-2001) (kidnapping);
9364 and acts proscribed by former section 2 of the Control of Prostitution and Sale of Controlled
9365 Substances in Public Places Criminal Control Act of 1981, effective December 10, 1981 (D.C.
9366 Law 4-57; D.C. Official Code § 22-2701.01), section 813 of An Act To establish a code of law for
9367 the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22-2704),
9368 An Act In relation to pandering, to define and prohibit the same and to provide for the punishment
9369 thereof, approved June 25, 1910 (36 Stat. 833; D.C. Official Code § 22-2705 *et seq.*), An Act To

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9370 enjoin and abate houses of lewdness, assignation, and prostitution; to declare the same to be
9371 nuisances; to enjoin the person or persons who conduct or maintain the same and the owner or
9372 agent of any building used for such purpose; and to assess a tax against the person maintaining
9373 said nuisance and against the building and owner thereof, approved February 7, 1914 (38 Stat.
9374 280; D.C. Official Code § 22- 2713 *et seq.*), and section 1 of An Act To confer concurrent
9375 jurisdiction on the police court of the District of Columbia in certain cases, approved July 16, 1912
9376 (37 Stat. 192; D.C. Official Code § 22-2722) (prostitution; pandering);

9377 “(E) Any offense under the District of Columbia Official Code that involved
9378 a sexual act or sexual contact without consent or with a minor; that involved assaulting or
9379 threatening another with the intent to engage in a sexual act or sexual contact or with the intent to
9380 commit rape; or that involved causing the death of another in the course of, before, or after
9381 engaging or attempting to engage in a sexual act or sexual contact or rape;

9382 “(F) An attempt or a conspiracy to commit an offense described in
9383 subparagraphs (A) through (E) of this paragraph as proscribed by sections 906 or 908A of An Act
9384 To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1337;
9385 D.C. Official Code § 22–1803 or § 22–1805a), or assault with intent to commit rape, carnal
9386 knowledge, statutory rape, first degree sexual abuse, second degree sexual abuse, or child sexual
9387 abuse, as proscribed by former section 803 of An Act To establish a code of law for the District of
9388 Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22–401);

9389 “(G) Assault with intent to commit any other crime, as proscribed by former
9390 section 805 of An Act To establish a code of law for the District of Columbia, approved March 3,
9391 1901 (31 Stat. 1321; D.C. Official Code § 22–403), where the offense involved an intent, attempt,
9392 or conspiracy to commit an offense described in subparagraphs (A) through (E) of this paragraph,
9393 or kidnapping, as proscribed by former section 812 of An Act To establish a code of law for the
9394 District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22-2001), or
9395 burglary as proscribed by former section 823 of An Act To establish a code of law for the District
9396 of Columbia, approved March 3, 1901 (31 Stat. 1323; D.C. Official Code § 22-801), where the
9397 offense involved an intent, attempt or conspiracy to commit an offense described in subparagraphs
9398 (A) through (E) of this paragraph;

9399 “(H) An offense under the law of any state, under federal law, or under the
9400 law of any other jurisdiction, which involved conduct that would constitute an offense described
9401 in subparagraphs (A) through (G) of this paragraph if committed in the District of Columbia or
9402 prosecuted under the District of Columbia Official Code, or conduct which is substantially similar
9403 to that described in subparagraphs (A) through (G) of this paragraph; and

9404 “(I) Any other offense where the offender agrees in a plea agreement to be
9405 subject to sex offender registration requirements.”.

9406 (3) Paragraph (10) is amended to read as follows:

9407 “(10) “Sexual act” shall have the same meaning as provided in D.C. Official Code
9408 § 22A-101; except, that for conduct committed prior to the applicability date of the Revised

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9409 Criminal Code Reform Act of 2022, as approved by the Committee on the Judiciary and Public
9410 Safety on October 26, 2022 (Committee print of Bill 24-416), the term “sexual act” shall have the
9411 same meaning as provided in former section 101(8) of the Anti-Sexual Abuse Act of 1994,
9412 effective May 23, 1995 (D.C. Law 10–257; D.C. Official Code § 22–4101(8)).”.

9413 (4) Paragraph (11) is amended to read as follows:

9414 “(11) “Sexual contact” shall have the same meaning as provided in D.C. Official
9415 Code § 22A-101; except, that for conduct committed prior to the applicability date of the Revised
9416 Criminal Code Reform Act of 2022, as approved by the Committee on the Judiciary and Public
9417 Safety on October 26, 2022 (Committee print of Bill 24-416), the term “sexual contact” shall have
9418 the same meaning as provided in former section 101(9) of the Anti-Sexual Abuse Act of 1994,
9419 effective May 23, 1995 (D.C. Law 10–257; D.C. Official Code § 22–4101(9)).”

9420 (b) Section 12(b)(2)(B) (D.C. Official Code § 22–4011(b)(2)(B)) is amended by striking
9421 the phrase “sexual abuse of a ward or sexual abuse of a patient or client under the Anti-Sexual
9422 Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3001 *et*
9423 *seq.*)” and inserting the phrase “sexual abuse by exploitation under D.C. Official Code § 22A-2303
9424 (a)(2)(C)-(E) or (b)(2)(C)-(E), or sexual abuse of a ward or sexual abuse of a patient or client under
9425 the former Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10–257; D.C.
9426 Official Code §§ 22–3001 *et seq.*)” in its place.

9427 (c) Section 17(b)(1) (D.C. Official Code § 22-4016(b)(1)) is amended to read as follows:
9428 “Other than sexual offenses classified under D.C. Official Code § 22A-601, any sexual offense

9429 between consenting adults, or an attempt, conspiracy or solicitation to commit such an offense,
9430 except for offenses to which consent was not a defense as provided in former 216 of the Anti-
9431 Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10–257; D.C. Official Code § 22–
9432 3017).”

9433 Sec. 447. Section 2(a) of the DNA Sample Collection Act of 2001, effective November 3,
9434 2001 (D.C. Law 14–52; D.C. Official Code § 22-4151), is amended to read as follows:

9435 “(a) The following criminal offenses shall be qualifying offenses for the purposes of DNA
9436 collection under the DNA Analysis Backlog Elimination Act of 2000, approved December 19,
9437 2000 (114 Stat. 2726; 42 U.S.C. §§ 14135-14135e):

9438 “(1) Any felony;

9439 “(2) Any offense for which the penalty is greater than one year imprisonment;

9440 “(3) D.C. Official Code § 22A-5206 (indecent exposure (knowingly in the presence
9441 of a minor under the age of 16 years of age)) and former section 9(b) of An act for the preservation
9442 of the public peace and the protection of property within the District of Columbia, approved July
9443 29, 1892 (27 Stat. 324; D.C. Official Code § 22–1312(b)) (lewd, indecent, or obscene acts
9444 (knowingly in the presence of a child under the age of 16 years));

9445 “(4) D.C. Official Code § 22A-2806 (distribution of an obscene image to a minor)
9446 and former section 872 of An Act To establish a code of law for the District of Columbia, approved
9447 March 3, 1901 (31 Stat. 1189; D.C. Official Code § 22–2201) (certain obscene activities involving
9448 minors);

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9449 “(5) D.C. Official Code §§ 22A-2807 (creating or trafficking an obscene image of
9450 a minor), 22A-2808 (possession of an obscene image of a minor), 22A-2809 (arranging a live
9451 sexual performance of a minor), 22A-2810 (attending or viewing a live sexual performance of a
9452 minor), and former section 3 of the District of Columbia Protection of Minors Act of 1982,
9453 effective March 9, 1983 (D.C. Law 4-173; D.C. Official Code § 22-3102) (sexual performances
9454 using minors);

9455 “(6) D.C. Official Code § 22A-2307 (nonconsensual sexual conduct) and former
9456 section 205 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257;
9457 D.C. Official Code § 22-3006) (misdemeanor sexual abuse);

9458 “(7) D.C. Official Code § 22A-2304 (sexually suggestive conduct with a minor)
9459 and former section 209a of the Anti-Sexual Abuse Act of 1994, effective April 24, 2007 (D.C.
9460 Law 16-306; D.C. Official Code § 22-3010.01) (misdemeanor sexual abuse of a child or minor);
9461 and

9462 “(8) Attempt or conspiracy to commit any of the offenses listed in paragraphs (1)
9463 through (7) of this subsection.”.

9464 Sec. 448. Section 1505 of the Criminal Justice Coordinating Council for the District of
9465 Columbia Establishment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official
9466 Code § 22-4234), is amended by adding a new subsection (b-5) to read as follows:

9467 “(b-5)(1) The CJCC shall submit reports to the Mayor and Council that analyze the impact
9468 of the right to a jury trial on the criminal justice system for the offenses described in:

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9469 “(A) D.C. Official Code § 16-705(b), by 4 years after the applicability date
9470 of the Revised Criminal Code Act of 2022, as approved by the Committee on the Judiciary and
9471 Public Safety on October 26, 2022 (Committee print of Bill 24-416);

9472 “(B) D.C. Official Code § 16-705(c), by 6 years after the applicability date
9473 of the Revised Criminal Code Act of 2022, as approved by the Committee on the Judiciary and
9474 Public Safety on October 26, 2022 (Committee print of Bill 24-416); and

9475 “(C) D.C. Official Code § 16-705(d), by 7 years after the applicability date
9476 of the Revised Criminal Code Act of 2022, as approved by the Committee on the Judiciary and
9477 Public Safety on October 26, 2022 (Committee print of Bill 24-416).

9478 “(2) The reports required in paragraph (1) of this subsection shall include an
9479 analysis of the following:

9480 “(A) The total number of arrests, including whether the arrest was for an
9481 offense eligible for a jury trial under D.C. Official Code § 16-705;

9482 “(B) The total number of prosecutions, including whether the prosecution
9483 was for an offense eligible for a jury trial under D.C. Official Code § 16-705;

9484 “(C) The final disposition in cases, including whether the case was resolved
9485 through a nolle prosequi, nolle prosequi as part of a plea agreement, nolle prosequi as part of a
9486 diversion agreement, court dismissal, guilty plea, bench trial, or jury trial;

9487 “(D) The length of time, excluding periods where prosecution or sentencing
9488 is deferred by a diversion program, between an arrest, initial charging decision, detention or

9489 preliminary hearing (if applicable), indictment (if applicable), amendment of charges (if
9490 applicable), trial (if applicable) and final disposition for cases, including whether the cases
9491 involved an offense eligible for a jury trial under D.C. Official Code § 16-705;

9492 “(E) The total number of jury trials and bench trials after a waiver of jury
9493 trials under D.C. Official Code § 16-705;

9494 “(F) Costs associated with the availability of jury trials;

9495 “(G) Impact on jury service;

9496 “(H) Recommendations on the size of criminal juries;

9497 “(I) Any issues related to the availability of jury trials and recommendations
9498 for addressing those issues; and

9499 “(J) The feasibility of a post-conviction judicial deferral program for
9500 misdemeanor offenses that permits judges to, after a finding of guilty, defer further proceedings
9501 and place the defendant on probation not to exceed one year where:

9502 “(i) Upon on violation of a condition of the probation, the court may
9503 enter an adjudication of guilt and proceed as otherwise provided; or

9504 “(ii) Upon expiration of the period of probation, or in the court’s
9505 discretion, the court may discharge the person from probation and dismiss the proceedings against
9506 them.”.

