

APPENDIX IX: ENACTMENT OF TITLE 22 AND CRIMINAL CODE  
AMENDMENTS ACT OF 2017 (VOTING DRAFT)

Note: All statute texts are taken from the online LexisNexis District of Columbia Official Code. At the time this draft bill was prepared in October 2016, the texts in the Official Code were current through April 5, 2016. The text of the enacted title 22 reflects the revisions discussed in the Report #1: Recommendations for Enactment of D.C. Code Title 22 and Other Changes to Criminal Statutes (Report): 1) Repeal of archaic and unused offenses; 2) Technical amendments; 3) Amendment of statutes held to be unconstitutional; 4) Resolution of discrepancies between the text of the D.C. Official Code and the underlying organic legislation; and 5) Relocation of numerous statutes from Title 22.

Before the Council can vote on title 1 of the bill in this Appendix IX, the Council's Office of the General Counsel will need to update the bill to reflect any criminal laws or amendments that have become effective since April 5, 2016, to the date of the Council vote to enact Title 22, as well as any conforming amendments necessary to accommodate the relocated titles (discussed further on page 16-14 of the Report. In addition, footnotes in the bill highlight potential drafting issues for the Office of the General Counsel to review.

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A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To enact Title 22, "Criminal Offenses and Penalties," of the District of Columbia Official Code into law and repeal the underlying organic legislation without effecting substantive change to the law unless noted in the "Statement of Legislative Intent" that is included in this bill; to make technical amendments to certain criminal statutes to correct outdated institutions, gendered language, and prosecutorial jurisdiction; to amend statutes that have been held by the District of Columbia Court of Appeals as unconstitutional; and to abolish common law offenses in the District by amending the reception statute in Title 45.

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**Statement of Legislative Intent**

The Council of the District of Columbia finds it necessary to enact Title 22 of the District of Columbia Official Code. The Council does not intend enactment of Title 22 to substantively change the laws therein, except for the specific changes noted in this Statement of Legislative Intent. Nor does the Council intend enactment of Title 22 to indicate legislative approval or disapproval of any court decisions construing the laws therein.

1. The Council intends to repeal the following archaic offenses in Title 22. The text of Title 22 in the “Title 22 Enactment Act of 2016” reflects these deletions:

60 (1) D.C. Official Code § 22-1003, titled “Rest, water and feeding for animals  
61 transported by railroad company.”

62 (2) Subsection (a) of D.C. Official Code § 22-1012, titled “Abandonment of  
63 maimed or diseased animal; destruction of diseased animals; disposition of animal or vehicle on  
64 arrest of driver; scientific experiments.

65 (3) D.C. Official Code § 22-1308, titled “Playing games in streets.”

66 (4) D.C. Official Code § 22-3303, titled “Grave robbery; buying or selling dead  
67 bodies.”

68 (5) D.C. Official Code § 22-3320, titled “Obstructing public road; removing  
69 milestones.”

70 2. The Council intends to make the following technical amendments to the statutes in  
71 Title 22. The text of Title 22 in the “Title 22 Enactment Act of 2016” reflects these  
72 amendments:

73 (1) In D.C. Official Code § 22-302, striking the word “his” and inserting the  
74 phrase “his or her” in its place.

75 (2) In D.C. Official Code § 22-722(a)(5), striking the second reference to “his”  
76 and inserting the phrase “his or her” in its place.

77 (3) In D.C. Official Code § 22-935, striking the word “he” both times it appears  
78 and inserting the phrase “he or she” in its place.

79 (4) In D.C. Official Code § 22-1102, striking the phrase “in the Workhouse of the  
80 District of Columbia.”

81 (5) In D.C. Official Code § 22-1311:

82 A. In subsection (a):

83 i. Striking the word “he” and inserting the phrase “he or she”  
84 in its place.

85 ii. Striking the word “him” and inserting the phrase “him or her” in  
86 its place.

87 B. In subsection (b), striking the word “he” and inserting the phrase “he  
88 or she” in its place.

89 (6) In D.C. Official Code § 22-1317, striking the phrase “City of Washington”  
90 and inserting the phrase “District of Columbia” in its place.

91 (7) In D.C. Official Code § 22-1406, striking the word “himself” and inserting the  
92 phrase “himself or herself” in its place.

93 (8) In D.C. Official Code § 22-1702, striking the word “his” the second time it  
94 appears and inserting the phrase “his or her” in its place.

95 (9) In D.C. Official Code § 22-1809, striking the phrase “committed to the  
96 Workhouse of the District of Columbia” and inserting the word “imprisoned” in its place.

97 (10) In D.C. Official Code § 22-1810, in the title of the statute, striking the  
98 word “his” and inserting the phrase “his or her” in its place.

99 (11) In D.C. Official Code § 22-2305, striking the phrase “Corporation  
100 Counsel” and inserting the phrase “Attorney General for the District of Columbia” in its place.

101 (12) In D.C. Official Code § 22-2703, striking the phrase “the Women’s  
102 Bureau of the Police” and inserting the phrase “the Metropolitan Police Department” in its place.

103 (13) In D.C. Official Code § 22-3020(c), striking the phrase “Corporation  
104 Counsel” and inserting the phrase “Attorney General for the District of Columbia” in its place.

105 (14) In D.C. Official Code § 22-3214.01(c)(2), striking the word “his” both  
106 times it appears and inserting the phrase “his or her” in its place.

107 (15) In D.C. Official Code § 22-3225.05(c), striking the phrase “Corporation  
108 Counsel” and inserting the phrase “Attorney General for the District of Columbia” in its place.

109 (16) In D.C. Official Code § 22-3226.01(8), striking the word “himself” and  
110 inserting the phrase “himself or herself” in its place.

111 (17) In D.C. Official Code § 22-3318:

112 A. Striking the phrase “City of Washington” and inserting the  
113 phrase “District of Columbia” in its place.

114 B. Striking the phrase “at hard labor” and inserting the word “for”  
115 in its place.

116 (18) In D.C. Official Code § 22-3403:

117 A. Striking the phrase “Corporation Counsel” and inserting the  
118 phrase “Attorney General for the District of Columbia” in its  
119 place.

120 B. Striking the phrase “Assistant Corporation Counsel” and  
121 inserting the phrase “Assistant Attorney General for the  
122 District of Columbia.”

123 C. Striking the last sentence.

124 (20) In D.C. Official Code § 22-4331(b):

125 A. Striking the phrase “Corporation Counsel” and inserting the  
126 phrase “Attorney General for the District of Columbia” in its place.

127 B. Striking the phrase “Assistant Corporation Counsel” and  
128 inserting the phrase “Assistant Attorney General for the District of  
129 Columbia” in its place.

130 (21) In D.C. Official Code § 22-4504.02(a), striking the word “he” both times  
131 it appears and inserting the phrase “he or she” in its place.

132 3. The Council intends to make the following substantive revisions to the laws in Title  
133 22. The text of Title 22 in the “Title 22 Enactment Act of 2016” reflects these revisions:

134 (1) In D.C. Official Code § 22-1011, inserting the phrase “be abandoned by its  
135 owner, or”, which appears in the organic legislation, but is missing from the current text of Title  
136 22 in the D.C. Official Code.

137 (2) In D.C. Official Code § 22-1801, codifying the reference to “this title” even  
138 though the language differs from the underlying organic legislation.

139 (3) In D.C. Official Code § 22-1802, codifying the reference to “this title” even  
140 though the language differs from the underlying organic legislation.

141 (4) In D.C. Official Code § 22-1809, deleting the last sentence because D.C.  
142 Official Code § 22-1312(b) has been deleted.

143 (5) In D.C. Official Code § 22-2104.01(b)(12), striking the phrase “§ 22-  
144 4501(f) [now § 22-4501(4)]” and inserting the phrase in “§ 22-4501(1)” in order to cite to the  
145 correct subsection in § 22-4501.

146 (6) In § 22-2701.01, codifying the reference to § 22-2704 because it corrects an  
147 error in the underlying organic legislation.

148 (7) In D.C. Official Code § 22-3312.01, inserting “upon” at the end of the first  
149 clause.

150 (8) In D.C. Official Code § 22-4402, codifying the reference to “Mayor”

151 because “Mayor” is the correct replacement for the “Commissioners” in the organic legislation.

152 (9) In D.C. Official Code § 22-4505(a)(2), codifying the reference to “that  
153 section” because it clarifies the scope of the underlying organic legislation.

154 (10) In D.C. Official Code § 22-4510, codifying the references to “Mayor”  
155 because “Mayor” is the correct replacement for the “Commissioners” in the organic legislation.

156 (11) In D.C. Official Code § 22-4512, striking from the second sentence,  
157 “Possession of any pistol, machine gun, or sawed-off shotgun upon which any such mark shall  
158 have been changed, altered, removed, or obliterated shall be prima facie evidence that the  
159 possessor has changed, altered, removed, or obliterated the same within the District of Columbia;  
160 provided, however, that nothing” and inserting “Nothing” as the start of the sentence.

161 (12) In subsection (a) of D.C. Official Code § 22-4514, codifying the reference  
162 to “Air Force” even though the reference is missing from the organic legislation.

163 (13) In D.C. Official Code § 22-4515a, codifying the reference to “Mayor”  
164 because “Mayor” is the correct replacement for the “Commissioner” in the organic legislation.

165

166 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
167 act may be cited as the Enactment of the District of Columbia Official Code Title 22 and Other  
168 Criminal Code Revisions Act of 2017.

169

170 **TITLE 1. ENACTMENT OF TITLE 22 OF THE DISTRICT OF COLUMBIA OFFICAL**  
171 **CODE**

172

173 Sec. 101. Short Title.

174 This subtitle may be cited as the “District of Columbia Official Code Title 22 Enactment  
175 Act of 2016”.

176 Sec. 102. Title 22 of the District of Columbia Official Code is amended and enacted into  
177 law to read as follows:

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180

“TITLE 22.  
CRIMINAL OFFENSES AND PENALTIES.

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SUBTITLE I.

CRIMINAL OFFENSES.

185  
186  
187 Chapter.  
188 1. Abortion. [Repealed].  
189 2. Adultery. [Repealed].  
190 3. Arson.  
191 4. Assault; Mayhem; Threats.  
192 5. Bigamy.  
193 6. Breaking into Devices Designed to Receive Currency.  
194 7. Bribery; Obstructing Justice; Corrupt Influence.  
195 8. Burglary.  
196 8A. Crimes Committed Against Minors.  
197 8B. Crimes Against Public Officials.  
198 8C. Protection of Police Animals.  
199 9. Commercial Counterfeiting.  
200 9A. Criminal Abuse and Neglect of Vulnerable Adults.  
201 9B. Criminal Street Gangs.  
202 10. Cruelty to Animals.  
203 11. Cruelty to Children.  
204 12. Debt Adjusting. [Repealed].  
205 12A. Detection Device Tampering.  
206 13. Disturbances of the Public Peace.  
207 13A. Entry into a Motor Vehicle, Unlawful.  
208 14. False Pretenses; False Personation.  
209 15. Forgery; Frauds.  
210 16. Fornication. [Repealed].  
211 17. Gambling.  
212 18. General Offenses.  
213 18A. Human Trafficking.  
214 19. Incest.  
215 19A. Interfering with Reports of Crime.  
216 20. Kidnapping.  
217 21. Murder; Manslaughter.  
218 22. Obscenity.  
219 23. Panhandling.  
220 24. Perjury; Related Offenses.  
221 25. Possession of Implements of Crime.  
222 25A. Presence in a Motor Vehicle Containing a Firearm. [Repealed].<sup>1</sup>  
223 26. Prison Misconduct.  
224 27. Prostitution; Pandering.  
225 27A. Protest Targeting a Residence.  
226 28. Robbery.  
227 29. Sale of Unwholesome Food. [Repealed].  
228 30. Sexual Abuse.

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<sup>1</sup> The online LexisNexis D.C. Official Code has not updated the chapter heading to reflect that the statute has been repealed. However, the actual statute in the LexisNexis D.C. Official Code is correctly marked as “repealed.”

- 229 30A. Non-Consensual Pornography.
- 230 31. Sexual Performance Using Minors.
- 231 31A. Stalking.
- 232 31B. Terrorism.
- 233 32. Theft; Fraud; Stolen Property; Forgery; and Extortion.
- 234 33. Trespass; Injuries to Property.
- 235 34. Use of "District of Columbia" by Certain Persons.
- 236 35. Vagrancy. [Repealed].
- 237 35A. Voyeurism.
- 238 35B. Fines for Criminal Offenses.

240 SUBTITLE II.  
241 ENHANCED PENALTIES.  
242

- 243 36. Crimes Committed Against Certain Persons.
- 244 36A. Crimes Committed Against Minors.
- 245 37. Bias-Related Crime.
- 246 37A. Offenses Committed Against Taxicab Drivers and Certain Transit Workers.

248 SUBTITLE III.  
249 SEX OFFENDERS.  
250

- 251 38. Sexual Psychopaths. [Transferred].
- 252 39. HIV Testing of Certain Criminal Offenders. [Transferred].
- 253 40. Sex Offender Registration.
- 254 41. Sex Offender Registration. [Repealed]. [Transferred].

256 SUBTITLE III-A.  
257 DNA TESTING.  
258

- 259 41A. DNA Testing and Post-Conviction Relief for Innocent Persons.
- 260 41B. DNA Sample Collection. [Transferred].

262 SUBTITLE IV.  
263 PREVENTION, SOLUTION, AND PUNISHMENT OF CRIMES.  
264 [TRANSFERRED].  
265

- 266 42. National Institute of Justice Appropriations. [Transferred].
- 267 42A. National Institute of Justice Appropriations. [Transferred].
- 268 42B. Homicide Elimination. [Transferred].

270 SUBTITLE V.  
271 HARBOR, GAME, AND FISH LAWS.  
272

- 273 43. Game and Fish Laws.
- 274 44. Harbor Regulations.



275  
276 SUBTITLE VI.  
277 REGULATION AND POSSESSION OF WEAPONS.  
278

279 45. Weapons and Possession of Weapons.  
280

281 SUBTITLE VII  
282 REPEALED PROVISIONS.  
283 [REPEALED].  
284  
285

- 286 46. Embezzlement. [Repealed].  
287 47. Larceny; Receiving Stolen Goods. [Repealed].  
288 48. Rape. [Repealed].  
289 49. Seduction. [Repealed].  
290 50. Warehouse Receipts. [Repealed].  
291 51. Libel; Blackmail; Extortion; Threats. [Repealed].  
292 52. Miscellaneous Provisions. [Repealed].  
293  
294

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295 SUBTITLE I.  
296 CRIMINAL OFFENSES.  
297  
298  
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300 CHAPTER 1. ABORTION.  
301 [REPEALED].

- 302 Sec.  
303 22-101. Definition and penalty. [Repealed].  
304  
305 § 22-101. Definition and penalty. [Repealed].  
306 Repealed.  
307

308 CHAPTER 2. ADULTERY.  
309 [REPEALED].

- 310 Sec.  
311 22-201. Definition and penalty. [Repealed].  
312  
313 § 22-201. Definition and penalty. [Repealed].  
314 Repealed.

315 CHAPTER 3. ARSON.

316 Sec.  
317 22-301. Definition and penalty.  
318 22-302. Burning one's own property with intent to defraud or injure another.  
319 22-303. Malicious burning, destruction, or injury of another's property.  
320 22-304. Malicious burning of fences, woods, crops. [Repealed].

321  
322 § 22-301. Definition and penalty.  
323 Whoever shall maliciously burn or attempt to burn any dwelling, or house, barn, or stable  
324 adjoining thereto, or any store, barn, or outhouse, or any shop, office, stable, store, warehouse, or  
325 any other building, or any steamboat, vessel, canal boat, or other watercraft, or any railroad car,  
326 the property, in whole or in part, of another person, or any church, meetinghouse, schoolhouse,  
327 or any of the public buildings in the District, belonging to the United States or to the District of  
328 Columbia, shall suffer imprisonment for not less than 1 year nor more than 10 years. In addition  
329 to any other penalty provided under this section, a person may be fined an amount not more than  
330 the amount set forth in § 22-3571.01.

331  
332 § 22-302. Burning one's own property with intent to defraud or injure another.  
333 Whoever maliciously burns or sets fire to any dwelling, shop, barn, stable, store, or  
334 warehouse or other building, or any steamboat, vessel, canal boat, or other watercraft, or any  
335 goods, wares, or merchandise, the same being his or her own property, in whole or in part, with  
336 intent to defraud or injure any other person, shall be imprisoned for not more than 15 years. In  
337 addition to any other penalty provided under this section, a person may be fined an amount not  
338 more than the amount set forth in § 22-3571.01.

339  
340 § 22-303. Malicious burning, destruction, or injury of another's property.  
341 Whoever maliciously injures or breaks or destroys, or attempts to injure or break or  
342 destroy, by fire or otherwise, any public or private property, whether real or personal, not his or  
343 her own, of the value of \$ 1,000 or more, shall be fined not more than the amount set forth in §  
344 22-3571.01 or shall be imprisoned for not more than 10 years, or both, and if the property has  
345 some value shall be fined not more than the amount set forth in § 22-3571.01 or imprisoned for  
346 not more than 180 days, or both.

347  
348 § 22-304. Malicious burning of fences, woods, crops. [Repealed].  
349 Repealed.

350 CHAPTER 4. ASSAULT.

351 Sec.  
352 22-401. Assault with intent to kill, rob, or poison, or to commit first degree sexual abuse, second  
353 degree sexual abuse, or child sexual abuse.  
354 22-402. Assault with intent to commit mayhem or with dangerous weapon.  
355 22-403. Assault with intent to commit any other offense.  
356 22-404. Assault or threatened assault in a menacing manner; stalking.  
357 22-404.01. Aggravated assault.  
358 22-404.02. Assault on a public vehicle inspection officer.  
359 22-404.03. Aggravated assault on a public vehicle inspection officer.

360 22-405. Assault on member of police force, campus or university special police, or fire  
361 department.

362 22-406. Mayhem or maliciously disfiguring.

363 22-407. Threats to do bodily harm.

364 22-408. Penalty for assaulting, beating, or fighting on account of money won by gaming.  
365 [Repealed].

366

367 § 22-401. Assault with intent to kill, rob, or poison, or to commit first degree sexual  
368 abuse, second degree sexual abuse or child sexual abuse.

369 Every person convicted of any assault with intent to kill or to commit first degree sexual  
370 abuse, second degree sexual abuse, or child sexual abuse, or to commit robbery, or mingling  
371 poison with food, drink, or medicine with intent to kill, or wilfully poisoning any well, spring,  
372 or cistern of water, shall be sentenced to imprisonment for not less than 2 years or more than 15  
373 years. In addition to any other penalty provided under this section, a person may be fined an  
374 amount not more than the amount set forth in § 22-3571.01.

375

376 § 22-402. Assault with intent to commit mayhem or with dangerous weapon.

377 Every person convicted of an assault with intent to commit mayhem, or of an assault  
378 with a dangerous weapon, shall be sentenced to imprisonment for not more than 10 years. In  
379 addition to any other penalty provided under this section, a person may be fined an amount not  
380 more than the amount set forth in § 22-3571.01.

381

382 § 22-403. Assault with intent to commit any other offense.

383 Whoever assaults another with intent to commit any other offense which may be  
384 punished by imprisonment in the penitentiary shall be imprisoned not more than 5 years. In  
385 addition to any other penalty provided under this section, a person may be fined an amount not  
386 more than the amount set forth in § 22-3571.01.

387

388 § 22-404. Assault or threatened assault in a menacing manner; stalking.

389 (a)(1) Whoever unlawfully assaults, or threatens another in a menacing manner, shall be  
390 fined not more than the amount set forth in § 22-3571.01 or be imprisoned not more than 180  
391 days, or both.

392 (2) Whoever unlawfully assaults, or threatens another in a menacing manner, and  
393 intentionally, knowingly, or recklessly causes significant bodily injury to another shall be fined  
394 not more than the amount set forth in § 22-3571.01 or be imprisoned not more than 3 years, or  
395 both. For the purposes of this paragraph, the term "significant bodily injury" means an injury that  
396 requires hospitalization or immediate medical attention.

397 (b) Repealed.

398 (c) Repealed.

399 (d) Repealed.

400 (e) Repealed.

401

402 § 22-404.01. Aggravated assault.

403 (a) A person commits the offense of aggravated assault if:

404 (1) By any means, that person knowingly or purposely causes serious bodily injury to  
405 another person; or

406 (2) Under circumstances manifesting extreme indifference to human life, that person  
407 intentionally or knowingly engages in conduct which creates a grave risk of serious bodily injury  
408 to another person, and thereby causes serious bodily injury.

409 (b) Any person convicted of aggravated assault shall be fined not more than the amount  
410 set forth in § 22-3571.01 or be imprisoned for not more than 10 years, or both.

411 (c) Any person convicted of attempted aggravated assault shall be fined not more than the  
412 amount set forth in § 22-3571.01 or be imprisoned for not more than 5 years, or both.

413

414 § 22-404.02. Assault on a public vehicle inspection officer.

415 (a) A person commits the offense of assault on a public vehicle inspection officer if that  
416 person assaults, impedes, intimidates, or interferes with a public vehicle inspection officer while  
417 that officer is engaged in or on account of the performance of his or her official duties.

418 (b) A person who violates this subsection shall be guilty of a misdemeanor and, upon  
419 conviction, shall:

420 (1) Be fined not more than the amount set forth in § 22-3571.01, or be imprisoned for  
421 not more than 180 days; and

422 (2) Have his or her license or licenses for operating a public vehicle-for-hire, as  
423 required by the Commission pursuant to subchapter I of Chapter 3 of Title 50 [§ 50-301 et seq.],  
424 revoked without further administrative action by the Commission.

425 (c) It is neither justifiable nor excusable for a person to use force to resist the civil  
426 enforcement authority exercised by an individual believed to be a public vehicle inspection  
427 officer, whether or not such enforcement action is lawful.

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

429 (1) "Commission" shall have the same meaning as provided in § 50-303(6).

430 (2) "Public vehicle-for-hire" shall have the same meaning as provided in § 50-303(17).

431 (3) "Public vehicle inspection officer" shall have the same meaning as provided in §  
432 50-303(19).

433

434 § 22-404.03. Aggravated assault on a public vehicle inspection officer.

435 (a) A person commits the offense of aggravated assault on a public vehicle inspection  
436 officer if that person assaults, impedes, intimidates, or interferes with a public vehicle inspection  
437 officer while that officer is engaged in or on account of the performance of his or her official  
438 duties, and:

439 (1) By any means, that person knowingly or purposely causes serious bodily injury to  
440 the public vehicle inspection officer; or

441 (2) Under circumstances manifesting extreme indifference to human life, that person  
442 intentionally or knowingly engages in conduct which creates a grave risk of serious bodily injury  
443 to another person, and thereby causes serious bodily injury.

444 (b) A person who violates this section shall be guilty of a felony and, upon conviction,  
445 shall:

446 (1) Be fined not more than the amount set forth in § 22-3571.01, or be imprisoned for  
447 not more than 10 years, or both; and

448 (2) Have his or her license or licenses for operating a public vehicle-for-hire, as  
449 required by the Commission pursuant [to] subchapter I of Chapter 3 of Title 50 [§ 50-301 et  
450 seq.], revoked without further administrative action by the Commission.

451 (c) It is neither justifiable nor excusable for a person to use force to resist the civil  
452 enforcement authority exercised by an individual believed to be a public vehicle inspection  
453 officer, whether or not such enforcement action is lawful.

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

455 (1) "Commission" shall have the same meaning as provided in § 50-303(6).

456 (2) "Public vehicle-for-hire" shall have the same meaning as provided in § 50-303(17).

457 (3) "Public vehicle inspection officer" shall have the same meaning as provided in §  
458 50-303(19).

459  
460 § 22-405. Assault on member of police force, campus or university special police, or fire  
461 department.

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

475 (b) Whoever without justifiable and excusable cause, assaults, resists, opposes, impedes,  
476 intimidates, or interferes with a law enforcement officer on account of, or while that law  
477 enforcement officer is engaged in the performance of his or her official duties shall be guilty of a  
478 misdemeanor and, upon conviction, shall be imprisoned not more than 180 days or fined not  
479 more than the amount set forth in § 22-3571.01, or both.

480 (c) A person who violates subsection (b) of this section and causes significant bodily  
481 injury to the law enforcement officer, or commits a violent act that creates a grave risk of causing  
482 significant bodily injury to the officer, shall be guilty of a felony and, upon conviction, shall be  
483 imprisoned not more than 10 years or fined not more than the amount set forth in § 22-3571.01,  
484 or both.

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

488  
489 § 22-406. Mayhem or maliciously disfiguring.

490 Every person convicted of mayhem or of maliciously disfiguring another shall be  
491 imprisoned for not more than 10 years. In addition to any other penalty provided under this  
492 section, a person may be fined an amount not more than the amount set forth in § 22-3571.01.

493  
494 § 22-407. Threats to do bodily harm.

495 Whoever is convicted in the District of threats to do bodily harm shall be fined not more  
496 than the amount set forth in § 22-3571.01 or imprisoned not more than 6 months, or both, and, in

497 addition thereto, or in lieu thereof, may be required to give bond to keep the peace for a period  
498 not exceeding 1 year.

499  
500 § 22-408. Penalty for assaulting, beating, or fighting on account of money won by  
501 gaming. [Repealed].  
502 Repealed.

503 CHAPTER 5. BIGAMY.

504 Sec.  
505 22-501. Bigamy.

506  
507 § 22-501. Bigamy.

508 (a) Whoever, having a spouse or domestic partner living, marries or enters a domestic  
509 partnership with another shall be deemed guilty of bigamy, and on conviction thereof shall suffer  
510 imprisonment for not less than 2 nor more than 7 years; provided, that this section shall not apply  
511 to any person whose:

512 (1) Spouse or domestic partner has been continually absent for 5 successive years  
513 next before such marriage or domestic partnership without being known to such person to be  
514 living within that time;

515 (2) Marriage to said living spouse shall have been dissolved by a valid decree of a  
516 competent court, or shall have been pronounced void by a valid decree of a competent court on  
517 the ground of the nullity of the marriage contract; or

518 (3) Domestic partnership with said living domestic partner has been terminated in  
519 accordance with § 32-702(d).

520 (a-1) In addition to any other penalty provided under this section, a person may be fined  
521 an amount not more than the amount set forth in § 22-3571.01.

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

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

524 (2) "Domestic partnership" shall have the same meaning as provided in § 32-701(4).

525 CHAPTER 6. BREAKING INTO DEVICES DESIGNED TO RECEIVE CURRENCY.

526 Sec.  
527 22-601. Breaking and entering vending machines and similar devices.

528  
529 § 22-601. Breaking and entering vending machines and similar devices.

530 Whoever in the District of Columbia breaks open, opens, or enters, without right, any  
531 parking meter, coin telephone, vending machine dispensing goods or services, money changer, or  
532 any other device designed to receive currency, with intent to carry away any part of such device  
533 or anything contained therein, shall be sentenced to a term of imprisonment of not more than 3  
534 years or to a fine of not more than the amount set forth in § 22-3571.01, or both.

535 CHAPTER 7. BRIBERY; OBSTRUCTING JUSTICE; CORRUPT INFLUENCE.

536 *Subchapter I.*

537 *Corrupt Influence.*

538

539 Sec.

540 22-701 to 22-703. Definition and penalty; offering or receiving money, property, or valuable  
541 consideration to procure office or promotion from Council; obstructing  
542 justice. [Repealed].

543 22-704. Corrupt influence; officials.

544

545 *Subchapter II.*

546 *Bribery.*

547

548 Sec.

549 22-711. Definitions.

550 22-712. Prohibited acts; penalty.

551 22-713. Bribery of witness; penalty.

552

553 *Subchapter III.*

554 *Obstructing Justice.*

555

556 Sec.

557 22-721. Definitions.

558 22-722. Prohibited acts; penalty.

559 22-723. Tampering with physical evidence; penalty.

560

561 *Subchapter I.*

562 *Corrupt Influence.*

563

564

565 § 22-701 to 22-703. Definition and penalty; offering or receiving money, property, or  
566 valuable consideration to procure office or promotion from Council; obstructing justice.  
567 [Repealed].

568 [Repealed].

569

570 § 22-704. Corrupt influence; officials.

571 (a) Whoever corruptly, directly or indirectly, gives any money, or other bribe, present,  
572 reward, promise, contract, obligation, or security for the payment of any money, present, reward,  
573 or thing of value to any ministerial, administrative, executive, or judicial officer of the District of  
574 Columbia, or any employee, or other person acting in any capacity for the District of Columbia,  
575 or any agency thereof, either before or after the officer, employee, or other person acting in any  
576 capacity for the District of Columbia is qualified, with intent to influence such official's action  
577 on any matter which is then pending, or may by law come or be brought before such official in  
578 such official's official capacity, or to cause such official to execute any of the powers in such  
579 official vested, or to perform any duties of such official required, with partiality or favor, or  
580 otherwise than is required by law, or in consideration that such official being authorized in the  
581 line of such official's duty to contract for any advertising or for the furnishing of any labor or  
582 material, shall directly or indirectly arrange to receive or shall receive, or shall withhold from the

583 parties so contracted with, any portion of the contract price, whether that price be fixed by law or  
584 by agreement, or in consideration that such official has nominated or appointed any person to  
585 any office or exercised any power in such official vested, or performed any duty of such official  
586 required, with partiality or favor, or otherwise contrary to law; and whosoever, being such an  
587 official, shall receive any such money, bribe, present, or reward, promise, contract, obligation, or  
588 security, with intent or for the purpose or consideration aforesaid shall be deemed guilty of  
589 bribery and upon conviction thereof shall be punished by imprisonment for a term not less than 6  
590 months nor more than 5 years. In addition to any other penalty provided under this section, a  
591 person may be fined an amount not more than the amount set forth in § 22-3571.01.

592 (b) Whosoever corrupts or attempts, directly or indirectly, to corrupt any special master,  
593 auditor, juror, arbitrator, umpire, or referee, by giving, offering, or promising any gift or gratuity  
594 whatever, with intent to bias the opinion, or influence the decision of such official, in relation to  
595 any matter pending in the court, or before an inquest, or for the decision of which such arbitrator,  
596 umpire, or referee has been chosen or appointed, and every official who receives, or offers or  
597 agrees to receive, a bribe in any of the cases above mentioned shall be guilty of bribery and upon  
598 conviction thereof shall be punished as hereinbefore provided.

600 *Subchapter II.*  
601 *Bribery.*

602  
603 § 22-711. Definitions.

604 For the purposes of this subchapter, the term:

605 (1) "Court of the District of Columbia" means the Superior Court of the District of  
606 Columbia or the District of Columbia Court of Appeals.

607 (2) "Juror" means any grand, petit, or other juror, or any person selected or summoned  
608 as a prospective juror of the District of Columbia.

609 (3) "Official action" means any decision, opinion, recommendation, judgment, vote, or  
610 other conduct that involves an exercise of discretion on the part of the public servant.

611 (4) "Official duty" means any required conduct that does not involve an exercise of  
612 discretion on the part of the public servant.

613 (5) "Official proceeding" means any trial, hearing, investigation, or other proceeding in  
614 a court of the District of Columbia or conducted by the Council of the District of Columbia or an  
615 agency or department of the District of Columbia government, or a grand jury proceeding.

616 (6) "Public servant" means any officer, employee, or other person authorized to act for  
617 or on behalf of the District of Columbia government. The term "public servant" includes any  
618 person who has been elected, nominated, or appointed to be a public servant or a juror. The term  
619 "public servant" does not include an independent contractor.

620  
621 § 22-712. Prohibited acts; penalty.

622 (a) A person commits the offense of bribery if that person:

623 (1) Corruptly offers, gives, or agrees to give anything of value, directly or indirectly, to  
624 a public servant; or

625 (2) Corruptly solicits, demands, accepts, or agrees to accept anything of value, directly  
626 or indirectly, as a public servant;

627 in return for an agreement or understanding that an official act of the public servant will be  
628 influenced thereby or that the public servant will violate an official duty, or that the public



629 servant will commit, aid in committing, or will collude in or allow any fraud against the District  
630 of Columbia.

631 (b) Nothing in this section shall be construed as prohibiting concurrence in official action  
632 in the course of legitimate compromise between public servants.

633 (c) Any person convicted of bribery shall be fined not more than the amount set forth in §  
634 22-3571.01 or twice the monetary equivalent of the thing of value, whichever is greater, or  
635 imprisoned for not more than 10 years, or both.

636

637 § 22-713. Bribery of witness; penalty.

638 (a) A person commits the offense of bribery of a witness if that person:

639 (1) Corruptly offers, gives, or agrees to give to another person; or

640 (2) Corruptly solicits, demands, accepts, or agrees to accept from another person;  
641 anything of value in return for an agreement or understanding that the testimony of the recipient  
642 will be influenced in an official proceeding before any court of the District of Columbia or any  
643 agency or department of the District of Columbia government, or that the recipient will absent  
644 himself or herself from such proceedings.

645 (b) Nothing in subsection (a) of this section shall be construed to prohibit the payment or  
646 receipt of witness fees provided by law, or the payment by the party upon whose behalf a witness  
647 is called and receipt by a witness of a reasonable cost of travel and subsistence incurred and the  
648 reasonable value of time lost in attendance at any such proceeding, or, in case of expert  
649 witnesses, a reasonable fee for time spent in the preparation of a technical or professional  
650 opinion and appearing and testifying.

651 (c) Any person convicted of bribery of a witness shall be fined not more than the amount  
652 set forth in § 22-3571.01 or imprisoned for not more than 5 years, or both.

653

654

*Subchapter III.  
Obstructing Justice.*

655

656

657 § 22-721. Definitions.

658 For the purpose of this subchapter, the term:

659 (1) "Court of the District of Columbia" means the Superior Court of the District of  
660 Columbia or the District of Columbia Court of Appeals.

661 (2) "Criminal investigator" means an individual authorized by the Mayor or the  
662 Mayor's designated agent to conduct or engage in a criminal investigation, or a prosecuting  
663 attorney conducting or engaged in a criminal investigation.

664 (3) "Criminal investigation" means an investigation of a violation of any criminal  
665 statute in effect in the District of Columbia.

666 (4) "Official proceeding" means any trial, hearing, investigation, or other proceeding in  
667 a court of the District of Columbia or conducted by the Council of the District of Columbia or an  
668 agency or department of the District of Columbia government, or a grand jury proceeding.

669

670 § 22-722. Prohibited acts; penalty.

671 (a) A person commits the offense of obstruction of justice if that person:

672 (1) Knowingly uses intimidation or physical force, threatens or corruptly persuades  
673 another person, or by threatening letter or communication, endeavors to influence, intimidate, or  
674 impede a juror in the discharge of the juror's official duties;

675 (2) Knowingly uses intimidating or physical force, threatens or corruptly persuades  
676 another person, or by threatening letter or communication, endeavors to influence, intimidate, or  
677 impede a witness or officer in any official proceeding, with intent to:

678 (A) Influence, delay, or prevent the truthful testimony of the person in an official  
679 proceeding;

680 (B) Cause or induce the person to withhold truthful testimony or a record, document,  
681 or other object from an official proceeding;

682 (C) Evade a legal process that summons the person to appear as a witness or produce  
683 a document in an official proceeding; or

684 (D) Cause or induce the person to be absent from a legal official proceeding to which  
685 the person has been summoned by legal process;

686 (3) Harasses another person with the intent to hinder, delay, prevent, or dissuade the  
687 person from:

688 (A) Attending or testifying truthfully in an official proceeding;

689 (B) Reporting to a law enforcement officer the commission of, or any information  
690 concerning, a criminal offense;

691 (C) Arresting or seeking the arrest of another person in connection with the  
692 commission of a criminal offense; or

693 (D) Causing a criminal prosecution or a parole or probation revocation proceeding to  
694 be sought or instituted, or assisting in a prosecution or other official proceeding;

695 (4) Injures or threatens to injure any person or his or her property on account of the  
696 person or any other person giving to a criminal investigator in the course of any criminal  
697 investigation information related to a violation of any criminal statute in effect in the District of  
698 Columbia;

699 (5) Injures or threatens to injure any person or his or her property on account of the  
700 person or any other person performing his or her official duty as a juror, witness, or officer in  
701 any court in the District of Columbia; or

702 (6) Corruptly, or by threats of force, any way obstructs or impedes or endeavors to  
703 obstruct or impede the due administration of justice in any official proceeding.

704 (b) Any person convicted of obstruction of justice shall be sentenced to a maximum  
705 period of incarceration of not less than 3 years and not more than 30 years, or shall be fined not  
706 more than the amount set forth in § 22-3571.01, or both. For purposes of imprisonment following  
707 revocation of release authorized by § 24-403.01, obstruction of justice is a Class A felony.

708 § 22-723. Tampering with physical evidence; penalty.

710 (a) A person commits the offense of tampering with physical evidence if, knowing or  
711 having reason to believe an official proceeding has begun or knowing that an official proceeding  
712 is likely to be instituted, that person alters, destroys, mutilates, conceals, or removes a record,  
713 document, or other object, with intent to impair its integrity or its availability for use in the  
714 official proceeding.

715 (b) Any person convicted of tampering with physical evidence shall be fined not more  
716 than the amount set forth in § 22-3571.01, imprisoned for not more than 3 years, or both.

717

718

## CHAPTER 8. BURGLARY.

719

720 Sec.

721 22-801. Definition and penalty.

722

723 § 22-801. Definition and penalty.

724 (a) Whoever shall, either in the nighttime or in the daytime, break and enter, or enter  
725 without breaking, any dwelling, or room used as a sleeping apartment in any building, with intent  
726 to break and carry away any part thereof, or any fixture or other thing attached to or connected  
727 thereto or to commit any criminal offense, shall, if any person is in any part of such dwelling or  
728 sleeping apartment at the time of such breaking and entering, or entering without breaking, be  
729 guilty of burglary in the first degree. Burglary in the first degree shall be punished by  
730 imprisonment for not less than 5 years nor more than 30 years.

731 (b) Except as provided in subsection (a) of this section, whoever shall, either in the night  
732 or in the daytime, break and enter, or enter without breaking, any dwelling, bank, store,  
733 warehouse, shop, stable, or other building or any apartment or room, whether at the time  
734 occupied or not, or any steamboat, canalboat, vessel, or other watercraft, or railroad car, or any  
735 yard where any lumber, coal, or other goods or chattels are deposited and kept for the purpose of  
736 trade, with intent to break and carry away any part thereof or any fixture or other thing attached  
737 to or connected with the same, or to commit any criminal offense, shall be guilty of burglary in  
738 the second degree. Burglary in the second degree shall be punished by imprisonment for not less  
739 than 2 years nor more than 15 years.

740 (c) In addition to any other penalty provided under this section, a person may be fined an  
741 amount not more than the amount set forth in § 22-3571.01.

742

#### 743 CHAPTER 8A. CRIMES COMMITTED AGAINST MINORS.

744

745 Sec.

746 22-811. Contributing to the delinquency of a minor.

747

748 § 22-811. Contributing to the delinquency of a minor.

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

752 (1) Be truant from school;

753 (2) Possess or consume alcohol or, without a valid prescription, a controlled  
754 substance as that term is defined in § 48-901.02(4);

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

757 (4) Violate a court order;

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

760 (6) Join a criminal street gang as that term is defined in § 22-951(e)(1); or

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

765 (b)(1) Except as provided in paragraphs (2), (4) and (5) of this subsection, a person  
766 convicted of violating subsection (a)(1)-(6) of this section shall be fined not more than the  
767 amount set forth in § 22-3571.01, or imprisoned for not more than 6 months, or both.

768 (2) A person convicted of violating subsection (a)(2)-(6) of this section, having  
769 previously been convicted of an offense under subsection (a)(2)-(6) of this section or a  
770 substantially similar offense in this or any other jurisdiction, shall be fined not more than the  
771 amount set forth in § 22-3571.01 or imprisoned for not more than 3 years, or both.

772 (3) Except as provided in paragraphs (4) and (5) of this subsection, a person convicted  
773 of violating subsection (a)(7) of this section shall be fined not more than the amount set forth in §  
774 22-3571.01 or imprisoned for not more than 5 years, or both.

775 (4) A person convicted of violating subsection (a) of this section that results in serious  
776 bodily injury to the minor or any other person shall be fined not more than the amount set forth  
777 in § 22-3571.01 or imprisoned for not more than 5 years, or both.

778 (5) A person convicted of violating subsection (a) of this section that results in the  
779 death of the minor or any other person shall be fined not more than the amount set forth in § 22-  
780 3571.01 or imprisoned for not more than 10 years, or both.

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

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

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

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

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

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

## 792 CHAPTER 8B. CRIMES AGAINST PUBLIC OFFICIALS.

793  
794  
795 Sec.

796 22-851. Protection of District public officials.

797  
798 § 22-851. Protection of District public officials.

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

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

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

807 (b) A person who corruptly or, by threat or force, or by any threatening letter or  
808 communication, intimidates, impedes, interferes with, or retaliates against, or attempts to  
809 intimidate, impede, interfere with, or retaliate against any official or employee, while the official  
810 or employee is engaged in the performance of his or her duties or on account of the performance

811 of those duties, shall be fined not more than the amount set forth in § 22-3571.01 or imprisoned  
812 not more than 5 years, or both.

813 (c) A person who stalks, threatens, assaults, kidnaps, or injures any official or employee  
814 or vandalizes, damages, destroys, or takes the property of an official or employee, while the  
815 official or employee is engaged in the performance of his or her duties or on account of the  
816 performance of those duties, shall be fined not more than the amount set forth in § 22-3571.01 or  
817 imprisoned not more than 3 years, or both, in addition to any other penalties authorized by law.

818 (d) A person who stalks, threatens, assaults, kidnaps, or injures a family member or  
819 vandalizes, damages, destroys, or takes the property of a family member on account of the  
820 performance of the official or employee's duties, shall be fined not more than the amount set  
821 forth in § 22-3571.01 or imprisoned not more than 3 years, or both, in addition to any other  
822 penalties authorized by law.

823  
824 CHAPTER 8C. PROTECTION OF POLICE ANIMALS.

825 Sec.

826 22-861. Harassing, interfering with, injuring, or obstructing a police animal.

827  
828 § 22-861. Harassing, interfering with, injuring, or obstructing a police animal.

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

830 (1) "Police animal" means a dog, horse, or other animal used by a law enforcement  
831 agency, correctional facility, police department, fire department, or search and rescue unit or  
832 agency for the purpose of aiding in the detection of criminal activity, enforcement of laws,  
833 apprehension of criminal offenders, or search and rescue efforts, whether or not the dog, horse,  
834 or other animal is engaged in the performance of its official duties when a violation of this  
835 section occurs.

836 (2) "Significant bodily injury" means an injury that requires hospitalization or  
837 immediate medical attention.

838 (b)(1) Any person who intentionally and without justifiable and excusable cause,  
839 harasses, interferes with, injures, or obstructs a police animal when he or she has reason to  
840 believe the animal is a police animal shall be guilty of a misdemeanor and, upon conviction, shall  
841 be imprisoned not more than 180 days or fined not more than the amount set forth in § 22-  
842 3571.01, or both.

843 (2) Any person who violates subsection (b) of this section and causes significant  
844 bodily injury to, or the death of, a police animal shall be guilty of a felony and, upon  
845 conviction, shall be imprisoned not more than 10 years, or fined not more than the  
846 amount set forth in § 22-3571.01, or both.

847 (3) The penalties set forth in paragraphs (1) and (2) of this subsection shall also apply  
848 to an owner or keeper of a dog or other animal who intentionally and without  
849 justifiable and excusable cause fails to restrain the dog or animal from attacking a  
850 police animal when the owner or keeper has reason to believe the animal is a police  
851 animal.

852  
853  
854 CHAPTER 9. COMMERCIAL COUNTERFEITING.

855  
856 Sec.

857 22-901. Definitions.

858 22-902. Trademark counterfeiting.

859

860 § 22-901. Definitions.

861 For the purposes of this chapter, the term:

862 (1) "Counterfeit mark" means:

863 (A) Any unauthorized reproduction or copy of intellectual property; or

864 (B) Intellectual property affixed to any item knowingly sold, offered for sale,  
865 manufactured, or distributed, or identifying services offered or rendered, without the authority of  
866 the owner of the intellectual property.

867 (2) "Intellectual property" means any trademark, service mark, trade name, label, term,  
868 picture, seal, word, or advertisement or any combination of these adopted or used by a person to  
869 identify such person's goods or services and which is lawfully filed for record in the Office of the  
870 Secretary of State of any state or which the exclusive right to reproduce is guaranteed under the  
871 laws of the United States or the District of Columbia.

872 (3) "Retail value" means the counterfeiter's regular selling price for the item or service  
873 bearing or identified by the counterfeit mark. In the case of items bearing a counterfeit mark  
874 which are components of a finished product, the retail value shall be the counterfeiter's regular  
875 selling price of the finished product on or in which the component would be utilized.

876

877 § 22-902. Trademark counterfeiting.

878 (a) A person commits the offense of counterfeiting if such person willfully manufactures,  
879 advertises, distributes, offers for sale, sells, or possesses with intent to sell or distribute any  
880 items, or services bearing or identified by a counterfeit mark. There shall be a rebuttable  
881 presumption that a person having possession, custody, or control of more than 15 items bearing a  
882 counterfeit mark possesses said items with the intent to sell or distribute.

883 (b) A person convicted of counterfeiting shall be subject to the following penalties:

884 (1) For the first conviction, except as provided in paragraphs (2) and (3) of this  
885 subsection, by a fine not more than the amount set forth in § 22-3571.01 or by imprisonment for  
886 not more than 180 days, or both;

887 (2) For the second conviction, or if convicted under this section of an offense  
888 involving more than 100 but fewer than 1,000 items, or involving items with a total retail value  
889 greater than \$ 1,000 but less than \$ 10,000, by a fine not more than the amount set forth in § 22-  
890 3571.01 or by imprisonment for not more than 3 years, or both; and

891 (3) For the third or subsequent conviction, or if convicted under this section of an  
892 offense involving the manufacture or production of items bearing counterfeit marks involving  
893 1,000 or more items, or involving items with a total retail value of \$ 10,000 or greater, by a fine  
894 not more than the amount set forth in § 22-3571.01 or by imprisonment for not more than 10  
895 years, or both.

896 (c) For the purposes of this chapter, the quantity or retail value of items or services shall  
897 include the aggregate quantity or retail value of all items bearing, or services identified by, every  
898 counterfeit mark the defendant manufactures, advertises, distributes, offers for sale, sells, or  
899 possesses.

900 (d) The fines provided in subsection (b) of this section shall be no less than twice the  
901 retail value of the items bearing, or services identified by, a counterfeit mark, unless extenuating  
902 circumstances are shown by the defendant.

903 (e) Any items bearing a counterfeit mark and all personal property, including, but not  
904 limited to, any items, objects, tools, machines, equipment, instrumentalities, or vehicles of any

905 kind, employed or used in connection with a violation of this chapter shall be seized by any law  
906 enforcement officer, including any designated civilian employee of the Metropolitan Police  
907 Department, in accordance with the procedures established by § 48-905.02.

908 (1) All seized personal property shall be subject to forfeiture pursuant to the standards  
909 and procedures set forth in D.C. Law 20-278.

910 (2) Upon the request of the owner of the intellectual property, all seized items bearing  
911 a counterfeit mark shall be released to the intellectual property owner for destruction or  
912 disposition.

913 (3) If the owner of the intellectual property does not request release of seized items  
914 bearing a counterfeit mark, such items shall be destroyed unless the owner of the intellectual  
915 property consents to another disposition.

916 (f) Any state or federal certificate of registration of any intellectual property shall be  
917 prima facie evidence of the facts stated therein.

918 (g) The remedies provided for herein shall be cumulative to the other civil and criminal  
919 remedies provided by law.

920

## 921 CHAPTER 9A. CRIMINAL ABUSE AND NEGLECT OF VULNERABLE ADULTS.

922

923 Sec.

924 22-931. Short title.

925 22-932. Definitions.

926 22-933. Criminal abuse of a vulnerable adult.

927 22-934. Criminal negligence.

928 22-935. Exception.

929 22-936. Penalties.

930

931 § 22-931. Short title.

932 This chapter may be cited as the "Criminal Abuse and Neglect of Vulnerable Adults Act  
933 of 2000".

934

935 § 22-932. Definitions.

936 For the purpose of this chapter "vulnerable adult" means a person 18 years of age or older  
937 who has a physical or mental condition which substantially impairs the person from adequately  
938 providing for his or her own care or protection.

939

940 § 22-933. Criminal abuse of a vulnerable adult.

941 A person is guilty of criminal abuse of a vulnerable adult if that person intentionally or  
942 knowingly:

943 (1) Inflicts or threatens to inflict physical pain or injury by hitting, slapping,  
944 kicking, pinching, biting, pulling hair or other corporal means;

945 (2) Uses repeated or malicious oral or written statements that would be considered  
946 by a reasonable person to be harassing or threatening; or

947 (3) Imposes unreasonable confinement or involuntary seclusion, including but not  
948 limited to, the forced separation from other persons against his or her will or the directions of any  
949 legal representative.

950

951 § 22-934. Criminal negligence.

952 A person who knowingly, willfully or through a wanton, reckless or willful indifference  
953 fails to discharge a duty to provide care and services necessary to maintain the physical and  
954 mental health of a vulnerable adult, including but not limited to providing adequate food,  
955 clothing, medicine, shelter, supervision and medical services, that a reasonable person would  
956 deem essential for the well-being of the vulnerable adult is guilty of criminal negligence.

957

958 § 22-935. Exception.

959 A person shall not be considered to commit an offense of abuse or neglect under this  
960 chapter for the sole reason that he or she provides or permits to be provided treatment by  
961 spiritual means through prayer alone in accordance with a religious method of healing, in lieu of  
962 medical treatment, to the vulnerable adult to whom he or she has a duty of care with the express  
963 consent or in accordance with the practice of the vulnerable adult.

964

965 § 22-936. Penalties.

966 (a) A person who commits the offense of criminal abuse or criminal neglect of a  
967 vulnerable person shall be subject to a fine of not more than the amount set forth in § 22-  
968 3571.01, imprisoned for not more than 180 days, or both.

969 (b) A person who commits the offense of criminal abuse or criminal neglect of a  
970 vulnerable adult which causes serious bodily injury or severe mental distress shall be subject to a  
971 fine of not more than the amount set forth in § 22-3571.01, imprisoned up to 10 years, or both.

972 (c) A person who commits the offense of criminal abuse or criminal neglect of a  
973 vulnerable adult which causes permanent bodily harm or death shall be subject to a fine of not  
974 more than the amount set forth in § 22-3571.01, imprisoned up to 20 years, or both.

975

## 976 CHAPTER 9B. CRIMINAL STREET GANGS.

977

978 Sec.

979 22-951. Criminal street gangs.

980

981 § 22-951. Criminal street gangs.

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

985 (2) A person convicted of a violation of this subsection shall be fined not more  
986 than the amount set forth in § 22-3571.01 or imprisoned for not more than 6 months, or both.

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

991 (2) A person convicted of a violation of this subsection shall be fined not more  
992 than the amount set forth in § 22-3571.01 or imprisoned for not more than 5 years, or both.

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

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



- 996 (i) Join a criminal street gang;  
997 (ii) Participate in activities of a criminal street gang;  
998 (iii) Remain as a member of a criminal street gang; or  
999 (iv) Submit to a demand made by a criminal street gang to commit a  
1000 felony in violation of the laws of the District of Columbia, the United States, or any other state;  
1001 or  
1002 (B) Retaliate against an individual for a refusal to:  
1003 (i) Join a criminal street gang;  
1004 (ii) Participate in activities of a criminal street gang;  
1005 (iii) Remain as a member of a criminal street gang; or  
1006 (iv) Submit to a demand made by a criminal street gang to commit a  
1007 felony in violation of the laws of the District of Columbia, the United States, or any other state.  
1008 (2) A person convicted of a violation of this subsection shall be fined not more  
1009 than the amount set forth in § 22-3571.01 or imprisoned for not more than 10 years, or both.  
1010 (d) The penalties under this section are in addition to any other penalties permitted by  
1011 law.  
1012 (e) For the purposes of this section, the term:  
1013 (1) "Criminal street gang" means an association or group of 6 or more persons that:  
1014 (A) Has as a condition of membership or continued membership, the  
1015 committing of or actively participating in committing a crime of violence, as defined by § 23-  
1016 1331(4)); or  
1017 (B) Has as one of its purposes or frequent activities, the violation of the criminal  
1018 laws of the District, or the United States, except for acts of civil disobedience.  
1019 (2) "Violent misdemeanor" shall mean:  
1020 (A) Destruction of property (§ 22-303);  
1021 (B) Simple assault (§ 22-404(a));  
1022 (C) Stalking (§ 22-404(b) [see now § 22-3132]);  
1023 (D) Threats to do bodily harm (§ 22-407);  
1024 (E) Criminal abuse or criminal neglect of a vulnerable adult (§ 22-936(a));  
1025 (F) Cruelty to animals (§ 22-1001(a)); and  
1026 (G) Possession of prohibited weapon (§ 22-4514).

## 1027 1028 CHAPTER 10. CRUELTY TO ANIMALS.

1029  
1030 Sec.

- 1031 22-1001. Definitions and penalties.  
1032 22-1002. Other cruelties to animals.  
1033 22-1002.01. Reporting requirements. [Transferred].  
1034 22-1003. Rest, water, and feeding for animals transported by railroad company. [Repealed].  
1035 22-1004. Arrests without warrant authorized; notice to owner. [Transferred].  
1036 22-1005. Issuance of search warrants. [Transferred].  
1037 22-1006. Prosecution of offenders; disposition of fines. [Transferred].  
1038 22-1006.01. Penalty for engaging in animal fighting.  
1039 22-1007. Impounded animals to be supplied with food and water.  
1040 22-1008. Relief of impounded animals. [Transferred].  
1041 22-1009. Keeping or using places for fighting or baiting of fowls or animals; arrest without

1042 warrant.

1043 22-1010. Penalty for engaging in cock fighting or animal fighting. [Repealed].

1044 22-1011. Neglect of sick or disabled animals.

1045 22-1012. Abandonment of maimed or diseased animal; destruction of diseased animals;

1046 disposition of animal or vehicle on arrest of driver; scientific experiments.

1047 22-1013. Definitions.

1048 22-1014. Docking tails of horses. [Repealed].

1049 22-1015. Penalty for engaging in animal fighting. [Renumbered].

1050

1051 § 22-1001. Definitions and penalties.

1052 (a)(1) Whoever knowingly overdrives, overloads, drives when overloaded, overworks,

1053 tortures, torments, deprives of necessary sustenance, cruelly chains, cruelly beats or mutilates,

1054 any animal, or knowingly causes or procures any animal to be so overdriven, overloaded, driven

1055 when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, cruelly

1056 chained, cruelly beaten, or mutilated, and whoever, having the charge or custody of any animal,

1057 either as owner or otherwise, knowingly inflicts unnecessary cruelty upon the same, or

1058 unnecessarily fails to provide the same with proper food, drink, air, light, space, veterinary care,

1059 shelter, or protection from the weather, shall for every such offense be punished by

1060 imprisonment in jail not exceeding 180 days, or by fine not exceeding \$ 250, or by both.

1061 (2) The court may order a person convicted of cruelty to animals:

1062 (A) To obtain psychological counseling, psychiatric or psychological

1063 evaluation, or to participate in an animal cruelty prevention or education program, and may

1064 impose the costs of the program or counseling on the person convicted;

1065 (B) To forfeit any rights in the animal or animals subjected to cruelty;

1066 (C) To repay the reasonable costs incurred prior to judgment by any

1067 agency caring for the animal or animals subjected to cruelty; and

1068 (D) Not to own or possess an animal for a specified period of time.

1069 (3) The court may order a child adjudicated delinquent for cruelty to animals to

1070 undergo psychiatric or psychological evaluation, or to participate in appropriate treatment

1071 programs or counseling, and may impose the costs of the program or counseling on the person

1072 adjudicated delinquent.

1073 (b) For the purposes of this section, "cruelly chains" means attaching an animal to a

1074 stationary object or a pulley by means of a chain, rope, tether, leash, cable, or similar restraint

1075 under circumstances that may endanger its health, safety, or well-being. Cruelly chains includes,

1076 but is not limited to, the use of a chain, rope, tether, leash, cable or similar restraint that:

1077 (1) Exceeds 1/8 the body weight of the animal;

1078 (2) Causes the animal to choke;

1079 (3) Is too short for the animal to move around or for the animal to urinate or

1080 defecate in a separate area from the area where it must eat, drink, or lie down;

1081 (4) Is situated where it can become entangled;

1082 (5) Does not permit the animal access to food, water, shade, dry ground, or

1083 shelter; or

1084 (6) Does not permit the animal to escape harm.

1085 (c) For the purposes of this section, "serious bodily injury" means bodily injury that

1086 involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and

1087 obvious disfigurement, mutilation, or protracted loss or impairment of the function of a bodily

1088 member or organ. Serious bodily injury includes, but is not limited to, broken bones, burns,  
1089 internal injuries, severe malnutrition, severe lacerations or abrasions, and injuries resulting from  
1090 untreated medical conditions.

1091 (d) Except where the animal is an undomesticated and dangerous animal such as rats,  
1092 bats, and snakes, and there is a reasonable apprehension of an imminent attack by such animal on  
1093 that person or another, whoever commits any of the acts or omissions set forth in subsection (a)  
1094 of this section with the intent to commit serious bodily injury or death to an animal, or whoever,  
1095 under circumstances manifesting extreme indifference to animal life, commits any of the acts or  
1096 omissions set forth in subsection (a) of this section which results in serious bodily injury or death  
1097 to the animal, shall be guilty of a felony and, upon conviction thereof, shall be punished by  
1098 imprisonment not exceeding 5 years, or by a fine not exceeding \$ 25,000, or both.

1099

1100 § 22-1002. Other cruelties to animals.

1101 Every owner, possessor, or person having the charge or custody of any animal, who  
1102 cruelly drives or works the same when unfit for labor, or cruelly abandons the same, or who  
1103 carries the same, or causes the same to be carried, in or upon any vehicle, or otherwise, in an  
1104 unnecessarily cruel or inhuman manner, or knowingly and wilfully authorizes or permits the  
1105 same to be subjected to unnecessary torture, suffering, or cruelty of any kind, shall be punished  
1106 for every such offense in the manner provided in § 22-1001.

