

APPENDIX IX: ENACTMENT OF TITLE 22 AND CRIMINAL CODE  
AMENDMENTS ACT OF 2017 (Second Draft)

*Note: All statute texts are taken from the online LexisNexis District of Columbia Official Code. The texts in the Official Code are current through April 5, 2016. The text of the enacted title 22 reflects the revisions discussed in the Report on #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 of the Report. In addition, footnotes in the bill highlight potential drafting issues for the Office of the General Counsel to review.*

\*\*\*

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 ~~for the Enactment of Title 22~~" that is included in this bill; to make technical amendments to certain criminal statutes to correct outdated institutions, gendered language, and prosecutorial jurisdiction; to amend statutes that have been held by the District of Columbia Court of Appeals as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 ~~for the Enactment of Title 22~~**

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 ~~for the Enactment of Title 22~~. 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:

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

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

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

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

67 ~~(5) D.C. Official Code § 22-3307, titled “Destroying or defacing public records.”~~

68 ~~(6) D.C. Official Code § 22-3309, titled “Destroying boundary markers.”~~

69 ~~(7) D.C. Official Code § 22-3313, titled “Destroying or defacing building  
70 material for streets.”~~

71 ~~(8) D.C. Official Code § 22-3314, titled “Destroying cemetery railing or tomb.”~~

72 ~~(9) D.C. Official Code § 22-3319, titled “Placing obstructions on or  
73 displacement of railway tracks.”~~

74 ~~(10)~~(5) D.C. Official Code § 22-3320, titled “Obstructing public road; removing  
75 milestones.”

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

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

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

83 ~~(3) In D.C. Official Code § 22-811, striking subsection (e).~~

84 ~~(4)~~(3) In D.C. Official Code § 22-935, striking the word “he” both times it  
85 appears

86 and inserting the phrase “he or she” in its place.

87 ~~(5)~~(4) In D.C. Official Code § 22-1102, striking the phrase “in the Workhouse of  
88 the

89 District of Columbia.”

90 ~~(6)~~(5) In D.C. Official Code § 22-1311:

91 A. In subsection (a):

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

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

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

98 ~~(7)~~(6) In D.C. Official Code § 22-1317, striking the phrase “City of Washington”  
99 and inserting the phrase “District of Columbia” in its place.

100 ~~(8)~~(7) In D.C. Official Code § 22-1406, striking the word “himself” and inserting  
101 the  
102 phrase “himself or herself” in its place.

103 ~~(9)~~(8) In D.C. Official Code § 22-1702, striking the word “his” the second time it  
104 appears and inserting the phrase “his or her” in its place.

105 ~~(10)~~(9) In D.C. Official Code § 22-1809, striking the phrase “committed to the  
106 Workhouse of the District of Columbia” and inserting the word “imprisoned” in its place.

107 ~~(11)~~(10) In D.C. Official Code § 22-1810, in the title of the statute, striking  
108 the  
109 word “his” and inserting the phrase “his or her” in its place.

110 ~~(12)~~(11) In D.C. Official Code § 22-2305, striking the phrase “Corporation  
111 Counsel” and inserting the phrase “Attorney General for the District of Columbia” in its place.

112 ~~(13)~~(12) In D.C. Official Code § 22-2703, striking the phrase “~~the~~  
113 Women’s  
114 Bureau of the Police,” and inserting the phrase “the Metropolitan Police Department” in its  
115 place.

116 ~~(14)~~(13) In D.C. Official Code § 22-3020(c), striking the phrase  
117 “Corporation  
118 Counsel” and inserting the phrase “Attorney General for the District of Columbia” in its place.

119 ~~(15)~~(14) In D.C. Official Code § 22-3214.01(c)(2), striking the word “his”  
120 both  
121 times it appears and inserting the phrase “his or her” in its place.

122 | ~~(16)~~(15) In D.C. Official Code § 22-3225.05(c), striking the phrase  
123 | “Corporation

124 | Counsel” and inserting the phrase “Attorney General for the District of Columbia” in its place.

125 | ~~(17)~~(16) In D.C. Official Code § 22-3226.01(8), striking the word “himself”  
126 | and

127 | inserting the phrase “himself or herself” in its place.

128 | ~~(18)~~(17) In D.C. Official Code § 22-3318:

129 | A. Striking the phrase “City of Washington” and inserting the  
130 | phrase “District of Columbia” in its place.

131 | B. Striking the phrase “at hard labor” and inserting the word “for”  
132 | in its place.

133 | ~~(19)~~(18) In D.C. Official Code § 22-3403:

134 | A. Striking the phrase “Corporation Counsel” and inserting the  
135 | phrase “Attorney General for the District of Columbia” in its  
136 | place.

137 | B. Striking the phrase “Assistant Corporation Counsel” and  
138 | inserting the phrase “Assistant Attorney General for the  
139 | District of Columbia.”

140 | C. Striking the last sentence.

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

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

144 | B. Striking the phrase “Assistant Corporation Counsel” and  
145 | inserting the phrase “Assistant Attorney General for the District of  
146 | Columbia” in its place.

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

149 | 3. The Council intends to make the following substantive revisions to the laws in Title

150 | 22. The text of Title 22 in the “Title 22 Enactment Act of 2016” reflects these revisions:

151 | (1) In D.C. Official Code § 22-1011, inserting the phrase “be abandoned by its

152 owner, or”, which appears in the organic legislation, but is missing from the current text of Title  
153 22 in the D.C. Official Code.

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

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

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

160 (5) In D.C. Official Code § 22-2104.01(b)(12), striking the phrase “§ 22-  
161 4501(f) [now § 22-4501(4)]” and inserting the phrase in “§ 22-4501(1)” in order to cite to the  
162 correct subsection in § 22-4501.

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

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

167 (8) In D.C. Official Code § 22-4402, codifying the reference to “Mayor”  
168 because “Mayor” is the correct replacement for the “Commissioners” in the organic legislation.

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

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

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

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

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

182

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

186  
187 **TITLE 1. ENACTMENT OF TITLE 22 OF THE DISTRICT OF COLUMBIA OFFICAL**  
188 **CODE**

189  
190 Sec. 101. Short Title.

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

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

195  
196 “TITLE 22.  
197 CRIMINAL OFFENSES AND PENALTIES.

198  
199 \_\_\_\_\_  
200  
201 SUBTITLE I.  
202 CRIMINAL OFFENSES.

203  
204 Chapter.

- 205 1. Abortion. [Repealed].  
206 2. Adultery. [Repealed].  
207 3. Arson.  
208 4. Assault; Mayhem; Threats.  
209 5. Bigamy.  
210 6. Breaking into Devices Designed to Receive Currency.  
211 7. Bribery; Obstructing Justice; Corrupt Influence.  
212 8. Burglary.  
213 8A. Crimes Committed Against Minors.  
214 8B. Crimes Against Public Officials.  
215 8C. Protection of Police Animals.  
216 9. Commercial Counterfeiting.  
217 9A. Criminal Abuse and Neglect of Vulnerable Adults.  
218 9B. Criminal Street Gangs.  
219 10. Cruelty to Animals.  
220 11. Cruelty to Children.  
221 12. Debt Adjusting. [Repealed].  
222 12A. Detection Device Tampering.  
223 13. Disturbances of the Public Peace.  
224 13A. Entry into a Motor Vehicle, Unlawful.

- 225 14. False Pretenses; False Personation.  
226 15. Forgery; Frauds.  
227 16. Fornication. [Repealed].  
228 17. Gambling.  
229 18. General Offenses.  
230 18A. Human Trafficking.  
231 19. Incest.  
232 19A. Interfering with Reports of Crime.  
233 20. Kidnapping.  
234 21. Murder; Manslaughter.  
235 22. Obscenity.  
236 23. Panhandling.  
237 24. Perjury; Related Offenses.  
238 25. Possession of Implements of Crime.  
239 25A. Presence in a Motor Vehicle Containing a Firearm. [Repealed].<sup>1</sup>  
240 26. Prison Misconduct.  
241 27. Prostitution; Pandering.  
242 27A. Protest Targeting a Residence.  
243 28. Robbery.  
244 29. Sale of Unwholesome Food. [Repealed].  
245 30. Sexual Abuse.  
246 30A. Non-Consensual Pornography.  
247 31. Sexual Performance Using Minors.  
248 31A. Stalking.  
249 31B. Terrorism.  
250 32. Theft; Fraud; Stolen Property; Forgery; and Extortion.  
251 33. Trespass; Injuries to Property.  
252 34. Use of "District of Columbia" by Certain Persons.  
253 35. Vagrancy. [Repealed].  
254 35A. Voyeurism.  
255 35B. Fines for Criminal Offenses.  
256  
257 SUBTITLE II.  
258 ENHANCED PENALTIES.  
259  
260 36. Crimes Committed Against Certain Persons.  
261 36A. Crimes Committed Against Minors.  
262 37. Bias-Related Crime.  
263 37A. Offenses Committed Against Taxicab Drivers and Certain Transit Workers.  
264  
265 SUBTITLE III.  
266 SEX OFFENDERS.  
267  
268 38. Sexual Psychopaths. [Transferred].

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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.”

- 269 39. HIV Testing of Certain Criminal Offenders. [Transferred].  
270 40. Sex Offender Registration.  
271 41. Sex Offender Registration. [Repealed]. [Transferred].  
272

273 SUBTITLE III-A.  
274 DNA TESTING.  
275

- 276 41A. DNA Testing and Post-Conviction Relief for Innocent Persons.  
277 41B. DNA Sample Collection. [Transferred].  
278

279 SUBTITLE IV.  
280 PREVENTION, SOLUTION, AND PUNISHMENT OF CRIMES.  
281 [TRANSFERRED].  
282

- 283 42. National Institute of Justice Appropriations. [Transferred].  
284 42A. National Institute of Justice Appropriations. [Transferred].  
285 42B. Homicide Elimination. [Transferred].  
286

287 SUBTITLE V.  
288 HARBOR, GAME, AND FISH LAWS.  
289

- 290 43. Game and Fish Laws.  
291 44. Harbor Regulations.  
292

293 SUBTITLE VI.  
294 REGULATION AND POSSESSION OF WEAPONS.  
295

- 296 45. Weapons and Possession of Weapons.  
297

298 SUBTITLE VII  
299 REPEALED PROVISIONS.  
300 [REPEALED].  
301  
302

- 303 46. Embezzlement. [Repealed].  
304 47. Larceny; Receiving Stolen Goods. [Repealed].  
305 48. Rape. [Repealed].  
306 49. Seduction. [Repealed].  
307 50. Warehouse Receipts. [Repealed].  
308 51. Libel; Blackmail; Extortion; Threats. [Repealed].  
309 52. Miscellaneous Provisions. [Repealed].  
310

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311 SUBTITLE I.  
312 CRIMINAL OFFENSES.  
313  
314

315  
316

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CHAPTER 1. ABORTION.  
[REPEALED].

319 Sec.  
320 22-101. Definition and penalty. [Repealed].

321  
322 § 22-101. Definition and penalty. [Repealed].  
323 Repealed.  
324

CHAPTER 2. ADULTERY.  
[REPEALED].

327 Sec.  
328 22-201. Definition and penalty. [Repealed].

329  
330 § 22-201. Definition and penalty. [Repealed].  
331 Repealed.

CHAPTER 3. ARSON.

333 Sec.  
334 22-301. Definition and penalty.  
335 22-302. Burning one's own property with intent to defraud or injure another.  
336 22-303. Malicious burning, destruction, or injury of another's property.  
337 22-304. Malicious burning of fences, woods, crops. [Repealed].

338  
339 § 22-301. Definition and penalty.

340 Whoever shall maliciously burn or attempt to burn any dwelling, or house, barn, or stable  
341 adjoining thereto, or any store, barn, or outhouse, or any shop, office, stable, store, warehouse, or  
342 any other building, or any steamboat, vessel, canal boat, or other watercraft, or any railroad car,  
343 the property, in whole or in part, of another person, or any church, meetinghouse, schoolhouse,  
344 or any of the public buildings in the District, belonging to the United States or to the District of  
345 Columbia, shall suffer imprisonment for not less than 1 year nor more than 10 years. In addition  
346 to any other penalty provided under this section, a person may be fined an amount not more than  
347 the amount set forth in § 22-3571.01.

348  
349 § 22-302. Burning one's own property with intent to defraud or injure another.

350 Whoever maliciously burns or sets fire to any dwelling, shop, barn, stable, store, or  
351 warehouse or other building, or any steamboat, vessel, canal boat, or other watercraft, or any  
352 goods, wares, or merchandise, the same being his or her own property, in whole or in part, with  
353 intent to defraud or injure any other person, shall be imprisoned for not more than 15 years. In  
354 addition to any other penalty provided under this section, a person may be fined an amount not

355 more than the amount set forth in § 22-3571.01.

356

357 § 22-303. Malicious burning, destruction, or injury of another's property.

358 Whoever maliciously injures or breaks or destroys, or attempts to injure or break or  
359 destroy, by fire or otherwise, any public or private property, whether real or personal, not his or  
360 her own, of the value of \$ 1,000 or more, shall be fined not more than the amount set forth in §  
361 22-3571.01 or shall be imprisoned for not more than 10 years, or both, and if the property has  
362 some value shall be fined not more than the amount set forth in § 22-3571.01 or imprisoned for  
363 not more than 180 days, or both.

364

365 § 22-304. Malicious burning of fences, woods, crops. [Repealed].

366 Repealed.

367

#### CHAPTER 4. ASSAULT.

368 Sec.

369 22-401. Assault with intent to kill, rob, or poison, or to commit first degree sexual abuse, second  
370 degree sexual abuse, or child sexual abuse.

371 22-402. Assault with intent to commit mayhem or with dangerous weapon.

372 22-403. Assault with intent to commit any other offense.

373 22-404. Assault or threatened assault in a menacing manner; stalking.

374 22-404.01. Aggravated assault.

375 22-404.02. Assault on a public vehicle inspection officer.

376 22-404.03. Aggravated assault on a public vehicle inspection officer.

377 22-405. Assault on member of police force, campus or university special police, or fire  
378 department.

379 22-406. Mayhem or maliciously disfiguring.

380 22-407. Threats to do bodily harm.

381 22-408. Penalty for assaulting, beating, or fighting on account of money won by gaming.  
382 [Repealed].

383

384 § 22-401. Assault with intent to kill, rob, or poison, or to commit first degree sexual  
385 abuse, second degree sexual abuse or child sexual abuse.

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

392

393 § 22-402. Assault with intent to commit mayhem or with dangerous weapon.

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

398

399 § 22-403. Assault with intent to commit any other offense.

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

404

405 § 22-404. Assault or threatened assault in a menacing manner; stalking.

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

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

414 (b) Repealed.

415 (c) Repealed.

416 (d) Repealed.

417 (e) Repealed.

418

419 § 22-404.01. Aggravated assault.

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

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

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

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

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

430

431 § 22-404.02. Assault on a public vehicle inspection officer.

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

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

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

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

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

445 (d) For the purposes of this section, the term:  
446 (1) "Commission" shall have the same meaning as provided in § 50-303(6).  
447 (2) "Public vehicle-for-hire" shall have the same meaning as provided in § 50-303(17).  
448 (3) "Public vehicle inspection officer" shall have the same meaning as provided in §  
449 50-303(19).

450 § 22-404.03. Aggravated assault on a public vehicle inspection officer.

451 (a) A person commits the offense of aggravated assault on a public vehicle inspection  
452 officer if that person assaults, impedes, intimidates, or interferes with a public vehicle inspection  
453 officer while that officer is engaged in or on account of the performance of his or her official  
454 duties, and:  
455

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

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

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

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

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

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

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

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

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

474 (3) "Public vehicle inspection officer" shall have the same meaning as provided in §  
475 50-303(19).

476 § 22-405. Assault on member of police force, campus or university special police, or fire  
477 department.

478 (a) For the purposes of this section, the term "law enforcement officer" means any officer  
479 or member of any police force operating and authorized to act in the District of Columbia,  
480 including any reserve officer or designated civilian employee of the Metropolitan Police  
481 Department, any licensed special police officer, any officer or member of any fire department  
482 operating in the District of Columbia, any officer or employee of any penal or correctional  
483 institution of the District of Columbia, any officer or employee of the government of the District  
484 of Columbia charged with the supervision of juveniles being confined pursuant to law in any  
485 facility of the District of Columbia regardless of whether such institution or facility is located  
486 within the District, any investigator or code inspector employed by the government of the  
487 District of Columbia, or any officer or employee of the Department of Youth Rehabilitation  
488 Services, Court Services and Offender Supervision Agency, the Social Services Division of the  
489

490 Superior Court, or Pretrial Services Agency charged with intake, assessment, or community  
491 supervision.

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

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

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

505

506 § 22-406. Mayhem or maliciously disfiguring.

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

510

511 § 22-407. Threats to do bodily harm.

512 Whoever is convicted in the District of threats to do bodily harm shall be fined not more  
513 than the amount set forth in § 22-3571.01 or imprisoned not more than 6 months, or both, and, in  
514 addition thereto, or in lieu thereof, may be required to give bond to keep the peace for a period  
515 not exceeding 1 year.

516

517 § 22-408. Penalty for assaulting, beating, or fighting on account of money won by  
518 gaming. [Repealed].

519

Repealed.

520

## CHAPTER 5. BIGAMY.

521 Sec.

522 22-501. Bigamy.

523

524 § 22-501. Bigamy.

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

529

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

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

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

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

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

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

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

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

543 Sec.

544 22-601. Breaking and entering vending machines and similar devices.

545

546 § 22-601. Breaking and entering vending machines and similar devices.

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

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

553 *Subchapter I.*

554 *Corrupt Influence.*

555

556 Sec.

557 22-701 to 22-703. Definition and penalty; offering or receiving money, property, or valuable  
558 consideration to procure office or promotion from Council; obstructing  
559 justice. [Repealed].

560 22-704. Corrupt influence; officials.

561

562 *Subchapter II.*

563 *Bribery.*

564

565 Sec.

566 22-711. Definitions.

567 22-712. Prohibited acts; penalty.

568 22-713. Bribery of witness; penalty.

569

570 *Subchapter III.*

571 *Obstructing Justice.*

572

573 Sec.

574 22-721. Definitions.  
575 22-722. Prohibited acts; penalty.  
576 22-723. Tampering with physical evidence; penalty.

577  
578 *Subchapter I.*  
579 *Corrupt Influence.*  
580

581  
582 §§ 22-701 to 22-703. Definition and penalty; offering or receiving money, property, or  
583 valuable consideration to procure office or promotion from Council; obstructing justice.  
584 [Repealed].  
585 [Repealed].

586  
587 § 22-704. Corrupt influence; officials.

588 (a) Whosoever corruptly, directly or indirectly, gives any money, or other bribe, present,  
589 reward, promise, contract, obligation, or security for the payment of any money, present, reward,  
590 or thing of value to any ministerial, administrative, executive, or judicial officer of the District of  
591 Columbia, or any employee, or other person acting in any capacity for the District of Columbia,  
592 or any agency thereof, either before or after the officer, employee, or other person acting in any  
593 capacity for the District of Columbia is qualified, with intent to influence such official's action  
594 on any matter which is then pending, or may by law come or be brought before such official in  
595 such official's official capacity, or to cause such official to execute any of the powers in such  
596 official vested, or to perform any duties of such official required, with partiality or favor, or  
597 otherwise than is required by law, or in consideration that such official being authorized in the  
598 line of such official's duty to contract for any advertising or for the furnishing of any labor or  
599 material, shall directly or indirectly arrange to receive or shall receive, or shall withhold from the  
600 parties so contracted with, any portion of the contract price, whether that price be fixed by law or  
601 by agreement, or in consideration that such official has nominated or appointed any person to  
602 any office or exercised any power in such official vested, or performed any duty of such official  
603 required, with partiality or favor, or otherwise contrary to law; and whosoever, being such an  
604 official, shall receive any such money, bribe, present, or reward, promise, contract, obligation, or  
605 security, with intent or for the purpose or consideration aforesaid shall be deemed guilty of  
606 bribery and upon conviction thereof shall be punished by imprisonment for a term not less than 6  
607 months nor more than 5 years. In addition to any other penalty provided under this section, a  
608 person may be fined an amount not more than the amount set forth in § 22-3571.01.

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

616  
617 *Subchapter II.*  
618 *Bribery.*  
619

620 § 22-711. Definitions.

621 For the purposes of this subchapter, the term:

622 (1) "Court of the District of Columbia" means the Superior Court of the District of  
623 Columbia or the District of Columbia Court of Appeals.

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

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

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

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

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

637

638 § 22-712. Prohibited acts; penalty.

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

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

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

644 in return for an agreement or understanding that an official act of the public servant will be  
645 influenced thereby or that the public servant will violate an official duty, or that the public  
646 servant will commit, aid in committing, or will collude in or allow any fraud against the District  
647 of Columbia.

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

650 (c) Any person convicted of bribery shall be fined not more than the amount set forth in §  
651 22-3571.01 or twice the monetary equivalent of the thing of value, whichever is greater, or  
652 imprisoned for not more than 10 years, or both.

653

654 § 22-713. Bribery of witness; penalty.

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

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

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

662 (b) Nothing in subsection (a) of this section shall be construed to prohibit the payment or  
663 receipt of witness fees provided by law, or the payment by the party upon whose behalf a witness  
664 is called and receipt by a witness of a reasonable cost of travel and subsistence incurred and the  
665 reasonable value of time lost in attendance at any such proceeding, or, in case of expert

666 witnesses, a reasonable fee for time spent in the preparation of a technical or professional  
667 opinion and appearing and testifying.

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

670

671

*Subchapter III.*  
*Obstructing Justice.*

672

673

674 § 22-721. Definitions.

675 For the purpose of this subchapter, the term:

676 (1) "Court of the District of Columbia" means the Superior Court of the District of  
677 Columbia or the District of Columbia Court of Appeals.

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

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

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

686

687 § 22-722. Prohibited acts; penalty.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

725

726 § 22-723. Tampering with physical evidence; penalty.

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

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

734

## 735 CHAPTER 8. BURGLARY.

736

737 Sec.

738 22-801. Definition and penalty.

739

740 § 22-801. Definition and penalty.

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

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

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

759  
760 CHAPTER 8A. CRIMES COMMITTED AGAINST MINORS.

761 Sec.

762 22-811. Contributing to the delinquency of a minor.

763 § 22-811. Contributing to the delinquency of a minor.

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

767 (1) Be truant from school;

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

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

772 (4) Violate a court order;

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

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

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

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

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

787 (3) Except as provided in paragraphs (4) and (5) of this subsection, a person convicted  
788 of violating subsection (a)(7) of this section shall be fined not more than the amount set forth in §  
789 22-3571.01 or imprisoned for not more than 5 years, or both.

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

793 (5) A person convicted of violating subsection (a) of this section that results in the  
794 death of the minor or any other person shall be fined not more than the amount set forth in § 22-  
795 3571.01 or imprisoned for not more than 10 years, or both.

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

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

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

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

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

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

809  
810 CHAPTER 8B. CRIMES AGAINST PUBLIC OFFICIALS.

811  
812 Sec.

813 22-851. Protection of District public officials.

814  
815 § 22-851. Protection of District public officials.

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

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

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

824 (b) A person who corruptly or, by threat or force, or by any threatening letter or  
825 communication, intimidates, impedes, interferes with, or retaliates against, or attempts to  
826 intimidate, impede, interfere with, or retaliate against any official or employee, while the official  
827 or employee is engaged in the performance of his or her duties or on account of the performance  
828 of those duties, shall be fined not more than the amount set forth in § 22-3571.01 or imprisoned  
829 not more than 5 years, or both.

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

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

840  
841 CHAPTER 8C. PROTECTION OF POLICE ANIMALS.

842 Sec.

843 22-861. Harassing, interfering with, injuring, or obstructing a police animal.

844  
845 § 22-861. Harassing, interfering with, injuring, or obstructing a police animal.

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

847 (1) "Police animal" means a dog, horse, or other animal used by a law enforcement  
848 agency, correctional facility, police department, fire department, or search and rescue unit or  
849 agency for the purpose of aiding in the detection of criminal activity, enforcement of laws,

850 apprehension of criminal offenders, or search and rescue efforts, whether or not the dog, horse,  
851 or other animal is engaged in the performance of its official duties when a violation of this  
852 section occurs.

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

855 (b)(1) Any person who intentionally and without justifiable and excusable cause,  
856 harasses, interferes with, injures, or obstructs a police animal when he or she has reason to  
857 believe the animal is a police animal shall be guilty of a misdemeanor and, upon conviction, shall  
858 be imprisoned not more than 180 days or fined not more than the amount set forth in § 22-  
859 3571.01, or both.

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

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

869

870

871

## CHAPTER 9. COMMERCIAL COUNTERFEITING.

872

873 Sec.

874 22-901. Definitions.

875 22-902. Trademark counterfeiting.

876

877 § 22-901. Definitions.

878 For the purposes of this chapter, the term:

879 (1) "Counterfeit mark" means:

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

881 (B) Intellectual property affixed to any item knowingly sold, offered for sale,

882 manufactured, or distributed, or identifying services offered or rendered, without the authority of  
883 the owner of the intellectual property.

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

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

893

894 § 22-902. Trademark counterfeiting.

895 (a) A person commits the offense of counterfeiting if such person willfully manufactures,  
896 advertises, distributes, offers for sale, sells, or possesses with intent to sell or distribute any

897 items, or services bearing or identified by a counterfeit mark. There shall be a rebuttable  
898 presumption that a person having possession, custody, or control of more than 15 items bearing a  
899 counterfeit mark possesses said items with the intent to sell or distribute.

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

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

904 (2) For the second conviction, or if convicted under this section of an offense  
905 involving more than 100 but fewer than 1,000 items, or involving items with a total retail value  
906 greater than \$ 1,000 but less than \$ 10,000, by a fine not more than the amount set forth in § 22-  
907 3571.01 or by imprisonment for not more than 3 years, or both; and

908 (3) For the third or subsequent conviction, or if convicted under this section of an  
909 offense involving the manufacture or production of items bearing counterfeit marks involving  
910 1,000 or more items, or involving items with a total retail value of \$ 10,000 or greater, by a fine  
911 not more than the amount set forth in § 22-3571.01 or by imprisonment for not more than 10  
912 years, or both.

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

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

920 (e) Any items bearing a counterfeit mark and all personal property, including, but not  
921 limited to, any items, objects, tools, machines, equipment, instrumentalities, or vehicles of any  
922 kind, employed or used in connection with a violation of this chapter shall be seized by any law  
923 enforcement officer, including any designated civilian employee of the Metropolitan Police  
924 Department, in accordance with the procedures established by § 48-905.02.

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

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

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

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

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

937

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

939

940 Sec.

941 22-931. Short title.

942 22-932. Definitions.

943 22-933. Criminal abuse of a vulnerable adult.

944 22-934. Criminal negligence.

945 22-935. Exception.

946 22-936. Penalties.

947

948 § 22-931. Short title.

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

951

952 § 22-932. Definitions.

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

956

957 § 22-933. Criminal abuse of a vulnerable adult.

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

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

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

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

967

968 § 22-934. Criminal negligence.

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

974

975 § 22-935. Exception.

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

981

982 § 22-936. Penalties.

983 (a) A person who commits the offense of criminal abuse or criminal neglect of a  
984 vulnerable person shall be subject to a fine of not more than the amount set forth in § 22-  
985 3571.01, imprisoned for not more than 180 days, or both.

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

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

992  
993 CHAPTER 9B. CRIMINAL STREET GANGS.

994  
995 Sec.

996 22-951. Criminal street gangs.

997  
998 § 22-951. Criminal street gangs.

999 (a)(1) It is unlawful for a person to solicit, invite, recruit, encourage, or otherwise cause,  
1000 or attempt to cause, another individual to become a member of, remain in, or actively participate  
1001 in what the person knows to be a criminal street gang.

1002 (2) A person convicted of a violation of this subsection shall be fined not more  
1003 than the amount set forth in § 22-3571.01 or imprisoned for not more than 6 months, or both.

1004 (b)(1) It is unlawful for any person who is a member of or actively participates in a  
1005 criminal street gang to knowingly and willfully participate in any felony or violent misdemeanor  
1006 committed for the benefit of, at the direction of, or in association with any other member or  
1007 participant of that criminal street gang.

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 5 years, or both.

1010 (c)(1) It is unlawful for a person to use or threaten to use force, coercion, or intimidation  
1011 against any person or property, in order to:

1012 (A) Cause or attempt to cause an individual to:

1013 (i) Join a criminal street gang;

1014 (ii) Participate in activities of a criminal street gang;

1015 (iii) Remain as a member of a criminal street gang; or

1016 (iv) Submit to a demand made by a criminal street gang to commit a  
1017 felony in violation of the laws of the District of Columbia, the United States, or any other state;  
1018 or

1019 (B) Retaliate against an individual for a refusal to:

1020 (i) Join a criminal street gang;

1021 (ii) Participate in activities of a criminal street gang;

1022 (iii) Remain as a member of a criminal street gang; or

1023 (iv) Submit to a demand made by a criminal street gang to commit a  
1024 felony in violation of the laws of the District of Columbia, the United States, or any other state.

1025 (2) A person convicted of a violation of this subsection shall be fined not more  
1026 than the amount set forth in § 22-3571.01 or imprisoned for not more than 10 years, or both.

1027 (d) The penalties under this section are in addition to any other penalties permitted by  
1028 law.

1029 (e) For the purposes of this section, the term:

1030 (1) "Criminal street gang" means an association or group of 6 or more persons that:

1031 (A) Has as a condition of membership or continued membership, the  
1032 committing of or actively participating in committing a crime of violence, as defined by § 23-  
1033 1331(4)); or

- 1034 (B) Has as one of its purposes or frequent activities, the violation of the criminal  
1035 laws of the District, or the United States, except for acts of civil disobedience.  
1036 (2) "Violent misdemeanor" shall mean:  
1037 (A) Destruction of property (§ 22-303);  
1038 (B) Simple assault (§ 22-404(a));  
1039 (C) Stalking (§ 22-404(b) [see now § 22-3132]);  
1040 (D) Threats to do bodily harm (§ 22-407);  
1041 (E) Criminal abuse or criminal neglect of a vulnerable adult (§ 22-936(a));  
1042 (F) Cruelty to animals (§ 22-1001(a)); and  
1043 (G) Possession of prohibited weapon (§ 22-4514).  
1044

1045 CHAPTER 10. CRUELTY TO ANIMALS.  
1046

1047 Sec.

- 1048 22-1001. Definitions and penalties.  
1049 22-1002. Other cruelties to animals.  
1050 22-1002.01. Reporting requirements. [Transferred].  
1051 22-1003. Rest, water, and feeding for animals transported by railroad company. [Repealed].  
1052 22-1004. Arrests without warrant authorized; notice to owner. [Transferred].  
1053 22-1005. Issuance of search warrants. [Transferred].  
1054 22-1006. Prosecution of offenders; disposition of fines. [Transferred].  
1055 22-1006.01. Penalty for engaging in animal fighting.  
1056 22-1007. Impounded animals to be supplied with food and water.  
1057 22-1008. Relief of impounded animals. [Transferred].  
1058 22-1009. Keeping or using places for fighting or baiting of fowls or animals; arrest without  
1059 warrant.  
1060 22-1010. Penalty for engaging in cock fighting or animal fighting. [Repealed].  
1061 22-1011. Neglect of sick or disabled animals.  
1062 22-1012. Abandonment of maimed or diseased animal; destruction of diseased animals;  
1063 disposition of animal or vehicle on arrest of driver; scientific experiments.  
1064 22-1013. Definitions.  
1065 22-1014. Docking tails of horses. [Repealed].  
1066 22-1015. Penalty for engaging in animal fighting. [Renumbered].  
1067

1068 § 22-1001. Definitions and penalties.