9507 Sec. 449. Title 23 of the District of Columbia Official Code is amended as follows:

9508 (a) Section 23-101(b) is amended to read as follows:

9509 “(b) Prosecutions for violations of §§ 22A-5203 and 22A-5204, relating to disorderly
9510 conduct, and for violations of § 22A-5206, relating to lewd, indecent, or obscene acts, shall be
9511 conducted in the name of the District of Columbia by the Attorney General for the District of
9512 Columbia or their assistants.”.

9513 (b) Section 23-113 is amended as follows:

9514 (1) Subsection (a) is amended as follows:

9515 (A) Paragraph (1) is amended to read as follows:

9516 “(1) A prosecution for the following crimes may be commenced at any time:

9517 “(A) Murder (§ 22A-2101); murder in the first or second degree (former §§
9518 22-2101, 22-2102, and 22-2103); murder of a law enforcement officer or public safety employee
9519 (former § 22-2106); first degree murder that constitutes an act of terrorism (former § 22-3153(a));
9520 second degree murder that constitutes an act of terrorism (former § 22-3153(c)); murder of a law
9521 enforcement officer or public safety employee that constitutes an act of terrorism (former § 22-
9522 3153(b));

9523 “(B) Sexual assault (§ 22A-2301); first degree sexual abuse (former § 22-
9524 3002); second degree sexual abuse (former § 22-3003); third degree sexual abuse (former § 22-
9525 3004); fourth degree sexual abuse (former § 22-3005);

9526 “(C) Sexual abuse of a minor (§ 22A-2302); first degree child sexual abuse
9527 (former § 22-3008); second degree child sexual abuse (former § 22-3009); first degree sexual abuse
9528 of a minor (former § 22-3009.01); second degree sexual abuse of a minor (former § 22-3009.02);

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9529 “(D) Sexual abuse by exploitation (§ 22A-2303); first degree sexual abuse
9530 of a secondary education student (former § 22-3009.03); second degree sexual abuse of a
9531 secondary education student (former § 22-3009.04); first degree sexual abuse of a ward, patient,
9532 client, or prisoner (former § 22-3013); second degree sexual abuse of a ward, patient, client, or
9533 prisoner (former § 22-3014); first degree sexual abuse of a patient or client (former § 22-3015);
9534 and second degree sexual abuse of a patient or client (former § 22-3016); and

9535 “(E) Incest (§ 22A-2308 or former § 22-1901).”.

9536 (B) Paragraph (3) is amended to read:

9537 “(3) A prosecution for the following crimes and any offense that is properly joinable
9538 with any of the following crimes is barred if not commenced within 10 years after it is committed:

9539 “(A) Enticing a minor into sexual conduct (§ 22A-2305) or enticing a child
9540 for the purpose of committing felony sexual abuse (former § 22-3010);

9541 “(B) Creating or trafficking an obscene image of a minor (§ 22A-2807);
9542 possession of an obscene image of a minor under (§ 22A-2808); arranging a live sexual
9543 performance of a minor (§ 22A-2809); attending or viewing a live sexual performance of a minor
9544 (§ 22A-2810); or, using a minor in a sexual performance or promoting a sexual performance by a
9545 minor (former § 22-3102);

9546 “(C) Trafficking in labor (§ 22A-2603); trafficking in forced commercial
9547 sex (§ 22A-2604); sex trafficking of a minor or adult incapable of consenting (§ 22A-2605);

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9548 trafficking in labor or commercial sex (former § 22-1833) or sex trafficking of children (former §
9549 22-1834);

9550 “(D) First degree kidnapping (§ 22A-2401(a)(3)(E)) or abducting or
9551 enticing child from his or her home for purposes of prostitution, or harboring such child (former §
9552 22-2704);

9553 “(E) Forced commercial sex (§ 22A-2602); trafficking in commercial sex
9554 (§ 22A-5403); or, pandering, or inducing or compelling an individual to engage in prostitution
9555 (former § 22-2705);

9556 “(F) Compelling an individual to live life of prostitution against his or her
9557 will (former § 22-2706); and

9558 “(G) Causing spouse or domestic partner to live in prostitution (former §
9559 22-2708).”.

9560 (2) Subsection (d)(2) is amended to read:

9561 “(2) The period of limitation shall not begin to run until the victim reaches 21 years
9562 of age for the following offenses:

9563 “(A) Enticing a minor into sexual conduct (§ 22A-2305) and enticing a child
9564 for the purpose of committing felony sexual abuse (former § 22-3010);

9565 “(B) Creating or trafficking an obscene image of a minor (§ 22A-2807);
9566 possession of an obscene image of a minor under (§ 22A-2808); arranging a live sexual
9567 performance of a minor (§ 22A-2809); attending or viewing a live sexual performance of a minor

9568 (§ 22A-2810); or, using a minor in a sexual performance or promoting a sexual performance by a
9569 minor (former § 22-3102);

9570 “(C) First degree kidnapping (§ 22A-2401(a)(3)(E)) or former § 22-2704;

9571 “(D) Former § 22-2705;

9572 “(E) Former § 22-2706, where the victim is a minor; and

9573 “(F) Forced labor, forced commercial sex, trafficking in labor, trafficking
9574 in forced commercial sex, sex trafficking of a minor or adult incapable of consenting, benefiting
9575 financially from human trafficking, and trafficking in commercial sex, as prohibited by §§ 22A-
9576 2601, 22A-2602, 22A-2603, 22A-2604, 22A-2605, 22A-2606, and 22A-5403, where the victim is
9577 a minor, or forced labor, trafficking in labor or commercial sex, sex trafficking of children, and
9578 benefiting financially from human trafficking, as prohibited by the former Human Trafficking
9579 Amendment Act of 2010, effective October 23, 2010 (D.C. Law 18-239; D.C. Official Code § 22-
9580 1831 *et seq.*), where the victim is a minor.”.

9581 (c) Section 23-114 is amended by striking the phrase “title 22 of the D.C. Code” and
9582 inserting the phrase “Title 22 or Title 22A of the District of Columbia Official Code” in its place.

9583 (d) Section 23-524(b) is amended to read as follows:

9584 “(b) An officer executing a warrant directing a search of a person shall give, or make
9585 reasonable effort to give, notice of his identity and purpose to the person, and, if such person
9586 thereafter resists or refuses to permit the search, such person shall be subject to arrest by such
9587 officer pursuant to any applicable provision of law.”.

9588 (e) Section 23-546(c) is amended to read as follows:

9589 “(c) An application for an order of authorization (as provided in subsection (a) of this
9590 section) or of approval (as provided in subsection (b)(2) of this section) may be authorized only
9591 when the interception of wire or oral communications may provide or has provided evidence of
9592 the commission of or a conspiracy to commit any of the following offenses:

9593 “(1) Murder under § 22A-2101 or former § 22-2101 or § 22-2103;

9594 “(2) Robbery under § 22A-2201 or former § 22-2801;

9595 “(3) Criminal threats under § 22A-2205 or former § 22-1810;

9596 “(4) Kidnapping under § 22A-2401 or former § 22-2001;

9597 “(5) Criminal restraint under § 22A-2402(d)(2);

9598 “(6) Blackmail under § 22A-2403 or former § 22-3252;

9599 “(7) First, second, or third degree theft under § 22A-3201 or theft in excess of
9600 \$1,000 under former § 22-3211; or

9601 “(8) Extortion under § 22A-3401 or former § 22-3251;

9602 “(9) First, second, or third degree possession of stolen property under § 22A-3501
9603 or receiving stolen property of value in excess of \$1000 under former § 22-3232;

9604 “(10) Trafficking of stolen property under § 22A-3502 or former § 22-3231;

9605 “(11) Arson under § 22A-3601 or former § 22-301 or § 22-302;

9606 “(12) Reckless burning under § 22A-3602 or former § 22-302;

9607 “(13) First, second, or third degree criminal damage to property under § 22A-3603
9608 or destruction of property in excess of \$1,000 under former § 22-303;
9609 “(14) Burglary under § 22A-3801 or former § 22-801;
9610 “(15) Obstruction of justice and related provisions under § 22A-4301, § 22A-4302,
9611 § 22A-4303, § 22A-4304, or former § 22-722;
9612 “(16) Promoting gambling under § 22A-5701 or former § 22-1701 or § 22-1705;
9613 “(17) Rigging a publicly exhibited contest under § 22A-5702 or former § 22-1713;
9614 “(18) Bribery under § 22-704 or § 22-712; or
9615 “(19) Offenses involving the manufacture, distribution, or possession with intent to
9616 manufacture or distribute controlled substances as specified in sections 401 through 403 of the
9617 District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C.
9618 Code, secs. 48-904.01 through 48-904.03).”.

9619 (f) Section 23-581 is amended as follows:

9620 (1) Subsection (a)(2) is amended to read as follows:

9621 “(2) The offenses referred to in paragraph (1)(C) of this subsection are the
9622 following:

9623 “(A) Assault (§ 22A-2203 or former § 22-404);

9624 “(B) First degree or second degree criminal threats (§ 22A-2205 or former
9625 § 22-404);

9626 “(C) Offensive physical contact (§ 22A-2206 or former § 22-404);

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- 9627 “(D) Trespass (§ 22A-3701) or unlawful entry (former § 22-3302);
- 9628 “(E) Criminal damage to property (§ 22A-3603) or malicious burning,
- 9629 destruction, or injury of another’s property (former § 22-303);
- 9630 “(F) Reckless burning (§ 22A-3602);
- 9631 “(G) Breach of home privacy (§ 22A-5205) or voyeurism (former § 22-
- 9632 3531);
- 9633 “(H) Theft of property less than \$250 (§ 22A-3201 or former § 22-3211);
- 9634 “(I) Possession of stolen property (§ 22A-3501) or receiving stolen property
- 9635 (former § 22-3232);
- 9636 “(J) Shoplifting (§ 22A-3204 or former § 22-3213);
- 9637 “(K) Attempt theft in excess of \$250 (§§ 22A-3201 and 22A-301 or former
- 9638 §§ 22-3211 and 22-1803);
- 9639 “(L) Attempt unauthorized use of motor vehicle (§§ 22A-3203 and 22A-
- 9640 301 or former § 22-3215 and § 22-1803);
- 9641 “(M) Unauthorized disposal of solid waste (§ 8-902);
- 9642 “(N) Illegal construction (12A DCMR § 113.7).”.
- 9643 (2) Subsection (a-2) is repealed.
- 9644 (3) Subsection (a-3) is amended by striking the phrase “sections 22–3112.01 and
- 9645 22–3112.02” and inserting the phrase “§§ 22A-3603 and 22A-3604 or former §§ 22-3312.01 and
- 9646 22-3312.02” in its place.