1107

1108 § 22-1002.01. Reporting requirements. [Transferred].

1109 Transferred.

1110

1111 § 22-1003. Rest, water and feeding for animals transported by railroad company.  
1112 [Repealed].

1113 Repealed.

1114

1115 § 22-1004. Arrests without warrant authorized; notice to owner. [Transferred].

1116 Transferred.

1117

1118 § 22-1005. Issuance of search warrants. [Transferred].

1119 Transferred.

1120

1121 § 22-1006. Prosecution of offenders; disposition of fines. [Transferred].

1122 Transferred.

1123

1124 § 22-1006.01. Penalty for engaging in animal fighting.

1125 (a) Any person who: (1) organizes, sponsors, conducts, stages, promotes, is employed at,  
1126 collects an admission fee for, or bets or wagers any money or other valuable consideration on the  
1127 outcome of an exhibition between two or more animals of fighting, baiting, or causing injury to  
1128 each other; (2) any person who owns, trains, buys, sells, offers to buy or sell, steals, transports, or  
1129 possesses any animal with the intent that it engage in any such exhibition; (3) any person who  
1130 knowingly allows any animal used for such fighting or baiting to be kept, boarded, housed, or  
1131 trained on, or transported in, any property owned or controlled by him; (4) any person who owns,  
1132 manages, or operates any facility and knowingly allows that facility to be kept or used for the  
1133 purpose of fighting or baiting any animal; (5) any person who knowingly or recklessly permits

1134 any act described in this subsection, to be done on any premises under his or her ownership or  
1135 control, or who aids or abets that act; or (6) any person who is knowingly present as a spectator  
1136 at any such exhibition, is guilty of a felony, punishable by a fine of not more than the amount set  
1137 forth in § 22-3571.01, imprisonment not to exceed 5 years, or both. The court may also impose  
1138 any penalties listed in § 22-1001(a).

1139 (b) [Reserved].

1140 (c) For the purposes of this section, the term:

1141 (1) "Animal" means a vertebrate other than a human, including, but not limited to,  
1142 dogs and cocks.

1143 (2) "Baiting" means to attack with violence, to provoke, or to harass an animal  
1144 with one or more animals for the purpose of training an animal for, or to cause an animal to  
1145 engage in, fights with or among other animals.

1146 (3) "Fighting" means an organized event wherein there is a display of combat  
1147 between 2 or more animals in which the fighting, killing, maiming, or injuring of an animal is a  
1148 significant feature, or main purpose, of the event.

1149

1150 § 22-1007. Impounded animals to be supplied with food and water.

1151 Any person who shall impound, or cause to be impounded in any pound, any creature,  
1152 shall supply the same, during such confinement, with a sufficient quantity of good and  
1153 wholesome food and water; and in default thereof shall, upon conviction, be punished for every  
1154 such offense in the same manner provided in § 22-1001.

1155

1156 § 22-1008. Relief of impounded animals. [Transferred].

1157 Transferred.

1158

1159 § 22-1009. Keeping or using place for fighting or baiting of fowls or animals; arrest  
1160 without warrant.

1161 Any person or persons who shall keep or use, or in any way be connected with or  
1162 interested in the management of, or shall receive money for the admission of any person to any  
1163 place kept or used for the purpose of fighting or baiting of fowls or animals, may be arrested  
1164 without a warrant, as provided in § 44-1505, and for every such offense be punished in the same  
1165 manner provided in § 22-1001.

1166

1167 § 22-1010. Penalty for engaging in cockfighting or animal fighting. [Repealed].

1168 Repealed.

1169

1170 § 22-1011. Neglect of sick or disabled animals.

1171 If any maimed, sick, infirm, or disabled animal shall be abandoned by its owner, or fail to  
1172 receive proper food or shelter from said owner or person in charge of the same for more than 5  
1173 consecutive hours, such person shall, for every such offense, be punished in the same manner  
1174 provided in § 22-1001.

1175

1176 § 22-1012. Abandonment of maimed or diseased animal; destruction of diseased  
1177 animals; disposition of animal or vehicle on arrest of driver; scientific  
1178 experiments.

1179 (a) Repealed.

1180 (b) Nothing contained in §§ 22-1001 to 22-1009, inclusive, and §§ 22-1011 and 22-1309  
1181 shall be construed to prohibit or interfere with any properly conducted scientific experiments or  
1182 investigations, which experiments shall be performed only under the authority of the faculty of  
1183 some regularly incorporated medical college, university, or scientific society.

1184  
1185 § 22-1013. Definitions.

1186 In §§ 22-1001 to 22-1009, inclusive, and § 22-1011, the word "animals" or "animal" shall  
1187 be held to include all living and sentient creatures (human beings excepted), and the words  
1188 "owner," "persons," and "whoever" shall be held to include corporations and incorporated  
1189 companies as well as individuals.

1190  
1191 § 22-1014. Docking tails of horses. [Repealed].  
1192 Repealed.

1193  
1194 § 22-1015. Penalty for engaging in animal fighting. [Renumbered].  
1195 Renumbered as § 22-1006.01.

1196  
1197 CHAPTER 11. CRUELTY TO CHILDREN.

1198  
1199 Sec.

1200 22-1101. Definition and penalty.

1201 22-1102. Refusal or neglect of guardian to provide for child under 14 years of age.

1202 22-1103 to 22-1106. Wilful neglect or refusal to support wife or minor child; punishment; order  
1203 of allowance; recognizance; trial under original charge; evidence of marriage;  
1204 competency of witnesses; proof of wilful desertion; weekly payments by Superintendent  
1205 of Workhouse for each day's confinement; collections by Clerk of Court to be deposited  
1206 with Collector of Taxes and covered into Treasury. [Repealed].

1207  
1208 § 22-1101. Definition and penalty.

1209 (a) A person commits the crime of cruelty to children in the first degree if that person  
1210 intentionally, knowingly, or recklessly tortures, beats, or otherwise willfully maltreats a child  
1211 under 18 years of age or engages in conduct which creates a grave risk of bodily injury to a child,  
1212 and thereby causes bodily injury.

1213 (b) A person commits the crime of cruelty to children in the second degree if that person  
1214 intentionally, knowingly, or recklessly:

1215 (1) Maltreats a child or engages in conduct which causes a grave risk of bodily  
1216 injury to a child; or

1217 (2) Exposes a child, or aids and abets in exposing a child in any highway, street, field  
1218 house, outhouse or other place, with intent to abandon the child.

1219 (c)(1) Any person convicted of cruelty to children in the first degree shall be fined not  
1220 more than \$ 10,000 or be imprisoned not more than 15 years, or both.

1221 (2) Any person convicted of cruelty to children in the second degree shall be fined not  
1222 more than the amount set forth in § 22-3571.01 or be imprisoned not more than 10 years, or both.

1223  
1224 § 22-1102. Refusal or neglect of guardian to provide for child under 14 years of age.

1225 Any person within the District of Columbia, of sufficient financial ability, who shall  
1226 refuse or neglect to provide for any child under the age of 14 years, of which he or she shall be  
1227 the parent or guardian, such food, clothing, and shelter as will prevent the suffering and secure  
1228 the safety of such child, shall be deemed guilty of a misdemeanor, and upon conviction thereof  
1229 shall be subject to punishment by a fine of not more than the amount set forth in § 22-3571.01, or  
1230 by imprisonment for not more than 3 months, or both such fine and imprisonment.

1231  
1232 §§ 22-1103 to 22-1106. Wilful neglect or refusal to support wife or minor child;  
1233 punishment; order of allowance; recognizance; trial under original charge; evidence of  
1234 marriage; competency of witnesses; proof of wilful desertion; weekly payments by  
1235 Superintendent of Workhouse for each day's confinement; collections by Clerk of Court  
1236 to be deposited with Collector of Taxes and covered into Treasury. [Repealed].  
1237 Repealed.

1238  
1239 CHAPTER 12. DEBT ADJUSTING.  
1240 [REPEALED].

1241 Sec.  
1242 22-1201. Debt adjusting; prohibitions; exceptions; penalties; prosecutions for violations.  
1243 [Repealed].

1244  
1245 § 22–1201. Debt adjusting; prohibitions; exceptions; penalties; prosecutions for  
1246 violations. [Repealed].  
1247 Repealed.

1248  
1249 CHAPTER 12A. DETECTION DEVICE TAMPERING.

1250  
1251 Sec.  
1252 22-1211. Tampering with a detection device.

1253  
1254 § 22-1211. Tampering with a detection device.

1255 (a)(1) It is unlawful for a person who is required to wear a device as a condition of a  
1256 protection order, pretrial, presentence, or predisposition release, probation, supervised release,  
1257 parole, or commitment, or who is required to wear a device while incarcerated, to:

1258 (A) Intentionally remove or alter the device, or to intentionally interfere  
1259 with or mask or attempt to interfere with or mask the operation of the device;

1260 (B) Intentionally allow any unauthorized person to remove or alter the  
1261 device, or to intentionally interfere with or mask or attempt to interfere with or mask the  
1262 operation of the device; or

1263 (C) Intentionally fail to charge the power for the device or otherwise maintain the  
1264 device's battery charge or power.

1265 (2) For the purposes of this subsection, the term "device" includes a bracelet,  
1266 ankle, or other equipment with electronic monitoring capability or global positioning system or  
1267 radio frequency identification technology.

1268 (b) Whoever violates this section shall be fined not more than the amount set forth in §  
1269 22-3571.01, imprisoned for not more than 180 days, or both.

CHAPTER 13. DISTURBANCES OF THE PUBLIC PEACE.

- 1271  
1272  
1273 Sec.  
1274 22-1301. Affrays.  
1275 22-1302. Duelling challenges. [Repealed].  
1276 22-1303. Assault for refusal to accept challenge. [Repealed].  
1277 22-1304. Leaving District to give or receive challenge. [Repealed].  
1278 22-1305, 22-1306. Prize fights and animal fights prohibited; “pugilistic encounter” defined.  
1279 [Repealed].  
1280 22-1307. Crowding, obstructing, or incommoding.  
1281 22-1308. Playing games in streets. [Repealed].  
1282 22-1309. Throwing stones or other missiles.  
1283 22-1310. Urging dogs to fight or create disorder.  
1284 22-1311. Allowing dogs to go at large.  
1285 22-1312. Lewd, indecent, or obscene acts; sexual proposal to a minor.  
1286 22-1313. Kindling bonfires.  
1287 22-1314. Disturbing religious congregations. [Repealed].  
1288 22-1314.01. Definitions.  
1289 22-1314.02. Prohibited acts.  
1290 22-1315. Interference with foreign diplomatic and consular offices, officers, and property –  
1291 Prohibited. [Repealed].  
1292 22-1316. Interference with foreign diplomatic and consular offices, officers, and property –  
1293 Penalties; exception. [Repealed].  
1294 22-1317. Flying fire balloons or parachutes.  
1295 22-1318. Driving or riding on footways in public grounds.  
1296 22-1319. False alarms and false reports; hoax weapons.  
1297 22-1320. Sale of tobacco to minors under 18 years of age.  
1298 22-1321. Disorderly conduct.  
1299 22-1322. Rioting or inciting to riot.  
1300 22-1323. Obstructing bridges connecting D.C. and Virginia.  
1301  
1302 § 22-1301. Affrays.  
1303 Whoever is convicted of an affray in the District shall be fined not more than the amount  
1304 set forth in § 22-3571.01 or imprisoned not more than 180 days, or both.  
1305  
1306 § 22-1302. Dueling challenges. [Repealed].  
1307 Repealed.  
1308  
1309 § 22-1303. Assault for refusal to accept challenge. [Repealed].  
1310 Repealed.  
1311  
1312 § 22-1304. Leaving District to give or receive challenge. [Repealed].  
1313 Repealed.  
1314  
1315 §§ 22-1305, 22-1306. Prize fighting and animal fights prohibited; “pugilistic encounter”  
1316 defined. [Repealed].

1317 Repealed.

1318

1319 § 22-1307. Crowding, obstructing, or incommoding.

1320 (a) It is unlawful for a person, alone or in concert with others:

1321 (1) To crowd, obstruct, or incommode:

1322 (A) The use of any street, avenue, alley, road, highway, or sidewalk;

1323 (B) The entrance of any public or private building or enclosure;

1324 (C) The use of or passage through any public building or public

1325 conveyance; or

1326 (D) The passage through or within any park or reservation; and

1327 (2) To continue or resume the crowding, obstructing, or incommoding after being

1328 instructed by a law enforcement officer to cease the crowding, obstructing, or incommoding.

1329 (b)(1) It is unlawful for a person, alone or in concert with others, to engage in a  
1330 demonstration in an area where it is otherwise unlawful to demonstrate and to continue or  
1331 resume engaging in a demonstration after being instructed by a law enforcement officer to cease  
1332 engaging in a demonstration.

1333 (2) For purposes of this subsection, the term "demonstration" means marching,  
1334 congregating, standing, sitting, lying down, parading, demonstrating, or patrolling by one or  
1335 more persons, with or without signs, for the purpose of persuading one or more individuals, or  
1336 the public, or to protest some action, attitude, or belief.

1337 (c) A person who violates any provision of this section shall be guilty of a misdemeanor  
1338 and, upon conviction, shall be fined not more than the amount set forth in § 22-3571.01,  
1339 imprisoned for not more than 90 days, or both.

1340

1341 § 22-1308. Playing games in streets. [Repealed].

1342 Repealed.

1343

1344 § 22-1309. Throwing stones or other missiles.

1345 It shall not be lawful for any person or persons within the District of Columbia to throw  
1346 any stone or other missile in any street, avenue, alley, road, or highway, or open space, or public  
1347 square, or inclosure, or to throw any stone or other missile from any place into any street,  
1348 avenue, road, or highway, alley, open space, public square, or inclosure, under a penalty of not  
1349 more than \$ 500 for every such offense.

1350

1351 § 22-1310. Urging dogs to fight or create disorder.

1352 It shall not be lawful for any person or persons to entice, induce, urge, or cause any dogs  
1353 to engage in a fight in any street, alley, road, or highway, open space, or public square in the  
1354 District of Columbia, or to urge, entice, or cause such dogs to continue or prolong such fight,  
1355 under a penalty of not more than \$ 1,000 for each and every offense; and any person or persons  
1356 who shall induce or cause any animal of the dog kind to run after, bark at, frighten, or bite any  
1357 person, horse, or horses, cows, cattle of any kind, or other animals lawfully passing along or  
1358 standing in or on any street, avenue, road, or highway, or alley in the District of Columbia, shall  
1359 forfeit and pay for such offense a sum not exceeding \$ 1,000.

1360

1361 § 22-1311. Allowing dogs to go at large.



1362 (a) If any owner or possessor of a fierce or dangerous dog shall permit the same to go at  
1363 large, knowing said dog to be fierce or dangerous, to the danger or annoyance of the inhabitants,  
1364 he or she shall upon conviction thereof, be punished by a fine not exceeding \$ 5,000; and if such  
1365 animal shall attack or bite any person, the owner or possessor thereof shall, on conviction, be  
1366 punished by a fine not exceeding \$ 10,000, and in addition to such punishment the court shall  
1367 adjudge and order that such animal be forthwith delivered to the poundmaster, and said  
1368 poundmaster is hereby authorized and directed to kill such animal so delivered to him or her.

1369 (b) If any owner or possessor of a female dog shall permit her to go at large in the District  
1370 of Columbia while in heat, he or she shall, upon conviction thereof, be punished by a fine not  
1371 exceeding \$ 20.

1372  
1373 § 22-1312. Lewd, indecent, or obscene acts; sexual proposal to a minor.

1374 It is unlawful for a person, in public, to make an obscene or indecent exposure of his or  
1375 her genitalia or anus, to engage in masturbation, or to engage in a sexual act as defined in § 22-  
1376 3001(8). It is unlawful for a person to make an obscene or indecent sexual proposal to a minor. A  
1377 person who violates any provision of this section shall be guilty of a misdemeanor and, upon  
1378 conviction, shall be fined not more than the amount set forth in § 22-3571.01, imprisoned for not  
1379 more than 90 days, or both.

1380  
1381 § 22-1313. Kindling bonfires.

1382 It shall not be lawful for any person or persons within the limits of the District of  
1383 Columbia to kindle or set on fire, or be present, aiding, consenting, or causing it to be done, in  
1384 any street, avenue, road, or highway, alley, open ground, or lot, any box, barrel, straw, shavings,  
1385 or other combustible, between the setting and rising of the sun; and, any person offending against  
1386 the provisions of this section shall on conviction thereof, forfeit and pay a sum not exceeding \$  
1387 10 for each and every offense.

1388  
1389 § 22-1314. Disturbing religious congregation. [Repealed].  
1390 Repealed.

1391  
1392 § 22-1314.01. Definitions.

1393 For the purpose of § 22-1314.02, the term:

1394 (1) "Health professional" means a person licensed to practice a health occupation in the  
1395 District pursuant to § 3-1201.01.

1396 (2) "Medical facility" includes a hospital, clinic, physician's office, or other facility that  
1397 provides health or surgical services.

1398 (3) "Person" shall not include:

1399 (A) The chief medical officer of the medical facility or his or her designee;

1400 (B) The chief executive officer of the medical facility or his or her designee;

1401 (C) An agent of the medical facility; or

1402 (D) A law enforcement officer in the performance of his or her official duty.

1403  
1404 § 22-1314.02. Prohibited acts.

1405 (a) It shall be unlawful for a person, except as otherwise authorized by District or federal  
1406 law, alone or in concert with others, to willfully or recklessly interfere with access to or from a  
1407 medical facility or to willfully or recklessly disrupt the normal functioning of such facility by:

1408 (1) Physically obstructing, impeding, or hindering the free passage of an individual  
1409 seeking to enter or depart the facility or from the common areas of the real property upon which  
1410 the facility is located;

1411 (2) Making noise that unreasonably disturbs the peace within the facility;

1412 (3) Trespassing on the facility or the common areas of the real property upon which the  
1413 facility is located;

1414 (4) Telephoning the facility repeatedly to harass or threaten owners, agents, patients,  
1415 and employees, or knowingly permitting any telephone under his or her control to be so used for  
1416 the purpose of threatening owners, agents, patients, and employees; or

1417 (5) Threatening to inflict injury on the owners, agents, patients, employees, or property  
1418 of the medical facility or knowingly permitting any telephone under his or her control to be used  
1419 for such purpose.

1420 (b) A person shall not act alone or in concert with others with the intent to prevent a  
1421 health professional or his or her family from entering or leaving the health professional's home.

1422 (c) Subsections (a) and (b) of this section shall not be construed to prohibit any otherwise  
1423 lawful picketing or assembly.

1424 (d) Any person who violates subsections (a) or (b) of this section, upon conviction, shall  
1425 be fined not more than the amount set forth in § 22-3571.01, imprisoned for not more than 180  
1426 days, or both.

1427

1428 § 22-1315. Interference with foreign diplomatic and consular offices, officers, and  
1429 property -- Prohibited. [Repealed].

1430 Repealed.

1431

1432 § 22-1316. Interference with foreign diplomatic and consular offices, officers, and  
1433 property -- Penalties; exception. [Repealed].

1434 Repealed.

1435

1436 § 22-1317. Flying fire balloons or parachutes.

1437 It shall not be lawful for any person or persons to set up or fly any fire balloon or  
1438 parachute in or upon or over any street, avenue, alley, open space, public enclosure, or square  
1439 within the limits of the District of Columbia, under a penalty of not more than \$ 10 for each and  
1440 every such offense.

1441

1442 § 22-1318. Driving or riding on footways in public grounds.

1443 If any person shall drive or lead any horse, mule, or other animal, or any cart, wagon, or  
1444 other carriage whatever on any of the paved or graveled footways in and on any of the public  
1445 grounds belonging to the United States within the District of Columbia, or shall ride thereon,  
1446 except at the intersection of streets, alleys, and avenues, each and every such offender shall  
1447 forfeit and pay for each offense a sum not less than \$ 1 nor more than \$ 5.

1448

1449 § 22-1319. False alarms and false reports; hoax weapons.

1450 (a) It shall be unlawful for any person or persons to willfully or knowingly give a false  
1451 alarm of fire within the District of Columbia, and any person or persons violating the provisions  
1452 of this subsection shall, upon conviction, be deemed guilty of a misdemeanor and be punished by  
1453 a fine not more than the amount set forth in § 22-3571.01 or by imprisonment for not more than

1454 6 months, or by both such fine and imprisonment. Prosecutions for violation of the provisions of  
1455 this subsection shall be on information filed in the Superior Court of the District of Columbia by  
1456 the Office of the Attorney General for the District of Columbia.

1457 (a-1) It shall be unlawful for any person or persons to willfully or knowingly use, or  
1458 allow the use of, the 911 call system to make a false or fictitious report or complaint which  
1459 initiates a response by District of Columbia emergency personnel or officials when, at the time of  
1460 the call or transmission, the person knows the report or complaint is false. Any person or persons  
1461 violating the provisions of this subsection shall, upon conviction, be deemed guilty of a  
1462 misdemeanor and be punished by a fine not more than the amount set forth in § 22-3571.01 or by  
1463 imprisonment for not more than 6 months. Prosecutions for violation of the provisions of this  
1464 subsection shall be on information filed in the Superior Court of the District of Columbia by the  
1465 Office of the Attorney General for the District of Columbia.

1466 (b)(1) It shall be unlawful for any person to willfully or knowingly make, or cause to be  
1467 made, a false or fictitious report to any individual which initiates a response by District of  
1468 Columbia emergency personnel or officials, wherein such report involves, is alleged to involve,  
1469 or may reasonably be deemed to involve, the delivery, presence, or use of a weapon of mass  
1470 destruction, as defined by § 22-3152(12), within the District of Columbia.

1471 (2) It shall be a violation of this subsection for any person to willfully and  
1472 knowingly give, transport, mail, send, or cause to be sent any hoax weapon of mass destruction,  
1473 as defined by § 22-3152(3), to another person or to place any such hoax weapon of mass  
1474 destruction in or upon any real or personal property.

1475 (3) Any person violating the provisions of this subsection shall, upon conviction,  
1476 be guilty of a misdemeanor and be punished by imprisonment of not more than one year or fined  
1477 in an amount not more than the amount set forth in § 22-3571.01 or the costs of responding to  
1478 and consequential damages resulting from the offense, or both.

1479 (c)(1) It shall be unlawful for anyone to willfully or knowingly, with the intent of  
1480 intimidating or frightening people, causing panic or civil unrest, extorting profit, or causing  
1481 economic damage, make, or cause to be made, a false or fictitious report to any individual, which  
1482 initiates a response by District of Columbia emergency personnel or officials, wherein such  
1483 report involves, is alleged to involve, or may reasonably be deemed to involve, the delivery,  
1484 presence, or use of a weapon of mass destruction, as defined by § 22-3152(12), within the  
1485 District of Columbia.

1486 (2) It shall be a violation of this subsection for any person to willfully or  
1487 knowingly, with the intent of intimidating or frightening people, causing panic or civil unrest,  
1488 extorting profit, or causing economic damage, give, transport, mail, send, or cause to be sent any  
1489 hoax weapon of mass destruction, as defined by § 22-3152(3), to another person or to place any  
1490 such hoax weapon of mass destruction in or upon any real or personal property.

1491 (3) Any person violating the provisions of this subsection shall, upon conviction,  
1492 be guilty of a felony and may be punished by imprisonment of not more than 5 years or fined in  
1493 an amount not more than the amount set forth in § 22-3571.01 or the costs of responding to and  
1494 consequential damages resulting from the offense, or both.

1495 (d)(1) It shall be unlawful for any person to willfully or knowingly, during a state of  
1496 emergency, as declared by the Mayor pursuant to § 7-2304, with the intent of intimidating or  
1497 frightening people, causing panic or civil unrest, extorting profit, or causing economic damage,  
1498 make, or cause to be made, a false or fictitious report to any individual, which initiates a  
1499 response by District of Columbia emergency personnel or officials, wherein such report involves,

1500 is alleged to involve, or may reasonably be deemed to involve, the delivery, presence, or use of a  
1501 weapon of mass destruction, as defined by § 22-3152(12), within the District of Columbia.

1502 (2) It shall be a violation of this subsection for any person to willfully or knowingly,  
1503 during a state of emergency, as declared by the Mayor pursuant to § 7-2304, with the intent of  
1504 intimidating or frightening people, causing panic or civil unrest, extorting profit, or causing  
1505 economic damage, give, transport, mail, send, or cause to be sent any hoax weapon of mass  
1506 destruction, as defined by § 22-3152(3), to another person or to place any such hoax weapon of  
1507 mass destruction in or upon any real or personal property.

1508 (3) Any person violating the provisions of this subsection shall, upon conviction, be  
1509 guilty of a felony and may be punished by imprisonment of not more than 10 years or fined in an  
1510 amount not more than the amount set forth in § 22-3571.01 or the cost of responding to and  
1511 consequential damages resulting from the offense, or both.

1512 (e) For the purposes of subsections (b), (c), and (d) of this section, the manner in which  
1513 the false or fictitious report is communicated may include, but is not limited to:

1514 (1) A writing;

1515 (2) An electronic transmission producing a visual, audio, or written result;

1516 (3) An oral statement; or

1517 (4) A signing.

1518 (f) There is jurisdiction to prosecute any person who participates in the commission of  
1519 any offense described in this section if any act in furtherance of the offense occurs in the District  
1520 of Columbia or where the effect of any act in furtherance of the offense occurs in the District of  
1521 Columbia.

1522  
1523 § 22-1320. Sale of tobacco to minors under 18 years of age.  
1524 Recodified as § 7-1721.02.

1525  
1526 § 22-1321. Disorderly conduct.

1527 (a) In any place open to the general public, and in the communal areas of multi-unit  
1528 housing, it is unlawful for a person to:

1529 (1) Intentionally or recklessly act in such a manner as to cause another person to be in  
1530 reasonable fear that a person or property in a person's immediate possession is likely to be  
1531 harmed or taken;

1532 (2) Incite or provoke violence where there is a likelihood that such violence will ensue;  
1533 or

1534 (3) Direct abusive or offensive language or gestures at another person (other than a law  
1535 enforcement officer while acting in his or her official capacity) in a manner likely to provoke  
1536 immediate physical retaliation or violence by that person or another person.

1537 (b) It is unlawful for a person to engage in loud, threatening, or abusive language, or  
1538 disruptive conduct, with the intent and effect of impeding or disrupting the orderly conduct of a  
1539 lawful public gathering, or of a congregation of people engaged in any religious service or in  
1540 worship, a funeral, or similar proceeding.

1541 (c) It is unlawful for a person to engage in loud, threatening, or abusive language, or  
1542 disruptive conduct with the intent and effect of impeding or disrupting the lawful use of a public  
1543 conveyance by one or more other persons.

1544 (c-1) It is unlawful for a person to engage in loud, threatening, or abusive language, or  
1545 disruptive conduct in a public building with the intent and effect of impeding or disrupting the  
1546 orderly conduct of business in that public building.

1547 (d) It is unlawful for a person to make an unreasonably loud noise between 10:00 p.m.  
1548 and 7:00 a.m. that is likely to annoy or disturb one or more other persons in their residences.

1549 (e) It is unlawful for a person to urinate or defecate in public, other than in a urinal or  
1550 toilet.

1551 (f) It is unlawful for a person to stealthily look into a window or other opening of a  
1552 dwelling, as defined in § 6-101.07, under circumstances in which an occupant would have a  
1553 reasonable expectation of privacy. It is not necessary that the dwelling be occupied at the time  
1554 the person looks into the window or other opening.

1555 (g) It is unlawful, under circumstances whereby a breach of the peace may be occasioned,  
1556 to interfere with any person in any public place by jostling against the person, unnecessarily  
1557 crowding the person, or placing a hand in the proximity of the person's handbag, pocketbook, or  
1558 wallet.

1559 (h) A person who violates any provision of this section shall be guilty of a misdemeanor  
1560 and, upon conviction, shall be fined not more than the amount set forth in § 22-3571.01,  
1561 imprisoned not more than 90 days, or both.

1562 § 22-1322. Rioting or inciting to riot.

1563 (a) A riot in the District of Columbia is a public disturbance involving an assemblage of 5  
1564 or more persons which by tumultuous and violent conduct or the threat thereof creates grave  
1565 danger of damage or injury to property or persons.

1566 (b) Whoever willfully engages in a riot in the District of Columbia shall be punished by  
1567 imprisonment for not more than 180 days or a fine of not more than the amount set forth in § 22-  
1568 3571.01, or both.

1570 (c) Whoever willfully incites or urges other persons to engage in a riot shall be punished  
1571 by imprisonment for not more than 180 days or a fine of not more than the amount set forth in §  
1572 22-3571.01, or both.

1573 (d) If in the course and as a result of a riot a person suffers serious bodily harm or there is  
1574 property damage in excess of \$ 5,000, every person who willfully incited or urged others to  
1575 engage in the riot shall be punished by imprisonment for not more than 10 years or a fine of not  
1576 more than the amount set forth in § 22-3571.01, or both.

1577 § 22-1323. Obstructing bridges connecting D.C. and Virginia.

1578 Effective with respect to conduct occurring on or after August 5, 1997, whoever in the  
1579 District of Columbia knowingly and willfully obstructs any bridge connecting the District of  
1580 Columbia and the Commonwealth of Virginia:

1581 (1) Shall be fined not less than \$ 1,000 and not more than \$ 5,000, and in  
1582 addition may be imprisoned not more than 30 days; or

1583 (2) If applicable, shall be subject to prosecution by the District of Columbia  
1584 under the provisions of District law and regulation amended by the Safe Streets Anti-Prostitution  
1585 Amendment Act of 1996.

1586 (3) The fine set forth in this section shall not be limited by § 22-3571.01.

1587

1588

1589

#### CHAPTER 13A. ENTRY INTO A MOTOR VEHICLE; UNLAWFUL.

1590  
1591 Sec.  
1592 22-1341. Unlawful entry of a motor vehicle.

1593  
1594 § 22-1341. Unlawful entry of a motor vehicle.

1595 (a) It is unlawful to enter or be inside of the motor vehicle of another person without the  
1596 permission of the owner or person lawfully in charge of the motor vehicle. A person who  
1597 violates this subsection shall, upon conviction, be fined not more than the amount set forth in §  
1598 22-3571.01, imprisoned for not more than 90 days, or both.

1599 (b) Subsection (a) of this section shall not apply to:

1600 (1) An employee of the District government in connection with his or her official  
1601 duties;

1602 (2) A tow crane operator who has valid authorization from the District government or  
1603 from the property owner on whose property the motor vehicle is illegally parked; or

1604 (3) A person with a security interest in the motor vehicle who is legally authorized to  
1605 seize the motor vehicle.

1606 (c) For the purposes of this section, the term "enter the motor vehicle" means to insert  
1607 any part of one's body into any part of the motor vehicle, including the passenger compartment,  
1608 the trunk or cargo area, or the engine compartment.

1609

1610 CHAPTER 14. FALSE PRETENSES; FALSE PERSONATION.

1611

1612 Sec.

1613 22-1401. False pretenses. [Repealed].

1614 22-1402. Recordation of deed, contract, or conveyance with intent to extort money.

1615 22-1403. False personation before court, officers, notaries.

1616 22-1404. Falsely impersonating public officer or minister.

1617 22-1405. False personation of inspector or departments of District.

1618 22-1406. False personation of police officer.

1619 22-1407, 22-1408. Wearing or using insignia of certain organizations; false certificate of  
1620 acknowledgement. [Repealed].

1621 22-1409. Use of official insignia; penalty for unauthorized use.

1622

1623 § 22-1401. False pretenses. [Repealed].

1624 Repealed.

1625

1626 § 22-1402. Recordation of deed, contract, or conveyance with intent to extort money.

1627 Whoever having no title or color of title to the land affected shall maliciously cause to be  
1628 recorded in the office of the Recorder of Deeds of the District of Columbia any deed, contract, or  
1629 other instrument purporting to convey or to relate to any land in said District with intent to extort  
1630 money or anything of value from any person owning such land, or having any interest therein,  
1631 shall be fined not less than \$ 1,000 and not more than the amount set forth in § 22-3571.01 or  
1632 imprisoned not more than 180 days, or both.

1633

1634 § 22-1403. False personation before court, officers, notaries.

1635 (a) Whoever falsely personates another person before any court of record or judge  
1636 thereof, or clerk of court, or any officer in the District authorized to administer oaths or take the  
1637 acknowledgment of deeds or other instruments or to grant marriage licenses or accepts domestic  
1638 partnership registrations, with intent to defraud, shall be imprisoned for not less than 1 year nor  
1639 more than 5 years.

1640 (a-1) In addition to any other penalty provided under this section, a person may be fined  
1641 an amount not more than the amount set forth in § 22-3571.01.

1642 (b) For the purposes of this section, the term "domestic partnership" shall have the same  
1643 meaning as provided in § 32-701(4).

1644  
1645 § 22-1404. Falsely impersonating public officer or minister.

1646 Whoever falsely represents himself or herself to be a judge of the Superior Court of the  
1647 District of Columbia, notary public, police officer, or other public officer, or a minister qualified  
1648 to celebrate marriage, and attempts to perform the duty or exercise the authority pertaining to any  
1649 such office or character, or having been duly appointed to any of such offices shall knowingly  
1650 attempt to act as any such officers after his or her appointment or commission has expired or he  
1651 or she has been dismissed from such office, shall suffer imprisonment in the penitentiary for not  
1652 less than 1 year nor more than 3 years. In addition to any other penalty provided under this  
1653 section, a person may be fined an amount not more than the amount set forth in § 22-3571.01.

1654  
1655 § 22-1405. False personation of inspector of departments of District.

1656 It shall be unlawful for any person in the District of Columbia to falsely represent himself  
1657 or herself as being an inspector of the Department of Human Services of said District, or an  
1658 inspector of any department of the District government; and any person so offending shall be  
1659 deemed guilty of a misdemeanor, and on conviction in the Superior Court of the District of  
1660 Columbia shall be punished by a fine of not less than \$ 10 nor more than \$ 50 for the 1st offense,  
1661 and for each subsequent offense by a fine of not less than \$ 50 and not more than the amount set  
1662 forth in § 22-3571.01, or imprisonment in the Jail of the District not exceeding 6 months, or  
1663 both, in the discretion of the court.

1664  
1665 § 22-1406. False personation of police officer.

1666 It shall be a misdemeanor, punishable by imprisonment in the District jail or penitentiary  
1667 not exceeding 180 days, or by a fine not more than the amount set forth in § 22-3571.01, for any  
1668 person, not a member of the police force, to falsely represent himself or herself as being such  
1669 member, with a fraudulent design.

1670  
1671 §§ 22-1407, 22-1408. Wearing or using insignia of certain organizations; false certificate  
1672 of acknowledgment. [Repealed].

1673 Repealed.

1674  
1675 § 22-1409. Use of official insignia; penalty for unauthorized use.

1676 (a) The Metropolitan Police Department and the Fire and Emergency Medical Services  
1677 Department shall have the sole and exclusive rights to have and use, in carrying out their  
1678 respective missions, the official badges, patches, emblems, copyrights, descriptive or designating  
1679 marks, and other official insignia displayed upon their current and future uniforms.

1680 (b) Any person who, for any reason, makes or attempts to make unauthorized use of, or  
1681 aids or attempts to aid another person in the unauthorized use or attempted unauthorized use of  
1682 the official badges, patches, emblems, copyrights, descriptive or designated marks, or other  
1683 official insignia of the Metropolitan Police Department or the Fire and Emergency Medical  
1684 Services Department shall, upon conviction, be fined not more than the amount set forth in § 22-  
1685 3571.01, imprisoned for not more than one year, or both.

1686

1687

## CHAPTER 15. FORGERY; FRAUDS.

1688

1689 Sec.

1690 22-1501. Forgery. [Repealed].

1691 22-1502. Forging or imitating brands or packaging of goods.

1692 22-1503. Stealing, destroying, mutilating, secreting, or withholding will. [Repealed].

1693 22-1504, 22-1505. Decedent's estate – Secreting or converting property, documents, or assets;  
1694 taking away or concealing writings. [Repealed].

1695 22-1506. Sale or concealment by traditional vendee, with intent to defraud. [Repealed].

1696 22-1507 to 22-1509. Fraud by use of slugs to operate coin-controlled mechanism; manufacture,  
1697 sale, offer for sale, possession of slugs or device to operate coin-controlled mechanism; "person"  
1698 defined. [Repealed].

1699 22-1510. Making, drawing, or uttering check, draft, or order with intent to defraud; proof of  
1700 intent; "credit" defined.

1701 22-1511. Fraudulent advertising.

1702 22-1512. Prosecution under § 22-1511.

1703 22-1513. Penalty under § 22-1511.

1704 22-1514. Fraudulent interference or collusion in jury selection.

1705

1706 § 22-1501. Forgery. [Repealed].

1707 Repealed.

1708

1709 § 22-1502. Forging or imitating brands or packaging of goods.

1710 Whoever wilfully forges, or counterfeits, or makes use of any imitation calculated to  
1711 deceive the public, though with colorable difference or deviation therefrom, of the private brand,  
1712 wrapper, label, trademark, bottle, or package usually affixed or used by any person to or with the  
1713 goods, wares, merchandise, preparation, or mixture of such person, with intent to pass off any  
1714 work, goods, manufacture, compound, preparation, or mixture as the manufacture or production  
1715 of such person which is not really such, shall be fined not more than the amount set forth in § 22-  
1716 3571.01 or imprisoned not more than 180 days, or both.

1717

1718 § 22-1503. Stealing, destroying, mutilating, secreting, or withholding will. [Repealed].

1719 Repealed.

1720

1721 §§ 22-1504, 22-1505. Decedent's estate -- Secreting or converting property, documents,  
1722 or assets; taking away or concealing writings. [Repealed].

1723 Repealed.

1724



1725 § 22-1506. Sale or concealment by conditional vendee, with intent to defraud.  
1726 [Repealed].  
1727 Repealed.  
1728  
1729 §§ 22-1507 to 22-1509. Fraud by use of slugs to operate coin-controlled mechanism;  
1730 manufacture, sale, offer for sale, possession of slugs or device to operate coin-controlled  
1731 mechanism; "person" defined. [Repealed].  
1732 Repealed.

1733  
1734 § 22-1510. Making, drawing, or uttering check, draft, or order with intent to defraud;  
1735 proof of intent; "credit" defined.

1736 Any person within the District of Columbia who, with intent to defraud, shall make,  
1737 draw, utter, or deliver any check, draft, order, or other instrument for the payment of money  
1738 upon any bank or other depository, knowing at the time of such making, drawing, uttering, or  
1739 delivering that the maker or drawer has not sufficient funds in or credit with such bank or other  
1740 depository for the payment of such check, draft, order, or other instrument in full upon its  
1741 presentation, shall, if the amount of such check, draft, order, or other instrument is \$ 1,000 or  
1742 more, be guilty of a felony and fined not more than the amount set forth in § 22-3571.01 or  
1743 imprisoned for not less than 1 year nor more than 3 years, or both; or if the amount of such  
1744 check, draft, order, or other instrument has some value, be guilty of a misdemeanor and fined not  
1745 more than the amount set forth in § 22-3571.01 or imprisoned not more than 180 days, or both.  
1746 As against the maker or drawer thereof the making, drawing, uttering, or delivering by such  
1747 maker or drawer of a check, draft, order, or other instrument, payment of which is refused by the  
1748 drawee because of insufficient funds of the maker or drawer in its possession or control, shall be  
1749 prima facie evidence of the intent to defraud and of knowledge of insufficient funds in or credit  
1750 with such bank or other depository, provided such maker or drawer shall not have paid the holder  
1751 thereof the amount due thereon, together with the amount of protest fees, if any, within 5 days  
1752 after receiving notice in person, or writing, that such check, draft, order, or other instrument has  
1753 not been paid. The word "credit," as used herein, shall be construed to mean arrangement or  
1754 understanding, express or implied, with the bank or other depository for the payment of such  
1755 check, draft, order, or other instrument.

1756  
1757 § 22-1511. Fraudulent advertising.

1758 It shall be unlawful in the District of Columbia for any person, firm, association,  
1759 corporation, or advertising agency, either directly or indirectly, to display or exhibit to the public  
1760 in any manner whatever, whether by handbill, placard, poster, picture, film, or otherwise; or to  
1761 insert or cause to be inserted in any newspaper, magazine, or other publication printed in the  
1762 District of Columbia; or to issue, exhibit, or in any way distribute or disseminate to the public; or  
1763 to deliver, exhibit, mail, or send to any person, firm, association, or corporation any false, untrue,  
1764 or misleading statement, representation, or advertisement with intent to sell, barter, or exchange  
1765 any goods, wares, or merchandise or anything of value or to deceive, mislead, or induce any  
1766 person, firm, association, or corporation to purchase, discount, or in any way invest in or accept  
1767 as collateral security any bonds, bill, share of stock, note, warehouse receipt, or any security; or  
1768 with the purpose to deceive, mislead, or induce any person, firm, association, or corporation to  
1769 purchase, make any loan upon or invest in any property of any kind; or use any of the aforesaid  
1770 methods with the intent or purpose to deceive, mislead, or induce any other person, firm, or

1771 corporation for a valuable consideration to employ the services of any person, firm, association,  
1772 or corporation so advertising such services.

1773  
1774 § 22-1512. Prosecution under § 22-1511.

1775 Prosecution under § 22-1511 shall be in the Superior Court of the District of Columbia  
1776 upon information filed by the United States Attorney for the District of Columbia or an Assistant  
1777 U.S. Attorney.

1778  
1779 § 22-1513. Penalty under § 22-1511.

1780 Any person, firm, or association violating any of the provisions of § 22-1511 shall upon  
1781 conviction thereof, be punished by a fine of not more than the amount set forth in § 22-3571.01  
1782 or by imprisonment of not more than 60 days, or by both fine and imprisonment, in the discretion  
1783 of the court. A corporation convicted of an offense under the provisions of § 22-1511 shall be  
1784 fined not more than the amount set forth in § 22-3571.01, and its president or such other officials  
1785 as may be responsible for the conduct and management thereof shall be imprisoned not more  
1786 than 60 days, in the discretion of the court.

1787  
1788 § 22-1514. Fraudulent interference or collusion in jury selection.

1789 If any person shall fraudulently tamper with any box or wheel used or intended by the  
1790 jury commission for the names of prospective jurors, or of prospective condemnation jurors or  
1791 commissioners, or shall fraudulently tamper with the contents of any such box or wheel, or with  
1792 any jury list, or be guilty of any fraud or collusion with respect to the drawing of jurors or  
1793 condemnation jurors or commissioners, or if any jury commissioner shall put in or leave out of  
1794 any such box or wheel the name of any person at the request of such person, or at the request of  
1795 any other person, or if any jury commissioner shall wilfully draw from any such box or wheel a  
1796 greater number of names than is required by the court, any such person or jury commissioner so  
1797 offending shall for each offense be punished by a fine of not more than the amount set forth in §  
1798 22-3571.01 or imprisonment for not more than 180 days, or both.

1799  
1800 CHAPTER 16. FORNICATION.  
1801 [REPEALED].

1802  
1803 Sec.

1804 22-1601. Fornication. [Repealed].

1805 22-1602. Fornication. [Repealed].

1806  
1807 § 22-1601. Fornication. [Repealed].

1808 Repealed.

1809  
1810 § 22-1602. Fornication. [Repealed].

1811 Repealed.

1812  
1813 CHAPTER 17.  
1814 GAMBLING.

1815

1816 *Subchapter I.*  
1817 *General Provisions.*  
1818

1819 *Sec.*

- 1820 22-1701. Lotteries; promotion; sale or possession of tickets.  
1821 22-1702. Possession of lottery or policy tickets.  
1822 22-1703. Permitting sale of lottery tickets on premises.  
1823 22-1704. Gaming; setting up gaming table; inducing play.  
1824 22-1705. Gambling premises; definition; prohibition against maintaining; forfeiture; liens;  
1825 deposit of moneys in Treasury; penalty; subsequent offenses.  
1826 22-1706. Three-card monte and confidence games.  
1827 22-1707. "Gaming table" defined.  
1828 22-1708. Gambling pools and bookmaking; athletic contest defined.  
1829 22-1709. Bucketing, and bucket-shopping and bucket-shops; definitions. [Repealed].  
1830 22-1710. Penalty for bucketing or keeping bucket-shop. [Repealed].  
1831 22-1711. Penalty for communicating, receiving, exhibiting or displaying quotation of prices.  
1832 [Repealed.]  
1833 22-1712. Bucketing; written statement to be furnished. [Repealed].  
1834 22-1713. Corrupt influence in connection with athletic contests.  
1835 22-1714. Immunity of witnesses; record.  
1836 22-1715. Presence in illegal establishments. [Repealed].

1837  
1838 *Subchapter II.*  
1839 *Legalization.*

- 1840  
1841 22-1716. Statement of purpose. [Transferred].  
1842 22-1717. Permissible gaming activities. [Transferred].  
1843 22-1718. Advertising and promotion; sale and possession of lottery and numbers tickets and  
1844 slips. [Transferred].  
1845

1846 *Subchapter I.*  
1847 *General Provisions.*  
1848

1849 § 22-1701. Lotteries; promotion; sale or possession of tickets.

1850 If any person shall within the District keep, set up, or promote, or be concerned as owner,  
1851 agent, or clerk, or in any other manner, in managing, carrying on, promoting, or advertising,  
1852 directly or indirectly, any policy lottery, policy shop, or any lottery, or shall sell or transfer any  
1853 chance, right, or interest, tangible or intangible, in any policy lottery, or any lottery or shall sell  
1854 or transfer any ticket, certificate, bill, token, or other device, purporting or intended to guarantee  
1855 or assure to any person or entitle him or her to a chance of drawing or obtaining a prize to be  
1856 drawn in any lottery, or in a game or device commonly known as policy lottery or policy or shall  
1857 sell or transfer, or have in his or her possession for the purpose of sale or transfer, a chance or  
1858 ticket in or share of a ticket in any lottery or any such bill, certificate, token, or other device, he  
1859 or she shall be fined upon conviction of each said offense not more than the amount set forth in  
1860 § 22-3571.01 or be imprisoned not more than 3 years, or both. The possession of any copy or  
1861 record of any such chance, right, or interest, or of any such ticket, certificate, bill, token, or other

1862 device shall be prima facie evidence that the possessor of such copy or record did, at the time  
1863 and place of such possession, keep, set up, or promote, or was at such time and place concerned  
1864 as owner, agent, or clerk, or otherwise in managing, carrying on, promoting, or advertising a  
1865 policy lottery, policy shop, or lottery.

1866  
1867 § 22-1702. Possession of lottery or policy tickets.

1868 If any person shall, within the District of Columbia, knowingly have in his or her  
1869 possession or under his or her control, any record, notation, receipt, ticket, certificate, bill, slip,  
1870 token, paper, or writing, current or not current, used or to be used in violating the provisions of  
1871 § 22-1701, § 22-1704, or § 22-1708, he or she shall, upon conviction of each such offense, be  
1872 fined not more than the amount set forth in § 22-3571.01 or be imprisoned for not more than 180  
1873 days, or both. For the purpose of this section, possession of any record, notation, receipt, ticket,  
1874 certificate, bill, slip, token, paper, or writing shall be presumed to be knowing possession thereof.

1875  
1876 § 22-1703. Permitting sale of lottery tickets on premises.

1877 If any person shall knowingly permit, on any premises under his or her control in the  
1878 District, the sale of any chance or ticket in or share of a ticket in any lottery or policy lottery, or  
1879 shall knowingly permit any lottery or policy lottery, or policy shop on such premises, he or she  
1880 shall be fined not less than \$50 and not more than the amount set forth in § 22-3571.01, or be  
1881 imprisoned not more than 180 days, or both.

1882  
1883 § 22-1704. Gaming; setting up gaming table; inducing play.

1884 Whoever shall in the District set up or keep any gaming table, or any house, vessel, or  
1885 place, on land or water, for the purpose of gaming, or gambling device commonly called A B C,  
1886 faro bank, E O, roulette, equality, keno, thimbles, or little joker, or any kind of gaming table or  
1887 gambling device adapted, devised, and designed for the purpose of playing any game of chance  
1888 for money or property, or shall induce, entice, and permit any person to bet or play at or upon  
1889 any such gaming table or gambling device, or on the side of or against the keeper thereof, shall  
1890 be punished by imprisonment for a term of not more than 5 years and, in addition, may be fined  
1891 not more than the amount set forth in § 22-3571.01. For the purposes of this section, the term  
1892 "gambling device" shall not include slot machines manufactured before 1952, intended for  
1893 exhibition or private use by the owner, and not used for gambling purposes. The term "slot  
1894 machine" means a mechanical device, an essential part of which is a drum or reel which bears an  
1895 insignia and which when operated may deliver, as a result of the application of an element of  
1896 chance, a token, money, or property, or by operation of which a person may become entitled to  
1897 receive, as a result of this application of an element of chance, a token, money, or property.

1898  
1899 § 22-1705. Gambling premises; definition; prohibition against maintaining; forfeiture;  
1900 liens; deposit of moneys in Treasury; penalty; subsequent offenses.

1901 (a) Any house, building, vessel, shed, booth, shelter, vehicle, enclosure, room, lot, or  
1902 other premises in the District of Columbia, used or to be used in violating the provisions of § 22-  
1903 1701 or § 22-1704, shall be deemed "gambling premises" for the purpose of this section.

1904 (b) It shall be unlawful for any person in the District of Columbia knowingly, as owner,  
1905 lessee, agent, employee, operator, occupant, or otherwise, to maintain, or aid, or permit the  
1906 maintaining of any gambling premises.

1907 (c) All moneys, vehicles, furnishings, fixtures, equipment, stock (including, without  
1908 limitation, furnishings and fixtures adaptable to nongambling uses, and equipment and stock for  
1909 printing, recording, computing, transporting, safekeeping, or communication), or other things of  
1910 value used or to be used in:

1911 (1) Carrying on or conducting any lottery, or the game or device commonly known as  
1912 a policy lottery or policy, contrary to the provisions of § 22-1701;

1913 (2) Setting up or keeping any gaming table, bank, or device contrary to the provisions  
1914 of § 22-1704; or

1915 (3) Maintaining any gambling premises shall be subject to forfeiture consistent with  
1916 the standards and procedures set forth in D.C. Law 20-278.

1917 (d) Whoever violates this section shall be imprisoned not more than 180 days or fined not  
1918 more than the amount set forth in § 22-3571.01, or both, unless the violation occurs after the  
1919 person has been convicted of a violation of this section, in which case the person may be  
1920 imprisoned for not more than 5 years, or fined not more than the amount set forth in § 22-  
1921 3571.01, or both.

1922

1923 § 22-1706. Three-card monte and confidence games.  
1924 Whoever shall in the District deal, play, or practice, or be in any manner accessory to the dealing  
1925 or practicing, of the confidence game or swindle known as 3-card monte, or of any such game,  
1926 play, or practice, or any other confidence game, play, or practice, shall be deemed guilty of a  
1927 misdemeanor, and shall be punished by a fine not more than the amount set forth in § 22-3571.01  
1928 and by imprisonment for not more than 180 days.

1929

1930 § 22-1707. "Gaming table" defined.  
1931 All games, devices, or contrivances at which money or any other thing shall be bet or  
1932 wagered shall be deemed a gaming table within the meaning of §§ 22-1704 to 22-1706; and the  
1933 courts shall construe said sections liberally, so as to prevent the mischief intended to be guarded  
1934 against.

1935

1936 § 22-1708. Gambling pools and bookmaking; athletic contest defined.  
1937 It shall be unlawful for any person, or association of persons, within the District of  
1938 Columbia to purchase, possess, own, or acquire any chance, right, or interest, tangible or  
1939 intangible, in any policy lottery or any lottery, or to make or place a bet or wager, accept a bet or  
1940 wager, gamble or make books or pools on the result of any athletic contest. For the purpose of  
1941 this section, the term "athletic contest" means any of the following, wherever held or to be held:  
1942 a football, baseball, softball, basketball, hockey, or polo game, or a tennis, golf, or wrestling  
1943 match, or a tennis or golf tournament, or a prize fight or boxing match, or a trotting or running  
1944 race of horses, or a running race of dogs, or any other athletic or sporting event or contest. Any  
1945 person or association of persons violating this section shall be fined not more than the amount set  
1946 forth in § 22-3571.01 or imprisoned not more than 180 days, or both.

1947

1948 § 22-1709. Bucketing, and bucket-shopping and bucket-shops; definitions. [Repealed].

1949 Repealed.

1950

1951 § 22-1710. Penalty for bucketing or keeping bucket-shop. [Repealed].

1952 Repealed.

1953  
1954 § 22-1711. Penalty for communicating, receiving, exhibiting, or displaying quotations of  
1955 prices. [Repealed].  
1956 Repealed.  
1957  
1958 § 22-1712. Bucketing; written statement to be furnished; contents. [Repealed].  
1959 Repealed.  
1960  
1961 § 22-1713. Corrupt influence in connection with athletic contests.  
1962 (a) It shall be unlawful to pay or give, or to agree to pay or give, or to promise or offer,  
1963 any valuable thing to any individual:  
1964 (1) With intent to influence such individual to lose or cause to be lost, or to attempt to  
1965 lose or cause to be lost, or to limit or attempt to limit such individual or his or her team's margin  
1966 of victory or score in, any professional or amateur athletic contest in which such individual is or  
1967 may be a contestant or participant; or  
1968 (2) With intent to influence such individual, in the case of any professional or amateur  
1969 athletic contest in connection with which such individual (as a manager, coach, owner, second,  
1970 jockey, trainer, handler, groom, or otherwise) has or will have any duty or responsibility with  
1971 respect to a contestant, participant, or team who or which is engaging or may engage therein, to  
1972 cause or attempt to cause:  
1973 (A) The loss of such athletic contest by such contestant, participant, or team; or  
1974 (B) The margin of victory or score of such contestant, participant, or team to be  
1975 limited; or  
1976 (3) With intent to influence such individual, in the case of any professional or amateur  
1977 athletic contest in connection with which such individual is to be or may be a referee, judge,  
1978 umpire, linesman, starter, timekeeper, or other similar official, to cause or attempt to cause:  
1979 (A) The loss of such athletic contest by any contestant, participant, or team who or  
1980 which is engaging or may engage therein; or  
1981 (B) The margin of victory or score of any such contestant, participant, or team to be  
1982 limited.  
1983 (b) It shall be unlawful for any individual to solicit or accept, or to agree to accept, any  
1984 valuable thing or a promise or offer of any valuable thing:  
1985 (1) To influence such individual to lose or cause to be lost, or to attempt to lose or  
1986 cause to be lost, or to limit or attempt to limit such individual or his or her team's margin of  
1987 victory or score in, any professional or amateur athletic contest in which such individual is or  
1988 may be a contestant or participant; or  
1989 (2) To influence such individual, in the case of any professional or amateur  
1990 athletic contest in connection with which such individual (as a manager, coach, owner, second,  
1991 jockey, trainer, handler, groom, or otherwise) has or will have any duty or responsibility with  
1992 respect to a contestant, participant, or team who or which is engaging or may engage therein, to  
1993 cause or attempt to cause:  
1994 (A) The loss of such athletic contest by such contestant, participant, or team; or  
1995 (B) The margin of victory or score of such contestant, participant, or team to be  
1996 limited; or

1997 (3) To influence such individual, in the case of any professional or amateur athletic  
1998 contest in connection with which such individual is to be or may be a referee, judge, umpire,  
1999 linesman, starter, timekeeper, or other similar official, to cause or attempt to cause:

2000 (A) The loss of such athletic contest by any contestant, participant, or team who or  
2001 which is engaging or may engage therein; or

2002 (B) The margin of victory or score of any such contestant, participant, or team to be  
2003 limited.

2004 (c) Whoever violates any provision of subsection (a) of this section shall be guilty of a  
2005 felony, and, upon conviction thereof, shall be punished by imprisonment for not less than 1 year  
2006 nor more than 5 years and by a fine of not more than the amount set forth in § 22-3571.01.

2007 (d) Whoever violates any provision of subsection (b) of this section shall, upon  
2008 conviction thereof, be punished by imprisonment for not more than 1 year and by a fine of not  
2009 more than the amount set forth in § 22-3571.01.

2010 (e) As used in this section, the term "athletic contest" means any of the following,  
2011 wherever held or to be held: a football, baseball, softball, basketball, hockey, or polo game, or a  
2012 tennis or wrestling match, or a prize fight or boxing match, or a horse race or any other athletic  
2013 or sporting event or contest.

2014 (f) Nothing in this section shall be construed to prohibit the giving or offering of any  
2015 bonus or extra compensation to any manager, coach, or professional player, or to any league,  
2016 association, or conference for the purpose of encouraging such manager, coach, or player to a  
2017 higher degree of skill, ability, or diligence in the performance of his or her duties.

2018 § 22-1714. Immunity of witnesses; record. .

2019 (a) Whenever, in the judgment of the United States Attorney for the District of Columbia,  
2020 the testimony of any witness, or the production of books, papers, or other records or documents,  
2021 by any witness, in any case or proceeding involving a violation of this subchapter before any  
2022 grand jury or a court in the District of Columbia, is necessary in the public interest, such witness  
2023 shall not be excused from testifying or from producing books, papers, and other records and  
2024 documents on the grounds that the testimony or evidence, documentary or otherwise, required of  
2025 such witness may tend to incriminate such witness, or subject such witness to penalty or  
2026 forfeiture; but such witness shall not be prosecuted or subject to any penalty or forfeiture for or  
2027 on account of any transaction, matter, or thing concerning which such witness is compelled, after  
2028 having claimed his or her privilege against self-incrimination, to testify or produce evidence,  
2029 documentary or otherwise; except that such witness so testifying shall not be exempt from  
2030 prosecution and punishment for perjury or contempt committed in so testifying.

2031 (b) The judgment of the United States Attorney for the District of Columbia that any  
2032 testimony, or the production of any books, papers, or other records or documents, is necessary in  
2033 the public interest shall be confirmed in a written communication over the signature of the  
2034 United States Attorney for the District of Columbia, addressed to the grand jury or the court in  
2035 the District of Columbia concerned, and shall be made a part of the record of the case or  
2036 proceeding in which such testimony or evidence is given.

2037 § 22-1715. Presence in illegal establishments. [Repealed].  
2038 Repealed.

2039  
2040  
2041  
2042 *Subchapter II.*

2043 *Legalization.*

2044  
2045 § 22–1716. Statement of purpose. [Transferred].  
2046 [Transferred].