- 1069 (a)(1) Whoever knowingly overdrives, overloads, drives when overloaded, overworks,  
1070 tortures, torments, deprives of necessary sustenance, cruelly chains, cruelly beats or mutilates,  
1071 any animal, or knowingly causes or procures any animal to be so overdriven, overloaded, driven  
1072 when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, cruelly  
1073 chained, cruelly beaten, or mutilated, and whoever, having the charge or custody of any animal,  
1074 either as owner or otherwise, knowingly inflicts unnecessary cruelty upon the same, or  
1075 unnecessarily fails to provide the same with proper food, drink, air, light, space, veterinary care,  
1076 shelter, or protection from the weather, shall for every such offense be punished by  
1077 imprisonment in jail not exceeding 180 days, or by fine not exceeding \$ 250, or by both.

1078 (2) The court may order a person convicted of cruelty to animals:

- 1079 (A) To obtain psychological counseling, psychiatric or psychological

1080 evaluation, or to participate in an animal cruelty prevention or education program, and may  
1081 impose the costs of the program or counseling on the person convicted;

1082 (B) To forfeit any rights in the animal or animals subjected to cruelty;

1083 (C) To repay the reasonable costs incurred prior to judgment by any  
1084 agency caring for the animal or animals subjected to cruelty; and

1085 (D) Not to own or possess an animal for a specified period of time.

1086 (3) The court may order a child adjudicated delinquent for cruelty to animals to  
1087 undergo psychiatric or psychological evaluation, or to participate in appropriate treatment  
1088 programs or counseling, and may impose the costs of the program or counseling on the person  
1089 adjudicated delinquent.

1090 (b) For the purposes of this section, "cruelly chains" means attaching an animal to a  
1091 stationary object or a pulley by means of a chain, rope, tether, leash, cable, or similar restraint  
1092 under circumstances that may endanger its health, safety, or well-being. Cruelly chains includes,  
1093 but is not limited to, the use of a chain, rope, tether, leash, cable or similar restraint that:

1094 (1) Exceeds 1/8 the body weight of the animal;

1095 (2) Causes the animal to choke;

1096 (3) Is too short for the animal to move around or for the animal to urinate or  
1097 defecate in a separate area from the area where it must eat, drink, or lie down;

1098 (4) Is situated where it can become entangled;

1099 (5) Does not permit the animal access to food, water, shade, dry ground, or  
1100 shelter; or

1101 (6) Does not permit the animal to escape harm.

1102 (c) For the purposes of this section, "serious bodily injury" means bodily injury that  
1103 involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and  
1104 obvious disfigurement, mutilation, or protracted loss or impairment of the function of a bodily  
1105 member or organ. Serious bodily injury includes, but is not limited to, broken bones, burns,  
1106 internal injuries, severe malnutrition, severe lacerations or abrasions, and injuries resulting from  
1107 untreated medical conditions.

1108 (d) Except where the animal is an undomesticated and dangerous animal such as rats,  
1109 bats, and snakes, and there is a reasonable apprehension of an imminent attack by such animal on  
1110 that person or another, whoever commits any of the acts or omissions set forth in subsection (a)  
1111 of this section with the intent to commit serious bodily injury or death to an animal, or whoever,  
1112 under circumstances manifesting extreme indifference to animal life, commits any of the acts or  
1113 omissions set forth in subsection (a) of this section which results in serious bodily injury or death  
1114 to the animal, shall be guilty of a felony and, upon conviction thereof, shall be punished by  
1115 imprisonment not exceeding 5 years, or by a fine not exceeding \$ 25,000, or both.

1116 § 22-1002. Other cruelties to animals.

1117 Every owner, possessor, or person having the charge or custody of any animal, who  
1118 cruelly drives or works the same when unfit for labor, or cruelly abandons the same, or who  
1119 carries the same, or causes the same to be carried, in or upon any vehicle, or otherwise, in an  
1120 unnecessarily cruel or inhuman manner, or knowingly and wilfully authorizes or permits the  
1121 same to be subjected to unnecessary torture, suffering, or cruelty of any kind, shall be punished  
1122 for every such offense in the manner provided in § 22-1001.

1123 § 22-1002.01. Reporting requirements. [Transferred].  
1124  
1125

1126 Transferred.  
1127  
1128 | § 22-1003. Rest, water and feeding for animals transported by railroad company.  
1129 [Repealed].  
1130 Repealed.  
1131  
1132 § 22-1004. Arrests without warrant authorized; notice to owner. [Transferred].  
1133 Transferred.  
1134  
1135 § 22-1005. Issuance of search warrants. [Transferred].  
1136 Transferred.  
1137  
1138 § 22-1006. Prosecution of offenders; disposition of fines. [Transferred].  
1139 Transferred.  
1140  
1141 § 22-1006.01. Penalty for engaging in animal fighting.  
1142 (a) Any person who: (1) organizes, sponsors, conducts, stages, promotes, is employed at,  
1143 collects an admission fee for, or bets or wagers any money or other valuable consideration on the  
1144 outcome of an exhibition between two or more animals of fighting, baiting, or causing injury to  
1145 each other; (2) any person who owns, trains, buys, sells, offers to buy or sell, steals, transports, or  
1146 possesses any animal with the intent that it engage in any such exhibition; (3) any person who  
1147 knowingly allows any animal used for such fighting or baiting to be kept, boarded, housed, or  
1148 trained on, or transported in, any property owned or controlled by him; (4) any person who owns,  
1149 manages, or operates any facility and knowingly allows that facility to be kept or used for the  
1150 purpose of fighting or baiting any animal; (5) any person who knowingly or recklessly permits  
1151 any act described in this subsection, to be done on any premises under his or her ownership or  
1152 control, or who aids or abets that act; or (6) any person who is knowingly present as a spectator  
1153 at any such exhibition, is guilty of a felony, punishable by a fine of not more than the amount set  
1154 forth in § 22-3571.01, imprisonment not to exceed 5 years, or both. The court may also impose  
1155 any penalties listed in § 22-1001(a).  
1156 (b) [Reserved].  
1157 (c) For the purposes of this section, the term:  
1158 (1) "Animal" means a vertebrate other than a human, including, but not limited to,  
1159 dogs and cocks.  
1160 (2) "Baiting" means to attack with violence, to provoke, or to harass an animal  
1161 with one or more animals for the purpose of training an animal for, or to cause an animal to  
1162 engage in, fights with or among other animals.  
1163 (3) "Fighting" means an organized event wherein there is a display of combat  
1164 between 2 or more animals in which the fighting, killing, maiming, or injuring of an animal is a  
1165 significant feature, or main purpose, of the event.  
1166  
1167 § 22-1007. Impounded animals to be supplied with food and water.  
1168 Any person who shall impound, or cause to be impounded in any pound, any creature,  
1169 shall supply the same, during such confinement, with a sufficient quantity of good and  
1170 wholesome food and water; and in default thereof shall, upon conviction, be punished for every

1171 such offense in the same manner provided in § 22-1001.

1172

1173 § 22-1008. Relief of impounded animals. [Transferred].

1174 Transferred.

1175

1176 § 22-1009. Keeping or using place for fighting or baiting of fowls or animals; arrest  
1177 without warrant.

1178 Any person or persons who shall keep or use, or in any way be connected with or  
1179 interested in the management of, or shall receive money for the admission of any person to any  
1180 place kept or used for the purpose of fighting or baiting of fowls or animals, may be arrested  
1181 without a warrant, as provided in § 44-1505, and for every such offense be punished in the same  
1182 manner provided in § 22-1001.

1183

1184 § 22-1010. Penalty for engaging in cockfighting or animal fighting. [Repealed].

1185 Repealed.

1186

1187 § 22-1011. Neglect of sick or disabled animals.

1188 If any maimed, sick, infirm, or disabled animal shall be abandoned by its owner, or fail to  
1189 receive proper food or shelter from said owner or person in charge of the same for more than 5  
1190 consecutive hours, such person shall, for every such offense, be punished in the same manner  
1191 provided in § 22-1001.

1192

1193 § 22-1012. Abandonment of maimed or diseased animal; destruction of diseased  
1194 animals; disposition of animal or vehicle on arrest of driver; scientific  
1195 experiments.

1196 (a) Repealed.

1197 (b) Nothing contained in §§ 22-1001 to 22-1009, inclusive, and §§ 22-1011 and 22-1309  
1198 shall be construed to prohibit or interfere with any properly conducted scientific experiments or  
1199 investigations, which experiments shall be performed only under the authority of the faculty of  
1200 some regularly incorporated medical college, university, or scientific society.

1201

1202 § 22-1013. Definitions.

1203 In §§ 22-1001 to 22-1009, inclusive, and § 22-1011, the word "animals" or "animal" shall  
1204 be held to include all living and sentient creatures (human beings excepted), and the words  
1205 "owner," "persons," and "whoever" shall be held to include corporations and incorporated  
1206 companies as well as individuals.

1207

1208 § 22-1014. Docking tails of horses. [Repealed].

1209 Repealed.

1210

1211 § 22-1015. Penalty for engaging in animal fighting. [Renumbered].

1212 Renumbered as § 22-1006.01.

1213

1214 CHAPTER 11. CRUELTY TO CHILDREN.

1215

1216 Sec.

1217 22-1101. Definition and penalty.  
1218 22-1102. Refusal or neglect of guardian to provide for child under 14 years of age.  
1219 22-1103 to 22-1106. Wilful neglect or refusal to support wife or minor child; punishment; order  
1220 of allowance; recognizance; trial under original charge; evidence of marriage;  
1221 competency of witnesses; proof of wilful desertion; weekly payments by Superintendent  
1222 of Workhouse for each day's confinement; collections by Clerk of Court to be deposited  
1223 with Collector of Taxes and covered into Treasury. [Repealed].  
1224

1225 § 22-1101. Definition and penalty.

1226 (a) A person commits the crime of cruelty to children in the first degree if that person  
1227 intentionally, knowingly, or recklessly tortures, beats, or otherwise willfully maltreats a child  
1228 under 18 years of age or engages in conduct which creates a grave risk of bodily injury to a child,  
1229 and thereby causes bodily injury.

1230 (b) A person commits the crime of cruelty to children in the second degree if that person  
1231 intentionally, knowingly, or recklessly:

1232 (1) Maltreats a child or engages in conduct which causes a grave risk of bodily  
1233 injury to a child; or

1234 (2) Exposes a child, or aids and abets in exposing a child in any highway, street, field  
1235 house, outhouse or other place, with intent to abandon the child.

1236 (c)(1) Any person convicted of cruelty to children in the first degree shall be fined not  
1237 more than \$ 10,000 or be imprisoned not more than 15 years, or both.

1238 (2) Any person convicted of cruelty to children in the second degree shall be fined not  
1239 more than the amount set forth in § 22-3571.01 or be imprisoned not more than 10 years, or both.  
1240

1241 § 22-1102. Refusal or neglect of guardian to provide for child under 14 years of age.

1242 Any person within the District of Columbia, of sufficient financial ability, who shall  
1243 refuse or neglect to provide for any child under the age of 14 years, of which he or she shall be  
1244 the parent or guardian, such food, clothing, and shelter as will prevent the suffering and secure  
1245 the safety of such child, shall be deemed guilty of a misdemeanor, and upon conviction thereof  
1246 shall be subject to punishment by a fine of not more than the amount set forth in § 22-3571.01, or  
1247 by imprisonment for not more than 3 months, or both such fine and imprisonment.  
1248

1249 §§ 22-1103 to 22-1106. Wilful neglect or refusal to support wife or minor child;  
1250 punishment; order of allowance; recognizance; trial under original charge; evidence of  
1251 marriage; competency of witnesses; proof of wilful desertion; weekly payments by  
1252 Superintendent of Workhouse for each day's confinement; collections by Clerk of Court  
1253 to be deposited with Collector of Taxes and covered into Treasury. [Repealed].  
1254 Repealed.  
1255

## 1256 CHAPTER 12. DEBT ADJUSTING.

1257 [REPEALED].

1258 Sec.

1259 22-1201. Debt adjusting; prohibitions; exceptions; penalties; prosecutions for violations.  
1260 [Repealed].  
1261

1262 § 22–1201. Debt adjusting; prohibitions; exceptions; penalties; prosecutions for  
1263 violations. [Repealed].  
1264 Repealed.  
1265

## 1266 CHAPTER 12A. DETECTION DEVICE TAMPERING.

1267  
1268 Sec.

1269 22-1211. Tampering with a detection device.  
1270

1271 § 22-1211. Tampering with a detection device.

1272 (a)(1) It is unlawful for a person who is required to wear a device as a condition of a  
1273 protection order, pretrial, presentence, or predisposition release, probation, supervised release,  
1274 parole, or commitment, or who is required to wear a device while incarcerated, to:

1275 (A) Intentionally remove or alter the device, or to intentionally interfere  
1276 with or mask or attempt to interfere with or mask the operation of the device;

1277 (B) Intentionally allow any unauthorized person to remove or alter the  
1278 device, or to intentionally interfere with or mask or attempt to interfere with or mask the  
1279 operation of the device; or

1280 (C) Intentionally fail to charge the power for the device or otherwise maintain the  
1281 device's battery charge or power.

1282 (2) For the purposes of this subsection, the term "device" includes a bracelet,  
1283 anklet, or other equipment with electronic monitoring capability or global positioning system or  
1284 radio frequency identification technology.

1285 (b) Whoever violates this section shall be fined not more than the amount set forth in §  
1286 22-3571.01, imprisoned for not more than 180 days, or both.  
1287

## 1288 CHAPTER 13. DISTURBANCES OF THE PUBLIC PEACE.

1289  
1290 Sec.

1291 22-1301. Affrays.

1292 22-1302. Duelling challenges. [Repealed].

1293 22-1303. Assault for refusal to accept challenge. [Repealed].

1294 22-1304. Leaving District to give or receive challenge. [Repealed].

1295 22-1305, 22-1306. Prize fights and animal fights prohibited; “pugilistic encounter” defined.  
1296 [Repealed].

1297 22-1307. Crowding, obstructing, or incommoding.

1298 22-1308. Playing games in streets. [Repealed].

1299 22-1309. Throwing stones or other missiles.

1300 22-1310. Urging dogs to fight or create disorder.

1301 22-1311. Allowing dogs to go at large.

1302 22-1312. Lewd, indecent, or obscene acts; sexual proposal to a minor.

1303 22-1313. Kindling bonfires.

1304 22-1314. Disturbing religious congregations. [Repealed].

1305 22-1314.01. Definitions.

1306 22-1314.02. Prohibited acts.

1307 22-1315. Interference with foreign diplomatic and consular offices, officers, and property –

1308 Prohibited. [Repealed].  
1309 22-1316. Interference with foreign diplomatic and consular offices, officers, and property –  
1310 Penalties; exception. [Repealed].  
1311 22-1317. Flying fire balloons or parachutes.  
1312 22-1318. Driving or riding on footways in public grounds.  
1313 22-1319. False alarms and false reports; hoax weapons.  
1314 22-1320. Sale of tobacco to minors under 18 years of age.  
1315 22-1321. Disorderly conduct.  
1316 22-1322. Rioting or inciting to riot.  
1317 22-1323. Obstructing bridges connecting D.C. and Virginia.  
1318  
1319 § 22-1301. Affrays.  
1320 Whoever is convicted of an affray in the District shall be fined not more than the amount  
1321 set forth in § 22-3571.01 or imprisoned not more than 180 days, or both.  
1322  
1323 § 22-1302. Dueling challenges. [Repealed].  
1324 Repealed.  
1325  
1326 § 22-1303. Assault for refusal to accept challenge. [Repealed].  
1327 Repealed.  
1328  
1329 § 22-1304. Leaving District to give or receive challenge. [Repealed].  
1330 Repealed.  
1331  
1332 §§ 22-1305, 22-1306. Prize fighting and animal fights prohibited; “pugilistic encounter”  
1333 defined. [Repealed].  
1334 Repealed.  
1335  
1336 § 22-1307. Crowding, obstructing, or incommoding.  
1337 (a) It is unlawful for a person, alone or in concert with others:  
1338 (1) To crowd, obstruct, or incommode:  
1339 (A) The use of any street, avenue, alley, road, highway, or sidewalk;  
1340 (B) The entrance of any public or private building or enclosure;  
1341 (C) The use of or passage through any public building or public  
1342 conveyance; or  
1343 (D) The passage through or within any park or reservation; and  
1344 (2) To continue or resume the crowding, obstructing, or incommoding after being  
1345 instructed by a law enforcement officer to cease the crowding, obstructing, or incommoding.  
1346 (b)(1) It is unlawful for a person, alone or in concert with others, to engage in a  
1347 demonstration in an area where it is otherwise unlawful to demonstrate and to continue or  
1348 resume engaging in a demonstration after being instructed by a law enforcement officer to cease  
1349 engaging in a demonstration.  
1350 (2) For purposes of this subsection, the term "demonstration" means marching,  
1351 congregating, standing, sitting, lying down, parading, demonstrating, or patrolling by one or  
1352 more persons, with or without signs, for the purpose of persuading one or more individuals, or  
1353 the public, or to protest some action, attitude, or belief.

1354 (c) A person who violates any provision of this section shall be guilty of a misdemeanor  
1355 and, upon conviction, shall be fined not more than the amount set forth in § 22-3571.01,  
1356 imprisoned for not more than 90 days, or both.

1357  
1358 § 22-1308. Playing games in streets. [Repealed].  
1359 Repealed.

1360  
1361 § 22-1309. Throwing stones or other missiles.

1362 It shall not be lawful for any person or persons within the District of Columbia to throw  
1363 any stone or other missile in any street, avenue, alley, road, or highway, or open space, or public  
1364 square, or inclosure, or to throw any stone or other missile from any place into any street,  
1365 avenue, road, or highway, alley, open space, public square, or inclosure, under a penalty of not  
1366 more than \$ 500 for every such offense.

1367  
1368 § 22-1310. Urging dogs to fight or create disorder.

1369 It shall not be lawful for any person or persons to entice, induce, urge, or cause any dogs  
1370 to engage in a fight in any street, alley, road, or highway, open space, or public square in the  
1371 District of Columbia, or to urge, entice, or cause such dogs to continue or prolong such fight,  
1372 under a penalty of not more than \$ 1,000 for each and every offense; and any person or persons  
1373 who shall induce or cause any animal of the dog kind to run after, bark at, frighten, or bite any  
1374 person, horse, or horses, cows, cattle of any kind, or other animals lawfully passing along or  
1375 standing in or on any street, avenue, road, or highway, or alley in the District of Columbia, shall  
1376 forfeit and pay for such offense a sum not exceeding \$ 1,000.

1377  
1378 § 22-1311. Allowing dogs to go at large.

1379 (a) If any owner or possessor of a fierce or dangerous dog shall permit the same to go at  
1380 large, knowing said dog to be fierce or dangerous, to the danger or annoyance of the inhabitants,  
1381 he or she shall upon conviction thereof, be punished by a fine not exceeding \$ 5,000; and if such  
1382 animal shall attack or bite any person, the owner or possessor thereof shall, on conviction, be  
1383 punished by a fine not exceeding \$ 10,000, and in addition to such punishment the court shall  
1384 adjudge and order that such animal be forthwith delivered to the poundmaster, and said  
1385 poundmaster is hereby authorized and directed to kill such animal so delivered to him or her.

1386 (b) If any owner or possessor of a female dog shall permit her to go at large in the District  
1387 of Columbia while in heat, he or she shall, upon conviction thereof, be punished by a fine not  
1388 exceeding \$ 20.

1389  
1390 § 22-1312. Lewd, indecent, or obscene acts; sexual proposal to a minor.

1391 It is unlawful for a person, in public, to make an obscene or indecent exposure of his or  
1392 her genitalia or anus, to engage in masturbation, or to engage in a sexual act as defined in § 22-  
1393 3001(8). It is unlawful for a person to make an obscene or indecent sexual proposal to a minor. A  
1394 person who violates any provision of this section shall be guilty of a misdemeanor and, upon  
1395 conviction, shall be fined not more than the amount set forth in § 22-3571.01, imprisoned for not  
1396 more than 90 days, or both.

1397  
1398 § 22-1313. Kindling bonfires.

1399 It shall not be lawful for any person or persons within the limits of the District of  
1400 Columbia to kindle or set on fire, or be present, aiding, consenting, or causing it to be done, in  
1401 any street, avenue, road, or highway, alley, open ground, or lot, any box, barrel, straw, shavings,  
1402 or other combustible, between the setting and rising of the sun; and, any person offending against  
1403 the provisions of this section shall on conviction thereof, forfeit and pay a sum not exceeding \$  
1404 10 for each and every offense.

1405  
1406 § 22-1314. Disturbing religious congregation. [Repealed].  
1407 Repealed.

1408  
1409 § 22-1314.01. Definitions.

1410 For the purpose of § 22-1314.02, the term:

1411 (1) "Health professional" means a person licensed to practice a health occupation in the  
1412 District pursuant to § 3-1201.01.

1413 (2) "Medical facility" includes a hospital, clinic, physician's office, or other facility that  
1414 provides health or surgical services.

1415 (3) "Person" shall not include:

1416 (A) The chief medical officer of the medical facility or his or her designee;

1417 (B) The chief executive officer of the medical facility or his or her designee;

1418 (C) An agent of the medical facility; or

1419 (D) A law enforcement officer in the performance of his or her official duty.

1420

1421 § 22-1314.02. Prohibited acts.

1422 (a) It shall be unlawful for a person, except as otherwise authorized by District or federal  
1423 law, alone or in concert with others, to willfully or recklessly interfere with access to or from a  
1424 medical facility or to willfully or recklessly disrupt the normal functioning of such facility by:

1425 (1) Physically obstructing, impeding, or hindering the free passage of an individual  
1426 seeking to enter or depart the facility or from the common areas of the real property upon which  
1427 the facility is located;

1428 (2) Making noise that unreasonably disturbs the peace within the facility;

1429 (3) Trespassing on the facility or the common areas of the real property upon which the  
1430 facility is located;

1431 (4) Telephoning the facility repeatedly to harass or threaten owners, agents, patients,  
1432 and employees, or knowingly permitting any telephone under his or her control to be so used for  
1433 the purpose of threatening owners, agents, patients, and employees; or

1434 (5) Threatening to inflict injury on the owners, agents, patients, employees, or property  
1435 of the medical facility or knowingly permitting any telephone under his or her control to be used  
1436 for such purpose.

1437 (b) A person shall not act alone or in concert with others with the intent to prevent a  
1438 health professional or his or her family from entering or leaving the health professional's home.

1439 (c) Subsections (a) and (b) of this section shall not be construed to prohibit any otherwise  
1440 lawful picketing or assembly.

1441 (d) Any person who violates subsections (a) or (b) of this section, upon conviction, shall  
1442 be fined not more than the amount set forth in § 22-3571.01, imprisoned for not more than 180  
1443 days, or both.

1444

1445 § 22-1315. Interference with foreign diplomatic and consular offices, officers, and  
1446 property -- Prohibited. [Repealed].  
1447 Repealed.  
1448

1449 § 22-1316. Interference with foreign diplomatic and consular offices, officers, and  
1450 property -- Penalties; exception. [Repealed].  
1451 Repealed.  
1452

1453 § 22-1317. Flying fire balloons or parachutes.  
1454 It shall not be lawful for any person or persons to set up or fly any fire balloon or  
1455 parachute in or upon or over any street, avenue, alley, open space, public enclosure, or square  
1456 within the limits of the District of Columbia, under a penalty of not more than \$ 10 for each and  
1457 every such offense.  
1458

1459 § 22-1318. Driving or riding on footways in public grounds.  
1460 If any person shall drive or lead any horse, mule, or other animal, or any cart, wagon, or  
1461 other carriage whatever on any of the paved or graveled footways in and on any of the public  
1462 grounds belonging to the United States within the District of Columbia, or shall ride thereon,  
1463 except at the intersection of streets, alleys, and avenues, each and every such offender shall  
1464 forfeit and pay for each offense a sum not less than \$ 1 nor more than \$ 5.  
1465

1466 § 22-1319. False alarms and false reports; hoax weapons.  
1467 (a) It shall be unlawful for any person or persons to willfully or knowingly give a false  
1468 alarm of fire within the District of Columbia, and any person or persons violating the provisions  
1469 of this subsection shall, upon conviction, be deemed guilty of a misdemeanor and be punished by  
1470 a fine not more than the amount set forth in § 22-3571.01 or by imprisonment for not more than  
1471 6 months, or by both such fine and imprisonment. Prosecutions for violation of the provisions of  
1472 this subsection shall be on information filed in the Superior Court of the District of Columbia by  
1473 the Office of the Attorney General for the District of Columbia.  
1474 (a-1) It shall be unlawful for any person or persons to willfully or knowingly use, or  
1475 allow the use of, the 911 call system to make a false or fictitious report or complaint which  
1476 initiates a response by District of Columbia emergency personnel or officials when, at the time of  
1477 the call or transmission, the person knows the report or complaint is false. Any person or persons  
1478 violating the provisions of this subsection shall, upon conviction, be deemed guilty of a  
1479 misdemeanor and be punished by a fine not more than the amount set forth in § 22-3571.01 or by  
1480 imprisonment for not more than 6 months. Prosecutions for violation of the provisions of this  
1481 subsection shall be on information filed in the Superior Court of the District of Columbia by the  
1482 Office of the Attorney General for the District of Columbia.  
1483 (b)(1) It shall be unlawful for any person to willfully or knowingly make, or cause to be  
1484 made, a false or fictitious report to any individual which initiates a response by District of  
1485 Columbia emergency personnel or officials, wherein such report involves, is alleged to involve,  
1486 or may reasonably be deemed to involve, the delivery, presence, or use of a weapon of mass  
1487 destruction, as defined by § 22-3152(12), within the District of Columbia.  
1488 (2) It shall be a violation of this subsection for any person to willfully and

1489 knowingly give, transport, mail, send, or cause to be sent any hoax weapon of mass destruction,  
1490 as defined by § 22-3152(3), to another person or to place any such hoax weapon of mass  
1491 destruction in or upon any real or personal property.

1492 (3) Any person violating the provisions of this subsection shall, upon conviction,  
1493 be guilty of a misdemeanor and be punished by imprisonment of not more than one year or fined  
1494 in an amount not more than the amount set forth in § 22-3571.01 or the costs of responding to  
1495 and consequential damages resulting from the offense, or both.

1496 (c)(1) It shall be unlawful for anyone to willfully or knowingly, with the intent of  
1497 intimidating or frightening people, causing panic or civil unrest, extorting profit, or causing  
1498 economic damage, make, or cause to be made, a false or fictitious report to any individual, which  
1499 initiates a response by District of Columbia emergency personnel or officials, wherein such  
1500 report involves, is alleged to involve, or may reasonably be deemed to involve, the delivery,  
1501 presence, or use of a weapon of mass destruction, as defined by § 22-3152(12), within the  
1502 District of Columbia.

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

1508 (3) Any person violating the provisions of this subsection shall, upon conviction,  
1509 be guilty of a felony and may be punished by imprisonment of not more than 5 years or fined in  
1510 an amount not more than the amount set forth in § 22-3571.01 or the costs of responding to and  
1511 consequential damages resulting from the offense, or both.

1512 (d)(1) It shall be unlawful for any person to willfully or knowingly, during a state of  
1513 emergency, as declared by the Mayor pursuant to § 7-2304, with the intent of intimidating or  
1514 frightening people, causing panic or civil unrest, extorting profit, or causing economic damage,  
1515 make, or cause to be made, a false or fictitious report to any individual, which initiates a  
1516 response by District of Columbia emergency personnel or officials, wherein such report involves,  
1517 is alleged to involve, or may reasonably be deemed to involve, the delivery, presence, or use of a  
1518 weapon of mass destruction, as defined by § 22-3152(12), within the District of Columbia.

1519 (2) It shall be a violation of this subsection for any person to willfully or knowingly,  
1520 during a state of emergency, as declared by the Mayor pursuant to § 7-2304, with the intent of  
1521 intimidating or frightening people, causing panic or civil unrest, extorting profit, or causing  
1522 economic damage, give, transport, mail, send, or cause to be sent any hoax weapon of mass  
1523 destruction, as defined by § 22-3152(3), to another person or to place any such hoax weapon of  
1524 mass destruction in or upon any real or personal property.

1525 (3) Any person violating the provisions of this subsection shall, upon conviction, be  
1526 guilty of a felony and may be punished by imprisonment of not more than 10 years or fined in an  
1527 amount not more than the amount set forth in § 22-3571.01 or the cost of responding to and  
1528 consequential damages resulting from the offense, or both.

1529 (e) For the purposes of subsections (b), (c), and (d) of this section, the manner in which  
1530 the false or fictitious report is communicated may include, but is not limited to:

- 1531 (1) A writing;
- 1532 (2) An electronic transmission producing a visual, audio, or written result;
- 1533 (3) An oral statement; or
- 1534 (4) A signing.

1535 (f) There is jurisdiction to prosecute any person who participates in the commission of  
1536 any offense described in this section if any act in furtherance of the offense occurs in the District  
1537 of Columbia or where the effect of any act in furtherance of the offense occurs in the District of  
1538 Columbia.

1539  
1540 § 22-1320. Sale of tobacco to minors under 18 years of age.  
1541 Recodified as § 7-1721.02.

1542  
1543 § 22-1321. Disorderly conduct.

1544 (a) In any place open to the general public, and in the communal areas of multi-unit  
1545 housing, it is unlawful for a person to:

1546 (1) Intentionally or recklessly act in such a manner as to cause another person to be in  
1547 reasonable fear that a person or property in a person's immediate possession is likely to be  
1548 harmed or taken;

1549 (2) Incite or provoke violence where there is a likelihood that such violence will ensue;  
1550 or

1551 (3) Direct abusive or offensive language or gestures at another person (other than a law  
1552 enforcement officer while acting in his or her official capacity) in a manner likely to provoke  
1553 immediate physical retaliation or violence by that person or another person.

1554 (b) It is unlawful for a person to engage in loud, threatening, or abusive language, or  
1555 disruptive conduct, with the intent and effect of impeding or disrupting the orderly conduct of a  
1556 lawful public gathering, or of a congregation of people engaged in any religious service or in  
1557 worship, a funeral, or similar proceeding.

1558 (c) It is unlawful for a person to engage in loud, threatening, or abusive language, or  
1559 disruptive conduct with the intent and effect of impeding or disrupting the lawful use of a public  
1560 conveyance by one or more other persons.

1561 (c-1) It is unlawful for a person to engage in loud, threatening, or abusive language, or  
1562 disruptive conduct in a public building with the intent and effect of impeding or disrupting the  
1563 orderly conduct of business in that public building.

1564 (d) It is unlawful for a person to make an unreasonably loud noise between 10:00 p.m.  
1565 and 7:00 a.m. that is likely to annoy or disturb one or more other persons in their residences.

1566 (e) It is unlawful for a person to urinate or defecate in public, other than in a urinal or  
1567 toilet.

1568 (f) It is unlawful for a person to stealthily look into a window or other opening of a  
1569 dwelling, as defined in § 6-101.07, under circumstances in which an occupant would have a  
1570 reasonable expectation of privacy. It is not necessary that the dwelling be occupied at the time  
1571 the person looks into the window or other opening.