9647 (4) Subsection (a-4) is repealed.

9648 (5) Subsection (a-5) is amended by striking the phrase “section 103 of the Omnibus
9649 Public Safety and Justice Amendment Act of 2009, passed on 3rd reading on July 31, 2009
9650 (Enrolled version of Bill 18-151)” and inserting the phrase “§ 22A-4402 or former § 22-1211” in
9651 its place.

9652 (6) Subsection (a-7) is amended to read:

9653 “(a-7) A law enforcement officer may arrest a person without a warrant if the officer has
9654 probable cause to believe the person has committed the offense of sexually suggestive conduct
9655 with a minor, enticing a minor into sexual conduct, nonconsensual sexual conduct, or indecent
9656 exposure as provided in § 22A-2304, § 22A-2305, § 22A-2307, and § 22A-5206, or misdemeanor
9657 sexual abuse, misdemeanor sexual abuse of a child or minor, or lewd, indecent, or obscene acts,
9658 or sexual proposal to a minor, as provided in former § 22-3006, § 22-3010.01, or § 22-1312.”.

9659 (7) Subsection (a-8) is amended by striking the phrase “§ 22-3133” and inserting
9660 the phrase “§ 22A-2801 or § 22A-2802, or former § 22-3122” in its place.

9661 (g) Section 23-1303(d) is amended by striking the phrase “sections 23-1327, 23-1328, and
9662 23-1329” and inserting the phrase “§§ 23-1327, 23-1328, 23-1329, and § 23-1329a” in its place.

9663 (h) Section 23-1322 is amended as follows:

9664 (1) Subsection (b)(1)(B) is amended to read as follows:

9665 “(B) First degree obstruction of justice or related felony offenses under §
9666 22A-4301(a), § 22A-4302(a)-(b), § 22A-4303(a)-(b), § 22A-4304(a), or former § 22-722;”.

9667 (2) Subsection (c) is amended as follows:

9668 (A) Paragraph (7) is amended to read as follows:

9669 “(7) Violated § 22A-5104 (a)-(b) (carrying a dangerous weapon), § 22A-5106(a)
9670 (possession of a dangerous weapon during a crime when the crime constitutes a crime of violence
9671 or dangerous crime as those terms are defined in § 23-1331, § 22A-5107 (possession of a firearm
9672 by an unauthorized person); former § 22-4504(a) (carrying a pistol without a license), former §
9673 22-4504(a-1) (carrying a rifle or shotgun), former § 22-4504(b) (possession of a firearm during
9674 the commission of a crime of violence or dangerous crime), or former § 22-4503 (unlawful
9675 possession of a firearm); or”.

9676 (B) Paragraph (8) is amended to read as follows:

9677 “(8) Violated Subchapter VIII of Chapter 25 of Title 7 while on probation, parole,
9678 or supervised release for committing a dangerous crime or a crime of violence, as those terms are
9679 defined in § 23-1331, by displaying or using what is, in fact, a dangerous weapon or while armed
9680 with or having readily available a firearm, imitation firearm, or other deadly or dangerous weapon
9681 as described in § 22A-101 or former § 22-4502(a).”.

9682 (3) Subsection (d)(3) is amended by striking the phrase “§§ 23-1327, 23-1328, and
9683 23-1329” and inserting the phrase “§§ 23-1327, 23-1328, 23-1329, and 23-1329a” in its place.

9684 (4) Subsection (e)(1) is amended to read as follows:

9685 “(1) The nature and circumstances of the offense charged, including whether the
9686 offense is a crime of violence or dangerous crime as those terms are defined in § 23-1331, or

9687 involves obstruction of justice or related offenses under §§ 22A-4301, 22A-4302, 22A-4303, and
9688 22A-4304;”.

9689 (5) Subsection (f)(2)(C) is amended to read as follows

9690 “(C) The provisions of §§ 22A-4301, 22A-4302, 22A-4303, and 22A-4204
9691 for obstruction of justice, tampering with a witness or informant, tampering with a juror or court
9692 official, and retaliation against a witness, informant, juror, or court official.”.

9693 (i) Section 23-1325(a) is amended by striking the phrase “or assault with intent to kill while
9694 armed” and inserting the phrase “attempted murder, voluntary manslaughter, or assault with intent
9695 to kill while armed” in its place.

9696 (j) Section 23-1329 is amended as follows:

9697 (1) Subsection (b)(1) is amended as follows:

9698 (A) The lead-in language is amended as follows:

9699 (i) Strike the phrase “he shall” and insert the phrase “they shall” in
9700 its place.

9701 (ii) Strike the phrase “he is” and insert the phrase “they are” in its
9702 place.

9703 (B) Subparagraph (A)(ii) is amended by striking the word “his” and
9704 inserting the word “their” in its place.

9705 (2) Subsection (c) is amended by striking the word “his” and inserting the word
9706 “their” in its place.

9707 (k) Section 23-1907(9) is amended to read as follows:

9708 “(9) “Sexual assault” means:

9709 “(A) Any of the following offenses, or an attempt, under § 22A-301, to
9710 commit any of the following offenses:

9711 “(i) Sexual assault under § 22A-2301;

9712 “(ii) Sexual abuse of a minor under § 22A-2302;

9713 “(iii) Sexual abuse by exploitation under § 22A-2303;

9714 “(iv) Sexually suggestive conduct with a minor under § 22A-2304;

9715 “(v) Enticing a minor into sexual conduct under § 22A-2305;

9716 “(vi) Arranging for sexual conduct with a minor or person incapable
9717 of consenting under § 22A-2306;

9718 “(vii) Nonconsensual sexual conduct under § 22A-2307;

9719 “(viii) Incest under § 22A-2308;

9720 “(ix) First degree kidnapping under § 22A-2401(a)(3)(E);

9721 “(x) Forced commercial sex under § 22A-2602;

9722 “(xi) Trafficking in forced commercial sex under § 22A-2604;

9723 “(xii) Sex trafficking of a minor or adult incapable of consenting
9724 under § 22A-2605;

9725 “(xiii) Creating or trafficking an obscene image of a minor under §
9726 22A-2807;

9727 “(xiv) Possession of an obscene image of a minor under § 22A-
9728 2808;

9729 “(xv) Arranging a live sexual performance of a minor under § 22A-
9730 2809;

9731 “(xvi) Attending or viewing a live sexual performance of a minor
9732 under § 22A-2810; or

9733 “(xvii) Trafficking in commercial sex under § 22A-5403; or

9734 “(B) Any of the following offenses:

9735 “(i) Sex trafficking of children under former § 22-1834;

9736 “(ii) Incest under former § 22-1901;

9737 “(iii) Abducting or enticing child from his or her home for the
9738 purposes of prostitution or harboring such child under former § 22-2704;

9739 “(iv) Pandering; inducing or compelling an individual to engage in
9740 prostitution under former § 22-2705;

9741 “(v) Compelling an individual to live life of prostitution against his
9742 or her will under former § 22-2706;

9743 “(vi) Causing spouse or domestic partner to live in prostitution under
9744 former § 22-2708;

9745 “(vii) Detaining an individual in disorderly house for debt there
9746 contracted under former § 22-2709;

9747 “(viii) Knowingly using a minor in a sexual performance or
9748 promoting a sexual performance by a minor under § 22-3102; or

9749 “(ix) Any of the following offenses, or an attempt, under former §
9750 22-3018, to commit any of the following offenses:

9751 “(I) First degree sexual abuse under former § 22-3002;

9752 “(II) Second degree sexual abuse under former § 22-3003;

9753 “(III) Third degree sexual abuse under former § 22-3004;

9754 “(IV) Fourth degree sexual abuse under former § 22-3005;

9755 “(V) Misdemeanor sexual abuse under former § 22-3006;

9756 “(VI) First degree child sexual abuse under former § 22-
9757 3008;

9758 “(VII) Second degree child sexual abuse under former § 22-
9759 3009;

9760 “(VIII) First degree sexual abuse of a minor under former §
9761 22-3009.01;

9762 “(IX) Second degree sexual abuse of a minor under former §
9763 22-3009.02;

9764 “(X) First degree sexual abuse of a secondary education
9765 student under former § 22-3009.03;

9766 “(XI) Second degree sexual abuse of a secondary education
9767 student under former § 22-3009.04;
9768 “(XII) Enticing a child or minor under former § 22-3010;
9769 “(XIII) Misdemeanor sexual abuse of a child or minor under
9770 former § 22-3010.01;
9771 “(XIV) Arranging for sexual contact with a real or fictitious
9772 child under former § 22-3010.02;
9773 “(XV) First degree sexual abuse of a ward, patient, client, or
9774 prisoner under former § 22-3013;
9775 “(XVI) Second degree sexual abuse of a ward, patient, client,
9776 or prisoner under former § 22-3014;
9777 “(XVII) First degree sexual abuse of a patient or client under
9778 former § 22-3015; or
9779 “(XVIII) Second degree sexual abuse of a patient or client
9780 under former § 22-3016.”.

9781 (l) Section 23-1331 is amended as follows:

9782 (1) Paragraph (3) is amended to read as follows:

9783 “(3) The term “dangerous crime” means:

9784 “(A) Any felony offense under Subchapter I of Chapter 5 of Title 22A,
9785 former Chapter 45 of Title 22 (Weapons), or Unit A of Chapter 25 of Title 7 (Firearms control);

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9786 “(B) Trafficking in commercial sex under § 22A-5403, or any felony
9787 offense under former Chapter 27 of Title 22 (Prostitution, Pandering);

9788 “(C) Any felony offense under Unit A of Chapter 9 of Title 48 (Controlled
9789 Substances);

9790 “(D) When the premises are adaptable for overnight accommodation of
9791 persons or for carrying on business, arson under § 22A-3601, an attempt to commit arson under §
9792 22A-301, former arson, or former attempted arson;

9793 “(E) Burglary under § 22A-3801, an attempt to commit burglary under §
9794 22A-301, former burglary, or former attempted burglary;

9795 “(F) Criminal abuse of a minor under § 22A-2501, criminal neglect of a
9796 minor under § 22A-2502, or former cruelty to children;

9797 “(G) Robbery under § 22A-2201, an attempt to commit robbery under §
9798 22A-301, former robbery, or former attempted robbery;

9799 “(H) First degree sexual assault under § 22A-2301, attempt to commit first
9800 degree sexual assault under § 22A-301 where the attempt includes an assault, attempted assault,
9801 or act threatening immediate bodily injury, former sexual abuse in the first degree, or former
9802 assault with intent to commit first degree sexual abuse;

9803 “(I) Any felony offense under subchapter VI of Chapter 2 of Title 22A or
9804 conspiracy under § 22A-303 to commit such a felony offense, or a former offense established by
9805 the Chapter 18A of Title 22, or any conspiracy to commit such an offense under § 22-1805; or

9806 “(J) Fleeing from an officer in a motor vehicle (felony).”.