2047  
2048 § 22–1717. Permissible gambling activities. [Transferred].  
2049 [Transferred].

2050  
2051 § 22–1718. Advertising and promotion; sale and possession of lottery and numbers  
2052 tickets and slips. [Transferred].  
2053 [Transferred].

2054 CHAPTER 18. GENERAL OFFENSES.

2055  
2056 Sec.

2057 22-1801. "Writing" and "paper" defined.

2058 22-1802. "Anything of value" defined.

2059 22-1803. Attempts to commit crime.

2060 22-1804. Second conviction.

2061 22-1804a. Penalty for felony after at least 2 prior felony convictions.

2062 22-1805. Persons advising, inciting, or conniving at criminal offense to be charged as principals.

2063 22-1805a. Conspiracy to commit crime.

2064 22-1806. Accessories after the fact.

2065 22-1807. Punishment for offenses not covered by provisions of Code.

2066 22-1808. Offenses committed beyond District.

2067 22-1809. Prosecutions.

2068 22-1810. Threatening to kidnap or injure a person or damage his or her property.

2069  
2070 § 22-1801. "Writing" and "paper" defined.

2071 Except where otherwise provided for where such a construction would be unreasonable,  
2072 the words "writing" and "paper," wherever mentioned in this title, are to be taken to include  
2073 instruments wholly in writing or wholly printed, or partly printed and partly in writing.

2074  
2075 § 22-1802. "Anything of value" defined.

2076 The words "anything of value," wherever they occur in this title and the District of  
2077 Columbia Theft and White Collar Crimes Act of 1982, shall be held to include not only things  
2078 possessing intrinsic value, but bank notes and other forms of paper money, and commercial  
2079 paper and other writings which represent value.

2080  
2081 § 22-1803. Attempts to commit crime.

2082 Whoever shall attempt to commit any crime, which attempt is not otherwise made  
2083 punishable by chapter 19 of An Act to establish a code of law for the District of Columbia,  
2084 approved March 3, 1901 (31 Stat. 1321), shall be punished by a fine not more than the amount  
2085 set forth in § 22-3571.01 or by imprisonment for not more than 180 days, or both. Except,  
2086 whoever shall attempt to commit a crime of violence as defined in § 23-1331 shall be punished  
2087 by a fine not more than the amount set forth in § 22-3571.01 or by imprisonment for not more  
2088 than 5 years, or both.



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§ 22-1804. Second conviction.

(a) If any person: (1) is convicted of a criminal offense (other than a non-moving traffic offense) under a law applicable exclusively to the District of Columbia; and (2) was previously convicted of a criminal offense under any law of the United States or of a state or territory of the United States which offense, at the time of the conviction referred to in clause (1) of this subsection, is the same as, constitutes, or necessarily includes, the offense referred to in that clause, such person may be sentenced to pay a fine in an amount not more than one and one-half times the maximum fine prescribed for the conviction referred to in clause (1) of this subsection and sentenced to imprisonment for a term not more than one and one-half times the maximum term of imprisonment prescribed for that conviction. If such person was previously convicted more than once of an offense described in clause (2) of this subsection, such person may be sentenced to pay a fine in an amount not more than 3 times the maximum fine prescribed for the conviction referred to in clause (1) of this subsection and sentenced to imprisonment for a term not more than 3 times the maximum term of imprisonment prescribed for that conviction. No conviction with respect to which a person has been pardoned on the ground of innocence shall be taken into account in applying this section.

(b) This section shall not apply in the event of conflict with any other provision of law which provides an increased penalty for a specific offense by reason of a prior conviction of the same or any other offense.

§ 22-1804a. Penalty for felony after at least 2 prior felony convictions.

(a) (1) If a person is convicted in the District of Columbia of a felony, having previously been convicted of 2 prior felonies not committed on the same occasion, the court may, in lieu of any sentence authorized, impose such greater term of imprisonment as it deems necessary, up to, and including, 30 years.

(2) If a person is convicted in the District of Columbia of a crime of violence as defined by § 22-4501, having previously been convicted of 2 prior crimes of violence not committed on the same occasion, the court, in lieu of the term of imprisonment authorized, shall impose a term of imprisonment of not less than 15 years and may impose such greater term of imprisonment as it deems necessary up to, and including, life without possibility of release.

(3) For purposes of imprisonment following revocation of release authorized by § 24-403.01, the third or subsequent felony committed by a person who had previously been convicted of 2 prior felonies not committed on the same occasion and the third or subsequent crime of violence committed by a person who had previously been convicted of 2 prior crimes of violence not committed on the same occasion are Class A felonies.

(b) For the purposes of this section:

(1) A person shall be considered as having been convicted of a felony if the person was convicted of a felony by a court of the District of Columbia, any state, or the United States or its territories; and

(2) A person shall be considered as having been convicted of a crime of violence if the person was convicted of a crime of violence as defined by § 22-4501, by a court of the District of Columbia, any state, or the United States or its territories.

(c)(1) A person shall be considered as having been convicted of 2 felonies if the person has been convicted of a felony twice before on separate occasions by courts of the District of Columbia, any state, or the United States or its territories.

2135 (2) A person shall be considered as having been convicted of 2 crimes of violence  
2136 if the person has twice before on separate occasions been convicted of a crime of violence as  
2137 defined by § 22-4501, by courts of the District of Columbia, any states, or the United States or its  
2138 territories.

2139 (d) No conviction or plea of guilty with respect to which a person has been pardoned  
2140 shall be taken into account in applying this section.

2141 (e) In addition to any other penalty provided under this section, a person may be fined an  
2142 amount not more than the amount set forth in § 22-3571.01.

2143  
2144 § 22-1805. Persons advising, inciting, or conniving at criminal offense to be charged as  
2145 principals.

2146 In prosecutions for any criminal offense all persons advising, inciting, or conniving at the  
2147 offense, or aiding or abetting the principal offender, shall be charged as principals and not as  
2148 accessories, the intent of this section being that as to all accessories before the fact the law  
2149 heretofore applicable in cases of misdemeanor only shall apply to all crimes, whatever the  
2150 punishment may be.

2151  
2152 § 22-1805a. Conspiracy to commit crime.

2153 (a)(1) If 2 or more persons conspire either to commit a criminal offense or to defraud the  
2154 District of Columbia or any court or agency thereof in any manner or for any purpose, each shall  
2155 be fined not more than the amount set forth in § 22-3571.01 or imprisoned not more than 5 years,  
2156 or both, except that if the object of the conspiracy is a criminal offense punishable by less than 5  
2157 years, the maximum penalty for the conspiracy shall not exceed the maximum penalty provided  
2158 for that offense.

2159 (2) If 2 or more persons conspire to commit a crime of violence as defined in § 23-  
2160 1331(4), each shall be fined not more than the amount set forth in § 22-3571.01 nor the  
2161 maximum fine prescribed for the offense, the commission of which was the object of the  
2162 conspiracy, whichever is less, or imprisoned not more than 15 years nor the maximum  
2163 imprisonment prescribed for the offense, the commission of which was the object of the  
2164 conspiracy, whichever is less, or both.

2165 (b) No person may be convicted of conspiracy unless an overt act is alleged and proved to  
2166 have been committed by 1 of the conspirators pursuant to the conspiracy and to effect its  
2167 purpose.

2168 (c) When the object of a conspiracy contrived within the District of Columbia is to  
2169 engage in conduct in a jurisdiction outside the District of Columbia which would constitute a  
2170 criminal offense under an act of Congress applicable exclusively to the District of Columbia if  
2171 performed therein, the conspiracy is a violation of this section if:

2172 (1) Such conduct would also constitute a crime under the laws of the other jurisdiction  
2173 if performed therein; or

2174 (2) Such conduct would constitute a criminal offense under an act of Congress  
2175 exclusively applicable to the District of Columbia even if performed outside the District of  
2176 Columbia.

2177 (d) A conspiracy contrived in another jurisdiction to engage in conduct within the District  
2178 of Columbia which would constitute a criminal offense under an act of Congress exclusively  
2179 applicable to the District of Columbia if performed within the District of Columbia is a violation  
2180 of this section when an overt act pursuant to the conspiracy is committed within the District of

2181 Columbia. Under such circumstances, it is immaterial and no defense to a prosecution for  
2182 conspiracy that the conduct which is the object of the conspiracy would not constitute a crime  
2183 under the laws of the other jurisdiction.

2184  
2185 § 22-1806. Accessories after the fact.

2186 Whoever shall be convicted of being an accessory after the fact to any crime punishable  
2187 by death shall be punished by imprisonment for not more than 20 years. Whoever shall be  
2188 convicted of being accessory after the fact to any crime punishable by imprisonment shall be  
2189 punished by a fine or imprisonment, or both, as the case may be, not more than 1/2 the maximum  
2190 fine or imprisonment, or both, to which the principal offender may be subjected.

2191  
2192 § 22-1807. Punishment for offenses not covered by provisions of Code.

2193 Whoever shall be convicted of any criminal offense not covered by the provisions of any  
2194 section of this Code, or of any general law of the United States not locally inapplicable in the  
2195 District of Columbia, shall be punished by a fine not more than the amount set forth in § 22-  
2196 3571.01 or by imprisonment for not more than 5 years, or both.

2197  
2198 § 22-1808. Offenses committed beyond District.

2199 Any person who by the commission outside of the District of Columbia of any act which,  
2200 if committed within the District of Columbia, would be a criminal offense under the laws of said  
2201 District, thereby obtains any property or other thing of value, and is afterwards found with any  
2202 such property or other such thing of value in his or her possession in said District, or who brings  
2203 any such property or other such thing of value into said District, shall, upon conviction, be  
2204 punished in the same manner as if said act had been committed wholly within said District.

2205  
2206 § 22-1809. Prosecutions.

2207 All prosecutions for violations of § 22-1321 or any of the provisions of any of the laws or  
2208 ordinances provided for by this act shall be conducted in the name of and for the benefit of the  
2209 District of Columbia, and in the same manner as provided by law for the prosecution of offenses  
2210 against the laws and ordinances of the said District. Any person convicted of any violation of §  
2211 22-1321 or any of the provisions of this act, and who shall fail to pay the fine or penalty  
2212 imposed, or to give security where the same is required, shall be imprisoned for a term not  
2213 exceeding 6 months for each and every offense.

2214  
2215 § 22-1810. Threatening to kidnap or injure a person or damage his or her property.

2216 Whoever threatens within the District of Columbia to kidnap any person or to injure the  
2217 person of another or physically damage the property of any person or of another person, in whole  
2218 or in part, shall be fined not more than the amount set forth in § 22-3571.01 or imprisoned not  
2219 more than 20 years, or both.

2220  
2221 CHAPTER 18A. HUMAN TRAFFICKING.

2222  
2223 Sec.

2224 22-1831. Definitions.

2225 22-1832. Forced labor.

2226 22-1833. Trafficking in labor or commercial sex acts.

- 2227 22-1834. Sex trafficking of children.
- 2228 22-1835. Unlawful conduct with respect to documents in furtherance of human trafficking.
- 2229 22-1836. Benefitting financially from human trafficking.
- 2230 22-1837. Penalties.
- 2231 22-1838. Forfeiture.
- 2232 22-1839. Reputation or opinion evidence. [Transferred].
- 2233 22-1840. Civil action. [Transferred].
- 2234 22-1841. Data collection and dissemination. [Not funded] [Transferred].
- 2235 22-1842. Training program. [Transferred].
- 2236 22-1843. Public posting of human trafficking hotline. [Transferred].
- 2237
- 2238 § 22-1831. Definitions.
- 2239 For the purposes of this chapter, the term:
- 2240 (1) "Abuse or threatened abuse of law or legal process" means the use or threatened
- 2241 use of law or legal process, whether administrative, civil, or criminal, in any manner or for any
- 2242 purpose for which the law was not designed, to exert pressure on another person to cause that
- 2243 person to take some action or refrain from taking some action.
- 2244 (2) "Business" means any corporation, partnership, sole proprietorship, firm,
- 2245 enterprise, franchise, association, organization, holding company, joint stock, trust, and any legal
- 2246 entity through which business is conducted.
- 2247 (3) "Coercion" means any one of, or a combination of, the following:
- 2248 (A) Force, threats of force, physical restraint, or threats of physical restraint;
- 2249 (B) Serious harm or threats of serious harm;
- 2250 (C) The abuse or threatened abuse of law or legal process;
- 2251 (D) Fraud or deception;
- 2252 (E) Any scheme, plan, or pattern intended to cause a person to believe that if that
- 2253 person did not perform labor or services, that person or another person would suffer serious harm
- 2254 or physical restraint;
- 2255 (F) Facilitating or controlling a person's access to an addictive or controlled
- 2256 substance or restricting a person's access to prescription medication; or
- 2257 (G) Knowingly participating in conduct with the intent to cause a person to believe
- 2258 that he or she is the property of a person or business and that would cause a reasonable person in
- 2259 that person's circumstances to believe that he or she is the property of a person or business.
- 2260 (4) "Commercial sex act" means any sexual act or sexual contact on account of which
- 2261 or for which anything of value is given to, promised to, or received by any person. The term
- 2262 "commercial sex act" includes a violation of § 22-2701, § 22-2704, §§ 22-2705 to 22-2712, §§
- 2263 22-2713 to 22-2720, and § 22-2722.
- 2264 (5) "Debt bondage" means the status or condition of a person who provides labor,
- 2265 services, or commercial sex acts, for a real or alleged debt, where:
- 2266 (A) The value of the labor, services, or commercial sex acts, as reasonably assessed,
- 2267 is not applied toward the liquidation of the debt;
- 2268 (B) The length and nature of the labor, services, or commercial sex acts are not
- 2269 respectively limited and defined; or
- 2270 (C) The amount of the debt does not reasonably reflect the value of the items or
- 2271 services for which the debt was incurred.
- 2272 (6) "Labor" means work that has economic or financial value.

2273 (7) "Serious harm" means any harm, whether physical or nonphysical, including  
2274 psychological, financial, or reputational harm, that is sufficiently serious, under all the  
2275 surrounding circumstances, to compel a reasonable person of the same background and in the  
2276 same circumstances to perform or to continue to perform labor, services, or commercial sex acts  
2277 to avoid incurring that harm.

2278 (8) "Services" means legal or illegal duties or work done for another, whether or not  
2279 compensated.

2280 (9) "Sexual act" shall have the same meaning as provided in § 22-3001(8).

2281 (10) "Sexual contact" shall have the same meaning as provided in § 22-3001(9).

2282 (11) "Venture" means any group of 2 or more individuals associated in fact, whether or  
2283 not a legal entity.

2284

2285 § 22-1832. Forced labor.

2286 (a) It is unlawful for an individual or a business knowingly to use coercion to cause a  
2287 person to provide labor or services.

2288 (b) It is unlawful for an individual or a business knowingly to place or keep any person in  
2289 debt bondage.

2290

2291 § 22-1833. Trafficking in labor or commercial sex acts.

2292 It is unlawful for an individual or a business to recruit, entice, harbor, transport, provide,  
2293 obtain, or maintain by any means a person, knowing, or in reckless disregard of the fact that:

2294 (1) Coercion will be used or is being used to cause the person to provide labor or  
2295 services or to engage in a commercial sex act; or

2296 (2) The person is being placed or will be placed or kept in debt bondage.

2297

2298 § 22-1834. Sex trafficking of children.

2299 (a) It is unlawful for an individual or a business knowingly to recruit, entice, harbor,  
2300 transport, provide, obtain, or maintain by any means a person who will be caused as a result to  
2301 engage in a commercial sex act knowing or in reckless disregard of the fact that the person has  
2302 not attained the age of 18 years.

2303 (b) In a prosecution under subsection (a) of this section in which the defendant had a  
2304 reasonable opportunity to observe the person recruited, enticed, harbored, transported, provided,  
2305 obtained, or maintained, the government need not prove that the defendant knew that the person  
2306 had not attained the age of 18 years.

2307

2308 § 22-1835. Unlawful conduct with respect to documents in furtherance of human  
2309 trafficking.

2310 It is unlawful for an individual or business knowingly to destroy, conceal, remove,  
2311 confiscate, or possess any actual or purported government identification document, including a  
2312 passport or other immigration document, or any other actual or purported document, of any  
2313 person to prevent or restrict, or attempt to prevent or restrict, without lawful authority, the  
2314 person's liberty to move or travel in order to maintain the labor or services of that person.

2315

2316 § 22-1836. Benefitting financially from human trafficking.

2317 It is unlawful for an individual or business knowingly to benefit, financially or by  
2318 receiving anything of value, from voluntarily participating in a venture which has engaged in any

2319 act in violation of § 22-1832, § 22-1833, § 22-1834, or § 22-1835, knowing or in reckless  
2320 disregard of the fact that the venture has engaged in the violation.

2321  
2322 § 22-1837. Penalties.

2323 (a)(1) Except as provided in paragraph (2) of this subsection, whoever violates § 22-  
2324 1832, § 22-1833, or § 22-1834 shall be fined not more than the amount set forth in § 22-3571.01,  
2325 imprisoned for not more than 20 years, or both.

2326 (2) Whoever violates sections § 22-1832, § 22-1833, or § 22-1834 when the victim is  
2327 held or provides services for more than 180 days shall be fined not more than 1 1/2 times the  
2328 maximum fine authorized for the designated act, imprisoned for not more than 1 1/2 times the  
2329 maximum term authorized for the designated act, or both.

2330 (b) Whoever violates § 22-1835 shall be fined not more than the amount set forth in § 22-  
2331 3571.01, imprisoned for not more than 5 years, or both.

2332 (c) Whoever violates § 22-1836 shall be fined or imprisoned up to the maximum fine or  
2333 term of imprisonment for a violation of each referenced section.

2334 (d) Whoever attempts to violate § 22-1832, § 22-1833, § 22-1834, § 22-1835 or § 22-  
2335 1836 shall be fined not more than 1/2 the maximum fine otherwise authorized for the offense,  
2336 imprisoned for not more than 1/2 the maximum term otherwise authorized for the offense, or  
2337 both.

2338 (e) No person shall be sentenced consecutively for violations of §§ 22-1833 and 22-1834  
2339 for an offense arising out of the same incident.

2340  
2341 § 22-1838. Forfeiture.

2342 (a) In imposing sentence on any individual or business convicted of a violation of this  
2343 chapter, the court shall order, in addition to any sentence imposed, that the individual or business  
2344 shall forfeit to the District of Columbia:

2345 (1) Any interest in any property, real or personal, that was used or intended to be used  
2346 to commit or to facilitate the commission of the violation; and

2347 (2) Any property, real or personal, constituting or derived from any proceeds that the  
2348 individual or business obtained, directly or indirectly, as a result of the violation.

2349 (b) The following shall be subject to forfeiture to the District of Columbia and no  
2350 property right shall exist in them:

2351 (1) Any property, real or personal, used or intended to be used to commit or to  
2352 facilitate the commission of any violation of this chapter.

2353 (2) Any property, real or personal, which constitutes or is derived from proceeds  
2354 traceable to any violation of this chapter.

2355  
2356 § 22-1839. Reputation or opinion evidence. [Transferred].  
2357 Transferred.

2358  
2359 § 22-1840. Civil action. [Transferred].  
2360 Transferred.

2361  
2362 § 22-1841. Data collection and dissemination. [Not funded]. [Transferred].  
2363 Transferred. [Not funded].

2364

2365 § 22-1842. Training program. [Transferred].  
2366 Transferred.

2367  
2368 § 22-1843. Public posting of human trafficking hotline. [Transferred].  
2369 [Transferred]. [Not funded].

2370  
2371

## 2372 CHAPTER 19. INCEST.

2373

2374 Sec.

2375 22-1901. Definition and penalty.

2376

2377 § 22-1901. Definition and penalty.

2378 If any person in the District related to another person within and not including the fourth  
2379 degree of consanguinity, computed according to the rules of the Roman or civil law, shall marry  
2380 or cohabit with or have sexual intercourse with such other so-related person, knowing him or her  
2381 to be within said degree of relationship, the person so offending shall be deemed guilty of incest,  
2382 and, on conviction thereof, shall be punished by imprisonment for not more than 12 years. In  
2383 addition to any other penalty provided under this section, a person may be fined an amount not  
2384 more than the amount set forth in § 22-3571.01.

2385

## 2386 CHAPTER 19A. INTERFERING WITH REPORTS OF CRIME.

2387

2388 Sec.

2389 22-1931. Obstructing, preventing, or interfering with reports to or requests for assistance from  
2390 law enforcement agencies, medical providers, or child welfare agencies.

2391

2392 § 22-1931. Obstructing, preventing, or interfering with reports to or requests for  
2393 assistance from law enforcement agencies, medical providers, or child  
2394 welfare agencies.

2395 (a) It shall be unlawful for a person to knowingly disconnect, damage, disable,  
2396 temporarily or permanently remove, or use physical force or intimidation to block access to any  
2397 telephone, radio, computer, or other electronic communication device with a purpose to obstruct,  
2398 prevent, or interfere with:

2399 (1) The report of any criminal offense to any law enforcement agency;

2400 (2) The report of any bodily injury or property damage to any law enforcement agency;

2401 (3) A request for ambulance or emergency medical assistance to any governmental  
2402 agency, or any hospital, doctor, or other medical service provider, or

2403 (4) The report of any act of child abuse or neglect to a law enforcement or child  
2404 welfare agency.

2405 (b) A person who violates subsection (a) of this section shall be fined not more than the  
2406 amount set forth in § 22-3571.01 or imprisoned not more than 180 days, or both.

2407

## 2408 CHAPTER 20. KIDNAPPING.

2409

2410 Sec.

2411 22-2001. Definition and penalty; conspiracy.

2412  
2413 § 22-2001. Definition and penalty; conspiracy.

2414 Whoever shall be guilty of, or of aiding or abetting in, seizing, confining, inveigling,  
2415 enticing, decoying, kidnapping, abducting, concealing, or carrying away any individual by any  
2416 means whatsoever, and holding or detaining, or with the intent to hold or detain, such individual  
2417 for ransom or reward or otherwise, except, in the case of a minor, by a parent thereof, shall, upon  
2418 conviction thereof, be punished by imprisonment for not more than 30 years. For purposes of  
2419 imprisonment following revocation of release authorized by § 24-403.01, the offense defined by  
2420 this section is a Class A felony. This section shall be held to have been violated if either the  
2421 seizing, confining, inveigling, enticing, decoying, kidnapping, abducting, concealing, carrying  
2422 away, holding, or detaining occurs in the District of Columbia. If 2 or more individuals enter into  
2423 any agreement or conspiracy to do any act or acts which would constitute a violation of the  
2424 provisions of this section, and 1 or more of such individuals do any act to effect the object of  
2425 such agreement or conspiracy, each such individual shall be deemed to have violated the  
2426 provisions of this section. In addition to any other penalty provided under this section, a person  
2427 may be fined an amount not more than the amount set forth in § 22-3571.01.

2428  
2429 CHAPTER 21. MURDER; MANSLAUGHTER.

2430  
2431 Sec.

2432 22-2101. Murder in the first degree – Purposeful killing; killing while perpetrating certain  
2433 crimes.

2434 22-2102. Murder in the first degree – Placing obstructions upon or displacement of railroads.

2435 22-2103. Murder in the second degree.

2436 22-2104. Penalty for murder in first and second degrees.

2437 22-2104.01. Sentencing procedure for murder in the first degree.

2438 22-2105. Penalty for manslaughter.

2439 22-2106. Murder of law enforcement officer.

2440 22-2107. Penalty for solicitation of murder or other crime of violence.

2441  
2442 § 22-2101. Murder in the first degree -- Purposeful killing; killing while perpetrating  
2443 certain crimes.

2444 Whoever, being of sound memory and discretion, kills another purposely, either of  
2445 deliberate and premeditated malice or by means of poison, or in perpetrating or attempting to  
2446 perpetrate an offense punishable by imprisonment in the penitentiary, or without purpose to do  
2447 so kills another in perpetrating or in attempting to perpetrate any arson, as defined in § 22-301 or  
2448 § 22-302, first degree sexual abuse, first degree child sexual abuse, first degree cruelty to  
2449 children, mayhem, robbery, or kidnaping, or in perpetrating or attempting to perpetrate any  
2450 housebreaking while armed with or using a dangerous weapon, or in perpetrating or attempting  
2451 to perpetrate a felony involving a controlled substance, is guilty of murder in the first degree. For  
2452 purposes of imprisonment following revocation of release authorized by § 24-403.01(b)(7),  
2453 murder in the first degree is a Class A felony.

2454  
2455 § 22-2102. Murder in the first degree -- Placing obstructions upon or displacement of  
2456 railroads.



2457           Whoever maliciously places an obstruction upon a railroad or street railroad, or displaces  
2458 or injures anything appertaining thereto, or does any other act with intent to endanger the passage  
2459 of any locomotive or car, and thereby occasions the death of another, is guilty of murder in the  
2460 first degree. For purposes of imprisonment following revocation of release authorized by § 24-  
2461 403.01(b)(7), murder in the first degree is a Class A felony.

2462  
2463           § 22-2103. Murder in the second degree.

2464           Whoever with malice aforethought, except as provided in §§ 22-2101, 22-2102, kills  
2465 another, is guilty of murder in the second degree. For purposes of imprisonment following  
2466 revocation of release authorized by § 24-403.01(b)(7), murder in the second degree is a Class A  
2467 felony.

2468  
2469           § 22-2104. Penalty for murder in first and second degrees.

2470           (a) The punishment for murder in the first degree shall be not less than 30 years nor more  
2471 than life imprisonment without release, except that the court may impose a prison sentence in  
2472 excess of 60 years only in accordance with § 22-2104.01 or § 24-403.01(b-2). The prosecution  
2473 shall notify the defendant in writing at least 30 days prior to trial that it intends to seek a sentence  
2474 of life imprisonment without release as provided in § 22-2104.01; provided that, no person who  
2475 was less than 18 years of age at the time the murder was committed shall be sentenced to life  
2476 imprisonment without release.

2477           (b) Notwithstanding any other provision of law, a person convicted of murder in the first  
2478 degree shall not be released from prison prior to the expiration of 30 years from the date of the  
2479 commencement of the sentence.

2480           (c) Whoever is guilty of murder in the second degree shall be sentenced to a period of  
2481 incarceration of not more than life, except that the court may impose a prison sentence in excess  
2482 of 40 years only in accordance with § 24-403.01(b-2).

2483           (d) For purposes of imprisonment following revocation of release authorized by § 24-  
2484 403.01(b)(7), murder in the first degree and murder in the second degree are Class A felonies.

2485           (e) In addition to any other penalty provided under this section, a person may be fined an  
2486 amount not more than the amount set forth in § 22-3571.01.

2487  
2488           § 22-2104.01. Sentencing procedure for murder in the first degree.

2489           (a) If a defendant is convicted of murder in the first degree, and if the prosecution has  
2490 given the notice required under § 22-2104(a), a separate sentencing procedure shall be conducted  
2491 as soon as practicable after the trial has been completed to determine whether to impose a  
2492 sentence of more than 60 years up to, and including, life imprisonment without possibility of  
2493 release.

2494           (b) In determining the sentence, a finding shall be made whether, beyond a reasonable  
2495 doubt, any of the following aggravating circumstances exist:

2496           (1) The murder was committed in the course of kidnapping or abduction, or an attempt  
2497 to kidnap or abduct;

2498           (2) The murder was committed for hire;

2499           (3) The murder was committed for the purpose of avoiding or preventing a lawful  
2500 arrest or effecting an escape from custody;

2501           (4) The murder was especially heinous, atrocious, or cruel;

2502           (5) The murder was a drive-by or random shooting;

2503 (6) There was more than 1 offense of murder in the first degree arising out of 1  
2504 incident;

2505 (7) The murder was committed because of the victim's race, color, religion, national  
2506 origin, sexual orientation, or gender identity or expression (as defined in § 2-1401.02(12A));

2507 (8) The murder was committed while committing or attempting to commit a robbery,  
2508 arson, rape, or sexual offense;

2509 (9) The murder was committed because the victim was or had been a witness in any  
2510 criminal investigation or judicial proceeding, or the victim was capable of providing or had  
2511 provided assistance in any criminal investigation or judicial proceeding;

2512 (10) The murder victim was especially vulnerable due to age or a mental or physical  
2513 infirmity;

2514 (11) The murder is committed after substantial planning; or

2515 (12) At the time of the commission of the murder, the defendant had previously been  
2516 convicted and sentenced, whether in a court of the District of Columbia, of the United States, or  
2517 of any state, for (A) murder, (B) manslaughter, (C) any attempt, solicitation, or conspiracy to  
2518 commit murder, (D) assault with intent to kill, (E) assault with intent to murder, or (F) at least  
2519 twice, for any offense or offenses, described in § 22-4501(1), whether committed in the District  
2520 of Columbia or any other state, or the United States. A person shall be considered as having been  
2521 convicted and sentenced twice for an offense or offenses when the initial sentencing for the  
2522 conviction in the first offense preceded the commission of the second offense and the initial  
2523 sentencing for the second offense preceded the commission of the instant murder.

2524 (c) The finding shall state in writing whether, beyond a reasonable doubt, 1 or more of  
2525 the aggravating circumstances exist. If 1 or more aggravating circumstances exist, a sentence of  
2526 more than 60 years up to, and including, life imprisonment without release may be imposed.

2527 (d) If the trial court is reversed on appeal because of error only in the separate sentencing  
2528 procedure, any new proceeding before the trial court shall pertain only to the issue of sentencing.

2529

2530 § 22-2105. Penalty for manslaughter.

2531 Whoever is guilty of manslaughter shall be sentenced to a period of imprisonment not  
2532 exceeding 30 years. In addition to any other penalty provided under this section, a person may be  
2533 fined an amount not more than the amount set forth in § 22-3571.01.

2534

2535 § 22-2106. Murder of law enforcement officer.

2536 (a) Whoever, with deliberate and premeditated malice, and with knowledge or reason to  
2537 know that the victim is a law enforcement officer or public safety employee, kills any law  
2538 enforcement officer or public safety employee engaged in, or on account of, the performance of  
2539 such officer's or employee's official duties, is guilty of murder of a law enforcement officer or  
2540 public safety employee, and shall be sentenced to life without the possibility of release. It shall  
2541 not be a defense to this charge that the victim was acting unlawfully by seizing or attempting to  
2542 seize the defendant or another person.

2543 (b) For the purposes of subsection (a) of this section, the term:

2544 (1) "Law enforcement officer" means:

2545 (A) A sworn member of the Metropolitan Police Department;

2546 (B) A sworn member of the District of Columbia Protective Services;

2547 (C) The Director, deputy directors, and officers of the District of Columbia  
2548 Department of Corrections;

2549 (D) Any probation, parole, supervised release, community supervision, or  
2550 pretrial services officer of the Court Services and Offender Supervision Agency or The Pretrial  
2551 Services Agency;  
2552 (E) Metro Transit police officers; and  
2553 (F) Any federal, state, county, or municipal officer performing functions  
2554 comparable to those performed by the officers described in subparagraphs (A), (C), (D), (E), and  
2555 (F) of this paragraph, including but not limited to state, county, or municipal police officers,  
2556 sheriffs, correctional officers, parole officers, and probation and pretrial service officers.

2557 (2) "Public safety employee" means:

2558 (A) A District of Columbia firefighter, emergency medical technician/paramedic,  
2559 emergency medical technician/intermediate paramedic, or emergency medical technician; and

2560 (B) Any federal, state, county, or municipal officer performing functions  
2561 comparable to those performed by the District of Columbia employees described in subparagraph  
2562 (A) of this paragraph.

2563 (c) In addition to any other penalty provided under this section, a person may be fined an  
2564 amount not more than the amount set forth in § 22-3571.01.

2565  
2566 § 22-2107. Penalty for solicitation of murder or other crime of violence.

2567 (a) Whoever is guilty of soliciting a murder, whether or not such murder occurs, shall be  
2568 sentenced to a period of imprisonment not exceeding 20 years, a fine not more than the amount  
2569 set forth in § 22-3571.01, or both.

2570 (b) Whoever is guilty of soliciting a crime of violence as defined by § 23-1331(4),  
2571 whether or not such crime occurs, shall be sentenced to a period of imprisonment not exceeding  
2572 10 years, a fine of not more than the amount set forth in § 22-3571.01, or both.

2573

## 2574 CHAPTER 22. OBSCENITY.

2575

2576 Sec.

2577 22-2201. Certain obscene activities and conduct declared unlawful; definitions; penalties;  
2578 affirmative defenses; exception.

2579

2580 § 22-2201. Certain obscene activities and conduct declared unlawful; definitions;  
2581 penalties; affirmative defenses; exception.

2582 (a)(1) It shall be unlawful in the District of Columbia for a person knowingly:

2583 (A) To sell, deliver, distribute, or provide, or offer or agree to sell, deliver,  
2584 distribute, or provide any obscene, indecent, or filthy writing, picture, sound recording, or other  
2585 article or representation;

2586 (B) To present, direct, act in, or otherwise participate in the preparation or  
2587 presentation of, any obscene, indecent, or filthy play, dance, motion picture, or other  
2588 performance;

2589 (C) To pose for, model for, print, record, compose, edit, write, publish, or otherwise  
2590 participate in preparing for publication, exhibition, or sale, any obscene, indecent, or filthy  
2591 writing, picture, sound recording, or other article or representation;

2592 (D) To sell, deliver, distribute, or provide, or offer or agree to sell, deliver, distribute  
2593 or provide any article, thing, or device which is intended for or represented as being for indecent  
2594 or immoral use;

2595 (E) To create, buy, procure, or possess any matter described in the preceding  
2596 subparagraphs of this paragraph with intent to disseminate such matter in violation of this  
2597 subsection;

2598 (F) To advertise or otherwise promote the sale of any matter described in the  
2599 preceding subparagraphs of this paragraph; or

2600 (G) To advertise or otherwise promote the sale of material represented or held out by  
2601 such person to be obscene.

2602 (2)(A) For purposes of subparagraph (E) of paragraph (1) of this subsection, the  
2603 creation, purchase, procurement, or possession of a mold, engraved plate, or other embodiment  
2604 of obscenity specially adapted for reproducing multiple copies or the possession of more than 3  
2605 copies, of obscene, indecent, or filthy material shall be prima facie evidence of an intent to  
2606 disseminate such material in violation of this subsection.

2607 (B) For purposes of paragraph (1) of this subsection, the term "knowingly" means  
2608 having general knowledge of, or reason to know, or a belief or ground for belief which warrants  
2609 further inspection or inquiry of, the character and content of any article, thing, device,  
2610 performance, or representation described in paragraph (1) of this subsection which is reasonably  
2611 susceptible of examination.

2612 (3) When any person is convicted of a violation of this subsection, the court in its  
2613 judgment of conviction may, in addition to the penalty prescribed, order the confiscation and  
2614 disposal of any materials described in paragraph (1) of this subsection, which were named in the  
2615 charge against such person and which were found in the possession or under the control of such  
2616 person at the time of such person's arrest.

2617 (b)(1) It shall be unlawful in the District of Columbia for any person knowingly:

2618 (A) To sell, deliver, distribute, or provide, or offer or agree to sell, deliver,  
2619 distribute, or provide to a minor:

2620 (i) Any picture, photograph, drawing, sculpture, motion picture film, or similar  
2621 visual representation or image of a person or portion of the human body, which depicts nudity,  
2622 sexual conduct, or sado-masochistic abuse and which taken as a whole is patently offensive  
2623 because it affronts prevailing standards in the adult community as a whole with respect to what is  
2624 suitable material for minors; or

2625 (ii) Any book, magazine, or other printed matter however reproduced or sound  
2626 recording, which depicts nudity, sexual conduct, or sado-masochistic abuse or which contains  
2627 explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual  
2628 conduct, or sado-masochistic abuse and which taken as a whole is patently offensive because it  
2629 affronts prevailing standards in the adult community as a whole with respect to what is suitable  
2630 material for minors; or

2631 (B) To exhibit to a minor, or to sell or provide to a minor an admission ticket to, or  
2632 pass to, or to admit a minor to, premises whereon there is exhibited, a motion picture, show, or  
2633 other presentation which, in whole or in part, depicts nudity, sexual conduct, or sado-masochistic  
2634 abuse and which taken as a whole is patently offensive because it affronts prevailing standards in  
2635 the adult community as a whole with respect to what is suitable material for minors.

2636 (2) For purposes of paragraph (1) of this subsection:

2637 (A) The term "minor" means any person under the age of 17 years.

2638 (B) The term "nudity" includes the showing of the human male or female genitals,  
2639 pubic area or buttocks with less than a full opaque covering, or the showing of the female breast

2640 with less than a full opaque covering of any portion thereof below the top of the nipple, or the  
2641 depiction of covered male genitals in a discernibly turgid state.

2642 (C) The term "sexual conduct" includes acts of sodomy, masturbation,  
2643 homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed  
2644 genitals, pubic area, buttocks, or, if such person be a female, breast.

2645 (D) The term "sexual excitement" includes the condition of human male or female  
2646 genitals when in a state of sexual stimulation or arousal.

2647 (E) The term "sado-masochistic abuse" includes flagellation or torture by or upon a  
2648 person clad in undergarments or a mask or bizarre costume, or the condition of being fettered,  
2649 bound, or otherwise physically restrained on the part of one so clothed.

2650 (F) The term "knowingly" means having a general knowledge of, or reason to know,  
2651 or a belief or ground for belief which warrants further inspection or inquiry or both of:

2652 (i) The character and content of any material described in paragraph (1) of this  
2653 subsection which is reasonably susceptible of examination by the defendant; and

2654 (ii) The age of the minor.

2655 (c) It shall be an affirmative defense to a charge of violating subsection (a) or (b) of this  
2656 section that the dissemination was to institutions or individuals having scientific, educational, or  
2657 other special justification for possession of such material.

2658 (d) Nothing in this section shall apply to a licensee under the Communications Act of  
2659 1934 (47 U.S.C. § 151 et seq.) while engaged in activities regulated pursuant to such Act.

2660 (e) A person convicted of violating subsection (a) or (b) of this section shall for the 1st  
2661 offense be fined not more than the amount set forth in § 22-3571.01 or imprisoned not more than  
2662 180 days, or both. A person convicted of a 2nd or subsequent offense under subsection (a) or (b)  
2663 of this section shall be fined not less than \$ 1,000 and not more than the amount set forth in § 22-  
2664 3571.01 or imprisoned not less than 6 months or more than 3 years, or both.

2665

2666

## CHAPTER 23. PANHANDLING.

2667

2668 Sec.

2669 22-2301. Definitions.

2670 22-2302. Prohibited acts.

2671 22-2303. Permitted activity.

2672 22-2304. Penalties.

2673 22-2305. Conduct of prosecutions.

2674 22-2306. Disclosure.

2675

2676 § 22-2301. Definitions.

2677 For the purposes of this chapter, the term:

2678 (1) "Aggressive manner" means:

2679 (A) Approaching, speaking to, or following a person in a manner as would cause a  
2680 reasonable person to fear bodily harm or the commission of a criminal act upon the person, or  
2681 upon property in the person's immediate possession;

2682 (B) Touching another person without that person's consent in the course of asking  
2683 for alms;

2684 (C) Continuously asking, begging, or soliciting alms from a person after the person  
2685 has made a negative response; or

2686 (D) Intentionally blocking or interfering with the safe or free passage of a person by  
2687 any means, including unreasonably causing a person to take evasive action to avoid physical  
2688 contact.

2689 (2) "Ask, beg, or solicit alms" includes the spoken, written, or printed word or such  
2690 other act conducted for the purpose of obtaining an immediate donation of money or thing of  
2691 value.

2692  
2693 § 22-2302. Prohibited acts.

2694 (a) No person may ask, beg, or solicit alms, including money and other things of value, in  
2695 an aggressive manner in any place open to the general public, including sidewalks, streets, alleys,  
2696 driveways, parking lots, parks, plazas, buildings, doorways and entrances to buildings, and  
2697 gasoline service stations, and the grounds enclosing buildings.

2698 (b) No person may ask, beg, or solicit alms in any public transportation vehicle; or at any  
2699 bus, train, or subway station or stop.

2700 (c) No person may ask, beg, or solicit alms within 10 feet of any automatic teller machine  
2701 (ATM).

2702 (d) No person may ask, beg, or solicit alms from any operator or occupant of a motor  
2703 vehicle that is in traffic on a public street.

2704 (e) No person may ask, beg, or solicit alms from any operator or occupant of a motor  
2705 vehicle on a public street in exchange for blocking, occupying, or reserving a public parking  
2706 space, or directing the operator or occupant to a public parking space.

2707 (f) No person may ask, beg, or solicit alms in exchange for cleaning motor vehicle  
2708 windows while the vehicle is in traffic on a public street.

2709 (g) No person may ask, beg, or solicit alms in exchange for protecting, watching,  
2710 washing, cleaning, repairing, or painting a motor vehicle or bicycle while it is parked on a public  
2711 street.

2712 (h) No person may ask, beg, or solicit alms on private property or residential property,  
2713 without permission from the owner or occupant.

2714  
2715 § 22-2303. Permitted activity.

2716 Acts authorized as an exercise of a person's constitutional right to picket, protest, or  
2717 speak, and acts authorized by a permit issued by the District of Columbia government shall not  
2718 constitute unlawful activity under this chapter.

2719  
2720 § 22-2304. Penalties.

2721 (a) Any person convicted of violating any provision of § 22-2302 shall be fined not more  
2722 than the amount set forth in § 22-3571.01 or be imprisoned not more than 90 days or both.

2723 (b) In lieu of or in addition to the penalty provided in subsection (a) of this section, a  
2724 person convicted of violating any provision of § 22-2302 may be required to perform community  
2725 service as provided in § 16-712.

2726  
2727 § 22-2305. Conduct of prosecutions.

2728 Prosecutions for violations of this chapter shall be conducted in the name of the District  
2729 of Columbia by the Attorney General for the District of Columbia.

2730  
2731 § 22-2306. Disclosure.

2732 Any arrest or conviction under this chapter shall be disclosed to public and private social  
2733 service agencies that request the Metropolitan Police Department or the court to be notified of  
2734 such events.

2735  
2736 CHAPTER 24. PERJURY; RELATED OFFENSES.  
2737

2738 Sec.

2739 22-2401. Perjury; subornation of perjury. [Repealed].

2740 22-2402. Perjury.

2741 22-2403. Subornation of perjury.

2742 22-2404. False swearing.

2743 22-2405. False statements.  
2744

2745 § 22-2401. Perjury; subornation of perjury. [Repealed].

2746 Repealed.  
2747

2748 § 22-2402. Perjury.

2749 (a) A person commits the offense of perjury if:

2750 (1) Having taken an oath or affirmation before a competent tribunal, officer, or person,  
2751 in a case in which the law authorized such oath or affirmation to be administered, that he or she  
2752 will testify, declare, depose, or certify truly, or that any written testimony, declaration,  
2753 deposition, or certificate by that person subscribed is true, wilfully and contrary to an oath or  
2754 affirmation states or subscribes any material matter which he or she does not believe to be true  
2755 and which in fact is not true;

2756 (2) As a notary public or other officer authorized to take proof of certification, wilfully  
2757 certifies falsely that an instrument was acknowledged by any party thereto or wilfully certifies  
2758 falsely as to another material matter in an acknowledgement; or

2759 (3) In any declaration, certificate, verification, or statement made under penalty of  
2760 perjury in the form specified in § 16-5306 or 28 U.S.C. § 1746(2), the person wilfully states or  
2761 subscribes as true any material matter that the person does not believe to be true and that in fact  
2762 is not true.

2763 (b) Any person convicted of perjury shall be fined not more than the amount set forth in §  
2764 22-3571.01 or imprisoned for not more than 10 years, or both.  
2765

2766 § 22-2403. Subornation of perjury.

2767 A person commits the offense of subornation of perjury if that person wilfully procures  
2768 another to commit perjury. Any person convicted of subornation of perjury shall be fined not  
2769 more than the amount set forth in § 22-3571.01 or imprisoned for not more than 10 years, or  
2770 both.  
2771

2772 § 22-2404. False swearing.

2773 (a) A person commits the offense of false swearing if under oath or affirmation he or she  
2774 wilfully makes a false statement, in writing, that is in fact material and the statement is one  
2775 which is required by law to be sworn or affirmed before a notary public or other person  
2776 authorized to administer oaths.

2777 (b) Any person convicted of false swearing shall be fined not more than the amount set  
2778 forth in § 22-3571.01 or imprisoned for not more than 3 years, or both.

2779  
2780 § 22-2405. False statements.

2781 (a) A person commits the offense of making false statements if that person wilfully  
2782 makes a false statement that is in fact material, in writing, directly or indirectly, to any  
2783 instrumentality of the District of Columbia government, under circumstances in which the  
2784 statement could reasonably be expected to be relied upon as true; provided, that the writing  
2785 indicates that the making of a false statement is punishable by criminal penalties or if that person  
2786 makes an affirmation by signing an entity filing or other document under Title 29 of the District  
2787 of Columbia Official Code, knowing that the facts stated in the filing are not true in any material  
2788 respect or if that person makes an affirmation by signing a declaration under § 1-1061.13,  
2789 knowing that the facts stated in the filing are not true in any material respect;

2790 (b) Any person convicted of making false statements shall be fined not more than the  
2791 amount set forth in § 22-3571.01 or imprisoned for not more than 180 days, or both. A violation  
2792 of this section shall be prosecuted by the Attorney General for the District of Columbia or one of  
2793 the Attorney General's assistants.

2794  
2795 CHAPTER 25. POSSESSION OF IMPLEMENTS OF CRIME.

2796  
2797 Sec.

2798 22-2501. Possession of implements of crime; penalty.

2799  
2800 § 22-2501. Possession of implements of crime; penalty.

2801 No person shall have in his or her possession in the District any instrument, tool, or  
2802 implement for picking locks or pockets, with the intent to use such instrument, tool, or  
2803 implement to commit a crime. Whoever violates this section shall be imprisoned for not more  
2804 than 180 days and may be fined not more than and, in addition, may be fined not more than the  
2805 amount set forth in § 22-3571.01, unless the violation occurs after he or she has been convicted  
2806 in the District of a violation of this section or of a felony, either in the District or another  
2807 jurisdiction, in which case he or she shall be imprisoned for not less than one year nor more than  
2808 5 years and, in addition, may be fined not more than the amount set forth in § 22-3571.01.

2809  
2810 CHAPTER 25A. PRESENCE IN A MOTOR VEHICLE CONTAINING A FIREARM.

2811 [REPEALED].

2812  
2813 Sec.

2814 22-2511. Presence in a motor vehicle containing a firearm. [Repealed].

2815  
2816 § 22-2511. Presence in a motor vehicle containing a firearm. [Repealed].

2817 Repealed.

2818  
2819 CHAPTER 26. PRISON MISCONDUCT.

2820  
2821 *Subchapter I.*

2822 *Escape.*



2823  
2824 Sec.  
2825 22-2601. Escape from institution or officer.  
2826

2827 *Subchapter II.*  
2828 *Misprisons.*  
2829

2830 22-2602. Misprisons by officers or employees of jail. [Repealed].  
2831

2832 *Subchapter III.*  
2833 *Introduction of Contraband into Penal Institutions.*  
2834

2835 22-2603.01. Definitions.  
2836 22-2603.02. Unlawful possession of contraband.  
2837 22-2603.03. Penalties.  
2838 22-2603.04 Detainment power. [Transferred].  
2839

2840 *Subchapter I.*  
2841 *Escape.*  
2842

2843 § 22-2601. Escape from institution or officer.

2844 (a) No person shall escape or attempt to escape from:

2845 (1) Any penal or correctional institution or facility in which that person is confined  
2846 pursuant to an order issued by a court of the District of Columbia;

2847 (2) The lawful custody of an officer or employee of the District of Columbia or of the  
2848 United States: or

2849 (3) An institution or facility, whether located in the District of Columbia or elsewhere,  
2850 in which a person committed to the Department of Youth Rehabilitation Services is placed.

2851 (b) Any person who violates subsection (a) of this section shall be fined not more than the  
2852 amount set forth in § 22-3571.01 or imprisoned not more than 5 years, or both, said sentence to  
2853 begin, if the person is an escaped prisoner, upon the expiration of the original sentence or  
2854 disposition for the offense for which he or she was confined, committed, or in custody at the time  
2855 of his or her escape.

2856  
2857 *Subchapter II.*  
2858 *Misprisons.*  
2859

2860 § 22-2602. Misprisons by officers or employees of jail. [Repealed].  
2861 [Repealed].  
2862

2863 *Subchapter III.*  
2864 *Introduction of Contraband into Penal Institutions.*  
2865

2866 § 22-2603.01. Definitions.

2867 For the purposes of this subchapter, the term:

2868 (1) "Cellular telephone or other portable communication device and accessories  
2869 thereto" means any device carried, worn, or stored that is designed, intended, or readily  
2870 converted to create, receive or transmit oral or written messages or visual images, access or store  
2871 data, or connect electronically to the Internet, or any other electronic device that enables  
2872 communication in any form. The term "cellular telephone or other portable communication  
2873 device and accessories thereto" includes portable 2-way pagers, hand-held radios, cellular  
2874 telephones, Blackberry-type devices, personal digital assistants or PDAs, computers, cameras,  
2875 and any components of these devices. The term "cellular telephone or other portable  
2876 communication device and accessories thereto" also includes any new technology that is  
2877 developed for communication purposes and includes accessories that enable or facilitate the use  
2878 of the cellular telephone or other portable communication device.

2879 (2)(A) "Class A Contraband" means:

2880 (i) Any item, the mere possession of which is unlawful under District of Columbia  
2881 or federal law;

2882 (ii) Any controlled substance listed or described in Unit A of Chapter 9 of Title 48  
2883 [§ 48-901.01 et seq.] or any controlled substance scheduled by the Mayor pursuant to § 48-  
2884 902.01;

2885 (iii) Any dangerous weapon or object which is capable of such use as may  
2886 endanger the safety or security of a penal institution or secure juvenile residential facility or any  
2887 person therein, including,:

2888 (I) A firearm or imitation firearm, or any component of a firearm;

2889 (II) Ammunition or ammunition clip;

2890 (III) A stun gun, taser, or other device capable of disrupting a person's nervous  
2891 system;

2892 (IV) Flammable liquid or explosive powder;

2893 (V) A knife, screwdriver, ice pick, box cutter, needle, or any other object or  
2894 tool that can be used for cutting, slicing, stabbing, or puncturing a person;

2895 (VI) A shank or homemade knife; or

2896 (VII) Tear gas, pepper spray, or other substance that can be used to cause  
2897 temporary blindness or incapacitation;

2898 (iv) Any object designed or intended to facilitate an escape;

2899 (v) Handcuffs, security restraints, handcuff keys, or any other object designed or  
2900 intended to lock, unlock, or release handcuffs or security restraints;

2901 (vi) A hacksaw, hacksaw blade, wire cutter, file, or any other object or tool that  
2902 can be used to cut through metal, concrete, or plastic;

2903 (vii) Rope; or

2904 (viii) When possessed by, given to, or intended to be given to an inmate or  
2905 securely detained juvenile, a correctional officer's uniform, law enforcement officer's uniform,  
2906 medical staff clothing, any other uniform, or civilian clothing.

2907 (B) The term "Class A contraband" does not include any object or substance which a  
2908 person is authorized to possess in the penal institution or secure juvenile residential facility by  
2909 the director of the penal institution or secure juvenile residential facility and that is in the form or  
2910 quantity for which it was authorized.

2911 (3)(A) "Class B Contraband" means:

2912 (i) Any alcoholic liquor or beverage;

2913 (ii) A hypodermic needle or syringe or other item that can be used for the

2914 administration of unlawful controlled substances; or  
2915 (iii) A cellular telephone or other portable communication device and accessories  
2916 thereto.

2917 (B) The term "Class B contraband" does not include any object or substance which a  
2918 person is authorized to possess in the penal institution or secure juvenile residential facility by  
2919 the director of the penal institution or secure juvenile residential facility and that is in the form or  
2920 quantity for which it was authorized.

2921 (4)(A) "Class C Contraband" means any article or thing which a person confined in a  
2922 penal institution or secure juvenile residential facility is prohibited from obtaining or possessing  
2923 by rule. The Mayor, pursuant to subchapter I of Chapter 5 of Title 2 [§ 2-501 et seq.], shall  
2924 promulgate by rulemaking the articles or things that are Class C contraband. The rules shall be  
2925 posted in the facility to give notice of the prohibited articles or things.

2926 (B) The term "Class C contraband" does not include any object or substance which a  
2927 person is authorized to possess in the penal institution or secure juvenile residential facility by  
2928 the director of the penal institution or secure juvenile residential facility and that is in the form or  
2929 quantity for which it was authorized.

2930 (5) "Grounds" means the area of land occupied by the penal institution or secure  
2931 juvenile residential facility and its yard and outbuildings, with a clearly identified perimeter.

2932 (6) "Penal institution" means any penitentiary, prison, jail, or secure facility owned,  
2933 operated, or under the control of the Department of Corrections, whether located within the  
2934 District of Columbia or elsewhere.

2935 (7) "Secure juvenile residential facility" means a locked residential facility providing  
2936 custody, supervision, and care for one or more juveniles that is owned, operated, or under the  
2937 control of the Department of Youth Rehabilitation Services, excluding residential treatment  
2938 facilities and accredited hospitals.

2939  
2940 § 22-2603.02. Unlawful possession of contraband.

2941 (a) Except as authorized by law, the Mayor, the Director of the Department of  
2942 Corrections, or the Director of the Department of Youth Rehabilitation Services, it is unlawful  
2943 to:

2944 (1) Knowingly bring Class A, Class B, or Class C contraband into or upon the grounds  
2945 of a penal institution or a secure juvenile residential facility with the intent that it be given to or  
2946 received by an inmate or securely detained juvenile;

2947 (2) Knowingly cause another to bring Class A, Class B, or Class C contraband into or  
2948 upon the grounds of a penal institution or a secure juvenile residential facility with the intent that  
2949 it be given to or received by an inmate or securely detained juvenile; or

2950 (3) Knowingly place Class A, Class B, or Class C contraband in such proximity to a  
2951 penal institution or a secure juvenile residential facility with the intent to give an inmate, a  
2952 securely detained juvenile, a staff member, or a visitor access to the contraband.

2953 (b) It is unlawful for an inmate, or securely detained juvenile, to possess Class A, Class  
2954 B, or Class C contraband, regardless of the intent with which he or she possesses it.

2955 (c) It is unlawful for an employee of the Department of Corrections or Department of  
2956 Youth Rehabilitation Services who becomes aware of any violation of this section to fail to  
2957 report such knowledge as required by department regulations, policies, or procedures.

2958 (d)(1) Any item listed as contraband is not deemed to be contraband when issued by a  
2959 penal institution or secure juvenile residential facility to an employee and the item is being used

2960 in the performance of the employee's duties within the penal institution or secure juvenile  
2961 residential facility.

2962 (2) Any item listed as contraband is not deemed to be contraband when issued by a law  
2963 enforcement agency to its sworn officers and the item is being used in the performance of his or  
2964 her duties.

2965 (e) It is not unlawful for an attorney, or representative or agent of an attorney, during the  
2966 course of a visit for the purpose of legal representation of the inmate or securely detained  
2967 juvenile, to:

2968 (1) Possess a cellular telephone or other portable communication device and  
2969 accessories thereto for the purpose of the legal visit for use by the attorney, representative, or  
2970 agent, and not for the personal use of any inmate or securely detained juvenile; or

2971 (2) Give or transmit to an inmate or securely detained juvenile legal written or  
2972 recorded communication pertaining to his or her legal representation.

2973 (f) It is not unlawful for a person to possess or carry a controlled substance that is  
2974 prescribed to that person and that is medically necessary for that person to carry.

2975  
2976 § 22-2603.03. Penalties.

2977 (a) A person convicted of violating this subchapter with regard to Class A contraband  
2978 shall be imprisoned for not more than 10 years, fined not more than the amount set forth in § 22-  
2979 3571.01, or both.

2980 (b) A person convicted of violating this subchapter with regard to Class B contraband  
2981 shall be imprisoned for not more than 2 years, fined not more than the amount set forth in § 22-  
2982 3571.01, or both.

2983 (c) A person convicted of violating § 22-2603.02(c) shall be imprisoned for not more  
2984 than 1 year, fined not more than the amount set forth in § 22-3571.01, or both.

2985 (d) Any term of imprisonment imposed on an inmate or prisoner pursuant to this section  
2986 shall be:

2987 (1) Consecutive to the term of imprisonment being served at the time this offense was  
2988 committed; or

2989 (2) If the inmate was confined pending trial or sentencing, consecutive to any term of  
2990 imprisonment imposed in the case in which the inmate was being detained at the time this  
2991 offense was committed.

2992 (e) The violation of this subchapter with regard to Class C contraband shall be an  
2993 administrative penalty prescribed by the Department of Corrections or the Department of Youth  
2994 Rehabilitation Services.

2995  
2996 § 22-2603.04. Detainment power. [Transferred]  
2997 Transferred.

2998  
2999 CHAPTER 27. PROSTITUTION; PANDERING.

3000  
3001 *Subchapter I.*  
3002 *General.*

3003  
3004 Sec.  
3005 22-2701. Engaging in prostitution or soliciting for prostitution.

3006 22-2701.01. Definitions.  
3007 22-2702. Inmate or frequenter of house of ill fame. [Repealed.]  
3008 22-2703. Suspension of sentence; conditions; enforcement.  
3009 22-2704. Abducting or enticing child from his or her home for purposes of prostitution;  
3010 harboring such child.  
3011 22-2705. Pandering; inducing or compelling an individual to engage in prostitution.  
3012 22-2706. Compelling an individual to live life of prostitution against his or her will.  
3013 22-2707. Procuring; receiving money or other valuable thing for arranging assignation.  
3014 22-2708. Causing spouse or domestic partner to live in prostitution.  
3015 22-2709. Detaining an individual in disorderly house for debt there contracted.  
3016 22-2710. Procuring for house of prostitution.  
3017 22-2711. Procuring for third persons.  
3018 22-2712. Operating house of prostitution.  
3019 22-2713. Premises occupied for lewdness, assignation, or prostitution declared nuisance.  
3020 [Transferred].  
3021 22-2714. Abatement of nuisance under § 22-2713 by injunction—Temporary injunction.  
3022 [Transferred].  
3023 22-2715. Abatement of nuisance under § 22-2713 by injunction—Trial; dismissal of complaint;  
3024 prosecution; costs. [Transferred].  
3025 22-2716. Violation of injunction granted under § 22-2714. [Transferred].  
3026 22-2717. Order of abatement; sale of property; entry of closed premises punishable as contempt.  
3027 [Transferred].  
3028 22-2718. Disposition of proceeds of sale. [Transferred].  
3029 22-2719. Bond for abatement; order for delivery of premises; effect of release. [Transferred].  
3030 22-2720. Tax for maintain such nuisance. [Transferred].  
3031 22-2721. Granting immunity to witnesses. [Repealed].  
3032 22-2722. Keeping bawdy or disorderly houses.  
3033 22-2723. Property subject to seizure and forfeiture.  
3034 22-2724. Impoundment.  
3035 22-2725. Anti-Prostitution Vehicle Impoundment Proceeds Fund.