1572 (g) It is unlawful, under circumstances whereby a breach of the peace may be occasioned,  
1573 to interfere with any person in any public place by jostling against the person, unnecessarily  
1574 crowding the person, or placing a hand in the proximity of the person's handbag, pocketbook, or  
1575 wallet.

1576 (h) A person who violates any provision of this section shall be guilty of a misdemeanor  
1577 and, upon conviction, shall be fined not more than the amount set forth in § 22-3571.01,  
1578 imprisoned not more than 90 days, or both.

1579  
1580 § 22-1322. Rioting or inciting to riot.

1581 (a) A riot in the District of Columbia is a public disturbance involving an assemblage of 5  
1582 or more persons which by tumultuous and violent conduct or the threat thereof creates grave  
1583 danger of damage or injury to property or persons.

1584 (b) Whoever willfully engages in a riot in the District of Columbia shall be punished by  
1585 imprisonment for not more than 180 days or a fine of not more than the amount set forth in § 22-  
1586 3571.01, or both.

1587 (c) Whoever willfully incites or urges other persons to engage in a riot shall be punished  
1588 by imprisonment for not more than 180 days or a fine of not more than the amount set forth in §  
1589 22-3571.01, or both.

1590 (d) If in the course and as a result of a riot a person suffers serious bodily harm or there is  
1591 property damage in excess of \$ 5,000, every person who willfully incited or urged others to  
1592 engage in the riot shall be punished by imprisonment for not more than 10 years or a fine of not  
1593 more than the amount set forth in § 22-3571.01, or both.

1594

1595 § 22-1323. Obstructing bridges connecting D.C. and Virginia.

1596 Effective with respect to conduct occurring on or after August 5, 1997, whoever in the  
1597 District of Columbia knowingly and willfully obstructs any bridge connecting the District of  
1598 Columbia and the Commonwealth of Virginia:

1599 (1) Shall be fined not less than \$ 1,000 and not more than \$ 5,000, and in  
1600 addition may be imprisoned not more than 30 days; or

1601 (2) If applicable, shall be subject to prosecution by the District of Columbia  
1602 under the provisions of District law and regulation amended by the Safe Streets Anti-Prostitution  
1603 Amendment Act of 1996.

1604 (3) The fine set forth in this section shall not be limited by § 22-3571.01.

1605

1606 CHAPTER 13A. ENTRY INTO A MOTOR VEHICLE; UNLAWFUL.

1607

1608 Sec.

1609 22-1341. Unlawful entry of a motor vehicle.

1610

1611 § 22-1341. Unlawful entry of a motor vehicle.

1612 (a) It is unlawful to enter or be inside of the motor vehicle of another person without the  
1613 permission of the owner or person lawfully in charge of the motor vehicle. A person who  
1614 violates this subsection shall, upon conviction, be fined not more than the amount set forth in §  
1615 22-3571.01, imprisoned for not more than 90 days, or both.

1616 (b) Subsection (a) of this section shall not apply to:

1617 (1) An employee of the District government in connection with his or her official  
1618 duties;

1619 (2) A tow crane operator who has valid authorization from the District government or  
1620 from the property owner on whose property the motor vehicle is illegally parked; or

1621 (3) A person with a security interest in the motor vehicle who is legally authorized to  
1622 seize the motor vehicle.

1623 (c) For the purposes of this section, the term "enter the motor vehicle" means to insert  
1624 any part of one's body into any part of the motor vehicle, including the passenger compartment,  
1625 the trunk or cargo area, or the engine compartment.

1626

CHAPTER 14. FALSE PRETENSES; FALSE PERSONATION.

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Sec.

- 22-1401. False pretenses. [Repealed].
- 22-1402. Recordation of deed, contract, or conveyance with intent to extort money.
- 22-1403. False personation before court, officers, notaries.
- 22-1404. Falsely impersonating public officer or minister.
- 22-1405. False personation of inspector or departments of District.
- 22-1406. False personation of police officer.
- 22-1407, 22-1408. Wearing or using insignia of certain organizations; false certificate of acknowledgement. [Repealed].
- 22-1409. Use of official insignia; penalty for unauthorized use.

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

§ 22-1402. Recordation of deed, contract, or conveyance with intent to extort money.  
Whoever having no title or color of title to the land affected shall maliciously cause to be recorded in the office of the Recorder of Deeds of the District of Columbia any deed, contract, or other instrument purporting to convey or to relate to any land in said District with intent to extort money or anything of value from any person owning such land, or having any interest therein, shall be fined not less than \$ 1,000 and not more than the amount set forth in § 22-3571.01 or imprisoned not more than 180 days, or both.

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

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

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

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

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

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

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

1673 It shall be unlawful for any person in the District of Columbia to falsely represent himself  
1674 or herself as being an inspector of the Department of Human Services of said District, or an  
1675 inspector of any department of the District government; and any person so offending shall be  
1676 deemed guilty of a misdemeanor, and on conviction in the Superior Court of the District of  
1677 Columbia shall be punished by a fine of not less than \$ 10 nor more than \$ 50 for the 1st offense,  
1678 and for each subsequent offense by a fine of not less than \$ 50 and not more than the amount set  
1679 forth in § 22-3571.01, or imprisonment in the Jail of the District not exceeding 6 months, or  
1680 both, in the discretion of the court.

1681  
1682 § 22-1406. False personation of police officer.

1683 It shall be a misdemeanor, punishable by imprisonment in the District jail or penitentiary  
1684 not exceeding 180 days, or by a fine not more than the amount set forth in § 22-3571.01, for any  
1685 person, not a member of the police force, to falsely represent himself or herself as being such  
1686 member, with a fraudulent design.

1687  
1688 §§ 22-1407, 22-1408. Wearing or using insignia of certain organizations; false certificate  
1689 of acknowledgment. [Repealed].

1690 Repealed.

1691  
1692 § 22-1409. Use of official insignia; penalty for unauthorized use.

1693 (a) The Metropolitan Police Department and the Fire and Emergency Medical Services  
1694 Department shall have the sole and exclusive rights to have and use, in carrying out their  
1695 respective missions, the official badges, patches, emblems, copyrights, descriptive or designating  
1696 marks, and other official insignia displayed upon their current and future uniforms.

1697 (b) Any person who, for any reason, makes or attempts to make unauthorized use of, or  
1698 aids or attempts to aid another person in the unauthorized use or attempted unauthorized use of  
1699 the official badges, patches, emblems, copyrights, descriptive or designated marks, or other  
1700 official insignia of the Metropolitan Police Department or the Fire and Emergency Medical  
1701 Services Department shall, upon conviction, be fined not more than the amount set forth in § 22-  
1702 3571.01, imprisoned for not more than one year, or both.

1703  
1704 CHAPTER 15. FORGERY; FRAUDS.

1705  
1706 Sec.

1707 22-1501. Forgery. [Repealed].

1708 22-1502. Forging or imitating brands or packaging of goods.

1709 22-1503. Stealing, destroying, mutilating, secreting, or withholding will. [Repealed].

1710 22-1504, 22-1505. Decedent's estate – Secreting or converting property, documents, or assets;  
1711 taking away or concealing writings. [Repealed].

1712 22-1506. Sale or concealment by traditional vendee, with intent to defraud. [Repealed].

1713 22-1507 to 22-1509. Fraud by use of slugs to operate coin-controlled mechanism; manufacture,  
1714 sale, offer for sale, possession of slugs or device to operate coin-controlled mechanism; "person"  
1715 defined. [Repealed].

1716 22-1510. Making, drawing, or uttering check, draft, or order with intent to defraud; proof of  
1717 intent; "credit" defined.

1718 22-1511. Fraudulent advertising.

1719 22-1512. Prosecution under § 22-1511.  
1720 22-1513. Penalty under § 22-1511.  
1721 22-1514. Fraudulent interference or collusion in jury selection.  
1722  
1723 § 22-1501. Forgery. [Repealed].  
1724 Repealed.  
1725  
1726 § 22-1502. Forging or imitating brands or packaging of goods.  
1727 Whoever wilfully forges, or counterfeits, or makes use of any imitation calculated to  
1728 deceive the public, though with colorable difference or deviation therefrom, of the private brand,  
1729 wrapper, label, trademark, bottle, or package usually affixed or used by any person to or with the  
1730 goods, wares, merchandise, preparation, or mixture of such person, with intent to pass off any  
1731 work, goods, manufacture, compound, preparation, or mixture as the manufacture or production  
1732 of such person which is not really such, shall be fined not more than the amount set forth in § 22-  
1733 3571.01 or imprisoned not more than 180 days, or both.  
1734  
1735 § 22-1503. Stealing, destroying, mutilating, secreting, or withholding will. [Repealed].  
1736 Repealed.  
1737  
1738 §§ 22-1504, 22-1505. Decedent's estate -- Secreting or converting property, documents,  
1739 or assets; taking away or concealing writings. [Repealed].  
1740 Repealed.  
1741  
1742 § 22-1506. Sale or concealment by conditional vendee, with intent to defraud.  
1743 [Repealed].  
1744 Repealed.  
1745  
1746 §§ 22-1507 to 22-1509. Fraud by use of slugs to operate coin-controlled mechanism;  
1747 manufacture, sale, offer for sale, possession of slugs or device to operate coin-controlled  
1748 mechanism; "person" defined. [Repealed].  
1749 Repealed.  
1750  
1751 § 22-1510. Making, drawing, or uttering check, draft, or order with intent to defraud;  
1752 proof of intent; "credit" defined.  
1753 Any person within the District of Columbia who, with intent to defraud, shall make,  
1754 draw, utter, or deliver any check, draft, order, or other instrument for the payment of money  
1755 upon any bank or other depository, knowing at the time of such making, drawing, uttering, or  
1756 delivering that the maker or drawer has not sufficient funds in or credit with such bank or other  
1757 depository for the payment of such check, draft, order, or other instrument in full upon its  
1758 presentation, shall, if the amount of such check, draft, order, or other instrument is \$ 1,000 or  
1759 more, be guilty of a felony and fined not more than the amount set forth in § 22-3571.01 or  
1760 imprisoned for not less than 1 year nor more than 3 years, or both; or if the amount of such  
1761 check, draft, order, or other instrument has some value, be guilty of a misdemeanor and fined not  
1762 more than the amount set forth in § 22-3571.01 or imprisoned not more than 180 days, or both.  
1763 As against the maker or drawer thereof the making, drawing, uttering, or delivering by such  
1764 maker or drawer of a check, draft, order, or other instrument, payment of which is refused by the

1765 drawee because of insufficient funds of the maker or drawer in its possession or control, shall be  
1766 prima facie evidence of the intent to defraud and of knowledge of insufficient funds in or credit  
1767 with such bank or other depository, provided such maker or drawer shall not have paid the holder  
1768 thereof the amount due thereon, together with the amount of protest fees, if any, within 5 days  
1769 after receiving notice in person, or writing, that such check, draft, order, or other instrument has  
1770 not been paid. The word "credit," as used herein, shall be construed to mean arrangement or  
1771 understanding, express or implied, with the bank or other depository for the payment of such  
1772 check, draft, order, or other instrument.

1773  
1774 § 22-1511. Fraudulent advertising.

1775 It shall be unlawful in the District of Columbia for any person, firm, association,  
1776 corporation, or advertising agency, either directly or indirectly, to display or exhibit to the public  
1777 in any manner whatever, whether by handbill, placard, poster, picture, film, or otherwise; or to  
1778 insert or cause to be inserted in any newspaper, magazine, or other publication printed in the  
1779 District of Columbia; or to issue, exhibit, or in any way distribute or disseminate to the public; or  
1780 to deliver, exhibit, mail, or send to any person, firm, association, or corporation any false, untrue,  
1781 or misleading statement, representation, or advertisement with intent to sell, barter, or exchange  
1782 any goods, wares, or merchandise or anything of value or to deceive, mislead, or induce any  
1783 person, firm, association, or corporation to purchase, discount, or in any way invest in or accept  
1784 as collateral security any bonds, bill, share of stock, note, warehouse receipt, or any security; or  
1785 with the purpose to deceive, mislead, or induce any person, firm, association, or corporation to  
1786 purchase, make any loan upon or invest in any property of any kind; or use any of the aforesaid  
1787 methods with the intent or purpose to deceive, mislead, or induce any other person, firm, or  
1788 corporation for a valuable consideration to employ the services of any person, firm, association,  
1789 or corporation so advertising such services.

1790  
1791 § 22-1512. Prosecution under § 22-1511.

1792 Prosecution under § 22-1511 shall be in the Superior Court of the District of Columbia  
1793 upon information filed by the United States Attorney for the District of Columbia or an Assistant  
1794 U.S. Attorney.

1795  
1796 § 22-1513. Penalty under § 22-1511.

1797 Any person, firm, or association violating any of the provisions of § 22-1511 shall upon  
1798 conviction thereof, be punished by a fine of not more than the amount set forth in § 22-3571.01  
1799 or by imprisonment of not more than 60 days, or by both fine and imprisonment, in the discretion  
1800 of the court. A corporation convicted of an offense under the provisions of § 22-1511 shall be  
1801 fined not more than the amount set forth in § 22-3571.01, and its president or such other officials  
1802 as may be responsible for the conduct and management thereof shall be imprisoned not more  
1803 than 60 days, in the discretion of the court.

1804  
1805 § 22-1514. Fraudulent interference or collusion in jury selection.

1806 If any person shall fraudulently tamper with any box or wheel used or intended by the  
1807 jury commission for the names of prospective jurors, or of prospective condemnation jurors or  
1808 commissioners, or shall fraudulently tamper with the contents of any such box or wheel, or with  
1809 any jury list, or be guilty of any fraud or collusion with respect to the drawing of jurors or  
1810 condemnation jurors or commissioners, or if any jury commissioner shall put in or leave out of

1811 any such box or wheel the name of any person at the request of such person, or at the request of  
1812 any other person, or if any jury commissioner shall wilfully draw from any such box or wheel a  
1813 greater number of names than is required by the court, any such person or jury commissioner so  
1814 offending shall for each offense be punished by a fine of not more than the amount set forth in §  
1815 22-3571.01 or imprisonment for not more than 180 days, or both.

1816

1817 CHAPTER 16. FORNICATION.

1818 [REPEALED].

1819

1820 Sec.

1821 22-1601. Fornication. [Repealed].

1822 22-1602. Fornication. [Repealed].

1823

1824 § 22-1601. Fornication. [Repealed].

1825 Repealed.

1826

1827 § 22-1602. Fornication. [Repealed].

1828 Repealed.

1829

1830 CHAPTER 17.

1831 GAMBLING.

1832

1833 *Subchapter I.*

1834 *General Provisions.*

1835

1836 Sec.

1837 22-1701. Lotteries; promotion; sale or possession of tickets.

1838 22-1702. Possession of lottery or policy tickets.

1839 22-1703. Permitting sale of lottery tickets on premises.

1840 22-1704. Gaming; setting up gaming table; inducing play.

1841 22-1705. Gambling premises; definition; prohibition against maintaining; forfeiture; liens;

1842 deposit of moneys in Treasury; penalty; subsequent offenses.

1843 22-1706. Three-card monte and confidence games.

1844 22-1707. "Gaming table" defined.

1845 22-1708. Gambling pools and bookmaking; athletic contest defined.

1846 22-1709. Bucketing, and bucket-shopping and bucket-shops; definitions. [Repealed].

1847 22-1710. Penalty for bucketing or keeping bucket-shop. [Repealed].

1848 22-1711. Penalty for communicating, receiving, exhibiting or displaying quotation of prices.

1849 [Repealed.]

1850 22-1712. Bucketing; written statement to be furnished. [Repealed].

1851 22-1713. Corrupt influence in connection with athletic contests.

1852 22-1714. Immunity of witnesses; record.

1853 22-1715. Presence in illegal establishments. [Repealed].

1854

1855 *Subchapter II.*

1856 *Legalization.*

1857  
1858 22-1716. Statement of purpose. [Transferred].  
1859 22-1717. Permissible gaming activities. [Transferred].  
1860 22-1718. Advertising and promotion; sale and possession of lottery and numbers tickets and  
1861 slips. [Transferred].  
1862

1863 *Subchapter I.*  
1864 *General Provisions.*  
1865

1866 § 22–1701. Lotteries; promotion; sale or possession of tickets.

1867 If any person shall within the District keep, set up, or promote, or be concerned as owner,  
1868 agent, or clerk, or in any other manner, in managing, carrying on, promoting, or advertising,  
1869 directly or indirectly, any policy lottery, policy shop, or any lottery, or shall sell or transfer any  
1870 chance, right, or interest, tangible or intangible, in any policy lottery, or any lottery or shall sell  
1871 or transfer any ticket, certificate, bill, token, or other device, purporting or intended to guarantee  
1872 or assure to any person or entitle him or her to a chance of drawing or obtaining a prize to be  
1873 drawn in any lottery, or in a game or device commonly known as policy lottery or policy or shall  
1874 sell or transfer, or have in his or her possession for the purpose of sale or transfer, a chance or  
1875 ticket in or share of a ticket in any lottery or any such bill, certificate, token, or other device, he  
1876 or she shall be fined upon conviction of each said offense not more than the amount set forth in  
1877 § 22-3571.01 or be imprisoned not more than 3 years, or both. The possession of any copy or  
1878 record of any such chance, right, or interest, or of any such ticket, certificate, bill, token, or other  
1879 device shall be prima facie evidence that the possessor of such copy or record did, at the time  
1880 and place of such possession, keep, set up, or promote, or was at such time and place concerned  
1881 as owner, agent, or clerk, or otherwise in managing, carrying on, promoting, or advertising a  
1882 policy lottery, policy shop, or lottery.  
1883

1884 § 22–1702. Possession of lottery or policy tickets.

1885 If any person shall, within the District of Columbia, knowingly have in his or her  
1886 possession or under his or her control, any record, notation, receipt, ticket, certificate, bill, slip,  
1887 token, paper, or writing, current or not current, used or to be used in violating the provisions of  
1888 § 22-1701, § 22-1704, or § 22-1708, he or she shall, upon conviction of each such offense, be  
1889 fined not more than the amount set forth in § 22-3571.01 or be imprisoned for not more than 180  
1890 days, or both. For the purpose of this section, possession of any record, notation, receipt, ticket,  
1891 certificate, bill, slip, token, paper, or writing shall be presumed to be knowing possession thereof.  
1892

1893 § 22–1703. Permitting sale of lottery tickets on premises.

1894 If any person shall knowingly permit, on any premises under his or her control in the  
1895 District, the sale of any chance or ticket in or share of a ticket in any lottery or policy lottery, or  
1896 shall knowingly permit any lottery or policy lottery, or policy shop on such premises, he or she  
1897 shall be fined not less than \$50 and not more than the amount set forth in § 22-3571.01, or be  
1898 imprisoned not more than 180 days, or both.  
1899

1900 § 22–1704. Gaming; setting up gaming table; inducing play.

1901 Whoever shall in the District set up or keep any gaming table, or any house, vessel, or  
1902 place, on land or water, for the purpose of gaming, or gambling device commonly called A B C,

1903 faro bank, E O, roulette, equality, keno, thimbles, or little joker, or any kind of gaming table or  
1904 gambling device adapted, devised, and designed for the purpose of playing any game of chance  
1905 for money or property, or shall induce, entice, and permit any person to bet or play at or upon  
1906 any such gaming table or gambling device, or on the side of or against the keeper thereof, shall  
1907 be punished by imprisonment for a term of not more than 5 years and, in addition, may be fined  
1908 not more than the amount set forth in § 22-3571.01. For the purposes of this section, the term  
1909 "gambling device" shall not include slot machines manufactured before 1952, intended for  
1910 exhibition or private use by the owner, and not used for gambling purposes. The term "slot  
1911 machine" means a mechanical device, an essential part of which is a drum or reel which bears an  
1912 insignia and which when operated may deliver, as a result of the application of an element of  
1913 chance, a token, money, or property, or by operation of which a person may become entitled to  
1914 receive, as a result of this application of an element of chance, a token, money, or property.

1915  
1916 § 22-1705. Gambling premises; definition; prohibition against maintaining; forfeiture;  
1917 liens; deposit of moneys in Treasury; penalty; subsequent offenses.

1918 (a) Any house, building, vessel, shed, booth, shelter, vehicle, enclosure, room, lot, or  
1919 other premises in the District of Columbia, used or to be used in violating the provisions of § 22-  
1920 1701 or § 22-1704, shall be deemed "gambling premises" for the purpose of this section.

1921 (b) It shall be unlawful for any person in the District of Columbia knowingly, as owner,  
1922 lessee, agent, employee, operator, occupant, or otherwise, to maintain, or aid, or permit the  
1923 maintaining of any gambling premises.

1924 (c) All moneys, vehicles, furnishings, fixtures, equipment, stock (including, without  
1925 limitation, furnishings and fixtures adaptable to nongambling uses, and equipment and stock for  
1926 printing, recording, computing, transporting, safekeeping, or communication), or other things of  
1927 value used or to be used in:

1928 (1) Carrying on or conducting any lottery, or the game or device commonly known as  
1929 a policy lottery or policy, contrary to the provisions of § 22-1701;

1930 (2) Setting up or keeping any gaming table, bank, or device contrary to the provisions  
1931 of § 22-1704; or

1932 (3) Maintaining any gambling premises shall be subject to forfeiture consistent with  
1933 the standards and procedures set forth in D.C. Law 20-278.

1934 (d) Whoever violates this section shall be imprisoned not more than 180 days or fined not  
1935 more than the amount set forth in § 22-3571.01, or both, unless the violation occurs after the  
1936 person has been convicted of a violation of this section, in which case the person may be  
1937 imprisoned for not more than 5 years, or fined not more than the amount set forth in § 22-  
1938 3571.01, or both.

1939  
1940 § 22-1706. Three-card monte and confidence games.

1941 Whoever shall in the District deal, play, or practice, or be in any manner accessory to the dealing  
1942 or practicing, of the confidence game or swindle known as 3-card monte, or of any such game,  
1943 play, or practice, or any other confidence game, play, or practice, shall be deemed guilty of a  
1944 misdemeanor, and shall be punished by a fine not more than the amount set forth in § 22-3571.01  
1945 and by imprisonment for not more than 180 days.

1946  
1947 § 22-1707. "Gaming table" defined.

1948 All games, devices, or contrivances at which money or any other thing shall be bet or  
1949 wagered shall be deemed a gaming table within the meaning of §§ 22-1704 to 22-1706; and the  
1950 courts shall construe said sections liberally, so as to prevent the mischief intended to be guarded  
1951 against.

1952  
1953 § 22–1708. Gambling pools and bookmaking; athletic contest defined.

1954 It shall be unlawful for any person, or association of persons, within the District of  
1955 Columbia to purchase, possess, own, or acquire any chance, right, or interest, tangible or  
1956 intangible, in any policy lottery or any lottery, or to make or place a bet or wager, accept a bet or  
1957 wager, gamble or make books or pools on the result of any athletic contest. For the purpose of  
1958 this section, the term "athletic contest" means any of the following, wherever held or to be held:  
1959 a football, baseball, softball, basketball, hockey, or polo game, or a tennis, golf, or wrestling  
1960 match, or a tennis or golf tournament, or a prize fight or boxing match, or a trotting or running  
1961 race of horses, or a running race of dogs, or any other athletic or sporting event or contest. Any  
1962 person or association of persons violating this section shall be fined not more than the amount set  
1963 forth in § 22-3571.01 or imprisoned not more than 180 days, or both.

1964  
1965 § 22-1709. Bucketing, and bucket-shopping and bucket-shops; definitions. [Repealed].  
1966 Repealed.

1967  
1968 § 22-1710. Penalty for bucketing or keeping bucket-shop. [Repealed].  
1969 Repealed.

1970  
1971 § 22-1711. Penalty for communicating, receiving, exhibiting, or displaying quotations of  
1972 prices. [Repealed].  
1973 Repealed.

1974  
1975 § 22-1712. Bucketing; written statement to be furnished; contents. [Repealed].  
1976 Repealed.

1977  
1978 § 22–1713. Corrupt influence in connection with athletic contests.

1979 (a) It shall be unlawful to pay or give, or to agree to pay or give, or to promise or offer,  
1980 any valuable thing to any individual:

1981 (1) With intent to influence such individual to lose or cause to be lost, or to attempt to  
1982 lose or cause to be lost, or to limit or attempt to limit such individual or his or her team's margin  
1983 of victory or score in, any professional or amateur athletic contest in which such individual is or  
1984 may be a contestant or participant; or

1985 (2) With intent to influence such individual, in the case of any professional or amateur  
1986 athletic contest in connection with which such individual (as a manager, coach, owner, second,  
1987 jockey, trainer, handler, groom, or otherwise) has or will have any duty or responsibility with  
1988 respect to a contestant, participant, or team who or which is engaging or may engage therein, to  
1989 cause or attempt to cause:

1990 (A) The loss of such athletic contest by such contestant, participant, or team; or

1991 (B) The margin of victory or score of such contestant, participant, or team to be  
1992 limited; or

1993 (3) With intent to influence such individual, in the case of any professional or amateur  
1994 athletic contest in connection with which such individual is to be or may be a referee, judge,  
1995 umpire, linesman, starter, timekeeper, or other similar official, to cause or attempt to cause:

1996 (A) The loss of such athletic contest by any contestant, participant, or team who or  
1997 which is engaging or may engage therein; or

1998 (B) The margin of victory or score of any such contestant, participant, or team to be  
1999 limited.

2000 (b) It shall be unlawful for any individual to solicit or accept, or to agree to accept, any  
2001 valuable thing or a promise or offer of any valuable thing:

2002 (1) To influence such individual to lose or cause to be lost, or to attempt to lose or  
2003 cause to be lost, or to limit or attempt to limit such individual or his or her team's margin of  
2004 victory or score in, any professional or amateur athletic contest in which such individual is or  
2005 may be a contestant or participant; or

2006 (2) To influence such individual, in the case of any professional or amateur  
2007 athletic contest in connection with which such individual (as a manager, coach, owner, second,  
2008 jockey, trainer, handler, groom, or otherwise) has or will have any duty or responsibility with  
2009 respect to a contestant, participant, or team who or which is engaging or may engage therein, to  
2010 cause or attempt to cause:

2011 (A) The loss of such athletic contest by such contestant, participant, or team; or

2012 (B) The margin of victory or score of such contestant, participant, or team to be  
2013 limited; or

2014 (3) To influence such individual, in the case of any professional or amateur athletic  
2015 contest in connection with which such individual is to be or may be a referee, judge, umpire,  
2016 linesman, starter, timekeeper, or other similar official, to cause or attempt to cause:

2017 (A) The loss of such athletic contest by any contestant, participant, or team who or  
2018 which is engaging or may engage therein; or

2019 (B) The margin of victory or score of any such contestant, participant, or team to be  
2020 limited.

2021 (c) Whoever violates any provision of subsection (a) of this section shall be guilty of a  
2022 felony, and, upon conviction thereof, shall be punished by imprisonment for not less than 1 year  
2023 nor more than 5 years and by a fine of not more than the amount set forth in § 22-3571.01.

2024 (d) Whoever violates any provision of subsection (b) of this section shall, upon  
2025 conviction thereof, be punished by imprisonment for not more than 1 year and by a fine of not  
2026 more than the amount set forth in § 22-3571.01.

2027 (e) As used in this section, the term "athletic contest" means any of the following,  
2028 wherever held or to be held: a football, baseball, softball, basketball, hockey, or polo game, or a  
2029 tennis or wrestling match, or a prize fight or boxing match, or a horse race or any other athletic  
2030 or sporting event or contest.

2031 (f) Nothing in this section shall be construed to prohibit the giving or offering of any  
2032 bonus or extra compensation to any manager, coach, or professional player, or to any league,  
2033 association, or conference for the purpose of encouraging such manager, coach, or player to a  
2034 higher degree of skill, ability, or diligence in the performance of his or her duties.

2035  
2036 § 22-1714. Immunity of witnesses; record. .

2037 (a) Whenever, in the judgment of the United States Attorney for the District of Columbia,  
2038 the testimony of any witness, or the production of books, papers, or other records or documents,

2039 by any witness, in any case or proceeding involving a violation of this subchapter before any  
2040 grand jury or a court in the District of Columbia, is necessary in the public interest, such witness  
2041 shall not be excused from testifying or from producing books, papers, and other records and  
2042 documents on the grounds that the testimony or evidence, documentary or otherwise, required of  
2043 such witness may tend to incriminate such witness, or subject such witness to penalty or  
2044 forfeiture; but such witness shall not be prosecuted or subject to any penalty or forfeiture for or  
2045 on account of any transaction, matter, or thing concerning which such witness is compelled, after  
2046 having claimed his or her privilege against self-incrimination, to testify or produce evidence,  
2047 documentary or otherwise; except that such witness so testifying shall not be exempt from  
2048 prosecution and punishment for perjury or contempt committed in so testifying.

2049 (b) The judgment of the United States Attorney for the District of Columbia that any  
2050 testimony, or the production of any books, papers, or other records or documents, is necessary in  
2051 the public interest shall be confirmed in a written communication over the signature of the  
2052 United States Attorney for the District of Columbia, addressed to the grand jury or the court in  
2053 the District of Columbia concerned, and shall be made a part of the record of the case or  
2054 proceeding in which such testimony or evidence is given.

2055  
2056 § 22-1715. Presence in illegal establishments. [Repealed].  
2057 Repealed.

2058  
2059 *Subchapter II.*  
2060 *Legalization.*

2061  
2062 § 22-1716. Statement of purpose. [Transferred].  
2063 [Transferred].

2064  
2065 § 22-1717. Permissible gambling activities. [Transferred].  
2066 [Transferred].

2067  
2068 § 22-1718. Advertising and promotion; sale and possession of lottery and numbers  
2069 tickets and slips. [Transferred].  
2070 [Transferred].

2071 CHAPTER 18. GENERAL OFFENSES.

2072  
2073 Sec.

2074 22-1801. "Writing" and "paper defined.

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

2076 22-1803. Attempts to commit crime.

2077 22-1804. Second conviction.

2078 22-1804a. Penalty for felony after at least 2 prior felony convictions.

2079 22-1805. Persons advising, inciting, or conniving at criminal offense to be charged as principals.

2080 22-1805a. Conspiracy to commit crime.

2081 22-1806. Accessories after the fact.

2082 22-1807. Punishment for offenses not covered by provisions of Code.

2083 22-1808. Offenses committed beyond District.

2084 22-1809. Prosecutions.

2085 22-1810. Threatening to kidnap or injure a person or damage his or her property.

2086

2087 § 22-1801. "Writing" and "paper" defined.

2088 Except where otherwise provided for where such a construction would be unreasonable,  
2089 the words "writing" and "paper," wherever mentioned in this title, are to be taken to include  
2090 instruments wholly in writing or wholly printed, or partly printed and partly in writing.

2091

2092 § 22-1802. "Anything of value" defined.

2093 The words "anything of value," wherever they occur in this title and the District of  
2094 Columbia Theft and White Collar Crimes Act of 1982, shall be held to include not only things  
2095 possessing intrinsic value, but bank notes and other forms of paper money, and commercial  
2096 paper and other writings which represent value.

2097

2098 § 22-1803. Attempts to commit crime.

2099 Whoever shall attempt to commit any crime, which attempt is not otherwise made  
2100 punishable by chapter 19 of An Act to establish a code of law for the District of Columbia,  
2101 approved March 3, 1901 (31 Stat. 1321), shall be punished by a fine not more than the amount  
2102 set forth in § 22-3571.01 or by imprisonment for not more than 180 days, or both. Except,  
2103 whoever shall attempt to commit a crime of violence as defined in § 23-1331 shall be punished  
2104 by a fine not more than the amount set forth in § 22-3571.01 or by imprisonment for not more  
2105 than 5 years, or both.