9807 (2) Paragraph (4) is amended to read as follows:

9808 “(4) The term “crime of violence” means:

9809 “(A) One of the following offenses:

9810 “(i) Murder under § 22A-2101 or manslaughter under § 22A-2102;

9811 “(ii) Robbery under § 22A-2201;

9812 “(iii) Carjacking under § 22A-2202;

9813 “(iv) First degree, second degree, or third degree assault under §
9814 22A-2203, or fourth degree assault under the weapons enhancement in § 22A-2203(h)(7)(B);

9815 “(v) First degree, second degree, or third degree assault on a law
9816 enforcement officer under § 22A-2204;

9817 “(vi) First degree criminal threats under the weapons enhancement
9818 in § 22A-2205(d)(4)(B);

9819 “(vii) First degree, second degree, or third degree sexual assault
9820 under § 22A-2301;

9821 “(viii) First degree, second degree, fourth degree, or fifth degree
9822 sexual abuse of a minor under § 22A-2302;

9823 “(ix) Kidnapping under § 22A-2401;

9824 “(x) Blackmail under § 22A-2403 accompanied by threats of
9825 violence;

9826 “(xi) Criminal abuse of a minor under § 22A-2501;

9827 “(xii) An act of terrorism under § 22A-2701, manufacture or
9828 possession of a weapon of mass destruction under § 22A-2703, or use, dissemination, or detonation
9829 of a weapon of mass destruction under § 22A-2704;

9830 “(xiii) Extortion under § 22A-3401 accompanied by threats of
9831 violence;

9832 “(xiv) Arson under § 22A-3601;

9833 “(xv) Burglary under § 22A-3801;

9834 “(xvi) An attempt, under § 22A-301, a solicitation, under § 22A-
9835 302, or a conspiracy, under § 22A-303, to commit one of the offenses in sub-subparagraphs (i)
9836 through (xiv) of this subparagraph;

9837 “(xvii) Gang recruitment, participation, or retention by the use or
9838 threatened use of force, coercion, or intimidation, or an attempt to commit this offense under § 22-
9839 1803, a solicitation to commit this offense under § 22-2107, or a conspiracy to commit this offense
9840 under § 22-1805a; or

9841 “(B) The following former offenses: aggravated assault; act of terrorism;
9842 arson; assault on a police officer (felony); assault with a dangerous weapon; assault with intent to
9843 kill, commit first degree sexual abuse, commit second degree sexual abuse, or commit child sexual
9844 abuse; assault with significant bodily injury; assault with intent to commit any other offense;
9845 burglary; carjacking; armed carjacking; child sexual abuse; cruelty to children in the first degree;

9846 extortion or blackmail accompanied by threats of violence; kidnapping; malicious disfigurement;
9847 manslaughter; manufacture or possession of a weapon of mass destruction; mayhem; murder;
9848 robbery; sexual abuse in the first, second, or third degrees; use, dissemination, or detonation of a
9849 weapon of mass destruction; or an attempt, solicitation, or conspiracy to commit any of the
9850 foregoing offenses in this subparagraph.”.

9851 Sec. 450 Section 3b of The District of Columbia Good Time Credits Act of 1986, effective
9852 August 20, 1994 (D.C. Law 10-151; D.C. Official Code § 24-221.01b), is amended by striking the
9853 phrase “section 1 of An Act To control the possession, sale, transfer, and use of pistols and other
9854 dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence,
9855 and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4501),” and
9856 inserting the phrase “D.C. Official Code § 23-1331(4)” in its place.

9857 Sec. 451. The Correction Treatment Facility Act of 1996, effective June 3, 1997 (D.C. Law
9858 11-276; D.C. Official Code § 24-261.01 *et seq.*), is amended as follows:

9859 (a) Section 3(b) (D.C. Official Code § 24-261.02(b)) is amended by striking the phrase
9860 “Notwithstanding the provisions of section 4 of An Act To control the possession, sale,
9861 transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide
9862 penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat.
9863 650; D.C. Code § 22-3204)” and inserting the phrase “Notwithstanding the provisions of D.C.
9864 Official Code § 22A-5104” in its place.

9865 (b) Section (4)(a) (D.C. Official Code § 24-261.03(a)) is amended to read as follows:

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9866 “(a) An inmate confined in the CTF shall be deemed to be at all times in the legal custody
9867 of the Department of Corrections. Only the Department of Corrections shall have authority to
9868 transfer or assign inmates into or out of the CTF. All laws and regulations governing conduct of
9869 inmates, including, without limitation, Title 22A of the District of Columbia Official Code, shall
9870 apply to inmates confined to the CTF during such time as the CTF is operated by a private operator.
9871 All laws and regulations establishing penalties for offenses committed against correctional officers
9872 or other correctional employees shall apply mutatis mutandis to offenses committed against any
9873 private correctional officer or other employee of the private operator.”.

9874 Sec. 452. Section 3(c) of the Resocialization Furlough Act of 1976, effective April 23,
9875 1977 (D.C. Law 1-130; D.C. Official Code § 24-251.02(c)), is amended to read as follows:

9876 “(c) Any individual who is incarcerated in any institution or facility operated by the
9877 Department after being convicted of either D.C. Official Code § 22A-2101 (relating to first or
9878 second degree murder), D.C. Official Code § 22A-2301 (relating to first degree sexual assault),
9879 D.C. Official Code § 22A-2302 (relating to first degree, second degree, fourth degree, or fifth
9880 degree of sexual abuse of a minor), former section 798 of An Act To establish a code of law for
9881 the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22-2101)
9882 (relating to first degree murder), former section 799 of An Act To establish a code of law for the
9883 District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22-2102)
9884 (relating to first degree murder), former section 800 of An Act To establish a code of law for the
9885 District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22-2103)

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9886 (relating to second degree murder), former section 808 of An Act To establish a code of law for
9887 the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22-4801)
9888 (relating to rape), or former section 103 of An Act To provide for the treatment of sexual
9889 psychopaths in the District of Columbia, and for other purposes, approved June 9, 1948 (62 Stat.
9890 348; D. C. Official Code § 22–3801) (relating to indecent acts with a minor) shall not be eligible
9891 for any furlough under the provisions of this act, except where such individual is within 12 months
9892 of a firm release date.”.

9893 Sec. 453. Section 201(5) of the Limitations on the Use of Restraints Amendment Act of
9894 2014, effective July 25, 2015 (D.C. Law 20-280; D.C. Official Code § 24-276.01(5)), is amended
9895 by striking the phrase “shall have the same meaning as provided in section 2(6) of An Act To
9896 prohibit the introduction of contraband into the District of Columbia penal institutions, approved
9897 December 10, 2009 (55 Stat. 800; D.C. Official Code § 22-2603.01(6))” and inserting the phrase
9898 “means any penitentiary, prison, jail, or secure facility owned, operated, or under the control of
9899 the Department of Corrections, whether located within the District of Columbia or elsewhere” in
9900 its place.

9901 Sec. 454. Section 9(b) of An Act to Establish a Board of Indeterminate Sentence and Parole
9902 for the District of Columbia and to determine its functions, and for other purposes, approved July
9903 15, 1932 (47 Stat. 697; D.C. Official Code § 24-403(b)), is amended by striking the phrase “section
9904 1 of An Act To control the possession, sale, transfer, and use of pistols and other dangerous
9905 weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for

9906 other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4501)” and inserting
9907 the phrase “former section 1 of An Act To control the possession, sale, transfer, and use of pistols
9908 and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules
9909 of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-
9910 4501)” in its place.

9911 Sec. 455. Section 8 of the Medical and Geriatric Parole Act of 1992, effective May 15,
9912 1993 (D.C. Law 9-271; D.C. Official Code § 24-467), is amended to read as follows:

9913 “Sec. 8. Exceptions.

9914 “Persons convicted of first degree murder, or persons sentenced for a crime of violence, as
9915 defined in D.C. Official Code § 23-1331(4), committed by displaying or using, what is in fact, a
9916 dangerous weapon or imitation dangerous weapon as those terms are defined in D.C. Official Code
9917 § 22A-101, or persons sentenced for a dangerous crime, as defined in D.C. Official Code § 23-
9918 1331(3), committed by displaying or using, what is in fact, a dangerous weapon or imitation
9919 dangerous weapon shall not be eligible for geriatric parole or geriatric suspension of sentence.”.

9920 Sec. 456. The Youth Rehabilitation Amendment Act of 1985, effective December 7, 1985
9921 (D.C. Law 6-69; D.C. Official Code § 24-901 *et seq.*), is amended as follows:

9922 (a) Section 2(6) (D.C. Official Code § 24-901(6)) is amended by striking the phrase
9923 “murder, first degree murder that constitutes an act of terrorism, second degree murder that
9924 constitutes an act of terrorism, first degree sexual abuse, second degree sexual abuse, and first
9925 degree child sexual abuse” and inserting the phrase “murder under D.C. Official Code § 22A-

9926 2101; first degree act of terrorism under D.C. Official Code § 22A-2701; first or second degree
9927 sexual assault under D.C. Official Code § 22A-2301; first or second degree sexual abuse of a minor
9928 under D.C Official Code § 22A-2302; or offenses formerly known as murder, first degree murder
9929 that constitutes an act of terrorism; second degree murder that constitutes an act of terrorism; first
9930 degree sexual abuse; second degree sexual abuse; and first degree child sexual abuse” in its place.

9931 (b) Section 7(f)(8) (D.C. Official Code § 24-906(f)(8)) is amended by striking the phrase
9932 “of An Act To control the possession, sale, transfer, and use of pistols and other dangerous
9933 weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for
9934 other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4503)” and inserting
9935 the phrase “D.C. Official Code § 22A-5107” in its place.

9936 Sec. 457. Section 202(2) of Improving the Conditions of Confinement of Juveniles Act of
9937 2016, effective April 4, 2017 (D.C. Law 21-238; D.C. Official Code § 24-911(2)), is amended by
9938 striking the phrase “shall have the same meaning as provided in section 2(6) of An Act To prohibit
9939 the introduction of contraband into the District of Columbia penal institutions, approved December
9940 15, 1941 (55 Stat. 800; D.C. Official Code § 22-2603.01(6))” and inserting the phrase “means any
9941 penitentiary, prison, jail, or secure facility owned, operated, or under the control of the Department
9942 of Corrections, whether located within the District of Columbia or elsewhere” in its place.