3036  
3037 *Subchapter II.*

3038 *Prostitution Free Zone.*

3039  
3040 22-2731. Prostitution free zone. [Repealed].

3041  
3042 *Subchapter I.*

3043 *General.*

3044  
3045 § 22-2701. Engaging in prostitution or soliciting for prostitution.

3046 (a) Except as provided in subsection (d) of this section, it is unlawful for any person to  
3047 engage in prostitution or to solicit for prostitution.

3048 (b)(1) Except as provided in paragraph (2) of this subsection, a person convicted of  
3049 prostitution or soliciting for prostitution shall be:

3050 (A) Fined not more than the amount set forth in § 22-3571.01, imprisoned for not  
3051 more than 90 days, or both, for the first offense; and

3052 (B) Fined not more than the amount set forth in § 22-3571.01, imprisoned not  
3053 more than 180 days, or both, for the second offense.

3054 (2) A person convicted of prostitution or soliciting for prostitution who has 2 or more  
3055 prior convictions for prostitution or soliciting for prostitution, not committed on the same  
3056 occasion, shall be fined not more than the amount set forth in § 22-3571.01, imprisoned for not  
3057 more than 2 years, or both.

3058 (c) For the purposes of this section, a person shall be considered as having 2 or more  
3059 prior convictions for prostitution or soliciting for prostitution if he or she has been convicted on  
3060 at least 2 occasions of violations of:

3061 (1) This section;

3062 (2) A statute in one or more other jurisdictions prohibiting prostitution or soliciting  
3063 for prostitution; or

3064 (3) Conduct that would constitute a violation of this section if committed in the  
3065 District of Columbia.

3066 (d)(1) A child who engages in or offers to engage in a sexual act or sexual contact in  
3067 return for receiving anything of value shall be immune from prosecution for a violation of  
3068 subsection (a) of this section.

3069 (2) The Metropolitan Police Department shall refer any child suspected of engaging  
3070 in or offering to engage in a sexual act or sexual contact in return for receiving anything of value  
3071 to an organization that provides treatment, housing, or services appropriate for victims of sex  
3072 trafficking of children under § 22-1834.

3073 (3) For the purposes of this subsection, the term "child" means a person who has not  
3074 attained the age of 18 years.

3075 § 22-2701.01. Definitions.

3076 For the purposes of this section, §§ 22-2701, 22-2703, and 22-2723, § 22-2704, §§ 22-  
3077 2705 to 22-2712, §§ 22-2713 to 22-2720, and § 22-2722:

3078 (1) "Arranging for prostitution" means any act to procure or attempt to procure or  
3079 otherwise arrange for the purpose of prostitution, regardless of whether such procurement or  
3080 arrangement occurred or anything of value was given or received.

3081 (2) "Domestic partner" shall have the same meaning as provided in § 32-701(3).

3082 (3) "Prostitution" means a sexual act or contact with another person in return for  
3083 giving or receiving anything of value.

3084 (4) "Prostitution-related offenses" means those crimes and offenses defined in this act  
3085 and in the acts cited in the lead-in language of this section.

3086 (5) "Sexual act" shall have the same meaning as provided in § 22-3001(8).

3087 (6) "Sexual contact" shall have the same meaning as provided in § 22-3001(9).

3088 (7) "Solicit for prostitution" means to invite, entice, offer, persuade, or agree to  
3089 engage in prostitution or address for the purpose of inviting, enticing, offering, persuading, or  
3090 agreeing to engage in prostitution.

3091 § 22-2702. Inmate or frequenter of house of ill fame. [Repealed].  
3092 Repealed.

3093 § 22-2703. Suspension of sentence; conditions; enforcement.  
3094  
3095  
3096

3097           The court may impose conditions upon any person found guilty under § 22-2701, and so  
3098 long as such person shall comply therewith to the satisfaction of the court the imposition or  
3099 execution of sentence may be suspended for such period as the court may direct; and the court  
3100 may at or before the expiration of such period remand such sentence or cause it to be executed.  
3101 Conditions thus imposed by the court may include an order to stay away from the area within  
3102 which the offense or offenses occurred, submission to medical and mental examination,  
3103 diagnosis and treatment by proper public health and welfare authorities, and such other terms and  
3104 conditions as the court may deem best for the protection of the community and the punishment,  
3105 control, and rehabilitation of the defendant. The Department of Human Services of the District of  
3106 Columbia, the Metropolitan Police Department, and the probation officers of the court are  
3107 authorized and directed to perform such duties as may be directed by the court in effectuating  
3108 compliance with the conditions so imposed upon any defendant.  
3109

3110           § 22-2704. Abducting or enticing child from his or her home for purposes of prostitution;  
3111 harboring such child.

3112           (a) It is unlawful for any person, for purposes of prostitution, to:

3113               (1) Persuade, entice, or forcibly abduct a child under 18 years of age from his or her  
3114 home or usual abode, or from the custody and control of the child's parents or guardian; or

3115               (2) Secrete or harbor any child so persuaded, enticed, or abducted from his or her home  
3116 or usual abode, or from the custody and control of the child's parents or guardian.

3117           (b) A person who violates subsection (a) of this section shall be guilty of a felony and,  
3118 upon conviction, shall be punished by imprisonment for not more than 20 years, or by a fine of  
3119 not more than the amount set forth in § 22-3571.01, or both.  
3120

3121           § 22-2705. Pandering; inducing or compelling an individual to engage in prostitution.

3122           (a) It is unlawful for any person, within the District of Columbia to:

3123               (1) Place or cause, induce, entice, procure, or compel the placing of any individual in  
3124 the charge or custody of any other person, or in a house of prostitution, with intent that such  
3125 individual shall engage in prostitution;

3126               (2) Cause, compel, induce, entice, or procure or attempt to cause, compel, induce,  
3127 entice, or procure any individual:

3128                   (A) To reside with any other person for the purpose of prostitution;

3129                   (B) To reside or continue to reside in a house of prostitution; or

3130                   (C) To engage in prostitution; or

3131               (3) Take or detain an individual against the individual's will, with intent to compel  
3132 such individual by force, threats, menace, or duress to marry the abductor or to marry any other  
3133 person.

3134           (b) It is unlawful for any parent, guardian, or other person having legal custody of the  
3135 person of an individual, to consent to the individual's being taken, detained, or used by any  
3136 person, for the purpose of prostitution or a sexual act or sexual contact.

3137           (c)(1) Except as provided in paragraph (2) of this subsection, a person who violates  
3138 subsection (a) or (b) of this section shall be guilty of a felony and, upon conviction, shall be  
3139 punished by imprisonment for not more than 5 years, or by a fine of not more than the amount  
3140 set forth in § 22-3571.01, or both.

3141           (2) A person who violates subsection (a) or (b) of this section when the individual so  
3142 placed, caused, compelled, induced, enticed, procured, taken, detained, or used or attempted to

3143 be so placed, caused, compelled, induced, enticed, procured, taken, detained, or used is under the  
3144 age of 18 years shall be guilty of a felony and, upon conviction, shall be punished by  
3145 imprisonment for not more than 20 years or by a fine of not more than the amount set forth in §  
3146 22-3571.01, or both.

3147  
3148 § 22-2706. Compelling an individual to live life of prostitution against his or her will.

3149 (a) It is unlawful for any person, within the District of Columbia, by threats or duress, to  
3150 detain any individual against such individual's will, for the purpose of prostitution or a sexual act  
3151 or sexual contact, or to compel any individual against such individual's will, to reside with him  
3152 or her or with any other person for the purposes of prostitution or a sexual act or sexual contact.

3153 (b)(1) Except as provided in paragraph (2) of this subsection, a person who violates  
3154 subsection (a) of this section shall be guilty of a felony and, upon conviction, shall be punished  
3155 by imprisonment for not more than 15 years or by a fine of not more than the amount set forth in  
3156 § 22-3571.01, or both.

3157 (2) A person who violates subsection (a) of the section when the individual so  
3158 detained or compelled is under the age of 18 years shall be guilty of a felony and, upon  
3159 conviction, shall be punished by imprisonment for not more than 20 years or by a fine of not  
3160 more than the amount set forth in § 22-3571.01, or both.

3161  
3162 § 22-2707. Procuring; receiving money or other valuable thing for arranging assignation.

3163 (a) It is unlawful for any person, within the District of Columbia, to receive any money or  
3164 other valuable thing for or on account of arranging for or causing any individual to engage in  
3165 prostitution or a sexual act or contact.

3166 (b)(1) Except as provided in paragraph (2) of this subsection, a person who violates  
3167 subsection (a) of this section shall be guilty of a felony and, upon conviction, shall be punished  
3168 by imprisonment for not more than 5 years or by a fine of not more than the amount set forth in §  
3169 22-3571.01, or both.

3170 (2) A person who violates subsection (a) of this section when the individual so  
3171 arranged for or caused to engage in prostitution or a sexual act or contact is under the age of 18  
3172 years shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not  
3173 more than 20 years or by a fine of not more than the amount set forth in § 22-3571.01, or both.

3174  
3175 § 22-2708. Causing spouse or domestic partner to live in prostitution.

3176 Any person who by force, fraud, intimidation, or threats, places or leaves, or procures any  
3177 other person or persons to place or leave, a spouse or domestic partner in a house of prostitution,  
3178 or to lead a life of prostitution, shall be guilty of a felony, and upon conviction thereof shall be  
3179 imprisoned not less than one year nor more than 10 years. In addition to any other penalty  
3180 provided under this section, a person may be fined an amount not more than the amount set forth  
3181 in § 22-3571.01.

3182  
3183 § 22-2709. Detaining an individual in disorderly house for debt there contracted.

3184 Any person or persons who attempt to detain any individual in a disorderly house or  
3185 house of prostitution because of any debt or debts such individual has contracted, or is said to  
3186 have contracted, while living in said house of prostitution or disorderly house shall be guilty of a  
3187 felony, and on conviction thereof be imprisoned for a term not less than one year nor more than 5  
3188 years. In addition to any other penalty provided under this section, a person may be fined an



3189 amount not more than the amount set forth in § 22-3571.01.

3190

3191 § 22-2710. Procuring for house of prostitution.

3192 Any person who, within the District of Columbia, shall pay or receive any money or  
3193 other valuable thing for or on account of the procuring for, or placing in, a house of prostitution,  
3194 for purposes of sexual intercourse, prostitution, debauchery, or other immoral act, any individual,  
3195 shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not more  
3196 than 5 years and by a fine of not more than the amount set forth in § 22-3571.01.

3197

3198 § 22-2711. Procuring for third persons.

3199 Any person who, within the District of Columbia, shall receive any money or other  
3200 valuable thing for or on account of procuring and placing in the charge or custody of another  
3201 person for sexual intercourse, prostitution, debauchery, or other immoral purposes any individual  
3202 shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not more  
3203 than 5 years and by a fine of not more than the amount set forth in § 22-3571.01.

3204

3205 § 22-2712. Operating house of prostitution.

3206 Any person who, within the District of Columbia, knowingly, shall accept, receive, levy,  
3207 or appropriate any money or other valuable thing, without consideration other than the furnishing  
3208 of a place for prostitution or the servicing of a place for prostitution, from the proceeds or  
3209 earnings of any individual engaged in prostitution shall be guilty of a felony and, upon  
3210 conviction, shall be punished by imprisonment for not more than 5 years and by a fine of not  
3211 more than the amount set forth in § 22-3571.01.

3212

3213 § 22-2713. Premises occupied for lewdness, assignation, or prostitution declared  
3214 nuisance. [Transferred].

3215 Transferred.

3216

3217 § 22-2714. Abatement of nuisance under § 22-2713 by injunction -- Temporary  
3218 injunction. [Transferred].

3219 Transferred.

3220

3221 § 22-2715. Abatement of nuisance under § 22-2713 by injunction -- Trial; dismissal of  
3222 complaint; prosecution; costs. [Transferred].

3223 Transferred.

3224

3225 § 22-2716. Violation of injunction granted under § 22-2714. [Transferred].

3226 Transferred.

3227

3228 § 22-2717. Order of abatement; sale of property; entry of closed premises punishable as  
3229 contempt. [Transferred].

3230 Transferred.

3231

3232 § 22-2718. Disposition of proceeds of sale. [Transferred].

3233 Transferred.

3234

3235 § 22-2719. Bond for abatement; order for delivery of premises; effect of release.  
3236 [Transferred].  
3237 Transferred.  
3238  
3239 § 22-2720. Tax for maintaining such nuisance. [Transferred].  
3240 Transferred.  
3241  
3242 § 22-2721. Granting immunity to witnesses. [Repealed].  
3243 Repealed.  
3244  
3245 § 22-2722. Keeping bawdy or disorderly houses.  
3246 Whoever is convicted of keeping a bawdy or disorderly house in the District shall be  
3247 fined not more than the amount set forth in § 22-3571.01 or imprisoned not more than 5 years, or  
3248 both.  
3249  
3250 § 22-2723. Property subject to seizure and forfeiture.  
3251 (a) The following are subject to forfeiture:  
3252 (1) All conveyances, including aircraft, vehicles or vessels, which are used, or  
3253 intended for use, to transport, or in any manner to facilitate a violation of a prostitution-related  
3254 offense; and  
3255 (2) All money, coins, and currency which are used, or intended for use, in violation of  
3256 a prostitution-related offense.  
3257 (b) All seizures and forfeitures of property under this section shall be pursuant to the  
3258 standards and procedures set forth in D.C. Law 20-278.  
3259  
3260 § 22-2724. Impoundment.  
3261 (a) Any vehicle used in furtherance of a violation of a prostitution-related offense shall be  
3262 subject to impoundment pursuant to this section.  
3263 (b) Whenever a police officer has probable cause to believe that a vehicle is being used in  
3264 furtherance of a violation of a prostitution-related offense, and an arrest is made for that  
3265 violation, the police officer, other member of the Metropolitan Police Department, or duly  
3266 authorized agent thereof shall:  
3267 (1) Arrange for the towing of the vehicle by the Department of Public Works, or other  
3268 designee of the Mayor, to a facility controlled by the District of Columbia or its agents, as  
3269 designated by the Mayor, or, if towing services are not immediately available, arrange for the  
3270 immobilization of the vehicle until such time as towing services become available; and  
3271 (2) Provide written notice to the owner of record of the vehicle and to the person who is  
3272 found to be in control of the vehicle at the time of the seizure conveying the fact of seizure and  
3273 impoundment of the vehicle, as well as the right to obtain immediate return of the vehicle  
3274 pursuant to subsection (d) of this section, in lieu of requesting a hearing.  
3275 (c) The notices to be given pursuant to this section shall be provided by hand delivery at  
3276 the time of the seizure and impoundment of the vehicle to the person in control of the vehicle or  
3277 to the owner of record of the vehicle. If the owner of record of the vehicle is not available to  
3278 receive such notice at the time of the seizure, the notice shall be mailed by first class mail, no  
3279 later than 5 days after the vehicle is received at an impoundment or storage facility, to the last  
3280 known address of the owner or owners of record of the vehicle, as that information is indicated in

3281 the records of the Department of Motor Vehicles or in the records of the appropriate agency of  
3282 the jurisdiction where the vehicle is registered.

3283 (d) An owner, or a person duly authorized by an owner, shall, upon proof of same, be  
3284 permitted to repossess or secure the release of the immobilized or impounded vehicle at any time  
3285 (subject to administrative availability) by paying to the District government, as directed by the  
3286 Department of Public Works, an administrative civil penalty of \$ 150, a booting fee, if  
3287 applicable, all outstanding fines and penalties for infractions for which liability has been  
3288 admitted, deemed admitted, or sustained after hearing, and all applicable towing and storage  
3289 costs for impounded vehicles as provided by § 50-2421.09(a)(6). Payment of such fees shall not  
3290 be admissible as evidence of guilt in any criminal proceeding.

3291 (e) An owner, or person duly authorized by an owner, shall be entitled to refund of the  
3292 administrative civil penalty, booting fee, and 2 days' towing and storage costs by showing that  
3293 the prosecutor dropped the underlying criminal charges (except for instances of nolle prosequi or  
3294 because the defendant completed a diversion program), that the Superior Court of the District of  
3295 Columbia dismissed the case after consideration of the merits, or that the case resulted in a  
3296 finding of not guilty on all prostitution-related charges, or by providing a police report  
3297 demonstrating that the vehicle was stolen at the time that it was subject to seizure and  
3298 impoundment. If the vehicle had been stolen at the time of seizure and impoundment, a refund of  
3299 all towing and storage costs shall be made.

3300 (f) An owner, or person duly authorized by an owner, shall be entitled to a due process  
3301 hearing regarding the seizure of the vehicle.

3302 (g) Vehicles seized and impounded under this section shall not be subject to replevin, but  
3303 shall be deemed to be in the custody of the Mayor.

3304 (h) Vehicles that remain unclaimed for 30 days may be disposed of pursuant to §§ 50-  
3305 2421.07(c), (d), (e), and (f), 50-2421.08, 50-2421.09, and 50-2421.10; provided, that if the owner  
3306 wants to claim the vehicle before it is auctioned, the owner must pay the administrative civil  
3307 penalty imposed by subsection (d) of this section in addition to the amounts required in § 50-  
3308 2421.09.

3309 (i) The Attorney General for the District of Columbia, or his or her assistants, shall  
3310 represent the District of Columbia in all proceedings under this section.

3311 (j) The Mayor shall issue rules setting forth the process by which a refund shall be  
3312 obtained timely pursuant to subsection (e) of this section. Until such rules are published in the  
3313 District of Columbia Register, this section shall not be enforceable.

3314

3315 § 22-2725. Anti-Prostitution Vehicle Impoundment Proceeds Fund.

3316 (a) There is established as a nonlapsing fund the Anti-Prostitution Vehicle Impoundment  
3317 Proceeds Fund ("Fund"), which shall be used for the purpose set forth in subsection (b) of this  
3318 section. All funds collected from the assessment of civil penalties, booting, towing,  
3319 impoundment, and storage fees pursuant to § 22-2723, and any and all interest earned on those  
3320 funds, shall be deposited into the Fund, and shall not revert to the unrestricted fund balance of  
3321 the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but  
3322 shall be continually available for the uses and purposes set forth in subsection (b) of this section  
3323 with regard to fiscal year limitation, subject to authorization by Congress.

3324 (b) The Fund shall be used solely to fund expenses directly related to the booting, towing,  
3325 and impoundment of vehicles used in furtherance of prostitution-related activities, in violation of  
3326 a prostitution-related offense.

3327 (c) The Mayor shall submit to the Council, as part of the annual budget, a requested  
3328 appropriation for expenditures from the Fund.

3329  
3330 *Subchapter II.*  
3331 *Prostitution Free Zones.*

3332  
3333 § 22-2731. Prostitution free zone; penalty. [Repealed].  
3334 [Repealed].

3335  
3336 CHAPTER 27A. PROTEST TARGETING A RESIDENCE.

3337  
3338 Sec.

3339 22-2751. Definitions.

3340 22-2752. Engaging in an unlawful protest targeting a residence.

3341  
3342 § 22-2751. Definitions.

3343 For the purposes of this chapter, the term:

3344 (1) "Demonstration" means marching, congregating, standing, parading,  
3345 demonstrating, or patrolling by one or more persons, with or without signs, for the purpose of  
3346 persuading one or more individuals, or the public, or to protest some action, attitude, or belief.

3347 (2) "Mask" means a covering for the face or part of the face whereby the identity of the  
3348 wearer is disguised. The term "Mask" shall not include clothing worn for the purpose of  
3349 providing protection from the elements nor clothing worn as a religious covering.

3350 (3) "Residence" means a building or structure, but not a hotel, used or designed to be  
3351 used, in whole or in part, as a living or a sleeping place by one or more human beings.

3352  
3353 § 22-2752. Engaging in an unlawful protest targeting a residence.

3354 (a)(1) It is unlawful for a person, as part of a group of 3 or more persons, to target a  
3355 residence for purposes of a demonstration:

3356 (A) Between 10:00 p.m. and 7:00 a.m.;

3357 (B) While wearing a mask; or

3358 (C) Without having provided the Metropolitan Police Department notification of the  
3359 location and approximate time of the demonstration.

3360 (2) The notification required by paragraph (1)(C) of this subsection shall be provided  
3361 in writing to the operational unit designated for such purpose by the Chief of Police not less than  
3362 2 hours before the demonstration begins. The Metropolitan Police Department shall post on its  
3363 website the e-mail and facsimile number by which the operational unit may be notified 24 hours  
3364 a day, and the address to which notification may be hand delivered, as an alternative, during  
3365 business hours.

3366 (b) A person who violates this section shall be guilty of a misdemeanor and, upon  
3367 conviction, fined not more than the amount set forth in § 22-3571.01 or imprisoned for not more  
3368 than 90 days.

3369  
3370 CHAPTER 28. ROBBERY.

3371  
3372 Sec.

3373 22-2801. Robbery.  
3374 22-2802. Attempt to commit robbery.  
3375 22-2803. Carjacking.

3376  
3377 § 22-2801. Robbery.  
3378 Whoever by force or violence, whether against resistance or by sudden or stealthy seizure  
3379 or snatching, or by putting in fear, shall take from the person or immediate actual possession of  
3380 another anything of value, is guilty of robbery, and any person convicted thereof shall suffer  
3381 imprisonment for not less than 2 years nor more than 15 years. In addition to any other penalty  
3382 provided under this section, a person may be fined an amount not more than the amount set forth  
3383 in § 22-3571.01.

3384  
3385 § 22-2802. Attempt to commit robbery.  
3386 Whoever attempts to commit robbery, as defined in § 22-2801, by an overt act, shall be  
3387 imprisoned for not more than 3 years or be fined not more than the amount set forth in § 22-  
3388 3571.01, or both.

3389  
3390 § 22-2803. Carjacking.  
3391 (a)(1) A person commits the offense of carjacking if, by any means, that person  
3392 knowingly or recklessly by force or violence, whether against resistance or by sudden or stealthy  
3393 seizure or snatching, or by putting in fear, or attempts to do so, shall take from another person  
3394 immediate actual possession of a person's motor vehicle.

3395 (2) A person convicted of carjacking shall be fined not more than the amount set forth  
3396 in § 22-3571.01 and be imprisoned for a mandatory-minimum term of not less than 7 years and a  
3397 maximum term of not more than 21 years, or both.

3398 (b)(1) A person commits the offense of armed carjacking if that person, while armed with  
3399 or having readily available any pistol or other firearm (or imitation thereof) or other dangerous or  
3400 deadly weapon (including a sawed-off shotgun, shotgun, machine gun, rifle, dirk, bowie knife,  
3401 butcher knife, switch-blade knife, razor, blackjack, billy, or metallic or other false knuckles),  
3402 commits or attempts to commit the offense of carjacking.

3403 (2) A person convicted of armed carjacking shall be fined not more than the amount set  
3404 forth in § 22-3571.01 and be imprisoned for a mandatory-minimum term of not less than 15  
3405 years and a maximum term of not more than 40 years, or both. However, the court may impose a  
3406 prison sentence in excess of 30 years only in accordance with § 24-403.01(b-2). For purposes of  
3407 imprisonment following revocation of release authorized by § 24-403.01(b)(7), armed carjacking  
3408 is a Class A felony.

3409 (c) Notwithstanding any other provision of law, a person convicted of carjacking shall not  
3410 be released from prison prior to the expiration of 7 years from the date of the commencement of  
3411 the sentence, and a person convicted of armed carjacking shall not be released from prison prior  
3412 to the expiration of 15 years from the date of the commencement of the sentence.

3413  
3414 CHAPTER 29. SALE OF UNWHOLESOME FOOD.  
3415 [REPEALED].

3416  
3417 Sec.  
3418 22-2901. Sale of unwholesome food -- prohibited. [Repealed].

3419 22-2902. Sale of unwholesome food -- "Food" defined. [Repealed].  
3420 22-2903. Sale of unwholesome food -- Inspection authorized. [Repealed].  
3421 22-2904. Sale of unwholesome food -- Council to make rules and regulations. [Repealed].  
3422 22-2905. Sale of unwholesome food -- Prosecutions for violations. [Repealed].  
3423 22-2906. Sale of unwholesome food -- Penalty. [Repealed].  
3424 22-2907. Chapter supplemental to Federal Food, Drug, and Cosmetic Act. [Repealed].  
3425  
3426  
3427 § 22-2901. Sale of unwholesome food -- prohibited. [Repealed].  
3428 Repealed.  
3429  
3430 § 22-2902. Sale of unwholesome food -- "Food" defined. [Repealed].  
3431 Repealed.  
3432  
3433 § 22-2903. Sale of unwholesome food -- Inspection authorized. [Repealed].  
3434 Repealed.  
3435  
3436 § 22-2904. Sale of unwholesome food -- Council to make rules and regulations.  
3437 [Repealed].  
3438 Repealed.  
3439  
3440 § 22-2905. Sale of unwholesome food -- Prosecutions for violations. [Repealed].  
3441 Repealed.  
3442  
3443 § 22-2906. Sale of unwholesome food -- Penalty. [Repealed].  
3444 Repealed.  
3445  
3446 § 22-2907. Chapter supplemental to Federal Food, Drug, and Cosmetic Act. [Repealed].  
3447 Repealed.

3448  
3449 CHAPTER 30. SEXUAL ABUSE.

3450  
3451 *Subchapter I.*  
3452 *General Provisions.*

3453  
3454 Sec.  
3455 22-3001. Definitions.

3456  
3457 *Subchapter II.*  
3458 *Sex Offenses.*

3459  
3460 22-3002. First degree sexual abuse.  
3461 22-3003. Second degree sexual abuse.  
3462 22-3004. Third degree sexual abuse.  
3463 22-3005. Fourth degree sexual abuse.  
3464 22-3006. Misdemeanor sexual abuse.

3465 22-3007. Defense to sexual abuse.  
3466 22-3008. First degree child sexual abuse.  
3467 22-3009. Second degree child sexual abuse.  
3468 22-3009.01. First degree sexual abuse of a minor.  
3469 22-3009.02. Second degree sexual abuse of a minor.  
3470 22-3009.03. First degree sexual abuse of a secondary education student.  
3471 22-3009.04. Second degree sexual abuse of a secondary education student.  
3472 22-3010. Enticing a child or minor.  
3473 22-3010.01. Misdemeanor sexual abuse of a child or minor.  
3474 22-3010.02. Arranging for a sexual contact with a real or fictitious child.  
3475 22-3011. Defenses child sexual abuse and sexual abuse of a minor.  
3476 22-3012. State of mind proof requirement.  
3477 22-3013. First degree sexual abuse of a ward, patient, client, or prisoner.  
3478 22-3014. Second degree sexual abuse of a ward, patient, client, or prisoner.  
3479 22-3015. First degree sexual abuse of a patient or client.  
3480 22-3016. Second degree sexual abuse of a patient or client.  
3481 22-3017. Defenses to sexual abuse of a ward, patient, or client.  
3482 22-3018. Attempts to commit sexual offenses.  
3483 22-3019. No immunity from prosecution for spouses or domestic partners.  
3484 22-3020. Aggravating circumstances.

3485  
3486 *Subchapter II-A.*

3487 *Reporting Requirements in Child Sexual Abuse Offense Cases.*

3488  
3489 22-3020.51. Definitions. [Transferred].  
3490 22-3020.52. Reporting requirements and privileges. [Transferred].  
3491 22-3020.53. Defense to non-reporting. [Transferred].  
3492 22-3020.54. Penalties. [Transferred].  
3493 22-3020.55. Immunity from liability. [Transferred].

3494  
3495  
3496 *Subchapter III.*

3497 *Admission of Evidence in Sexual Abuse Offense Cases.*

3498  
3499 22-3021. Reputation or opinion evidence of victim's past sexual behavior inadmissible.  
3500 [Transferred].  
3501 22-3022. Admissibility of other evidence of victim's past sexual behavior. [Transferred].  
3502 22-3023. Prompt reporting. [Transferred].  
3503 22-3024. Privilege inapplicable for spouses or domestic partners. [Transferred].

3504  
3505  
3506 *Subchapter I.*  
3507 *General Provisions.*

3508  
3509 § 22-3001. Definitions.

3510 For the purposes of this chapter:

3511 (1) "Actor" means a person accused of any offense proscribed under this chapter.

3512 (2) "Bodily injury" means injury involving loss or impairment of the function of a

3513 bodily member, organ, or mental faculty, or physical disfigurement, disease, sickness, or injury

3514 involving significant pain.

3515 (3) "Child" means a person who has not yet attained the age of 16 years.

3516 (4) "Consent" means words or overt actions indicating a freely given agreement to the

3517 sexual act or contact in question. Lack of verbal or physical resistance or submission by the

3518 victim, resulting from the use of force, threats, or coercion by the defendant shall not constitute

3519 consent.

3520 (4A) "Domestic partner" shall have the same meaning as provided in § 32-701(3).

3521 (4B) "Domestic partnership" shall have the same meaning as provided in § 32-701(4).

3522 (5) "Force" means the use or threatened use of a weapon; the use of such physical

3523 strength or violence as is sufficient to overcome, restrain, or injure a person; or the use of a threat

3524 of harm sufficient to coerce or compel submission by the victim.

3525 (5A) "Minor" means a person who has not yet attained the age of 18 years.

3526 (6) "Official custody" means:

3527 (A) Detention following arrest for an offense; following surrender in lieu of arrest

3528 for an offense; following a charge or conviction of an offense, or an allegation or finding of

3529 juvenile delinquency; following commitment as a material witness; following or pending civil

3530 commitment proceedings, or pending extradition, deportation, or exclusion;

3531 (B) Custody for purposes incident to any detention described in subparagraph (A) of

3532 this paragraph, including transportation, medical diagnosis or treatment, court appearance, work,

3533 and recreation; or

3534 (C) Probation or parole.

3535 (7) "Serious bodily injury" means bodily injury that involves a substantial risk of

3536 death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or

3537 protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

3538 (8) "Sexual act" means:

3539 (A) The penetration, however slight, of the anus or vulva of another by a penis;

3540 (B) Contact between the mouth and the penis, the mouth and the vulva, or the mouth

3541 and the anus; or

3542 (C) The penetration, however slight, of the anus or vulva by a hand or finger or by

3543 any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual

3544 desire of any person.

3545 (D) The emission of semen is not required for the purposes of subparagraphs (A)-

3546 (C) of this paragraph.

3547 (9) "Sexual contact" means the touching with any clothed or unclothed body part or

3548 any object, either directly or through the clothing, of the genitalia, anus, groin, breast, inner

3549 thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or

3550 gratify the sexual desire of any person.

3551 (10) "Significant relationship" includes:

3552 (A) A parent, sibling, aunt, uncle, or grandparent, whether related by blood,

3553 marriage, domestic partnership, or adoption;

3554 (B) A legal or de facto guardian or any person, more than 4 years older than the

3555 victim, who resides intermittently or permanently in the same dwelling as the victim;



3556 (C) The person or the spouse, domestic partner, or paramour of the person who is  
3557 charged with any duty or responsibility for the health, welfare, or supervision of the victim at the  
3558 time of the act; and

3559 (D) Any employee or volunteer of a school, church, synagogue, mosque, or other  
3560 religious institution, or an educational, social, recreational, athletic, musical, charitable, or youth  
3561 facility, organization, or program, including a teacher, coach, counselor, clergy, youth leader,  
3562 chorus director, bus driver, administrator, or support staff, or any other person in a position of  
3563 trust with or authority over a child or a minor.

3564 (11) "Victim" means a person who is alleged to have been subject to any offense set  
3565 forth in subchapter II of this chapter.

3566  
3567 *Subchapter II.*  
3568 *Sex Offenses.*  
3569

3570 § 22-3002. First degree sexual abuse.

3571 (a) A person shall be imprisoned for any term of years or for life, and in addition, may be  
3572 fined not more than the amount set forth in § 22-3571.01, if that person engages in or causes  
3573 another person to engage in or submit to a sexual act in the following manner:

3574 (1) By using force against that other person;

3575 (2) By threatening or placing that other person in reasonable fear that any person will  
3576 be subjected to death, bodily injury, or kidnapping;

3577 (3) After rendering that other person unconscious; or

3578 (4) After administering to that other person by force or threat of force, or without the  
3579 knowledge or permission of that other person, a drug, intoxicant, or other similar substance that  
3580 substantially impairs the ability of that other person to appraise or control his or her conduct.

3581 (b) The court may impose a prison sentence in excess of 30 years only in accordance with  
3582 § 22-3020 or § 24-403.01(b-2). For purposes of imprisonment following revocation of release  
3583 authorized by § 24-403.01(b)(7), the offense defined by this section is a Class A felony.

3584  
3585 § 22-3003. Second degree sexual abuse.

3586 A person shall be imprisoned for not more than 20 years and may be fined not more than  
3587 the amount set forth in § 22-3571.01, if that person engages in or causes another person to  
3588 engage in or submit to a sexual act in the following manner:

3589 (1) By threatening or placing that other person in reasonable fear (other than by  
3590 threatening or placing that other person in reasonable fear that any person will be subjected to  
3591 death, bodily injury, or kidnapping); or

3592 (2) Where the person knows or has reason to know that the other person is:

3593 (A) Incapable of appraising the nature of the conduct;

3594 (B) Incapable of declining participation in that sexual act; or

3595 (C) Incapable of communicating unwillingness to engage in that sexual act.

3596  
3597 § 22-3004. Third degree sexual abuse.

3598 A person shall be imprisoned for not more than 10 years and may be fined not more than  
3599 the amount set forth in § 22-3571.01, if that person engages in or causes sexual contact with or  
3600 by another person in the following manner:

3601 (1) By using force against that other person;

3602 (2) By threatening or placing that other person in reasonable fear that any person will  
3603 be subjected to death, bodily injury, or kidnapping;

3604 (3) After rendering that person unconscious; or

3605 (4) After administering to that person by force or threat of force, or without the  
3606 knowledge or permission of that other person, a drug, intoxicant, or similar substance that  
3607 substantially impairs the ability of that other person to appraise or control his or her conduct.

3608  
3609 § 22-3005. Fourth degree sexual abuse.

3610 A person shall be imprisoned for not more than 5 years and, in addition, may be fined not  
3611 more than the amount set forth in § 22-3571.01, if that person engages in or causes sexual  
3612 contact with or by another person in the following manner:

3613 (1) By threatening or placing that other person in reasonable fear (other than by  
3614 threatening or placing that other person in reasonable fear that any person will be subjected to  
3615 death, bodily injury, or kidnapping); or

3616 (2) Where the person knows or has reason to know that the other person is:

3617 (A) Incapable of appraising the nature of the conduct;

3618 (B) Incapable of declining participation in that sexual contact; or

3619 (C) Incapable of communicating unwillingness to engage in that sexual contact.

3620  
3621 § 22-3006. Misdemeanor sexual abuse.

3622 Whoever engages in a sexual act or sexual contact with another person and who should  
3623 have knowledge or reason to know that the act was committed without that other person's  
3624 permission, shall be imprisoned for not more than 180 days and, in addition, may be fined in an  
3625 amount not more than the amount set forth in § 22-3571.01.

3626  
3627 § 22-3007. Defense to sexual abuse.

3628 Consent by the victim is a defense to a prosecution under §§ 22-3002 to 22-3006,  
3629 prosecuted alone or in conjunction with charges under § 22-3018 or §§ 22-401 and 22-403.

3630  
3631 § 22-3008. First degree child sexual abuse.

3632 Whoever, being at least 4 years older than a child, engages in a sexual act with that child  
3633 or causes that child to engage in a sexual act shall be imprisoned for any term of years or for life  
3634 and, in addition, may be fined not more than the amount set forth in § 22-3571.01. However, the  
3635 court may impose a prison sentence in excess of 30 years only in accordance with § 22-3020 or §  
3636 24-403.01(b-2). For purposes of imprisonment following revocation of release authorized by §  
3637 24-403.01(b)(7), the offense defined by this section is a Class A felony.

3638  
3639 § 22-3009. Second degree child sexual abuse.

3640 Whoever, being at least 4 years older than a child, engages in sexual contact with that  
3641 child or causes that child to engage in sexual contact shall be imprisoned for not more than 10  
3642 years and, in addition, may be fined in an amount not more than the amount set forth in § 22-  
3643 3571.01.

3644  
3645 § 22-3009.01. First degree sexual abuse of a minor.

3646 Whoever, being 18 years of age or older, is in a significant relationship with a minor, and  
3647 engages in a sexual act with that minor or causes that minor to engage in a sexual act shall be

3648 imprisoned for not more than 15 years and may be fined not more than the amount set forth in §  
3649 22-3571.01, or both.

3650

3651 § 22-3009.02. Second degree sexual abuse of a minor.

3652 Whoever, being 18 years of age or older, is in a significant relationship with a minor and  
3653 engages in a sexual contact with that minor or causes that minor to engage in a sexual contact  
3654 shall be imprisoned for not more than 7 1/2 years and may be fined not more than the amount set  
3655 forth in § 22-3571.01, or both.

3656

3657 § 22-3009.03. First degree sexual abuse of a secondary education student.

3658 Any teacher, counselor, principal, coach, or other person of authority in a secondary level  
3659 school who engages in a sexual act with a student under the age of 20 years enrolled in that  
3660 school or school system, or causes that student to engage in a sexual act, shall be imprisoned for  
3661 not more than 10 years, fined not more than the amount set forth in § 22-3571.01, or both.

3662

3663 § 22-3009.04. Second degree sexual abuse of a secondary education student.

3664 Any teacher, counselor, principal, coach, or other person of authority in a secondary level  
3665 school who engages in sexual conduct with a student under the age of 20 years enrolled in that  
3666 school or school system, or causes that student to engage in sexual conduct, shall be imprisoned  
3667 for not more than 5 years, fined not more than the amount set forth in § 22-3571.01, or both.

3668

3669 § 22-3010. Enticing a child or minor.

3670 (a) Whoever, being at least 4 years older than a child or being in a significant relationship  
3671 with a minor, (1) takes that child or minor to any place for the purpose of committing any  
3672 offense set forth in §§ 22-3002 to 22-3006 and §§ 22-3008 to 22-3009.02, or (2) seduces, entices,  
3673 allures, convinces, or persuades or attempts to seduce, entice, allure, convince, or persuade a  
3674 child or minor to engage in a sexual act or contact shall be imprisoned for not more than 5 years  
3675 or may be fined not more than the amount set forth in § 22-3571.01, or both.

3676 (b) Whoever, being at least 4 years older than the purported age of a person who  
3677 represents himself or herself to be a child, attempts (1) to seduce, entice, allure, convince, or  
3678 persuade any person who represents himself or herself to be a child to engage in a sexual act or  
3679 contact, or (2) to entice, allure, convince, or persuade any person who represents himself or  
3680 herself to be a child to go to any place for the purpose of engaging in a sexual act or contact shall  
3681 be imprisoned for not more than 5 years or may be fined not more than the amount set forth in §  
3682 22-3571.01, or both.

3683 (c) No person shall be consecutively sentenced for enticing a child or minor to engage in  
3684 a sexual act or sexual contact under subsection (a)(2) of this section and engaging in that sexual  
3685 act or sexual contact with that child or minor, provided, that the enticement occurred closely  
3686 associated in time with the sexual act or sexual contact.

3687

3688 § 22-3010.01. Misdemeanor sexual abuse of a child or minor.

3689 (a) Whoever, being 18 years of age or older and more than 4 years older than a child, or  
3690 being 18 years of age or older and being in a significant relationship with a minor, engages in  
3691 sexually suggestive conduct with that child or minor shall be imprisoned for not more than 180  
3692 days, or fined not more than the amount set forth in § 22-3571.01, or both.

3693 (b) For the purposes of this section, the term "sexually suggestive conduct" means  
3694 engaging in any of the following acts in a way which is intended to cause or reasonably causes  
3695 the sexual arousal or sexual gratification of any person:

- 3696 (1) Touching a child or minor inside his or her clothing;
- 3697 (2) Touching a child or minor inside or outside his or her clothing close to the  
3698 genitalia, anus, breast, or buttocks;
- 3699 (3) Placing one's tongue in the mouth of the child or minor; or
- 3700 (4) Touching one's own genitalia or that of a third person.

3701  
3702 § 22-3010.02. Arranging for a sexual contact with a real or fictitious child.

3703 (a) It is unlawful for a person to arrange to engage in a sexual act or sexual contact with  
3704 an individual (whether real or fictitious) who is or who is represented to be a child at least 4  
3705 years younger than the person, or to arrange for another person to engage in a sexual act or  
3706 sexual contact with an individual (whether real or fictitious) who is or who is represented to be a  
3707 child of at least 4 years younger than the person. For the purposes of this section, arranging to  
3708 engage in a sexual act or sexual contact with an individual who is fictitious shall be unlawful  
3709 only if the arrangement is done by or with a law enforcement officer.

3710 (b) A person who violates subsection (a) of this section shall be imprisoned for not more  
3711 than 5 years, fined not more than the amount set forth in § 22-3571.01, or both.

3712  
3713 § 22-3011. Defenses to child sexual abuse and sexual abuse of a minor.

3714 (a) Neither mistake of age nor consent is a defense to a prosecution under §§ 22-3008 to  
3715 22-3010.01, prosecuted alone or in conjunction with charges under § 22-3018 or § 22-403.

3716 (b) Marriage or domestic partnership between the defendant and the child or minor at the  
3717 time of the offense is a defense, which the defendant must establish by a preponderance of the  
3718 evidence, to a prosecution under §§ 22-3008 to 22-3010.01, prosecuted alone or in conjunction  
3719 with charges under § 22-3018 or § 22-403, involving only the defendant and the child or minor.

3720  
3721 § 22-3012. State of mind proof requirement.

3722 In a prosecution under §§ 22-3008 to 22-3010, prosecuted alone or in conjunction with  
3723 charges under § 22-3018 or § 22-403, the government need not prove that the defendant knew  
3724 the child's age or the age difference between himself or herself and the child.

3725  
3726 § 22-3013. First degree sexual abuse of a ward, patient, client, or prisoner.

3727 Any staff member, employee, contract employee, consultant, or volunteer at a hospital,  
3728 treatment facility, detention or correctional facility, group home, or other institution; anyone who  
3729 is an ambulance driver or attendant, a bus driver or attendant, or person who participates in the  
3730 transportation of a ward, patient, client, or prisoner to and from such institutions; or any official  
3731 custodian of a ward, patient, client, or prisoner, who engages in a sexual act with a ward, patient,  
3732 client, or prisoner, or causes a ward, patient, client, or prisoner to engage in or submit to a sexual  
3733 act shall be imprisoned for not more than 10 years or fined not more than the amount set forth in  
3734 § 22-3571.01, or both.

3735  
3736 § 22-3014. Second degree sexual abuse of a ward, patient, client, or prisoner.

3737 Any staff member, employee, contract employee, consultant, or volunteer at a hospital,  
3738 treatment facility, detention or correctional facility, group home, or other institution; anyone who

3739 is an ambulance driver or attendant, a bus driver or attendant, or person who participates in the  
3740 transportation of a ward, patient, client, or prisoner to and from such institutions; or any official  
3741 custodian of a ward, patient, client, or prisoner, who engages in a sexual contact with a ward,  
3742 patient, client, or prisoner, or causes a ward, patient, client, or prisoner, to engage in or submit to  
3743 a sexual contact shall be imprisoned for not more than 5 years or fined not more than the amount  
3744 set forth in § 22-3571.01, or both.

3745  
3746 § 22-3015. First degree sexual abuse of a patient or client.

3747 (a) A person is guilty of first degree sexual abuse who purports to provide, in any  
3748 manner, professional services of a medical, therapeutic, or counseling (whether legal, spiritual,  
3749 or otherwise) nature, and engages in a sexual act with another person who is a patient or client of  
3750 the actor, or is otherwise in a professional relationship of trust with the actor; and

3751 (1) The actor represents falsely that the sexual act is for a bona fide medical or  
3752 therapeutic purpose, or for a bona fide professional purpose for which the services are being  
3753 provided;

3754 (2) The nature of the treatment or service provided by the actor and the mental,  
3755 emotional, or physical condition of the patient or client are such that the actor knows or has  
3756 reason to know that the patient or client is impaired from declining participation in the sexual  
3757 act;

3758 (3) The actor represents falsely that he or she is licensed as a particular type of  
3759 professional; or

3760 (4) The sexual act occurs during the course of a consultation, examination, treatment,  
3761 therapy, or other provision of professional services.

3762 (b) Any person found guilty pursuant to subsection (a) of this section shall be imprisoned  
3763 for not more than 10 years and, in addition, may be fined not more than the amount set forth in §  
3764 22-3571.01.

3765  
3766 § 22-3016. Second degree sexual abuse of a patient or client.

3767 (a) A person is guilty of second degree sexual abuse who purports to provide, in any  
3768 manner, professional services of a medical, therapeutic, or counseling (whether legal, spiritual,  
3769 or otherwise) nature, and engages in a sexual contact with another person who is a patient or  
3770 client of the actor, or is otherwise in a professional relationship of trust with the actor; and

3771  
3772 (1) The actor represents falsely that the sexual contact is for a bona fide medical or  
3773 therapeutic purpose, or for a bona fide professional purpose for which the services are being  
3774 provided;

3775 (2) The nature of the treatment or service provided by the actor and the mental,  
3776 emotional, or physical condition of the patient or client are such that the actor knows or has  
3777 reason to know that the patient or client is impaired from declining participation in the sexual  
3778 contact;

3779 (3) The actor represents falsely that he or she is licensed as a particular type of  
3780 professional; or

3781 (4) The sexual contact occurs during the course of a consultation, examination,  
3782 treatment, therapy, or other provision of professional services.

3783 (b) Any person found guilty pursuant to subsection (a) of this section shall be imprisoned  
3784 for not more than 5 years and, in addition, may be fined not more than the amount set forth in §

3785 22-3571.01.

3786

3787 § 22-3017. Defenses to sexual abuse of a ward, patient, or client.

3788 (a) Consent is not a defense to a prosecution under §§ 22-3013 to 22-3016, prosecuted  
3789 alone or in conjunction with charges under § 22-3018.

3790 (b) That the defendant and victim were married or in a domestic partnership at the time of  
3791 the offense is a defense, which the defendant must prove by a preponderance of the evidence, to  
3792 a prosecution under §§ 22-3013 to 22-3016, prosecuted alone or in conjunction with charges  
3793 under § 22-3018.

3794

3795 § 22-3018. Attempts to commit sexual offenses.

3796 Any person who attempts to commit an offense under this subchapter shall be imprisoned  
3797 for a term of years not to exceed 15 years where the maximum prison term authorized for the  
3798 offense is life or for not more than 1/2 of the maximum prison sentence authorized for the  
3799 offense and, in addition, may be fined an amount not to exceed 1/2 of the maximum fine  
3800 authorized for the offense.

3801

3802 § 22-3019. No immunity from prosecution for spouses or domestic partners.

3803 No actor is immune from prosecution under any section of this subchapter because of  
3804 marriage, domestic partnership, or cohabitation with the victim; provided, that marriage or the  
3805 domestic partnership of the parties may be asserted as an affirmative defense in prosecution  
3806 under this subchapter where it is expressly so provided.

3807

3808 § 22-3020. Aggravating circumstances.

3809 (a) Any person who is found guilty of an offense under this subchapter may receive a  
3810 penalty up to 1 1/2 times the maximum penalty prescribed for the particular offense, and may  
3811 receive a sentence of more than 30 years up to, and including life imprisonment without  
3812 possibility of release for first degree sexual abuse or first degree child sexual abuse, if any of the  
3813 following aggravating circumstances exists:

3814

(1) The victim was under the age of 12 years at the time of the offense;

3815

(2) The victim was under the age of 18 years at the time of the offense and the actor  
3816 had a significant relationship to the victim;

3817

(3) The victim sustained serious bodily injury as a result of the offense;

3818

(4) The defendant was aided or abetted by 1 or more accomplices;

3819

(5) The defendant is or has been found guilty of committing sex offenses against 2 or  
3820 more victims, whether in the same or other proceedings by a court of the District of Columbia,  
3821 any state, or the United States or its territories; or

3822

(6) The defendant was armed with, or had readily available, a pistol or other firearm  
3823 (or imitation thereof) or other dangerous or deadly weapon.

3824

(b) It is not necessary that the accomplices have been convicted for an increased  
3825 punishment (or enhanced penalty) to apply under subsection (a)(4) of this section.

3826

(c) No person who stands convicted of an offense under this subchapter shall be  
3827 sentenced to increased punishment (or enhanced penalty) by reason of the aggravating factors set  
3828 forth in subsection (a) of this section, unless prior to trial or before entry of a plea of guilty, the  
3829 United States Attorney or the Attorney General for the District of Columbia, as the case may be,  
3830 files an information with the clerk of the court, and serves a copy of such information on the

3831 person or counsel for the person, stating in writing the aggravating factors to be relied upon.

3832  
3833 *Subchapter II-A.*

3834 *Reporting Requirements in Child Sexual Abuse Offense Cases*

3835  
3836 § 22-3020.51. Definitions. [Transferred].  
3837 Transferred.

3838  
3839 § 22-3020.52. Reporting requirements and privileges. [Transferred].  
3840 Transferred.

3841  
3842 § 22-3020.53. Defense to non-reporting. [Transferred].  
3843 Transferred.

3844  
3845 § 22-3020.54. Penalties. [Transferred].  
3846 Transferred.

3847  
3848 § 22-3020.55. Immunity from liability. [Transferred].  
3849 Transferred.

3850 *Subchapter III.*

3851 *Admission of Evidence in Sexual Abuse Offense Cases.*

3852  
3853 § 22-3021. Reputation or opinion evidence of victim's past sexual behavior inadmissible.  
3854 [Transferred].  
3855 Transferred.

3856  
3857 § 22-3022. Admissibility of other evidence of victim's past sexual behavior.  
3858 [Transferred].  
3859 Transferred.

3860  
3861 § 22-3023. Prompt reporting. [Transferred].  
3862 Transferred.

3863  
3864 § 22-3024. Privilege inapplicable for spouses or domestic partners. [Transferred].  
3865 Transferred.

3866  
3867 CHAPTER 30A.

3868 NON-CONSENSUAL PORNOGRAPHY.

3869  
3870 Sec.

3871 22-3051. Definitions.

3872 22-3052. Unlawful disclosure.

3873 22-3053. First-degree unlawful publication.

3874 22-3054. Second degree unlawful publication.

3875 22-3055. Exclusions.

3876 22-3056. Affirmative defenses.

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§ 22-3051. Definitions.

For the purposes of this chapter, the term:

- (1) "Disclose" means to transfer or exhibit to 5 or fewer persons.
- (2) "Harm" means any injury, whether physical or nonphysical, including psychological, financial, or reputational injury.
- (3) "Internet" means an electronically available platform by which sexual images can be disseminated to a wide audience, including social media, websites, and smartphone applications; provided, that the term "Internet" does not include a text message.
- (4) "Private area" means the genitals, anus, or pubic area of a person, or the nipple of a developed female breast, including the breast of a transgender female.
- (5) "Publish" means to transfer or exhibit to 6 or more persons, or to make available for viewing by uploading to the Internet.
- (6) "Sexual conduct" shall have the same meaning as provided in § 22-3101(5).
- (7) "Sexual image" means a photograph, video, or other visual recording of an unclothed private area or of sexual conduct.

§ 22-3052. Unlawful disclosure.

(a) It shall be unlawful in the District of Columbia for a person to knowingly disclose one or more sexual images of another identified or identifiable person when:

- (1) The person depicted did not consent to the disclosure of the sexual image;
- (2) There was an agreement or understanding between the person depicted and the person disclosing that the sexual image would not be disclosed; and
- (3) The person disclosed the sexual image with the intent to harm the person depicted or to receive financial gain.

(b) A person who violates this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than the amount set forth in § 22-3571.01, imprisoned for not more than 180 days, or both.

§ 22-3053. First-degree unlawful publication.

(a) It shall be unlawful in the District of Columbia for a person to knowingly publish one or more sexual images of another identified or identifiable person when:

- (1) The person depicted did not consent to the disclosure or publication of the sexual image;
- (2) There was an agreement or understanding between the person depicted and the person publishing that the sexual image would not be disclosed or published; and
- (3) The person published the sexual image with the intent to harm the person depicted or to receive financial gain.

(b) A person who violates this section shall be guilty of a felony and, upon conviction, shall be fined not more than the amount set forth in § 22-3571.01, imprisoned for not more than 3 years, or both.

§ 22-3054. Second degree unlawful publication.

(a) It shall be unlawful in the District of Columbia for a person to knowingly publish one or more sexual images of another identified or identifiable person obtained from a third party or other source when:



3924 (1) The person depicted did not consent to the disclosure or publication of the sexual  
3925 image; and

3926 (2) The person published the sexual image with conscious disregard that the sexual  
3927 image was obtained as a result of a previous disclosure or publication of the sexual image made  
3928 with an intent to harm the person depicted or to receive financial gain.

3929 (b) A person who violates this section shall be guilty of a misdemeanor and, upon  
3930 conviction, shall be fined not more than the amount set forth in § 22-3571.01, imprisoned for not  
3931 more than 180 days, or both.

3932  
3933 § 22-3055. Exclusions.

3934 (a) This chapter shall not apply to:

3935 (1) Constitutionally protected activity; or

3936 (2) A person disclosing or publishing a sexual image that resulted from the voluntary  
3937 exposure of the person depicted in a public or commercial setting.

3938 (b) Nothing in this chapter shall be construed to impose liability on an interactive  
3939 computer service, as defined in section 230(e)(2) of the Communications Act of 1934, approved  
3940 February 8, 1996 (110 Stat. 139; 47 U.S.C. § 230(f)(2)), for content provided by another person.

3941  
3942 § 22-3056. Affirmative defenses.

3943 It shall be an affirmative defense to a violation of § 22-3052, § 22-3053, or § 22-3054 if  
3944 the disclosure or publication of a sexual image is made in the public interest, including the  
3945 reporting of unlawful conduct, the lawful and common practices of law enforcement, or legal  
3946 proceedings.

3947  
3948 CHAPTER 31.  
3949 SEXUAL PERFORMANCE USING MINORS.

3950  
3951 Sec.

3952 22-3101. Sexual Performance Using Minors.

3953 22-3102. Prohibited Acts.

3954 22-3103. Penalties.

3955 22-3104. Affirmative defenses.

3956  
3957 § 22-3101. Definitions.

3958 For the purposes of this chapter, the term:

3959 (1) "Knowingly" means having general knowledge of, or reason to know or a belief or  
3960 ground for belief which warrants further inspection or inquiry, or both.

3961 (2) "Minor" means any person under 18 years of age.

3962 (3) "Performance" means any play, motion picture, photograph, electronic  
3963 representation, dance, or any other visual presentation or exhibition.

3964 (4) "Promote" means to procure, manufacture, issue, sell, give, provide, lend, mail,  
3965 deliver, transfer, transmute, publish or distribute, circulate, disseminate, present, exhibit, or  
3966 advertise, or to offer or agree to do the same.

3967 (5) "Sexual conduct" means:

3968 (A) Actual or simulated sexual intercourse:

3969 (i) Between the penis and the vulva, anus, or mouth;

- 3970 (ii) Between the mouth and the vulva or anus; or  
3971 (iii) Between an artificial sexual organ or other object or instrument used in the  
3972 manner of an artificial sexual organ and the anus or vulva;  
3973 (B) Masturbation;  
3974 (C) Sexual bestiality;  
3975 (D) Sadomasochistic sexual activity for the purpose of sexual stimulation; or  
3976 (E) Lewd exhibition of the genitals.  
3977 (6) "Sexual performance" means any performance or part thereof which includes  
3978 sexual conduct by a person under 18 years of age.  
3979

3980 § 22-3102. Prohibited acts.

3981 (a) It shall be unlawful in the District of Columbia for a person knowingly to use a minor  
3982 in a sexual performance or to promote a sexual performance by a minor.

3983 (1) A person is guilty of the use of a minor in a sexual performance if knowing the  
3984 character and content thereof, he or she employs, authorizes, or induces a person under 18 years  
3985 of age to engage in a sexual performance or being the parent, legal guardian, or custodian of a  
3986 minor, he or she consents to the participation by a minor in a sexual performance.

3987 (2) A person is guilty of promoting a sexual performance by a minor when, knowing  
3988 the character and content thereof, he or she produces, directs, or promotes any performance  
3989 which includes sexual conduct by a person under 18 years of age.

3990 (b) It shall be unlawful in the District of Columbia for a person, knowing the character  
3991 and content thereof, to attend, transmit, or possess a sexual performance by a minor.

3992 (c) If the sexual performance consists solely of a still or motion picture, then this section:

3993 (1) Shall not apply to the minor or minors depicted in a still or motion picture who  
3994 possess it or transmit it to another person unless at least one of the minors depicted in it does not  
3995 consent to its possession or transmission; and

3996 (2) Shall not apply to possession of a still or motion picture by a minor, or by an adult  
3997 not more than 4 years older than the minor or minors depicted in it, who receives it from a minor  
3998 depicted in it unless the recipient knows that at least one of the minors depicted in the still or  
3999 motion picture did not consent to its transmission.

4000 (d) For the purposes of subsections (b) and (c) of this section, the term:

4001 (1) "Possess," "possession," or "possessing" requires accessing the sexual performance  
4002 if electronically received or available.

4003 (2) "Still or motion picture" includes a photograph, motion picture, electronic or digital  
4004 representation, video, or other visual depiction, however produced or reproduced.

4005 (3) "Transmit" or "transmission" includes distribution, and can occur by any means,  
4006 including electronically."  
4007

4008 § 22-3103. Penalties.