2106

2107 § 22-1804. Second conviction.

2108 (a) If any person: (1) is convicted of a criminal offense (other than a non-moving traffic  
2109 offense) under a law applicable exclusively to the District of Columbia; and (2) was previously  
2110 convicted of a criminal offense under any law of the United States or of a state or territory of the  
2111 United States which offense, at the time of the conviction referred to in clause (1) of this  
2112 subsection, is the same as, constitutes, or necessarily includes, the offense referred to in that  
2113 clause, such person may be sentenced to pay a fine in an amount not more than one and one-half  
2114 times the maximum fine prescribed for the conviction referred to in clause (1) of this subsection  
2115 and sentenced to imprisonment for a term not more than one and one-half times the maximum  
2116 term of imprisonment prescribed for that conviction. If such person was previously convicted  
2117 more than once of an offense described in clause (2) of this subsection, such person may be  
2118 sentenced to pay a fine in an amount not more than 3 times the maximum fine prescribed for the  
2119 conviction referred to in clause (1) of this subsection and sentenced to imprisonment for a term  
2120 not more than 3 times the maximum term of imprisonment prescribed for that conviction. No  
2121 conviction with respect to which a person has been pardoned on the ground of innocence shall be  
2122 taken into account in applying this section.

2123 (b) This section shall not apply in the event of conflict with any other provision of law  
2124 which provides an increased penalty for a specific offense by reason of a prior conviction of the  
2125 same or any other offense.

2126

2127 § 22-1804a. Penalty for felony after at least 2 prior felony convictions.

2128 (a) (1) If a person is convicted in the District of Columbia of a felony, having previously  
2129 been convicted of 2 prior felonies not committed on the same occasion, the court may, in lieu of

2130 any sentence authorized, impose such greater term of imprisonment as it deems necessary, up to,  
2131 and including, 30 years.

2132 (2) If a person is convicted in the District of Columbia of a crime of violence as  
2133 defined by § 22-4501, having previously been convicted of 2 prior crimes of violence not  
2134 committed on the same occasion, the court, in lieu of the term of imprisonment authorized, shall  
2135 impose a term of imprisonment of not less than 15 years and may impose such greater term of  
2136 imprisonment as it deems necessary up to, and including, life without possibility of release.

2137 (3) For purposes of imprisonment following revocation of release authorized by § 24-  
2138 403.01, the third or subsequent felony committed by a person who had previously been convicted  
2139 of 2 prior felonies not committed on the same occasion and the third or subsequent crime of  
2140 violence committed by a person who had previously been convicted of 2 prior crimes of violence  
2141 not committed on the same occasion are Class A felonies.

2142 (b) For the purposes of this section:

2143 (1) A person shall be considered as having been convicted of a felony if the  
2144 person was convicted of a felony by a court of the District of Columbia, any state, or the United  
2145 States or its territories; and

2146 (2) A person shall be considered as having been convicted of a crime of violence  
2147 if the person was convicted of a crime of violence as defined by § 22-4501, by a court of the  
2148 District of Columbia, any state, or the United States or its territories.

2149 (c)(1) A person shall be considered as having been convicted of 2 felonies if the person  
2150 has been convicted of a felony twice before on separate occasions by courts of the District of  
2151 Columbia, any state, or the United States or its territories.

2152 (2) A person shall be considered as having been convicted of 2 crimes of violence  
2153 if the person has twice before on separate occasions been convicted of a crime of violence as  
2154 defined by § 22-4501, by courts of the District of Columbia, any states, or the United States or its  
2155 territories.

2156 (d) No conviction or plea of guilty with respect to which a person has been pardoned  
2157 shall be taken into account in applying this section.

2158 (e) In addition to any other penalty provided under this section, a person may be fined an  
2159 amount not more than the amount set forth in § 22-3571.01.

2160  
2161 § 22-1805. Persons advising, inciting, or conniving at criminal offense to be charged as  
2162 principals.

2163 In prosecutions for any criminal offense all persons advising, inciting, or conniving at the  
2164 offense, or aiding or abetting the principal offender, shall be charged as principals and not as  
2165 accessories, the intent of this section being that as to all accessories before the fact the law  
2166 heretofore applicable in cases of misdemeanor only shall apply to all crimes, whatever the  
2167 punishment may be.

2168  
2169 § 22-1805a. Conspiracy to commit crime.

2170 (a)(1) If 2 or more persons conspire either to commit a criminal offense or to defraud the  
2171 District of Columbia or any court or agency thereof in any manner or for any purpose, each shall  
2172 be fined not more than the amount set forth in § 22-3571.01 or imprisoned not more than 5 years,  
2173 or both, except that if the object of the conspiracy is a criminal offense punishable by less than 5  
2174 years, the maximum penalty for the conspiracy shall not exceed the maximum penalty provided  
2175 for that offense.

2176 (2) If 2 or more persons conspire to commit a crime of violence as defined in § 23-  
2177 1331(4), each shall be fined not more than the amount set forth in § 22-3571.01 nor the  
2178 maximum fine prescribed for the offense, the commission of which was the object of the  
2179 conspiracy, whichever is less, or imprisoned not more than 15 years nor the maximum  
2180 imprisonment prescribed for the offense, the commission of which was the object of the  
2181 conspiracy, whichever is less, or both.

2182 (b) No person may be convicted of conspiracy unless an overt act is alleged and proved to  
2183 have been committed by 1 of the conspirators pursuant to the conspiracy and to effect its  
2184 purpose.

2185 (c) When the object of a conspiracy contrived within the District of Columbia is to  
2186 engage in conduct in a jurisdiction outside the District of Columbia which would constitute a  
2187 criminal offense under an act of Congress applicable exclusively to the District of Columbia if  
2188 performed therein, the conspiracy is a violation of this section if:

2189 (1) Such conduct would also constitute a crime under the laws of the other jurisdiction  
2190 if performed therein; or

2191 (2) Such conduct would constitute a criminal offense under an act of Congress  
2192 exclusively applicable to the District of Columbia even if performed outside the District of  
2193 Columbia.

2194 (d) A conspiracy contrived in another jurisdiction to engage in conduct within the District  
2195 of Columbia which would constitute a criminal offense under an act of Congress exclusively  
2196 applicable to the District of Columbia if performed within the District of Columbia is a violation  
2197 of this section when an overt act pursuant to the conspiracy is committed within the District of  
2198 Columbia. Under such circumstances, it is immaterial and no defense to a prosecution for  
2199 conspiracy that the conduct which is the object of the conspiracy would not constitute a crime  
2200 under the laws of the other jurisdiction.

2201  
2202 § 22-1806. Accessories after the fact.

2203 Whoever shall be convicted of being an accessory after the fact to any crime punishable  
2204 by death shall be punished by imprisonment for not more than 20 years. Whoever shall be  
2205 convicted of being accessory after the fact to any crime punishable by imprisonment shall be  
2206 punished by a fine or imprisonment, or both, as the case may be, not more than 1/2 the maximum  
2207 fine or imprisonment, or both, to which the principal offender may be subjected.

2208  
2209 § 22-1807. Punishment for offenses not covered by provisions of Code.

2210 Whoever shall be convicted of any criminal offense not covered by the provisions of any  
2211 section of this Code, or of any general law of the United States not locally inapplicable in the  
2212 District of Columbia, shall be punished by a fine not more than the amount set forth in § 22-  
2213 3571.01 or by imprisonment for not more than 5 years, or both.

2214  
2215 § 22-1808. Offenses committed beyond District.

2216 Any person who by the commission outside of the District of Columbia of any act which,  
2217 if committed within the District of Columbia, would be a criminal offense under the laws of said  
2218 District, thereby obtains any property or other thing of value, and is afterwards found with any  
2219 such property or other such thing of value in his or her possession in said District, or who brings  
2220 any such property or other such thing of value into said District, shall, upon conviction, be

2221 punished in the same manner as if said act had been committed wholly within said District.

2222

2223 § 22-1809. Prosecutions.

2224 All prosecutions for violations of § 22-1321 or any of the provisions of any of the laws or  
2225 ordinances provided for by this act shall be conducted in the name of and for the benefit of the  
2226 District of Columbia, and in the same manner as provided by law for the prosecution of offenses  
2227 against the laws and ordinances of the said District. Any person convicted of any violation of §  
2228 22-1321 or any of the provisions of this act, and who shall fail to pay the fine or penalty  
2229 imposed, or to give security where the same is required, shall be imprisoned for a term not  
2230 exceeding 6 months for each and every offense.

2231

2232 § 22-1810. Threatening to kidnap or injure a person or damage his or her property.

2233 Whoever threatens within the District of Columbia to kidnap any person or to injure the  
2234 person of another or physically damage the property of any person or of another person, in whole  
2235 or in part, shall be fined not more than the amount set forth in § 22-3571.01 or imprisoned not  
2236 more than 20 years, or both.

2237

## 2238 CHAPTER 18A. HUMAN TRAFFICKING.

2239

2240 Sec.

2241 22-1831. Definitions.

2242 22-1832. Forced labor.

2243 22-1833. Trafficking in labor or commercial sex acts.

2244 22-1834. Sex trafficking of children.

2245 22-1835. Unlawful conduct with respect to documents in furtherance of human trafficking.

2246 22-1836. Benefitting financially from human trafficking.

2247 22-1837. Penalties.

2248 22-1838. Forfeiture.

2249 22-1839. Reputation or opinion evidence. [Transferred].

2250 22-1840. Civil action. [Transferred].

2251 22-1841. Data collection and dissemination. [Not funded] [Transferred].

2252 22-1842. Training program. [Transferred].

2253 22-1843. Public posting of human trafficking hotline. [Transferred].

2254

2255 § 22-1831. Definitions.

2256 For the purposes of this chapter, the term:

2257 (1) "Abuse or threatened abuse of law or legal process" means the use or threatened  
2258 use of law or legal process, whether administrative, civil, or criminal, in any manner or for any  
2259 purpose for which the law was not designed, to exert pressure on another person to cause that  
2260 person to take some action or refrain from taking some action.

2261 (2) "Business" means any corporation, partnership, sole proprietorship, firm,  
2262 enterprise, franchise, association, organization, holding company, joint stock, trust, and any legal  
2263 entity through which business is conducted.

2264 (3) "Coercion" means any one of, or a combination of, the following:

2265 (A) Force, threats of force, physical restraint, or threats of physical restraint;

2266 (B) Serious harm or threats of serious harm;

2267 (C) The abuse or threatened abuse of law or legal process;  
2268 (D) Fraud or deception;  
2269 (E) Any scheme, plan, or pattern intended to cause a person to believe that if that  
2270 person did not perform labor or services, that person or another person would suffer serious harm  
2271 or physical restraint;  
2272 (F) Facilitating or controlling a person's access to an addictive or controlled  
2273 substance or restricting a person's access to prescription medication; or  
2274 (G) Knowingly participating in conduct with the intent to cause a person to believe  
2275 that he or she is the property of a person or business and that would cause a reasonable person in  
2276 that person's circumstances to believe that he or she is the property of a person or business.  
2277 (4) "Commercial sex act" means any sexual act or sexual contact on account of which  
2278 or for which anything of value is given to, promised to, or received by any person. The term  
2279 "commercial sex act" includes a violation of § 22-2701, § 22-2704, §§ 22-2705 to 22-2712, §§  
2280 22-2713 to 22-2720, and § 22-2722.  
2281 (5) "Debt bondage" means the status or condition of a person who provides labor,  
2282 services, or commercial sex acts, for a real or alleged debt, where:  
2283 (A) The value of the labor, services, or commercial sex acts, as reasonably assessed,  
2284 is not applied toward the liquidation of the debt;  
2285 (B) The length and nature of the labor, services, or commercial sex acts are not  
2286 respectively limited and defined; or  
2287 (C) The amount of the debt does not reasonably reflect the value of the items or  
2288 services for which the debt was incurred.  
2289 (6) "Labor" means work that has economic or financial value.  
2290 (7) "Serious harm" means any harm, whether physical or nonphysical, including  
2291 psychological, financial, or reputational harm, that is sufficiently serious, under all the  
2292 surrounding circumstances, to compel a reasonable person of the same background and in the  
2293 same circumstances to perform or to continue to perform labor, services, or commercial sex acts  
2294 to avoid incurring that harm.  
2295 (8) "Services" means legal or illegal duties or work done for another, whether or not  
2296 compensated.  
2297 (9) "Sexual act" shall have the same meaning as provided in § 22-3001(8).  
2298 (10) "Sexual contact" shall have the same meaning as provided in § 22-3001(9).  
2299 (11) "Venture" means any group of 2 or more individuals associated in fact, whether or  
2300 not a legal entity.  
2301  
2302 § 22-1832. Forced labor.  
2303 (a) It is unlawful for an individual or a business knowingly to use coercion to cause a  
2304 person to provide labor or services.  
2305 (b) It is unlawful for an individual or a business knowingly to place or keep any person in  
2306 debt bondage.  
2307  
2308 § 22-1833. Trafficking in labor or commercial sex acts.  
2309 It is unlawful for an individual or a business to recruit, entice, harbor, transport, provide,  
2310 obtain, or maintain by any means a person, knowing, or in reckless disregard of the fact that:  
2311 (1) Coercion will be used or is being used to cause the person to provide labor or  
2312 services or to engage in a commercial sex act; or

2313 (2) The person is being placed or will be placed or kept in debt bondage.

2314

2315 § 22-1834. Sex trafficking of children.

2316 (a) It is unlawful for an individual or a business knowingly to recruit, entice, harbor,  
2317 transport, provide, obtain, or maintain by any means a person who will be caused as a result to  
2318 engage in a commercial sex act knowing or in reckless disregard of the fact that the person has  
2319 not attained the age of 18 years.

2320 (b) In a prosecution under subsection (a) of this section in which the defendant had a  
2321 reasonable opportunity to observe the person recruited, enticed, harbored, transported, provided,  
2322 obtained, or maintained, the government need not prove that the defendant knew that the person  
2323 had not attained the age of 18 years.

2324

2325 § 22-1835. Unlawful conduct with respect to documents in furtherance of human  
2326 trafficking.

2327 It is unlawful for an individual or business knowingly to destroy, conceal, remove,  
2328 confiscate, or possess any actual or purported government identification document, including a  
2329 passport or other immigration document, or any other actual or purported document, of any  
2330 person to prevent or restrict, or attempt to prevent or restrict, without lawful authority, the  
2331 person's liberty to move or travel in order to maintain the labor or services of that person.

2332

2333 § 22-1836. Benefitting financially from human trafficking.

2334 It is unlawful for an individual or business knowingly to benefit, financially or by  
2335 receiving anything of value, from voluntarily participating in a venture which has engaged in any  
2336 act in violation of § 22-1832, § 22-1833, § 22-1834, or § 22-1835, knowing or in reckless  
2337 disregard of the fact that the venture has engaged in the violation.

2338

2339 § 22-1837. Penalties.

2340 (a)(1) Except as provided in paragraph (2) of this subsection, whoever violates § 22-  
2341 1832, § 22-1833, or § 22-1834 shall be fined not more than the amount set forth in § 22-3571.01,  
2342 imprisoned for not more than 20 years, or both.

2343 (2) Whoever violates sections § 22-1832, § 22-1833, or § 22-1834 when the victim is  
2344 held or provides services for more than 180 days shall be fined not more than 1 1/2 times the  
2345 maximum fine authorized for the designated act, imprisoned for not more than 1 1/2 times the  
2346 maximum term authorized for the designated act, or both.

2347 (b) Whoever violates § 22-1835 shall be fined not more than the amount set forth in § 22-  
2348 3571.01, imprisoned for not more than 5 years, or both.

2349 (c) Whoever violates § 22-1836 shall be fined or imprisoned up to the maximum fine or  
2350 term of imprisonment for a violation of each referenced section.

2351 (d) Whoever attempts to violate § 22-1832, § 22-1833, § 22-1834, § 22-1835 or § 22-  
2352 1836 shall be fined not more than 1/2 the maximum fine otherwise authorized for the offense,  
2353 imprisoned for not more than 1/2 the maximum term otherwise authorized for the offense, or  
2354 both.

2355 (e) No person shall be sentenced consecutively for violations of §§ 22-1833 and 22-1834  
2356 for an offense arising out of the same incident.

2357

2358 § 22-1838. Forfeiture.

2359 (a) In imposing sentence on any individual or business convicted of a violation of this  
2360 chapter, the court shall order, in addition to any sentence imposed, that the individual or business  
2361 shall forfeit to the District of Columbia:

2362 (1) Any interest in any property, real or personal, that was used or intended to be used  
2363 to commit or to facilitate the commission of the violation; and

2364 (2) Any property, real or personal, constituting or derived from any proceeds that the  
2365 individual or business obtained, directly or indirectly, as a result of the violation.

2366 (b) The following shall be subject to forfeiture to the District of Columbia and no  
2367 property right shall exist in them:

2368 (1) Any property, real or personal, used or intended to be used to commit or to  
2369 facilitate the commission of any violation of this chapter.

2370 (2) Any property, real or personal, which constitutes or is derived from proceeds  
2371 traceable to any violation of this chapter.

2372

2373 § 22-1839. Reputation or opinion evidence. [Transferred].

2374 Transferred.

2375

2376 § 22-1840. Civil action. [Transferred].

2377 Transferred.

2378

2379 § 22-1841. Data collection and dissemination. [Not funded]. [Transferred].

2380 Transferred. [Not funded].

2381

2382 § 22-1842. Training program. [Transferred].

2383 Transferred.

2384

2385 § 22-1843. Public posting of human trafficking hotline. [Transferred].

2386 [Transferred]. [Not funded].

2387

2388

## 2389 CHAPTER 19. INCEST.

2390

2391 Sec.

2392 22-1901. Definition and penalty.

2393

2394 § 22-1901. Definition and penalty.

2395 If any person in the District related to another person within and not including the fourth  
2396 degree of consanguinity, computed according to the rules of the Roman or civil law, shall marry  
2397 or cohabit with or have sexual intercourse with such other so-related person, knowing him or her  
2398 to be within said degree of relationship, the person so offending shall be deemed guilty of incest,  
2399 and, on conviction thereof, shall be punished by imprisonment for not more than 12 years. In  
2400 addition to any other penalty provided under this section, a person may be fined an amount not  
2401 more than the amount set forth in § 22-3571.01.

2402

## 2403 CHAPTER 19A. INTERFERING WITH REPORTS OF CRIME.

2404

2405 Sec.

2406 22-1931. Obstructing, preventing, or interfering with reports to or requests for assistance from  
2407 law enforcement agencies, medical providers, or child welfare agencies.

2408  
2409 § 22-1931. Obstructing, preventing, or interfering with reports to or requests for  
2410 assistance from law enforcement agencies, medical providers, or child  
2411 welfare agencies.

2412 (a) It shall be unlawful for a person to knowingly disconnect, damage, disable,  
2413 temporarily or permanently remove, or use physical force or intimidation to block access to any  
2414 telephone, radio, computer, or other electronic communication device with a purpose to obstruct,  
2415 prevent, or interfere with:

2416 (1) The report of any criminal offense to any law enforcement agency;

2417 (2) The report of any bodily injury or property damage to any law enforcement agency;

2418 (3) A request for ambulance or emergency medical assistance to any governmental  
2419 agency, or any hospital, doctor, or other medical service provider, or

2420 (4) The report of any act of child abuse or neglect to a law enforcement or child  
2421 welfare agency.

2422 (b) A person who violates subsection (a) of this section shall be fined not more than the  
2423 amount set forth in § 22-3571.01 or imprisoned not more than 180 days, or both.

2424

## 2425 CHAPTER 20. KIDNAPPING.

2426

2427 Sec.

2428 22-2001. Definition and penalty; conspiracy.

2429

2430 § 22-2001. Definition and penalty; conspiracy.

2431 Whoever shall be guilty of, or of aiding or abetting in, seizing, confining, inveigling,  
2432 enticing, decoying, kidnapping, abducting, concealing, or carrying away any individual by any  
2433 means whatsoever, and holding or detaining, or with the intent to hold or detain, such individual  
2434 for ransom or reward or otherwise, except, in the case of a minor, by a parent thereof, shall, upon  
2435 conviction thereof, be punished by imprisonment for not more than 30 years. For purposes of  
2436 imprisonment following revocation of release authorized by § 24-403.01, the offense defined by  
2437 this section is a Class A felony. This section shall be held to have been violated if either the  
2438 seizing, confining, inveigling, enticing, decoying, kidnapping, abducting, concealing, carrying  
2439 away, holding, or detaining occurs in the District of Columbia. If 2 or more individuals enter into  
2440 any agreement or conspiracy to do any act or acts which would constitute a violation of the  
2441 provisions of this section, and 1 or more of such individuals do any act to effect the object of  
2442 such agreement or conspiracy, each such individual shall be deemed to have violated the  
2443 provisions of this section. In addition to any other penalty provided under this section, a person  
2444 may be fined an amount not more than the amount set forth in § 22-3571.01.

2445

## 2446 CHAPTER 21. MURDER; MANSLAUGHTER.

2447

2448 Sec.

2449 22-2101. Murder in the first degree – Purposeful killing; killing while perpetrating certain  
2450 crimes.

2451 22-2102. Murder in the first degree – Placing obstructions upon or displacement of railroads.

2452 22-2103. Murder in the second degree.  
2453 22-2104. Penalty for murder in first and second degrees.  
2454 22-2104.01. Sentencing procedure for murder in the first degree.  
2455 22-2105. Penalty for manslaughter.  
2456 22-2106. Murder of law enforcement officer.  
2457 22-2107. Penalty for solicitation of murder or other crime of violence.

2458  
2459 § 22-2101. Murder in the first degree -- Purposeful killing; killing while perpetrating  
2460 certain crimes.

2461 Whoever, being of sound memory and discretion, kills another purposely, either of  
2462 deliberate and premeditated malice or by means of poison, or in perpetrating or attempting to  
2463 perpetrate an offense punishable by imprisonment in the penitentiary, or without purpose to do  
2464 so kills another in perpetrating or in attempting to perpetrate any arson, as defined in § 22-301 or  
2465 § 22-302, first degree sexual abuse, first degree child sexual abuse, first degree cruelty to  
2466 children, mayhem, robbery, or kidnaping, or in perpetrating or attempting to perpetrate any  
2467 housebreaking while armed with or using a dangerous weapon, or in perpetrating or attempting  
2468 to perpetrate a felony involving a controlled substance, is guilty of murder in the first degree. For  
2469 purposes of imprisonment following revocation of release authorized by § 24-403.01(b)(7),  
2470 murder in the first degree is a Class A felony.

2471  
2472 § 22-2102. Murder in the first degree -- Placing obstructions upon or displacement of  
2473 railroads.

2474 Whoever maliciously places an obstruction upon a railroad or street railroad, or displaces  
2475 or injures anything appertaining thereto, or does any other act with intent to endanger the passage  
2476 of any locomotive or car, and thereby occasions the death of another, is guilty of murder in the  
2477 first degree. For purposes of imprisonment following revocation of release authorized by § 24-  
2478 403.01(b)(7), murder in the first degree is a Class A felony.

2479  
2480 § 22-2103. Murder in the second degree.

2481 Whoever with malice aforethought, except as provided in §§ 22-2101, 22-2102, kills  
2482 another, is guilty of murder in the second degree. For purposes of imprisonment following  
2483 revocation of release authorized by § 24-403.01(b)(7), murder in the second degree is a Class A  
2484 felony.

2485  
2486 § 22-2104. Penalty for murder in first and second degrees.

2487 (a) The punishment for murder in the first degree shall be not less than 30 years nor more  
2488 than life imprisonment without release, except that the court may impose a prison sentence in  
2489 excess of 60 years only in accordance with § 22-2104.01 or § 24-403.01(b-2). The prosecution  
2490 shall notify the defendant in writing at least 30 days prior to trial that it intends to seek a sentence  
2491 of life imprisonment without release as provided in § 22-2104.01; provided that, no person who  
2492 was less than 18 years of age at the time the murder was committed shall be sentenced to life  
2493 imprisonment without release.

2494 (b) Notwithstanding any other provision of law, a person convicted of murder in the first  
2495 degree shall not be released from prison prior to the expiration of 30 years from the date of the  
2496 commencement of the sentence.

2497 (c) Whoever is guilty of murder in the second degree shall be sentenced to a period of  
2498 incarceration of not more than life, except that the court may impose a prison sentence in excess  
2499 of 40 years only in accordance with § 24-403.01(b-2).

2500 (d) For purposes of imprisonment following revocation of release authorized by § 24-  
2501 403.01(b)(7), murder in the first degree and murder in the second degree are Class A felonies.

2502 (e) In addition to any other penalty provided under this section, a person may be fined an  
2503 amount not more than the amount set forth in § 22-3571.01.

2504

2505 § 22-2104.01. Sentencing procedure for murder in the first degree.

2506 (a) If a defendant is convicted of murder in the first degree, and if the prosecution has  
2507 given the notice required under § 22-2104(a), a separate sentencing procedure shall be conducted  
2508 as soon as practicable after the trial has been completed to determine whether to impose a  
2509 sentence of more than 60 years up to, and including, life imprisonment without possibility of  
2510 release.

2511 (b) In determining the sentence, a finding shall be made whether, beyond a reasonable  
2512 doubt, any of the following aggravating circumstances exist:

2513 (1) The murder was committed in the course of kidnapping or abduction, or an attempt  
2514 to kidnap or abduct;

2515 (2) The murder was committed for hire;

2516 (3) The murder was committed for the purpose of avoiding or preventing a lawful  
2517 arrest or effecting an escape from custody;

2518 (4) The murder was especially heinous, atrocious, or cruel;

2519 (5) The murder was a drive-by or random shooting;

2520 (6) There was more than 1 offense of murder in the first degree arising out of 1  
2521 incident;

2522 (7) The murder was committed because of the victim's race, color, religion, national  
2523 origin, sexual orientation, or gender identity or expression (as defined in § 2-1401.02(12A));

2524 (8) The murder was committed while committing or attempting to commit a robbery,  
2525 arson, rape, or sexual offense;

2526 (9) The murder was committed because the victim was or had been a witness in any  
2527 criminal investigation or judicial proceeding, or the victim was capable of providing or had  
2528 provided assistance in any criminal investigation or judicial proceeding;

2529 (10) The murder victim was especially vulnerable due to age or a mental or physical  
2530 infirmity;

2531 (11) The murder is committed after substantial planning; or

2532 (12) At the time of the commission of the murder, the defendant had previously been  
2533 convicted and sentenced, whether in a court of the District of Columbia, of the United States, or  
2534 of any state, for (A) murder, (B) manslaughter, (C) any attempt, solicitation, or conspiracy to  
2535 commit murder, (D) assault with intent to kill, (E) assault with intent to murder, or (F) at least  
2536 twice, for any offense or offenses, described in § 22-4501(1), whether committed in the District  
2537 of Columbia or any other state, or the United States. A person shall be considered as having been  
2538 convicted and sentenced twice for an offense or offenses when the initial sentencing for the  
2539 conviction in the first offense preceded the commission of the second offense and the initial  
2540 sentencing for the second offense preceded the commission of the instant murder.

2541 (c) The finding shall state in writing whether, beyond a reasonable doubt, 1 or more of  
2542 the aggravating circumstances exist. If 1 or more aggravating circumstances exist, a sentence of  
2543 more than 60 years up to, and including, life imprisonment without release may be imposed.

2544 (d) If the trial court is reversed on appeal because of error only in the separate sentencing  
2545 procedure, any new proceeding before the trial court shall pertain only to the issue of sentencing.

2546  
2547 § 22-2105. Penalty for manslaughter.

2548 Whoever is guilty of manslaughter shall be sentenced to a period of imprisonment not  
2549 exceeding 30 years. In addition to any other penalty provided under this section, a person may be  
2550 fined an amount not more than the amount set forth in § 22-3571.01.

2551  
2552 § 22-2106. Murder of law enforcement officer.

2553 (a) Whoever, with deliberate and premeditated malice, and with knowledge or reason to  
2554 know that the victim is a law enforcement officer or public safety employee, kills any law  
2555 enforcement officer or public safety employee engaged in, or on account of, the performance of  
2556 such officer's or employee's official duties, is guilty of murder of a law enforcement officer or  
2557 public safety employee, and shall be sentenced to life without the possibility of release. It shall  
2558 not be a defense to this charge that the victim was acting unlawfully by seizing or attempting to  
2559 seize the defendant or another person.

2560 (b) For the purposes of subsection (a) of this section, the term:

2561 (1) "Law enforcement officer" means:

2562 (A) A sworn member of the Metropolitan Police Department;

2563 (B) A sworn member of the District of Columbia Protective Services;

2564 (C) The Director, deputy directors, and officers of the District of Columbia  
2565 Department of Corrections;

2566 (D) Any probation, parole, supervised release, community supervision, or  
2567 pretrial services officer of the Court Services and Offender Supervision Agency or The Pretrial  
2568 Services Agency;

2569 (E) Metro Transit police officers; and

2570 (F) Any federal, state, county, or municipal officer performing functions  
2571 comparable to those performed by the officers described in subparagraphs (A), (C), (D), (E), and  
2572 (F) of this paragraph, including but not limited to state, county, or municipal police officers,  
2573 sheriffs, correctional officers, parole officers, and probation and pretrial service officers.

2574 (2) "Public safety employee" means:

2575 (A) A District of Columbia firefighter, emergency medical technician/paramedic,  
2576 emergency medical technician/intermediate paramedic, or emergency medical technician; and

2577 (B) Any federal, state, county, or municipal officer performing functions  
2578 comparable to those performed by the District of Columbia employees described in subparagraph  
2579 (A) of this paragraph.

2580 (c) In addition to any other penalty provided under this section, a person may be fined an  
2581 amount not more than the amount set forth in § 22-3571.01.

2582  
2583 § 22-2107. Penalty for solicitation of murder or other crime of violence.

2584 (a) Whoever is guilty of soliciting a murder, whether or not such murder occurs, shall be  
2585 sentenced to a period of imprisonment not exceeding 20 years, a fine not more than the amount  
2586 set forth in § 22-3571.01, or both.

2587 (b) Whoever is guilty of soliciting a crime of violence as defined by § 23-1331(4),  
2588 whether or not such crime occurs, shall be sentenced to a period of imprisonment not exceeding  
2589 10 years, a fine of not more than the amount set forth in § 22-3571.01, or both.

2590  
2591 CHAPTER 22. OBSCENITY.

2592  
2593 Sec.

2594 22-2201. Certain obscene activities and conduct declared unlawful; definitions; penalties;  
2595 affirmative defenses; exception.

2596  
2597 § 22-2201. Certain obscene activities and conduct declared unlawful; definitions;  
2598 penalties; affirmative defenses; exception.

2599 (a)(1) It shall be unlawful in the District of Columbia for a person knowingly:

2600 (A) To sell, deliver, distribute, or provide, or offer or agree to sell, deliver,  
2601 distribute, or provide any obscene, indecent, or filthy writing, picture, sound recording, or other  
2602 article or representation;

2603 (B) To present, direct, act in, or otherwise participate in the preparation or  
2604 presentation of, any obscene, indecent, or filthy play, dance, motion picture, or other  
2605 performance;

2606 (C) To pose for, model for, print, record, compose, edit, write, publish, or otherwise  
2607 participate in preparing for publication, exhibition, or sale, any obscene, indecent, or filthy  
2608 writing, picture, sound recording, or other article or representation;

2609 (D) To sell, deliver, distribute, or provide, or offer or agree to sell, deliver, distribute  
2610 or provide any article, thing, or device which is intended for or represented as being for indecent  
2611 or immoral use;

2612 (E) To create, buy, procure, or possess any matter described in the preceding  
2613 subparagraphs of this paragraph with intent to disseminate such matter in violation of this  
2614 subsection;

2615 (F) To advertise or otherwise promote the sale of any matter described in the  
2616 preceding subparagraphs of this paragraph; or

2617 (G) To advertise or otherwise promote the sale of material represented or held out by  
2618 such person to be obscene.