9943 Sec. 458. Section 101(2)(A) of the Basic Operations Options Training Children to Adults
9944 Maturity Program Establishment Act of 1993, effective January 27, 1994 (D.C. Law 10-67; D.C.
9945 Official Code § 24-921(2)(A)), is amended by striking the phrase “crime of violence, as defined

9946 in section 1 of An Act To control the possession, sale, transfer, and use of pistols and other
9947 dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence,
9948 and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4501),” and
9949 inserting the phrase “crime of violence, as defined in D.C. Official Code § 23-1331(4),” in its
9950 place.

9951 Sec. 459. Title 25 of the District of Columbia Official Code is amended as follows:

9952 (a) Section 25-335(a)(2) is amended by striking the phrase “CSA, or Chapter 6 of Title 33”
9953 and inserting the acronym “CSA” in its place.

9954 (b) Section 25-822(a)(2) is amended by striking the phrase “CSA or Chapter 6 of Title 33”
9955 and inserting the acronym “CSA” in its place.

9956 (c) Section 25-823(a)(4) is amended to read as follows:

9957 “(4) The licensee allows its employees or agents to engage in prostitution under §
9958 22A-5401, patronizing prostitution under § 22A-5402, or in sexual acts or sexual contact, as those
9959 terms are defined in § 22A-101, at the licensed establishment;”.

9960 (d) Section 25-1002 is amended as follows:

9961 (1) Subsection (b)(1) is amended by striking the phrase “his or her” and inserting
9962 the word “their” in its place.

9963 (2) Subsection (c) is amended as follows:

9964 (A) Paragraph (2) is amended as follows:

9965 (i) Strike the phrase “he or she may” and insert the phrase “they
9966 may” in its place.

9967 (ii) Strike the phrase “The Mayor, may, at his discretion,” and insert
9968 the phrase “The Mayor, may, at their discretion,” in its place.

9969 (B) Paragraph (4)(C) is amended by striking the phrase “he or she” and
9970 inserting the word “they” in its place.

9971 Sec. 460. Section 101 of the Title 25, D.C. Code Enactment and Related Amendments Act
9972 of 2000, effective May 3, 2001 (D.C. Law 13-298; 48 DCR 2959), is amended as follows:

9973 (a) The amendatory § 25-335(a)(2) is amended by striking the phrase “CSA, or Chapter 6
9974 of Title 33” and inserting the acronym “CSA” in its place.

9975 (b) The amendatory § 25-822(a)(2) is amended by striking the phrase “CSA or Chapter 6
9976 of Title 33” and inserting the acronym “CSA” in its place.

9977 Sec. 461. Section 2 of the Merchant’s Civil Recovery for Criminal Conduct Act of 1992,
9978 effective May 16, 1992 (D.C. Law 9-98; D.C. Official Code § 27-101), is amended as follows:

9979 (a) Paragraph (1) is amended by striking the phrase “shall have the meaning as that term is
9980 used in section 121 of the District of Columbia Theft and White Collar Crimes Act of 1982,
9981 effective December 1, 1982 (D.C. Law 4-164; D.C. Code §22-3821)” and inserting the phrase
9982 “means conduct constituting fraud under D.C. Official Code § 22A-3301” in its place.

9983 (b) Paragraph (4) is amended by striking the phrase “shall have the meaning as that term is
9984 used in section 113(a) of the District of Columbia Theft and White Collar Crime Act of 1982,

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9985 effective December 1, 1982 (D.C. Law 4-164; D.C. Code §22-3813(a))” and inserting the phrase
9986 “means conduct constituting shoplifting under D.C. Official Code § 22A-3204” in its place.

9987 (c) Paragraph (5) is amended by striking the phrase “shall have the meaning as that term is
9988 used in section 111 of the District of Columbia Theft and White Collar Crime Act of 1982,
9989 effective December 1, 1982 (D.C. Law 4-164; D.C. Code §22-3811)” and inserting the phrase
9990 “means conduct constituting theft under D.C. Official Code § 22A-3201” in its place

9991 Sec. 462. Section 3 of the Dishonored Check Act of 2006, effective May 12, 2006 (D.C.
9992 Law 16-93; D.C. Official Code § 28-3152)), is amended as follows:

9993 (a) Subsection (i) is amended by striking the phrase “§ 22-1510” and inserting the phrase
9994 “§ 22A-3303” in its place.

9995 (b) Subsection (k) is amended by striking the phrase “of making, drawing, or uttering a
9996 check, draft, order, or other instrument for payment of money with the intent to defraud under §
9997 22-1510” and inserting the phrase “of check fraud under § 22A-3303” in its place.

9998 Sec. 463. Section 604 of the Securities Act of 2000, effective October 26, 2000 (D.C. Law
9999 13-203; D.C. Official Code § 31-5606.04), is amended as follows:

10000 (a) Subsection (b) is amended by striking the phrase “shall be guilty of fraud in the second
10001 degree, as defined in section 121(b) of the District of Columbia Theft and White Collar Crimes
10002 Act of 1982” and inserting the phrase “shall be guilty of an offense, and shall be fined no more
10003 than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of
10004 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or

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10005 incarcerated for no more than 180 days, or both, if the property that was the object of the scheme
10006 or systematic course of conduct has some value, or shall be fined no more than the amount set
10007 forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June
10008 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or twice the value of the property
10009 which was the object of the scheme or systematic course of conduct, whichever is greater, or
10010 incarcerated for no more than 3 years, or both, if the value of the property which was the object of
10011 the scheme or systematic course of conduct is \$1,000 or more” in its place.

10012 (b) Subsection (c) is amended by striking the phrase “shall be guilty of fraud in the first
10013 degree, as defined in section 121(a) of the District of Columbia Theft and White Collar Crimes
10014 Act of 1982” and inserting the phrase “shall be guilty of an offense, and shall be fined not more
10015 than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of
10016 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or
10017 incarcerated for no more than 180 days, or both, if the property obtained or lost has some value,
10018 or shall be fined not more than the amount set forth in section 101 of the Criminal Fine
10019 Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official
10020 Code § 22-3571.01), or twice the value of the property obtained or lost, whichever is greater, or
10021 incarcerated for not more than 10 years, or both, if the value of the property obtained or lost is
10022 \$1,000 or more” in its place.

10023 Sec. 464. Section 2(7) of the Accrued Sick and Safe Leave Act of 2008, effective May 13,
10024 2008 (D.C. Law 17-152; D.C. Official Code § 32-531.01(7)), is amended by striking the phrase

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10025 “the Anti-Sexual Abuse” and inserting the phrase “Subchapter III of Chapter 2 of Title 22A or the
10026 former Anti-Sexual Abuse” in its place.

10027 Sec. 465. Section 6(c) of the Underground Facilities Protection Act of 1980, effective
10028 March 4, 1981 (D.C. Law 3–129; D.C. Official Code § 34–2705(c)), is repealed.

10029 Sec. 466. Section 4 of the Transit Operator Protection and Enhanced Penalty Amendment
10030 Act of 2008, effective July 23, 2008 (D.C. Law 17-206; D.C. Official Code § 35-261), is amended
10031 as follows:

10032 (a) Subsection (a)(1) is amended by striking the phrase “for the commission of certain
10033 offenses against transit operators and Metrorail station managers in the District of Columbia
10034 pursuant to section 2a of the Taxicab Drivers Protection Act of 2000, passed on 2nd reading on
10035 April 1, 2008 (Enrolled version of Bill 17-233) (“Act”)” and inserting the phrase “for the
10036 commission of any of the following offenses, or an attempt (D.C. Official Code § 22A-301) or
10037 conspiracy (D.C. Official Code § 22A-303), to commit any of the following offenses, against
10038 transportation workers in the District of Columbia: murder (D.C. Official Code § 22A-2101),
10039 manslaughter (D.C. Official Code § 22A-2102), robbery (D.C. Official Code § 22A-2201),
10040 carjacking (D.C. Official Code § 22A-2202), assault (D.C. Official Code § 22A-2203), first degree
10041 or second degree criminal threats (D.C. Official Code § 22A-2205), kidnapping (D.C. Official
10042 Code § 22A-2401), or criminal restraint (D.C. Official Code § 22A-2402)” in its place.

10043 (b) Subsection (b) is amended by striking the phrase “the enhanced penalties provided in
10044 section 2a of the Act” and inserting the phrase “the enhanced penalties for the offenses enumerated
10045 in subsection (a)(1) of this section” in its place.

10046 Sec. 467. Section 878d of An Act To establish a code of law for the District of Columbia,
10047 approved February 27, 1907 (34 Stat. 1007; D.C. Official Code § 36-154), is amended to read as
10048 follows:

10049 “The use or possession by any person not engaged in the production or sale of beverage as
10050 aforesaid, except the person who shall have filed and published a description of the same as
10051 aforesaid, of any vessel marked or distinguished as aforesaid, the description of which shall have
10052 been filed and published as aforesaid, without purchase of the contents thereof from, or the written
10053 consent of, the person who shall so have filed and published the said description, shall be prima
10054 facie evidence of the unlawful use, possession of, or traffic in, such vessel, and the person so using
10055 or in possession of the same, except the person who shall so have filed and published the said
10056 description as aforesaid shall:

10057 “(1) For the 1st offense, be punished by a fine of not less than \$.50 for each such
10058 vessel, or by imprisonment for not less than 10 days nor more than one year, or by both such fine
10059 and imprisonment; and

10060 “(2) For each subsequent offense, by a fine of not less than \$1 nor more than \$5 for
10061 each such vessel, or by imprisonment for not less than 20 days nor more than one year, or by both
10062 such fine and imprisonment.”.

10063 Sec. 468. Section 22 ½ of An Act To establish standard weights and measures for the
10064 District of Columbia; to define the duties of the Superintendent of Weights, Measures, and Markets
10065 of the District of Columbia; and for other purposes, approved April 27, 1945 (59 Stat. 99; D.C.
10066 Official Code § 37-201.22a), is amended by striking the phrase “in violation of the Act entitled
10067 ‘An Act to prevent fraudulent advertising in the District of Columbia’, approved May 29, 1916”
10068 and inserting the phrase “in violation of D.C. Official Code § 22A-3301” in its place.

10069 Sec. 469. The School Safety Omnibus Amendment Act of 2018, effective April 11, 2019
10070 (D.C. Law 22-294; D.C. Official Code § 38-951.01 *et seq.*), is amended as follows:

10071 (a) Section 101 (D.C. Official Code § 38-951.01) is amended as follows:

10072 (1) Paragraph (1) is amended to read as follows:

10073 “(1) “Child abuse” means:

10074 “(A) The infliction of physical or mental injury upon a child;

10075 “(B) A predicate crime, as that term is defined in D.C. Official Code § 22A-
10076 2309(i), or sexual abuse, as that term was defined in former section 251(4) of the Anti-Sexual
10077 Abuse Act of 1994, effective June 8, 2013 (D.C. Law 19-315; D.C. Official Code § 22-
10078 3020.51(4));

10079 “(C) Exploitation of a child; or

10080 “(D) The negligent treatment or maltreatment of a child.”.