4009 Violation of this chapter shall be a felony and shall be punished by:

4010 (1) A fine of not more than the amount set forth in § 22-3571.01 or imprisonment for  
4011 not more than 10 years, or both for the first offense; or

4012 (2) A fine of not more than the amount set forth in § 22-3571.01 or imprisonment for  
4013 not more than 20 years, or both for the 2nd and each subsequent offense.  
4014

4015 § 22-3104. Affirmative defenses.

4016 (a) Under this chapter it shall be an affirmative defense that the defendant in good faith  
4017 reasonably believed the person appearing in the performance was 18 years of age or over.

4018 (b)(1) Except as provided in paragraph (2) of this subsection, in any prosecution for an  
4019 offense pursuant to § 22-3102(2) it shall be an affirmative defense that the person so charged  
4020 was:

4021 (A) A librarian engaged in the normal course of his or her employment; or

4022 (B) A motion picture projectionist, stage employee or spotlight operator, cashier,  
4023 doorman, usher, candy stand attendant, porter, or in any other nonmanagerial or nonsupervisory  
4024 capacity in a motion picture theater.

4025 (2) The affirmative defense provided by paragraph (1) of this subsection shall not  
4026 apply if the person described therein has a financial interest (other than his or her employment,  
4027 which employment does not encompass compensation based upon any proportion of the gross  
4028 receipts) in:

4029 (A) The promotion of a sexual performance for sale, rental, or exhibition;

4030 (B) The direction of any sexual performance; or

4031 (C) The acquisition of the performance for sale, retail, or exhibition.

4032 (c) It shall be an affirmative defense to a charge under § 22-3102 that the defendant:

4033 (1) Possessed or accessed less than 6 still photographs or one motion picture, however  
4034 produced or reproduced, of a sexual performance by a minor; and

4035 (2) Promptly and in good faith, and without retaining, copying, or allowing any person,  
4036 other than a law enforcement agency, to access any photograph or motion picture:

4037 (A) Took reasonable steps to destroy each such photograph or motion picture; or

4038 (B) Reported the matter to a law enforcement agency and afforded that agency  
4039 access to each such photograph or motion picture.

## 4040 CHAPTER 31A.

### 4041 STALKING.

4042  
4043  
4044 Sec.

4045 22-3131. Legislative intent.

4046 22-3132. Definitions.

4047 22-3133. Stalking.

4048 22-3134. Penalties.

4049 22-3135. Jurisdiction.

4050  
4051 § 22-3131. Legislative intent.

4052 (a) The Council finds that stalking is a serious problem in this city and nationwide.  
4053 Stalking involves severe intrusions on the victim's personal privacy and autonomy. It is a crime  
4054 that can have a long-lasting impact on the victim's quality of life, and creates risks to the security  
4055 and safety of the victim and others, even in the absence of express threats of physical harm.  
4056 Stalking conduct often becomes increasingly violent over time. The Council recognizes the  
4057 dangerous nature of stalking as well as the strong connections between stalking and domestic  
4058 violence and between stalking and sexual assault. Therefore, the Council enacts this law to  
4059 encourage effective intervention by the criminal justice system before stalking escalates into  
4060 behavior that has even more serious or lethal consequences.

4061 (b) The Council enacts this stalking statute to permit the criminal justice system to hold  
4062 stalkers accountable for a wide range of acts, communications, and conduct. The Council  
4063 recognizes that stalking includes a pattern of following or monitoring the victim, or committing  
4064 violent or intimidating acts against the victim, regardless of the means.

4065  
4066 § 22-3132. Definitions.

4067 For the purposes of this chapter, the term:

4068 (1) "Any device" means electronic, mechanical, digital or any other equipment,  
4069 including: a camera, spycam, computer, spyware, microphone, audio or video recorder, global  
4070 positioning system, electronic monitoring system, listening device, night-vision goggles,  
4071 binoculars, telescope, or spyglass.

4072 (2) "Any means" includes the use of a telephone, mail, delivery service, e-mail,  
4073 website, or other method of communication or any device.

4074 (3) "Communicating" means using oral or written language, photographs, pictures,  
4075 signs, symbols, gestures, or other acts or objects that are intended to convey a message.

4076 (4) "Emotional distress" means significant mental suffering or distress that may, but  
4077 does not necessarily, require medical or other professional treatment or counseling;

4078 (5) "Financial injury" means the monetary costs, debts, or obligations incurred as a  
4079 result of the stalking by the specific individual, member of the specific individual's household, a  
4080 person whose safety is threatened by the stalking, or a person who is financially responsible for  
4081 the specific individual and includes:

4082 (A) The costs of replacing or repairing any property that was taken or damaged;

4083 (B) The costs of clearing the specific individual's name or his or her credit, criminal,  
4084 or any other official record;

4085 (C) Medical bills;

4086 (D) Relocation expenses;

4087 (E) Lost employment or wages; and

4088 (F) Attorney's fees.

4089 (6) "Personal identifying information" shall have the same meaning as provided in §  
4090 22-3227.01(3).

4091 (7) "Specific individual" or "individual" means the victim or alleged victim of stalking.

4092 (8) "To engage in a course of conduct" means directly or indirectly, or through one or  
4093 more third persons, in person or by any means, on 2 or more occasions, to:

4094 (A) Follow, monitor, place under surveillance, threaten, or communicate to or about  
4095 another individual;

4096 (B) Interfere with, damage, take, or unlawfully enter an individual's real or personal  
4097 property or threaten or attempt to do so; or

4098 (C) Use another individual's personal identifying information.

4099  
4100 § 22-3133. Stalking.

4101 (a) It is unlawful for a person to purposefully engage in a course of conduct directed at a  
4102 specific individual:

4103 (1) With the intent to cause that individual to:

4104 (A) Fear for his or her safety or the safety of another person;

4105 (B) Feel seriously alarmed, disturbed, or frightened; or

4106 (C) Suffer emotional distress;

4107 (2) That the person knows would cause that individual reasonably to:  
4108 (A) Fear for his or her safety or the safety of another person;  
4109 (B) Feel seriously alarmed, disturbed, or frightened; or  
4110 (C) Suffer emotional distress; or  
4111 (3) That the person should have known would cause a reasonable person in the  
4112 individual's circumstances to:  
4113 (A) Fear for his or her safety or the safety of another person;  
4114 (B) Feel seriously alarmed, disturbed, or frightened; or  
4115 (C) Suffer emotional distress.  
4116 (b) This section does not apply to constitutionally protected activity.  
4117 (c) Where a single act is of a continuing nature, each 24-hour period constitutes a  
4118 separate occasion.  
4119 (d) The conduct on each of the occasions need not be the same as it is on the others.  
4120  
4121 § 22-3134. Penalties.  
4122 (a) Except as provided in subsections (b) and (c) of this section, a person who violates §  
4123 22-3133 shall be fined not more than the amount set forth in § 22-3571.01, imprisoned for not  
4124 more than 12 months, or both.  
4125 (b) A person who violates § 22-3133 shall be fined not more than the amount set forth in  
4126 § 22-3571.01, imprisoned for not more than 5 years, or both, if the person:  
4127 (1) At the time, was subject to a court, parole, or supervised release order prohibiting  
4128 contact with the specific individual;  
4129 (2) Has one prior conviction in any jurisdiction of stalking any person within the  
4130 previous 10 years;  
4131 (3) At the time, was at least 4 years older than the specific individual and the specific  
4132 individual was less than 18 years of age; or  
4133 (4) Caused more than \$ 2,500 in financial injury.  
4134 (c) A person who violates § 22-3133 shall be fined not more than the amount set forth in  
4135 § 22-3571.01, imprisoned for not more than 10 years, or both, if the person has 2 or more prior  
4136 convictions in any jurisdiction for stalking any person, at least one of which was for a jury  
4137 demandable offense.  
4138 (d) A person shall not be sentenced consecutively for stalking and identify theft based on  
4139 the same act or course of conduct.  
4140  
4141 § 22-3135. Jurisdiction.  
4142 (a) An offense shall be deemed to be committed in the District of Columbia if the conduct  
4143 on at least one occasion was initiated in the District of Columbia or had an effect on the specific  
4144 individual in the District of Columbia.  
4145 (b) A communication shall be deemed to be committed in the District of Columbia if it is  
4146 made or received in the District of Columbia or, if the specific individual lives in the District of  
4147 Columbia, it can be electronically accessed in the District of Columbia.  
4148  
4149 CHAPTER 31B.  
4150 TERRORISM.  
4151  
4152 Sec.

4153 22-3151. Short title.  
4154 22-3152. Definitions.  
4155 22-3153. Acts of terrorism; penalties.  
4156 22-3154. Manufacture of possession of a weapon of mass destruction.  
4157 22-3155. Use, dissemination, or detonation of a weapon of mass destruction.  
4158 22-3156. Jurisdiction.  
4159  
4160 § 22-3151. Short title.  
4161 This chapter may be cited as the "Anti-Terrorism Act of 2002".  
4162  
4163 § 22-3152. Definitions.  
4164 For the purposes of this chapter, the term:  
4165 (1) "Act of terrorism" means an act or acts that constitute a specified offense as defined  
4166 in paragraph (8) of this section and that are intended to:  
4167 (A) Intimidate or coerce a significant portion of the civilian population of:  
4168 (i) The District of Columbia; or  
4169 (ii) The United States; or  
4170 (B) Influence the policy or conduct of a unit of government by intimidation or  
4171 coercion.  
4172 (2) "Biological agent" means any microorganism, virus, infectious substance, or  
4173 biological product that may be engineered as a result of biotechnology, or any naturally  
4174 occurring or bioengineered component of any such microorganism, virus, infectious substance,  
4175 or biological product, capable of causing:  
4176 (A) Death, disease, or other biological malfunction in a human, an animal, a plant,  
4177 or another living organism;  
4178 (B) Deterioration of food, water, equipment, supplies, or material of any kind; or  
4179 (C) Deleterious alteration of the environment.  
4180 (3) "Hoax weapon of mass destruction" means any device or object that by its design,  
4181 construction, content, or characteristics, appears to be or to contain, or is represented to be or to  
4182 contain a weapon of mass destruction, even if it is, in fact, an inoperative facsimile or imitation  
4183 of a weapon of mass destruction, or contains no weapon of mass destruction.  
4184 (4) "Material support or resources" means:  
4185 (A) Expert services or assistance;  
4186 (B) Currency, financial securities or other monetary instruments, financial services,  
4187 lodging, training, false documentation or identification, equipment, facilities, weapons, lethal  
4188 substances, explosives, personnel, transportation, and other physical assets; or  
4189 (C) A weapon of mass destruction.  
4190 (5) "Nuclear material" means material containing any:  
4191 (A) Plutonium;  
4192 (B) Uranium not in the form of ore or ore residue that contains the mixture of  
4193 isotopes as occurring in nature;  
4194 (C) Enriched uranium, defined as uranium that contains the isotope 233 or 235 or  
4195 both in such amount that the abundance ratio of the sum of those isotopes to the isotope 238 is  
4196 greater than the ratio of the isotope 235 to the isotope 238 occurring in nature; or  
4197 (D) Uranium 233.  
4198 (6) "Provision of material support or resources for an act of terrorism" means the act of

4199 providing material support or resources to a person or an organization with the purpose or  
4200 knowledge that the material support or resources will be used, in whole or in part, to plan,  
4201 prepare, or carry out an act of terrorism, or to flee after committing an act of terrorism.  
4202 (7) "Solicitation of material support or resources to commit an act of terrorism" means  
4203 the act of raising, soliciting, or collecting material support or resources with the purpose or  
4204 knowledge that such material support or resources will be used, in whole or in part, to plan,  
4205 prepare, or carry out an act of terrorism, or to flee after committing an act of terrorism.  
4206 (8) "Specified offense" means:  
4207 (A) Section 22-2101 (Murder in the first degree);  
4208 (B) Section 22-2102 (Murder in the first degree -- placing obstructions upon or  
4209 displacement of railroads);  
4210 (C) Section 22-2106 (Murder of law enforcement officer or public safety employee);  
4211 (D) Section 22-2103 (Murder in the second degree);  
4212 (E) Section 22-2105 (Manslaughter);  
4213 (F) Section 22-2001 (Kidnapping and conspiracy to kidnap);  
4214 (G) Section 22-401 (Assault with intent to kill only);  
4215 (H) Section 22-406 (Mayhem or maliciously disfiguring);  
4216 (I) Section 22-301 (Arson);  
4217 (J) Section 22-303 (Malicious burning, destruction, or injury of another's property, if  
4218 the property is valued at \$ 500,000 or more); or  
4219 (K) An attempt or conspiracy to commit any of the offenses listed in subparagraphs  
4220 (A) through (J) of this paragraph.  
4221 (9) "Toxic or poisonous chemical" means any chemical which, through its chemical  
4222 action on life processes, can cause death, permanent incapacitation, or permanent harm to  
4223 humans.  
4224 (10) "Toxin" means the toxic material of plants, animals, microorganisms, viruses,  
4225 fungi, or infectious substances, or a recombinant molecule, whatever its origin or method of  
4226 production, including:  
4227 (A) Any poisonous substance or biological product that may be engineered as a  
4228 result of biotechnology produced by a living organism; or  
4229 (B) Any poisonous isomer or biological product, homolog, or derivative of such a  
4230 substance;  
4231 (11) "Unit of government" means:  
4232 (A) The office of the President of the United States;  
4233 (B) The United States Congress;  
4234 (C) Any federal executive department or agency;  
4235 (D) The office of the Mayor of the District of Columbia;  
4236 (E) Any executive department or agency of the District of Columbia, including any  
4237 independent agency, board, or commission;  
4238 (F) The Council of the District of Columbia;  
4239 (G) The Superior Court of the District of Columbia;  
4240 (H) The District of Columbia Court of Appeals;  
4241 (I) The United States Court of Appeals for the District of Columbia;  
4242 (J) The United States District Court for the District of Columbia; or  
4243 (K) The Supreme Court of the United States.  
4244 (12) "Weapon of mass destruction" means:

4245 (A) Any destructive device that is designed, intended, or otherwise used to cause  
4246 death or serious bodily injury, including:  
4247 (i) An explosive, incendiary, or poison gas:  
4248 (I) Bomb;  
4249 (II) Grenade;  
4250 (III) Rocket;  
4251 (IV) Missile;  
4252 (V) Mine; or  
4253 (VI) Device similar to any of the devices described in the preceding  
4254 clauses;  
4255 (ii) A mortar, cannon, or artillery piece; or  
4256 (iii) Any combination of parts either designed or intended for use in converting  
4257 any device into a device described in sub-subparagraphs (i) through (iii) of this paragraph and  
4258 from which such device may be readily assembled;  
4259 (B) An object similar to or used to achieve the same destructive effect of any of the  
4260 devices described in subparagraph (A) of this paragraph;  
4261 (C) Any weapon that is designed, intended, or otherwise used to cause death or  
4262 serious bodily injury through the release, dissemination, or impact of a toxic or poisonous  
4263 chemical;  
4264 (D) Any weapon that is designed, intended, or otherwise used to cause death or  
4265 serious bodily injury through the release, dissemination, or impact of a biological agent or toxin;  
4266 or  
4267 (E) Any weapon that is designed, intended, or otherwise used to cause death or  
4268 serious bodily injury through the release, dissemination, or impact of radiation or radioactivity,  
4269 or that contains nuclear material.  
4270  
4271 § 22-3153. Acts of terrorism; penalties.  
4272 (a) A person who commits first degree murder that constitutes an act of terrorism shall,  
4273 upon conviction, be punished by imprisonment for life without the possibility of release.  
4274 (b) A person who commits murder of a law enforcement officer or public safety  
4275 employee that constitutes an act of terrorism shall, upon conviction, be punished by  
4276 imprisonment for life without the possibility of release.  
4277 (c) A person who commits murder in the second degree that constitutes an act of  
4278 terrorism may, upon conviction, be punished by imprisonment for life.  
4279 (d) A person who commits manslaughter that constitutes an act of terrorism may, upon  
4280 conviction, be punished by imprisonment for life.  
4281 (e) A person who commits kidnapping that constitutes an act of terrorism may, upon  
4282 conviction, be punished by imprisonment for life.  
4283 (f) A person who commits any assault with intent to kill that constitutes an act of  
4284 terrorism may, upon conviction, be punished by imprisonment for not more than 30 years.  
4285 (g) A person who commits mayhem or maliciously disfiguring another that constitutes an  
4286 act of terrorism may, upon conviction, be punished by imprisonment for not more than 20 years.  
4287 (h) A person who commits arson that constitutes an act of terrorism may, upon  
4288 conviction, be punished by imprisonment for not more than 20 years.



4289 (i) A person who commits malicious burning, destruction, or injury of another's property,  
4290 if such property is valued at \$ 500,000 or more, that constitutes an act of terrorism may, upon  
4291 conviction, be punished by imprisonment for not more than 20 years.

4292 (j) A person who attempts or conspires to commit first degree murder, murder of a law  
4293 enforcement officer or public safety employee, murder in the second degree, manslaughter, or  
4294 kidnapping that constitutes an act of terrorism may be punished by imprisonment for not more  
4295 than 30 years.

4296 (k) A person who attempts or conspires to commit any assault with intent to kill that  
4297 constitutes an act of terrorism may, upon conviction, be punished by imprisonment for not more  
4298 than 20 years.

4299 (l) A person who attempts or conspires to commit mayhem or maliciously disfiguring  
4300 another, arson, or malicious burning, destruction, or injury of another's property, if such property  
4301 is valued at \$ 500,000 or more, that constitutes an act of terrorism may, upon conviction, be  
4302 punished by imprisonment of not more than 15 years.

4303 (m) A person who provides material support or resources for an act of terrorism may,  
4304 upon conviction, be punished by imprisonment for not more than 20 years.

4305 (n) A person who solicits material support or resources to commit an act of terrorism  
4306 may, upon conviction, be punished by imprisonment for not more than 20 years.

4307  
4308 § 22-3154. Manufacture or possession of a weapon of mass destruction.

4309 (a) A person who manufactures or possesses a weapon of mass destruction capable of  
4310 causing multiple deaths, serious bodily injuries to multiple persons, or massive destruction of  
4311 property may, upon conviction, be punished by imprisonment for life.

4312 (b) A person who attempts or conspires to manufacture or possess a weapon of mass  
4313 destruction capable of causing multiple deaths, serious bodily injuries to multiple persons, or  
4314 massive destruction of property may, upon conviction, be punished by imprisonment for not  
4315 more than 30 years.

4316 (c) In addition to any other penalty provided under this section, a person may be fined an  
4317 amount not more than the amount set forth in § 22-3571.01.

4318  
4319 § 22-3155. Use, dissemination, or detonation of a weapon of mass destruction.

4320 (a) A person who uses, disseminates, or detonates a weapon of mass destruction capable  
4321 of causing multiple deaths, serious bodily injuries to multiple persons, or massive destruction of  
4322 property may, upon conviction, be punished by imprisonment for life.

4323 (b) A person who attempts or conspires to use, disseminate, or detonate a weapon of mass  
4324 destruction capable of causing multiple deaths, serious bodily injuries to multiple persons, or  
4325 massive destruction of property may, upon conviction, be punished by imprisonment for not  
4326 more than 30 years.

4327 (c) In addition to any other penalty provided under this section, a person may be fined an  
4328 amount not more than the amount set forth in § 22-3571.01.

4329  
4330 § 22-3156. Jurisdiction.

4331 There is jurisdiction to prosecute any person who participates in the commission of any  
4332 offense described in this chapter if any act in furtherance of the offense occurs in the District of  
4333 Columbia or where the effect of any act in furtherance of the offense occurs in the District of  
4334 Columbia.

4335  
4336 CHAPTER 32. THEFT; FRAUD; STOLEN PROPERTY; FORGERY; AND EXTORTION.

4337  
4338 *Subchapter I.*  
4339 *General Provisions.*

4340  
4341 Sec.  
4342 22-3201. Definitions.  
4343 22-3202. Aggregation of amounts received to determine grade of offense.  
4344 22-3203. Consecutive sentences.  
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4346  
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4348 *Theft; Related Offenses.*

4349  
4350 22-3211. Theft.  
4351 22-3212. Penalties for theft.  
4352 22-3213. Shoplifting.  
4353 22-3214. Commercial piracy.  
4354 22-3214.01. Deceptive labeling.  
4355 22-3214.02. Unlawful operation of a recording device in a motion picture theater.  
4356 22-3215. Unauthorized use of motor vehicles.  
4357 22-3216. Taking property without right.

4358  
4359 *Subchapter II-A.*  
4360 *Theft of Utility Service.*

4361  
4362 22-3218.01. Definitions.  
4363 22-3218.02. Unlawful acts.  
4364 22-3218.03. Presumptions and rebuttal evidence.  
4365 22-3218.04. Penalties for violations.

4366  
4367 *Subchapter III.*  
4368 *Fraud; Related Offenses.*

4369  
4370 22-3221. Fraud.  
4371 22-3222. Penalties for fraud.  
4372 22-3223. Credit card fraud.  
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4375  
4376 *Subchapter III-A.*  
4377 *Insurance Fraud.*

4378  
4379 22-3225.01. Definitions.  
4380 22-3225.02. Insurance fraud in the first degree.

- 4381 22-3225.03. Insurance fraud in the second degree.  
4382 22-3225.03a. Misdemeanor insurance fraud.  
4383 22-3225.04. Penalties.  
4384 22-3225.05. Restitution.  
4385 22-3225.06. Indemnity.  
4386 22-3225.07. Practitioners.  
4387 22-3225.08. Investigation and report of insurance fraud. [Transferred].  
4388 22-3225.09. Insurance fraud prevention and detection. [Transferred].  
4389 22-3225.10. Regulations. [Transferred].  
4390 22-3225.11. Limited law enforcement authority. [Transferred].  
4391 22-3225.12. Annual anti-fraud activity reporting requirement. [Transferred].  
4392 22-3225.13. Immunity. [Transferred].  
4393 22-3225.14. Prohibition of solicitation. [Transferred].  
4394 22-3225.15. Jurisdiction.  
4395  
4396 *Subchapter III-B.*  
4397 *Telephone Fraud.*  
4398  
4399 22-3226.01. Definitions.  
4400 22-3226.02. Application for a certificate of registration of telephone solicitor. [Transferred].  
4401 22-3226.03. Surety bond requirements for telephone solicitors. [Transferred].  
4402 22-3226.04. Security alternative to surety bonds. [Transferred].  
4403 22-3226.05. Exemptions. [Transferred].  
4404 22-3226.06. Unlawful acts and practices.  
4405 22-3226.07. Deceptive acts and practices prohibited.  
4406 22-3227.08. Abusive telemarketing acts or practices.  
4407 22-3227.09. Civil penalties. [Transferred].  
4408 22-3227.10. Criminal penalties.  
4409 22-3227.11. Private right of action. [Transferred].  
4410 22-3227.12. Statute of limitations period. [Transferred].  
4411 22-3227.13. Task force to combat fraud. [Transferred].  
4412 22-3227.14. Fraud Prevention Fund. [Transferred].  
4413 22-3227.15. General disclosures. [Transferred].  
4414  
4415 *Subchapter III-C.*  
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4417  
4418 22-3227.01. Definitions.  
4419 22-3227.02. Identity theft.  
4420 22-3227.03. Penalties for identity theft.  
4421 22-3227.04. Restitution.  
4422 22-3227.05. Correction of public records.  
4423 22-3227.06. Jurisdiction.  
4424 22-3227.07. Limitations.  
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4426

4427 *Subchapter IV.*  
4428 *Stolen Property.*

- 4429  
4430 22-3231. Trafficking in stolen property.  
4431 22-3232. Receiving stolen property.  
4432 22-3233. Altering or removing motor vehicle identification numbers.  
4433 22-3234. Altering or removing bicycle identification numbers.

4434  
4435 *Subchapter V.*  
4436 *Forgery.*

- 4437  
4438 22-3241. Forgery.  
4439 22-3242. Penalties for forgery.

4440  
4441 *Subchapter VI.*  
4442 *Extortion.*

- 4443  
4444 22-3251. Extortion.  
4445 22-3252. Blackmail.

4446  
4447 *Subchapter I.*  
4448 *General Provisions.*

- 4449  
4450  
4451 § 22-3201. Definitions.

4452 For the purposes of this chapter, the term:

4453 (1) "Appropriate" means to take or make use of without authority or right.

4454 (2) "Deprive" means:

4455 (A) To withhold property or cause it to be withheld from a person permanently or  
4456 for so extended a period or under such circumstances as to acquire a substantial portion of its  
4457 value; or

4458 (B) To dispose of the property, or use or deal with the property so as to make it  
4459 unlikely that the owner will recover it.

4460 (2A) "Person" means an individual (whether living or dead), trust, estate, fiduciary,  
4461 partnership, company, corporation, association, organization, union, government department,  
4462 agency, or instrumentality, or any other legal entity.

4463 (3) "Property" means anything of value. The term "property" includes, but is not  
4464 limited to:

4465 (A) Real property, including things growing on, affixed to, or found on land;

4466 (B) Tangible or intangible personal property;

4467 (C) Services;

4468 (D) Credit;

4469 (E) Debt; and

4470 (F) A government-issued license, permit, or benefit.

4471 (4) "Property of another" means any property in which a government or a person other  
4472 than the accused has an interest which the accused is not privileged to interfere with or infringe

4473 upon without consent, regardless of whether the accused also has an interest in that property. The  
4474 term "property of another" includes the property of a corporation or other legal entity established  
4475 pursuant to an interstate compact. The term "property of another" does not include any property  
4476 in the possession of the accused as to which any other person has only a security interest.

4477 (5) "Services" includes, but is not limited to:

4478 (A) Labor, whether professional or nonprofessional;

4479 (B) The use of vehicles or equipment;

4480 (C) Transportation, telecommunications, energy, water, sanitation, or other public  
4481 utility services, whether provided by a private or governmental entity;

4482 (D) The supplying of food, beverage, lodging, or other accommodation in hotels,  
4483 restaurants, or elsewhere;

4484 (E) Admission to public exhibitions or places of entertainment; and

4485 (F) Educational and hospital services, accommodations, and other related services.

4486 (6) "Stolen property" includes any property that has been obtained by conduct  
4487 previously known as embezzlement.

4488 (7) "Value" with respect to a credit card, check, or other written instrument means the  
4489 amount of money, credit, debt, or other tangible or intangible property or services that has been  
4490 or can be obtained through its use, or the amount promised or paid by the credit card, check, or  
4491 other written instrument.

4492  
4493 § 22-3202. Aggregation of amounts received to determine grade of offense.

4494 Amounts or property received pursuant to a single scheme or systematic course of  
4495 conduct in violation of § 22-3211 (Theft), § 22-3221 (Fraud), § 22-3223 (Credit Card Fraud), §  
4496 22-3227.02 (Identity Theft), § 22-3231 (Trafficking in Stolen Property), or § 22-3232 (Receiving  
4497 Stolen Property) may be aggregated in determining the grade of the offense and the sentence for  
4498 the offense.

4499  
4500 § 22-3203. Consecutive sentences.

4501 (a) A person may be convicted of any combination of theft, identity theft, fraud, credit  
4502 card fraud, unauthorized use of a vehicle, commercial piracy, and receiving stolen property for  
4503 the same act or course of conduct; provided, that no person shall be consecutively sentenced for  
4504 any such combination or combinations that arise from the same act or course of conduct.

4505 (b) Convictions arising out of the same act or course of conduct shall be considered as  
4506 one conviction for purposes of any application of repeat offender sentencing provisions.

4507  
4508 § 22-3204. Case referral.

4509 For the purposes of this chapter, in cases involving more than one jurisdiction, or in cases  
4510 where more than one District of Columbia agency is responsible for investigating an alleged  
4511 violation, the investigating agency to which the report was initially made may refer the matter to  
4512 another investigating or law enforcement agency with proper jurisdiction.

4513  
4514 *Subchapter II.*

4515 *Theft; Related Offenses.*

4516  
4517 § 22-3211. Theft.

4518 (a) For the purpose of this section, the term "wrongfully obtains or uses" means: (1)  
4519 taking or exercising control over property; (2) making an unauthorized use, disposition, or  
4520 transfer of an interest in or possession of property; or (3) obtaining property by trick, false  
4521 pretense, false token, tampering, or deception. The term "wrongfully obtains or uses" includes  
4522 conduct previously known as larceny, larceny by trick, larceny by trust, embezzlement, and false  
4523 pretenses.

4524 (b) A person commits the offense of theft if that person wrongfully obtains or uses the  
4525 property of another with intent:

4526 (1) To deprive the other of a right to the property or a benefit of the property; or

4527 (2) To appropriate the property to his or her own use or to the use of a third person.

4528 (c) In cases in which the theft of property is in the form of services, proof that a person  
4529 obtained services that he or she knew or had reason to believe were available to him or her only  
4530 for compensation and that he or she departed from the place where the services were obtained  
4531 knowing or having reason to believe that no payment had been made for the services rendered in  
4532 circumstances where payment is ordinarily made immediately upon the rendering of the services  
4533 or prior to departure from the place where the services are obtained, shall be prima facie  
4534 evidence that the person had committed the offense of theft.

4535

4536 § 22-3212. Penalties for theft.

4537 (a) Theft in the first degree. -- Any person convicted of theft in the first degree shall be  
4538 fined not more than the amount set forth in § 22-3571.01 or imprisoned for not more than 10  
4539 years, or both, if the value of the property obtained or used is \$ 1,000 or more.

4540 (b) Theft in the second degree. -- Any person convicted of theft in the second degree shall  
4541 be fined not more than the amount set forth in § 22-3571.01 or imprisoned for not more than 180  
4542 days, or both, if the property obtained or used has some value.

4543 (c) A person convicted of theft in the first or second degree who has 2 or more prior  
4544 convictions for theft, not committed on the same occasion, shall be fined not more than the  
4545 amount set forth in § 22-3571.01 or imprisoned for not more than 10 years and for a mandatory-  
4546 minimum term of not less than one year, or both. A person sentenced under this subsection shall  
4547 not be released from prison, granted probation, or granted suspension of sentence, prior to  
4548 serving the mandatory-minimum.

4549 (d) For the purposes of this section, a person shall be considered as having 2 or more  
4550 prior convictions for theft if he or she has been convicted on at least 2 occasions of violations of:

4551 (1) Section 22-3211;

4552 (2) A statute in one or more jurisdictions prohibiting theft or larceny; or

4553 (3) Conduct that would constitute a violation of section 22-3211 if committed in the  
4554 District of Columbia.

4555

4556 § 22-3213. Shoplifting.

4557 (a) A person commits the offense of shoplifting if, with intent to appropriate without  
4558 complete payment any personal property of another that is offered for sale or with intent to  
4559 defraud the owner of the value of the property, that person:

4560 (1) Knowingly conceals or takes possession of any such property;

4561 (2) Knowingly removes or alters the price tag, serial number, or other identification  
4562 mark that is imprinted on or attached to such property; or

4563 (3) Knowingly transfers any such property from the container in which it is displayed  
4564 or packaged to any other display container or sales package.

4565 (b) Any person convicted of shoplifting shall be fined not more than the amount set forth  
4566 in § 22-3571.01 or imprisoned for not more than 90 days, or both.

4567 (c) It is not an offense to attempt to commit the offense described in this section.

4568 (d) A person who offers tangible personal property for sale to the public, or an employee  
4569 or agent of such a person, who detains or causes the arrest of a person in a place where the  
4570 property is offered for sale shall not be held liable for detention, false imprisonment, malicious  
4571 prosecution, defamation, or false arrest, in any proceeding arising out of such detention or arrest,  
4572 if:

4573 (1) The person detaining or causing the arrest had, at the time thereof, probable cause  
4574 to believe that the person detained or arrested had committed in that person's presence, an  
4575 offense described in this section;

4576 (2) The manner of the detention or arrest was reasonable;

4577 (3) Law enforcement authorities were notified within a reasonable time; and

4578 (4) The person detained or arrested was released within a reasonable time of the  
4579 detention or arrest, or was surrendered to law enforcement authorities within a reasonable time.

4580

4581 § 22-3214. Commercial piracy.

4582 (a) For the purpose of this section, the term:

4583 (1) "Owner", with respect to phonorecords or copies, means the person who owns the  
4584 original fixation of the property involved or the exclusive licensee in the United States of the  
4585 rights to reproduce and distribute to the public phonorecords or copies of the original fixation. In  
4586 the case of a live performance the term "owner" means the performer or performers.

4587 (2) "Proprietary information" means customer lists, mailing lists, formulas, recipes,  
4588 computer programs, unfinished designs, unfinished works of art in any medium, process,  
4589 program, invention, or any other information, the primary commercial value of which may  
4590 diminish if its availability is not restricted.

4591 (3) "Phonorecords" means material objects in which sounds, other than those  
4592 accompanying a motion picture or other audiovisual work, are fixed by any method now known  
4593 or later developed, and from which the sounds can be perceived, reproduced, or otherwise  
4594 communicated, either directly or with the aid of a machine or device. The term "phonorecords"  
4595 includes the material object in which the sounds are first fixed.

4596 (b) A person commits the offense of commercial piracy if, with the intent to sell, to  
4597 derive commercial gain or advantage, or to allow another person to derive commercial gain or  
4598 advantage, that person reproduces or otherwise copies, possesses, buys, or otherwise obtains  
4599 phonorecords of a sound recording, live performance, or copies of proprietary information,  
4600 knowing or having reason to believe that the phonorecord or copies were made without the  
4601 consent of the owner. A presumption of the requisite intent arises if the accused possesses 5 or  
4602 more unauthorized phonorecords either of the same sound recording or recording of a live  
4603 performance.

4604 (c) Nothing in this section shall be construed to prohibit:

4605 (1) Copying or other reproduction that is in the manner specifically permitted by Title  
4606 17 of the United States Code; or

4607 (2) Copying or other reproduction of a sound recording that is made by a licensed radio  
4608 or television station or a cable broadcaster solely for broadcast or archival use.

4609 (d) Any person convicted of commercial piracy shall be fined not more than the amount  
4610 set forth in § 22-3571.01 or imprisoned for not more than 180 days, or both.

4611 (e) This section does not apply to any sound recording initially fixed on or after February  
4612 15, 1972.

4613

4614 § 22-3214.01. Deceptive labeling.

4615 (a) For the purposes of this section, the term:

4616 (1) "Audiovisual works" means material objects upon which are fixed a series of  
4617 related images which are intrinsically intended to be shown by the use of machines or devices  
4618 such as projectors, viewers, or electronic equipment, now known or later developed, together  
4619 with accompanying sounds, if any, regardless of the nature of the material objects, such as films  
4620 or tapes, in which the works are embodied.

4621 (2) "Manufacturer" means the person who authorizes or causes the copying, fixation,  
4622 or transfer of sounds or images to sound recordings or audiovisual works subject to this section.

4623 (3) "Sound recordings" means material objects in which sounds, other than those  
4624 accompanying a motion picture or other audiovisual work, are fixed by any method now known  
4625 or later developed, and from which the sounds can be perceived, reproduced, or otherwise  
4626 communicated, either directly or with the aid of a machine or device.

4627 (b) A person commits the offense of deceptive labeling if, for commercial advantage or  
4628 private financial gain, that person knowingly advertises, offers for sale, resale, or rental, or sells,  
4629 resells, rents, distributes, or transports, or possesses for such purposes, a sound recording or  
4630 audiovisual work, the label, cover, or jacket of which does not clearly and conspicuously  
4631 disclose the true name and address of the manufacturer thereof.

4632 (c) Nothing in this section shall be construed to prohibit:

4633 (1) Any broadcaster who, in connection with, or as part of, a radio or television  
4634 broadcast transmission, or for the purposes of archival preservation, transfers any sounds or  
4635 images recorded on a sound recording or audiovisual work; or

4636 (2) Any person who, in his or her own home, for his or her own personal use, and without  
4637 deriving any commercial advantage or private financial gain, transfers any sounds or images  
4638 recorded on a sound recording or audiovisual work.

4639 (d)(1) Any person convicted of deceptive labeling involving less than 1,000 sound  
4640 recordings or less than 100 audiovisual works during any 180-day period shall be fined not more  
4641 than the amount set forth in § 22-3571.01 or imprisoned for not more than 1 year, or both.

4642 (2) Any person convicted of deceptive labeling involving 1,000 or more sound  
4643 recordings or 100 or more audiovisual works during a 180-day period shall be fined not more  
4644 than the amount set forth in § 22-3571.01 or imprisoned for not more than 5 years, or both.

4645 (e) Upon conviction under this section, the court shall, in addition to the penalties  
4646 provided by this section, order the forfeiture and destruction or other disposition of all sound  
4647 recordings, audiovisual works, and equipment used, or attempted to be used, in violation of this  
4648 section.

4649

4650 § 22-3214.02. Unlawful operation of a recording device in a motion picture theater.

4651 (a) For the purposes of this section, the term:

4652 (1) "Motion picture theater" means a theater or other auditorium in which a motion  
4653 picture is exhibited.

4654 (2) "Recording device" means a photographic or video camera, audio or video



4655 recorder, or any other device not existing, or later developed, which may be used for recording  
4656 sounds or images.

4657 (b) A person commits the offense of unlawfully operating a recording device in a motion  
4658 picture theater if, without authority or permission from the owner of a motion picture theater, or  
4659 his or her agent, that person operates a recording device within the premises of a motion picture  
4660 theater.

4661 (c) Any person convicted of unlawfully operating a recording device in a motion picture  
4662 theater shall be fined not more than the amount set forth in § 22-3571.01 or imprisoned for not  
4663 more than 90 days, or both.

4664 (d) A theater owner, or an employee or agent of a theater owner, who detains or causes  
4665 the arrest of a person in, or immediately adjacent to, a motion picture theater shall not be held  
4666 liable for detention, false imprisonment, malicious prosecution, defamation, or false arrest in any  
4667 proceeding arising out of such detention or arrest, if:

4668 (1) The person detaining or causing the arrest had, at the time thereof, probable cause  
4669 to believe that the person detained or arrested had committed, or attempted to commit, in that  
4670 person's presence, an offense described in this section;

4671 (2) The manner of the detention or arrest was reasonable;

4672 (3) Law enforcement authorities were notified within a reasonable time; and

4673 (4) The person detained or arrested was released within a reasonable time of the  
4674 detention or arrest, or was surrendered to law enforcement authorities within a reasonable time.

4675

4676 § 22-3215. Unauthorized use of motor vehicles.

4677 (a) For the purposes of this section, the term "motor vehicle" means any automobile, self-  
4678 propelled mobile home, motorcycle, truck, truck tractor, truck tractor with semitrailer or trailer,  
4679 or bus.

4680 (b) A person commits the offense of unauthorized use of a motor vehicle under this  
4681 subsection if, without the consent of the owner, the person takes, uses, or operates a motor  
4682 vehicle, or causes a motor vehicle to be taken, used, or operated, for his or her own profit, use, or  
4683 purpose.

4684 (c)(1) A person commits the offense of unauthorized use of a motor vehicle under this  
4685 subsection if, after renting, leasing, or using a motor vehicle under a written agreement which  
4686 provides for the return of the motor vehicle to a particular place at a specified time, that person  
4687 knowingly fails to return the motor vehicle to that place (or to any authorized agent of the party  
4688 from whom the motor vehicle was obtained under the agreement) within 18 days after written  
4689 demand is made for its return, if the conditions set forth in paragraph (2) of this subsection are  
4690 met.

4691 (2) The conditions referred to in paragraph (1) of this subsection are as follows:

4692 (A) The written agreement under which the motor vehicle is obtained contains the  
4693 following statement: "WARNING -- Failure to return this vehicle in accordance with the terms  
4694 of this rental agreement may result in a criminal penalty of up to 3 years in jail". This statement  
4695 shall be printed clearly and conspicuously in a contrasting color, set off in a box, and signed by  
4696 the person obtaining the motor vehicle in a space specially provided;

4697 (B) There is displayed clearly and conspicuously on the dashboard of the motor  
4698 vehicle the following notice: "NOTICE -- Failure to return this vehicle on time may result in  
4699 serious criminal penalties"; and

4700 (C) The party from whom the motor vehicle was obtained under the agreement

4701 makes a written demand for the return of the motor vehicle, either by actual delivery to the  
4702 person who obtained the motor vehicle, or by deposit in the United States mail of a postpaid  
4703 registered or certified letter, return receipt requested, addressed to the person at each address set  
4704 forth in the written agreement or otherwise provided by the person. The written demand shall  
4705 state clearly that failure to return the motor vehicle may result in prosecution for violation of the  
4706 criminal law of the District of Columbia punishable by up to 3 years in jail. The written demand  
4707 shall not be made prior to the date specified in the agreement for the return of the motor vehicle,  
4708 except that, if the parties or their authorized agents have mutually agreed to some other date for  
4709 the return of the motor vehicle, then the written demand shall not be made prior to the other date.

4710 (3) This subsection shall not apply in the case of a motor vehicle obtained under a  
4711 retail installation contract as defined in § 50-601(9).

4712 (4) It shall be a defense in any criminal proceeding brought under this subsection that a  
4713 person failed to return a motor vehicle for causes beyond his or her control. The burden of  
4714 raising and going forward with the evidence with respect to such a defense shall be on the person  
4715 asserting it. In any case in which such a defense is raised, evidence that the person obtained the  
4716 motor vehicle by reason of any false statement or representation of material fact, including a  
4717 false statement or representation regarding his or her name, residence, employment, or operator's  
4718 license, shall be admissible to determine whether the failure to return the motor vehicle was for  
4719 causes beyond his or her control.

4720 (d)(1) Except as provided in paragraphs (2) and (3) of this subsection, a person convicted  
4721 of unauthorized use of a motor vehicle under subsection (b) of this section shall be fined not  
4722 more than the amount set forth in § 22-3571.01, imprisoned for not more than 5 years, or both.

4723 (2)(A) A person convicted of unauthorized use of a motor vehicle under subsection (b)  
4724 of this section who took, used, or operated the motor vehicle, or caused the motor vehicle to be  
4725 taken, used, or operated, during the course of or to facilitate a crime of violence, shall be:

4726 (i) Fined not more than the amount set forth in § 22-3571.01, imprisoned for not  
4727 more than 10 years, or both, consecutive to the penalty imposed for the crime of violence; and

4728 (ii) If serious bodily injury results, imprisoned for not less than 5 years,  
4729 consecutive to the penalty imposed for the crime of violence.

4730 (B) For the purposes of this paragraph, the term "crime of violence" shall have the  
4731 same meaning as provided in § 23-1331(4).

4732 (3)(A) A person convicted of unauthorized use of a motor vehicle under subsection (b)  
4733 of this section who has 2 or more prior convictions for unauthorized use of a motor vehicle or  
4734 theft in the first degree, not committed on the same occasion, shall be fined not less than \$ 5,000  
4735 and not more than the amount set forth in § 22-3571.01, or imprisoned for not less than 30  
4736 months nor more than 15 years, or both.

4737 (B) For the purposes of this paragraph, a person shall be considered as having 2  
4738 prior convictions for unauthorized use of a motor vehicle or theft in the first degree if the person  
4739 has been twice before convicted on separate occasions of:

4740 (i) A prior violation of subsection (b) of this section or theft in the first degree;

4741 (ii) A statute in one or more other jurisdictions prohibiting unauthorized use of a  
4742 motor vehicle or theft in the first degree;

4743 (iii) Conduct that would constitute a violation of subsection (b) of this section or a  
4744 violation of theft in the first degree if committed in the District of Columbia; or

4745 (iv) Conduct that is substantially similar to that prosecuted as a violation of  
4746 subsection (b) of this section or theft in the first degree.

4747 (4) A person convicted of unauthorized use of a motor vehicle under subsection (c) of  
4748 this section shall be fined not more than the amount set forth in § 22-3571.01, imprisoned for not  
4749 more than 3 years, or both.

4750  
4751 § 22-3216. Taking property without right.

4752 A person commits the offense of taking property without right if that person takes and  
4753 carries away the property of another without right to do so. A person convicted of taking  
4754 property without right shall be fined not more than the amount set forth in § 22-3571.01 or  
4755 imprisoned for not more than 90 days, or both.

4756  
4757 *Subchapter II-A.*  
4758 *Theft of Utility Service.*  
4759

4760 § 22-3218.01. Definitions.

4761 For the purposes of this subchapter, the term:

4762 (1) "Company" means a person or enterprise engaged in the generation or distribution  
4763 of natural gas or electricity.

4764 (2) "Person" means any individual, corporation, company, association, firm,  
4765 partnership, joint stock company, or other entity.

4766  
4767 § 22-3218.02. Unlawful acts.

4768 Unless a person shall be authorized, or employed by, a company engaged in the  
4769 generation or distribution of natural gas or electricity, a person shall not willfully connect or  
4770 disconnect an electrical conductor belonging to the company; make any connection with an  
4771 electrical conductor for the purpose of using or wasting the electric current or gas; tamper with a  
4772 meter used to register gas or current consumed; interfere with the operation of an electrical or gas  
4773 appliance of the company; or tamper, or interfere, with the poles, wires, or conduits used by the  
4774 company. Nothing in this section shall prevent the lawful governmental regulation of gas or  
4775 electric companies or electricity suppliers, or their conductors, appliances, machinery, and poles.

4776  
4777 § 22-3218.03. Presumptions and rebuttal evidence.

4778 (a) The presence of a connection, wire, conductor, meter alteration, or any device which  
4779 effects the diversion of electric current or gas without the current or gas being measured or  
4780 registered by or on a meter installed by a company engaged in the generation or distribution of  
4781 electricity or natural gas, whether on a single property or within a multiple-unit building or  
4782 complex, shall constitute prima facie evidence of intent to violate § 22-3218.02.

4783 (b) If a check or test meter installed or employed by a company engaged in the generation  
4784 or distribution of electricity or natural gas shows that a person is using a larger amount of  
4785 electricity than is registered on the meter installed by the company on the person's premises for  
4786 the purpose of registering the natural gas or electricity used by the person, and the company has  
4787 verified that the meter is not malfunctioning, it shall constitute prima facie evidence that the  
4788 unregistered current or gas has been wrongfully diverted by such person and shall constitute  
4789 prima facie evidence of intent to violate § 22-3218.02.

4790 (c) The presumptions created by this section may be rebutted by a preponderance of the  
4791 evidence to the contrary that the person alleged to have violated § 22-3218a did not do so. If the  
4792 person in actual possession of the property or unit has not received the direct benefit of the

4793 reduction of the cost in electric or gas services, the presumptions created by this section shall  
4794 apply to the owner of the property or unit; provided, that the owner has received the direct  
4795 benefit of unregistered services for at least one full billing cycle.

4796  
4797 § 22-3218.04. Penalties for violation.

4798 (a) A person who violates § 22-3218.02 shall be guilty of a misdemeanor, and, upon a  
4799 conviction, shall be imprisoned for not more than 60 days, or fined, not more than the amount set  
4800 forth in § 22-3571.01, or both. In the case of a second or subsequent conviction, a person who  
4801 violates § 22-3218.02 shall be imprisoned for not more than 180 days, or fined, not more than the  
4802 amount set forth in § 22-3571.01, or both.

4803 (b) In addition to the criminal penalties in subsection (a) of this section, a person who is  
4804 found to have violated § 22-3218.02 in a civil proceeding shall be liable to the company using or  
4805 engaged in the generation or distribution of electricity or gas for restitution of the amount of any  
4806 losses or damage sustained.

4807  
4808 *Subchapter III.*

4809 *Fraud; Related Offenses.*

4810  
4811 § 22-3221. Fraud.

4812 (a) Fraud in the first degree. -- A person commits the offense of fraud in the first degree if  
4813 that person engages in a scheme or systematic course of conduct with intent to defraud or to  
4814 obtain property of another by means of a false or fraudulent pretense, representation, or promise  
4815 and thereby obtains property of another or causes another to lose property.

4816 (b) Fraud in the second degree. -- A person commits the offense of fraud in the second  
4817 degree if that person engages in a scheme or systematic course of conduct with intent to defraud  
4818 or to obtain property of another by means of a false or fraudulent pretense, representation, or  
4819 promise.

4820 (c) False promise as to future performance. -- Fraud may be committed by means of false  
4821 promise as to future performance which the accused does not intend to perform or knows will not  
4822 be performed. An intent or knowledge shall not be established by the fact alone that one such  
4823 promise was not performed.

4824  
4825 § 22-3222. Penalties for fraud.

4826 (a) Fraud in the first degree. --

4827 (1) Any person convicted of fraud in the first degree shall be fined not more than the  
4828 amount set forth in § 22-3571.01 or twice the value of the property obtained or lost, whichever is  
4829 greater, or imprisoned for not more than 10 years, or both, if the value of the property obtained  
4830 or lost is \$ 1,000 or more; and

4831 (2) Any person convicted of fraud in the first degree shall be fined not more than the  
4832 amount set forth in § 22-3571.01 or imprisoned for not more than 180 days, or both, if the  
4833 property obtained or lost has some value.

4834 (b) Fraud in the second degree. --

4835 (1) Any person convicted of fraud in the second degree shall be fined not more than the  
4836 amount set forth in § 22-3571.01 or twice the value of the property which was the object of the  
4837 scheme or systematic course of conduct, whichever is greater, or imprisoned for not more than 3  
4838 years, or both, if the value of the property which was the object of the scheme or systematic

4839 course of conduct is \$ 1,000 or more; and

4840 (2) Any person convicted of fraud in the second degree shall be fined not more than the  
4841 amount set forth in § 22-3571.01 or imprisoned for not more than 180 days, or both, if the  
4842 property that was the object of the scheme or systematic course of conduct has some value.

4843

4844 § 22-3223. Credit card fraud.

4845 (a) For the purposes of this section, the term "credit card" means an instrument or device,  
4846 whether known as a credit card, debit card, or by any other name, issued for use of the  
4847 cardholder in obtaining or paying for property or services.

4848 (b) A person commits the offense of credit card fraud if, with intent to defraud, that  
4849 person obtains or pays for property or services by:

4850 (1) Knowingly using a credit card, or the number or description thereof, which has  
4851 been issued to another person without the consent of the person to whom it was issued;

4852 (2) Knowingly using a credit card, or the number or description thereof, which has  
4853 been revoked or cancelled;

4854 (3) Knowingly using a falsified, mutilated, or altered credit card or number or  
4855 description thereof;

4856 (4) Representing that he or she is the holder of a credit card and the credit card had not  
4857 in fact been issued; or

4858 (5) Knowingly using for the employee's or contractor's own purposes a credit card, or  
4859 the number on or description of the credit card, issued to or provided to an employee or  
4860 contractor by or at the request of an employer for the employer's purposes.

4861 (c) A credit card is deemed cancelled or revoked when notice in writing thereof has been  
4862 received by the named holder as shown on the credit card or by the records of the issuer.

4863 (d)(1) Except as provided in paragraph (2) of this subsection, any person convicted of  
4864 credit card fraud shall be fined not more than the amount set forth in § 22-3571.01, imprisoned  
4865 for not more than 180 days, or both.

4866 (2) Any person convicted of credit card fraud shall be fined not more than the amount  
4867 set forth in § 22-3571.01, imprisoned for not more than 10 years, or both, if the value of the  
4868 property or services obtained or paid for is \$ 1,000 or more.

4869

4870 § 22-3224. Fraudulent registration.

4871 (a) A person commits the offense of fraudulent registration if, with intent to defraud the  
4872 proprietor or manager of a hotel, motel, or other establishment which provides lodging to  
4873 transient guests, that person falsely registers under a name or address other than his or her actual  
4874 name or address.

4875 (b) Any person convicted of fraudulent registration shall be fined not more than the  
4876 amount set forth in § 22-3571.01 or imprisoned for not more than 90 days, or both.

4877

4878 § 22-3224.01. Jurisdiction.

4879 An offense under this subchapter shall be deemed to be committed in the District of  
4880 Columbia, regardless of whether the offender is physically present in the District of Columbia, if:

4881 (1) The person to whom a credit card was issued or in whose name the credit card was  
4882 issued is a resident of, or located in, the District of Columbia;

4883 (2) The person who was defrauded is a resident of, or located in, the District of  
4884 Columbia at the time of the fraud;

- 4885 (3) The loss occurred in the District of Columbia; or  
4886 (4) Any part of the offense takes place in the District of Columbia.  
4887

4888 *Subchapter III-A.*  
4889 *Insurance Fraud.*  
4890

4891 § 22-3225.01. Definitions.

4892 For the purposes of this subchapter, the term:

4893 (1) "Business of insurance" means the writing of insurance or reinsuring the risks by an  
4894 insurer, including acts necessary or incidental to writing insurance or reinsuring risks and the  
4895 activities of persons who act as or are officers, directors, agents, or employees of insurers, or  
4896 who are other persons authorized to act on their behalf.

4897 (2) "Commissioner" means the Commissioner of the Department of Insurance,  
4898 Securities, and Banking, the Commissioner's designee, or the Department of Insurance,  
4899 Securities, and Banking.

4900 (3) "District" means the District of Columbia.

4901 (4) "Insurance" means a contract or arrangement in which one undertakes to:

4902 (A) Pay or indemnify another as to loss from certain contingencies called "risks,"  
4903 including through reinsurance;

4904 (B) Pay or grant a specified amount or determinable benefit to another in connection  
4905 with ascertainable risk contingencies;

4906 (C) Pay an annuity to another; or

4907 (D) Act as a surety.

4908 (5) "Insurance professional" means insurance sales agents or managing general agents,  
4909 insurance brokers, insurance producers, insurance adjusters, and insurance third party  
4910 administrators.

4911 (6) "Insurer" includes any company defined by § 31-4202 and § 31-2501.03,  
4912 authorized to do the business of insurance in the District, a hospital and medical services  
4913 corporation, a fraternal benefit society, or a health maintenance organization. The term "insurer"  
4914 shall not apply to a Medicaid health maintenance organization.

4915 (7) "Malice" means an intentional or deliberate infliction of injury, by furnishing or  
4916 disclosing information with knowledge that the information is false, or furnishing or disclosing  
4917 information with reckless disregard for a strong likelihood that the information is false and that  
4918 injury will occur as a result.

4919 (8) "Person" means a natural person, company, corporation, joint stock company,  
4920 unincorporated association, partnership, professional corporation, trust, or any other entity or  
4921 combination of the foregoing.

4922 (9) "Practitioner" means a person, licensed to practice a profession or trade in the  
4923 District, whose services are compensated either in whole or in part, directly or indirectly, by  
4924 insurance proceeds.

4925 (10) "Premium" means the money paid or payable as the consideration for coverage  
4926 under an insurance policy.  
4927

4928 § 22-3225.02. Insurance fraud in the first degree.

4929 A person commits the offense of insurance fraud in the first degree if that person  
4930 knowingly engages in the following conduct with the intent to defraud or to fraudulently obtain

4931 property of another and thereby obtains property of another or causes another to lose property  
4932 and the value of the property obtained or lost is \$ 1,000 or more:  
4933 (1) Presenting false information or knowingly conceals information regarding a  
4934 material fact in any of the following transactions:  
4935 (A) Application for, rating of, or renewal of an insurance policy or reinsurance  
4936 contract;  
4937 (B) Claim for payment or benefit pursuant to an insurance policy or reinsurance  
4938 contract;  
4939 (C) Premiums paid on an insurance policy or reinsurance contract;  
4940 (D) Payment made in accordance with the terms of an insurance policy or  
4941 reinsurance contract;  
4942 (E) Application used in a premium finance transaction;  
4943 (F) Solicitation for sale of an insurance policy;  
4944 (G) Application for a license or certificate of authority filed with the Commissioner  
4945 or the chief insurance regulatory official of another jurisdiction;  
4946 (H) Financial statement or condition of any insurer or reinsurer;  
4947 (I) Acquisition, formation, merger, affiliation, reconsolidation, dissolution, or  
4948 withdrawal from one or more lines of insurance or reinsurance in the District by an insurer or  
4949 reinsurer;  
4950 (J) Issuance of written evidence of insurance; or  
4951 (K) Application for reinstatement of an insurance policy;  
4952 (2) Soliciting or accepting insurance or renewal of insurance by or for an insurer which  
4953 the person knows is insolvent or has a strong likelihood of insolvency;  
4954 (3) Removal or tampering with the records of transaction, documentation, and other  
4955 material assets of an insurer from the insurer or from the Department of Insurance and Securities  
4956 Regulation;  
4957 (4) Diversion, misappropriation, conversion, or embezzlement of funds of an insurer,  
4958 an insured, claimant or applicant regarding any of the following:  
4959 (A) Insurance transaction;  
4960 (B) Other insurance business activities by an insurer or insurance professional; or  
4961 (C) Acquisition, formation, merger, affiliation or dissolution of an insurer.  
4962 (5) Transaction of the business of insurance in violation of laws requiring a license,  
4963 certificate of authority, or other legal authority for the transaction of the business of insurance; or  
4964 (6) Employing or using any other person or acting as the agent of any other person to  
4965 procure a client, patient, or customer for the purpose of falsely or fraudulently obtaining benefits  
4966 under a contract of insurance or asserting a false or fraudulent claim against an insured or  
4967 insurer.  
4968  
4969 § 22-3225.03. Insurance fraud in the second degree.  
4970 A person commits the offense of insurance fraud in the second degree if that person  
4971 knowingly engages in conduct specified in § 22-3225.02 with the intent to defraud or to  
4972 fraudulently obtain property of another and the value of the property which is sought to be  
4973 obtained is \$ 1,000 or more.  
4974  
4975 § 22-3225.03a. Misdemeanor insurance fraud.

4976 A person commits the offense of misdemeanor insurance fraud if that person knowingly  
4977 engages in conduct specified in § 22-3225.02 with the intent to defraud or to fraudulently obtain  
4978 property of another.

4979  
4980 § 22-3225.04. Penalties.

4981 (a) Any person convicted of insurance fraud in the first degree shall be fined not more  
4982 than the amount set forth in § 22-3571.01 or imprisoned for not more than 15 years, or both.

4983 (b)(1) Except as provided in paragraph (2) of this subsection, any person convicted of  
4984 insurance fraud in the second degree shall be fined not more than the amount set forth in § 22-  
4985 3571.01 or imprisoned for not more than 5 years, or both.

4986 (2) Any person convicted of insurance fraud in the second degree who has been  
4987 convicted previously of insurance fraud pursuant to § 22-3225.02 or § 22-3225.03, or a felony  
4988 conviction based on similar grounds in any other jurisdiction, shall be fined not more than the  
4989 amount set forth in § 22-3571.01 or imprisoned for not more than 10 years, or both.

4990 (c) Any person convicted of misdemeanor insurance fraud shall be fined not more than  
4991 the amount set forth in § 22-3571.01 or imprisoned for not more than 180 days, or both.