2619 (2)(A) For purposes of subparagraph (E) of paragraph (1) of this subsection, the  
2620 creation, purchase, procurement, or possession of a mold, engraved plate, or other embodiment  
2621 of obscenity specially adapted for reproducing multiple copies or the possession of more than 3  
2622 copies, of obscene, indecent, or filthy material shall be prima facie evidence of an intent to  
2623 disseminate such material in violation of this subsection.

2624 (B) For purposes of paragraph (1) of this subsection, the term "knowingly" means  
2625 having general knowledge of, or reason to know, or a belief or ground for belief which warrants  
2626 further inspection or inquiry of, the character and content of any article, thing, device,  
2627 performance, or representation described in paragraph (1) of this subsection which is reasonably  
2628 susceptible of examination.

2629 (3) When any person is convicted of a violation of this subsection, the court in its  
2630 judgment of conviction may, in addition to the penalty prescribed, order the confiscation and  
2631 disposal of any materials described in paragraph (1) of this subsection, which were named in the

2632 charge against such person and which were found in the possession or under the control of such  
2633 person at the time of such person's arrest.

2634 (b)(1) It shall be unlawful in the District of Columbia for any person knowingly:

2635 (A) To sell, deliver, distribute, or provide, or offer or agree to sell, deliver,  
2636 distribute, or provide to a minor:

2637 (i) Any picture, photograph, drawing, sculpture, motion picture film, or similar  
2638 visual representation or image of a person or portion of the human body, which depicts nudity,  
2639 sexual conduct, or sado-masochistic abuse and which taken as a whole is patently offensive  
2640 because it affronts prevailing standards in the adult community as a whole with respect to what is  
2641 suitable material for minors; or

2642 (ii) Any book, magazine, or other printed matter however reproduced or sound  
2643 recording, which depicts nudity, sexual conduct, or sado-masochistic abuse or which contains  
2644 explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual  
2645 conduct, or sado-masochistic abuse and which taken as a whole is patently offensive because it  
2646 affronts prevailing standards in the adult community as a whole with respect to what is suitable  
2647 material for minors; or

2648 (B) To exhibit to a minor, or to sell or provide to a minor an admission ticket to, or  
2649 pass to, or to admit a minor to, premises whereon there is exhibited, a motion picture, show, or  
2650 other presentation which, in whole or in part, depicts nudity, sexual conduct, or sado-masochistic  
2651 abuse and which taken as a whole is patently offensive because it affronts prevailing standards in  
2652 the adult community as a whole with respect to what is suitable material for minors.

2653 (2) For purposes of paragraph (1) of this subsection:

2654 (A) The term "minor" means any person under the age of 17 years.

2655 (B) The term "nudity" includes the showing of the human male or female genitals,  
2656 pubic area or buttocks with less than a full opaque covering, or the showing of the female breast  
2657 with less than a full opaque covering of any portion thereof below the top of the nipple, or the  
2658 depiction of covered male genitals in a discernibly turgid state.

2659 (C) The term "sexual conduct" includes acts of sodomy, masturbation,  
2660 homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed  
2661 genitals, pubic area, buttocks, or, if such person be a female, breast.

2662 (D) The term "sexual excitement" includes the condition of human male or female  
2663 genitals when in a state of sexual stimulation or arousal.

2664 (E) The term "sado-masochistic abuse" includes flagellation or torture by or upon a  
2665 person clad in undergarments or a mask or bizarre costume, or the condition of being fettered,  
2666 bound, or otherwise physically restrained on the part of one so clothed.

2667 (F) The term "knowingly" means having a general knowledge of, or reason to know,  
2668 or a belief or ground for belief which warrants further inspection or inquiry or both of:

2669 (i) The character and content of any material described in paragraph (1) of this  
2670 subsection which is reasonably susceptible of examination by the defendant; and

2671 (ii) The age of the minor.

2672 (c) It shall be an affirmative defense to a charge of violating subsection (a) or (b) of this  
2673 section that the dissemination was to institutions or individuals having scientific, educational, or  
2674 other special justification for possession of such material.

2675 (d) Nothing in this section shall apply to a licensee under the Communications Act of  
2676 1934 (47 U.S.C. § 151 et seq.) while engaged in activities regulated pursuant to such Act.

2677 (e) A person convicted of violating subsection (a) or (b) of this section shall for the 1st  
2678 offense be fined not more than the amount set forth in § 22-3571.01 or imprisoned not more than  
2679 180 days, or both. A person convicted of a 2nd or subsequent offense under subsection (a) or (b)  
2680 of this section shall be fined not less than \$ 1,000 and not more than the amount set forth in § 22-  
2681 3571.01 or imprisoned not less than 6 months or more than 3 years, or both.

2682

2683

## CHAPTER 23. PANHANDLING.

2684

2685 Sec.

2686 22-2301. Definitions.

2687 22-2302. Prohibited acts.

2688 22-2303. Permitted activity.

2689 22-2304. Penalties.

2690 22-2305. Conduct of prosecutions.

2691 22-2306. Disclosure.

2692

2693 § 22-2301. Definitions.

2694 For the purposes of this chapter, the term:

2695 (1) "Aggressive manner" means:

2696 (A) Approaching, speaking to, or following a person in a manner as would cause a  
2697 reasonable person to fear bodily harm or the commission of a criminal act upon the person, or  
2698 upon property in the person's immediate possession;

2699 (B) Touching another person without that person's consent in the course of asking  
2700 for alms;

2701 (C) Continuously asking, begging, or soliciting alms from a person after the person  
2702 has made a negative response; or

2703 (D) Intentionally blocking or interfering with the safe or free passage of a person by  
2704 any means, including unreasonably causing a person to take evasive action to avoid physical  
2705 contact.

2706 (2) "Ask, beg, or solicit alms" includes the spoken, written, or printed word or such  
2707 other act conducted for the purpose of obtaining an immediate donation of money or thing of  
2708 value.

2709

2710 § 22-2302. Prohibited acts.

2711 (a) No person may ask, beg, or solicit alms, including money and other things of value, in  
2712 an aggressive manner in any place open to the general public, including sidewalks, streets, alleys,  
2713 driveways, parking lots, parks, plazas, buildings, doorways and entrances to buildings, and  
2714 gasoline service stations, and the grounds enclosing buildings.

2715 (b) No person may ask, beg, or solicit alms in any public transportation vehicle; or at any  
2716 bus, train, or subway station or stop.

2717 (c) No person may ask, beg, or solicit alms within 10 feet of any automatic teller machine  
2718 (ATM).

2719 (d) No person may ask, beg, or solicit alms from any operator or occupant of a motor  
2720 vehicle that is in traffic on a public street.

2721 (e) No person may ask, beg, or solicit alms from any operator or occupant of a motor  
2722 vehicle on a public street in exchange for blocking, occupying, or reserving a public parking  
2723 space, or directing the operator or occupant to a public parking space.

2724 (f) No person may ask, beg, or solicit alms in exchange for cleaning motor vehicle  
2725 windows while the vehicle is in traffic on a public street.

2726 (g) No person may ask, beg, or solicit alms in exchange for protecting, watching,  
2727 washing, cleaning, repairing, or painting a motor vehicle or bicycle while it is parked on a public  
2728 street.

2729 (h) No person may ask, beg, or solicit alms on private property or residential property,  
2730 without permission from the owner or occupant.

2731

2732 § 22-2303. Permitted activity.

2733 Acts authorized as an exercise of a person's constitutional right to picket, protest, or  
2734 speak, and acts authorized by a permit issued by the District of Columbia government shall not  
2735 constitute unlawful activity under this chapter.

2736

2737 § 22-2304. Penalties.

2738 (a) Any person convicted of violating any provision of § 22-2302 shall be fined not more  
2739 than the amount set forth in § 22-3571.01 or be imprisoned not more than 90 days or both.

2740 (b) In lieu of or in addition to the penalty provided in subsection (a) of this section, a  
2741 person convicted of violating any provision of § 22-2302 may be required to perform community  
2742 service as provided in § 16-712.

2743

2744 § 22-2305. Conduct of prosecutions.

2745 Prosecutions for violations of this chapter shall be conducted in the name of the District  
2746 of Columbia by the Attorney General for the District of Columbia.

2747

2748 § 22-2306. Disclosure.

2749 Any arrest or conviction under this chapter shall be disclosed to public and private social  
2750 service agencies that request the Metropolitan Police Department or the court to be notified of  
2751 such events.

2752

2753 CHAPTER 24. PERJURY; RELATED OFFENSES.

2754

2755 Sec.

2756 22-2401. Perjury; subornation of perjury. [Repealed].

2757 22-2402. Perjury.

2758 22-2403. Subornation of perjury.

2759 22-2404. False swearing.

2760 22-2405. False statements.

2761

2762 § 22-2401. Perjury; subornation of perjury. [Repealed].

2763 Repealed.

2764

2765 § 22-2402. Perjury.

2766 (a) A person commits the offense of perjury if:

2767 (1) Having taken an oath or affirmation before a competent tribunal, officer, or person,  
2768 in a case in which the law authorized such oath or affirmation to be administered, that he or she  
2769 will testify, declare, depose, or certify truly, or that any written testimony, declaration,  
2770 deposition, or certificate by that person subscribed is true, wilfully and contrary to an oath or  
2771 affirmation states or subscribes any material matter which he or she does not believe to be true  
2772 and which in fact is not true;

2773 (2) As a notary public or other officer authorized to take proof of certification, wilfully  
2774 certifies falsely that an instrument was acknowledged by any party thereto or wilfully certifies  
2775 falsely as to another material matter in an acknowledgement; or

2776 (3) In any declaration, certificate, verification, or statement made under penalty of  
2777 perjury in the form specified in § 16-5306 or 28 U.S.C. § 1746(2), the person wilfully states or  
2778 subscribes as true any material matter that the person does not believe to be true and that in fact  
2779 is not true.

2780 (b) Any person convicted of perjury shall be fined not more than the amount set forth in §  
2781 22-3571.01 or imprisoned for not more than 10 years, or both.

2782  
2783 § 22-2403. Subornation of perjury.

2784 A person commits the offense of subornation of perjury if that person wilfully procures  
2785 another to commit perjury. Any person convicted of subornation of perjury shall be fined not  
2786 more than the amount set forth in § 22-3571.01 or imprisoned for not more than 10 years, or  
2787 both.

2788  
2789 § 22-2404. False swearing.

2790 (a) A person commits the offense of false swearing if under oath or affirmation he or she  
2791 wilfully makes a false statement, in writing, that is in fact material and the statement is one  
2792 which is required by law to be sworn or affirmed before a notary public or other person  
2793 authorized to administer oaths.

2794 (b) Any person convicted of false swearing shall be fined not more than the amount set  
2795 forth in § 22-3571.01 or imprisoned for not more than 3 years, or both.

2796  
2797 § 22-2405. False statements.

2798 (a) A person commits the offense of making false statements if that person wilfully  
2799 makes a false statement that is in fact material, in writing, directly or indirectly, to any  
2800 instrumentality of the District of Columbia government, under circumstances in which the  
2801 statement could reasonably be expected to be relied upon as true; provided, that the writing  
2802 indicates that the making of a false statement is punishable by criminal penalties or if that person  
2803 makes an affirmation by signing an entity filing or other document under Title 29 of the District  
2804 of Columbia Official Code, knowing that the facts stated in the filing are not true in any material  
2805 respect or if that person makes an affirmation by signing a declaration under § 1-1061.13,  
2806 knowing that the facts stated in the filing are not true in any material respect;

2807 (b) Any person convicted of making false statements shall be fined not more than the  
2808 amount set forth in § 22-3571.01 or imprisoned for not more than 180 days, or both. A violation  
2809 of this section shall be prosecuted by the Attorney General for the District of Columbia or one of  
2810 the Attorney General's assistants.

2811

2812 CHAPTER 25. POSSESSION OF IMPLEMENTS OF CRIME.

2813  
2814 Sec.  
2815 22-2501. Possession of implements of crime; penalty.

2816  
2817 § 22-2501. Possession of implements of crime; penalty.  
2818 No person shall have in his or her possession in the District any instrument, tool, or  
2819 implement for picking locks or pockets, with the intent to use such instrument, tool, or  
2820 implement to commit a crime. Whoever violates this section shall be imprisoned for not more  
2821 than 180 days and may be fined not more than and, in addition, may be fined not more than the  
2822 amount set forth in § 22-3571.01, unless the violation occurs after he or she has been convicted  
2823 in the District of a violation of this section or of a felony, either in the District or another  
2824 jurisdiction, in which case he or she shall be imprisoned for not less than one year nor more than  
2825 5 years and, in addition, may be fined not more than the amount set forth in § 22-3571.01.

2826  
2827 CHAPTER 25A. PRESENCE IN A MOTOR VEHICLE CONTAINING A FIREARM.  
2828 [REPEALED].

2829  
2830 Sec.  
2831 22-2511. Presence in a motor vehicle containing a firearm. [Repealed].

2832  
2833 § 22-2511. Presence in a motor vehicle containing a firearm. [Repealed].  
2834 Repealed.

2835  
2836 CHAPTER 26. PRISON MISCONDUCT.

2837  
2838 *Subchapter I.*  
2839 *Escape.*

2840  
2841 Sec.  
2842 22-2601. Escape from institution or officer.

2843  
2844 *Subchapter II.*  
2845 *Misprisons.*

2846  
2847 22-2602. Misprisons by officers or employees of jail. [Repealed].

2848  
2849 *Subchapter III.*  
2850 *Introduction of Contraband into Penal Institutions.*

2851  
2852 22-2603.01. Definitions.  
2853 22-2603.02. Unlawful possession of contraband.  
2854 22-2603.03. Penalties.  
2855 22-2603.04 Detainment power. [Transferred].

2856  
2857 *Subchapter I.*  
2858 *Escape.*

2859 § 22-2601. Escape from institution or officer.  
2860

2861 (a) No person shall escape or attempt to escape from:

2862 (1) Any penal or correctional institution or facility in which that person is confined  
2863 pursuant to an order issued by a court of the District of Columbia;

2864 (2) The lawful custody of an officer or employee of the District of Columbia or of the  
2865 United States: or

2866 (3) An institution or facility, whether located in the District of Columbia or elsewhere,  
2867 in which a person committed to the Department of Youth Rehabilitation Services is placed.

2868 (b) Any person who violates subsection (a) of this section shall be fined not more than the  
2869 amount set forth in § 22-3571.01 or imprisoned not more than 5 years, or both, said sentence to  
2870 begin, if the person is an escaped prisoner, upon the expiration of the original sentence or  
2871 disposition for the offense for which he or she was confined, committed, or in custody at the time  
2872 of his or her escape.

2873

2874 *Subchapter II.*

2875 *Misprisons.*

2876

2877 § 22-2602. Misprisons by officers or employees of jail. [Repealed].

2878 [Repealed].

2879

2880 *Subchapter III.*

2881 *Introduction of Contraband into Penal Institutions.*

2882

2883 § 22-2603.01. Definitions.

2884 For the purposes of this subchapter, the term:

2885 (1) "Cellular telephone or other portable communication device and accessories  
2886 thereto" means any device carried, worn, or stored that is designed, intended, or readily  
2887 converted to create, receive or transmit oral or written messages or visual images, access or store  
2888 data, or connect electronically to the Internet, or any other electronic device that enables  
2889 communication in any form. The term "cellular telephone or other portable communication  
2890 device and accessories thereto" includes portable 2-way pagers, hand-held radios, cellular  
2891 telephones, Blackberry-type devices, personal digital assistants or PDAs, computers, cameras,  
2892 and any components of these devices. The term "cellular telephone or other portable  
2893 communication device and accessories thereto" also includes any new technology that is  
2894 developed for communication purposes and includes accessories that enable or facilitate the use  
2895 of the cellular telephone or other portable communication device.

2896 (2)(A) "Class A Contraband" means:

2897 (i) Any item, the mere possession of which is unlawful under District of Columbia  
2898 or federal law;

2899 (ii) Any controlled substance listed or described in Unit A of Chapter 9 of Title 48  
2900 [§ 48-901.01 et seq.] or any controlled substance scheduled by the Mayor pursuant to § 48-  
2901 902.01;

2902 (iii) Any dangerous weapon or object which is capable of such use as may  
2903 endanger the safety or security of a penal institution or secure juvenile residential facility or any  
2904 person therein, including,:

2905 (I) A firearm or imitation firearm, or any component of a firearm;  
2906 (II) Ammunition or ammunition clip;  
2907 (III) A stun gun, taser, or other device capable of disrupting a person's nervous  
2908 system;

2909 (IV) Flammable liquid or explosive powder;  
2910 (V) A knife, screwdriver, ice pick, box cutter, needle, or any other object or  
2911 tool that can be used for cutting, slicing, stabbing, or puncturing a person;  
2912 (VI) A shank or homemade knife; or  
2913 (VII) Tear gas, pepper spray, or other substance that can be used to cause  
2914 temporary blindness or incapacitation;

2915 (iv) Any object designed or intended to facilitate an escape;  
2916 (v) Handcuffs, security restraints, handcuff keys, or any other object designed or  
2917 intended to lock, unlock, or release handcuffs or security restraints;  
2918 (vi) A hacksaw, hacksaw blade, wire cutter, file, or any other object or tool that  
2919 can be used to cut through metal, concrete, or plastic;  
2920 (vii) Rope; or  
2921 (viii) When possessed by, given to, or intended to be given to an inmate or  
2922 securely detained juvenile, a correctional officer's uniform, law enforcement officer's uniform,  
2923 medical staff clothing, any other uniform, or civilian clothing.

2924 (B) The term "Class A contraband" does not include any object or substance which a  
2925 person is authorized to possess in the penal institution or secure juvenile residential facility by  
2926 the director of the penal institution or secure juvenile residential facility and that is in the form or  
2927 quantity for which it was authorized.

2928 (3)(A) "Class B Contraband" means:  
2929 (i) Any alcoholic liquor or beverage;  
2930 (ii) A hypodermic needle or syringe or other item that can be used for the  
2931 administration of unlawful controlled substances; or  
2932 (iii) A cellular telephone or other portable communication device and accessories  
2933 thereto.

2934 (B) The term "Class B contraband" does not include any object or substance which a  
2935 person is authorized to possess in the penal institution or secure juvenile residential facility by  
2936 the director of the penal institution or secure juvenile residential facility and that is in the form or  
2937 quantity for which it was authorized.

2938 (4)(A) "Class C Contraband" means any article or thing which a person confined in a  
2939 penal institution or secure juvenile residential facility is prohibited from obtaining or possessing  
2940 by rule. The Mayor, pursuant to subchapter I of Chapter 5 of Title 2 [§ 2-501 et seq.], shall  
2941 promulgate by rulemaking the articles or things that are Class C contraband. The rules shall be  
2942 posted in the facility to give notice of the prohibited articles or things.

2943 (B) The term "Class C contraband" does not include any object or substance which a  
2944 person is authorized to possess in the penal institution or secure juvenile residential facility by  
2945 the director of the penal institution or secure juvenile residential facility and that is in the form or  
2946 quantity for which it was authorized.

2947 (5) "Grounds" means the area of land occupied by the penal institution or secure  
2948 juvenile residential facility and its yard and outbuildings, with a clearly identified perimeter.

2949 (6) "Penal institution" means any penitentiary, prison, jail, or secure facility owned,  
2950 operated, or under the control of the Department of Corrections, whether located within the  
2951 District of Columbia or elsewhere.

2952 (7) "Secure juvenile residential facility" means a locked residential facility providing  
2953 custody, supervision, and care for one or more juveniles that is owned, operated, or under the  
2954 control of the Department of Youth Rehabilitation Services, excluding residential treatment  
2955 facilities and accredited hospitals.

2956

2957 § 22-2603.02. Unlawful possession of contraband.

2958 (a) Except as authorized by law, the Mayor, the Director of the Department of  
2959 Corrections, or the Director of the Department of Youth Rehabilitation Services, it is unlawful  
2960 to:

2961 (1) Knowingly bring Class A, Class B, or Class C contraband into or upon the grounds  
2962 of a penal institution or a secure juvenile residential facility with the intent that it be given to or  
2963 received by an inmate or securely detained juvenile;

2964 (2) Knowingly cause another to bring Class A, Class B, or Class C contraband into or  
2965 upon the grounds of a penal institution or a secure juvenile residential facility with the intent that  
2966 it be given to or received by an inmate or securely detained juvenile; or

2967 (3) Knowingly place Class A, Class B, or Class C contraband in such proximity to a  
2968 penal institution or a secure juvenile residential facility with the intent to give an inmate, a  
2969 securely detained juvenile, a staff member, or a visitor access to the contraband.

2970 (b) It is unlawful for an inmate, or securely detained juvenile, to possess Class A, Class  
2971 B, or Class C contraband, regardless of the intent with which he or she possesses it.

2972 (c) It is unlawful for an employee of the Department of Corrections or Department of  
2973 Youth Rehabilitation Services who becomes aware of any violation of this section to fail to  
2974 report such knowledge as required by department regulations, policies, or procedures.

2975 (d)(1) Any item listed as contraband is not deemed to be contraband when issued by a  
2976 penal institution or secure juvenile residential facility to an employee and the item is being used  
2977 in the performance of the employee's duties within the penal institution or secure juvenile  
2978 residential facility.

2979 (2) Any item listed as contraband is not deemed to be contraband when issued by a law  
2980 enforcement agency to its sworn officers and the item is being used in the performance of his or  
2981 her duties.

2982 (e) It is not unlawful for an attorney, or representative or agent of an attorney, during the  
2983 course of a visit for the purpose of legal representation of the inmate or securely detained  
2984 juvenile, to:

2985 (1) Possess a cellular telephone or other portable communication device and  
2986 accessories thereto for the purpose of the legal visit for use by the attorney, representative, or  
2987 agent, and not for the personal use of any inmate or securely detained juvenile; or

2988 (2) Give or transmit to an inmate or securely detained juvenile legal written or  
2989 recorded communication pertaining to his or her legal representation.

2990 (f) It is not unlawful for a person to possess or carry a controlled substance that is  
2991 prescribed to that person and that is medically necessary for that person to carry.

2992

2993 § 22-2603.03. Penalties.

2994 (a) A person convicted of violating this subchapter with regard to Class A contraband  
2995 shall be imprisoned for not more than 10 years, fined not more than the amount set forth in § 22-  
2996 3571.01, or both.

2997 (b) A person convicted of violating this subchapter with regard to Class B contraband  
2998 shall be imprisoned for not more than 2 years, fined not more than the amount set forth in § 22-  
2999 3571.01, or both.

3000 (c) A person convicted of violating § 22-2603.02(c) shall be imprisoned for not more  
3001 than 1 year, fined not more than the amount set forth in § 22-3571.01, or both.

3002 (d) Any term of imprisonment imposed on an inmate or prisoner pursuant to this section  
3003 shall be:

3004 (1) Consecutive to the term of imprisonment being served at the time this offense was  
3005 committed; or

3006 (2) If the inmate was confined pending trial or sentencing, consecutive to any term of  
3007 imprisonment imposed in the case in which the inmate was being detained at the time this  
3008 offense was committed.

3009 (e) The violation of this subchapter with regard to Class C contraband shall be an  
3010 administrative penalty prescribed by the Department of Corrections or the Department of Youth  
3011 Rehabilitation Services.

3012 § 22-2603.04. Detainment power. [Transferred]  
3013 Transferred.  
3014  
3015

## 3016 CHAPTER 27. PROSTITUTION; PANDERING.

### 3017 *Subchapter I.* 3018 *General.* 3019 3020

3021 Sec.

3022 22-2701. Engaging in prostitution or soliciting for prostitution.

3023 22-2701.01. Definitions.

3024 22-2702. Inmate or frequenter of house of ill fame. [Repealed.]

3025 22-2703. Suspension of sentence; conditions; enforcement.

3026 22-2704. Abducting or enticing child from his or her home for purposes of prostitution;  
3027 harboring such child.

3028 22-2705. Pandering; inducing or compelling an individual to engage in prostitution.

3029 22-2706. Compelling an individual to live life of prostitution against his or her will.

3030 22-2707. Procuring; receiving money or other valuable thing for arranging assignation.

3031 22-2708. Causing spouse or domestic partner to live in prostitution.

3032 22-2709. Detaining an individual in disorderly house for debt there contracted.

3033 22-2710. Procuring for house of prostitution.

3034 22-2711. Procuring for third persons.

3035 22-2712. Operating house of prostitution.

3036 22-2713. Premises occupied for lewdness, assignation, or prostitution declared nuisance.  
3037 [Transferred].

3038 22-2714. Abatement of nuisance under § 22-2713 by injunction—Temporary injunction.  
3039 [Transferred].

3040 22-2715. Abatement of nuisance under § 22-2713 by injunction—Trial; dismissal of complaint;  
3041 prosecution; costs. [Transferred].  
3042 22-2716. Violation of injunction granted under § 22-2714. [Transferred].  
3043 22-2717. Order of abatement; sale of property; entry of closed premises punishable as contempt.  
3044 [Transferred].  
3045 22-2718. Disposition of proceeds of sale. [Transferred].  
3046 22-2719. Bond for abatement; order for delivery of premises; effect of release. [Transferred].  
3047 22-2720. Tax for maintain such nuisance. [Transferred].  
3048 22-2721. Granting immunity to witnesses. [Repealed].  
3049 22-2722. Keeping bawdy or disorderly houses.  
3050 22-2723. Property subject to seizure and forfeiture.  
3051 22-2724. Impoundment.  
3052 22-2725. Anti-Prostitution Vehicle Impoundment Proceeds Fund.

3053  
3054 *Subchapter II.*  
3055 *Prostitution Free Zone.*  
3056

3057 22-2731. Prostitution free zone. [Repealed].  
3058

3059 *Subchapter I.*  
3060 *General.*  
3061

3062 § 22-2701. Engaging in prostitution or soliciting for prostitution.

3063 (a) Except as provided in subsection (d) of this section, it is unlawful for any person to  
3064 engage in prostitution or to solicit for prostitution.

3065 (b)(1) Except as provided in paragraph (2) of this subsection, a person convicted of  
3066 prostitution or soliciting for prostitution shall be:

3067 (A) Fined not more than the amount set forth in § 22-3571.01, imprisoned for not  
3068 more than 90 days, or both, for the first offense; and

3069 (B) Fined not more than the amount set forth in § 22-3571.01, imprisoned not  
3070 more than 180 days, or both, for the second offense.

3071 (2) A person convicted of prostitution or soliciting for prostitution who has 2 or more  
3072 prior convictions for prostitution or soliciting for prostitution, not committed on the same  
3073 occasion, shall be fined not more than the amount set forth in § 22-3571.01, imprisoned for not  
3074 more than 2 years, or both.

3075 (c) For the purposes of this section, a person shall be considered as having 2 or more  
3076 prior convictions for prostitution or soliciting for prostitution if he or she has been convicted on  
3077 at least 2 occasions of violations of:

3078 (1) This section;

3079 (2) A statute in one or more other jurisdictions prohibiting prostitution or soliciting  
3080 for prostitution; or

3081 (3) Conduct that would constitute a violation of this section if committed in the  
3082 District of Columbia.

3083 (d)(1) A child who engages in or offers to engage in a sexual act or sexual contact in  
3084 return for receiving anything of value shall be immune from prosecution for a violation of  
3085 subsection (a) of this section.

3086 (2) The Metropolitan Police Department shall refer any child suspected of engaging  
3087 in or offering to engage in a sexual act or sexual contact in return for receiving anything of value  
3088 to an organization that provides treatment, housing, or services appropriate for victims of sex  
3089 trafficking of children under § 22-1834.

3090 (3) For the purposes of this subsection, the term "child" means a person who has not  
3091 attained the age of 18 years.

3092 § 22-2701.01. Definitions.

3093 For the purposes of this section, §§ 22-2701, 22-2703, and 22-2723, § 22-2704, §§ 22-  
3094 2705 to 22-2712, §§ 22-2713 to 22-2720, and § 22-2722:

3095 (1) "Arranging for prostitution" means any act to procure or attempt to procure or  
3096 otherwise arrange for the purpose of prostitution, regardless of whether such procurement or  
3097 arrangement occurred or anything of value was given or received.

3098 (2) "Domestic partner" shall have the same meaning as provided in § 32-701(3).

3099 (3) "Prostitution" means a sexual act or contact with another person in return for  
3100 giving or receiving anything of value.

3101 (4) "Prostitution-related offenses" means those crimes and offenses defined in this act  
3102 and in the acts cited in the lead-in language of this section.

3103 (5) "Sexual act" shall have the same meaning as provided in § 22-3001(8).

3104 (6) "Sexual contact" shall have the same meaning as provided in § 22-3001(9).

3105 (7) "Solicit for prostitution" means to invite, entice, offer, persuade, or agree to  
3106 engage in prostitution or address for the purpose of inviting, enticing, offering, persuading, or  
3107 agreeing to engage in prostitution.

3108 § 22-2702. Inmate or frequenter of house of ill fame. [Repealed].

3109 Repealed.

3110 § 22-2703. Suspension of sentence; conditions; enforcement.

3111 The court may impose conditions upon any person found guilty under § 22-2701, and so  
3112 long as such person shall comply therewith to the satisfaction of the court the imposition or  
3113 execution of sentence may be suspended for such period as the court may direct; and the court  
3114 may at or before the expiration of such period remand such sentence or cause it to be executed.  
3115 Conditions thus imposed by the court may include an order to stay away from the area within  
3116 which the offense or offenses occurred, submission to medical and mental examination,  
3117 diagnosis and treatment by proper public health and welfare authorities, and such other terms and  
3118 conditions as the court may deem best for the protection of the community and the punishment,  
3119 control, and rehabilitation of the defendant. The Department of Human Services of the District of  
3120 Columbia, the Metropolitan Police Department, and the probation officers of the court are  
3121 authorized and directed to perform such duties as may be directed by the court in effectuating  
3122 compliance with the conditions so imposed upon any defendant.

3123 § 22-2704. Abducting or enticing child from his or her home for purposes of prostitution;  
3124 harboring such child.

3125 (a) It is unlawful for any person, for purposes of prostitution, to:

3126 (1) Persuade, entice, or forcibly abduct a child under 18 years of age from his or her  
3127 home or usual abode, or from the custody and control of the child's parents or guardian; or  
3128

3132 (2) Secrete or harbor any child so persuaded, enticed, or abducted from his or her home  
3133 or usual abode, or from the custody and control of the child's parents or guardian.

3134 (b) A person who violates subsection (a) of this section shall be guilty of a felony and,  
3135 upon conviction, shall be punished by imprisonment for not more than 20 years, or by a fine of  
3136 not more than the amount set forth in § 22-3571.01, or both.

3137

3138 § 22-2705. Pandering; inducing or compelling an individual to engage in prostitution.

3139 (a) It is unlawful for any person, within the District of Columbia to:

3140 (1) Place or cause, induce, entice, procure, or compel the placing of any individual in  
3141 the charge or custody of any other person, or in a house of prostitution, with intent that such  
3142 individual shall engage in prostitution;

3143 (2) Cause, compel, induce, entice, or procure or attempt to cause, compel, induce,  
3144 entice, or procure any individual:

3145 (A) To reside with any other person for the purpose of prostitution;

3146 (B) To reside or continue to reside in a house of prostitution; or

3147 (C) To engage in prostitution; or

3148 (3) Take or detain an individual against the individual's will, with intent to compel  
3149 such individual by force, threats, menace, or duress to marry the abductor or to marry any other  
3150 person.