10081 (2) Paragraph (6) is amended by striking the phrase “means sexual abuse, as that
10082 term is defined in section 251(4)” and inserting the phrase “means a predicate crime, as that term

10083 is defined in D.C. Official Code § 22A-2309(i), or sexual abuse, as that term was defined in former
10084 section 251(4)” in its place.

10085 (b) Section 102(a)(1) (D.C. Official Code § 38-951.02(a)(1)) is amended by striking the
10086 phrase “section 252 of Title II-A of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995
10087 (D.C. Law 10-257; D.C. Official Code § 22-3020.52)” and inserting the phrase “D.C. Official
10088 Code § 22A-2309” in its place.

10089 (c) Section 201(6) (D.C. Official Code § 32-1131.01(6)) is amended by striking the phrase
10090 “shall have the same meaning as provided in section 251(4)” and inserting the phrase “shall have
10091 the same meaning as the term “predicate crime”, as that term is defined in D.C. Official Code §
10092 22A-2309(i), or the term “sexual abuse”, as that term was defined in former section 251(4)” in its
10093 place.

10094 (d) Section 301(4) (D.C. Official Code § 38-952.01(4)) is amended to read as follows:

10095 “(4) “Sexual assault” means sexual assault under D.C. Official Code § 22A-2301,
10096 nonconsensual sexual conduct under D.C. Official Code § 22A-2307, or an attempt to commit
10097 either offense under D.C. Official Code § 22A-301.”.

10098 Sec. 470. Section 101(4) of the Civil Asset Forfeiture Amendment Act of 2014, effective
10099 June 16, 2015 (D.C. Law 20-278; D.C. Official Code § 41-301(4)), is amended as follows:

10100 (a) Strike the phrase “section 3 of the Commercial Counterfeiting Criminalization Act of
10101 1996, effective June 3, 1997 (D.C. Law 11-271; D.C. Official Code § 22- 902)” and insert the
10102 phrase “D.C. Official Code § 22A-3310” in its place.

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10103 (b) Strike the phrase “section 866 of An Act To establish a code of law for the District of
10104 Columbia, approved March 3, 1901 (31 Stat. 13 31; D. C. Official Code § 22-1705)” and insert
10105 the phrase “D.C. Official Code § 22A-5701” in its place.

10106 (c) Strike the phrase “, section 5 of An Act For the suppression of prostitution in the District
10107 of Columbia, effective May 7, 1993 (D.C. Law 9-267; D.C. Official Code § 22-2723)” and insert
10108 a comma in its place.

10109 Sec. 471. Section 499c(d) of An Act To establish a code of law for the District of Columbia,
10110 effective April 27, 1994 (D.C. Law 10-110; D.C. Official Code § 42-404(d)), is amended by
10111 striking the phrase “section 122 of the District of Columbia Theft and White Collar Crimes Act of
10112 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Code § 22-3222)” and inserting the
10113 phrase “D.C. Official Code § 22A-3301” in its place.

10114 Sec. 472. Section 302(21) of the District of Columbia Deed Recordation Tax Act, approved
10115 March 2, 1962 (76 Stat. 11; D.C. Official Code § 42-1102(21)), is amended by striking the phrase
10116 “making false statements pursuant to § 22-2405 of the District of Columbia Code” and inserting
10117 the phrase “making false statements pursuant to D.C. Official Code § 22A-4207” in its place.

10118 Sec. 473. Section 2 of the Drug-Related Nuisance Abatement Act of 1998, effective March
10119 26, 1999 (D.C. Law 12-194; D.C. Official Code § 42-3101), is amended as follows:

10120 (a) Paragraph (4) is amended by striking the phrase “means drug paraphernalia, as defined
10121 in section 2(3) of the Drug Paraphernalia Act of 1982, effective September 17, 1982 (D.C. Law 4-
10122 149; D.C. Code § 33-601(3))” and inserting the phrase “means an object used or intended to be

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10123 used to manufacture a controlled substance in violation of section 412 of the District of Columbia
10124 Uniform Controlled Substances Act of 1981, as approved by the Committee on the Judiciary and
10125 Public Safety on October 26, 2022 (Committee print of Bill 24-416)” in its place.

10126 (b) Paragraph (5)(C) is amended by striking the phrase “AN ACT For the suppression of
10127 prostitution in the District of Columbia, approved August 15, 1935 (49 Stat. 651; D.C. Official
10128 Code § 22-2701 *et seq.*); section 2 of the Control of Prostitution and Sale of Controlled Substances
10129 in Public Places Criminal Control Act of 1981, effective December 10, 1981 (D.C. Law 4-57; D.C.
10130 Official Code § 22-2701.01); section 813 of AN ACT To establish a code of law for the District
10131 of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22-2704); AN ACT In
10132 relation to pandering, to define and prohibit the same, and to provide for the punishment thereof,
10133 approved June 2, 1910 (36 Stat. 833; D.C. Official Code § 22-2705 *et seq.*); and section 1 of AN
10134 ACT To confer concurrent jurisdiction on the police court of the District of Columbia in certain
10135 cases, approved July 16, 1912 (37 Stat.192; D.C. Official Code § 22-2722)” and inserting the
10136 phrase “D.C. Official Code §§ 22A-2401(a)(3)(E), 22A-5401, 22A-5402, 22A-5403, 22A-5404,
10137 22A-2602, 22A-2605, and 22A-2613” in its place.

10138 (c) Paragraph (8A) is amended by striking the phrase “prostitution as defined in section
10139 2(1) of the Control of Prostitution and Sale of Controlled Substances in Public Places Criminal
10140 Control Act of 1981, effective December 10, 1981 (D.C. Law 4-57; D.C. Official Code § 22-
10141 2701.01(1)), or any act that violates any provision of AN ACT For the suppression of prostitution
10142 in the District of Columbia, approved August 15, 1935 (49 Stat. 651; D.C. Official Code § 22-

10143 2701 *et seq.*); section 813 of AN ACT To establish a code of law for the District of Columbia,
10144 approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22-2704); AN ACT In relation to
10145 pandering, to define and prohibit the same and to provide for the punishment thereof, approved
10146 June 2, 1910 (36 Stat. 833; D.C. Official Code § 22-2705 *et seq.*); and section 1 of AN ACT To
10147 confer concurrent jurisdiction on the police court of the District of Columbia in certain cases,
10148 approved July 16, 1912 (37 Stat.192; D.C. Official Code § 22-2722)” and inserting the phrase “any
10149 act that violates any provision of D.C. Official Code §§ 22A-2401(a)(3)(E), 22A-5401, 22A-5402,
10150 22A-5403, 22A-5404, 22A-2602, 22A-2605, or 22A-2613” in its place.

10151 Sec. 474. Section 9(a)(1)(C) of the Anti-Graffiti Act of 2010, effective September 18, 2010
10152 (D.C. Law 18-219; D.C. Official Code § 42-3141.08(a)(1)), is amended by striking subsection
10153 (a)(1)(C).

10154 Sec. 475. Section 3(d) of the Fair Criminal Record Screening for Housing Act of 2016,
10155 effective April 7, 2017 (D.C. Law 21-259; D.C. Official Code § 42-3541.02(d)), is amended to
10156 read as follows:

10157 “(d) After making a conditional offer, a housing provider may only consider a pending
10158 criminal accusation or criminal conviction that has occurred within the past 7 years when the
10159 pending criminal accusation or criminal conviction is for one or more of the following crimes,
10160 whether committed in the District of Columbia or any other state, or the United States:

10161 “(1) Arson under D.C. Official Code § 22A-3601 or former section 820 of An Act
10162 To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1323;

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10163 D.C. Official Code § 22-301), or burning one's own property with intent to defraud or injure
10164 another under former section 821 of An Act To establish a code of law for the District of Columbia,
10165 approved March 3, 1901 (31 Stat. 1323; D.C. Official Code § 22-302);

10166 “(2) Reckless burning under D.C. Official Code § 22A-3602;

10167 “(3) Criminal damage to property under D.C. Official Code § 22A-3603, or
10168 malicious burning, destruction, or injury of another's property under former section 848 of An Act
10169 To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1327;
10170 D.C. Official Code § 22-303);

10171 “(4) Burglary under D.C. Official Code § 22A-3801 or former section 823 of An
10172 Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat.
10173 1323; D.C. Official Code § 22-801);

10174 “(5) First degree, second degree, or third degree assault under D.C. Official Code
10175 § 22A-2203, including under the weapons enhancements in D.C. Official Code § 22A-2203(h)(7),
10176 fourth degree assault under the weapons enhancement in D.C. Official Code § 22A-2203(h)(7)(B),
10177 aggravated assault under former section 806a of An Act To establish a code of law for the District
10178 of Columbia, effective August 20, 1994 (D.C. Law 10-151; D.C. Official Code § 22-404.01),
10179 assault with intent to kill, rob, or poison, or to commit first degree sexual abuse, second degree
10180 sexual abuse, or child sexual abuse under former section 803 of An Act To establish a code of law
10181 for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22-
10182 401), or assault with intent to commit mayhem or with dangerous weapon under former section

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10183 804 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901
10184 (31 Stat. 1321; D.C. Official Code § 22–402);

10185 “(6) First degree criminal threats under the weapons enhancement in D.C. Official
10186 Code § 22A-2205(4)(B);

10187 “(7) Check fraud under D.C. Official Code § 22A-3303 or making, drawing, or
10188 uttering check, draft, or order with intent to defraud under former An Act Regulating the issuance
10189 of checks, drafts, and orders for the payment of money within the District of Columbia, approved
10190 July 1, 1922 (42 Stat. 820; D.C. Official Code § 22–1510);

10191 “(8) Criminal attempt under D.C. Official Code § 22A-301, if the attempt is to
10192 commit a crime listed in this subsection, or attempt under section 906 of An Act To establish a
10193 code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1337; D.C. Official
10194 Code § 22–1803), if the attempt is to commit a crime listed in this subsection;

10195 “(9) Criminal conspiracy under D.C. Official Code § 22A-303, if the conspiracy is
10196 to commit a crime listed in this subsection, or conspiracy under section 908A of An Act To
10197 establish a code of law for the District of Columbia, approved July 29, 1970 (84 Stat. 599; D.C.
10198 Official Code § 22–1805a), if the conspiracy is to commit a crime listed in this subsection;