4992 (d) A person convicted of a felony violation of this subchapter shall be disqualified from  
4993 engaging in the business of insurance, subject to 18 U.S.C. § 1033(e)(2).

4994  
4995 § 22-3225.05. Restitution.

4996 (a) In addition to the penalties provided under § 22-3225.04, a person convicted under  
4997 this subchapter shall make monetary restitution for any loss caused by the offense. The court  
4998 shall determine the form and method of payment which, if by installment, shall not exceed 5  
4999 years.

5000 (b) Any person, including the District, injured as the result of an insurance fraud in the  
5001 first degree may bring suit in the appropriate court to recover ordinary damages including  
5002 attorney's fees and other costs and punitive damages which shall not be less than \$ 500 nor more  
5003 than \$ 50,000. Except where punitive damages are sought, the court shall award treble damages  
5004 where the offense is proven by clear and convincing evidence to be in accordance with an  
5005 established pattern or practice.

5006 (c) Notwithstanding any action that may be brought by the United States Attorney's office  
5007 to recoup its costs in prosecuting these cases, the Attorney General for the District of Columbia  
5008 may bring a civil suit against any person convicted under this subchapter in order to recover  
5009 investigation and prosecution-related costs incurred by the District.

5010 (d) A suit under subsection (b) of this section must be filed within 3 years of the act  
5011 constituting the offense or within 3 years of the time the plaintiff discovered or with reasonable  
5012 diligence could have discovered the act, whichever is later. This 3 year statute of limitations shall  
5013 not apply to the District.

5014 (e) Remedies provided in this section shall be exclusive and may not be claimed in  
5015 conjunction with any other remedies available under the law.

5016  
5017 § 22-3225.06. Indemnity.

5018 An insurer shall not be liable for the following:

5019 (1) Damages or restitution provided by this subchapter, either jointly, severably, or as a  
5020 third party, for insurance fraud offense committed by an insured; or



5021 (2) The defense of an insured or other person who is charged with insurance fraud.  
5022  
5023 § 22-3225.07. Practitioners.  
5024 (a) Notwithstanding any other provisions of law, the offenses of insurance fraud in the  
5025 first degree or the second degree shall be deemed a crime of moral turpitude for the purposes of  
5026 professional or trade license.  
5027 (b) The Commissioner, court, or prosecutor shall notify the appropriate licensing  
5028 authority, and the person who is injured by the offense may notify the appropriate licensing  
5029 authority of any conviction.  
5030  
5031 § 22-3225.08. Investigation and report of insurance fraud. [Transferred].  
5032 Transferred.  
5033  
5034 § 22-3225.09. Insurance fraud prevention and detection. [Transferred].  
5035 Transferred.  
5036  
5037 § 22-3225.10. Regulations. [Transferred].  
5038 Transferred.  
5039  
5040 § 22-3225.11. Limited law enforcement authority. [Transferred].  
5041 Transferred.  
5042  
5043 § 22-3225.12. Annual anti-fraud activity reporting requirement. [Transferred].  
5044 Transferred.  
5045  
5046 § 22-3225.13. Immunity. [Transferred].  
5047 Transferred.  
5048  
5049 § 22-3225.14. Prohibition of solicitation. [Transferred].  
5050 Transferred.  
5051  
5052 § 22-3225.15. Jurisdiction.  
5053 An offense under this subchapter shall be deemed to be committed in the District of  
5054 Columbia, regardless of whether the offender is physically present in the District of Columbia, if:  
5055 (1) The insured, insurer, claimant, or applicant is a resident of, or located in, the  
5056 District of Columbia;  
5057 (2) A District of Columbia address is used on an application, policy, or claim for  
5058 payment or benefit;  
5059 (3) The services for which a claim is made were provided or alleged to have been  
5060 provided in the District of Columbia;  
5061 (4) Payment of a claim or benefit was made or was to be made to an address in the  
5062 District of Columbia;  
5063 (5) The loss occurred or is alleged to have occurred in the District of Columbia; or  
5064 (6) Any part of the offense takes place in the District of Columbia.  
5065  
5066

*Subchapter III-B.*

*Telephone Fraud.*

§ 22-3226.01. Definitions.

For the purposes of this subchapter, the term:

(1) "Applicant" means any individual, sole proprietorship, partnership, association, cooperative, corporation, nonprofit organization, and any other organization required to register with the District to conduct telemarketing in the District of Columbia.

(2) "Certificate of registration" means a document issued by the District government showing that a named individual or business has registered as a telephone solicitor with the Mayor of the District of Columbia.

(3) "Consumer" means a person who is or may be required to pay for goods or services offered by a telephone solicitor through telemarketing.

(4) "Goods" or "services" means any real property or any tangible or intangible personal property or services of any kind provided or offered to a consumer.

(5) "Licensed securities, commodities or investment broker" means a licensed or registered securities, commodities or investment broker.

(6) "Seller" means any person, who, in connection with a telemarketing transaction, provides, offers to provide, or arranges for others to provide goods or services to the customer in exchange for consideration.

(7) "Telemarketing" means a plan, program or campaign which is conducted to induce the purchase of goods or services by use of one or more telephones. Telemarketing does not include a one-time or infrequent transaction unrelated to a pattern of repeated transactions. Telemarketing does not include a telephone call to a consumer:

(A) As a one-time or infrequent transaction unrelated to a pattern of repeated transactions;

(B) To provide information to a consumer and in which payment for the sale of good or services is not accepted in that telephone call;

(C) To administer an existing account or service an existing customer (including product safety recalls);

(D) To respond to a consumer's request; or

(E) In which payment for the sale of good or services is not accepted in that telephone call.

(8) "Telephone solicitor" means a person (acting himself or herself or itself, or through an agent) who initiates a telephone call to a consumer in the District of Columbia as a part of a plan, program, or campaign which is conducted to induce the purchase of goods or services by the use of one or more telephones. A telephone solicitor does not include a person who initiates a telephone call to a consumer:

(A) As a one-time or infrequent transaction unrelated to a pattern of repeated transactions;

(B) To provide information to a consumer and in which payment for the sale of good or services is not accepted in that telephone call;

(C) To administer an existing account or service an existing customer (including product safety recalls);

(D) To respond to a consumer's request; or

(E) Does not accept payment for the sale of good or services in that telephone call.

5113 § 22-3226.02. Application for a certificate of registration of telephone solicitor.  
5114 [Transferred].  
5115 Transferred.  
5116  
5117 § 22-3226.03. Surety bond requirements for telephone solicitors. [Transferred].  
5118 Transferred.  
5119  
5120 § 22-3226.04. Security alternative to surety bonds. [Transferred].  
5121 Transferred.  
5122  
5123 § 22-3226.05. Exemptions. [Transferred].  
5124 Transferred.  
5125  
5126 § 22-3226.06. Unlawful acts and practices.  
5127 (a) A telephone solicitor commits the offense of telephone solicitation fraud when  
5128 engaged in any one of the following:  
5129 (1) Fails to obtain or maintain a valid certificate of registration;  
5130 (2) Obtains a certificate of registration through any false or fraudulent pretence or  
5131 representation in any registration application;  
5132 (3) Knowingly fails to have received written consent to use the name of a charitable  
5133 organization;  
5134 (4) Knowingly misrepresents any of the following:  
5135 (A) The total cost of the goods or services that are the subject of the telephone  
5136 solicitation sales call;  
5137 (B) Material restrictions, material limitations, or material conditions to the purchase  
5138 of goods or services that are the subject of a telephone solicitation;  
5139 (C) Material aspects of the performance, efficacy, nature or characteristics of goods  
5140 or services that are the subject of a telephone solicitation; or  
5141 (D) Material aspects of the nature of terms of the telephone solicitor's refund,  
5142 cancellation, exchange or repurchase policies;  
5143 (5) Induces a consumer to purchase goods or services by means of a false or fraudulent  
5144 pretense, representation or promise;  
5145 (6) Charges a consumer's checking or savings account without the consumer's express  
5146 written authorization; or  
5147 (7) Procures the services of any professional delivery, courier, or other pickup service  
5148 to obtain immediate receipt and/or possession of a consumer's payment unless the goods are  
5149 delivered with the opportunity to inspect before payment is collected.  
5150 (b) A person who violates any provision of this section shall be subject to the penalties  
5151 provided in §§ 22-3226.09 and 22-3226.10.  
5152  
5153 § 22-3226.07. Deceptive acts and practices prohibited.  
5154 (a) It is a deceptive telemarketing act or practice for any seller or telephone solicitor to  
5155 misrepresent any of the following material information:  
5156 (1) The total purchase cost to the consumer of the goods or services to be received;  
5157 (2) The true name of the telephone solicitor; or

5158 (3) Material aspects of the quality or basic characteristics of the goods or services  
5159 purchased.

5160 (b) It is a deceptive telemarketing act or practice for any seller or telephone solicitor to  
5161 misrepresent any material fact regarding the goods or services purchased that has a tendency to  
5162 mislead.

5163 (c) No person shall commit a deceptive telemarketing act or practice.

5164

5165 § 22-3226.08. Abusive telemarketing acts or practices.

5166 It is an abusive telemarketing act or practice and violation of this subchapter for a seller  
5167 or telephone solicitor to engage in the following conduct:

5168 (1) Cause a telephone to ring more than 15 times in an intended telephone solicitation  
5169 call;

5170 (2) Initiate a telephone solicitation call to a consumer after the same consumer has  
5171 expressly stated that he or she does not wish to receive solicitation calls from that seller; or

5172 (3) Engage in telephone solicitation to a consumer's residence at any time before 8:00  
5173 a.m. and after 9:00 p.m., local time at the place of the consumer called.

5174

5175 § 22-3226.09. Civil penalties. [Transferred].

5176 Transferred.

5177

5178 § 22-3226.10. Criminal penalties.

5179 Any telephone solicitor who violates § 22-3226.06 and obtains property thereby shall be  
5180 guilty of the crime of telemarketing fraud, which is punishable as follows:

5181 (1) If the amount of the transaction is valued at \$ 20,000 or more, the seller or  
5182 telephone solicitor shall upon conviction be guilty of a felony, and shall be subject to a fine of  
5183 not more than the amount set forth in § 22-3571.01 or imprisonment for not more than 4 years, or  
5184 both.

5185 (2) If the amount of the transaction is valued at less than \$ 20,000 but more than \$  
5186 5,000, the seller or telephone solicitor shall upon conviction be guilty of a felony, and shall be  
5187 subject to a fine of not more than the amount set forth in § 22-3571.01 or imprisonment for not  
5188 more than 3 years, or both.

5189 (3) If the amount of the transaction is valued at less than \$ 5,000 or less, the seller or  
5190 telephone solicitor shall upon conviction be guilty of a misdemeanor and shall be subject to a  
5191 fine of not more than the amount set forth in § 22-3571.01 or imprisonment for not more than 6  
5192 months, or both.

5193

5194 § 22-3226.11. Private right of action. [Transferred].

5195 Transferred.

5196

5197 § 22-3226.12. Statute of limitations period. [Transferred].

5198 Transferred.

5199

5200 § 22-3226.13. Task force to combat fraud. [Transferred].

5201 Transferred.

5202

5203 § 22-3226.14. Fraud Prevention Fund. [Transferred].

5204 [Transferred].

5205

5206 § 22-3226.15. General disclosures. [Transferred].

5207 [Transferred].

5208

5209

*Subchapter III-C.*

5210

*Identity Theft.*

5211

5212 § 22-3227.01. Definitions.

5213

For the purposes of this subchapter, the term:

5214

(1) "Financial injury" means all monetary costs, debts, or obligations incurred by a person as a result of another person obtaining, creating, possessing, or using that person's personal identifying information in violation of this subchapter, including, but not limited to:

5216

(A) The costs of clearing the person's credit rating, credit history, criminal record, or any other official record, including attorney fees;

5218

(B) The expenses related to any civil or administrative proceeding to satisfy or contest a debt, lien, judgment, or other obligation of the person that arose as a result of the violation of this subchapter, including attorney fees;

5221

(C) The costs of repairing or replacing damaged or stolen property;

5222

(D) Lost time or wages, or any similar monetary benefit forgone while the person is seeking redress for damages resulting from a violation of this subchapter; and

5224

(E) Lost time, wages, and benefits, other losses sustained, legal fees, and other expenses incurred as a result of the use, without permission, of one's personal identifying information by another as prohibited by § 22-3227.02.

5226

(2) [Reserved].

5227

(3) "Personal identifying information" includes, but is not limited to, the following:

5229

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

5230

(B) Driver's license or driver's license number, or non-driver's license or non-driver's license number;

5231

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

5232

(D) Social security number or tax identification number;

5233

(E) Passport or passport number;

5234

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

5235

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

5236

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

5237

(I) Credit history or credit rating;

5238

(J) Signature;

5239

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

5240

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

5241

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

5242

and

5243

(N) Any other numbers or information that can be used to access a person's financial resources, access medical information, obtain identification, act as identification, or obtain

5244

5245

5246

5247

5248

5249

5250 property.  
5251 (4) "Property" shall have the same meaning as provided in § 22-3201(3) and shall include  
5252 credit.

5253  
5254 § 22-3227.02. Identity theft.

5255 A person commits the offense of identity theft if that person knowingly:

5256 (1) Uses personal identifying information belonging to or pertaining to another person  
5257 to obtain, or attempt to obtain, property fraudulently and without that person's consent;

5258 (2) Obtains, creates, or possesses personal identifying information belonging to or  
5259 pertaining to another person with the intent to:

5260 (A) Use the information to obtain, or attempt to obtain, property fraudulently and  
5261 without that person's consent; or

5262 (B) Give, sell, transmit, or transfer the information to a third person to facilitate the  
5263 use of the information by that third person to obtain, or attempt to obtain, property fraudulently  
5264 and without that person's consent; or

5265 (3) Uses personal identifying information belonging to or pertaining to another person,  
5266 without that person's consent, to:

5267 (A) Identify himself or herself at the time of his or her arrest;

5268 (B) Facilitate or conceal his or her commission of a crime; or

5269 (C) Avoid detection, apprehension, or prosecution for a crime.

5270

5271 § 22-3227.03. Penalties for identity theft.

5272 (a) Identity theft in the first degree. -- Any person convicted of identity theft shall be  
5273 fined not more than (1) \$ 10,000, (2) twice the value of the property obtained or (3) twice the  
5274 amount of the financial injury, whichever is greatest, or imprisoned for not more than 10 years,  
5275 or both, if the property obtained, or attempted to be obtained, or the amount of the financial  
5276 injury is the amount set forth in § 22-3571.01 or more.

5277 (b) Identity theft in the second degree. -- Any person convicted of identity theft shall be  
5278 fined not more than the amount set forth in § 22-3571.01 or imprisoned for not more than 180  
5279 days, or both, if the property obtained, or attempted to be obtained, or the amount of the financial  
5280 injury, has some value, or if another person is falsely accused of, or arrested for, committing a  
5281 crime because of the use, without permission, of that person's personal identifying information.

5282 (c) Enhanced penalty. -- Any person who commits the offense of identity theft against an  
5283 individual who is 65 years of age or older, at the time of the offense, may be punished by a fine  
5284 of up to 1 1/2 times the maximum fine otherwise authorized for the offense and may be  
5285 imprisoned for a term of up to 1 1/2 times the maximum term of imprisonment otherwise  
5286 authorized for the offense, or both. It is an affirmative defense that the accused:

5287 (1) Reasonably believed that the victim was not 65 years of age or older at the time of  
5288 the offense; or

5289 (2) Could not have determined the age of the victim because of the manner in which  
5290 the offense was committed.

5291

5292 § 22-3227.04. Restitution.

5293 When a person is convicted of identity theft, the court may, in addition to any other  
5294 applicable penalty, order restitution for the full amount of financial injury.

5295

5296 § 22-3227.05. Correction of public records.

5297 (a) When a person is convicted, adjudicated delinquent, or found not guilty by reason of  
5298 insanity of identity theft, the court may issue such orders as are necessary to correct any District  
5299 of Columbia public record that contains false information as a result of a violation of this  
5300 subchapter.

5301 (b) In all other cases, a person who alleges that he or she is a victim of identity theft may  
5302 petition the court for an expedited judicial determination that a District of Columbia public  
5303 record contains false information as a result of a violation of this subchapter. Upon a finding of  
5304 clear and convincing evidence that the person was a victim of identity theft, the court may issue  
5305 such orders as are necessary to correct any District of Columbia public record that contains false  
5306 information as a result of a violation of this subchapter.

5307 (c) Notwithstanding any other provision of law, District of Columbia agencies shall  
5308 comply with orders issued under subsection (a) of this section within 30 days of issuance of the  
5309 order.

5310 (d) For the purposes of this section, the term "District of Columbia public record" means  
5311 any document, book, photographic image, electronic data recording, paper, sound recording, or  
5312 other material, regardless of physical form or characteristic, made or received pursuant to law or  
5313 in connection with the transaction of public business by any officer or employee of the District of  
5314 Columbia.

5315 § 22-3227.06. Jurisdiction.

5317 The offense of identity theft shall be deemed to be committed in the District of Columbia,  
5318 regardless of whether the offender is physically present in the District of Columbia, if:

5319 (1) The person whose personal identifying information is improperly obtained, created,  
5320 possessed, or used is a resident of, or located in, the District of Columbia; or

5321 (2) Any part of the offense takes place in the District of Columbia.

5322 § 22-3227.07. Limitations.

5324 Obtaining, creating, possessing, and using a person's personal identifying information in  
5325 violation of this subchapter shall constitute a single scheme or course of conduct, and the  
5326 applicable period of limitation under § 23-113 shall not begin to run until after the scheme or  
5327 course of conduct has been completed or terminated.

5328 § 22-3227.08. Police reports.

5330 The Metropolitan Police Department shall make a report of each complaint of identity  
5331 theft and provide the complainant with a copy of the report.

5333 *Subchapter IV.*  
5334 *Stolen Property.*

5335 § 22-3231. Trafficking in stolen property.

5337 (a) For the purposes of this section, the term "traffics" means:

5338 (1) To sell, pledge, transfer, distribute, dispense, or otherwise dispose of property to  
5339 another person as consideration for anything of value; or

5340 (2) To buy, receive, possess, or obtain control of property with intent to do any of the  
5341 acts set forth in paragraph (1) of this subsection.

5342 (b) A person commits the offense of trafficking in stolen property if, on 2 or more  
5343 separate occasions, that person traffics in stolen property, knowing or having reason to believe  
5344 that the property has been stolen.

5345 (c) It shall not be a defense to a prosecution under this section, alone or in conjunction  
5346 with § 22-1803, that the property was not in fact stolen, if the accused engages in conduct which  
5347 would constitute the crime if the attendant circumstances were as the accused believed them to  
5348 be.

5349 (d) Any person convicted of trafficking in stolen property shall be fined not more than the  
5350 amount set forth in § 22-3571.01 or imprisoned for not more than 10 years, or both.

5351 § 22-3232. Receiving stolen property.

5352 (a) A person commits the offense of receiving stolen property if that person buys,  
5353 receives, possesses, or obtains control of stolen property, knowing or having reason to believe  
5354 that the property was stolen.

5355 (b) It shall not be a defense to a prosecution under this section, alone or in conjunction  
5356 with § 22-1803, that the property was not in fact stolen, if the accused engages in conduct which  
5357 would constitute the crime if the attendant circumstances were as the accused believed them to  
5358 be.

5359 (c)(1) Any person convicted of receiving stolen property shall be fined not more than the  
5360 amount set forth in § 22-3571.01 or imprisoned not more than 7 years, or both, if the value of the  
5361 stolen property is \$ 1,000 or more.

5362 (2) Any person convicted of receiving stolen property shall be fined not more than the  
5363 amount set forth in § 22-3571.01 or imprisoned not more than 180 days, or both, if the stolen  
5364 property has some value.

5365 (d) For the purposes of this section, the term "stolen property" includes property that is  
5366 not in fact stolen if the person who buys, receives, possesses, or obtains control of the property  
5367 had reason to believe that the property was stolen.

5368 § 22-3233. Altering or removing motor vehicle identification numbers.

5369 (a) It is unlawful for a person to knowingly remove, obliterate, tamper with, or alter any  
5370 identification number on a motor vehicle or a motor vehicle part.

5371 (b)(1) Any person who violates subsection (a) of this section shall be guilty of a  
5372 misdemeanor and, upon conviction, shall be imprisoned for not more than 180 days, or fined not  
5373 more than the amount set forth in § 22-3571.01, or both.

5374 (2) Any person who violates subsection (a) of this section shall be guilty of a felony if  
5375 the value of the motor vehicle or motor vehicle part is \$ 1,000 or more and, upon conviction,  
5376 shall be imprisoned for not more than 5 years, or fined not more than the amount set forth in §  
5377 22-3571.01, or both.

5378 (c) For the purposes of this section, the term:

5379 (1) "Identification number" means a number or symbol that is originally inscribed or  
5380 affixed by the manufacturer to a motor vehicle or motor vehicle part for purposes of  
5381 identification.

5382 (2) "Motor vehicle" means any automobile, self-propelled mobile home, motorcycle,  
5383 motor scooter, truck, truck tractor, truck semi trailer, truck trailer, bus, or other vehicle propelled  
5384 by an internal-combustion engine, electricity, or steam, including any non-operational vehicle  
5385  
5386



5387 that is being restored or repaired.

5388

5389 § 22-3234. Altering or removing bicycle identification numbers.

5390 (a) It is unlawful for a person to knowingly remove, obliterate, tamper with, or alter any  
5391 identification number on a bicycle or bicycle part.

5392 (b) Any person who violates subsection (a) of this section shall be guilty of a  
5393 misdemeanor and, upon conviction, shall be imprisoned for not more than 180 days, or fined not  
5394 more than the amount set forth in § 22-3571.01, or both.

5395 (c) For the purposes of this section, the term:

5396 (1) "Bicycle" shall have the same meaning as provided in § 50-1609(1).

5397 (2) "Identification number" shall have the same meaning as provided in § 50-  
5398 1609(1A).

5399

5400 *Subchapter V.*

5401

5402 *Forgery.*

5403

5404 § 22-3241. Forgery.

5405 (a) For the purposes of this subchapter, the term:

5406 (1) "Forged written instrument" means any written instrument that purports to be  
5407 genuine but which is not because it:

5408 (A) Has been falsely made, altered, signed, or endorsed;

5409 (B) Contains a false addition or insertion; or

5410 (C) Is a combination of parts of 2 or more genuine written instruments.

5411 (2) "Utter" means to issue, authenticate, transfer, publish, sell, deliver, transmit,  
5412 present, display, use, or certify.

5413 (3) "Written instrument" includes, but is not limited to, any:

5414 (A) Security, bill of lading, document of title, draft, check, certificate of deposit, and  
5415 letter of credit, as defined in Title 28;

5416 (B) Stamp, legal tender, or other obligation of any domestic or foreign governmental  
5417 entity;

5418 (C) Stock certificate, money order, money order blank, traveler's check, evidence of  
5419 indebtedness, certificate of interest or participation in any profitsharing agreement, transferable  
5420 share, investment contract, voting trust certificate, certification of interest in any tangible or  
5421 intangible property, and any certificate or receipt for or warrant or right to subscribe to or  
5422 purchase any of the foregoing items;

5423 (D) Commercial paper or document, or any other commercial instrument containing  
5424 written or printed matter or the equivalent; or

5425 (E) Other instrument commonly known as a security or so defined by an Act of  
5426 Congress or a provision of the District of Columbia Official Code.

5427 (b) A person commits the offense of forgery if that person makes, draws, or utters a  
5428 forged written instrument with intent to defraud or injure another.

5429

5430 § 22-3242. Penalties for forgery.

5431 (a) Any person convicted of forgery shall be fined not more than the amount set forth in §  
5432 22-3571.01 or imprisoned for not more than 10 years, or both, if the written instrument purports  
5433 to be:

- 5433 (1) A stamp, legal tender, bond, check, or other valuable instrument issued by a  
5434 domestic or foreign government or governmental instrumentality;
- 5435 (2) A stock certificate, bond, or other instrument representing an interest in or claim  
5436 against a corporation or other organization of its property;
- 5437 (3) A public record, or instrument filed in a public office or with a public servant;
- 5438 (4) A written instrument officially issued or created by a public office, public servant,  
5439 or government instrumentality;
- 5440 (5) A check which upon its face appears to be a payroll check;
- 5441 (6) A deed, will, codicil, contract, assignment, commercial instrument, or other  
5442 instrument which does or may evidence, create, transfer, terminate, or otherwise affect a legal  
5443 right, interest, obligation, or status; or
- 5444 (7) A written instrument having a value of \$ 10,000 or more.
- 5445 (b) Any person convicted of forgery shall be fined not more than the amount set forth in §  
5446 22-3571.01 or imprisoned for not more than 5 years, or both, if the written instrument is or  
5447 purports to be:
- 5448 (1) A token, fare card, public transportation transfer certificate, or other article  
5449 manufactured for use as a symbol of value in place of money for the purchase of property or  
5450 services;
- 5451 (2) A prescription of a duly licensed physician or other person authorized to issue the  
5452 same for any controlled substance or other instrument or devices used in the taking or  
5453 administering of controlled substances for which a prescription is required by law; or
- 5454 (3) A written instrument having a value of \$ 1,000 or more.
- 5455 (c) Any person convicted of forgery shall be fined not more than the amount set forth in §  
5456 22-3571.01 or imprisoned for not more than 3 years, or both, in any other case.

5457  
5458 *Subchapter VI.*

5459 *Extortion.*

5460  
5461 § 22-3251. Extortion.

5462 (a) A person commits the offense of extortion if:

5463 (1) That person obtains or attempts to obtain the property of another with the other's  
5464 consent which was induced by wrongful use of actual or threatened force or violence or by  
5465 wrongful threat of economic injury; or

5466 (2) That person obtains or attempts to obtain property of another with the other's  
5467 consent which was obtained under color or pretense of official right.

5468 (b) Any person convicted of extortion shall be fined not more than the amount set forth in  
5469 § 22-3571.01 or imprisoned for not more than 10 years, or both.

5470  
5471 § 22-3252. Blackmail.

5472 (a) A person commits the offense of blackmail, if, with intent to obtain property of  
5473 another or to cause another to do or refrain from doing any act, that person threatens:

5474 (1) To accuse any person of a crime;

5475 (2) To expose a secret or publicize an asserted fact, whether true or false, tending to  
5476 subject any person to hatred, contempt, or ridicule; or

5477 (3) To impair the reputation of any person, including a deceased person.

5478 (b) Any person convicted of blackmail shall be fined not more than the amount set forth  
5479 in § 22-3571.01 or imprisoned for not more than 5 years, or both.

5481 CHAPTER 33.

5482 TRESPASS; INJURIES TO PROPERTY.

5483  
5484 Sec.

5485 22-3301. Forcible entry and detainer.

5486 22-3302. Unlawful entry on property.

5487 22-3303. Grave robbery; buying or selling dead bodies. [Repealed].

5488 22-3304. Depredation of fixtures in houses. [Repealed].

5489 22-3305. Placing explosives with intent to destroy or injure property.

5490 22-3306. Defacing books, manuscripts, publications, or works of art.

5491 22-3307. Destroying or defacing public records.

5492 22-3308. Cutting down or destroying things growing on or attached to the land of another.

5493 [Repealed].

5494 22-3309. Destroying boundary markers.

5495 22-3310. Destroying vines, bushes, shrubs, trees or protections thereof; penalty.

5496 22-3311. Disorderly conduct in public buildings or grounds; injury to or destruction of United  
5497 States property.

5498 22-3312. Destroying or defacing buildings, statutes, or monuments. [Repealed].

5499 22-3312.01. Defacing public or private property.

5500 22-3312.02. Defacing or burning cross or religious symbol; display of certain emblems.

5501 22-3312.03. Wearing hoods or masks.

5502 22-3312.03a. Abatement of graffiti. [Repealed].

5503 22-3312.03b. Collection against owner. [Repealed].

5504 22-3312.04. Penalties.

5505 22-3312.05. Definitions.

5506 22-3313. Destroying or defacing building material for streets.

5507 22-3314. Destroying cemetery railing or tomb.

5508 22-3315 to 22-3317. Offenses against property of electric lighting, heating, or power companies;  
5509 tapping gas pipes; tapping or injuring water pipes; tampering with water  
5510 meters. [Repealed].

5511 22-3318. Malicious pollution of water.

5512 22-3319. Placing obstructions on or displacement of railway tracks.

5513 22-3320. Obstructing public road; removing milestones. [Repealed].

5514 22-3321. Obstructing public highways.

5515 22-3322. Fines under § 22-3321 to be collected in name of United States.

5516  
5517 § 22-3301. Forcible entry and detainer.

5518 Whoever shall forcibly enter upon any premises, or, having entered without force, shall  
5519 unlawfully detain the same by force against any person previously in the peaceable possession of  
5520 the same and claiming right thereto, shall be punished by imprisonment for not more than 1 year  
5521 or a fine of not more than the amount set forth in § 22-3571.01, or both.

5522  
5523 § 22-3302. Unlawful entry on property.

5524 (a)(1) Any person who, without lawful authority, shall enter, or attempt to enter, any  
5525 private dwelling, building, or other property, or part of such dwelling, building, or other  
5526 property, against the will of the lawful occupant or of the person lawfully in charge thereof, or  
5527 being therein or thereon, without lawful authority to remain therein or thereon shall refuse to quit  
5528 the same on the demand of the lawful occupant, or of the person lawfully in charge thereof, shall  
5529 be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not  
5530 more than the amount set forth in § 22-3571.01, imprisonment for not more than 180 days, or  
5531 both. The presence of a person in any private dwelling, building, or other property that is  
5532 otherwise vacant and boarded-up or otherwise secured in a manner that conveys that it is vacant  
5533 and not to be entered, or displays a no trespassing sign, shall be prima facie evidence that any  
5534 person found in such property has entered against the will of the person in legal possession of the  
5535 property.

5536 (2) For the purposes of this subsection, the term “private dwelling” includes a privately  
5537 owned house, apartment, condominium, or any building used as living quarters, or cooperative or  
5538 public housing, as defined in section 3(1) of the United States Housing Act of 1937, approved  
5539 August 22, 1974 (88 Stat. 654; 42 U.S.C. § 1437a(b)), the development or administration of  
5540 which is assisted by the Department of Housing and Urban Development, or housing that is  
5541 owned, operated, or financially assisted by the District of Columbia Housing Authority.

5542 (b) Any person who, without lawful authority, shall enter, or attempt to enter, any public  
5543 building, or other property, or part of such building, or other property, against the will of the  
5544 lawful occupant or of the person lawfully in charge thereof or his or her agent, or being therein  
5545 or thereon, without lawful authority to remain therein or thereon shall refuse to quit the same on  
5546 the demand of the lawful occupant, or of the person lawfully in charge thereof or his or her  
5547 agent, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a  
5548 fine of not more than the amount set forth in § 22-3571.01, imprisonment for not more than 6  
5549 months, or both.

5550  
5551 § 22-3303. Grave robbery; buying or selling dead bodies. [Repealed].  
5552 Repealed.

5553  
5554 § 22-3304. Depredation of fixtures in houses. [Repealed].  
5555 Repealed.

5556  
5557 § 22-3305. Placing explosives with intent to destroy or injure property.  
5558 Whoever places, or causes to be placed, in, upon, under, against, or near to any building,  
5559 car, vessel, monument, statue, or structure, gunpowder or any explosive substance of any kind  
5560 whatsoever, with intent to destroy, throw down, or injure the whole or any part thereof, although  
5561 no damage is done, shall be punished by a fine not more than the amount set forth in § 22-  
5562 3571.01 and by imprisonment for not less than 2 years or more than 10 years.

5563  
5564 § 22-3306. Defacing books, manuscripts, publications, or works of art.  
5565 Any person who shall wrongfully deface, injure, or mutilate, tear, or destroy any book,  
5566 pamphlet, or manuscript, or any portion thereof belonging to the Library of Congress, or to any  
5567 public library in the District of Columbia, whether the property of the United States or of the  
5568 District of Columbia or of any individual or corporation in said District, or who shall wrongfully  
5569 deface, injure, mutilate, tear, or destroy any book, pamphlet, document, manuscript, public

5570 record, print, engraving, medal, newspaper, or work of art, the property of the United States or of  
5571 the District of Columbia, shall be held guilty of a misdemeanor, and, on conviction thereof, shall,  
5572 when the offense is not otherwise punishable by some statute of the United States, be punished  
5573 by a fine of not less than \$ 10 and not more than the amount set forth in § 22-3571.01, and by  
5574 imprisonment for not less than 1 month nor more than 180 days, or both, for every such offense.  
5575

5576 § 22-3307. Destroying or defacing public records.

5577 Whoever maliciously or with intent to injure or defraud any other person defaces,  
5578 mutilates, destroys, abstracts, or conceals the whole or any part of any record authorized by law  
5579 to be made, or pertaining to any court or public office in the District, or any paper duly filed in  
5580 such court or office, shall be fined not more than the amount set forth in § 22-3571.01 or  
5581 imprisoned not more than 180 days, or both.  
5582

5583 § 22-3308. Cutting down or destroying things growing on or attached to the land of  
5584 another. [Repealed].

5585 Repealed.  
5586

5587 § 22-3309. Destroying boundary markers.

5588 Whoever maliciously cuts down, destroys, or removes any boundary tree, stone, or other  
5589 mark or monument, or maliciously effaces any inscription thereon, either of his or her own lands  
5590 or of the lands of any other person whatsoever, even though such boundary or bounded trees  
5591 should stand within the person's own land so cutting down and destroying the same, shall be  
5592 fined not more than the amount set forth in § 22-3571.01 and imprisoned not exceeding 180  
5593 days.  
5594

5595 § 22-3310. Destroying vines, bushes, shrubs, trees or protections thereof; penalty.

5596 It shall be unlawful for any person willfully to top, cut down, remove, girdle, break,  
5597 wound, destroy, or in any manner injure any vine, bush, shrub, or tree not owned by that person,  
5598 or any of the boxes, stakes or any other protection thereof, under a penalty not to exceed, for  
5599 each and every such offense:

5600 (1) In the case of any tree 55 inches or greater in circumference when measured at a  
5601 height of four and one half feet, a fine of not more than the amount set forth in § 22-3571.01 or  
5602 imprisonment for not more than 90 days, or both; or

5603 (2) For vines, bushes, shrubs, and smaller trees, a fine of not more than the amount set  
5604 forth in § 22-3571.01 or imprisonment for not more than 30 days, or both.  
5605

5606 § 22-3311. Disorderly conduct in public buildings or grounds; injury to or destruction of  
5607 United States property.

5608 Any person guilty of disorderly and unlawful conduct in or about the public buildings and  
5609 public grounds belonging to the United States within the District of Columbia, or who shall  
5610 willfully injure the buildings or shrubs, or shall pull down, impair, or otherwise injure any fence,  
5611 wall, or other inclosure, or shall injure any sink, culvert, pipe, hydrant, cistern, lamp, or bridge,  
5612 or shall remove any stone, gravel, sand, or other property of the United States, or any other part  
5613 of the public grounds or lots belonging to the United States in the District of Columbia, shall be  
5614 fined not more than the amount set forth in § 22-3571.01, or imprisoned not more than 6 months,  
5615 or both.

5616  
5617 § 22-3312. Destroying or defacing buildings, statutes, or monuments. [Repealed].  
5618 Repealed

5619  
5620 § 22-3312.01. Defacing public or private property.

5621 It shall be unlawful for any person or persons willfully and wantonly to disfigure, cut,  
5622 chip, or cover, rub with, or otherwise place filth or excrement of any kind upon; to write, mark,  
5623 or print obscene or indecent figures representing obscene or objects upon; to write, mark, draw,  
5624 or paint, without the consent of the owner or proprietor thereof, or, in the case of public property,  
5625 of the person having charge, custody, or control thereof, any word, sign, or figure upon:

5626 (1) Any property, public or private, building, statue, monument, office, public  
5627 passenger vehicle, mass transit equipment or facility, dwelling or structure of any kind including  
5628 those in the course of erection; or

5629 (2) The doors, windows, steps, railing, fencing, balconies, balustrades, stairs, porches,  
5630 halls, walls, sides of any enclosure thereof, or any movable property.

5631  
5632 § 22-3312.02. Defacing or burning cross or religious symbol; display of certain  
5633 emblems.

5634 (a) It shall be unlawful for any person to burn, desecrate, mar, deface, or damage a  
5635 religious or secular symbol on any private premises or property in the District of Columbia  
5636 primarily used for religious, educational, residential, memorial, charitable, or cemetery purposes,  
5637 or for assembly by persons of a particular race, color, creed, religion, or any other category listed  
5638 in § 2-1401.01, or on any public property in the District of Columbia; or to place or to display in  
5639 any of these locations a sign, mark, symbol, emblem, or other physical impression including, but  
5640 not limited to, a Nazi swastika, a noose, or any manner of exhibit which includes a burning cross,  
5641 real or simulated, where it is probable that a reasonable person would perceive that the intent is:

5642 (1) To deprive any person or class of persons of equal protection of the law or of equal  
5643 privileges and immunities under the law, or for the purpose of preventing or hindering the  
5644 constituted authorities of the United States or the District of Columbia from giving or securing to  
5645 all persons within the District of Columbia equal protection of the law;

5646 (2) To injure, intimidate, or interfere with any person because of his or her exercise of  
5647 any right secured by federal or District of Columbia laws, or to intimidate any person or any  
5648 class of persons from exercising any right secured by federal or District of Columbia laws;

5649 (3) To threaten another person whereby the threat is a serious expression of an intent to  
5650 inflict harm; or

5651 (4) To cause another person to fear for his or her personal safety, or where it is  
5652 probable that reasonable persons will be put in fear for their personal safety by the defendant's  
5653 actions, with reckless disregard for that probability.

5654 (b) Reserved.

5655 (c) Nothing in this section shall be deemed to amend or repeal any provision of the  
5656 District of Columbia Fire Prevention Code (7 DCRR).

5657  
5658 § 22-3312.03. Wearing hoods or masks.

5659 (a) No person or persons over 16 years of age, while wearing any mask, hood, or device  
5660 whereby any portion of the face is hidden, concealed, or covered as to conceal the identity of the  
5661 wearer, shall:

5662 (1) Enter upon, be, or appear upon any lane, walk, alley, street, road highway, or other  
5663 public way in the District of Columbia;

5664 (2) Enter upon, be, or appear upon or within the public property of the District of  
5665 Columbia; or

5666 (3) Hold any manner of meeting or demonstration.

5667 (b) The provisions of subsection (a) of this section apply only if the person was wearing  
5668 the hood, mask, or other device:

5669 (1) With the intent to deprive any person or class of persons of equal protection of the  
5670 law or of equal privileges and immunities under the law, or for the purpose of preventing or  
5671 hindering the constituted authorities of the United States or the District of Columbia from giving  
5672 or securing for all persons within the District of Columbia equal protection of the law;

5673 (2) With the intent, by force or threat of force, to injure, intimidate, or interfere with  
5674 any person because of his or her exercise of any right secured by federal or District of Columbia  
5675 laws, or to intimidate any person or any class of persons from exercising any right secured by  
5676 federal or District of Columbia laws;

5677 (3) With the intent to intimidate, threaten, abuse, or harass any other person;

5678 (4) With the intent to cause another person to fear for his or her personal safety, or,  
5679 where it is probable that reasonable persons will be put in fear for their personal safety by the  
5680 defendant's actions, with reckless disregard for that probability; or

5681 (5) While engaged in conduct prohibited by civil or criminal law, with the intent of  
5682 avoiding identification.

5683  
5684 § 22-3312.03a. Abatement of graffiti. [Repealed].  
5685 Repealed.

5686  
5687 § 22-3312.03b. Collection against owner. [Repealed].  
5688 Repealed.

5689  
5690 § 22-3312.04. Penalties.

5691 (a) Any person who violates any provision of § 22-3312.01 shall be fined not less than \$  
5692 250 and not more than the amount set forth in § 22-3571.01, or imprisoned for a period not to  
5693 exceed 180 days, or both. Civil fines, penalties, and fees may be imposed as alternative sanctions  
5694 for any infraction of the provisions of § 22-3312.01, pursuant to Chapter 8 of Title 8.

5695 (b) Any person who violates any provision of § 22-3312.02 or § 22-3312.03 shall be  
5696 guilty of a misdemeanor punishable by a fine not more than the amount set forth in § 22-  
5697 3571.01, or imprisonment not to exceed 180 days, or both.

5698 (c) In addition to the penalties provided in subsection (a) of this section, a person  
5699 convicted of violating any provision of § 22-3312.01 may be required to perform community  
5700 service as provided in § 16-712.

5701 (d) Any person who willfully places graffiti on property without the consent of the owner  
5702 shall be subject to the sanctions in subsection (a) of this section.

5703 (e) Any person who willfully possesses graffiti material with the intent to place graffiti on  
5704 property without the consent of the owner shall be fined not less than \$ 100 or more than \$  
5705 1,000.

5706 (f) In addition to any fine or sentence imposed under this section, the court shall order the  
5707 person convicted to make restitution to the owner of the property, or to the party responsible for

5708 the property upon which the graffiti has been placed, for the damage or loss caused, directly or  
5709 indirectly, by the graffiti, in a reasonable amount and manner as determined by the court.

5710 (g) The District of Columbia courts shall find parents or guardians civilly liable for all  
5711 fines imposed or payments for abatement required if the minor cannot pay within a reasonable  
5712 period of time established by the court.

5713

5714 § 22-3312.05. Definitions.

5715 For the purposes of §§ 22-3312.01 through 22-3312.05, the term:

5716 (1) "Abate" means to effectively remove.

5717 (2) Reserved.

5718 (3) Reserved.

5719 (4) "Graffiti" means an inscription, writing, drawing, marking, or design that is  
5720 painted, sprayed, etched, scratched, or otherwise placed on structures, buildings, dwellings,  
5721 statues, monuments, fences, vehicles, or other similar materials that are on public or private  
5722 property without the consent of the owner, manager, or agent in charge of the property, and the  
5723 graffiti is visible from a public right-of-way.

5724 (5) "Graffiti material" means any aerosol can, bottle, spray device or other mechanism  
5725 designed to dispense paint or a similar substance under pressure, indelible marker, paint stick,  
5726 adhesive label, and engraving device capable of leaving a visible mark on a natural or man-made  
5727 surface.

5728 (6) "Minor" means a person less than 18 years of age.

5729 (7) Reserved.

5730 (8) Reserved.

5731 (9) "Public or private property" shall include any building, bridge, fence or other  
5732 structure, any street, alley, sidewalk, or other vehicular or pedestrian right-of-way, any article of  
5733 street furniture, lamppost, bus shelter, newspaper box, or trash receptacle, any tree, rock, or other  
5734 natural fixture, any utility or public service equipment, or any other personal property located  
5735 outdoors, whether publicly or privately owned.

5736 (10) "Sign" means a name, identification, description, display, or illustration which is  
5737 affixed to, or represented directly or indirectly upon a building, structure, or piece of land and  
5738 which directs attention to an object, product, place, activity, person, institution, organization, or  
5739 business.

5740

5741 § 22-3313. Destroying or defacing building material for streets.

5742 It shall not be lawful for any person or persons to destroy, break, cut, disfigure, deface,  
5743 burn, or otherwise injure any building materials, or materials intended for the improvement of  
5744 any street, avenue, alley, foot pavement, roads, highways, or inclosure, whether public or private  
5745 property, or remove the same (except in pursuance of law or by consent of the owner) from the  
5746 place where the same may be collected for purposes of building or improvement as aforesaid; or  
5747 to remove, cut, destroy, or injure any scaffolding, ladder, or other thing used in or about such  
5748 building or improvement, under a penalty of not more than \$ 25 for each and every such offense.

5749

5750 § 22-3314. Destroying cemetery railing or tomb.

5751 If any person shall maliciously cut down, demolish, or otherwise injure any railing, fence,  
5752 or inclosure around or upon any cemetery, or shall injure or deface any tomb or inscription  
5753 thereon, such person shall be fined not more than \$ 100.



5754  
5755 §§ 22-3315 to 22-3317. Offenses against property of electric lighting, heating, or power  
5756 companies; tapping gas pipes; tapping or injuring water pipes; tampering with water  
5757 meters. [Repealed].  
5758 Reserved.

5759  
5760 § 22-3318. Malicious pollution of water.  
5761 Every person who maliciously commits any act by reason of which the supply of water,  
5762 or any part thereof, to the District of Columbia, becomes impure, filthy, or unfit for use, shall be  
5763 fined not less than \$ 500 and not more than the amount set forth in § 22-3571.01, or imprisoned  
5764 for not more than 3 years nor less than 1 year.

5765  
5766 § 22-3319. Placing obstructions on or displacement of railway tracks.  
5767 Whoever maliciously places an obstruction on or near the track of any steam or street  
5768 railway, or displaces or injures anything appertaining to such track, with intent to endanger the  
5769 passage of any locomotive or car, shall be imprisoned for not more than 10 years. In addition to  
5770 any other penalty provided under this section, a person may be fined an amount not more than  
5771 the amount set forth in § 22-3571.01.

5772  
5773 § 22-3320. Obstructing public road; removing milestones. [Repealed].  
5774 Repealed.

5775  
5776 § 22-3321. Obstructing public highway.  
5777 Any person who, without lawful authority, shall obstruct the free use of any of the public  
5778 highways, which had been used and recognized as public county roads for 25 years prior to May  
5779 3, 1862, and which were thereafter duly surveyed, recorded, and declared public highways  
5780 according to law, shall be subject to a fine for each offense of not less than \$ 100 nor more than \$  
5781 250 and be imprisoned till the fine and the costs of suit and collection of the same are paid.

5782  
5783 § 22-3322. Fines under § 22-3321 to be collected in name of United States.  
5784 The fines provided for in § 22-3321 shall be collected in the name of the United States.

5785 CHAPTER 34. USE OF "DISTRICT OF COLUMBIA" BY CERTAIN PERSONS.

- 5786  
5787  
5788 Sec.  
5789 22-3401. Use of "District of Columbia" or similar designation by private detective or collection  
5790 agency — Prohibited.  
5791 22-3402. Use of "District of Columbia" or similar designation by private detective or collection  
5792 agency — Penalty.  
5793 22-3403. Use of "District of Columbia" or similar designation by private detective or collection  
5794 agency — Prosecutions for violations.

5795  
5796 § 22-3401. Use of "District of Columbia" or similar designation by private detective or  
5797 collection agency — Prohibited.  
5798 No person engaged in the business of collecting or aiding in the collection of private  
5799 debts or obligations, or engaged in furnishing private police, investigation, or other private

5800 detective services, shall use as part of the name of such business, or employ in any  
5801 communication, correspondence, notice, advertisement, circular, or other writing or publication,  
5802 the words "District of Columbia", "District", the initials "D.C.", or any emblem or insignia  
5803 utilizing any of the said terms as part of its design, in such manner as reasonably to convey the  
5804 impression or belief that such business is a department, agency, bureau, or instrumentality of the  
5805 municipal government of the District of Columbia or in any manner represents the District of  
5806 Columbia. As used in this section and § 22-3402, the word "person" means and includes  
5807 individuals, associations, partnerships, and corporations.  
5808

5809 § 22-3402. Use of "District of Columbia" or similar designation by private detective or  
5810 collection agency — Penalty.

5811 Any person who violates § 22-3401 shall be punished by a fine not more than the amount  
5812 set forth in § 22-3571.01 or by imprisonment for not more than 90 days, or by both such fine and  
5813 imprisonment.  
5814

5815 § 22-3403. Use of "District of Columbia" or similar designation by private detective or  
5816 collection agency — Prosecutions for violations.

5817 All prosecutions for violations of § 22-3401 shall be conducted in the name of the  
5818 District of Columbia by the Attorney General for the District of Columbia or any Assistant  
5819 Attorney General for the District of Columbia.  
5820

## 5821 CHAPTER 35. VAGRANCY.

5822 [REPEALED].  
5823

5824 Sec.

5825 22-3501. "Vagrancy" defined; prosecution and the giving of security. [Repealed].

5826 22-3502. "Vagrants" defined. [Repealed].

5827 22-3503. Prosecutions; burden of proof to show lawful employment. [Repealed].

5828 22-3504. Penalty; conditions imposed by court. [Repealed].

5829 22-3505. Prosecutions. [Repealed].

5830 22-3506. Right to strike or picket not abrogated. [Repealed].  
5831

5832 § 22-3501. "Vagrancy" defined; prosecution and the giving of security. [Repealed].  
5833 Repealed.  
5834

5835 § 22-3502. "Vagrants" defined. [Repealed].  
5836 Repealed.  
5837

5838 § 22-3503. Prosecutions; burden of proof to show lawful employment. [Repealed].  
5839 Repealed.  
5840

5841 § 22-3504. Penalty; conditions imposed by court. [Repealed].  
5842 Repealed.  
5843

5844 § 22-3505. Prosecutions. [Repealed].  
5845 Repealed.

5846  
5847 § 22-3506. Right to strike or picket not abrogated. [Repealed].  
5848 Repealed.  
5849

5850 CHAPTER 35A. VOYEURISM.  
5851

5852 Sec.  
5853 22-3531. Voyeurism.  
5854

5855 § 22-3531. Voyeurism.

5856 (a) For the purposes of this section, the term:

5857 (1) "Electronic device" means any electronic, mechanical, or digital equipment that  
5858 captures visual or aural images, including cameras, computers, tape recorders, video recorders,  
5859 and cellular telephones.

5860 (2) "Private area" means the naked or undergarment-clad genitals, pubic area, anus, or  
5861 buttocks, or female breast below the top of the areola.

5862 (b) Except as provided in subsection (e) of this section, it is unlawful for any person to  
5863 occupy a hidden observation post or to install or maintain a peephole, mirror, or any electronic  
5864 device for the purpose of secretly or surreptitiously observing an individual who is:

5865 (1) Using a bathroom or rest room;

5866 (2) Totally or partially undressed or changing clothes; or

5867 (3) Engaging in sexual activity.

5868 (c)(1) Except as provided in subsection (e) of this section, it is unlawful for a person to  
5869 electronically record, without the express and informed consent of the individual being recorded,  
5870 an individual who is:

5871 (A) Using a bathroom or rest room;

5872 (B) Totally or partially undressed or changing clothes; or

5873 (C) Engaging in sexual activity.

5874 (2) Express and informed consent is only required when the individual engaged in  
5875 these activities has a reasonable expectation of privacy.

5876 (d) Except as provided in subsection (e) of this section, it is unlawful for a person to  
5877 intentionally capture an image of a private area of an individual, under circumstances in which  
5878 the individual has a reasonable expectation of privacy, without the individual's express and  
5879 informed consent.

5880 (e) This section does not prohibit the following:

5881 (1) Any lawful law enforcement, correctional, or intelligence observation or  
5882 surveillance;

5883 (2) Security monitoring in one's own home;

5884 (3) Security monitoring in any building where there are signs prominently displayed  
5885 informing persons that the entire premises or designated portions of the premises are under  
5886 surveillance; or

5887 (4) Any electronic recording of a medical procedure which is conducted under  
5888 circumstances where the patient is unable to give consent.

5889 (f)(1) A person who violates subsection (b), (c), or (d) of this section is guilty of a  
5890 misdemeanor and, upon conviction, shall be fined not more than the amount set forth in § 22-  
5891 3571.01 or imprisoned for not more than 1 year, or both.

5892 (2) A person who distributes or disseminates, or attempts to distribute or disseminate,  
5893 directly or indirectly, by any means, a photograph, film, videotape, audiotape, compact disc,  
5894 digital video disc, or any other image or series of images or sounds or series of sounds that the  
5895 person knows or has reason to know were taken in violation of subsection (b), (c), or (d) of this  
5896 section is guilty of a felony and, upon conviction, shall be fined not more than the amount set  
5897 forth in § 22-3571.01 or imprisoned for not more than 5 years, or both.

5898 (g) The Attorney General for the District of Columbia, or his or her assistants, shall  
5899 prosecute a violation of subsection (b), (c), or (d) of this section for which the penalty is set forth  
5900 in subsection (f)(1) of this section.

5901  
5902 CHAPTER 35B. FINES FOR CRIMINAL OFFENSES.

5903  
5904 Sec.

5905 22-3571.01. Fines for criminal offenses.

5906 22-3571.02. Applicability of fine proportionality provision.

5907  
5908 § 22-3571.01. Fines for criminal offenses.

5909 (a) Notwithstanding any other provision of the law, and except as provided in § 22-  
5910 3571.02, a defendant who has been found guilty of an offense under the District of Columbia  
5911 Official Code punishable by imprisonment may be sentenced to pay a fine as provided in this  
5912 section.

5913 (b) An individual who has been found guilty of such an offense may be fined not more  
5914 than the greatest of:

5915 (1) \$ 100 if the offense is punishable by imprisonment for 10 days or less; (2) \$ 250 if  
5916 the offense is punishable by imprisonment for 30 days, or one month, or less but more than 10  
5917 days;

5918 (3) \$ 500 if the offense is punishable by imprisonment for 90 days, or 3 months, or less  
5919 but more than 30 days;

5920 (4) \$ 1,000 if the offense is punishable by imprisonment for 180 days, or 6 months, or  
5921 less but more than 90 days;

5922 (5) \$ 2,500 if the offense is punishable by imprisonment for one year or less but more  
5923 than 180 days;

5924 (6) \$ 12,500 if the offense is punishable by imprisonment for 5 years or less but more  
5925 than one year;

5926 (7) \$ 25,000 if the offense is punishable by imprisonment for 10 years or less but more  
5927 than 5 years;

5928 (8) \$ 37,500 if the offense is punishable by imprisonment for 15 years or less but more  
5929 than 10 years;

5930 (9) \$ 50,000 if the offense is punishable by imprisonment for 20 years or less but more  
5931 than 15 years;

5932 (10) \$ 75,000 if the offense is punishable by imprisonment for 30 years or less but  
5933 more than 20 years;

5934 (11) \$ 125,000 if the offense is punishable by imprisonment for more than 30 years; or

5935 (12) \$ 250,000 if the offense resulted in death.

5936 (c) An organization that has been found guilty of an offense punishable by imprisonment  
5937 for 6 months or more may be fined not more than the greatest of:

- 5938 (1) Twice the maximum amount specified in the law setting forth the penalty for the  
5939 offense;  
5940 (2) Twice the applicable amount under subsection (b) of this section; or  
5941 (3) Twice the applicable amount under § 22-3571.02(a).  
5942

5943 § 22-3571.02. Applicability of fine proportionality provision.

5944 (a) Notwithstanding any other provision of law, a sentence to pay a fine under § 22-  
5945 3571.01 shall be subject to the following:

5946 (1) If a law setting forth the penalty for such an offense specifies a maximum fine that  
5947 is lower than the fine otherwise applicable under § 22-3571.01 and such law, by specific  
5948 reference, exempts the offense from the applicability of the fine otherwise applicable under § 22-  
5949 3571.01, the defendant may not be fined more than the maximum amount specified in the law  
5950 setting forth the penalty for the offense.

5951 (2) If a law setting forth the penalty for such an offense specifies a maximum fine that  
5952 is higher than the fine otherwise applicable under § 22-3571.01 and such law, by specific  
5953 reference, exempts the offense from the applicability of the fine otherwise applicable under § 22-  
5954 3571.01, the defendant may be fined the maximum amount specified in the law setting forth the  
5955 penalty for the offense.

5956 (3) If a law setting forth the penalty for such an offense specifies no fine and such law,  
5957 by specific reference, does not exempt the offense from the fine otherwise applicable under § 22-  
5958 3571.01, the defendant may be fined pursuant to § 22-3571.01.

5959 (b)(1) If any person derives pecuniary gain from such an offense, or if the offense results  
5960 in pecuniary loss to a person other than the defendant, the defendant may be fined not more than  
5961 the greater of twice the gross gain or twice the gross loss.

5962 (2) The court may impose a fine under this subsection in excess of the fine provided  
5963 for by § 22-3571.01 only to the extent that the pecuniary gain or loss is both alleged in the  
5964 indictment or information and is proven beyond a reasonable doubt.

5965 (c) [This chapter and the provisions of D.C. Law 19-317] shall not apply to any provision  
5966 of Title 11 of the District of Columbia Official Code.  
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5968  
5969  
5970 SUBTITLE II.  
5971 ENHANCED PENALTIES.  
5972  
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5974  
5975 CHAPTER 36. CRIMES COMMITTED AGAINST CERTAIN PERSONS.  
5976

5977 Sec.

5978 22-3601. Enhanced penalty for crimes against senior citizen victims.

5979 22-3602. Enhanced penalty for committing certain dangerous and violent crimes against a  
5980 citizen patrol member.

5981  
5982 § 22-3601. Enhanced penalty for crimes against senior citizen victims.

5983 (a) Any person who commits any offense listed in subsection (b) of this section against  
5984 an individual who is 60 years of age or older, at the time of the offense, may be punished by a  
5985 fine of up to 1 1/2 times the maximum fine otherwise authorized for the offense and may be  
5986 imprisoned for a term of up to 1 1/2 times the maximum term of imprisonment otherwise  
5987 authorized for the offense, or both.

5988 (b) The provisions of subsection (a) of this section shall apply to the following offenses:  
5989 Abduction, arson, aggravated assault, assault with a dangerous weapon, assault with intent to  
5990 kill, commit first degree sexual abuse, or commit second degree sexual abuse, assault with intent  
5991 to commit any other offense, burglary, carjacking, armed carjacking, extortion or blackmail  
5992 accompanied by threats of violence, kidnapping, malicious disfigurement, manslaughter,  
5993 mayhem, murder, robbery, sexual abuse in the first, second, and third degrees, theft, fraud in the  
5994 first degree, and fraud in the second degree, or an attempt or conspiracy to commit any of the  
5995 foregoing offenses.

5996 (c) It is an affirmative defense that the accused knew or reasonably believed the victim  
5997 was not 60 years old or older at the time of the offense, or could not have known or determined  
5998 the age of the victim because of the manner in which the offense was committed. This defense  
5999 shall be established by a preponderance of the evidence.

6000  
6001 § 22-3602. Enhanced penalty for committing certain dangerous and violent crimes  
6002 against a citizen patrol member.

6003 (a) For purposes of this section, the term "citizen patrol" means a group of residents of  
6004 the District of Columbia organized for the purpose of providing additional security surveillance  
6005 for certain District of Columbia neighborhoods with the goal of crime prevention. The term shall  
6006 include, but is not limited to, Orange Hat Patrols, Red Hat Patrols, Blue Hat Patrols, or  
6007 Neighborhood Watch Associations.