3151 (b) It is unlawful for any parent, guardian, or other person having legal custody of the  
3152 person of an individual, to consent to the individual's being taken, detained, or used by any  
3153 person, for the purpose of prostitution or a sexual act or sexual contact.

3154 (c)(1) Except as provided in paragraph (2) of this subsection, a person who violates  
3155 subsection (a) or (b) of this section shall be guilty of a felony and, upon conviction, shall be  
3156 punished by imprisonment for not more than 5 years, or by a fine of not more than the amount  
3157 set forth in § 22-3571.01, or both.

3158 (2) A person who violates subsection (a) or (b) of this section when the individual so  
3159 placed, caused, compelled, induced, enticed, procured, taken, detained, or used or attempted to  
3160 be so placed, caused, compelled, induced, enticed, procured, taken, detained, or used is under the  
3161 age of 18 years shall be guilty of a felony and, upon conviction, shall be punished by  
3162 imprisonment for not more than 20 years or by a fine of not more than the amount set forth in §  
3163 22-3571.01, or both.

3164

3165 § 22-2706. Compelling an individual to live life of prostitution against his or her will.

3166 (a) It is unlawful for any person, within the District of Columbia, by threats or duress, to  
3167 detain any individual against such individual's will, for the purpose of prostitution or a sexual act  
3168 or sexual contact, or to compel any individual against such individual's will, to reside with him  
3169 or her or with any other person for the purposes of prostitution or a sexual act or sexual contact.

3170 (b)(1) Except as provided in paragraph (2) of this subsection, a person who violates  
3171 subsection (a) of this section shall be guilty of a felony and, upon conviction, shall be punished  
3172 by imprisonment for not more than 15 years or by a fine of not more than the amount set forth in  
3173 § 22-3571.01, or both.

3174 (2) A person who violates subsection (a) of the section when the individual so  
3175 detained or compelled is under the age of 18 years shall be guilty of a felony and, upon  
3176 conviction, shall be punished by imprisonment for not more than 20 years or by a fine of not

3177 more than the amount set forth in § 22-3571.01, or both.

3178

§ 22-2707. Procuring; receiving money or other valuable thing for arranging assignation.

3179 (a) It is unlawful for any person, within the District of Columbia, to receive any money or  
3180 other valuable thing for or on account of arranging for or causing any individual to engage in  
3181 prostitution or a sexual act or contact.

3182 (b)(1) Except as provided in paragraph (2) of this subsection, a person who violates  
3183 subsection (a) of this section shall be guilty of a felony and, upon conviction, shall be punished  
3184 by imprisonment for not more than 5 years or by a fine of not more than the amount set forth in §  
3185 22-3571.01, or both.

3186 (2) A person who violates subsection (a) of this section when the individual so  
3187 arranged for or caused to engage in prostitution or a sexual act or contact is under the age of 18  
3188 years shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not  
3189 more than 20 years or by a fine of not more than the amount set forth in § 22-3571.01, or both.

3190

3191 § 22-2708. Causing spouse or domestic partner to live in prostitution.

3192 Any person who by force, fraud, intimidation, or threats, places or leaves, or procures any  
3193 other person or persons to place or leave, a spouse or domestic partner in a house of prostitution,  
3194 or to lead a life of prostitution, shall be guilty of a felony, and upon conviction thereof shall be  
3195 imprisoned not less than one year nor more than 10 years. In addition to any other penalty  
3196 provided under this section, a person may be fined an amount not more than the amount set forth  
3197 in § 22-3571.01.

3198

3199 § 22-2709. Detaining an individual in disorderly house for debt there contracted.

3200 Any person or persons who attempt to detain any individual in a disorderly house or  
3201 house of prostitution because of any debt or debts such individual has contracted, or is said to  
3202 have contracted, while living in said house of prostitution or disorderly house shall be guilty of a  
3203 felony, and on conviction thereof be imprisoned for a term not less than one year nor more than 5  
3204 years. In addition to any other penalty provided under this section, a person may be fined an  
3205 amount not more than the amount set forth in § 22-3571.01.

3206

3207 § 22-2710. Procuring for house of prostitution.

3208 Any person who, within the District of Columbia, shall pay or receive any money or  
3209 other valuable thing for or on account of the procuring for, or placing in, a house of prostitution,  
3210 for purposes of sexual intercourse, prostitution, debauchery, or other immoral act, any individual,  
3211 shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not more  
3212 than 5 years and by a fine of not more than the amount set forth in § 22-3571.01.

3213

3214 § 22-2711. Procuring for third persons.

3215 Any person who, within the District of Columbia, shall receive any money or other  
3216 valuable thing for or on account of procuring and placing in the charge or custody of another  
3217 person for sexual intercourse, prostitution, debauchery, or other immoral purposes any individual  
3218 shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not more  
3219 than 5 years and by a fine of not more than the amount set forth in § 22-3571.01.

3220

3221 § 22-2712. Operating house of prostitution.

3222

3223 Any person who, within the District of Columbia, knowingly, shall accept, receive, levy,  
3224 or appropriate any money or other valuable thing, without consideration other than the furnishing  
3225 of a place for prostitution or the servicing of a place for prostitution, from the proceeds or  
3226 earnings of any individual engaged in prostitution shall be guilty of a felony and, upon  
3227 conviction, shall be punished by imprisonment for not more than 5 years and by a fine of not  
3228 more than the amount set forth in § 22-3571.01.

3229  
3230 § 22-2713. Premises occupied for lewdness, assignation, or prostitution declared  
3231 nuisance. [Transferred].

3232 Transferred.

3233  
3234 § 22-2714. Abatement of nuisance under § 22-2713 by injunction -- Temporary  
3235 injunction. [Transferred].

3236 Transferred.

3237  
3238 § 22-2715. Abatement of nuisance under § 22-2713 by injunction -- Trial; dismissal of  
3239 complaint; prosecution; costs. [Transferred].

3240 Transferred.

3241  
3242 § 22-2716. Violation of injunction granted under § 22-2714. [Transferred].

3243 Transferred.

3244  
3245 § 22-2717. Order of abatement; sale of property; entry of closed premises punishable as  
3246 contempt. [Transferred].

3247 Transferred.

3248  
3249 § 22-2718. Disposition of proceeds of sale. [Transferred].

3250 Transferred.

3251  
3252 § 22-2719. Bond for abatement; order for delivery of premises; effect of release.  
3253 [Transferred].

3254 Transferred.

3255  
3256 § 22-2720. Tax for maintaining such nuisance. [Transferred].

3257 Transferred.

3258  
3259 § 22-2721. Granting immunity to witnesses. [Repealed].

3260 Repealed.

3261  
3262 § 22-2722. Keeping bawdy or disorderly houses.

3263 Whoever is convicted of keeping a bawdy or disorderly house in the District shall be  
3264 fined not more than the amount set forth in § 22-3571.01 or imprisoned not more than 5 years, or  
3265 both.

3266  
3267 § 22-2723. Property subject to seizure and forfeiture.

3268 (a) The following are subject to forfeiture:

3269 (1) All conveyances, including aircraft, vehicles or vessels, which are used, or  
3270 intended for use, to transport, or in any manner to facilitate a violation of a prostitution-related  
3271 offense; and

3272 (2) All money, coins, and currency which are used, or intended for use, in violation of  
3273 a prostitution-related offense.

3274 (b) All seizures and forfeitures of property under this section shall be pursuant to the  
3275 standards and procedures set forth in D.C. Law 20-278.

3276  
3277 § 22-2724. Impoundment.

3278 (a) Any vehicle used in furtherance of a violation of a prostitution-related offense shall be  
3279 subject to impoundment pursuant to this section.

3280 (b) Whenever a police officer has probable cause to believe that a vehicle is being used in  
3281 furtherance of a violation of a prostitution-related offense, and an arrest is made for that  
3282 violation, the police officer, other member of the Metropolitan Police Department, or duly  
3283 authorized agent thereof shall:

3284 (1) Arrange for the towing of the vehicle by the Department of Public Works, or other  
3285 designee of the Mayor, to a facility controlled by the District of Columbia or its agents, as  
3286 designated by the Mayor, or, if towing services are not immediately available, arrange for the  
3287 immobilization of the vehicle until such time as towing services become available; and

3288 (2) Provide written notice to the owner of record of the vehicle and to the person who is  
3289 found to be in control of the vehicle at the time of the seizure conveying the fact of seizure and  
3290 impoundment of the vehicle, as well as the right to obtain immediate return of the vehicle  
3291 pursuant to subsection (d) of this section, in lieu of requesting a hearing.

3292 (c) The notices to be given pursuant to this section shall be provided by hand delivery at  
3293 the time of the seizure and impoundment of the vehicle to the person in control of the vehicle or  
3294 to the owner of record of the vehicle. If the owner of record of the vehicle is not available to  
3295 receive such notice at the time of the seizure, the notice shall be mailed by first class mail, no  
3296 later than 5 days after the vehicle is received at an impoundment or storage facility, to the last  
3297 known address of the owner or owners of record of the vehicle, as that information is indicated in  
3298 the records of the Department of Motor Vehicles or in the records of the appropriate agency of  
3299 the jurisdiction where the vehicle is registered.

3300 (d) An owner, or a person duly authorized by an owner, shall, upon proof of same, be  
3301 permitted to repossess or secure the release of the immobilized or impounded vehicle at any time  
3302 (subject to administrative availability) by paying to the District government, as directed by the  
3303 Department of Public Works, an administrative civil penalty of \$ 150, a booting fee, if  
3304 applicable, all outstanding fines and penalties for infractions for which liability has been  
3305 admitted, deemed admitted, or sustained after hearing, and all applicable towing and storage  
3306 costs for impounded vehicles as provided by § 50-2421.09(a)(6). Payment of such fees shall not  
3307 be admissible as evidence of guilt in any criminal proceeding.

3308 (e) An owner, or person duly authorized by an owner, shall be entitled to refund of the  
3309 administrative civil penalty, booting fee, and 2 days' towing and storage costs by showing that  
3310 the prosecutor dropped the underlying criminal charges (except for instances of nolle prosequi or  
3311 because the defendant completed a diversion program), that the Superior Court of the District of  
3312 Columbia dismissed the case after consideration of the merits, or that the case resulted in a  
3313 finding of not guilty on all prostitution-related charges, or by providing a police report  
3314 demonstrating that the vehicle was stolen at the time that it was subject to seizure and

3315 impoundment. If the vehicle had been stolen at the time of seizure and impoundment, a refund of  
3316 all towing and storage costs shall be made.

3317 (f) An owner, or person duly authorized by an owner, shall be entitled to a due process  
3318 hearing regarding the seizure of the vehicle.

3319 (g) Vehicles seized and impounded under this section shall not be subject to replevin, but  
3320 shall be deemed to be in the custody of the Mayor.

3321 (h) Vehicles that remain unclaimed for 30 days may be disposed of pursuant to §§ 50-  
3322 2421.07(c), (d), (e), and (f), 50-2421.08, 50-2421.09, and 50-2421.10; provided, that if the owner  
3323 wants to claim the vehicle before it is auctioned, the owner must pay the administrative civil  
3324 penalty imposed by subsection (d) of this section in addition to the amounts required in § 50-  
3325 2421.09.

3326 (i) The Attorney General for the District of Columbia, or his or her assistants, shall  
3327 represent the District of Columbia in all proceedings under this section.

3328 (j) The Mayor shall issue rules setting forth the process by which a refund shall be  
3329 obtained timely pursuant to subsection (e) of this section. Until such rules are published in the  
3330 District of Columbia Register, this section shall not be enforceable.

3331

3332 § 22-2725. Anti-Prostitution Vehicle Impoundment Proceeds Fund.

3333 (a) There is established as a nonlapsing fund the Anti-Prostitution Vehicle Impoundment  
3334 Proceeds Fund ("Fund"), which shall be used for the purpose set forth in subsection (b) of this  
3335 section. All funds collected from the assessment of civil penalties, booting, towing,  
3336 impoundment, and storage fees pursuant to § 22-2723, and any and all interest earned on those  
3337 funds, shall be deposited into the Fund, and shall not revert to the unrestricted fund balance of  
3338 the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but  
3339 shall be continually available for the uses and purposes set forth in subsection (b) of this section  
3340 with regard to fiscal year limitation, subject to authorization by Congress.

3341 (b) The Fund shall be used solely to fund expenses directly related to the booting, towing,  
3342 and impoundment of vehicles used in furtherance of prostitution-related activities, in violation of  
3343 a prostitution-related offense.

3344 (c) The Mayor shall submit to the Council, as part of the annual budget, a requested  
3345 appropriation for expenditures from the Fund.

3346

3347 *Subchapter II.*

3348 *Prostitution Free Zones.*

3349

3350 § 22-2731. Prostitution free zone; penalty. [Repealed].

3351 [Repealed].

3352

## 3353 CHAPTER 27A. PROTEST TARGETING A RESIDENCE.

3354

3355 Sec.

3356 22-2751. Definitions.

3357 22-2752. Engaging in an unlawful protest targeting a residence.

3358

3359 § 22-2751. Definitions.

3360 For the purposes of this chapter, the term:

3361 (1) "Demonstration" means marching, congregating, standing, parading,  
3362 demonstrating, or patrolling by one or more persons, with or without signs, for the purpose of  
3363 persuading one or more individuals, or the public, or to protest some action, attitude, or belief.

3364 (2) "Mask" means a covering for the face or part of the face whereby the identity of the  
3365 wearer is disguised. The term "Mask" shall not include clothing worn for the purpose of  
3366 providing protection from the elements nor clothing worn as a religious covering.

3367 (3) "Residence" means a building or structure, but not a hotel, used or designed to be  
3368 used, in whole or in part, as a living or a sleeping place by one or more human beings.

3369

3370 § 22-2752. Engaging in an unlawful protest targeting a residence.

3371 (a)(1) It is unlawful for a person, as part of a group of 3 or more persons, to target a  
3372 residence for purposes of a demonstration:

3373 (A) Between 10:00 p.m. and 7:00 a.m.;

3374 (B) While wearing a mask; or

3375 (C) Without having provided the Metropolitan Police Department notification of the  
3376 location and approximate time of the demonstration.

3377 (2) The notification required by paragraph (1)(C) of this subsection shall be provided  
3378 in writing to the operational unit designated for such purpose by the Chief of Police not less than  
3379 2 hours before the demonstration begins. The Metropolitan Police Department shall post on its  
3380 website the e-mail and facsimile number by which the operational unit may be notified 24 hours  
3381 a day, and the address to which notification may be hand delivered, as an alternative, during  
3382 business hours.

3383 (b) A person who violates this section shall be guilty of a misdemeanor and, upon  
3384 conviction, fined not more than the amount set forth in § 22-3571.01 or imprisoned for not more  
3385 than 90 days.

3386

3387 CHAPTER 28. ROBBERY.

3388

3389 Sec.

3390 22-2801. Robbery.

3391 22-2802. Attempt to commit robbery.

3392 22-2803. Carjacking.

3393

3394 § 22-2801. Robbery.

3395 Whoever by force or violence, whether against resistance or by sudden or stealthy seizure  
3396 or snatching, or by putting in fear, shall take from the person or immediate actual possession of  
3397 another anything of value, is guilty of robbery, and any person convicted thereof shall suffer  
3398 imprisonment for not less than 2 years nor more than 15 years. In addition to any other penalty  
3399 provided under this section, a person may be fined an amount not more than the amount set forth  
3400 in § 22-3571.01.

3401

3402 § 22-2802. Attempt to commit robbery.

3403 Whoever attempts to commit robbery, as defined in § 22-2801, by an overt act, shall be  
3404 imprisoned for not more than 3 years or be fined not more than the amount set forth in § 22-  
3405 3571.01, or both.

3406  
3407 § 22-2803. Carjacking.  
3408 (a)(1) A person commits the offense of carjacking if, by any means, that person  
3409 knowingly or recklessly by force or violence, whether against resistance or by sudden or stealthy  
3410 seizure or snatching, or by putting in fear, or attempts to do so, shall take from another person  
3411 immediate actual possession of a person's motor vehicle.  
3412 (2) A person convicted of carjacking shall be fined not more than the amount set forth  
3413 in § 22-3571.01 and be imprisoned for a mandatory-minimum term of not less than 7 years and a  
3414 maximum term of not more than 21 years, or both.  
3415 (b)(1) A person commits the offense of armed carjacking if that person, while armed with  
3416 or having readily available any pistol or other firearm (or imitation thereof) or other dangerous or  
3417 deadly weapon (including a sawed-off shotgun, shotgun, machine gun, rifle, dirk, bowie knife,  
3418 butcher knife, switch-blade knife, razor, blackjack, billy, or metallic or other false knuckles),  
3419 commits or attempts to commit the offense of carjacking.  
3420 (2) A person convicted of armed carjacking shall be fined not more than the amount set  
3421 forth in § 22-3571.01 and be imprisoned for a mandatory-minimum term of not less than 15  
3422 years and a maximum term of not more than 40 years, or both. However, the court may impose a  
3423 prison sentence in excess of 30 years only in accordance with § 24-403.01(b-2). For purposes of  
3424 imprisonment following revocation of release authorized by § 24-403.01(b)(7), armed carjacking  
3425 is a Class A felony.  
3426 (c) Notwithstanding any other provision of law, a person convicted of carjacking shall not  
3427 be released from prison prior to the expiration of 7 years from the date of the commencement of  
3428 the sentence, and a person convicted of armed carjacking shall not be released from prison prior  
3429 to the expiration of 15 years from the date of the commencement of the sentence.

3430  
3431 CHAPTER 29. SALE OF UNWHOLESOME FOOD.

3432 [REPEALED].

3433  
3434 Sec.

3435 22-2901. Sale of unwholesome food -- prohibited. [Repealed].  
3436 22-2902. Sale of unwholesome food -- "Food" defined. [Repealed].  
3437 22-2903. Sale of unwholesome food -- Inspection authorized. [Repealed].  
3438 22-2904. Sale of unwholesome food -- Council to make rules and regulations. [Repealed].  
3439 22-2905. Sale of unwholesome food -- Prosecutions for violations. [Repealed].  
3440 22-2906. Sale of unwholesome food -- Penalty. [Repealed].  
3441 22-2907. Chapter supplemental to Federal Food, Drug, and Cosmetic Act. [Repealed].

3442  
3443  
3444 § 22-2901. Sale of unwholesome food -- prohibited. [Repealed].  
3445 Repealed.

3446  
3447 § 22-2902. Sale of unwholesome food -- "Food" defined. [Repealed].  
3448 Repealed.

3449  
3450 § 22-2903. Sale of unwholesome food -- Inspection authorized. [Repealed].  
3451 Repealed.

3452  
3453 § 22-2904. Sale of unwholesome food -- Council to make rules and regulations.  
3454 [Repealed].  
3455 Repealed.  
3456  
3457 § 22-2905. Sale of unwholesome food -- Prosecutions for violations. [Repealed].  
3458 Repealed.  
3459  
3460 § 22-2906. Sale of unwholesome food -- Penalty. [Repealed].  
3461 Repealed.  
3462  
3463 § 22-2907. Chapter supplemental to Federal Food, Drug, and Cosmetic Act. [Repealed].  
3464 Repealed.  
3465

## CHAPTER 30. SEXUAL ABUSE.

### *Subchapter I. General Provisions.*

3467  
3468  
3469  
3470  
3471 Sec.  
3472 22-3001. Definitions.

### *Subchapter II. Sex Offenses.*

3473  
3474  
3475  
3476  
3477 22-3002. First degree sexual abuse.  
3478 22-3003. Second degree sexual abuse.  
3479 22-3004. Third degree sexual abuse.  
3480 22-3005. Fourth degree sexual abuse.  
3481 22-3006. Misdemeanor sexual abuse.  
3482 22-3007. Defense to sexual abuse.  
3483 22-3008. First degree child sexual abuse.  
3484 22-3009. Second degree child sexual abuse.  
3485 22-3009.01. First degree sexual abuse of a minor.  
3486 22-3009.02. Second degree sexual abuse of a minor.  
3487 22-3009.03. First degree sexual abuse of a secondary education student.  
3488 22-3009.04. Second degree sexual abuse of a secondary education student.  
3489 22-3010. Enticing a child or minor.  
3490 22-3010.01. Misdemeanor sexual abuse of a child or minor.  
3491 22-3010.02. Arranging for a sexual contact with a real or fictitious child.  
3492 22-3011. Defenses child sexual abuse and sexual abuse of a minor.  
3493 22-3012. State of mind proof requirement.  
3494 22-3013. First degree sexual abuse of a ward, patient, client, or prisoner.  
3495 22-3014. Second degree sexual abuse of a ward, patient, client, or prisoner.  
3496 22-3015. First degree sexual abuse of a patient or client.  
3497 22-3016. Second degree sexual abuse of a patient or client.

- 3498 22-3017. Defenses to sexual abuse of a ward, patient, or client.  
3499 22-3018. Attempts to commit sexual offenses.  
3500 22-3019. No immunity from prosecution for spouses or domestic partners.  
3501 22-3020. Aggravating circumstances.

3502  
3503 *Subchapter II-A.*

3504 *Reporting Requirements in Child Sexual Abuse Offense Cases.*

- 3505  
3506 22-3020.51. Definitions. [Transferred].  
3507 22-3020.52. Reporting requirements and privileges. [Transferred].  
3508 22-3020.53. Defense to non-reporting. [Transferred].  
3509 22-3020.54. Penalties. [Transferred].  
3510 22-3020.55. Immunity from liability. [Transferred].

3511  
3512  
3513 *Subchapter III.*

3514 *Admission of Evidence in Sexual Abuse Offense Cases.*

- 3515  
3516 22-3021. Reputation or opinion evidence of victim's past sexual behavior inadmissible.  
3517 [Transferred].  
3518 22-3022. Admissibility of other evidence of victim's past sexual behavior. [Transferred].  
3519 22-3023. Prompt reporting. [Transferred].  
3520 22-3024. Privilege inapplicable for spouses or domestic partners. [Transferred].

3521  
3522  
3523 *Subchapter I.*  
3524 *General Provisions.*

3525  
3526 § 22-3001. Definitions.

3527 For the purposes of this chapter:

3528 (1) "Actor" means a person accused of any offense proscribed under this chapter.

3529 (2) "Bodily injury" means injury involving loss or impairment of the function of a

3530 bodily member, organ, or mental faculty, or physical disfigurement, disease, sickness, or injury  
3531 involving significant pain.

3532 (3) "Child" means a person who has not yet attained the age of 16 years.

3533 (4) "Consent" means words or overt actions indicating a freely given agreement to the  
3534 sexual act or contact in question. Lack of verbal or physical resistance or submission by the  
3535 victim, resulting from the use of force, threats, or coercion by the defendant shall not constitute  
3536 consent.

3537 (4A) "Domestic partner" shall have the same meaning as provided in § 32-701(3).

3538 (4B) "Domestic partnership" shall have the same meaning as provided in § 32-701(4).

3539 (5) "Force" means the use or threatened use of a weapon; the use of such physical  
3540 strength or violence as is sufficient to overcome, restrain, or injure a person; or the use of a threat  
3541 of harm sufficient to coerce or compel submission by the victim.

3542 (5A) "Minor" means a person who has not yet attained the age of 18 years.

3543 (6) "Official custody" means:

3544 (A) Detention following arrest for an offense; following surrender in lieu of arrest  
3545 for an offense; following a charge or conviction of an offense, or an allegation or finding of  
3546 juvenile delinquency; following commitment as a material witness; following or pending civil  
3547 commitment proceedings, or pending extradition, deportation, or exclusion;

3548 (B) Custody for purposes incident to any detention described in subparagraph (A) of  
3549 this paragraph, including transportation, medical diagnosis or treatment, court appearance, work,  
3550 and recreation; or

3551 (C) Probation or parole.

3552 (7) "Serious bodily injury" means bodily injury that involves a substantial risk of  
3553 death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or  
3554 protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

3555 (8) "Sexual act" means:

3556 (A) The penetration, however slight, of the anus or vulva of another by a penis;

3557 (B) Contact between the mouth and the penis, the mouth and the vulva, or the mouth  
3558 and the anus; or

3559 (C) The penetration, however slight, of the anus or vulva by a hand or finger or by  
3560 any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual  
3561 desire of any person.

3562 (D) The emission of semen is not required for the purposes of subparagraphs (A)-  
3563 (C) of this paragraph.

3564 (9) "Sexual contact" means the touching with any clothed or unclothed body part or  
3565 any object, either directly or through the clothing, of the genitalia, anus, groin, breast, inner  
3566 thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or  
3567 gratify the sexual desire of any person.

3568 (10) "Significant relationship" includes:

3569 (A) A parent, sibling, aunt, uncle, or grandparent, whether related by blood,  
3570 marriage, domestic partnership, or adoption;

3571 (B) A legal or de facto guardian or any person, more than 4 years older than the  
3572 victim, who resides intermittently or permanently in the same dwelling as the victim;

3573 (C) The person or the spouse, domestic partner, or paramour of the person who is  
3574 charged with any duty or responsibility for the health, welfare, or supervision of the victim at the  
3575 time of the act; and

3576 (D) Any employee or volunteer of a school, church, synagogue, mosque, or other  
3577 religious institution, or an educational, social, recreational, athletic, musical, charitable, or youth  
3578 facility, organization, or program, including a teacher, coach, counselor, clergy, youth leader,  
3579 chorus director, bus driver, administrator, or support staff, or any other person in a position of  
3580 trust with or authority over a child or a minor.

3581 (11) "Victim" means a person who is alleged to have been subject to any offense set  
3582 forth in subchapter II of this chapter.

3583

3584

## *Subchapter II.*

3585

### *Sex Offenses.*

3586

3587 § 22-3002. First degree sexual abuse.

3588 (a) A person shall be imprisoned for any term of years or for life, and in addition, may be  
3589 fined not more than the amount set forth in § 22-3571.01, if that person engages in or causes

3590 another person to engage in or submit to a sexual act in the following manner:

3591 (1) By using force against that other person;

3592 (2) By threatening or placing that other person in reasonable fear that any person will  
3593 be subjected to death, bodily injury, or kidnapping;

3594 (3) After rendering that other person unconscious; or

3595 (4) After administering to that other person by force or threat of force, or without the  
3596 knowledge or permission of that other person, a drug, intoxicant, or other similar substance that  
3597 substantially impairs the ability of that other person to appraise or control his or her conduct.

3598 (b) The court may impose a prison sentence in excess of 30 years only in accordance with  
3599 § 22-3020 or § 24-403.01(b-2). For purposes of imprisonment following revocation of release  
3600 authorized by § 24-403.01(b)(7), the offense defined by this section is a Class A felony.

3601

3602 § 22-3003. Second degree sexual abuse.

3603 A person shall be imprisoned for not more than 20 years and may be fined not more than  
3604 the amount set forth in § 22-3571.01, if that person engages in or causes another person to  
3605 engage in or submit to a sexual act in the following manner:

3606 (1) By threatening or placing that other person in reasonable fear (other than by  
3607 threatening or placing that other person in reasonable fear that any person will be subjected to  
3608 death, bodily injury, or kidnapping); or

3609 (2) Where the person knows or has reason to know that the other person is:

3610 (A) Incapable of appraising the nature of the conduct;

3611 (B) Incapable of declining participation in that sexual act; or

3612 (C) Incapable of communicating unwillingness to engage in that sexual act.

3613

3614 § 22-3004. Third degree sexual abuse.

3615 A person shall be imprisoned for not more than 10 years and may be fined not more than  
3616 the amount set forth in § 22-3571.01, if that person engages in or causes sexual contact with or  
3617 by another person in the following manner:

3618 (1) By using force against that other person;

3619 (2) By threatening or placing that other person in reasonable fear that any person will  
3620 be subjected to death, bodily injury, or kidnapping;

3621 (3) After rendering that person unconscious; or

3622 (4) After administering to that person by force or threat of force, or without the  
3623 knowledge or permission of that other person, a drug, intoxicant, or similar substance that  
3624 substantially impairs the ability of that other person to appraise or control his or her conduct.

3625

3626 § 22-3005. Fourth degree sexual abuse.

3627 A person shall be imprisoned for not more than 5 years and, in addition, may be fined not  
3628 more than the amount set forth in § 22-3571.01, if that person engages in or causes sexual  
3629 contact with or by another person in the following manner:

3630 (1) By threatening or placing that other person in reasonable fear (other than by  
3631 threatening or placing that other person in reasonable fear that any person will be subjected to  
3632 death, bodily injury, or kidnapping); or

3633 (2) Where the person knows or has reason to know that the other person is:

3634 (A) Incapable of appraising the nature of the conduct;

3635 (B) Incapable of declining participation in that sexual contact; or

3636 (C) Incapable of communicating unwillingness to engage in that sexual contact.

3637

3638 § 22-3006. Misdemeanor sexual abuse.

3639

3640 Whoever engages in a sexual act or sexual contact with another person and who should  
3641 have knowledge or reason to know that the act was committed without that other person's  
3642 permission, shall be imprisoned for not more than 180 days and, in addition, may be fined in an  
3643 amount not more than the amount set forth in § 22-3571.01.

3643

3644 § 22-3007. Defense to sexual abuse.

3645

3646 Consent by the victim is a defense to a prosecution under §§ 22-3002 to 22-3006,  
3647 prosecuted alone or in conjunction with charges under § 22-3018 or §§ 22-401 and 22-403.

3647

3648 § 22-3008. First degree child sexual abuse.

3649

3650 Whoever, being at least 4 years older than a child, engages in a sexual act with that child  
3651 or causes that child to engage in a sexual act shall be imprisoned for any term of years or for life  
3652 and, in addition, may be fined not more than the amount set forth in § 22-3571.01. However, the  
3653 court may impose a prison sentence in excess of 30 years only in accordance with § 22-3020 or §  
3654 24-403.01(b-2). For purposes of imprisonment following revocation of release authorized by §  
3655 24-403.01(b)(7), the offense defined by this section is a Class A felony.

3655

3656 § 22-3009. Second degree child sexual abuse.

3657

3658 Whoever, being at least 4 years older than a child, engages in sexual contact with that  
3659 child or causes that child to engage in sexual contact shall be imprisoned for not more than 10  
3660 years and, in addition, may be fined in an amount not more than the amount set forth in § 22-  
3661 3571.01.

3661

3662 § 22-3009.01. First degree sexual abuse of a minor.

3663

3664 Whoever, being 18 years of age or older, is in a significant relationship with a minor, and  
3665 engages in a sexual act with that minor or causes that minor to engage in a sexual act shall be  
3666 imprisoned for not more than 15 years and may be fined not more than the amount set forth in §  
3667 22-3571.01, or both.

3667

3668 § 22-3009.02. Second degree sexual abuse of a minor.

3669

3670 Whoever, being 18 years of age or older, is in a significant relationship with a minor and  
3671 engages in a sexual contact with that minor or causes that minor to engage in a sexual contact  
3672 shall be imprisoned for not more than 7 1/2 years and may be fined not more than the amount set  
3673 forth in § 22-3571.01, or both.

3673

3674 § 22-3009.03. First degree sexual abuse of a secondary education student.