10199 “(10) Trafficking in labor under D.C. Official Code § 22A-2603, trafficking in
10200 forced commercial sex under D.C. Official Code § 22A-2604, or trafficking in labor or commercial
10201 sex acts under former section 103 of the Prohibition Against Human Trafficking Amendment Act
10202 of 2010, effective October 23, 2010 (D.C. Law 18–239; D.C. Official Code § 22–1833);

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10203 “(11) Sex trafficking of a minor or adult incapable of consenting under D.C.
10204 Official Code § 22A-2605, or sex trafficking of children under former section 104 of the
10205 Prohibition Against Human Trafficking Amendment Act of 2010, effective October 23, 2010
10206 (D.C. Law 18–239; D.C. Official Code § 22–1834);

10207 “(12) Kidnapping under D.C. Official Code § 22A-2401 or former section 812 of
10208 An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat.
10209 1322; D.C. Official Code § 22–2001);

10210 “(13) First degree murder or second degree murder under D.C. Official Code §
10211 22A-2101; murder in the first degree under former section 798 of An Act To establish a code of
10212 law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code §
10213 22–2101); murder in the first degree under former section 799 of An Act To establish a code of
10214 law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code §
10215 22–2102); murder in the second degree under former section 800 of An Act To establish a code of
10216 law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code §
10217 22–2103); or murder of law enforcement officer under former section 802a of An Act To establish
10218 a code of law for the District of Columbia, effective May 23, 1995 (D.C. Law 10–256; D.C.
10219 Official Code § 22–2106);

10220 “(14) Voluntary manslaughter or involuntary manslaughter under D.C. Official
10221 Code § 22A-2102 or manslaughter under former section 802 of An Act To establish a code of law

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10222 for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22–
10223 2105);

10224 “(15) Criminal solicitation under D.C. Official Code § 22A-302 of a crime of
10225 violence as defined in § 22A-101, or solicitation of murder or other crime of violence as penalized
10226 under former section 802b of An Act To establish a code of law for the District of Columbia,
10227 effective April 24, 2007 (D.C. Law 16–306; D.C. Official Code § 22–2107);

10228 “(16) Robbery under D.C. Official Code § 22A-2201, or robbery or attempt to
10229 commit robbery under former sections 810 and 811 of An Act To establish a code of law for the
10230 District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code §§ 22–2801 and
10231 22-2802);

10232 “(17) First degree sexual assault under D.C. Official Code § 22A-2301(a) or first
10233 degree sexual abuse under former section 201 of the Anti-Sexual Abuse Act of 1994, effective
10234 May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3002);

10235 “(18) Second degree sexual assault under D.C. Official Code § 22A-2301(b) or
10236 second degree sexual abuse under former section 202 of the Anti-Sexual Abuse Act of 1994,
10237 effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3003);

10238 “(19) Sexual abuse of a minor under D.C. Official Code § 22A-2302, first degree
10239 child sexual abuse under former section 207 of the Anti-Sexual Abuse Act of 1994, effective May
10240 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3008), second degree child sexual abuse
10241 under former section 208 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C.

10242 Law 10-257; D.C. Official Code § 22-3009), first degree sexual abuse of a minor under former
10243 section 208a of the Anti-Sexual Abuse Act of 1994, effective April 24, 2007 (D.C. Law 16-306;
10244 D.C. Official Code § 22-3009.01), or second degree sexual abuse of a minor under former section
10245 208b of the Anti-Sexual Abuse Act of 1994, effective April 24, 2007 (D.C. Law 16-306; D.C.
10246 Official Code § 22-3009.02);

10247 “(20) Sexual abuse by exploitation under D.C. Official Code § 22A-2303, first
10248 degree sexual abuse of a ward, patient, client, or prisoner under former section 212 of the Anti-
10249 Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-
10250 3013), second degree sexual abuse of a ward, patient, client, or prisoner under former section 213
10251 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official
10252 Code § 22-3014), first degree sexual abuse of a patient or client under former section 214 of the
10253 Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code §
10254 22-3015), or second degree sexual abuse of a patient or client under former section 215 of the
10255 Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code §
10256 22-3016);

10257 “(21) Act of terrorism under D.C. Official Code § 22A-2701, material support for
10258 an act of terrorism under D.C. Official Code § 22A-2702, or former acts of terrorism under former
10259 section 103 of the Omnibus Anti-Terrorism Act of 2002, effective October 17, 2002 (D.C. Law
10260 14-194; D.C. Official Code § 22-3153);

10261 “(22) Manufacture or possession of a weapon of mass destruction under D.C.
10262 Official Code § 22A-2703 or former section 104 of the Omnibus Anti-Terrorism Act of 2002,
10263 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 22-3154);

10264 “(23) Use, dissemination, or detonation of a weapon of mass destruction under D.C.
10265 Official Code § 22A-2704 or former section 105 of the Omnibus Anti-Terrorism Act of 2002,
10266 effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 22-3155);

10267 “(24) Fraud under D.C. Official Code § 22A-3301 or former section 121 of the
10268 District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982
10269 (D.C. Law 4-164; D.C. Official Code § 22-3221);

10270 “(25) Payment card fraud under D.C. Official Code § 22A-3302 or credit card fraud
10271 under former section 123 of the District of Columbia Theft and White Collar Crimes Act of 1982,
10272 effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-3223);

10273 “(26) Insurance fraud in the first degree under section 125b of the District of
10274 Columbia Theft and White Collar Crimes Act of 1982, effective April 27, 1999 (D.C. Law 12-
10275 273; D.C. Official Code § 22-3225.02);

10276 “(27) Insurance fraud in the second degree under section 125c of the District of
10277 Columbia Theft and White Collar Crimes Act of 1982, effective April 27, 1999 (D.C. Law 12-
10278 273; D.C. Official Code § 22-3225.03);

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10279 “(28) Forgery under D.C. Official Code § 22A-3304 or former section 141 of the
10280 District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982
10281 (D.C. Law 4-164; D.C. Official Code § 22-3241);

10282 “(29) Prohibited acts A under section 401 of the District of Columbia Uniform
10283 Controlled Substances Act of 1981, effective August 5, 2001 (D.C. Law 4-29; D.C. Official Code
10284 § 48-904.01), excluding subsection (d)(1) of this section;

10285 “(30) Prohibited acts B under section 402 of the District of Columbia Uniform
10286 Controlled Substances Act of 1981, effective August 5, 2001 (D.C. Law 4-29; D.C. Official Code
10287 § 48-904.02);

10288 “(31) Prohibited acts C under section 403 of the District of Columbia Uniform
10289 Controlled Substances Act of 1981, effective August 5, 2001 (D.C. Law 4-29; D.C. Official Code
10290 § 48-904.03);

10291 “(32) Maintaining methamphetamine production under section 412 of the District
10292 of Columbia Uniform Controlled Substances Act of 1981, as approved by the Committee on the
10293 Judiciary and Public Safety on October 26, 2022 (Committee print of Bill 24-416), or prohibited
10294 acts D under former section 411 of the District of Columbia Uniform Controlled Substances Act
10295 of 1981, effective June 13, 1990 (D.C. Law 8-138; D.C. Official Code § 48-904.03a);

10296 “(33) Distribution to minors under section 406 of the District of Columbia Uniform
10297 Controlled Substances Act of 1981, effective August 5, 2001 (D.C. Law 4-29; D.C. Official Code
10298 § 48-904.06);

10299 “(34) Enlistment of minors to distribute under section 407 of the District of
10300 Columbia Uniform Controlled Substances Act of 1981, effective August 5, 2001 (D.C. Law 4–29;
10301 D.C. Official Code § 48–904.07); and

10302 “(35) Attempt or conspiracy to commit a crime under section 409 of the District of
10303 Columbia Uniform Controlled Substances Act of 1981, effective August 5, 2001 (D.C. Law 4–29;
10304 D.C. Official Code § 48–904.09), if the attempt or conspiracy is to commit a crime listed in this
10305 subsection.”.

10306 Sec. 476. Section 1302(15) of the Residential Drug-Related Evictions Re-enactment Act
10307 of 2000, effective October 19, 2000 (D.C. Law 13–172; D.C. Official Code § 42–3601(15)), is
10308 amended as follows:

10309 (a) Subparagraph (B)(ii) is amended to read as follows:

10310 “(ii) An object used or intended to be used to manufacture a
10311 controlled substance in violation of section 412 of the District of Columbia Uniform Controlled
10312 Substances Act of 1981, as approved by the Committee on the Judiciary and Public Safety on
10313 October 26, 2022 (Committee print of Bill 24-416); or”.

10314 (b) Subparagraph (C)(ii) is amended to read as follows:

10315 “(ii) An object used or intended to be used to manufacture a
10316 controlled substance in violation of section 412 of the District of Columbia Uniform Controlled
10317 Substances Act of 1981, as approved by the Committee on the Judiciary and Public Safety on
10318 October 26, 2022 (Committee print of Bill 24-416).”.

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10319 Sec. 477. Section 115 of the Continuing Care Retirement Communities Act of 2004,
10320 effective April 5, 2005 (D.C. Law 15-270; D.C. Official Code § 44-151.15), is amended as follows:

10321 (a) The lead-in language of subsection (b) is amended by striking the phrase “guilty of
10322 fraud in the second degree, as defined in section 121(b) of the District of Columbia Theft and
10323 White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official
10324 Code § 22-3221(b))” and inserting the phrase “guilty of an offense” in its place.

10325 (b) A new subsection (b-1) is added to read as follows:

10326 “(b-1) A person who commits an offense under subsection (b) of this section shall be fined
10327 not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment
10328 Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or
10329 incarcerated for no more than 180 days, or both, if the property that was the object of the scheme
10330 or systematic course of conduct has some value, or shall be fined not more than the amount set
10331 forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June
10332 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or twice the value of the property
10333 which was the object of the scheme or systematic course of conduct, whichever is greater, or
10334 incarcerated for no more than 3 years, or both, if the value of the property which was the object of
10335 the scheme or systematic course of conduct is \$1,000 or more.”.

10336 (c) The lead-in language of subsection (c) is amended by striking the phrase “guilty of
10337 fraud in the first degree, as defined in section 121(b) of the District of Columbia Theft and White

10338 Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code §
10339 22-3221(a)”) and inserting the phrase “guilty of an offense” in its place.

10340 (d) A new subsection (c-1) is added to read as follows:

10341 “(c-1) A person who commits an offense under subsection (c) of this section shall be fined
10342 not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment
10343 Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or
10344 incarcerated for no more than 180 days, or both, if the property obtained or lost has some value,
10345 or shall be fined not more than the amount set forth in section 101 of the Criminal Fine
10346 Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official
10347 Code § 22-3571.01), or twice the value of the property obtained or lost, whichever is greater, or
10348 incarcerated for no more than 10 years, or both, if the value of the property obtained or lost is
10349 \$1,000 or more.”.