6008 (b) Any person who commits any offense listed in subsection (c) of this section against a  
6009 member of a citizen patrol ("member") while that member is participating in a citizen patrol, or  
6010 because of the member's participation in a citizen patrol, may be punished with a fine up to 1 1/2  
6011 times the maximum fine otherwise authorized for the offense or may be imprisoned for a term of  
6012 up to 1 1/2 times the maximum term of imprisonment otherwise authorized for this offense, or  
6013 both.

6014 (c) The provisions of subsection (b) of this section shall apply to the following offenses:  
6015 taking or attempting to take property from another by force or threat of force, forcible rape, or  
6016 assault with intent to commit forcible rape, murder, mayhem, kidnapping, robbery, burglary,  
6017 voluntary manslaughter, extortion or blackmail accompanied by threats of violence, assault with  
6018 a deadly weapon, simple assault, aggravated assault, or a conspiracy to commit any of the  
6019 foregoing offenses as defined by an Act of Congress or law of the District of Columbia if the  
6020 offense is punishable by imprisonment for more than 1 year.

6021  
6022 CHAPTER 36A. CRIMES COMMITTED AGAINST MINORS.

6023  
6024 Sec.

6025 22-3611. Enhanced penalty for committing crime of violence against minors.

6026  
6027 § 22-3611. Enhanced penalty for committing crime of violence against minors.

6028 (a) Any adult, being at least 2 years older than a minor, who commits a crime of violence  
6029 against that minor may be punished by a fine of up to 1 1/2 times the maximum fine otherwise  
6030 authorized for the offense and may be imprisoned for a term of up to 1 1/2 times the maximum  
6031 term of imprisonment otherwise authorized for the offense, or both.

6032 (b) It is an affirmative defense that the accused reasonably believed that the victim was  
6033 not a minor at the time of the offense. This defense shall be established by a preponderance of  
6034 the evidence.

6035 (c) For the purposes of this section, the term:

- 6036 (1) "Adult" means a person 18 years of age or older at the time of the offense.  
6037 (2) "Crime of violence" shall have the same meaning as provided in § 23-1331(4).  
6038 (3) "Minor" means a person under 18 years of age at the time of the offense.  
6039

## 6040 CHAPTER 37. BIAS-RELATED CRIMES.

6041

6042 Sec.

6043 22-3701. Definitions.

6044 22-3702. Collection and publication of data.

6045 22-3703. Bias-related crime.

6046 22-3704. Civil action. [Transferred].  
6047

### 6048 § 22-3701. Definitions.

6049 For the purposes of this chapter, the term:

6050 (1) "Bias-related crime" means a designated act that demonstrates an accused's  
6051 prejudice based on the actual or perceived race, color, religion, national origin, sex, age, marital  
6052 status, personal appearance, sexual orientation, gender identity or expression, family  
6053 responsibility, homelessness, physical disability, matriculation, or political affiliation of a victim  
6054 of the subject designated act.

6055 (2) "Designated act" means a criminal act, including arson, assault, burglary, injury to  
6056 property, kidnapping, manslaughter, murder, rape, robbery, theft, or unlawful entry, and  
6057 attempting, aiding, abetting, advising, inciting, conniving, or conspiring to commit arson, assault,  
6058 burglary, injury to property, kidnapping, manslaughter, murder, rape, robbery, theft, or unlawful  
6059 entry.

6060 (3) "Gender identity or expression" shall have the same meaning as provided in § 2-  
6061 1401.02(12A).

6062 (4) "Homelessness" means:

6063 (A) The status or circumstance of an individual who lacks a fixed, regular, and  
6064 adequate nighttime residence; or

6065 (B) The status or circumstance of an individual who has a primary nighttime  
6066 residence that is:

6067 (i) A supervised publicly or privately operated shelter designed to provide  
6068 temporary living accommodations, including welfare motels, hotels, congregate shelters, and  
6069 transitional housing for the mentally ill;

6070 (ii) An institution that provides a temporary residence for individuals intended to  
6071 be institutionalized; or

6072 (iii) A public or private place not designed for, or ordinarily used as, a regular  
6073 sleeping accommodation for human beings.

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§ 22-3702. Collection and publication of data.

(a) The Metropolitan Police force shall afford each crime victim the opportunity to submit with the complaint a written statement that contains information to support a claim that the designated act constitutes a bias-related crime.

(b) The Mayor shall collect and compile data on the incidence of bias-related crime.

(c) Data collected under subsection (b) of this section shall be used for research or statistical purposes and may not contain information that may reveal the identity of an individual crime victim.

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

§ 22-3703. Bias-related crime.

A person charged with and found guilty of a bias-related crime shall be fined not more than 1 1/2 times the maximum fine authorized for the designated act and imprisoned for not more than 1 1/2 times the maximum term authorized for the designated act.

§ 22-3704. Civil action. [Transferred].

Transferred.

CHAPTER 37A. CRIMES COMMITTED AGAINST TAXICAB DRIVERS AND CERTAIN TRANSIT WORKERS.

Sec.

22-3751. Enhanced penalties for offenses committed against taxicab drivers.

22-3751.01. Enhanced penalties for offenses committed against transit operators and Metrorail station managers.

22-3752. Enumerated offenses.

§ 22-3751. Enhanced penalties for offenses committed against taxicab drivers.

Any person who commits an offense listed in § 22-3752 against a taxicab driver who, at the time of the offense, has a current license to operate a taxicab in the District of Columbia or any United States jurisdiction and is operating a taxicab in the District of Columbia may be punished by a fine of up to one and 1/2 times the maximum fine otherwise authorized for the offense and may be imprisoned for a term of up to one and 1/2 times the maximum term of imprisonment otherwise authorized for the offense, or both.

§ 22-3751.01. Enhanced penalties for offenses committed against transit operators and Metrorail station managers.

(a) Any person who commits an offense enumerated in § 22-3752 against a transit operator, who, at the time of the offense, is authorized to operate and is operating a mass transit vehicle in the District of Columbia, or against Metrorail station manager while on duty in the District of Columbia, may be punished by a fine of up to one and 1/2 times the maximum fine



6119 otherwise authorized for the offense and may be imprisoned for a term of up to one and 1/2 times  
6120 the maximum term of imprisonment otherwise authorized by the offense, or both.

6121 (b) For the purposes of this section, the term:

6122 (1) "Mass transit vehicle" means any publicly or privately owned or operated  
6123 commercial vehicle for the carriage of 6 or more passengers, including any Metrobus, Metrorail,  
6124 Metroaccess, or DC Circulator vehicle or other bus, trolley, or van operating within the District  
6125 of Columbia.

6126 (2) "Metrorail station manager" means any Washington Metropolitan Area Transit  
6127 Authority employee who is assigned to supervise a Metrorail station from a kiosk at that station.

6128 (3) "Transit operator" means a person who is licensed to operate a mass transit vehicle.  
6129

6130 § 22-3752. Enumerated offenses.

6131 The provisions of §§ 22-3751 and 22-3751.01 shall apply to the following offenses or  
6132 any attempt or conspiracy to commit any of the following offenses: murder, manslaughter,  
6133 aggravated assault, assault with a dangerous weapon, mayhem or maliciously disfiguring, threats  
6134 to do bodily harm, first degree sexual abuse, second degree sexual abuse, third degree sexual  
6135 abuse, fourth degree sexual abuse, misdemeanor sexual abuse, robbery, carjacking, and  
6136 kidnapping.

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6137  
6138  
6139 SUBTITLE III.  
6140 SEX OFFENDERS.

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6141  
6142  
6143 CHAPTER 38. SEXUAL PSYCHOPATHS.  
6144 [TRANSFERRED].

6145  
6146  
6147  
6148 Sec.

6149 22-3801, 22-3802. Indecent acts with children; sodomy. [Transferred]. [Repealed].

6150 22-3803. Definitions. [Transferred].

6151 22-3804. Filing of statement. [Transferred].

6152 22-3805. Right to counsel. [Transferred].

6153 22-3806. Examination by psychiatrists. [Transferred].

6154 22-3807. When hearing is required. [Transferred].

6155 22-3808. Hearing; commitment. [Transferred].

6156 22-3809. Parole; discharge. [Transferred].

6157 22-3810. Stay of criminal proceedings. [Transferred].

6158 22-3811. Criminal law unchanged. [Transferred].  
6159

6160 §§ 22-3801, 22-3802. Indecent acts with children; sodomy. [Transferred]. [Repealed].  
6161 Transferred. Repealed.

6162 § 22-3803. Definitions. [Transferred].  
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6164 Transferred.  
6165  
6166 § 22-3804. Filing of statement. [Transferred].  
6167 Transferred.  
6168  
6169 § 22-3805. Right to counsel. [Transferred].  
6170 Transferred.  
6171  
6172 § 22-3806. Examination by psychiatrists. [Transferred].  
6173 Transferred.  
6174  
6175 § 22-3807. When hearing is required. [Transferred].  
6176 Transferred.  
6177  
6178 § 22-3808. Hearing; commitment. [Transferred].  
6179 Transferred.  
6180  
6181 § 22-3809. Parole; discharge. [Transferred].  
6182 Transferred.  
6183  
6184 § 22-3810. Stay of criminal proceedings. [Transferred].  
6185 Transferred.  
6186  
6187 § 22-3811. Criminal law unchanged. [Transferred].  
6188 Transferred.  
6189  
6190 CHAPTER 39. HIV TESTING OF CERTAIN CRIMINAL OFFENDERS.  
6191 [TRANSFERRED].  
6192  
6193 Sec.  
6194 22-3901. Definitions. [Transferred].  
6195 22-3902. Testing and counseling. [Transferred].  
6196 22-3903. Rules. [Transferred].  
6197  
6198  
6199 § 22-3901. Definitions. [Transferred].  
6200 Transferred.  
6201  
6202 § 22-3902. Testing and counseling. [Transferred].  
6203 Transferred.  
6204  
6205 § 22-3903. Rules. [Transferred].  
6206 Transferred.  
6207  
6208 CHAPTER 40.  
6209 SEX OFFENDER REGISTRATION.

6210  
6211 Sec.  
6212 22-4001. Definitions. [Transferred].  
6213 22-4002. Registration period. [Transferred].  
6214 22-4003. Certification duties of the Superior Court. [Transferred].  
6215 22-4004. Dispute resolution procedures in the Superior Court. [Transferred].  
6216 22-4005. Duties of the Department of Corrections. [Transferred].  
6217 22-4006. Duties of the Department of Mental Health. [Transferred].  
6218 22-4007. Registration functions of the Court Services and Offender Supervision Agency.  
6219 [Transferred].  
6220 22-4008. Verification functions of the Court Services and Offender Supervision Agency.  
6221 [Transferred].  
6222 22-4009. Change of address or other information. [Transferred].  
6223 22-4010. Maintenance and release of sex offender registration information by the Court Services  
6224 and Offender Supervision Agency. [Transferred].  
6225 22-4011. Community notification and education duties of the Metropolitan Police Department.  
6226 [Transferred].  
6227 22-4012. Interagency coordination. [Transferred].  
6228 22-4013. Immunity. [Transferred].  
6229 22-4014. Duties of sex offenders. [Transferred].  
6230 22-4015. Penalties; mandatory release conditions.  
6231 22-4016. No change in age of consent; registration not required for offenses between consenting  
6232 adults. [Transferred].  
6233 22-4017. Freedom of Information Act exception. [Transferred].  
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6237 § 22-4001. Definitions. [Transferred].  
6238 Transferred.  
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6240 § 22-4002. Registration period. [Transferred].  
6241 Transferred.  
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6243 § 22-4003. Certification duties of the Superior Court. [Transferred].  
6244 Transferred.  
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6246 § 22-4004. Dispute resolution procedures in the Superior Court. [Transferred].  
6247 Transferred.  
6248  
6249 § 22-4005. Duties of the Department of Corrections. [Transferred].  
6250 Transferred.  
6251  
6252 § 22-4006. Duties of the Department of Mental Health. [Transferred].  
6253 Transferred.  
6254

6255 § 22-4007. Registration functions of the Court Services and Offender Supervision  
6256 Agency. [Transferred].  
6257 Transferred.  
6258

6259 § 22-4008. Verification functions of the Court Services and Offender Supervision  
6260 Agency. [Transferred].  
6261 Transferred.  
6262

6263 § 22-4009. Change of address or other information. [Transferred].  
6264 Transferred.  
6265

6266 § 22-4010. Maintenance and release of sex offender registration information by the  
6267 Court Services and Offender Supervision Agency. [Transferred].  
6268 Transferred.  
6269

6270 § 22-4011. Community notification and education duties of the Metropolitan Police  
6271 Department. [Transferred].  
6272 Transferred.  
6273

6274 § 22-4012. Interagency coordination. [Transferred].  
6275 Transferred.  
6276

6277 § 22-4013. Immunity. [Transferred].  
6278 Transferred.  
6279

6280 § 22-4014. Duties of sex offenders.  
6281 Transferred.  
6282

6283 § 22-4015. Penalties; mandatory release condition.  
6284 (a) Any sex offender who knowingly violates any requirement of this chapter, including  
6285 any requirement adopted by the Agency pursuant to this chapter, shall be fined not more than the  
6286 amount set forth in § 22-3571.01, or imprisoned for not more than 180 days, or both. In the event  
6287 that a sex offender convicted under this section has a prior conviction under this section, or a  
6288 prior conviction in any other jurisdiction for failing to comply with the requirements of a sex  
6289 offender registration program, the sex offender shall be fined not more than the amount set forth  
6290 in § 22-3571.01, or imprisoned not more than 5 years, or both.  
6291

6292 (b) Compliance with the requirements of this chapter, including any requirements  
6293 adopted by the Agency pursuant to this chapter, shall be a mandatory condition of probation,  
6294 parole, supervised release, and conditional release of any sex offender.  
6295

6296 § 22-4016. No change in age of consent; registration not required for offenses between  
6297 consenting adults. [Transferred].  
6298 Transferred.  
6299

6300 § 22-4017. Freedom of Information Act exception. [Transferred].

6301 Transferred.

6302

CHAPTER 41. SEX OFFENDER REGISTRATION.

6303

[REPEALED].

6304

6305

6306

Sec.

6307

22-4101. Definitions. [Repealed].

6308

22-4102. Persons required to register. [Repealed].

6309

22-4103. Establishment of the Sex Offender Registration Advisory Council. [Repealed].

6310

22-4104. Duties of the Advisory Council. [Repealed].

6311

22-4105. Duties of the Court. [Repealed].

6312

22-4106. Duties of the Department of Corrections. [Repealed].

6313

22-4107. Transfer of information to the Department and Federal Bureau of Investigation.

6314

[Repealed].

6315

22-4108. Duties of the Board of Parole. [Repealed].

6316

22-4109. Verification. [Repealed].

6317

22-4110. Notification of change of address. [Repealed].

6318

22-4111. Registration for change of address to another state. [Repealed].

6319

22-4112. Length of registration. [Repealed].

6320

22-4113. Penalties. [Repealed].

6321

22-4114. Transfer of information and central database. [Repealed].

6322

22-4115. Release of information. [Repealed].

6323

22-4116. Absolute immunity for members of the Advisory Council; immunity for good faith

6324

conduct for others. [Repealed].

6325

22-4117. Applicability. [Repealed].

6326

6327

6328

§ 22-4101. Definitions. [Repealed].

6329

Repealed.

6330

6331

§ 22-4102. Persons required to register. [Repealed].

6332

Repealed.

6333

6334

§ 22-4103. Establishment of the Sex Offender Registration Advisory Council.

6335

[Repealed].

6336

Repealed.

6337

6338

§ 22-4104. Duties of the Advisory Council. [Repealed].

6339

Repealed.

6340

6341

§ 22-4105. Duties of the Court. [Repealed].

6342

Reserved.

6343

6344

§ 22-4106. Duties of the Department of Corrections. [Repealed].

6345

Repealed.

6346

6347 § 22-4107. Transfer of information to the Department and Federal Bureau of  
6348 Investigation. [Repealed].  
6349 Repealed.  
6350  
6351 § 22-4108. Duties of the Board of Parole. [Repealed].  
6352 Repealed.  
6353  
6354 § 22-4109. Verification. [Repealed].  
6355 Repealed.  
6356  
6357 § 22-4110. Notification of change of address. [Repealed].  
6358 Repealed.  
6359  
6360 § 22-4111. Registration for change of address to another state. [Repealed].  
6361 Repealed.  
6362  
6363 § 22-4112. Length of registration. [Repealed].  
6364 Repealed.  
6365  
6366 § 22-4113. Penalties. [Repealed].  
6367 Repealed.  
6368  
6369 § 22-4114. Transfer of information and central database. [Repealed].  
6370 Repealed.  
6371  
6372 § 22-4115. Release of information. [Repealed].  
6373 Repealed.  
6374  
6375 § 22-4116. Absolute immunity for members of the Advisory Council; immunity for good  
6376 faith conduct for others. [Repealed].  
6377 Repealed.  
6378  
6379 § 22-4117. Applicability. [Repealed].  
6380 Repealed.

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SUBTITLE III-A.  
DNA TESTING.

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CHAPTER 41A. DNA TESTING AND POST-CONVICTION RELIEF FOR INNOCENT  
PERSONS.

6391 Sec.  
6392

6393 22-4131. Definitions. [Transferred].  
6394 22-4132. Pre-conviction DNA testing. [Transferred].  
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6396 22-4134. Preservation of evidence.  
6397 22-4135. Motion to vacate a conviction or grant a new trial on the ground of actual innocence.  
6398 [Transferred].  
6399  
6400

6401 § 22-4131. Definitions. [Transferred].  
6402 Transferred.

6403  
6404 § 22-4132. Pre-conviction DNA testing. [Transferred].  
6405 Transferred.

6406  
6407 § 22-4133. Post-conviction DNA testing. [Transferred].  
6408 Transferred.

6409  
6410 § 22-4134. Preservation of evidence.

6411  
6412 (a) Law enforcement agencies shall preserve biological material that was seized or  
6413 recovered as evidence in the investigation or prosecution that resulted in the conviction or  
6414 adjudication as a delinquent for a crime of violence and not consumed in previous DNA testing  
6415 for 5 years or as long as any person incarcerated in connection with that case or investigation  
6416 remains in custody, whichever is longer.

6417  
6418 (b) Notwithstanding subsection (a) of this section, the District of Columbia may dispose  
6419 of the biological material after 5 years, if the District of Columbia notifies any person who  
6420 remains incarcerated in connection with the investigation or prosecution and any counsel of  
6421 record for such person (or, if there is no counsel of record, the Public Defender Service), of the  
6422 intention of the District of Columbia to dispose of the evidence and the District of Columbia  
6423 affords such person not less than 180 days after the notification to make an application for DNA  
6424 testing of the evidence.

6425  
6426 (c) The District of Columbia shall not be required to preserve evidence that must be  
6427 returned to its rightful owner, or is of such a size, bulk, or physical character as to render  
6428 retention impracticable. If practicable, the District of Columbia shall remove and preserve  
6429 portions of this material evidence sufficient to permit future DNA testing before returning or  
6430 disposing of it. (d) Whoever willfully or maliciously destroys, alters, conceals, or tampers with  
6431 evidence that is required to be preserved under this section with the intent to (1) impair the  
6432 integrity of that evidence, (2) prevent that evidence from being subjected to DNA testing, or (3)  
6433 prevent the production or use of that evidence in an official proceeding, shall be subject to a fine  
6434 not more than the amount set forth in § 22-3571.01 or imprisoned for not more than 5 years, or  
6435 both.

6436  
6437 § 22-4135. Motion to vacate a conviction or grant a new trial on the ground of actual  
6438 innocence. [Transferred].  
6439 Transferred.

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CHAPTER 41B. DNA SAMPLE COLLECTION.  
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22-4151. Qualifying offenses. [Transferred].

§ 22-4151. Qualifying offenses. [Transferred].  
Transferred.

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SUBTITLE IV.  
PREVENTION, SOLUTION, AND PUNISHMENT OF CRIMES.  
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CHAPTER 42. NATIONAL INSTITUTE OF JUSTICE APPROPRIATIONS.  
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Sec.  
22-4201. Technical assistance and research. [Transferred].

§ 22-4201. Technical assistance and research. [Transferred].  
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CHAPTER 42A. CRIMINAL JUSTICE COORDINATING COUNCIL.  
[TRANSFERRED].

*Subchapter I.*  
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22-4231. Definitions. [Transferred].  
22-4232. Establishment of the Criminal Justice Coordinating Council. [Transferred].  
22-4233. Membership. [Transferred].  
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6486 22-4241. Authorizing federal officials. [Transferred].  
6487 22-4242. Annual reporting requirement. [Transferred].  
6488 22-4243. Federal contribution to Criminal Justice Coordinating Council. [Transferred].  
6489 22-4244. District of Columbia Criminal Justice Coordinating Council defined. [Transferred].

6490  
6491  
6492 *Subchapter I.*  
6493 *General.*

6494  
6495 § 22-4231. Definitions. [Transferred].  
6496 Transferred.

6497  
6498 § 22-4232. Establishment of the Criminal Justice Coordinating Council. [Transferred].  
6499 Transferred.

6500  
6501 § 22-4233. Membership. [Transferred].  
6502 Transferred.

6503  
6504 § 22-4234. Duties. [Transferred].  
6505 Transferred.

6506  
6507 § 22-4235. Administrative support. [Transferred].  
6508 Transferred.

6509  
6510 *Subchapter II.*  
6511 *Authorization of Certain Federal Officials.*

6512  
6513 § 22-4241. Authorizing federal officials. [Transferred].  
6514 Transferred.

6515  
6516 § 22-4242. Annual reporting requirement. [Transferred].  
6517 Transferred.

6518  
6519 § 22-4243. Federal contribution to Criminal Justice Coordinating Council.  
6520 [Transferred].  
6521 Transferred.

6522  
6523 § 22-4244. District of Columbia Criminal Justice Coordinating Council defined.  
6524 Transferred.

6525  
6526 CHAPTER 42B. HOMICIDE ELIMINATION.  
6527 [TRANSFERRED].

6528  
6529 Sec.

6530 22-4251. Comprehensive Homicide Elimination Strategy Task Force established. [Transferred].  
6531

6532  
6533 § 22-4251. Comprehensive Homicide Elimination Strategy Task Force established.  
6534 [Transferred].  
6535 Transferred.

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6539 SUBTITLE V.  
6540 HARBOR, GAME AND FISH LAWS.

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6545 CHAPTER 43. GAME AND FISH LAWS.

6546  
6547 Sec.

6548 22-4301 to 22-4306. Prohibition and control of net fishing in Potomac River; catching and  
6549 killing bass; "person" defined; sale of bass prohibited; sale and possession of shad or  
6550 herring; sale of small striped bass; use of explosives and drugs in fishing prohibited.  
6551 [Repealed]. [Transferred].

6552 22-4307. [Transferred].

6553 22-4308 to 22-4327. Confiscation of fishing equipment used in violation of the law; sale and  
6554 possession of woodcocks, squirrels, rabbits, wild chicks, wild geese, and certain game  
6555 birds; inspection of premises to detect violation of game laws; trespassing for purposes of  
6556 hunting; shooting or having guns in possession on a Sunday; killing or capturing game  
6557 beyond District jurisdiction; compensation for persons securing convictions under game  
6558 laws; killing game birds and permits therefor; hunting squirrels, chipmunks and rabbits  
6559 without a permit; killing of English sparrow or wild animal suffering from disease or  
6560 injury; hunting or disbursing of ducks, geese, and waterfowl; sale, possession, or  
6561 purchase of certain types of birds prohibited; license for certain scientific purposes; sale  
6562 of birds raised in captivity or for propagation. [Repealed]. [Transferred].

6563 22-4328. Council's authority with respect to wild animals, fishing licenses, and migratory birds;  
6564 exception; "wild animals" defined. [Transferred].

6565 22-4329. Inspection of business or vocational establishments requiring a license or permit or any  
6566 vehicle, boat, market box, market stall or cold storage plant, during business hours.

6567 22-4330. Seizure of hunting and fishing equipment; sale at public auction and disposal of  
6568 proceeds; disposal of property not sold at auction; payment of valid liens after sale.  
6569 [Transferred].

6570 22-4331. Penalties; prosecutions.

6571 22-4332. Delegation of functions by Secretary of the Interior and Mayor; Council to make  
6572 regulations; "Mayor" and "Secretary of the Interior" defined. [Transferred].

6573 22-4333. Existing authority of Secretary of the Interior not impaired. [Transferred].

6574  
6575  
6576 §§ 22-4301 to 22-4306. Prohibition and control of net fishing in Potomac River; catching  
6577 and killing bass; "person" defined; sale of bass prohibited; sale and possession of shad or

6578 herring; sale of small striped bass; use of explosives and drugs in fishing prohibited.  
6579 [Repealed]. [Transferred].  
6580 Repealed.  
6581  
6582 § 22-4307. Penalties. [Transferred].  
6583 Transferred.  
6584  
6585 §§ 22-4308 to 22-4327. Confiscation of fishing equipment used in violation of the law;  
6586 sale and possession of woodcocks, squirrels, rabbits, wild chicks, wild geese, and certain  
6587 game birds; inspection of premises to detect violation of game laws; trespassing for  
6588 purposes of hunting; shooting or having guns in possession on a Sunday; killing or  
6589 capturing game beyond District jurisdiction; compensation for persons securing  
6590 convictions under game laws; killing game birds and permits therefor; hunting squirrels,  
6591 chipmunks and rabbits without a permit; killing of English sparrow or wild animal  
6592 suffering from disease or injury; hunting or disbursing of ducks, geese, and waterfowl;  
6593 sale, possession, or purchase of certain types of birds prohibited; license for certain  
6594 scientific purposes; sale of birds raised in captivity or for propagation. [Repealed].  
6595 [Transferred].  
6596 Repealed.  
6597  
6598 § 22-4328. Council's authority with respect to wild animals, fishing licenses, and  
6599 migratory birds; exception; "wild animals" defined. [Transferred].  
6600 Transferred.  
6601  
6602 § 22-4329. Inspection of business or vocational establishments requiring a license or  
6603 permit or any vehicle, boat, market box, market stall or cold storage plant,  
6604 during business hours.  
6605 Authorized officers and employees of the government of the United States or of the  
6606 government of the District of Columbia are, for the purpose of enforcing the provisions of this  
6607 chapter and the regulations promulgated by the Council of the District of Columbia under the  
6608 authority of this chapter, empowered, during business hours, to inspect any building or premises  
6609 in or on which any business, trade, vocation, or occupation requiring a license or permit is  
6610 carried on, or any vehicle, boat, market box, market stall, or cold-storage plant. No person shall  
6611 refuse to permit any such inspection.  
6612  
6613 § 22-4330. Seizure of hunting and fishing equipment; sale at public auction and disposal  
6614 of proceeds; disposal of property not sold at auction; payment of valid liens  
6615 after sale. [Transferred].  
6616 Transferred.  
6617  
6618 § 22-4331. Penalties; prosecutions.  
6619 (a) Any person convicted of violating any provision of this chapter, or any regulation  
6620 made pursuant to this chapter, shall be fined not more than the amount set forth in § 22-3571.01  
6621 or imprisoned not more than 90 days, or both.  
6622 (b) Prosecutions for violations of this chapter, or the regulations made pursuant thereto,

6623 shall be conducted in the name of the District of Columbia by the Attorney General for the  
6624 District of Columbia or any Assistant Attorney General for the District of Columbia.

6625  
6626 § 22-4332. Delegation of functions by Secretary of the Interior and Mayor; Council to  
6627 make regulations; "Mayor" and "Secretary of the Interior" defined.  
6628 [Transferred].

6629 Transferred.

6630  
6631 § 22-4333. Existing authority of Secretary of the Interior not impaired. [Transferred].  
6632 Transferred.

6633

#### 6634 CHAPTER 44. HARBOR REGULATIONS.

6635

6636 Sec.

6637 22-4401. Harbor Regulations; authority vested in Council; compliance with federal law  
6638 required; District and federal statutes and regulations supplemented. [Transferred].  
6639 [Repealed].

6640 22-4402. Throwing or depositing matter in Potomac River.

6641 22-4403. Deposits of deleterious matter in Rock Creek or Potomac River.

6642 22-4404. Penalties for violation of § 22-4403.

6643

6644 § 22-4401. Harbor regulations; authority vested in Council; compliance with federal law  
6645 required; District and federal statutes and regulations supplemented. [Transferred]. [Repealed].  
6646 Transferred. Repealed.

6647

6648 § 22-4402. Throwing or depositing matter in Potomac River.

6649 (a) It shall be unlawful for any owner or occupant of any wharf or dock, any master or  
6650 captain of any vessel, or any person or persons to cast, throw, drop, or deposit any stone, gravel,  
6651 sand, ballast, dirt, oyster shells, or ashes in the water in any part of the Potomac River or its  
6652 tributaries in the District of Columbia, or on the shores of said river below highwater mark,  
6653 unless for the purpose of making a wharf, after permission has been obtained from the Mayor of  
6654 the District of Columbia for that purpose, which wharf shall be sufficiently inclosed and secured  
6655 so as to prevent injury to navigation.

6656 (b) It shall be unlawful for any owner or occupant of any wharf or dock, any captain or  
6657 master of any vessel, or any other person or persons to cast, throw, deposit, or drop in any dock  
6658 or in the waters of the Potomac River or its tributaries in the District of Columbia any dead fish,  
6659 fish offal, dead animals of any kind, condemned oysters in the shell, watermelons, cantaloupes,  
6660 vegetables, fruits, shavings, hay, straw, or filth of any kind whatsoever.

6661 (c) Nothing in this section contained shall be construed to interfere with the work of  
6662 improvement in or along the said river and harbor under the supervision of the United States  
6663 government.

6664 (d) Any person or persons violating any of the provisions of this section shall be deemed  
6665 guilty of a misdemeanor, and on conviction shall be punished by a fine not more than the amount  
6666 set forth in § 22-3571.01, or by imprisonment not exceeding 6 months, or both, in the discretion  
6667 of the court.

6668

6669 § 22-4403. Deposits of deleterious matter in Rock Creek or Potomac River.  
6670 No person shall allow any tar, oil, ammoniacal liquor, or other waste products of any gas  
6671 works or works engaged in using such products, or any waste product whatever of any  
6672 mechanical, chemical, manufacturing, or refining establishment to flow into or be deposited in  
6673 Rock Creek or the Potomac River or any of its tributaries within the District of Columbia or into  
6674 any pipe or conduit leading to the same.

6675  
6676 § 22-4404. Penalties for violation of § 22-4403.  
6677 Any person who shall violate any provision of § 22-4403 shall for each such offense be  
6678 fined not more than the amount set forth in § 22-3571.01 or imprisoned not more than 90 days,  
6679 or both.

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6681  
6682  
6683 SUBTITLE VI.  
6684 REGULATION AND POSSESSION OF WEAPONS.  
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6686  
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6688 CHAPTER 45. WEAPONS AND POSSESSION OF WEAPONS.  
6689

6690  
6691 Sec.  
6692 22-4501. Definitions.  
6693 22-4502. Additional penalty for committing crime when armed.  
6694 22-4502.01. Gun free zones; enhanced penalty.  
6695 22-4503. Unlawful possession of firearm.  
6696 22-4503.01. Unlawful discharge of a firearm.  
6697 22-4503.02. Prohibition of firearms from public or private property.  
6698 22-4504. Carrying concealed weapons; possession of weapons during commission of crime of  
6699 violence; penalty.  
6700 22-4504.01. Authority to carry firearm in certain places and for certain purposes.  
6701 22-4504.02. Lawful transportation of firearms.  
6702 22-4505. Exceptions to § 22-4504.  
6703 22-4506. Issuance of a license to carry a pistol.  
6704 22-4507. Certain sales of pistols prohibited.  
6705 22-4508. Transfers of firearms regulated.  
6706 22-4509. Dealers of weapons to be licensed.  
6707 22-4510. Licenses of weapons dealers; records; by whom granted; conditions.  
6708 22-4511. False information in purchase of weapons prohibited.  
6709 22-4512. Alteration of identifying marks of weapons prohibited.  
6710 22-4513. Exceptions.  
6711 22-4514. Possession of certain dangerous weapons prohibited; exceptions.  
6712 22-4515. Penalties.  
6713 22-4515a. Manufacture, transfer, use, possession, or transportation of Molotov cocktails, or  
6714 other explosives for unlawful purposes, prohibited; definitions; penalties.

6715 22-4516. Severability.  
6716 22-4517. Dangerous articles; definition; taking and destruction; procedure.

6717  
6718 § 22-4501. Definitions.

6719 For the purposes of this chapter, the term:

6720 (1) "Crime of violence" shall have the same meaning as provided in § 23-1331(4).

6721 (2) "Dangerous crime" means distribution of or possession with intent to distribute a  
6722 controlled substance. For the purposes of this definition, the term "controlled substance" means  
6723 any substance defined as such in the District of Columbia Official Code or any Act of Congress.

6724 (2A) "Firearm" means any weapon, regardless of operability, which will, or is  
6725 designed or redesigned, made or remade, readily converted, restored, or repaired, or is intended  
6726 to, expel a projectile or projectiles by the action of an explosive. The term "firearm" shall not  
6727 include:

6728 (A) A destructive device as that term is defined in § 7-2501.01(7);

6729 (B) A device used exclusively for line throwing, signaling, or safety, and required or  
6730 recommended by the Coast Guard or Interstate Commerce Commission; or

6731 (C) A device used exclusively for firing explosive rivets, stud cartridges, or similar  
6732 industrial ammunition and incapable for use as a weapon.

6733 (3) "Knuckles" means an object, whether made of metal, wood, plastic, or other  
6734 similarly durable material that is constructed of one piece, the outside part of which is designed  
6735 to fit over and cover the fingers on a hand and the inside part of which is designed to be gripped  
6736 by the fist.

6737 (4) "Machine gun" shall have the same meaning as provided in § 7-2501.01(10).

6738 (5) "Person" includes individual, firm, association, or corporation.

6739 (6) "Pistol" shall have the same meaning as provided in § 7-2501.01(12).

6740 (6A) "Place of business" shall have the same meaning as provided in § 7-  
6741 2501.01(12A).

6742 (7) "Playground" means any facility intended for recreation, open to the public, and  
6743 with any portion of the facility that contains one or more separate apparatus intended for the  
6744 recreation of children, including, but not limited to, sliding boards, swingsets, and teeterboards.

6745 (7A) "Registrant" means a person who has registered a firearm pursuant to Unit A of  
6746 Chapter 25 of Title 7.

6747 (8) "Sawed-off shotgun" shall have the same meaning as provided in § 7-2501.01(15).

6748 (9) "Sell" and "purchase" and the various derivatives of such words shall be construed  
6749 to include letting on hire, giving, lending, borrowing, and otherwise transferring.

6750 (9A) "Shotgun" shall have the same meaning as provided in § 7-2501.01(16).

6751 (10) "Video arcade" means any facility legally accessible to persons under 18 years of  
6752 age, intended primarily for the use of pinball and video machines for amusement, and which  
6753 contains a minimum of 10 pinball or video machines.

6754 (11) "Youth center" means any recreational facility or gymnasium (including any  
6755 parking lot appurtenant thereto), intended primarily for use by persons under 18 years of age,  
6756 which regularly provides athletic, civic, or cultural activities.

6757  
6758 § 22-4502. Additional penalty for committing crime when armed.

6759 (a) Any person who commits a crime of violence, or a dangerous crime in the District of  
6760 Columbia when armed with or having readily available any pistol or other firearm (or imitation

6761 thereof) or other dangerous or deadly weapon (including a sawed-off shotgun, shotgun, machine  
6762 gun, rifle, dirk, bowie knife, butcher knife, switchblade knife, razor, blackjack, billy, or metallic  
6763 or other false knuckles):

6764 (1) May, if such person is convicted for the first time of having so committed a crime  
6765 of violence, or a dangerous crime in the District of Columbia, be sentenced, in addition to the  
6766 penalty provided for such crime, to a period of imprisonment which may be up to, and including,  
6767 30 years for all offenses except first degree murder while armed, second degree murder while  
6768 armed, first degree sexual abuse while armed, and first degree child sexual abuse while armed,  
6769 and shall, if convicted of such offenses while armed with any pistol or firearm, be imprisoned for  
6770 a mandatory-minimum term of not less than 5 years; and

6771 (2) Shall, if such person is convicted more than once of having so committed a crime  
6772 of violence, or a dangerous crime in the District of Columbia, or an offense in any other  
6773 jurisdiction that would constitute a crime of violence or dangerous crime if committed in the  
6774 District of Columbia, be sentenced, in addition to the penalty provided for such crime, to a  
6775 period of imprisonment of not less than 5 years and, except for first degree murder while armed,  
6776 second degree murder while armed, first degree sexual abuse while armed and first degree child  
6777 sexual abuse while armed, not more than 30 years, and shall, if convicted of such second offense  
6778 while armed with any pistol or firearm, be imprisoned for a mandatory-minimum term of not less  
6779 than 10 years.

6780 (3) Shall, if such person is convicted of first degree murder while armed, second  
6781 degree murder while armed, first degree sexual abuse while armed, or first degree child sexual  
6782 abuse while armed, be sentenced, in addition to the penalty provided for such crime, to a period  
6783 of imprisonment of not less than the minimum and mandatory minimum sentences required by  
6784 subsections (a)(1), (a)(2), (c) and (e) of this section and § 22-2104, and not more than life  
6785 imprisonment or life imprisonment without possibility of release as authorized by § 24-403.01(b-  
6786 2); § 22-2104; § 22-2104.01; and §§ 22-3002, 22-3008, and 22-3020.

6787 (4) For purposes of imprisonment following revocation of release authorized by § 24-  
6788 403.01(b)(7), the offenses defined by this section are Class A felonies.

6789 (b) [Reserved].

6790 (c) Any person sentenced pursuant to paragraph (1), (2), or (3) of subsection (a) above for  
6791 a conviction of a crime of violence or a dangerous crime while armed with any pistol or firearm,  
6792 shall serve a mandatory-minimum term of 5 years, if sentenced pursuant to paragraph (1) of  
6793 subsection (a) of this section, or 10 years, if sentenced pursuant to paragraph (2) of subsection (a)  
6794 of this section, and such person shall not be released, granted probation, or granted suspension of  
6795 sentence, prior to serving such mandatory-minimum sentence.

6796 (d) [Reserved].

6797 (e)(1) Subchapter I of Chapter 9 of Title 24 shall not apply with respect to any person  
6798 sentenced under paragraph (2) of subsection (a) of this section or to any person convicted more  
6799 than once of having committed a crime of violence or a dangerous crime in the District of  
6800 Columbia sentenced under subsection (a)(3) of this section.

6801 (2) The execution or imposition of any term of imprisonment imposed under paragraph  
6802 (2) or (3) of subsection (a) of this section may not be suspended and probation may not be  
6803 granted.

6804 (e-1) In addition to any other penalty provided under this section, a person may be fined  
6805 an amount not more than the amount set forth in § 22-3571.01.

6806 (f) Nothing contained in this section shall be construed as reducing any sentence  
6807 otherwise imposed or authorized to be imposed.

6808 (g) No conviction with respect to which a person has been pardoned on the ground of  
6809 innocence shall be taken into account in applying this section.

6810 § 22-4502.01. Gun free zones; enhanced penalty.

6811 (a) All areas within, 1000 feet of an appropriately identified public or private day care  
6812 center, elementary school, vocational school, secondary school, college, junior college, or  
6813 university, or any public swimming pool, playground, video arcade, youth center, or public  
6814 library, or in and around public housing as defined in section 3(1) of the United States Housing  
6815 Act of 1937, approved August 22, 1974 (88 Stat. 654; 42 U.S.C. § 1437a(b)), the development or  
6816 administration of which is assisted by the United States Department of Housing and Urban  
6817 Development, or in or around housing that is owned, operated, or financially assisted by the  
6818 District of Columbia Housing Authority, or an event sponsored by any of the above entities shall  
6819 be declared a gun free zone. For the purposes of this subsection, the term "appropriately  
6820 identified" means that there is a sign that identifies the building or area as a gun free zone.

6821 (b) Any person illegally carrying a gun within a gun free zone shall be punished by a fine  
6822 up to twice that otherwise authorized to be imposed, by a term of imprisonment up to twice that  
6823 otherwise authorized to be imposed, or both.

6824 (c) The provisions of this section shall not apply to a person legally licensed to carry a  
6825 firearm in the District of Columbia who lives or works within 1000 feet of a gun free zone or to  
6826 members of the Army, Navy, Air Force, or Marine Corps of the United States; the National  
6827 Guard or Organized Reserves when on duty; the Post Office Department or its employees when  
6828 on duty; marshals, sheriffs, prison, or jail wardens, or their deputies; policemen or other duly-  
6829 appointed law enforcement officers; officers or employees of the United States duly authorized  
6830 to carry such weapons; banking institutions; public carriers who are engaged in the business of  
6831 transporting mail, money, securities, or other valuables; and licensed wholesale or retail dealers.

6832 § 22-4503. Unlawful possession of firearm.

6833 (a) No person shall own or keep a firearm, or have a firearm in his or her possession or  
6834 under his or her control, within the District of Columbia, if the person:

6835 (1) Has been convicted in any court of a crime punishable by imprisonment for a term  
6836 exceeding one year;

6837 (2) Is not licensed under § 22-4510 to sell weapons, and the person has been convicted  
6838 of violating this chapter;

6839 (3) Is a fugitive from justice;

6840 (4) Is addicted to any controlled substance, as defined in § 48-901.02(4);

6841 (5) Is subject to a court order that:

6842 (A)(i) Was issued after a hearing of which the person received actual notice, and at  
6843 which the person had an opportunity to participate; or

6844 (ii) Remained in effect after the person failed to appear for a hearing of which the  
6845 person received actual notice;

6846 (B) Restrains the person from assaulting, harassing, stalking, or threatening the  
6847 petitioner or any other person named in the order; and

6848 (C) Requires the person to relinquish possession of any firearms;

6849 (6) Has been convicted within the past 5 years of an intrafamily offense, as defined in  
6850



6852 D.C. Official Code § 16-1001(8), punishable as a misdemeanor, or any similar provision in the  
6853 law of another jurisdiction.

6854 (b)(1) A person who violates subsection (a)(1) of this section shall be sentenced to  
6855 imprisonment for not more than 10 years and shall be sentenced to imprisonment for a  
6856 mandatory-minimum term of 1 year, unless she or he has a prior conviction for a crime of  
6857 violence other than conspiracy, in which case she or he shall be sentenced to imprisonment for  
6858 not more than 15 years and shall be sentenced to a mandatory-minimum term of 3 years.

6859 (2) A person sentenced to a mandatory-minimum term of imprisonment under  
6860 paragraph (1) of this subsection shall not be released from prison or granted probation or  
6861 suspension of sentence prior to serving the mandatory-minimum sentence.

6862 (3) In addition to any other penalty provided under this subsection, a person may be  
6863 fined an amount not more than the amount set forth in § 22-3571.01.

6864 (c) A person who violates subsection (a)(2) through (a)(6) of this section shall be  
6865 sentenced to not less than 2 years nor more than 10 years, fined not more than the amount set  
6866 forth in § 22-3571.01, or both.

6867 (d) For the purposes of this section, the term:

6868 (1) "Crime of violence" shall have the same meaning as provided in § 23-1331(4), or a  
6869 crime under the laws of any other jurisdiction that involved conduct that would constitute a  
6870 crime of violence if committed in the District of Columbia, or conduct that is substantially  
6871 similar to that prosecuted as a crime of violence under the District of Columbia Official Code.

6872 (2) "Fugitive from justice" means a person who has:

6873 (A) Fled to avoid prosecution for a crime or to avoid giving testimony in a criminal  
6874 proceeding; or

6875 (B) Escaped from a federal, state, or local prison, jail, halfway house, or detention  
6876 facility or from the custody of a law enforcement officer.

6877 § 22-4503.01. Unlawful discharge of a firearm.  
6878

6879 Except as otherwise permitted by law, including legitimate self-defense, no firearm shall  
6880 be discharged or set off in the District of Columbia without a special written permit from the  
6881 Chief of Police issued pursuant to Section 1 of Article 9 of the Police Regulations of the District  
6882 of Columbia, effective September 29, 1964 (C.O. 64-1397F; 24 DCMR § 2300.1) [CDCR 24-  
6883 2300.1].

6884 § 22-4503.02. Prohibition of firearms from public or private property.

6885 (a) The District of Columbia may prohibit or restrict the possession of firearms on its  
6886 property and any property under its control.

6887 (b) Private persons or entities owning property in the District of Columbia may prohibit  
6888 or restrict the possession of firearms on their property; provided, that this subsection shall not  
6889 apply to law enforcement personnel when lawfully authorized to enter onto private property.

6890 § 22-4504. Carrying concealed weapons; possession of weapons during commission of  
6891 crime of violence; penalty.

6892 (a) No person shall carry within the District of Columbia either openly or concealed on or  
6893 about their person, a pistol, without a license issued pursuant to District of Columbia law, or any  
6894 deadly or dangerous weapon. Whoever violates this section shall be punished as provided in §  
6895 22-4515, except that:  
6896  
6897

6898 (1) A person who violates this section by carrying a pistol, without a license issued  
6899 pursuant to District of Columbia law, or any deadly or dangerous weapon, in a place other than  
6900 the person's dwelling place, place of business, or on other land possessed by the person, shall be  
6901 fined not more than the amount set forth in § 22-3571.01 or imprisoned for not more than 5  
6902 years, or both; or

6903 (2) If the violation of this section occurs after a person has been convicted in the  
6904 District of Columbia of a violation of this section or of a felony, either in the District of  
6905 Columbia or another jurisdiction, the person shall be fined not more than the amount set forth in  
6906 § 22-3571.01 or imprisoned for not more than 10 years, or both.

6907 (a-1) Except as otherwise permitted by law, no person shall carry within the District of  
6908 Columbia a rifle or shotgun. A person who violates this subsection shall be subject to the  
6909 criminal penalties set forth in subsection (a)(1) and (2) of this section.

6910 (b) No person shall within the District of Columbia possess a pistol, machine gun,  
6911 shotgun, rifle, or any other firearm or imitation firearm while committing a crime of violence or  
6912 dangerous crime as defined in § 22-4501. Upon conviction of a violation of this subsection, the  
6913 person may be sentenced to imprisonment for a term not to exceed 15 years and shall be  
6914 sentenced to imprisonment for a mandatory-minimum term of not less than 5 years and shall not  
6915 be released on parole, or granted probation or suspension of sentence, prior to serving the  
6916 mandatory-minimum sentence.

6917 (c) In addition to any other penalty provided under this section, a person may be fined an  
6918 amount not more than the amount set forth in § 22-3571.01.

6919  
6920 § 22-4504.01. Authority to carry firearm in certain places and for certain purposes.  
6921 Notwithstanding any other law, a person holding a valid registration for a firearm may  
6922 carry the firearm:

- 6923 (1) Within the registrant's home;  
6924 (2) While it is being used for lawful recreational purposes;  
6925 (3) While it is kept at the registrant's place of business; or  
6926 (4) While it is being transported for a lawful purpose as expressly authorized by  
6927 District or federal statute and in accordance with the requirements of that statute.

6928  
6929 § 22-4504.02. Lawful transportation of firearms.

6930 (a) Any person who is not otherwise prohibited by the law from transporting, shipping, or  
6931 receiving a firearm shall be permitted to transport a firearm for any lawful purpose from any  
6932 place where he or she may lawfully possess and carry the firearm to any other place where he or  
6933 she may lawfully possess and carry the firearm if the firearm is transported in accordance with  
6934 this section.

6935 (b)(1) If the transportation of the firearm is by a vehicle, the firearm shall be unloaded,  
6936 and neither the firearm nor any ammunition being transported shall be readily accessible or  
6937 directly accessible from the passenger compartment of the transporting vehicle.

6938 (2) If the transporting vehicle does not have a compartment separate from the driver's  
6939 compartment, the firearm or ammunition shall be contained in a locked container other than the  
6940 glove compartment or console, and the firearm shall be unloaded.

6941 (c) If the transportation of the firearm is in a manner other than in a vehicle, the firearm  
6942 shall be:

- 6943 (1) Unloaded;

- 6944 (2) Inside a locked container; and  
6945 (3) Separate from any ammunition.

6946  
6947 § 22-4505. Exceptions to § 22-4504.

6948 (a) The provisions of §§ 22-4504(a) and 22-4504(a-1) shall not apply to:

6949 (1) Marshals, sheriffs, prison or jail wardens, or their deputies, policemen or other duly  
6950 appointed law enforcement officers, including special agents of the Office of Tax and Revenue,  
6951 authorized in writing by the Deputy Chief Financial Officer for the Office of Tax and Revenue to  
6952 carry a firearm while engaged in the performance of their official duties, and criminal  
6953 investigators of the Office of the Inspector General, designated in writing by the Inspector  
6954 General, while engaged in the performance of their official duties;

6955 (2) Special police officers and campus police officers who carry a firearm in  
6956 accordance with D.C. Official Code § 5-129.02, and rules promulgated pursuant to that section;

6957 (3) Members of the Army, Navy, Air Force, or Marine Corps of the United States or of  
6958 the National Guard or Organized Reserves when on duty, or to the regularly enrolled members of  
6959 any organization duly authorized to purchase or receive such weapons from the United States;  
6960 provided, that such members are at or are going to or from their places of assembly or target  
6961 practice;

6962 (4) Officers or employees of the United States duly authorized to carry a concealed  
6963 pistol;

6964 (5) Any person engaged in the business of manufacturing, repairing, or dealing in  
6965 firearms, or the agent or representative of any such person having in his or her possession, using,  
6966 or carrying a pistol in the usual or ordinary course of such business; and

6967 (6) Any person while carrying a pistol, transported in accordance with § 22-4504.02,  
6968 from the place of purchase to his or her home or place of business or to a place of repair or back  
6969 to his or her home or place of business or in moving goods from one place of abode or business  
6970 to another, or to or from any lawful recreational firearm-related activity.

6971 (b) The provisions of § 22-4504(a) with respect to pistols shall not apply to a police  
6972 officer who has retired from the Metropolitan Police Department, if the police officer has  
6973 registered a pistol and it is concealed on or about the police officer.

6974 (c) For the purposes of subsection (a)(6) of this section, the term "recreational firearm-  
6975 related activity" includes a firearms training and safety class.

6976  
6977 § 22-4506. Issue of a license to carry a pistol.

6978 (a) The Chief of the Metropolitan Police Department ("Chief") may, upon the application  
6979 of a person having a bona fide residence or place of business within the District of Columbia, or  
6980 of a person having a bona fide residence or place of business within the United States and a  
6981 license to carry a pistol concealed upon his or her person issued by the lawful authorities of any  
6982 State or subdivision of the United States, issue a license to such person to carry a pistol  
6983 concealed upon his or her person within the District of Columbia for not more than 2 years from  
6984 the date of issue, if it appears that the applicant has good reason to fear injury to his or her person  
6985 or property or has any other proper reason for carrying a pistol, and that he or she is a suitable  
6986 person to be so licensed.

6987 (b) A non-resident who lives in a state that does not require a license to carry a concealed  
6988 pistol may apply to the Chief for a license to carry a pistol concealed upon his or her person

6989 within the District of Columbia for not more than 2 years from the date of issue; provided, that  
6990 he or she meets the same reasons and requirements set forth in subsection (a) of this section.

6991 (c) For any person issued a license pursuant to this section, or renewed pursuant to § 7-  
6992 2509.03, the Chief may limit the geographic area, circumstances, or times of the day, week,  
6993 month, or year in which the license is effective, and may subsequently limit, suspend, or revoke  
6994 the license as provided under § 7-2509.05.

6995 (d) The application for a license to carry shall be on a form prescribed by the Chief and  
6996 shall bear the name, address, description, photograph, and signature of the licensee.

6997 (e) Except as provided in § 7-2509.05(b), any person whose application has been denied  
6998 or whose license has been limited or revoked may, within 15 days after the date of the notice of  
6999 denial or notice of intent, appeal to the Concealed Pistol Licensing Review Board established  
7000 pursuant to § 7-2509.08.

7001  
7002 § 22-4507. Certain sales of pistols prohibited.

7003 No person shall within the District of Columbia sell any pistol to a person who he or she  
7004 has reasonable cause to believe is not of sound mind, or is forbidden by § 22-4503 to possess a  
7005 pistol [now "firearm"], or, except when the relation of parent and child or guardian and ward  
7006 exists, is under the age of 21 years.

7007  
7008 § 22-4508. Transfers of firearms regulated.

7009 No seller shall within the District of Columbia deliver a firearm to the purchaser thereof  
7010 until 10 days shall have elapsed from the date of the purchase thereof, except in the case of sales  
7011 to marshals, sheriffs, prison or jail wardens or their deputies, policemen, or other duly appointed  
7012 law enforcement officers, and, when delivered, said firearm shall be transported in accordance  
7013 with § 22-4504.02. At the time of purchase, the purchaser shall sign in duplicate and deliver to  
7014 the seller a statement containing his or her full name, address, occupation, date and place of  
7015 birth, the date of purchase, the caliber, make, model, and manufacturer's number of the firearm  
7016 and a statement that the purchaser is not forbidden by § 22-4503 to possess a firearm. The seller  
7017 shall, within 6 hours after purchase, sign and attach his or her address and deliver one copy to  
7018 such person or persons as the Chief of Police of the District of Columbia may designate, and  
7019 shall retain the other copy for 6 years. No machine gun, sawed-off shotgun, or blackjack shall be  
7020 sold to any person other than the persons designated in § 22-4514 as entitled to possess the same,  
7021 and then only after permission to make such sale has been obtained from the Chief of Police of  
7022 the District of Columbia. This section shall not apply to sales at wholesale to licensed dealers.

7023  
7024 § 22-4509. Dealers of weapons to be licensed.

7025 No retail dealer shall within the District of Columbia sell or expose for sale or have in his  
7026 or her possession with intent to sell, any pistol, machine gun, sawed-off shotgun, or blackjack  
7027 without being licensed as provided in § 22-4510. No wholesale dealer shall, within the District of  
7028 Columbia, sell, or have in his or her possession with intent to sell, to any person other than a  
7029 licensed dealer, any pistol, machine gun, sawed-off shotgun, or blackjack.

7030  
7031 § 22-4510. Licenses of weapons dealers; records; by whom granted; conditions.

7032 (a) The Mayor of the District of Columbia may, in his or her discretion, grant licenses  
7033 and may prescribe the form thereof, effective for not more than 1 year from date of issue,  
7034 permitting the licensee to sell pistols, machine guns, sawed-off shotguns, and blackjacks at retail

7035 within the District of Columbia subject to the following conditions in addition to those specified  
7036 in § 22-4509, for breach of any of which the license shall be subject to forfeiture and the licensee  
7037 subject to punishment as provided in this chapter:

7038 (1) The business shall be carried on only in the building designated in the license.

7039 (2) The license or a copy thereof, certified by the issuing authority, shall be displayed  
7040 on the premises where it can be easily read.

7041 (3) No pistol shall be sold: (A) if the seller has reasonable cause to believe that the  
7042 purchaser is not of sound mind or is forbidden by § 22-4503 to possess a pistol [now "firearm"]  
7043 or is under the age of 21 years; and (B) unless the purchaser is personally known to the seller or  
7044 shall present clear evidence of his or her identity. No machine gun, sawed-off shotgun, or  
7045 blackjack shall be sold to any person other than the persons designated in § 22-4514 as entitled  
7046 to possess the same, and then only after permission to make such sale has been obtained from the  
7047 Chief of Police of the District of Columbia.

7048 (4) A true record shall be made in a book kept for the purpose, the form of which may  
7049 be prescribed by the Mayor, of all pistols, machine guns, and sawed-off shotguns in the  
7050 possession of the licensee, which said record shall contain the date of purchase, the caliber,  
7051 make, model, and manufacturer's number of the weapon, to which shall be added, when sold, the  
7052 date of sale.

7053 (5) A true record in duplicate shall be made of every pistol, machine gun, sawed-off  
7054 shotgun, and blackjack sold, said record to be made in a book kept for the purpose, the form of  
7055 which may be prescribed by the Mayor of the District of Columbia and shall be personally  
7056 signed by the purchaser and by the person effecting the sale, each in the presence of the other  
7057 and shall contain the date of sale, the name, address, occupation, color, and place of birth of the  
7058 purchaser, and, so far as applicable, the caliber, make, model, and manufacturer's number of the  
7059 weapon, and a statement by the purchaser that the purchaser is not forbidden by § 22-4503 to  
7060 possess a pistol [now "firearm"]. One copy of said record shall, within 7 days, be forwarded by  
7061 mail to the Chief of Police of the District of Columbia and the other copy retained by the seller  
7062 for 6 years.

7063 (6) No pistol or imitation thereof or placard advertising the sale thereof shall be  
7064 displayed in any part of said premises where it can readily be seen from the outside. No license  
7065 to sell at retail shall be granted to anyone except as provided in this section.

7066 (b) Any license issued pursuant to this section shall be issued by the Metropolitan Police  
7067 Department as a Public Safety endorsement to a basic business license under the basic business  
7068 license system as set forth in subchapter I-A of Chapter 28 of Title 47 of the District of Columbia  
7069 Official Code [§ 47-2851.01 et seq.].

7070  
7071 § 22-4511. False information in purchase of weapons prohibited.

7072 No person shall, in purchasing a pistol or in applying for a license to carry the same, or in  
7073 purchasing a machine gun, sawed-off shotgun, or blackjack within the District of Columbia, give  
7074 false information or offer false evidence of his or her identity.

7075  
7076 § 22-4512. Alteration of identifying marks of weapons prohibited.

7077 No person shall within the District of Columbia change, alter, remove, or obliterate the  
7078 name of the maker, model, manufacturer's number, or other mark or identification on any pistol,  
7079 machine gun, or sawed-off shotgun. Nothing contained in this section shall apply to any officer  
7080 or agent of any of the departments of the United States or the District of Columbia engaged in

7081 experimental work.

7082

7083 § 22-4513. Exceptions.

7084 Except as provided in § 22-4502, § 22-4504(b), and § 22-4514(b), this chapter shall not  
7085 apply to toy or antique pistols unsuitable for use as firearms.

7086

7087 § 22-4514. Possession of certain dangerous weapons prohibited; exceptions.