3675

3676 Any teacher, counselor, principal, coach, or other person of authority in a secondary level  
3677 school who engages in a sexual act with a student under the age of 20 years enrolled in that  
3678 school or school system, or causes that student to engage in a sexual act, shall be imprisoned for  
3679 not more than 10 years, fined not more than the amount set forth in § 22-3571.01, or both.

3679

3680 § 22-3009.04. Second degree sexual abuse of a secondary education student.

3681 Any teacher, counselor, principal, coach, or other person of authority in a secondary level  
3682 school who engages in sexual conduct with a student under the age of 20 years enrolled in that  
3683 school or school system, or causes that student to engage in sexual conduct, shall be imprisoned  
3684 for not more than 5 years, fined not more than the amount set forth in § 22-3571.01, or both.

3685  
3686 § 22-3010. Enticing a child or minor.

3687 (a) Whoever, being at least 4 years older than a child or being in a significant relationship  
3688 with a minor, (1) takes that child or minor to any place for the purpose of committing any  
3689 offense set forth in §§ 22-3002 to 22-3006 and §§ 22-3008 to 22-3009.02, or (2) seduces, entices,  
3690 allures, convinces, or persuades or attempts to seduce, entice, allure, convince, or persuade a  
3691 child or minor to engage in a sexual act or contact shall be imprisoned for not more than 5 years  
3692 or may be fined not more than the amount set forth in § 22-3571.01, or both.

3693 (b) Whoever, being at least 4 years older than the purported age of a person who  
3694 represents himself or herself to be a child, attempts (1) to seduce, entice, allure, convince, or  
3695 persuade any person who represents himself or herself to be a child to engage in a sexual act or  
3696 contact, or (2) to entice, allure, convince, or persuade any person who represents himself or  
3697 herself to be a child to go to any place for the purpose of engaging in a sexual act or contact shall  
3698 be imprisoned for not more than 5 years or may be fined not more than the amount set forth in §  
3699 22-3571.01, or both.

3700 (c) No person shall be consecutively sentenced for enticing a child or minor to engage in  
3701 a sexual act or sexual contact under subsection (a)(2) of this section and engaging in that sexual  
3702 act or sexual contact with that child or minor, provided, that the enticement occurred closely  
3703 associated in time with the sexual act or sexual contact.

3704  
3705 § 22-3010.01. Misdemeanor sexual abuse of a child or minor.

3706 (a) Whoever, being 18 years of age or older and more than 4 years older than a child, or  
3707 being 18 years of age or older and being in a significant relationship with a minor, engages in  
3708 sexually suggestive conduct with that child or minor shall be imprisoned for not more than 180  
3709 days, or fined not more than the amount set forth in § 22-3571.01, or both.

3710 (b) For the purposes of this section, the term "sexually suggestive conduct" means  
3711 engaging in any of the following acts in a way which is intended to cause or reasonably causes  
3712 the sexual arousal or sexual gratification of any person:

- 3713 (1) Touching a child or minor inside his or her clothing;  
3714 (2) Touching a child or minor inside or outside his or her clothing close to the  
3715 genitalia, anus, breast, or buttocks;  
3716 (3) Placing one's tongue in the mouth of the child or minor; or  
3717 (4) Touching one's own genitalia or that of a third person.

3718  
3719 § 22-3010.02. Arranging for a sexual contact with a real or fictitious child.

3720 (a) It is unlawful for a person to arrange to engage in a sexual act or sexual contact with  
3721 an individual (whether real or fictitious) who is or who is represented to be a child at least 4  
3722 years younger than the person, or to arrange for another person to engage in a sexual act or  
3723 sexual contact with an individual (whether real or fictitious) who is or who is represented to be a  
3724 child of at least 4 years younger than the person. For the purposes of this section, arranging to  
3725 engage in a sexual act or sexual contact with an individual who is fictitious shall be unlawful  
3726 only if the arrangement is done by or with a law enforcement officer.

3727 (b) A person who violates subsection (a) of this section shall be imprisoned for not more  
3728 than 5 years, fined not more than the amount set forth in § 22-3571.01, or both.

3729  
3730 § 22-3011. Defenses to child sexual abuse and sexual abuse of a minor.

3731 (a) Neither mistake of age nor consent is a defense to a prosecution under §§ 22-3008 to  
3732 22-3010.01, prosecuted alone or in conjunction with charges under § 22-3018 or § 22-403.

3733 (b) Marriage or domestic partnership between the defendant and the child or minor at the  
3734 time of the offense is a defense, which the defendant must establish by a preponderance of the  
3735 evidence, to a prosecution under §§ 22-3008 to 22-3010.01, prosecuted alone or in conjunction  
3736 with charges under § 22-3018 or § 22-403, involving only the defendant and the child or minor.

3737  
3738 § 22-3012. State of mind proof requirement.

3739 In a prosecution under §§ 22-3008 to 22-3010, prosecuted alone or in conjunction with  
3740 charges under § 22-3018 or § 22-403, the government need not prove that the defendant knew  
3741 the child's age or the age difference between himself or herself and the child.

3742  
3743 § 22-3013. First degree sexual abuse of a ward, patient, client, or prisoner.

3744 Any staff member, employee, contract employee, consultant, or volunteer at a hospital,  
3745 treatment facility, detention or correctional facility, group home, or other institution; anyone who  
3746 is an ambulance driver or attendant, a bus driver or attendant, or person who participates in the  
3747 transportation of a ward, patient, client, or prisoner to and from such institutions; or any official  
3748 custodian of a ward, patient, client, or prisoner, who engages in a sexual act with a ward, patient,  
3749 client, or prisoner, or causes a ward, patient, client, or prisoner to engage in or submit to a sexual  
3750 act shall be imprisoned for not more than 10 years or fined not more than the amount set forth in  
3751 § 22-3571.01, or both.

3752  
3753 § 22-3014. Second degree sexual abuse of a ward, patient, client, or prisoner.

3754 Any staff member, employee, contract employee, consultant, or volunteer at a hospital,  
3755 treatment facility, detention or correctional facility, group home, or other institution; anyone who  
3756 is an ambulance driver or attendant, a bus driver or attendant, or person who participates in the  
3757 transportation of a ward, patient, client, or prisoner to and from such institutions; or any official  
3758 custodian of a ward, patient, client, or prisoner, who engages in a sexual contact with a ward,  
3759 patient, client, or prisoner, or causes a ward, patient, client, or prisoner, to engage in or submit to  
3760 a sexual contact shall be imprisoned for not more than 5 years or fined not more than the amount  
3761 set forth in § 22-3571.01, or both.

3762  
3763 § 22-3015. First degree sexual abuse of a patient or client.

3764 (a) A person is guilty of first degree sexual abuse who purports to provide, in any  
3765 manner, professional services of a medical, therapeutic, or counseling (whether legal, spiritual,  
3766 or otherwise) nature, and engages in a sexual act with another person who is a patient or client of  
3767 the actor, or is otherwise in a professional relationship of trust with the actor; and

3768 (1) The actor represents falsely that the sexual act is for a bona fide medical or  
3769 therapeutic purpose, or for a bona fide professional purpose for which the services are being  
3770 provided;

3771 (2) The nature of the treatment or service provided by the actor and the mental,  
3772 emotional, or physical condition of the patient or client are such that the actor knows or has

3773 reason to know that the patient or client is impaired from declining participation in the sexual  
3774 act;

3775 (3) The actor represents falsely that he or she is licensed as a particular type of  
3776 professional; or

3777 (4) The sexual act occurs during the course of a consultation, examination, treatment,  
3778 therapy, or other provision of professional services.

3779 (b) Any person found guilty pursuant to subsection (a) of this section shall be imprisoned  
3780 for not more than 10 years and, in addition, may be fined not more than the amount set forth in §  
3781 22-3571.01.

3782

3783 § 22-3016. Second degree sexual abuse of a patient or client.

3784 (a) A person is guilty of second degree sexual abuse who purports to provide, in any  
3785 manner, professional services of a medical, therapeutic, or counseling (whether legal, spiritual,  
3786 or otherwise) nature, and engages in a sexual contact with another person who is a patient or  
3787 client of the actor, or is otherwise in a professional relationship of trust with the actor; and

3788

3789 (1) The actor represents falsely that the sexual contact is for a bona fide medical or  
3790 therapeutic purpose, or for a bona fide professional purpose for which the services are being  
3791 provided;

3792 (2) The nature of the treatment or service provided by the actor and the mental,  
3793 emotional, or physical condition of the patient or client are such that the actor knows or has  
3794 reason to know that the patient or client is impaired from declining participation in the sexual  
3795 contact;

3796 (3) The actor represents falsely that he or she is licensed as a particular type of  
3797 professional; or

3798 (4) The sexual contact occurs during the course of a consultation, examination,  
3799 treatment, therapy, or other provision of professional services.

3800 (b) Any person found guilty pursuant to subsection (a) of this section shall be imprisoned  
3801 for not more than 5 years and, in addition, may be fined not more than the amount set forth in §  
3802 22-3571.01.

3803

3804 § 22-3017. Defenses to sexual abuse of a ward, patient, or client.

3805 (a) Consent is not a defense to a prosecution under §§ 22-3013 to 22-3016, prosecuted  
3806 alone or in conjunction with charges under § 22-3018.

3807 (b) That the defendant and victim were married or in a domestic partnership at the time of  
3808 the offense is a defense, which the defendant must prove by a preponderance of the evidence, to  
3809 a prosecution under §§ 22-3013 to 22-3016, prosecuted alone or in conjunction with charges  
3810 under § 22-3018.

3811

3812 § 22-3018. Attempts to commit sexual offenses.

3813 Any person who attempts to commit an offense under this subchapter shall be imprisoned  
3814 for a term of years not to exceed 15 years where the maximum prison term authorized for the  
3815 offense is life or for not more than 1/2 of the maximum prison sentence authorized for the  
3816 offense and, in addition, may be fined an amount not to exceed 1/2 of the maximum fine  
3817 authorized for the offense.

3818

3819 § 22-3019. No immunity from prosecution for spouses or domestic partners.  
3820 No actor is immune from prosecution under any section of this subchapter because of  
3821 marriage, domestic partnership, or cohabitation with the victim; provided, that marriage or the  
3822 domestic partnership of the parties may be asserted as an affirmative defense in prosecution  
3823 under this subchapter where it is expressly so provided.  
3824

3825 § 22-3020. Aggravating circumstances.

3826 (a) Any person who is found guilty of an offense under this subchapter may receive a  
3827 penalty up to 1 1/2 times the maximum penalty prescribed for the particular offense, and may  
3828 receive a sentence of more than 30 years up to, and including life imprisonment without  
3829 possibility of release for first degree sexual abuse or first degree child sexual abuse, if any of the  
3830 following aggravating circumstances exists:

3831 (1) The victim was under the age of 12 years at the time of the offense;

3832 (2) The victim was under the age of 18 years at the time of the offense and the actor  
3833 had a significant relationship to the victim;

3834 (3) The victim sustained serious bodily injury as a result of the offense;

3835 (4) The defendant was aided or abetted by 1 or more accomplices;

3836 (5) The defendant is or has been found guilty of committing sex offenses against 2 or  
3837 more victims, whether in the same or other proceedings by a court of the District of Columbia,  
3838 any state, or the United States or its territories; or

3839 (6) The defendant was armed with, or had readily available, a pistol or other firearm  
3840 (or imitation thereof) or other dangerous or deadly weapon.

3841 (b) It is not necessary that the accomplices have been convicted for an increased  
3842 punishment (or enhanced penalty) to apply under subsection (a)(4) of this section.

3843 (c) No person who stands convicted of an offense under this subchapter shall be  
3844 sentenced to increased punishment (or enhanced penalty) by reason of the aggravating factors set  
3845 forth in subsection (a) of this section, unless prior to trial or before entry of a plea of guilty, the  
3846 United States Attorney or the Attorney General for the District of Columbia, as the case may be,  
3847 files an information with the clerk of the court, and serves a copy of such information on the  
3848 person or counsel for the person, stating in writing the aggravating factors to be relied upon.  
3849

3850 *Subchapter II-A.*

3851 *Reporting Requirements in Child Sexual Abuse Offense Cases*

3852 § 22-3020.51. Definitions. [Transferred].

3853 Transferred.

3854 § 22-3020.52. Reporting requirements and privileges. [Transferred].

3855 Transferred.

3856 § 22-3020.53. Defense to non-reporting. [Transferred].

3857 Transferred.

3858 § 22-3020.54. Penalties. [Transferred].

3859 Transferred.

3860

3861

3862

3863

3864

3865 § 22-3020.55. Immunity from liability. [Transferred].  
3866 Transferred.

3867 *Subchapter III.*

3868 *Admission of Evidence in Sexual Abuse Offense Cases.*

3869 § 22-3021. Reputation or opinion evidence of victim's past sexual behavior inadmissible.  
3871 [Transferred].

3872 Transferred.

3873 § 22-3022. Admissibility of other evidence of victim's past sexual behavior.  
3875 [Transferred].

3876 Transferred.

3877 § 22-3023. Prompt reporting. [Transferred].

3878 Transferred.

3880 § 22-3024. Privilege inapplicable for spouses or domestic partners. [Transferred].

3882 Transferred.

3883  
3884 CHAPTER 30A.

3885 NON-CONSENSUAL PORNOGRAPHY.

3886  
3887 Sec.

3888 22-3051. Definitions.

3889 22-3052. Unlawful disclosure.

3890 22-3053. First-degree unlawful publication.

3891 22-3054. Second degree unlawful publication.

3892 22-3055. Exclusions.

3893 22-3056. Affirmative defenses.

3894  
3895  
3896 § 22-3051. Definitions.

3897 For the purposes of this chapter, the term:

3898 (1) "Disclose" means to transfer or exhibit to 5 or fewer persons.

3899 (2) "Harm" means any injury, whether physical or nonphysical, including  
3900 psychological, financial, or reputational injury.

3901 (3) "Internet" means an electronically available platform by which sexual images can  
3902 be disseminated to a wide audience, including social media, websites, and smartphone  
3903 applications; provided, that the term "Internet" does not include a text message.

3904 (4) "Private area" means the genitals, anus, or pubic area of a person, or the nipple of  
3905 a developed female breast, including the breast of a transgender female.

3906 (5) "Publish" means to transfer or exhibit to 6 or more persons, or to make available  
3907 for viewing by uploading to the Internet.

3908 (6) "Sexual conduct" shall have the same meaning as provided in § 22-3101(5).

3909 (7) "Sexual image" means a photograph, video, or other visual recording of an  
3910 unclothed private area or of sexual conduct.

3911  
3912 § 22-3052. Unlawful disclosure.

3913 (a) It shall be unlawful in the District of Columbia for a person to knowingly disclose one  
3914 or more sexual images of another identified or identifiable person when:

3915 (1) The person depicted did not consent to the disclosure of the sexual image;

3916 (2) There was an agreement or understanding between the person depicted and the  
3917 person disclosing that the sexual image would not be disclosed; and

3918 (3) The person disclosed the sexual image with the intent to harm the person  
3919 depicted or to receive financial gain.

3920 (b) A person who violates this section shall be guilty of a misdemeanor and, upon  
3921 conviction, shall be fined not more than the amount set forth in § 22-3571.01, imprisoned for not  
3922 more than 180 days, or both.

3923  
3924 § 22-3053. First-degree unlawful publication.

3925 (a) It shall be unlawful in the District of Columbia for a person to knowingly publish one  
3926 or more sexual images of another identified or identifiable person when:

3927 (1) The person depicted did not consent to the disclosure or publication of the sexual  
3928 image;

3929 (2) There was an agreement or understanding between the person depicted and the  
3930 person publishing that the sexual image would not be disclosed or published; and

3931 (3) The person published the sexual image with the intent to harm the person depicted  
3932 or to receive financial gain.

3933 (b) A person who violates this section shall be guilty of a felony and, upon conviction,  
3934 shall be fined not more than the amount set forth in § 22-3571.01, imprisoned for not more than  
3935 3 years, or both.

3936  
3937 § 22-3054. Second degree unlawful publication.

3938 (a) It shall be unlawful in the District of Columbia for a person to knowingly publish one  
3939 or more sexual images of another identified or identifiable person obtained from a third party or  
3940 other source when:

3941 (1) The person depicted did not consent to the disclosure or publication of the sexual  
3942 image; and

3943 (2) The person published the sexual image with conscious disregard that the sexual  
3944 image was obtained as a result of a previous disclosure or publication of the sexual image made  
3945 with an intent to harm the person depicted or to receive financial gain.

3946 (b) A person who violates this section shall be guilty of a misdemeanor and, upon  
3947 conviction, shall be fined not more than the amount set forth in § 22-3571.01, imprisoned for not  
3948 more than 180 days, or both.

3949  
3950 § 22-3055. Exclusions.

3951 (a) This chapter shall not apply to:

3952 (1) Constitutionally protected activity; or

3953 (2) A person disclosing or publishing a sexual image that resulted from the voluntary  
3954 exposure of the person depicted in a public or commercial setting.

3955 (b) Nothing in this chapter shall be construed to impose liability on an interactive  
3956 computer service, as defined in section 230(e)(2) of the Communications Act of 1934, approved

3957 February 8, 1996 (110 Stat. 139; 47 U.S.C. § 230(f)(2)), for content provided by another person.  
3958

3959 § 22-3056. Affirmative defenses.

3960 It shall be an affirmative defense to a violation of § 22-3052, § 22-3053, or § 22-3054 if  
3961 the disclosure or publication of a sexual image is made in the public interest, including the  
3962 reporting of unlawful conduct, the lawful and common practices of law enforcement, or legal  
3963 proceedings.

3964

3965 CHAPTER 31.

3966 SEXUAL PERFORMANCE USING MINORS.

3967

3968 Sec.

3969 22-3101. Sexual Performance Using Minors.

3970 22-3102. Prohibited Acts.

3971 22-3103. Penalties.

3972 22-3104. Affirmative defenses.

3973

3974 § 22-3101. Definitions.

3975 For the purposes of this chapter, the term:

3976 (1) "Knowingly" means having general knowledge of, or reason to know or a belief or  
3977 ground for belief which warrants further inspection or inquiry, or both.

3978 (2) "Minor" means any person under 18 years of age.

3979 (3) "Performance" means any play, motion picture, photograph, electronic  
3980 representation, dance, or any other visual presentation or exhibition.

3981 (4) "Promote" means to procure, manufacture, issue, sell, give, provide, lend, mail,  
3982 deliver, transfer, transmute, publish or distribute, circulate, disseminate, present, exhibit, or  
3983 advertise, or to offer or agree to do the same.

3984 (5) "Sexual conduct" means:

3985 (A) Actual or simulated sexual intercourse:

3986 (i) Between the penis and the vulva, anus, or mouth;

3987 (ii) Between the mouth and the vulva or anus; or

3988 (iii) Between an artificial sexual organ or other object or instrument used in the  
3989 manner of an artificial sexual organ and the anus or vulva;

3990 (B) Masturbation;

3991 (C) Sexual bestiality;

3992 (D) Sadomasochistic sexual activity for the purpose of sexual stimulation; or

3993 (E) Lewd exhibition of the genitals.

3994 (6) "Sexual performance" means any performance or part thereof which includes  
3995 sexual conduct by a person under 18 years of age.

3996

3997 § 22-3102. Prohibited acts.

3998 (a) It shall be unlawful in the District of Columbia for a person knowingly to use a minor  
3999 in a sexual performance or to promote a sexual performance by a minor.

4000 (1) A person is guilty of the use of a minor in a sexual performance if knowing the  
4001 character and content thereof, he or she employs, authorizes, or induces a person under 18 years  
4002 of age to engage in a sexual performance or being the parent, legal guardian, or custodian of a

4003 minor, he or she consents to the participation by a minor in a sexual performance.

4004 (2) A person is guilty of promoting a sexual performance by a minor when, knowing  
4005 the character and content thereof, he or she produces, directs, or promotes any performance  
4006 which includes sexual conduct by a person under 18 years of age.

4007 (b) It shall be unlawful in the District of Columbia for a person, knowing the character  
4008 and content thereof, to attend, transmit, or possess a sexual performance by a minor.

4009 (c) If the sexual performance consists solely of a still or motion picture, then this section:

4010 (1) Shall not apply to the minor or minors depicted in a still or motion picture who  
4011 possess it or transmit it to another person unless at least one of the minors depicted in it does not  
4012 consent to its possession or transmission; and

4013 (2) Shall not apply to possession of a still or motion picture by a minor, or by an adult  
4014 not more than 4 years older than the minor or minors depicted in it, who receives it from a minor  
4015 depicted in it unless the recipient knows that at least one of the minors depicted in the still or  
4016 motion picture did not consent to its transmission.

4017 (d) For the purposes of subsections (b) and (c) of this section, the term:

4018 (1) "Possess," "possession," or "possessing" requires accessing the sexual performance  
4019 if electronically received or available.

4020 (2) "Still or motion picture" includes a photograph, motion picture, electronic or digital  
4021 representation, video, or other visual depiction, however produced or reproduced.

4022 (3) "Transmit" or "transmission" includes distribution, and can occur by any means,  
4023 including electronically."

4024

4025 § 22-3103. Penalties.

4026 Violation of this chapter shall be a felony and shall be punished by:

4027 (1) A fine of not more than the amount set forth in § 22-3571.01 or imprisonment for  
4028 not more than 10 years, or both for the first offense; or

4029 (2) A fine of not more than the amount set forth in § 22-3571.01 or imprisonment for  
4030 not more than 20 years, or both for the 2nd and each subsequent offense.

4031

4032 § 22-3104. Affirmative defenses.

4033 (a) Under this chapter it shall be an affirmative defense that the defendant in good faith  
4034 reasonably believed the person appearing in the performance was 18 years of age or over.

4035 (b)(1) Except as provided in paragraph (2) of this subsection, in any prosecution for an  
4036 offense pursuant to § 22-3102(2) it shall be an affirmative defense that the person so charged  
4037 was:

4038 (A) A librarian engaged in the normal course of his or her employment; or

4039 (B) A motion picture projectionist, stage employee or spotlight operator, cashier,  
4040 doorman, usher, candy stand attendant, porter, or in any other nonmanagerial or nonsupervisory  
4041 capacity in a motion picture theater.

4042 (2) The affirmative defense provided by paragraph (1) of this subsection shall not  
4043 apply if the person described therein has a financial interest (other than his or her employment,  
4044 which employment does not encompass compensation based upon any proportion of the gross  
4045 receipts) in:

4046 (A) The promotion of a sexual performance for sale, rental, or exhibition;

4047 (B) The direction of any sexual performance; or

4048 (C) The acquisition of the performance for sale, retail, or exhibition.

- 4049 (c) It shall be an affirmative defense to a charge under § 22-3102 that the defendant:  
4050 (1) Possessed or accessed less than 6 still photographs or one motion picture, however  
4051 produced or reproduced, of a sexual performance by a minor; and  
4052 (2) Promptly and in good faith, and without retaining, copying, or allowing any person,  
4053 other than a law enforcement agency, to access any photograph or motion picture:  
4054 (A) Took reasonable steps to destroy each such photograph or motion picture; or  
4055 (B) Reported the matter to a law enforcement agency and afforded that agency  
4056 access to each such photograph or motion picture.

4057  
4058 CHAPTER 31A.  
4059 STALKING.  
4060

- 4061 Sec.  
4062 22-3131. Legislative intent.  
4063 22-3132. Definitions.  
4064 22-3133. Stalking.  
4065 22-3134. Penalties.  
4066 22-3135. Jurisdiction.

4067  
4068 § 22-3131. Legislative intent.

4069 (a) The Council finds that stalking is a serious problem in this city and nationwide.  
4070 Stalking involves severe intrusions on the victim's personal privacy and autonomy. It is a crime  
4071 that can have a long-lasting impact on the victim's quality of life, and creates risks to the security  
4072 and safety of the victim and others, even in the absence of express threats of physical harm.  
4073 Stalking conduct often becomes increasingly violent over time. The Council recognizes the  
4074 dangerous nature of stalking as well as the strong connections between stalking and domestic  
4075 violence and between stalking and sexual assault. Therefore, the Council enacts this law to  
4076 encourage effective intervention by the criminal justice system before stalking escalates into  
4077 behavior that has even more serious or lethal consequences.

4078 (b) The Council enacts this stalking statute to permit the criminal justice system to hold  
4079 stalkers accountable for a wide range of acts, communications, and conduct. The Council  
4080 recognizes that stalking includes a pattern of following or monitoring the victim, or committing  
4081 violent or intimidating acts against the victim, regardless of the means.

4082  
4083 § 22-3132. Definitions.

4084 For the purposes of this chapter, the term:

4085 (1) "Any device" means electronic, mechanical, digital or any other equipment,  
4086 including: a camera, spycam, computer, spyware, microphone, audio or video recorder, global  
4087 positioning system, electronic monitoring system, listening device, night-vision goggles,  
4088 binoculars, telescope, or spyglass.

4089 (2) "Any means" includes the use of a telephone, mail, delivery service, e-mail,  
4090 website, or other method of communication or any device.

4091 (3) "Communicating" means using oral or written language, photographs, pictures,  
4092 signs, symbols, gestures, or other acts or objects that are intended to convey a message.

4093 (4) "Emotional distress" means significant mental suffering or distress that may, but  
4094 does not necessarily, require medical or other professional treatment or counseling;

4095 (5) "Financial injury" means the monetary costs, debts, or obligations incurred as a  
4096 result of the stalking by the specific individual, member of the specific individual's household, a  
4097 person whose safety is threatened by the stalking, or a person who is financially responsible for  
4098 the specific individual and includes:

4099 (A) The costs of replacing or repairing any property that was taken or damaged;

4100 (B) The costs of clearing the specific individual's name or his or her credit, criminal,  
4101 or any other official record;

4102 (C) Medical bills;

4103 (D) Relocation expenses;

4104 (E) Lost employment or wages; and

4105 (F) Attorney's fees.

4106 (6) "Personal identifying information" shall have the same meaning as provided in §  
4107 22-3227.01(3).

4108 (7) "Specific individual" or "individual" means the victim or alleged victim of stalking.

4109 (8) "To engage in a course of conduct" means directly or indirectly, or through one or  
4110 more third persons, in person or by any means, on 2 or more occasions, to:

4111 (A) Follow, monitor, place under surveillance, threaten, or communicate to or about  
4112 another individual;

4113 (B) Interfere with, damage, take, or unlawfully enter an individual's real or personal  
4114 property or threaten or attempt to do so; or

4115 (C) Use another individual's personal identifying information.

4116

4117 § 22-3133. Stalking.

4118 (a) It is unlawful for a person to purposefully engage in a course of conduct directed at a  
4119 specific individual:

4120 (1) With the intent to cause that individual to:

4121 (A) Fear for his or her safety or the safety of another person;

4122 (B) Feel seriously alarmed, disturbed, or frightened; or

4123 (C) Suffer emotional distress;

4124 (2) That the person knows would cause that individual reasonably to:

4125 (A) Fear for his or her safety or the safety of another person;

4126 (B) Feel seriously alarmed, disturbed, or frightened; or

4127 (C) Suffer emotional distress; or

4128 (3) That the person should have known would cause a reasonable person in the  
4129 individual's circumstances to:

4130 (A) Fear for his or her safety or the safety of another person;

4131 (B) Feel seriously alarmed, disturbed, or frightened; or

4132 (C) Suffer emotional distress.

4133 (b) This section does not apply to constitutionally protected activity.

4134 (c) Where a single act is of a continuing nature, each 24-hour period constitutes a  
4135 separate occasion.

4136 (d) The conduct on each of the occasions need not be the same as it is on the others.

4137

4138 § 22-3134. Penalties.

4139 (a) Except as provided in subsections (b) and (c) of this section, a person who violates §  
4140 22-3133 shall be fined not more than the amount set forth in § 22-3571.01, imprisoned for not  
4141 more than 12 months, or both.

4142 (b) A person who violates § 22-3133 shall be fined not more than the amount set forth in  
4143 § 22-3571.01, imprisoned for not more than 5 years, or both, if the person:

4144 (1) At the time, was subject to a court, parole, or supervised release order prohibiting  
4145 contact with the specific individual;

4146 (2) Has one prior conviction in any jurisdiction of stalking any person within the  
4147 previous 10 years;

4148 (3) At the time, was at least 4 years older than the specific individual and the specific  
4149 individual was less than 18 years of age; or

4150 (4) Caused more than \$ 2,500 in financial injury.

4151 (c) A person who violates § 22-3133 shall be fined not more than the amount set forth in  
4152 § 22-3571.01, imprisoned for not more than 10 years, or both, if the person has 2 or more prior  
4153 convictions in any jurisdiction for stalking any person, at least one of which was for a jury  
4154 demandable offense.

4155 (d) A person shall not be sentenced consecutively for stalking and identify theft based on  
4156 the same act or course of conduct.

4157

4158 § 22-3135. Jurisdiction.

4159 (a) An offense shall be deemed to be committed in the District of Columbia if the conduct  
4160 on at least one occasion was initiated in the District of Columbia or had an effect on the specific  
4161 individual in the District of Columbia.

4162 (b) A communication shall be deemed to be committed in the District of Columbia if it is  
4163 made or received in the District of Columbia or, if the specific individual lives in the District of  
4164 Columbia, it can be electronically accessed in the District of Columbia.

4165

4166 CHAPTER 31B.

4167 TERRORISM.

4168

4169 Sec.

4170 22-3151. Short title.

4171 22-3152. Definitions.

4172 22-3153. Acts of terrorism; penalties.

4173 22-3154. Manufacture of possession of a weapon of mass destruction.

4174 22-3155. Use, dissemination, or detonation of a weapon of mass destruction.

4175 22-3156. Jurisdiction.

4176

4177 § 22-3151. Short title.

4178 This chapter may be cited as the "Anti-Terrorism Act of 2002".

4179

4180 § 22-3152. Definitions.

4181 For the purposes of this chapter, the term:

4182 (1) "Act of terrorism" means an act or acts that constitute a specified offense as defined  
4183 in paragraph (8) of this section and that are intended to:

4184 (A) Intimidate or coerce a significant portion of the civilian population of:

4185 (i) The District of Columbia; or  
4186 (ii) The United States; or  
4187 (B) Influence the policy or conduct of a unit of government by intimidation or  
4188 coercion.

4189 (2) "Biological agent" means any microorganism, virus, infectious substance, or  
4190 biological product that may be engineered as a result of biotechnology, or any naturally  
4191 occurring or bioengineered component of any such microorganism, virus, infectious substance,  
4192 or biological product, capable of causing:

4193 (A) Death, disease, or other biological malfunction in a human, an animal, a plant,  
4194 or another living organism;

4195 (B) Deterioration of food, water, equipment, supplies, or material of any kind; or  
4196 (C) Deleterious alteration of the environment.

4197 (3) "Hoax weapon of mass destruction" means any device or object that by its design,  
4198 construction, content, or characteristics, appears to be or to contain, or is represented to be or to  
4199 contain a weapon of mass destruction, even if it is, in fact, an inoperative facsimile or imitation  
4200 of a weapon of mass destruction, or contains no weapon of mass destruction.

4201 (4) "Material support or resources" means:

4202 (A) Expert services or assistance;

4203 (B) Currency, financial securities or other monetary instruments, financial services,  
4204 lodging, training, false documentation or identification, equipment, facilities, weapons, lethal  
4205 substances, explosives, personnel, transportation, and other physical assets; or  
4206 (C) A weapon of mass destruction.

4207 (5) "Nuclear material" means material containing any:

4208 (A) Plutonium;

4209 (B) Uranium not in the form of ore or ore residue that contains the mixture of  
4210 isotopes as occurring in nature;

4211 (C) Enriched uranium, defined as uranium that contains the isotope 233 or 235 or  
4212 both in such amount that the abundance ratio of the sum of those isotopes to the isotope 238 is  
4213 greater than the ratio of the isotope 235 to the isotope 238 occurring in nature; or  
4214 (D) Uranium 233.