10350 Sec. 478. Title 47 of the District of Columbia Official Code is amended as follows:

10351 (a) Section 47-2828(a) is amended by striking the phrase “in his judgment” and inserting
10352 the phrase “in their judgment” in its place.

10353 (b) Section 47-2829 is amended as follows:

10354 (1) Subsection (b) is amended as follows:

10355 (A) Strike the phrase “Collector of Taxes” and insert the phrase “Office of
10356 Tax and Revenue” in its place.

10357 (B) Strike the phrase “his designated agent” and insert the phrase “their
10358 designated agent” in its place.

10359 (2) Subsection (d) is amended by striking the phrase “he or she” and inserting the
10360 word “they” in its place.

10361 (3) Subsection (i) is amended by striking the word “his” wherever it appears and
10362 inserting the word “their” in its place.

10363 (c) Section 47-2844(a-1)(1) is amended as follows:

10364 (1) Subparagraph (B) is amended by striking the phrase “the Drug Paraphernalia
10365 Act” and inserting the phrase “section 413 of the District of Columbia Uniform Controlled
10366 Substances Act of 1981, as approved by the Committee on the Judiciary and Public Safety on
10367 October 26, 2022 (Committee print of Bill 24-416), or, until the applicability date of this act, the
10368 Drug Paraphernalia Act” in its place.

10369 (2) Subparagraph (C) is amended to read as follows:

10370 “(C) “Any act that violates any provision of § 22A-2401(a)(3)(E), § 22A-
10371 2602, § 22A-2604, § 22A-2605, § 22A-2608, § 22A-5401, § 22A-5402, or § 22-5403, or, until the
10372 applicability date of this act, an act of prostitution as defined in former § 22-2701.01(1), or any act
10373 that violates any provision of former §§ 22-2701 through 22-2712 or former 22-2722; or”

10374 (d) Section 47-3504(f) is amended by striking the phrase “shall be deemed guilty of the
10375 offense of making false statements and, upon conviction thereof, shall be subject to the penalties

10376 for that offense provided for by § 22-2405(b).” and inserting the phrase “shall be subject to
10377 prosecution for the offense of false statements under § 22A-4207.” in its place.

10378 (e) Section 47-3506(b) is amended by striking the phrase “shall be deemed guilty of the
10379 offense of making false statements and, upon conviction, shall be subject to the penalty for that
10380 offense provided in § 22-2405(b).” and inserting the phrase “shall be subject to prosecution for the
10381 offense of false statements under § 22A-4207.” in its place.

10382 Sec. 479. The Drug Paraphernalia Act of 1982, effective September 17, 1982 (D.C. Law
10383 4–149; D.C. Official Code § 48-1101 *et seq.*), is amended as follows:

10384 (a) Section 4a(d) (D.C. Official Code § 48-1103.01(d)) is amended by striking the phrase
10385 “Notwithstanding the provisions of section 4 of this act” and inserting the phrase “Notwithstanding
10386 the provisions of sections 412 and 413 of the District of Columbia Uniform Controlled Substances
10387 Act of 1981, as approved by the Committee on the Judiciary and Public Safety on October 26,
10388 2022 (Committee print of Bill 24-416)” in its place.

10389 (b) Section 5(a) (D.C. Official Code § 48-1104(a)) is amended as follows:

10390 (1) Paragraph (2) is amended by striking the phrase “section 4” and inserting the
10391 phrase “sections 412 and 413 of the District of Columbia Uniform Controlled Substances Act of
10392 1981, as approved by the Committee on the Judiciary and Public Safety on October 26, 2022
10393 (Committee print of Bill 24-416)” in its place.

10394 (2) Paragraph (3) is amended by striking the phrase “as defined in sections 2 and 3
10395 and prohibited in section 4” and inserting the phrase “possessed or trafficked in violation of

10396 sections 412 and 413 of the District of Columbia Uniform Controlled Substances Act of 1981, as
10397 approved by the Committee on the Judiciary and Public Safety on October 26, 2022 (Committee
10398 print of Bill 24-416)” in its place.

10399 Sec. 480. Section 103(c) (D.C. Official Code § 48-1203(c)) of the Marijuana Possession
10400 Decriminalization Amendment Act of 2014, effective July 17, 2014 (D.C. Law 20-126; D.C.
10401 Official Code § 48-1201 *et seq.*), is amended by striking the phrase “and An Act To” and inserting
10402 the phrase “Subchapter I of Chapter 5 of Title 22A, and former An Act To” in its place.

10403 Sec. 481. Section 20j-2(c) of the Department of For-Hire Vehicles Establishment Act of
10404 1985, effective March 10, 2015 (D.C. Law 20-187; D.C. Official Code § 50-301.29b(c)), is
10405 amended as follows:

10406 (a) Paragraph (1) is amended to read as follows:

10407 “(1) As shown in the local or national criminal background check conducted in
10408 accordance with subsection (b)(1) of this section, has been convicted within the past 7 years of:

10409 “(A) An offense defined as a crime of violence under D.C. Official Code §
10410 23-1331(4);

10411 “(B) An offense under Subchapter III of Chapter 2 of Title 22A or former
10412 Title II of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C.
10413 Official Code § 22-3002 *et seq.*);

10414 “(C) An offense under D.C. Official Code § 22A-2807, § 22A-2808, § 22A-
10415 2809, § 22-2810, or former § 22-3102;

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10416 “(D) Theft in the first, second, or third degree under D.C. Official Code §
10417 22A-3201 or former theft in the first degree under former section 112 of the District of Columbia
10418 Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4–164; D.C.
10419 Official Code § 22–3212);

10420 “(E) First, second, or third degree fraud under D.C. Official Code § 22A-
10421 3301 or former section 121 of the District of Columbia Theft and White Collar Crimes Act of
10422 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-3221);

10423 “(F) First, second, or third degree identity theft under D.C. Official Code §
10424 22A-3305 or former section 127b of the District of Columbia Theft and White Collar Crimes Act
10425 of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-3227.02); or

10426 “(G) An offense under any state or federal law or under the law of any other
10427 jurisdiction in the United States involving conduct that would constitute an offense described in
10428 subparagraph (A), (B), (C), (D), (E) or (F) of this paragraph if committed in the District.”.

10429 (b) Paragraph (3) is amended as follows:

10430 (1) Subparagraph (D) is amended by striking the phrase “section 802(a)” and
10431 inserting the phrase “D.C. Official Code § 22A-2103 where the death of another is caused by the
10432 negligent operation of any vehicle or former section 802(a)” in its place.

10433 (2) Subparagraph (F) is amended by striking the phrase “section 115” and inserting
10434 the phrase “D.C. Official Code § 22A-3203 or former section 115” in its place.

10435 Sec. 482. Section 6(b)(2) of the Uniform Classification and Commercial Driver's License
10436 Act of 1990, effective September 20, 1990 (D.C. Law 8–161; D.C. Official Code § 50–405(b)(2)),
10437 is amended by striking the phrase “Corporation Counsel” and inserting “Attorney General for the
10438 District of Columbia” in its place.

10439 Sec. 483. The District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat.
10440 1119; D.C. Official Code *passim*), is amended as follows:

10441 (a) Section 7(a) (D.C. Official Code § 50-1401.01(a)) is amended as follows:

10442 (1) Paragraph (1)(B) is amended by striking the phrase “he or she is” and inserting
10443 the phrase “they are” in its place.

10444 (2) Paragraph (3) is amended as follows:

10445 (A) Strike the word “his” wherever it appears and insert the word “their” in
10446 its place.

10447 (B) Strike the phrase “he is” and insert the phrase “they are” in its place.

10448 (C) Strike the word “him” and insert the word “them” in its place.

10449 (3) Paragraph (6) is amended by striking the word “his” and inserting the word
10450 “their” in its place.

10451 (b) Section 7(c) (D.C. Official Code § 50-1401.01(c)) is amended by striking the phrase
10452 “his or her” and inserting the word “their” in its place.

10453 (c) Section 13a(b)(2) (D.C. Official Code § 50-1403.02(b)(2)) is amended as follows:

10454 (1) Subparagraph (A) is amended by striking the phrase “of section” and inserting
10455 the phrase “of D.C. Official Code § 22A-3201 or former section” in its place.

10456 (2) Subparagraph (B) is amended by striking the phrase “of section” and inserting
10457 the phrase “of D.C. Official Code § 22A-3203 or former section” in its place.

10458 (3) Subparagraph (C) is amended by striking the phrase “of sections” and inserting
10459 the phrase “of D.C. Official Code § 22A-3501, D.C. Official Code § 22A-3502, or former sections”
10460 in its place.

10461 (d) Section 10b (D.C. Official Code § 50–2201.05b) is amended as follows:

10462 (1) Subsection (d)(1) is amended by striking the word “his” and inserting the word
10463 “their” in its place.

10464 (2) Subsection (e) is repealed.

10465 Sec. 484. Section 3p(a) of The Anti-Drunk Driving Act of 1982, effective April 27, 2013
10466 (D.C. Law 19-266; D.C. Official Code § 50-2206.51(a)), is amended by striking the phrase
10467 “negligent homicide in violation of section 802(a) of An Act To establish a code of law for the
10468 District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 50-2203.01),
10469 or manslaughter committed in the operation of a vehicle in violation of section 802 of An Act To
10470 establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C.
10471 Official Code § 22-2105),” and inserting the phrase “negligent homicide committed in the
10472 operation of a motor vehicle in violation of D.C. Official Code § 22A-2103, or manslaughter

10473 committed in the operation of a vehicle in violation of D.C. Official Code § 22A-2102,” in its
10474 place.

10475 TITLE V. APPLICABILITY; FISCAL IMPACT STATEMENT; EFFECTIVE DATE.

10476 Sec. 501. Applicability.

10477 (a)(1) Except as otherwise provided in this act, this act shall apply as of October 1, 2025,
10478 or upon the date of inclusion of its fiscal effect in an approved budget and financial plan, whichever
10479 is later.

10480 (2) Offenses committed prior to the applicability date of this act are subject to laws
10481 in effect at that time. An offense is committed prior to the applicability date of this act if any one
10482 of the elements of the offense is satisfied prior to the applicability date of this act.

10483 (b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in
10484 an approved budget and financial plan, and provide notice to the Budget Director of the Council
10485 of the certification.

10486 (c)(1) The Budget Director shall cause the notice of the certification to be published in the
10487 District of Columbia Register.

10488 (2) The date of publication of the notice of the certification shall not affect the
10489 applicability of this act.

10490 Sec. 502. Fiscal impact statement.

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10491 The Council adopts the fiscal impact statement in the committee report as the fiscal impact
10492 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
10493 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

10494 Sec. 503. Effective date.

10495 This act shall take effect following approval by the Mayor (or in the event of veto by the
10496 Mayor, action by the Council to override the veto), a 60-day period of congressional review as
10497 provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24,
10498 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of
10499 Columbia Register.