7088 (a) No person shall within the District of Columbia possess any machine gun, sawed-off  
7089 shotgun, knuckles, or any instrument or weapon of the kind commonly known as a blackjack,  
7090 slungshot, sand club, sandbag, switchblade knife, nor any instrument, attachment, or appliance  
7091 for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the  
7092 firing of any firearms; provided, however, that machine guns, or sawed-off shotgun, knuckles,  
7093 and blackjacks may be possessed by the members of the Army, Navy, Air Force, or Marine  
7094 Corps of the United States, the National Guard, or Organized Reserves when on duty, the Post  
7095 Office Department or its employees when on duty, marshals, sheriffs, prison or jail wardens, or  
7096 their deputies, policemen, or other duly-appointed law enforcement officers, including any  
7097 designated civilian employee of the Metropolitan Police Department, or officers or employees of  
7098 the United States duly authorized to carry such weapons, banking institutions, public carriers  
7099 who are engaged in the business of transporting mail, money, securities, or other valuables,  
7100 wholesale dealers and retail dealers licensed under § 22-4510.

7101 (b) No person shall within the District of Columbia possess, with intent to use unlawfully  
7102 against another, an imitation pistol, or a dagger, dirk, razor, stiletto, or knife with a blade longer  
7103 than 3 inches, or other dangerous weapon.

7104 (c) Whoever violates this section shall be punished as provided in § 22-4515 unless the  
7105 violation occurs after such person has been convicted in the District of Columbia of a violation  
7106 of this section, or of a felony, either in the District of Columbia or in another jurisdiction, in  
7107 which case such person shall be imprisoned for not more than 10 years.

7108 (d) In addition to any other penalty provided under this section, a person may be fined an  
7109 amount not more than the amount set forth in § 22-3571.01.

7110

7111 § 22-4515. Penalties.

7112 Any violation of any provision of this chapter for which no penalty is specifically  
7113 provided shall be punished by a fine of not more than the amount set forth in § 22-3571.01 or  
7114 imprisonment for not more than 1 year, or both.

7115

7116 § 22-4515a. Manufacture, transfer, use, possession, or transportation of Molotov  
7117 cocktails, or other explosives for unlawful purposes, prohibited; definitions; penalties.

7118 (a) No person shall within the District of Columbia manufacture, transfer, use, possess, or  
7119 transport a molotov cocktail. As used in this subsection, the term "molotov cocktail" means: (1) a  
7120 breakable container containing flammable liquid and having a wick or a similar device capable  
7121 of being ignited; or (2) any other device designed to explode or produce uncontained combustion  
7122 upon impact; but such term does not include a device lawfully and commercially manufactured  
7123 primarily for the purpose of illumination, construction work, or other lawful purpose.

7124 (b) No person shall manufacture, transfer, use, possess, or transport any device,  
7125 instrument, or object designed to explode or produce uncontained combustion, with the intent  
7126 that the same may be used unlawfully against any person or property.

7127 (c) No person shall, during a state of emergency in the District of Columbia declared by  
7128 the Mayor pursuant to law, or during a situation in the District of Columbia concerning which  
7129 the President has invoked any provision of Chapter 15 of Title 10, United States Code,  
7130 manufacture, transfer, use, possess, or transport any device, instrument, or object designed to  
7131 explode or produce uncontained combustion, except at his or her residence or place of business.

7132 (d) Whoever violates this section shall: (1) for the first offense, be sentenced to a term of  
7133 imprisonment of not less than 1 and not more than 5 years; (2) for the second offense, be  
7134 sentenced to a term of imprisonment of not less than 3 and not more than 15 years; and (3) for  
7135 the third or subsequent offense, be sentenced to a term of imprisonment of not less than 5 years  
7136 and not more than 30 years. In the case of a person convicted of a third or subsequent violation  
7137 of this section, Chapter 402 of Title 18, United States Code (Federal Youth Corrections Act)  
7138 shall not apply. For purposes of imprisonment following revocation of release authorized by §  
7139 24-403.01(b)(7), the third or subsequent conviction for an offense defined by this section is a  
7140 Class A felony.

7141 (e) In addition to any other penalty provided under this section, a person may be fined an  
7142 amount not more than the amount set forth in § 22-3571.01.

7143 § 22-4516. Severability.

7144 If any part of this chapter is for any reason declared void, such invalidity shall not affect  
7145 the validity of the remaining portions of this chapter.

7146 § 22-4517. Dangerous articles; definition; taking and destruction; procedure.

7147 (a) As used in this section, the term "dangerous article" means:

7148 (1) Any weapon such as a pistol, machine gun, sawed-off shotgun, blackjack,  
7149 slingshot, sandbag, or metal knuckles; or

7150 (2) Any instrument, attachment, or appliance for causing the firing of any firearms to  
7151 be silent or intended to lessen or muffle the noise of the firing of any firearms.

7152 (b) A dangerous article unlawfully owned, possessed, or carried is hereby declared to be a  
7153 nuisance.

7154 (c) When a police officer, in the course of a lawful arrest or lawful search, or when a  
7155 designated civilian employee of the Metropolitan Police Department in the course of a lawful  
7156 search, discovers a dangerous article which the officer reasonably believes is a nuisance under  
7157 subsection (b) of this section the officer shall take it into his or her possession and surrender it to  
7158 the Property Clerk of the Metropolitan Police Department.

7159 (d)(1) Within 30 days after the date of such surrender, any person may file in the office of  
7160 the Property Clerk of the Metropolitan Police Department a written claim for possession of such  
7161 dangerous article. Upon the expiration of such period, the Property Clerk shall notify each such  
7162 claimant, by registered mail addressed to the address shown on the claim, of the time and place  
7163 of a hearing to determine which claimant, if any, is entitled to possession of such dangerous  
7164 article. Such hearing shall be held within 60 days after the date of such surrender.

7165 (2) At the hearing the Property Clerk shall hear and receive evidence with respect to  
7166 the claims filed under paragraph (1) of this subsection. Thereafter he or she shall determine  
7167 which claimant, if any, is entitled to possession of such dangerous article and shall reduce his or  
7168 her decision to writing. The Property Clerk shall send a true copy of such written decision to  
7169 each claimant by registered mail addressed to the last known address of such claimant.

7170 (3) Any claimant may, within 30 days after the day on which the copy of such decision  
7171  
7172

7173 was mailed to such claimant, file an appeal in the Superior Court of the District of Columbia. If  
7174 the claimant files an appeal, he or she shall at the same time give written notice thereof to the  
7175 Property Clerk. If the decision of the Property Clerk is so appealed, the Property Clerk shall not  
7176 dispose of the dangerous article while such appeal is pending and, if the final judgment is entered  
7177 by such court, he or she shall dispose of such dangerous article in accordance with the judgment  
7178 of such court. The Superior Court of the District of Columbia is authorized to determine which  
7179 claimant, if any, is entitled to possession of the dangerous article and to enter a judgment  
7180 ordering a disposition of such dangerous article consistent with subsection (f) of this section.

7181 (4) If there is no such appeal, or if such appeal is dismissed or withdrawn, the Property  
7182 Clerk shall dispose of such dangerous article in accordance with subsection (f) of this section.

7183 (5) The Property Clerk shall make no disposition of a dangerous article under this  
7184 section, whether in accordance with his or her own decision or in accordance with the judgment  
7185 of the Superior Court of the District of Columbia, until the United States Attorney for the District  
7186 of Columbia certifies to the Property Clerk that such dangerous article will not be needed as  
7187 evidence.

7188 (e) A person claiming a dangerous article shall be entitled to its possession only if: (1)  
7189 such person shows, on satisfactory evidence, that such person is the owner of the dangerous  
7190 article or is the accredited representative of the owner, and that the ownership is lawful; (2) such  
7191 person shows on satisfactory evidence that at the time the dangerous article was taken into  
7192 possession by a police officer or a designated civilian employee of the Metropolitan Police  
7193 Department, it was not unlawfully owned and was not unlawfully possessed or carried by the  
7194 claimant or with his or her knowledge or consent; and (3) the receipt of possession by the  
7195 claimant does not cause the article to be a nuisance. A representative is accredited if such person  
7196 has a power of attorney from the owner.

7197 (f) If a person claiming a dangerous article is entitled to its possession as determined  
7198 under subsections (d) and (e) of this section, possession of such dangerous article shall be given  
7199 to such person. If no person so claiming is entitled to its possession as determined under  
7200 subsections (d) and (e) of this section, or if there be no claimant, such dangerous article shall be  
7201 destroyed. In lieu of such destruction, any such serviceable dangerous article may, upon order of  
7202 the Mayor of the District of Columbia, be transferred to and used by any federal or District  
7203 Government law-enforcing agency, and the agency receiving same shall establish property  
7204 responsibility and records of these dangerous articles.

7205 (g) The Property Clerk shall not be liable in damages for any action performed in good  
7206 faith under this section.

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7209  
7210 SUBTITLE VII.  
7211 REPEALED PROVISIONS.  
7212 [REPEALED].

7213  
7214

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7215  
7216 CHAPTER 46. EMBEZZLEMENT.  
7217 [REPEALED].

7218



7219 Sec.  
7220 22-4601 to 22-4611. Embezzlement of property of District; embezzlement by agent, attorney,  
7221 clerk, servant, or agent of a corporation; embezzlement of note not delivered; receiving  
7222 embezzled property; embezzlement by carriers and innkeepers; embezzlement by  
7223 warehouseman, factor, storage, forwarding, or commission merchant; violations of §§ 22-  
7224 4602 to 22-4606 where value of property less than \$ 100; conversion by commission  
7225 merchant, consignee, person selling goods on commission, and auctioneers;  
7226 embezzlement by mortgagor of personal property in possession; embezzlement by  
7227 executors and other fiduciaries; taking property without right. [Repealed].  
7228

7229 §§ 22-4601 to 22-4611. Embezzlement of property of District; embezzlement by agent,  
7230 attorney, clerk, servant, or agent of a corporation; embezzlement of note not delivered; receiving  
7231 embezzled property; embezzlement by carriers and innkeepers; embezzlement by  
7232 warehouseman, factor, storage, forwarding, or commission merchant; violations of §§ 22-4602 to  
7233 22-4606 where value of property less than \$ 100; conversion by commission merchant,  
7234 consignee, person selling goods on commission, and auctioneers; embezzlement by mortgagor of  
7235 personal property in possession; embezzlement by executors and other fiduciaries; taking  
7236 property without right. [Repealed].  
7237

7238 Repealed.

#### 7239 CHAPTER 47. LARCENY; RECEIVING STOLEN GOODS.

7240 [REPEALED].  
7241

7242 Sec.  
7243 22-4701 to 22-4708. Grand larceny; petit larceny; order of restitution; larceny after trust;  
7244 unauthorized use of vehicles; theft from vehicles; receiving stolen goods; stealing  
7245 property of District; receiving property stolen from District; destroying stolen property.  
7246 [Repealed].  
7247

7248 §§ 22-4701 to 22-4708. Grand larceny; petit larceny; order of restitution; larceny after  
7249 trust; unauthorized use of vehicles; theft from vehicles; receiving stolen goods; stealing property  
7250 of District; receiving property stolen from District; destroying stolen property. [Repealed].  
7251

7252 Repealed.

#### 7253 CHAPTER 48. RAPE. [REPEALED]. 7254

7255 Sec.  
7256 22-4801. Definition and penalty. [Repealed].  
7257

7258 § 22-4801. Definition and penalty. [Repealed].  
7259

7260 Repealed.

#### 7261 CHAPTER 49. SEDUCTION. 7262

7263 [REPEALED].  
7264

7264 Sec.

7265 22-4901 to 22-4902. Seduction; seduction by teacher. [Repealed].

7266

7267 §§ 22-4901, 22-4902. Seduction; seduction by teacher. [Repealed].

7268 Repealed.

7269

7270

#### CHAPTER 50. WAREHOUSE RECEIPTS.

7271

[REPEALED].

7272

7273 Sec.

7274 22-5001 to 22-5006. Issue of receipt for goods not received; issue of receipt containing false  
7275 statement; issue of duplicate receipts not so marked; issue of receipt that does not state  
7276 warehouseman's ownership of goods; delivery of goods without obtaining negotiable  
7277 receipts; negotiation of receipt for mortgaged goods. [Repealed].

7278

7279 §§ 22-5001 to 22-5006. Issue of receipt for goods not received; issue of receipt  
7280 containing false statement; issue of duplicate receipts not so marked; issue of receipt that does  
7281 not state warehouseman's ownership of goods; delivery of goods without obtaining negotiable  
7282 receipts; negotiation of receipt for mortgaged goods. [Repealed].

7283

Repealed.

7284

7285

#### CHAPTER 51. LIBEL; BLACKMAIL; EXTORTION; THREATS.

7286

[REPEALED].

7287

7288 Sec.

7289 22-5101 to 22-5106. Libel (penalty; publication; justification); false charges of unchastity;  
7290 blackmail; intent to commit extortion by communication of illegal threats and demands.  
7291 [Repealed].

7292

7293 §§ 22-5101 to 22-5106. Libel (penalty; publication; justification); false charges of  
7294 unchastity; blackmail; intent to commit extortion by communication of illegal threats and  
7295 demands. [Repealed].

7296

Repealed.

7297

7298

#### CHAPTER 52. MISCELLANEOUS PROVISIONS.

7299

[REPEALED].

7300

7301 Sec.

7302 22-5201. "Gift enterprise" defined. [Repealed].

7303 22-5202, 22-5203. Gift enterprise -- Prohibited; penalty. [Repealed].

7304 22-5204 to 22-5206. Kosher meat -- Sale; labeling; signs displayed where kosher and nonkosher  
7305 meats sold; definitions; penalties. [Repealed].

7306 22-5207, 22-5208. Limitation of hours of daily service for laborers and mechanics on public  
7307 works; penalty for violation of § 22-5207. [Repealed].

7308 22-5209 to 22-5213. Mislabeling potatoes (prohibited; sign to show grade; exception for seed  
7309 potatoes; penalties); procuring enlistment of criminals. [Repealed].

7310 22-5214. Use of the flag for advertising purposes; mutilation of the flag. [Repealed].

7311 22-5215. Discrimination by theatre proprietors against persons wearing uniform of armed  
7312 services prohibited. [Repealed].  
7313  
7314 § 22-5201. "Gift enterprise" defined. [Repealed].  
7315 Repealed.  
7316  
7317 §§ 22-5202, 22-5203. Gift enterprise -- Prohibited; penalty. [Repealed].  
7318 Repealed.  
7319  
7320 §§ 22-5204 to 22-5206. Kosher meat -- Sale; labeling; signs displayed where kosher and  
7321 nonkosher meats sold; definitions; penalties. [Repealed].  
7322 Repealed.  
7323  
7324 §§ 22-5207, 22-5208. Limitation of hours of daily service for laborers and mechanics on  
7325 public works; penalty for violation of § 22-5207. [Repealed].  
7326 Repealed.  
7327  
7328 §§ 22-5209 to 22-5213. Mislabeling potatoes (prohibited; sign to show grade; exception  
7329 for seed potatoes; penalties); procuring enlistment of criminals. [Repealed].  
7330 Repealed.  
7331  
7332 § 22-5214. Use of the flag for advertising purposes; mutilation of the flag. [Repealed].  
7333 Repealed.  
7334  
7335 § 22-5215. Discrimination by theatre proprietors against persons wearing uniform of  
7336 armed services prohibited. [Repealed].  
7337 Repealed.”  
7338  
7339 Sec. 3. Conforming amendments.  
7340 (a) Chapter 106 of the Acts of the Legislative Assembly, adopted August 23, 1871, is  
7341 amended as follows:  
7342 (1) Section 1 (D.C. Official Code § 22-1001) is repealed.  
7343 (2) Section 2 (D.C. Official Code § 22-1002) is repealed.  
7344 (3) Section 3 (D.C. Official Code § 22-1003) is repealed.  
7345 (4) Section 7 (D.C. Official Code § 22-1007) is repealed.  
7346 (5) Section 9 (D.C. Official Code § 22-1009) is repealed.  
7347 (6) Section 10 (D.C. Official Code § 22-1011) is repealed.  
7348 (7) Section 11 (D.C. Official Code § 22-1012(b)) is repealed.  
7349 (8) Section 12 (D.C. Official Code § 22-1013) is repealed.  
7350 (b) The Revised Statutes of the District of Columbia are amended as follows:

7351 (1) Sections 268 through 270 (D.C. Official Code §§ 22-3320 through 22-3322)  
7352 are repealed.

7353 (2) Sections 432 and 433 (D.C. Official Code §§ 22-405 and 22-1406) are  
7354 repealed.

7355 (3) Section 1806 (D.C. Official Code § 22-3318) is repealed.<sup>2</sup>

7356 (c) Section 9 of An Act To create revenue in the District of Columbia by levying a tax  
7357 upon all dogs therein, to make such dogs personal property, and for other purposes, approved  
7358 June 19, 1878 (20 Stat. 174; D.C. Official Code § 22-1311), is repealed.

7359 (d) Section 3 of An Act For the protection of children in the District of Columbia and for  
7360 other purposes, approved February 13, 1885 (23 Stat. 303; D.C. Official Code § 22-1101), is  
7361 repealed.

7362 (e) Sections 4 and 6a of An Act to prevent cruelty to children or animals in the District  
7363 of Columbia, and for other purposes, approved June 25, 1892 (27 Stat. 60; D.C. Code §§ 22-  
7364 1012(a)<sup>3</sup> and 22-1006.01), are repealed.

7365 (f) An Act For the preservation of the public peace and the protection of property within  
7366 the District of Columbia, approved July 29, 1892 (27 Stat. 322; codified in scattered sections of  
7367 the District of Columbia Official Code), is amended as follows:

7368 (1) Section 2 (D.C. Official Code § 22-3313) is repealed.

7369 (2) Section 3 (D.C. Official Code § 22-1309) is repealed.

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<sup>2</sup> Prior to the introduction of an enactment bill the Criminal Code Reform Commission recommends that the Council's Office of the General Counsel confirm that this is the correction citation to repeal § 22-3318. D.C. Code § 22-3318 does not actually appear to be a Revised Statute of the District of Columbia. Rather, the statute appears to be a Revised Statute of the United States. *See*

<https://archive.org/stream/revisedstatutes01statgoog#page/n341/mode/2up>.

However, the only other amendatory act for this statute, the Fine Proportionality Act of 2012, cites the Revised Statutes of the District of Columbia as the organic act. Using the Fine Proportionality Act as a model, the current bill language cites the Revised Statutes of the District of Columbia, even though the correct organic act for citation appears to be the Revised Statutes of the United States.

<sup>3</sup> Prior to the introduction of an enactment bill the Criminal Code Reform Commission recommends that the Council's Office of the General Counsel confirm that the June 25, 1892 Act to prevent cruelty to children or animals in the District of Columbia, and for other purposes, is the correct organic act for § 22-1012(a). Both the print and the online versions of the LexisNexis D.C. Official Code list the legislative history for § 22-1012 as: "Aug. 23, 1871, Leg. Assem., p. 138, ch. 106, § 11; June 25, 1892, 27 Stat. 60, ch. 135, § 4; May 21, 1994, D.C. Law 10-119, § 6, 41 DCR 1639; Aug. 20, 1994, D.C. Law 10-151, § 102(b), 41 DCR 2608; June 11, 2013, D.C. Law 19-317, § 209(b), 60 DCR 2064."

However, section 11 of Chapter 106 of Acts of the Legislative Assembly only contains the text codified at § 22-1012(b). Staff found the text codified at § 22-1012(a) in section 4 of the June 25, 1892 Act, and cited this Act as the organic act for § 22-1012(a). Staff used section 11 of Chapter 106 of the Acts of the Legislative Assembly as the organic act for § 22-1012(b).

7370 (3) Section 4 (D.C. Official Code § 22-1317) is repealed.  
7371 (4) Section 6 (D.C. Official Code § 22-1307) is repealed.  
7372 (5) Section 9 (D.C. Official Code § 22-1312) is repealed.  
7373 (6) Section 10 (D.C. Official Code §§ 22-1310) is repealed.  
7374 (7) Sections 11a and 11b (D.C. Official Code §§ 22-1314.01 and 22-1314.02) are  
7375 repealed.  
7376 (8) Section 13 (D.C. Official Code § 22-3310) is repealed.  
7377 (9) Section 14 (D.C. Official Code § 22-1313) is repealed.  
7378 (10) Section 15 (D.C. Official Code § 22-3311) is repealed.  
7379 (11) Section 16 (D.C. Official Code § 22-1318) is repealed.  
7380 (12) Section 17 (D.C. Official Code § 22-1308) is repealed.  
7381 (13) Section 18 (D.C. Official Code § 22-1809) is repealed.  
7382 (g) An Act To punish the impersonation of inspectors of the health and other departments  
7383 of the District of Columbia, approved March 2, 1897 (29 Stat. 619; D.C. Official Code § 22-  
7384 1405), is repealed.  
7385 (h) An Act To establish a code of law for the District of Columbia, approved March 3,  
7386 1901 (31 Stat. 1189; codified in scattered sections of the D.C. Official Code), is amended as  
7387 follows:  
7388 (1) Section 213 (D.C. Official Code § 22-1514) is repealed.  
7389 (2) Sections 798 through 802b (D.C. Official Code §§ 22-2101 through 2107) are  
7390 repealed.  
7391 (3) Sections 803 through 806c (D.C. Official Code §§ 22-401 through 22-404.03)  
7392 are repealed.  
7393 (4) Section 807 (D.C. Official Code § 22-406) is repealed.  
7394 (5) Section 810 through 811a (D.C. Official Code § 22-2801 through 22-2803) are  
7395 repealed.  
7396 (6) Section 812 (D.C. Official Code § 22-2001) is repealed.  
7397 (7) Section 813 (D.C. Official Code § 22-2704) is repealed.  
7398 (8) Sections 820 and 821 (D.C. Official Code §§ 22-301 and 22-302) are repealed.  
7399 (9) Section 823 (D.C. Official Code § 22-801) is repealed.  
7400 (10) Section 824 (D.C. Official Code § 22-3302) is repealed.

7401 (11) Section 825a (D.C. Official Code § 22-3305) is repealed.  
7402 (12) Section 836a (D.C. Official Code § 22-1808) is repealed.  
7403 (13) Section 844 (D.C. Official Code § 22-3307) is repealed.  
7404 (14) Section 846 (D.C. Official Code § 22-3319) is repealed.  
7405 (15) Section 848 (D.C. Official Code § 22-303) is repealed.  
7406 (16) Section 849 (D.C. Official Code § 22-3306) is repealed.  
7407 (17) Section 850 (D.C. Official Code § 22-3314) is repealed.  
7408 (18) Section 851 (D.C. Official Code § 22-3301) is repealed.  
7409 (19) Sections 859 and 860 (D.C. Official Code §§ 22-1403 and 22-1404) are  
7410 repealed.  
7411 (20) Sections 863 through 869 (D.C. Official Code §§ 22-1701 through 22-1708)  
7412 are repealed.  
7413 (21) Section 870 (D.C. Official Code § 22-501) is repealed.  
7414 (22) Sections 869(e) and 869(f) (D.C. Official Code §§ 22-1713 and 22-17114)  
7415 are repealed.  
7416 (23) Section 872 (D.C. Official Code § 22-2201) is repealed.  
7417 (24) Section 875 (D.C. Official Code § 22-1901) is repealed.  
7418 (25) Section 879 (D.C. Official Code § 22-1502) is repealed.  
7419 (26) Section 880 (D.C. Official Code § 22-3309) is repealed.  
7420 (27) Section 891 (D.C. Official Code § 22-3303) is repealed.  
7421 (28) Sections 901 and 902 (D.C. Official Code §§ 22-4403 and 22-4404) are  
7422 repealed.  
7423 (29) Sections 904 and 910 (D.C. Official Code §§ 22-1801 through 22-1807) are  
7424 repealed.  
7425 (i) Section 4 of An Act To enlarge the powers of the courts of the District of Columbia in  
7426 cases involving delinquent children, and for other purposes, approved March 3, 1901 (31 Stat.  
7427 1095; D.C. Official Code § 22-1102), is repealed.

7428 (j) Section 845a of An Act To amend an Act entitled “An Act to establish a code of law  
7429 for the District of Columbia,” approved June 30, 1902 (32 Stat. 535; D.C. Official Code § 22-  
7430 1402) is repealed.<sup>4</sup>

7431 (k) An Act To prevent the giving of false alarms in the District of Columbia, approved  
7432 June 8, 1906 (34 Stat. 220; D.C. Official Code § 22-1319) is repealed.

7433 (l) An Act In relation to pandering, to define and prohibit the same and to provide for the  
7434 punishment thereof, approved June 25, 1910 (36 Stat. 833; D.C. Official Code §§ 22–2705  
7435 through 22-2712), is repealed.<sup>5</sup>

7436 (m) An Act To confer concurrent jurisdiction on the police court of the District of  
7437 Columbia in certain jurisdictions, approved July 16, 1912 (37 Stat. 192; D.C. Official Code §§  
7438 22-407, 22-1301, and 22-2722), is repealed.

7439 (n) An Act To amend section eight hundred and ninety-five of the Code of Law for the  
7440 District of Columbia, approved February 3, 1913 (37 Stat. 656; D.C. Official Code § 22–4402),  
7441 is repealed.<sup>6</sup>

7442 (o) An Act To prevent fraudulent advertising in the District of Columbia, approved May  
7443 29, 1916 (39 Stat. 165; D.C. Official Code §§ 22-1511 through 22-1513), is repealed.

7444 (p) An Act regulating the issuance of checks, drafts, and orders for the payment of money  
7445 within the District of Columbia, approved July 1, 1922 (47 Stat. 820; D.C. Official Code § 22-  
7446 1510), is repealed.

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<sup>4</sup> Prior to the introduction of an enactment bill the Criminal Code Reform Commission recommends that the Council’s Office of the General Counsel confirm that this is the correct citation to repeal D.C. Code § 22-1402. Both the print and the online versions of the LexisNexis D.C. Official Code list the legislative history for § 22-1012 as: “June 30, 1902, 32 Stat. 535, ch. 1329, § 845a; Aug. 20, 1994, D.C. Law 10-151, § 106, 41 DCR 2608; June 11, 2013, D.C. Law 19-317, § 217, 60 DCR 2064.”

This legislative history suggests that the June 30, 1902 act is the organic act for D.C. Code § 22-1402. However, the text of the June 30, 1902 act adds § 845a to the 1901 Act to establish a code of law for the District of Columbia. It is not clear which of the two acts ought to be cited as the organic act.

<sup>5</sup> Prior to the introduction of an enactment bill the Criminal Code Reform Commission recommends that the Council’s Office of the General Counsel confirm that this is the correct citation to repeal D.C. Code §§ 22-2710 through 22-2712. D.C. Code §§ 22-2710 through 22-2712 were added to the organic act by an amendatory act on January 30, 1941. Because the entire June 25, 1910 organic act is being repealed, the bill does not cite the amendatory act which added those statutes.

<sup>6</sup> Prior to the introduction of an enactment bill the Criminal Code Reform Commission recommends that the Council’s Office of the General Counsel confirm that this is the correct citation to repeal D.C. Code § 22-4402. Both the print and the online versions of the LexisNexis D.C. Official Code list the legislative history for § 22-4402 as: “Feb. 3, 1913, 37 Stat. 656, ch. 25; June 11, 2013, D.C. Law 19-317, § 239, 60 DCR 2064.”

This legislative history suggests that the February 3, 1913 act is the organic act for D.C. Code § 22-4402. However, the text of the February 3, 1913 act adds § 895a to the 1901 Act to establish a code of law for the District of Columbia. It is not clear which of the two acts ought to be cited as the organic act. It should also be noted that the legislative history as listed in the LexisNexis D.C. Official omits the section number for this statute.

7447 (q) An Act To control the possession, sale, transfer, and use of pistols and other  
7448 dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of  
7449 evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code §§ 22-  
7450 4501 through 22-4517), is repealed.<sup>7</sup>

7451 (r) Section 8 of An Act to establish a Board of Indeterminate Sentence and Parole for the  
7452 District of Columbia and to determine its functions, and for other purposes, approved July 15,  
7453 1932 (47 Stat. 698; D.C. Official Code § 22-2601), is repealed.

7454 (s) An Act For the suppression of prostitution in the District of Columbia, approved  
7455 August 15, 1935 (49 Stat. 651; D.C. Official Code § 22-2701 *et seq.*), is amended as follows:

7456 (1) Section 1 (D.C. Official Code § 22-2701) is repealed.

7457 (2) Section 3 (D.C. Official Code § 22-2703) is repealed.

7458 (3) Sections 5 through 7 (D.C. Official Code §§ 22-2723 through 22-2725) are  
7459 repealed.

7460 (t) An Act To define the crime of bribery and to provide for its punishment, approved  
7461 February 26, 1936 (49 Stat. 1143; D.C. Code § 22-704), is repealed.

7462 (u) Sections 2 through 4 of An Act To prohibit the introduction of contraband into the  
7463 District of Columbia penal institutions, approved December 15, 1941 (55 Stat. 800; D.C. Official  
7464 Code § 22-2603.01 through 22-2603.03), are repealed.

7465 (v) The District of Columbia Law Enforcement Act, approved June 29, 1953 (67 Stat. 90;  
7466 codified in scattered sections of the District of Columbia Official Code) is amended as follows:

7467 (1) Section 209(a) (D.C. Official Code § 22-2501) is repealed.

7468 (2) Section 211(a) (D.C. Official Code § 22-1321) is repealed.

7469 (w) Section 4 of An Act To revise and modernize the fish and game laws of the District  
7470 of Columbia, and for other purposes, approved August 23, 1958 (72 Stat. 815; D.C. Official  
7471 Code § 22-4331), is repealed.

7472 (x) An Act To prohibit the use by collecting agencies and private detective agencies of  
7473 any name, emblem, or insignia which reasonably tends to convey the impression that any such

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<sup>7</sup> Prior to the introduction of an enactment bill the Criminal Code Reform Commission recommends that the Council's Office of the General Counsel confirm that this is the correct citation to repeal D.C. Code §§ 22-4503.01, 22-4504.01, 22-4504.02, 22-4515a, and 22-4517. Various amendatory acts added these statutes to the July 8, 1932 organic act which codifies the other weapons statutes in chapter 45 of Title 22. Because the entire July 8, 1932 organic act is being repealed, the bill does not cite the amendatory acts which added these statutes.



7474 agency is an agency of the government of the District of Columbia, approved October 16, 1962  
7475 (76 Stat. 1071; D.C. Official Code §§ 22-3401 through 22-3403), is repealed.

7476 (y) Section 901 of An Act Relating to crime and criminal procedure in the District of  
7477 Columbia, approved December 27, 1967 (81 Stat. 742; D.C. Official Code § 22-1322), is  
7478 repealed.

7479 (z) Section 1502 of the Omnibus Crime Control and Safe Streets Act of 1968, approved  
7480 June 19, 1968 (82 Stat. 238; D.C. Official Code § 22-1810), is repealed.

7481 (aa) Section 203 of the District of Columbia Court Reform and Criminal Procedure Act  
7482 of 1970, approved July 29, 1970 (84 Stat. 600; D.C. Official Code § 22-601), is repealed.

7483 (bb) Section 2 of the Control Prostitution and Sale of Controlled Substances in Public  
7484 Places Criminal Control Act of 1981, effective December 10, 1981 (D.C. Law 4-57; D.C. Code §  
7485 22-2701.01), is repealed.

7486 (cc) The District of Columbia Theft and White Collar Crimes Act of 1982, effective  
7487 December 1, 1982 (D.C. Law 4-164; codified in scattered sections of the D.C. Official Code)<sup>8</sup> is  
7488 amended as follows:

7489 (1) Sections 101 through 125g (D.C. Official Code §§ 22-3201 through 22-  
7490 3225.07) are repealed.

7491 (2) Section 125o (D.C. Official Code § 22-3225.15) is repealed.

7492 (3) Section 126a (D.C. Official Code § 22-3226.01) is repealed.

7493 (4) Sections 126f through 126h (D.C. Official Code §§ 22-3226.06 through 22-  
7494 3226.08) are repealed.

7495 (5) Section 126j (D.C. Official Code § 22-3226.10) is repealed.

7496 (6) Sections 301 through 303 (D.C. Official Code §§ 22-711 through 22-713) are  
7497 repealed.

7498 (7) Sections 401 through 404 (D.C. Official Code §§ 22-2402 through 22-2405)  
7499 are repealed.

7500 (8) Sections 501 through 503 (D.C. Official Code §§ 22-721 through 22-723) are  
7501 repealed.

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<sup>8</sup> Prior to the introduction of an enactment bill the Criminal Code Reform Commission recommends that the Council's Office of the General Counsel confirm that this is the correct citation to repeal D.C. Code §§ 22-3227.01 through 22-3227.08, 22-3233, and 22-3234. Various amendatory acts added these statutes to the December 1, 1982 organic act which codifies the other statutes in Chapter 32 of Title 22.

7502 (9) Sections 3601 and 3602 (D.C. Official Code §§ 22-3601 and 22-3602) are  
7503 repealed.

7504 (dd) The District of Columbia Protection of Minors Act of 1982, effective March 9, 1983  
7505 (D.C. Law 4-173; D.C. Official Code § 22-3101 through 22-3104), is repealed.

7506 (ee) The Anti-Intimidation and Defacing of Public or Private Property Criminal Penalty  
7507 Act of 1982, effective March 10, 1983 (D.C. Law 4-203; D.C. Code §§ 22-3312.01 *et seq.*), is  
7508 amended as follows:

7509 (1) Section 1a (D.C. Official Code § 22-3312.05) is repealed.

7510 (2) Section 2 (D.C. Official Code § 22-3312.01) is repealed.

7511 (3) Section 3 (D.C. Official Code § 22-3312.02) is repealed.

7512 (4) Section 4 (D.C. Official Code §§ 22-3312.03) is repealed.

7513 (5) Section 5 (D.C. Official Code § 22-3312.04) is repealed.<sup>9</sup>

7514 (ff) Sections 2 through 4 of the Bias-Related Crime Act of 1989, effective May 8, 1990  
7515 (D.C. Law 8-121; D.C. Official Code § 22-3701 through 22-3703) are repealed.

7516 (gg) Sections 2 through 7 of The Panhandling Control Act of 1993, effective November  
7517 17, 1993 (D.C. Law 10-54; D.C. Official Code §§ 22-2301 through 22-2306), are repealed.

7518 (hh) Sections 101 through 219 of the Anti-Sexual Abuse Act of 1994, effective May 23,  
7519 1995 (D.C. Law 10-257; D.C. Official Code §§ 22-3001 through 22-3020), are repealed.<sup>10</sup>

7520 (ii) The Commercial Counterfeiting Criminalization Act of 1996, effective June 3, 1997  
7521 (D.C. Law 11-271; D.C. Code §§ 22-901 and 22-902), is repealed.

7522 (jj) Section 11712(e) of the National Capital Revitalization and Self-Government  
7523 Improvement Act of 1997, approved August 5, 1997 (111 Stat. 782; D.C. Official Code § 22-  
7524 1323) is repealed.

7525 (kk) Section 16 of The Sex Offender Registration Act of 1999, effective July 11, 2000  
7526 (D.C. Law 13-137; D.C. Official Code § 22-4015), is repealed.

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<sup>9</sup> Prior to the introduction of an enactment bill the Criminal Code Reform Commission recommends that the Council's Office of the General Counsel confirm that this is the correct citation to repeal D.C. Code § 22-3312.05. An amendatory act added this statute to the March 10, 1983 organic act.

<sup>10</sup> Prior to the introduction of an enactment bill the Criminal Code Reform Commission recommends that the Council's Office of the General Counsel confirm that this is the correct citation to repeal D.C. Code §§ 22-3309.01 through 22-3009.04, 22-3010.01, and 22-3010.02. An amendatory act added these statutes to the May 23, 1995 organic act.

7527 (ll) Sections 201 through 206 of the Seniors Protection Amendment Act of 2000,  
7528 effective June 8, 2001 (D.C. Law 13–301; D.C. Code §§ 22-931 through 22-936), are repealed.

7529 (mm) Sections 2, 2a, and 3 of the Taxicab Drivers Protection Act of 2000, effective June  
7530 9, 2001 (D.C. Law 13–307; D.C. Official Code §§ 22–3751, 22-3751.01, and 22-3752), are  
7531 repealed.<sup>11</sup>

7532 (nn) Section 5 of the Innocence Protection Act of 2001, effective May 17, 2002 (D.C.  
7533 Law 14–134; D.C. Official Code § 22–4134), is repealed.

7534 (oo) The Omnibus Anti-Terrorism Act of 2002, effective October 17, 2002 (D.C. Law  
7535 14-194; codified in scattered sections of the District of Columbia Official Code), is amended as  
7536 follows:

7537 (1) Sections 101 through 106 (D.C. Code §§ 22-3151 through 22-3156) are  
7538 repealed.

7539 (2) Section 702 (D.C. Code § 22-1409) is repealed.

7540 (pp) The Omnibus Public Safety Amendment Act of 2006, effective April 24, 2007  
7541 (D.C. Law 16-306; codified in scattered sections of the District of Columbia Official Code) is  
7542 amended as follows:

7543 (1) Section 101 (D.C. Official Code § 22-951) is repealed.

7544 (2) Section 102 (D.C. Official Code § 22-3611) is repealed.

7545 (3) Section 103 (D.C. Official Code § 22-811) is repealed.

7546 (4) Section 105 (D.C. Official Code § 22-3531) is repealed.

7547 (5) Section 106 (D.C. Official Code § 22-851) is repealed.

7548 (6) Section 107 (D.C. Official Code § 22-1931) is repealed.

7549 (qq) The Omnibus Public Safety and Justice Amendment Act of 2009, effective  
7550 December 10, 2009 (D.C. Law 18–88; codified in scattered sections of the District of Columbia  
7551 Official Code), is amended as follows:

7552 (1) Section 102 (D.C. Code § 22-1341) is repealed.

7553 (2) Section 103 (D.C. Code §§ 22-1211) is repealed.

7554 (3) Sections 501 through 505 (D.C. Code §§ 22-3131 through 22-3135) is  
7555 repealed.

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<sup>11</sup> Prior to introduction of an enactment bill the Criminal Code Reform Commission recommends that the Council’s Office of the General Counsel confirm that this is the correct citation to repeal D.C. Code § 22-3751.01. An amendatory act added this statute to the June 9, 2001 organic act.

7556 (rr) Sections 101 through 108 of the Prohibition Against Human Trafficking Amendment  
7557 Act of 2010, effective October 23, 2010 (D.C. Law 18–239; D.C. Official Code §§ 22–1831  
7558 through 22-1838), are repealed.

7559 (ss) Sections 2 and 3 of the Residential Tranquility Act of 2010, effective May 26, 2011  
7560 (D.C. Law 18–374; D.C. Official Code §§ 22–2751 and 22-2752), are repealed.

7561 (tt) Sections 101 and 102 of the Criminal Fine Proportionality Amendment Act of 2012,  
7562 effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code §§ 22-3571.01 and 22-3571.02),  
7563 are repealed.

7564 (uu) The Prohibition of the Harm of Police Animals Act of 2014, effective April 24, 2015  
7565 (D.C. Law 20-242; D.C. Official Code § 22-861), is repealed.

7566 (vv) The Criminalization of Non–Consensual Pornography Act of 2014, effective May 7,  
7567 2015 (D.C. Law 20-275; D.C. Official Code §§ 22-3051 through 22-3057) is repealed.

7568

7569 **TITLE 2. TECHNICAL AMENDMENTS TO STATUTES OUTSIDE OF TITLE 22**

7570 Sec. 201. Short title.

7571 This title may be cited as the “Technical Amendments to Criminal Statutes Outside of  
7572 Title 22 Act of 2017.”

7573 **SUBTITLE A. TECHNICAL AMENDMENTS TO TITLE 2**

7574 Sec. 202. Section 821 of the District of Columbia Procurement Practices Act of 1985,  
7575 effective May 8, 1998 (D.C. Law 12-104; D.C. Official Code § 2-381.09) is amended by striking  
7576 the phrase “The Attorney General for the District of Columbia shall prosecute violations of this  
7577 section.”<sup>12</sup>

7578 **SUBTITLE B. TECHNICAL AMENDMENTS TO TITLE 4**

7579 Sec. 203. The District of Columbia Public Assistance Act of 1982, effective April 6,  
7580 1982 (D.C. Law 4-101; codified in scattered sections of the D.C. Official Code) is amended as  
7581 follows:

7582 (a) Section 1801 (D.C. Official Code § 4-218.01) is amended as follows:

7583 (1) Subsection (a) is amended by striking the phrase “payment of public

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<sup>12</sup> Prior to introduction of an enactment bill the Criminal Code Reform Commission recommends that the Council’s Office of the General Counsel confirm that this is the correct citation to amend D.C. Code § 2-381.09. The online version of the LexisNexis D.C. Official Code list the legislative history for § 2-381.09 as: “Feb. 21, 1986, D.C. Law 6-85, § 821, 32 DCR 7396, as added May 8, 1998, D.C. Law 12-104, § 2(g), 45 DCR 1687; Mar. 19, 2013, D.C. Law 19-232, § 2(g), 59 DCR 13632; June 11, 2013, D.C. Law 19-317, § 112(a), 60 DCR 2064.”

7584 assistance to which he is not entitled” and inserting the phrase “payment of public assistance to  
7585 which he or she is not entitled” in its place.

7586 (2) Subsection (b) is amended as follows:

7587 (A) By striking the word “he” both times it appears and inserting the  
7588 phrase “he or she” in its place.

7589 (B) By striking the word “his” and inserting the phrase “his or her” in  
7590 its place.

7591 (b) Section 1805(c) (D.C. Official Code § 4-218.05(c)) is amended by striking  
7592 “Corporation Counsel” and inserting “Attorney General for the District of Columbia” in its  
7593 place.

7594 SUBTITLE C. TECHNICAL AMENDMENTS TO TITLE 6

7595 Sec. 204. Section 10(a) of An Act Providing for the zoning of the District of Columbia  
7596 and the regulation of the location, height, bulk, and uses of buildings and other structures and of  
7597 the uses of land in the District of Columbia, and for other purposes, approved June 20, 1938 (52  
7598 Stat. 800; D.C. Official Code § 6-641.09(a)), is amended as follows:

7599 (a) By striking the phrase “Inspector of Buildings, and said Inspector” and inserting the  
7600 phrase “Department of Consumer and Regulatory Affairs, and the Department of Consumer and  
7601 Regulatory Affairs” in its place.

7602 (b) By striking the phrase “Corporation Counsel or any of his assistants” and inserting the  
7603 phrase “Attorney General for the District of Columbia or any of his or her assistants” in its place.

7604 (c) By striking the phrase “Corporation Counsel of” and inserting the phrase “Attorney  
7605 General for” in its place.

7606 SUBTITLE D. TECHNICAL AMENDMENTS TO TITLE 7

7607 Sec. 205. Section 201(b) of the Firearms Control Regulations Act of 1975, effective  
7608 September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2502.01(b)) is amended as follows:

7609 (a) Subparagraph (2)(C) is amended by striking the word “his” and inserting the  
7610 phrase “his or her” in its place.

7611 (b) Paragraph (3) is amended as follows:

7612 (1) By striking the word “his” wherever it appears and inserting the phrase  
7613 “his or her” in its place.

7614 (2) By striking the word “he” wherever it appears and inserting the

7615 phrase “he or she” in its place.

7616 SUBTITLE E. TECHNICAL AMENDMENTS TO TITLE 10

7617 Sec. 206. Section 6(c) of An Act To define the area of the United States Capitol  
7618 Grounds, to regulate the use thereof, and for other purposes, approved July 31, 1946 (60 Stat.  
7619 718; D.C. Official Code § 10-503.16(c)) is amended by striking the word “his” and inserting the  
7620 phrase “his or her” in its place.

7621 SUBTITLE F. TECHNICAL AMENDMENTS TO TITLE 23

7622 Sec. 207. Title 23 of the District of Columbia Official Code is amended as follows:

7623 (a) Section 23-1327 is amended as follows:

7624 (1) Subsection (a) is amended as follows:

7625 (A) By striking the word “his” wherever it appears and inserting  
7626 the phrase “his or her” in its place.

7627 (B) By striking the word “he” wherever it appears and inserting the  
7628 phrase “he or she” in its place.

7629 (2) Subsection (c) is amended by striking the word “his” and inserting the phrase  
7630 “his or her” in its place.

7631 (b) Section 23-1329 is amended as follows:

7632 (1) Subsection (b)(1) is amended as follows:

7633 (A) By striking the word “he” both times it appears and inserting the  
7634 phrase “he or she” in its place.

7635 (B) By striking the word “his” and inserting the phrase “his or her” in its  
7636 place.

7637 (2) Subsection (c) is amended by striking the word “his” and inserting the phrase  
7638 “his or her” in its place.

7639 SUBTITLE G. TECHNICAL AMENDMENTS TO TITLE 24

7640 Section 208. Section 6(b) of the District of Columbia Work Release Act, approved  
7641 November 10, 1966 (80 Stat. 1520; D.C. Official Code § 24-241.05(b)) is amended as follows:

7642 (a) By striking the word “his” both times it appears and inserting the phrase “his  
7643 or her” in its place.

7644 (b) By striking the phrase “Corporation Counsel of” and inserting the phrase  
7645 “Attorney General for” in its place.

7646 SUBTITLE H. TECHNICAL AMENDMENTS TO TITLE 25

7647 Sec. 209. Section 25-1002(c)(2) of the District of Columbia Official Code is amended by  
7648 striking the word “his” and inserting the phrase “his or her” in its place.

7649 SUBTITLE I. TECHNICAL AMENDMENTS TO TITLE 47

7650 Sec. 210. Title 47 of the District of Columbia Official Code is amended as follows:

7651 (a) Section 47-2828(a) is amended by striking the word “his” and inserting the  
7652 phrase “his or her” in its place.

7653 (b) Section 47-2829 is amended as follows:

7654 (1) Subsection (b) is amended as follows:

7655 (A) By striking “Collector of Taxes” and inserting “Office of Tax  
7656 and Revenue” in its place.

7657 (B) By striking the word “his” and inserting the phrase “his or her” in its  
7658 place.

7659 (2) Subsection (i) is amended by striking the word “his” wherever it  
7660 appears and inserting the phrase “his or her” in its place.

7661 SUBTITLE J. TECHNICAL AMENDMENTS TO TITLE 48

7662 Sec. 211. Section 401(e)(2) of the District of Columbia Uniform Controlled Substances  
7663 Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-904.01(e)(2)) is  
7664 amended by striking the word “him” and inserting the phrase “him or her” in its place.

7665 SUBTITLE K. TECHNICAL AMENDMENTS TO TITLE 50

7666 Sec. 212. Section 6(b)(2) of the Uniform Classification and Commercial Driver’s  
7667 License Act of 1990, effective September 20, 1990 (D.C. Law 8-161; D.C. Official Code § 50-  
7668 405(b)(2)) is amended by striking “Corporation Counsel” and inserting “Attorney General for the  
7669 District of Columbia” in its place.

7670 Sec. 213. The District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat.  
7671 1119; codified in scattered cites of the D.C. Official Code) is amended as follows:

7672 (a) Section 7(a) (D.C. Official Code § 50-1401.01(a)) is amended as follows:

7673 (1) Paragraph (3) is amended as follows:

7674 (A) By striking the word “his” both times it appears and inserting  
7675 the phrase “his or her” in its place.

7676 (B) By striking the word “he” and inserting the phrase “he or she”

7677 in its place.

7678 (C) By striking the word “him” and inserting the phrase “him or her” in its  
7679 place.

7680 (2) Paragraph (6) is amended by striking the word “his” and inserting the  
7681 phrase “his or her” in its place.

7682 (b) Section 10b (D.C. Official Code § 50-2201.05b) is amended as follows:

7683 (1) Paragraph (d)(1) is amended by striking the word “his” and inserting  
7684 the phrase “his or her” in its place.

7685 (2) By striking subsection (e).

7686 Sec. 214. Section 4(e) of the Removal and Disposition of Abandoned and Other  
7687 Unlawfully Parked Vehicles Reform Act of 2003, effective October 28, 2003 (D.C. Law 15-35;  
7688 D.C. Official Code § 50-2421.04(e)) is amended by striking “Corporation Counsel” and inserting  
7689 “Attorney General for the District of Columbia” in its place.

7690

7691 **TITLE 3. AMENDMENT OF AN UNCONSTITUTIONAL STATUTE**

7692 Sec. 301. Short title.

7693 This title may be cited as the “Possession of Unlawful Ammunition Offense Amendment  
7694 Act of 2017.”

7695 Sec. 302. Section 601 of the Firearms Control Regulations Act of 1975, effective  
7696 September 24, 1976 (D.C. Law 1-85; D.C. Code § 7-2506.01), is amended to read as follows:

7697 "Sec. 601. (a) *Definitions*. For the purposes of this section, the term "large capacity  
7698 ammunition feeding device" means a magazine, belt, drum, feed strip, or similar device that has  
7699 a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of  
7700 ammunition. The term "large capacity ammunition feeding device" shall not include an attached  
7701 tubular device designed to accept, and capable of operating only with, .22 caliber rimfire  
7702 ammunition.

7703 "(b) *Offense*. A person commits the crime of unlawful possession of ammunition when  
7704 that person:

7705 "(1) Possesses ammunition, and that person has not lawfully registered a firearm  
7706 of the same caliber or gauge of ammunition pursuant to subchapter IV of this unit;

7707 "(2) Possesses one or more restricted pistol bullets as defined in § 7-



7708 2501.01(13A)(A); or  
7709 "(3) Possesses, sells, or transfers any large capacity ammunition feeding device  
7710 regardless of whether the device is attached to a firearm.

7711 "(c) *Affirmative defense.* It is an affirmative defense to the crime of unlawful  
7712 possession of ammunition for subsections (b)(1) and (b)(2) that the person charged:

7713 "(1) Is a licensed dealer pursuant to subchapter IV of this unit;

7714 "(2) Is an officer, agent, or employee of the District of Columbia or the United  
7715 States of America, and was on duty and acting within the scope of his or her duties when that  
7716 person possessed such ammunition;

7717 "(3) Holds an ammunition collector's certificate on September 24, 1976; or

7718 "(4) Temporarily possessed ammunition while participating in a  
7719 firearms training and safety class conducted by a firearms instructor."

7720

#### 7721 **TITLE 4. ABOLITION OF COMMON LAW OFFENSES**

7722 Sec. 401. Short title.

7723 This title may be cited as the "Abolition of Common Law Offenses Act of 2017."

7724 Sec. 402. Section 1 of An Act To establish a code of law for the District of Columbia,  
7725 approved March 3, 1901 (31 Stat. 1189; D.C. Code § 45-401), is amended as follows:

7726 (a) Subsection (a) is amended by striking the phrase "some provision of the 1901  
7727 Code" and inserting the phrase "some provision of the 1901 Code or this section" in its place.

7728 (b) Subsection (b) is amended to read as follows:

7729 "Common law offenses are abolished and no act or omission constitutes an offense unless  
7730 made so by an Act of Congress, this Code, or a municipal regulation of the District of Columbia.  
7731 This subsection does not affect the power to punish for contempt, or to employ any sanction  
7732 authorized by law for the enforcement of an order or a civil judgment or decree. This subsection  
7733 shall not be construed to repeal any common law defenses or any legal precedent other than that  
7734 which recognizes common law offenses."

7735

#### 7736 **TITLE 5. REPEAL OF ARCHAIC AND UNUSED OFFENSES OUTSIDE OF TITLE 22**

7737 Sec. 501. Short title.

7738 This title may be cited as the "Abolition of Common Law Offenses Act of 2017."

7739           Sec. 502. Section 6 of An Act for the promotion of anatomical science and to prevent the  
7740 desecration of graves in the District of Columbia, approved April 29, 1902 (32 Stat. 175; D.C.  
7741 Official Code § 3-206), is repealed.

7742           Sec. 503. Section 2 of An Act To give additional powers to the Board of Public Welfare  
7743 of the District of Columbia, and for other purposes, approved January 12, 1942 (55 Stat. 883;  
7744 D.C. Official Code § 4-125), is repealed.

7745           Sec. 504. Section 10 of An Act To regulate the importation of nursery stock and other  
7746 plants and plant products; to enable the Secretary of Agriculture to establish and maintain  
7747 quarantine districts for plant diseases and insect pests; to permit and regulate the movement of  
7748 fruits, plants, and vegetables therefrom, and for other purposes, approved August 20, 1912 (37  
7749 Stat. 318; D.C. Official Code § 8-305), is repealed.

7750           Sec. 505. The Permit Restoration Act of 1999, effective April 12, 2000 (D.C. Law 13-  
7751 91; D.C. Official Code §§ 9-433.01 and 9-433.02) is repealed.<sup>13</sup>

7752           Sec. 506. Section 8 of An Act Making appropriations to provide for the expenses of the  
7753 government of the District of Columbia for the fiscal year ending June thirtieth, nineteen  
7754 hundred and fourteen, and for other purposes, approved March 4, 1913 (37 Stat. 974; codified in  
7755 scattered sections of the District of Columbia Official Code), is amended as follows:

7756           (a) Paragraph 80 (D.C. Official Code § 34-701) is repealed.

7757           (b) Paragraph 86 (D.C. Official Code § 34-707) is repealed.

7758           Sec. 507. Section 878c of An Act To establish a code of law for the District of  
7759 Columbia, approved February 27, 1907 (34 Stat. 1007; D.C. Official Code § 36-153), is  
7760 repealed.<sup>14</sup>

7761           Sec. 508. Section 47-102 of the District of Columbia Official Code is repealed.

7762           Sec. 509. Conforming amendments.

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<sup>13</sup> D.C. Official Code §§ 9-433.01 and 9-433.02 (“Cutting Trenches in Highways”) were enacted in 2000 but are identical to immediately preceding provisions in the D.C. Official Code, §§ 9-431.01 and 9-431.02, which were enacted in 1898. The reason for this unusual duplication is unclear, as only one set of these statutes is necessary to prohibit the described conduct. The Criminal Code Reform Commission recommends repeal of the newer versions of the statutes rather than the originals from 1898, only out of concern that the 2000 version may have been enacted in error.

<sup>14</sup> Prior to the introduction of an enactment bill the Criminal Code Reform Commission recommends that the Council’s Office of the General Counsel confirm that this is the correct citation to amend D.C. Code § 36-153. The online version of the LexisNexis D.C. Official Code list the legislative history for § 36-153 as: “Mar. 3, 1901, ch. 854, § 878c; Feb. 27, 1907, 34 Stat. 1007, ch. 2086.” Section 878c of the 1907 amendatory act adds § 36-153 to the March 3, 1901 organic act. However, the later amendatory act of 1907 is cited because the language in this act is being amended.

7763 (a) Section 15 of An Act To regulate the importation of nursery stock and other plants  
7764 and plant products; to enable the Secretary of Agriculture to establish and maintain quarantine  
7765 districts for plant diseases and insect pests; to permit and regulate the movement of fruits, plants,  
7766 and vegetables therefrom, and for other purposes, approved May 31, 1920 (41 Stat. 726; D.C.  
7767 Code § 8-304) is amended by striking the phrase “punished, as provided in § 8-305” and  
7768 inserting the phrase “guilty of a misdemeanor and shall, upon conviction thereof, be punished by  
7769 a fine not exceeding \$500 or by imprisonment not exceeding 1 year, or both such fine and  
7770 imprisonment, in the discretion of the court” in its place.<sup>15</sup>

7771 (b) Section 878d of An Act To establish a code of law for the District of Columbia,  
7772 approved February 27, 1907 (34 Stat. 1007; D.C. Official Code § 36-154) is amended by striking  
7773 the phrase “shall be punished as provided in § 36-153” and inserting the phrase “shall, for the 1st  
7774 offense, be punished by a fine of not less than \$.50 for each such vessel, or by imprisonment for  
7775 not less than 10 days nor more than 1 year, or by both such fine and imprisonment; and for each  
7776 subsequent offense by a fine of not less than \$1 nor more than \$5 for each such vessel, or by  
7777 imprisonment for not less than 20 days nor more than 1 year, or by both such fine and  
7778 imprisonment” in its place.<sup>16</sup>

7779 **TITLE 6. APPLICABILITY DATE; FISCAL IMPACT; EFFECTIVE DATE**

7780 Sec. 601. Applicability.

7781 This Act shall apply as of [insert correct date].

7782 Sec. 602. Fiscal impact statement.

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<sup>15</sup> Prior to introduction of an enactment bill the Criminal Code Reform Commission recommends that the Council’s Office of the General Counsel confirm that this is the correct citation to amend D.C. Code § 8-304. The online version of the LexisNexis D.C. Official Code list the legislative history for § 8-304 as: “Aug. 20, 1912, ch. 308, § 15; May 31, 1920, 41 Stat. 726, ch. 217; May 16, 1928, 45 Stat. 565, ch. 572; July 7, 1932, 47 Stat. 640, ch. 443; Mar. 26, 1934, 48 Stat. 486, ch. 89; Apr. 1, 1942, 56 Stat. 190, 192, ch. 207, §§ 1-4; July 8, 1963, 77 Stat. 77, Pub. L. 88-60, § 1; July 29, 1970, 84 Stat. 570, Pub. L. 91-358, title I, § 155(a).” The May 31, 1920 amendatory act added § 15 to the August 20, 1912 organic act. However the later amendatory act of 1920 is cited because the language in this act is being amended.

<sup>16</sup> Prior to the introduction of an enactment bill the Criminal Code Reform Commission recommends that the Council’s Office of the General Counsel confirm that this is the correct citation to amend D.C. Code § 36-154. The online version of the LexisNexis D.C. Official Code list the legislative history for § 36-154 as: “Mar. 3, 1901, ch. 854, § 878d; Feb. 27, 1907, 34 Stat. 1007, ch. 2086.” Section 878d of the 1907 amendatory act adds § 36-154 to the March 3, 1901 organic act. However, the later amendatory act of 1907 is cited because the language in this act is being amended. In addition, the Criminal Code Reform Commission also recommends that Council’s Office of the General Counsel amend the title of § 36-154 to “Use or possession of vessel without purchase” to more accurately describe the offense codified therein.

7783 [Insert appropriate language].

7784 Section 603. Effective date.

7785 This act shall take effect following approval by the Mayor (or in the event of veto by the  
7786 Mayor, action by the Council to override the veto), a 60-day period of Congressional review as  
7787 provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December  
7788 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of  
7789 Columbia Register.

VOTING DRAFT OF REPORT #1