4215 (6) "Provision of material support or resources for an act of terrorism" means the act of  
4216 providing material support or resources to a person or an organization with the purpose or  
4217 knowledge that the material support or resources will be used, in whole or in part, to plan,  
4218 prepare, or carry out an act of terrorism, or to flee after committing an act of terrorism.

4219 (7) "Solicitation of material support or resources to commit an act of terrorism" means  
4220 the act of raising, soliciting, or collecting material support or resources with the purpose or  
4221 knowledge that such material support or resources will be used, in whole or in part, to plan,  
4222 prepare, or carry out an act of terrorism, or to flee after committing an act of terrorism.

4223 (8) "Specified offense" means:

4224 (A) Section 22-2101 (Murder in the first degree);  
4225 (B) Section 22-2102 (Murder in the first degree -- placing obstructions upon or  
4226 displacement of railroads);  
4227 (C) Section 22-2106 (Murder of law enforcement officer or public safety employee);  
4228 (D) Section 22-2103 (Murder in the second degree);  
4229 (E) Section 22-2105 (Manslaughter);  
4230 (F) Section 22-2001 (Kidnapping and conspiracy to kidnap);

4231 (G) Section 22-401 (Assault with intent to kill only);  
4232 (H) Section 22-406 (Mayhem or maliciously disfiguring);  
4233 (I) Section 22-301 (Arson);  
4234 (J) Section 22-303 (Malicious burning, destruction, or injury of another's property, if  
4235 the property is valued at \$ 500,000 or more); or  
4236 (K) An attempt or conspiracy to commit any of the offenses listed in subparagraphs  
4237 (A) through (J) of this paragraph.  
4238 (9) "Toxic or poisonous chemical" means any chemical which, through its chemical  
4239 action on life processes, can cause death, permanent incapacitation, or permanent harm to  
4240 humans.  
4241 (10) "Toxin" means the toxic material of plants, animals, microorganisms, viruses,  
4242 fungi, or infectious substances, or a recombinant molecule, whatever its origin or method of  
4243 production, including:  
4244 (A) Any poisonous substance or biological product that may be engineered as a  
4245 result of biotechnology produced by a living organism; or  
4246 (B) Any poisonous isomer or biological product, homolog, or derivative of such a  
4247 substance;  
4248 (11) "Unit of government" means:  
4249 (A) The office of the President of the United States;  
4250 (B) The United States Congress;  
4251 (C) Any federal executive department or agency;  
4252 (D) The office of the Mayor of the District of Columbia;  
4253 (E) Any executive department or agency of the District of Columbia, including any  
4254 independent agency, board, or commission;  
4255 (F) The Council of the District of Columbia;  
4256 (G) The Superior Court of the District of Columbia;  
4257 (H) The District of Columbia Court of Appeals;  
4258 (I) The United States Court of Appeals for the District of Columbia;  
4259 (J) The United States District Court for the District of Columbia; or  
4260 (K) The Supreme Court of the United States.  
4261 (12) "Weapon of mass destruction" means:  
4262 (A) Any destructive device that is designed, intended, or otherwise used to cause  
4263 death or serious bodily injury, including:  
4264 (i) An explosive, incendiary, or poison gas:  
4265 (I) Bomb;  
4266 (II) Grenade;  
4267 (III) Rocket;  
4268 (IV) Missile;  
4269 (V) Mine; or  
4270 (VI) Device similar to any of the devices described in the preceding  
4271 clauses;  
4272 (ii) A mortar, cannon, or artillery piece; or  
4273 (iii) Any combination of parts either designed or intended for use in converting  
4274 any device into a device described in sub-subparagraphs (i) through (iii) of this paragraph and  
4275 from which such device may be readily assembled;  
4276 (B) An object similar to or used to achieve the same destructive effect of any of the

4277 devices described in subparagraph (A) of this paragraph;

4278 (C) Any weapon that is designed, intended, or otherwise used to cause death or  
4279 serious bodily injury through the release, dissemination, or impact of a toxic or poisonous  
4280 chemical;

4281 (D) Any weapon that is designed, intended, or otherwise used to cause death or  
4282 serious bodily injury through the release, dissemination, or impact of a biological agent or toxin;  
4283 or

4284 (E) Any weapon that is designed, intended, or otherwise used to cause death or  
4285 serious bodily injury through the release, dissemination, or impact of radiation or radioactivity,  
4286 or that contains nuclear material.

4287

4288 § 22-3153. Acts of terrorism; penalties.

4289 (a) A person who commits first degree murder that constitutes an act of terrorism shall,  
4290 upon conviction, be punished by imprisonment for life without the possibility of release.

4291 (b) A person who commits murder of a law enforcement officer or public safety  
4292 employee that constitutes an act of terrorism shall, upon conviction, be punished by  
4293 imprisonment for life without the possibility of release.

4294 (c) A person who commits murder in the second degree that constitutes an act of  
4295 terrorism may, upon conviction, be punished by imprisonment for life.

4296 (d) A person who commits manslaughter that constitutes an act of terrorism may, upon  
4297 conviction, be punished by imprisonment for life.

4298 (e) A person who commits kidnapping that constitutes an act of terrorism may, upon  
4299 conviction, be punished by imprisonment for life.

4300 (f) A person who commits any assault with intent to kill that constitutes an act of  
4301 terrorism may, upon conviction, be punished by imprisonment for not more than 30 years.

4302 (g) A person who commits mayhem or maliciously disfiguring another that constitutes an  
4303 act of terrorism may, upon conviction, be punished by imprisonment for not more than 20 years.

4304 (h) A person who commits arson that constitutes an act of terrorism may, upon  
4305 conviction, be punished by imprisonment for not more than 20 years.

4306 (i) A person who commits malicious burning, destruction, or injury of another's property,  
4307 if such property is valued at \$ 500,000 or more, that constitutes an act of terrorism may, upon  
4308 conviction, be punished by imprisonment for not more than 20 years.

4309 (j) A person who attempts or conspires to commit first degree murder, murder of a law  
4310 enforcement officer or public safety employee, murder in the second degree, manslaughter, or  
4311 kidnapping that constitutes an act of terrorism may be punished by imprisonment for not more  
4312 than 30 years.

4313 (k) A person who attempts or conspires to commit any assault with intent to kill that  
4314 constitutes an act of terrorism may, upon conviction, be punished by imprisonment for not more  
4315 than 20 years.

4316 (l) A person who attempts or conspires to commit mayhem or maliciously disfiguring  
4317 another, arson, or malicious burning, destruction, or injury of another's property, if such property  
4318 is valued at \$ 500,000 or more, that constitutes an act of terrorism may, upon conviction, be  
4319 punished by imprisonment of not more than 15 years.

4320 (m) A person who provides material support or resources for an act of terrorism may,  
4321 upon conviction, be punished by imprisonment for not more than 20 years.

4322 (n) A person who solicits material support or resources to commit an act of terrorism  
4323 may, upon conviction, be punished by imprisonment for not more than 20 years.

4324

4325 § 22-3154. Manufacture or possession of a weapon of mass destruction.

4326 (a) A person who manufactures or possesses a weapon of mass destruction capable of  
4327 causing multiple deaths, serious bodily injuries to multiple persons, or massive destruction of  
4328 property may, upon conviction, be punished by imprisonment for life.

4329 (b) A person who attempts or conspires to manufacture or possess a weapon of mass  
4330 destruction capable of causing multiple deaths, serious bodily injuries to multiple persons, or  
4331 massive destruction of property may, upon conviction, be punished by imprisonment for not  
4332 more than 30 years.

4333 (c) In addition to any other penalty provided under this section, a person may be fined an  
4334 amount not more than the amount set forth in § 22-3571.01.

4335

4336 § 22-3155. Use, dissemination, or detonation of a weapon of mass destruction.

4337 (a) A person who uses, disseminates, or detonates a weapon of mass destruction capable  
4338 of causing multiple deaths, serious bodily injuries to multiple persons, or massive destruction of  
4339 property may, upon conviction, be punished by imprisonment for life.

4340 (b) A person who attempts or conspires to use, disseminate, or detonate a weapon of mass  
4341 destruction capable of causing multiple deaths, serious bodily injuries to multiple persons, or  
4342 massive destruction of property may, upon conviction, be punished by imprisonment for not  
4343 more than 30 years.

4344 (c) In addition to any other penalty provided under this section, a person may be fined an  
4345 amount not more than the amount set forth in § 22-3571.01.

4346

4347 § 22-3156. Jurisdiction.

4348 There is jurisdiction to prosecute any person who participates in the commission of any  
4349 offense described in this chapter if any act in furtherance of the offense occurs in the District of  
4350 Columbia or where the effect of any act in furtherance of the offense occurs in the District of  
4351 Columbia.

4352

## 4353 CHAPTER 32. THEFT; FRAUD; STOLEN PROPERTY; FORGERY; AND EXTORTION.

4354

### 4355 *Subchapter I.*

#### 4356 *General Provisions.*

4357

4358 Sec.

4359 22-3201. Definitions.

4360 22-3202. Aggregation of amounts received to determine grade of offense.

4361 22-3203. Consecutive sentences.

4362 22-3204. Case Referral.

4363

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#### 4365 *Theft; Related Offenses.*

4366

4367 22-3211. Theft.

- 4368 22-3212. Penalties for theft.
- 4369 22-3213. Shoplifting.
- 4370 22-3214. Commercial piracy.
- 4371 22-3214.01. Deceptive labeling.
- 4372 22-3214.02. Unlawful operation of a recording device in a motion picture theater.
- 4373 22-3215. Unauthorized use of motor vehicles.
- 4374 22-3216. Taking property without right.

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- 4379 22-3218.01. Definitions.
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- 4387 22-3221. Fraud.
- 4388 22-3222. Penalties for fraud.
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- 4391 22-3224.01. Jurisdiction.

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- 4400 22-3225.04. Penalties.
- 4401 22-3225.05. Restitution.
- 4402 22-3225.06. Indemnity.
- 4403 22-3225.07. Practitioners.
- 4404 22-3225.08. Investigation and report of insurance fraud. [Transferred].
- 4405 22-3225.09. Insurance fraud prevention and detection. [Transferred].
- 4406 22-3225.10. Regulations. [Transferred].
- 4407 22-3225.11. Limited law enforcement authority. [Transferred].
- 4408 22-3225.12. Annual anti-fraud activity reporting requirement. [Transferred].
- 4409 22-3225.13. Immunity. [Transferred].
- 4410 22-3225.14. Prohibition of solicitation. [Transferred].
- 4411 22-3225.15. Jurisdiction.

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4414 *Telephone Fraud.*

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- 4416 22-3226.01. Definitions.
- 4417 22-3226.02. Application for a certificate of registration of telephone solicitor. [Transferred].
- 4418 22-3226.03. Surety bond requirements for telephone solicitors. [Transferred].
- 4419 22-3226.04. Security alternative to surety bonds. [Transferred].
- 4420 22-3226.05. Exemptions. [Transferred].
- 4421 22-3226.06. Unlawful acts and practices.
- 4422 22-3226.07. Deceptive acts and practices prohibited.
- 4423 22-3227.08. Abusive telemarketing acts or practices.
- 4424 22-3227.09. Civil penalties. [Transferred].
- 4425 22-3227.10. Criminal penalties.
- 4426 22-3227.11. Private right of action. [Transferred].
- 4427 22-3227.12. Statute of limitations period. [Transferred].
- 4428 22-3227.13. Task force to combat fraud. [Transferred].
- 4429 22-3227.14. Fraud Prevention Fund. [Transferred].
- 4430 22-3227.15. General disclosures. [Transferred].

4431

4432 *Subchapter III-C.*

4433 *Identity Theft.*

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- 4436 22-3227.02. Identity theft.
- 4437 22-3227.03. Penalties for identity theft.
- 4438 22-3227.04. Restitution.
- 4439 22-3227.05. Correction of public records.
- 4440 22-3227.06. Jurisdiction.
- 4441 22-3227.07. Limitations.
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4444 *Subchapter IV.*

4445 *Stolen Property.*

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- 4447 22-3231. Trafficking in stolen property.
- 4448 22-3232. Receiving stolen property.
- 4449 22-3233. Altering or removing motor vehicle identification numbers.
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4452 *Subchapter V.*

4453 *Forgery.*

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- 4455 22-3241. Forgery.
- 4456 22-3242. Penalties for forgery.

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4458 *Subchapter VI.*

4459 *Extortion.*

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4461 22-3251. Extortion.  
4462 22-3252. Blackmail.

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4464 *Subchapter I.*  
4465 *General Provisions.*  
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4468 § 22-3201. Definitions.

4469 For the purposes of this chapter, the term:

4470 (1) "Appropriate" means to take or make use of without authority or right.

4471 (2) "Deprive" means:

4472 (A) To withhold property or cause it to be withheld from a person permanently or  
4473 for so extended a period or under such circumstances as to acquire a substantial portion of its  
4474 value; or

4475 (B) To dispose of the property, or use or deal with the property so as to make it  
4476 unlikely that the owner will recover it.

4477 (2A) "Person" means an individual (whether living or dead), trust, estate, fiduciary,  
4478 partnership, company, corporation, association, organization, union, government department,  
4479 agency, or instrumentality, or any other legal entity.

4480 (3) "Property" means anything of value. The term "property" includes, but is not  
4481 limited to:

4482 (A) Real property, including things growing on, affixed to, or found on land;

4483 (B) Tangible or intangible personal property;

4484 (C) Services;

4485 (D) Credit;

4486 (E) Debt; and

4487 (F) A government-issued license, permit, or benefit.

4488 (4) "Property of another" means any property in which a government or a person other  
4489 than the accused has an interest which the accused is not privileged to interfere with or infringe  
4490 upon without consent, regardless of whether the accused also has an interest in that property. The  
4491 term "property of another" includes the property of a corporation or other legal entity established  
4492 pursuant to an interstate compact. The term "property of another" does not include any property  
4493 in the possession of the accused as to which any other person has only a security interest.

4494 (5) "Services" includes, but is not limited to:

4495 (A) Labor, whether professional or nonprofessional;

4496 (B) The use of vehicles or equipment;

4497 (C) Transportation, telecommunications, energy, water, sanitation, or other public  
4498 utility services, whether provided by a private or governmental entity;

4499 (D) The supplying of food, beverage, lodging, or other accommodation in hotels,  
4500 restaurants, or elsewhere;

4501 (E) Admission to public exhibitions or places of entertainment; and

4502 (F) Educational and hospital services, accommodations, and other related services.

4503 (6) "Stolen property" includes any property that has been obtained by conduct  
4504 previously known as embezzlement.

4505 (7) "Value" with respect to a credit card, check, or other written instrument means the

4506 amount of money, credit, debt, or other tangible or intangible property or services that has been  
4507 or can be obtained through its use, or the amount promised or paid by the credit card, check, or  
4508 other written instrument.

4509

§ 22-3202. Aggregation of amounts received to determine grade of offense.

4510 Amounts or property received pursuant to a single scheme or systematic course of  
4511 conduct in violation of § 22-3211 (Theft), § 22-3221 (Fraud), § 22-3223 (Credit Card Fraud), §  
4512 22-3227.02 (Identity Theft), § 22-3231 (Trafficking in Stolen Property), or § 22-3232 (Receiving  
4513 Stolen Property) may be aggregated in determining the grade of the offense and the sentence for  
4514 the offense.  
4515

4516

§ 22-3203. Consecutive sentences.

4517 (a) A person may be convicted of any combination of theft, identity theft, fraud, credit  
4518 card fraud, unauthorized use of a vehicle, commercial piracy, and receiving stolen property for  
4519 the same act or course of conduct; provided, that no person shall be consecutively sentenced for  
4520 any such combination or combinations that arise from the same act or course of conduct.

4521 (b) Convictions arising out of the same act or course of conduct shall be considered as  
4522 one conviction for purposes of any application of repeat offender sentencing provisions.  
4523

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§ 22-3204. Case referral.

4525 For the purposes of this chapter, in cases involving more than one jurisdiction, or in cases  
4526 where more than one District of Columbia agency is responsible for investigating an alleged  
4527 violation, the investigating agency to which the report was initially made may refer the matter to  
4528 another investigating or law enforcement agency with proper jurisdiction.  
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4530

### *Subchapter II.*

### *Theft; Related Offenses.*

4531

§ 22-3211. Theft.

4532 (a) For the purpose of this section, the term "wrongfully obtains or uses" means: (1)  
4533 taking or exercising control over property; (2) making an unauthorized use, disposition, or  
4534 transfer of an interest in or possession of property; or (3) obtaining property by trick, false  
4535 pretense, false token, tampering, or deception. The term "wrongfully obtains or uses" includes  
4536 conduct previously known as larceny, larceny by trick, larceny by trust, embezzlement, and false  
4537 pretenses.  
4538

4539 (b) A person commits the offense of theft if that person wrongfully obtains or uses the  
4540 property of another with intent:  
4541

(1) To deprive the other of a right to the property or a benefit of the property; or

4542 (2) To appropriate the property to his or her own use or to the use of a third person.  
4543

4544 (c) In cases in which the theft of property is in the form of services, proof that a person  
4545 obtained services that he or she knew or had reason to believe were available to him or her only  
4546 for compensation and that he or she departed from the place where the services were obtained  
4547 knowing or having reason to believe that no payment had been made for the services rendered in  
4548 circumstances where payment is ordinarily made immediately upon the rendering of the services  
4549 or prior to departure from the place where the services are obtained, shall be prima facie  
4550

4551 evidence that the person had committed the offense of theft.

4552

4553 § 22-3212. Penalties for theft.

4554 (a) Theft in the first degree. -- Any person convicted of theft in the first degree shall be  
4555 fined not more than the amount set forth in § 22-3571.01 or imprisoned for not more than 10  
4556 years, or both, if the value of the property obtained or used is \$ 1,000 or more.

4557 (b) Theft in the second degree. -- Any person convicted of theft in the second degree shall  
4558 be fined not more than the amount set forth in § 22-3571.01 or imprisoned for not more than 180  
4559 days, or both, if the property obtained or used has some value.

4560 (c) A person convicted of theft in the first or second degree who has 2 or more prior  
4561 convictions for theft, not committed on the same occasion, shall be fined not more than the  
4562 amount set forth in § 22-3571.01 or imprisoned for not more than 10 years and for a mandatory-  
4563 minimum term of not less than one year, or both. A person sentenced under this subsection shall  
4564 not be released from prison, granted probation, or granted suspension of sentence, prior to  
4565 serving the mandatory-minimum.

4566 (d) For the purposes of this section, a person shall be considered as having 2 or more  
4567 prior convictions for theft if he or she has been convicted on at least 2 occasions of violations of:

4568 (1) Section 22-3211;

4569 (2) A statute in one or more jurisdictions prohibiting theft or larceny; or

4570 (3) Conduct that would constitute a violation of section 22-3211 if committed in the  
4571 District of Columbia.

4572

4573 § 22-3213. Shoplifting.

4574 (a) A person commits the offense of shoplifting if, with intent to appropriate without  
4575 complete payment any personal property of another that is offered for sale or with intent to  
4576 defraud the owner of the value of the property, that person:

4577 (1) Knowingly conceals or takes possession of any such property;

4578 (2) Knowingly removes or alters the price tag, serial number, or other identification  
4579 mark that is imprinted on or attached to such property; or

4580 (3) Knowingly transfers any such property from the container in which it is displayed  
4581 or packaged to any other display container or sales package.

4582 (b) Any person convicted of shoplifting shall be fined not more than the amount set forth  
4583 in § 22-3571.01 or imprisoned for not more than 90 days, or both.

4584 (c) It is not an offense to attempt to commit the offense described in this section.

4585 (d) A person who offers tangible personal property for sale to the public, or an employee  
4586 or agent of such a person, who detains or causes the arrest of a person in a place where the  
4587 property is offered for sale shall not be held liable for detention, false imprisonment, malicious  
4588 prosecution, defamation, or false arrest, in any proceeding arising out of such detention or arrest,  
4589 if:

4590 (1) The person detaining or causing the arrest had, at the time thereof, probable cause  
4591 to believe that the person detained or arrested had committed in that person's presence, an  
4592 offense described in this section;

4593 (2) The manner of the detention or arrest was reasonable;

4594 (3) Law enforcement authorities were notified within a reasonable time; and

4595 (4) The person detained or arrested was released within a reasonable time of the  
4596 detention or arrest, or was surrendered to law enforcement authorities within a reasonable time.

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§ 22-3214. Commercial piracy.

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

(1) "Owner", with respect to phonorecords or copies, means the person who owns the original fixation of the property involved or the exclusive licensee in the United States of the rights to reproduce and distribute to the public phonorecords or copies of the original fixation. In the case of a live performance the term "owner" means the performer or performers.

(2) "Proprietary information" means customer lists, mailing lists, formulas, recipes, computer programs, unfinished designs, unfinished works of art in any medium, process, program, invention, or any other information, the primary commercial value of which may diminish if its availability is not restricted.

(3) "Phonorecords" means material objects in which sounds, other than those accompanying a motion picture or other audiovisual work, are fixed by any method now known or later developed, and from which the sounds can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. The term "phonorecords" includes the material object in which the sounds are first fixed.

(b) A person commits the offense of commercial piracy if, with the intent to sell, to derive commercial gain or advantage, or to allow another person to derive commercial gain or advantage, that person reproduces or otherwise copies, possesses, buys, or otherwise obtains phonorecords of a sound recording, live performance, or copies of proprietary information, knowing or having reason to believe that the phonorecord or copies were made without the consent of the owner. A presumption of the requisite intent arises if the accused possesses 5 or more unauthorized phonorecords either of the same sound recording or recording of a live performance.

(c) Nothing in this section shall be construed to prohibit:

(1) Copying or other reproduction that is in the manner specifically permitted by Title 17 of the United States Code; or

(2) Copying or other reproduction of a sound recording that is made by a licensed radio or television station or a cable broadcaster solely for broadcast or archival use.

(d) Any person convicted of commercial piracy shall be fined not more than the amount set forth in § 22-3571.01 or imprisoned for not more than 180 days, or both.

(e) This section does not apply to any sound recording initially fixed on or after February 15, 1972.

§ 22-3214.01. Deceptive labeling.

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

(1) "Audiovisual works" means material objects upon which are fixed a series of related images which are intrinsically intended to be shown by the use of machines or devices such as projectors, viewers, or electronic equipment, now known or later developed, together with accompanying sounds, if any, regardless of the nature of the material objects, such as films or tapes, in which the works are embodied.

(2) "Manufacturer" means the person who authorizes or causes the copying, fixation, or transfer of sounds or images to sound recordings or audiovisual works subject to this section.

(3) "Sound recordings" means material objects in which sounds, other than those accompanying a motion picture or other audiovisual work, are fixed by any method now known

4642 or later developed, and from which the sounds can be perceived, reproduced, or otherwise  
4643 communicated, either directly or with the aid of a machine or device.

4644 (b) A person commits the offense of deceptive labeling if, for commercial advantage or  
4645 private financial gain, that person knowingly advertises, offers for sale, resale, or rental, or sells,  
4646 resells, rents, distributes, or transports, or possesses for such purposes, a sound recording or  
4647 audiovisual work, the label, cover, or jacket of which does not clearly and conspicuously  
4648 disclose the true name and address of the manufacturer thereof.

4649 (c) Nothing in this section shall be construed to prohibit:

4650 (1) Any broadcaster who, in connection with, or as part of, a radio or television  
4651 broadcast transmission, or for the purposes of archival preservation, transfers any sounds or  
4652 images recorded on a sound recording or audiovisual work; or

4653 (2) Any person who, in his or her own home, for his or her own personal use, and without  
4654 deriving any commercial advantage or private financial gain, transfers any sounds or images  
4655 recorded on a sound recording or audiovisual work.

4656 (d)(1) Any person convicted of deceptive labeling involving less than 1,000 sound  
4657 recordings or less than 100 audiovisual works during any 180-day period shall be fined not more  
4658 than the amount set forth in § 22-3571.01 or imprisoned for not more than 1 year, or both.

4659 (2) Any person convicted of deceptive labeling involving 1,000 or more sound  
4660 recordings or 100 or more audiovisual works during a 180-day period shall be fined not more  
4661 than the amount set forth in § 22-3571.01 or imprisoned for not more than 5 years, or both.

4662 (e) Upon conviction under this section, the court shall, in addition to the penalties  
4663 provided by this section, order the forfeiture and destruction or other disposition of all sound  
4664 recordings, audiovisual works, and equipment used, or attempted to be used, in violation of this  
4665 section.

4666 § 22-3214.02. Unlawful operation of a recording device in a motion picture theater.  
4667

4668 (a) For the purposes of this section, the term:

4669 (1) "Motion picture theater" means a theater or other auditorium in which a motion  
4670 picture is exhibited.

4671 (2) "Recording device" means a photographic or video camera, audio or video  
4672 recorder, or any other device not existing, or later developed, which may be used for recording  
4673 sounds or images.

4674 (b) A person commits the offense of unlawfully operating a recording device in a motion  
4675 picture theater if, without authority or permission from the owner of a motion picture theater, or  
4676 his or her agent, that person operates a recording device within the premises of a motion picture  
4677 theater.

4678 (c) Any person convicted of unlawfully operating a recording device in a motion picture  
4679 theater shall be fined not more than the amount set forth in § 22-3571.01 or imprisoned for not  
4680 more than 90 days, or both.

4681 (d) A theater owner, or an employee or agent of a theater owner, who detains or causes  
4682 the arrest of a person in, or immediately adjacent to, a motion picture theater shall not be held  
4683 liable for detention, false imprisonment, malicious prosecution, defamation, or false arrest in any  
4684 proceeding arising out of such detention or arrest, if:

4685 (1) The person detaining or causing the arrest had, at the time thereof, probable cause  
4686 to believe that the person detained or arrested had committed, or attempted to commit, in that

4687 person's presence, an offense described in this section;  
4688 (2) The manner of the detention or arrest was reasonable;  
4689 (3) Law enforcement authorities were notified within a reasonable time; and  
4690 (4) The person detained or arrested was released within a reasonable time of the  
4691 detention or arrest, or was surrendered to law enforcement authorities within a reasonable time.  
4692

4693 § 22-3215. Unauthorized use of motor vehicles.

4694 (a) For the purposes of this section, the term "motor vehicle" means any automobile, self-  
4695 propelled mobile home, motorcycle, truck, truck tractor, truck tractor with semitrailer or trailer,  
4696 or bus.

4697 (b) A person commits the offense of unauthorized use of a motor vehicle under this  
4698 subsection if, without the consent of the owner, the person takes, uses, or operates a motor  
4699 vehicle, or causes a motor vehicle to be taken, used, or operated, for his or her own profit, use, or  
4700 purpose.

4701 (c)(1) A person commits the offense of unauthorized use of a motor vehicle under this  
4702 subsection if, after renting, leasing, or using a motor vehicle under a written agreement which  
4703 provides for the return of the motor vehicle to a particular place at a specified time, that person  
4704 knowingly fails to return the motor vehicle to that place (or to any authorized agent of the party  
4705 from whom the motor vehicle was obtained under the agreement) within 18 days after written  
4706 demand is made for its return, if the conditions set forth in paragraph (2) of this subsection are  
4707 met.

4708 (2) The conditions referred to in paragraph (1) of this subsection are as follows:

4709 (A) The written agreement under which the motor vehicle is obtained contains the  
4710 following statement: "WARNING -- Failure to return this vehicle in accordance with the terms  
4711 of this rental agreement may result in a criminal penalty of up to 3 years in jail". This statement  
4712 shall be printed clearly and conspicuously in a contrasting color, set off in a box, and signed by  
4713 the person obtaining the motor vehicle in a space specially provided;

4714 (B) There is displayed clearly and conspicuously on the dashboard of the motor  
4715 vehicle the following notice: "NOTICE -- Failure to return this vehicle on time may result in  
4716 serious criminal penalties"; and

4717 (C) The party from whom the motor vehicle was obtained under the agreement  
4718 makes a written demand for the return of the motor vehicle, either by actual delivery to the  
4719 person who obtained the motor vehicle, or by deposit in the United States mail of a postpaid  
4720 registered or certified letter, return receipt requested, addressed to the person at each address set  
4721 forth in the written agreement or otherwise provided by the person. The written demand shall  
4722 state clearly that failure to return the motor vehicle may result in prosecution for violation of the  
4723 criminal law of the District of Columbia punishable by up to 3 years in jail. The written demand  
4724 shall not be made prior to the date specified in the agreement for the return of the motor vehicle,  
4725 except that, if the parties or their authorized agents have mutually agreed to some other date for  
4726 the return of the motor vehicle, then the written demand shall not be made prior to the other date.

4727 (3) This subsection shall not apply in the case of a motor vehicle obtained under a  
4728 retail installation contract as defined in § 50-601(9).

4729 (4) It shall be a defense in any criminal proceeding brought under this subsection that a  
4730 person failed to return a motor vehicle for causes beyond his or her control. The burden of  
4731 raising and going forward with the evidence with respect to such a defense shall be on the person  
4732 asserting it. In any case in which such a defense is raised, evidence that the person obtained the

4733 motor vehicle by reason of any false statement or representation of material fact, including a  
4734 false statement or representation regarding his or her name, residence, employment, or operator's  
4735 license, shall be admissible to determine whether the failure to return the motor vehicle was for  
4736 causes beyond his or her control.

4737 (d)(1) Except as provided in paragraphs (2) and (3) of this subsection, a person convicted  
4738 of unauthorized use of a motor vehicle under subsection (b) of this section shall be fined not  
4739 more than the amount set forth in § 22-3571.01, imprisoned for not more than 5 years, or both.

4740 (2)(A) A person convicted of unauthorized use of a motor vehicle under subsection (b)  
4741 of this section who took, used, or operated the motor vehicle, or caused the motor vehicle to be  
4742 taken, used, or operated, during the course of or to facilitate a crime of violence, shall be:

4743 (i) Fined not more than the amount set forth in § 22-3571.01, imprisoned for not  
4744 more than 10 years, or both, consecutive to the penalty imposed for the crime of violence; and

4745 (ii) If serious bodily injury results, imprisoned for not less than 5 years,  
4746 consecutive to the penalty imposed for the crime of violence.

4747 (B) For the purposes of this paragraph, the term "crime of violence" shall have the  
4748 same meaning as provided in § 23-1331(4).

4749 (3)(A) A person convicted of unauthorized use of a motor vehicle under subsection (b)  
4750 of this section who has 2 or more prior convictions for unauthorized use of a motor vehicle or  
4751 theft in the first degree, not committed on the same occasion, shall be fined not less than \$ 5,000  
4752 and not more than the amount set forth in § 22-3571.01, or imprisoned for not less than 30  
4753 months nor more than 15 years, or both.

4754 (B) For the purposes of this paragraph, a person shall be considered as having 2  
4755 prior convictions for unauthorized use of a motor vehicle or theft in the first degree if the person  
4756 has been twice before convicted on separate occasions of:

4757 (i) A prior violation of subsection (b) of this section or theft in the first degree;

4758 (ii) A statute in one or more other jurisdictions prohibiting unauthorized use of a  
4759 motor vehicle or theft in the first degree;

4760 (iii) Conduct that would constitute a violation of subsection (b) of this section or a  
4761 violation of theft in the first degree if committed in the District of Columbia; or

4762 (iv) Conduct that is substantially similar to that prosecuted as a violation of  
4763 subsection (b) of this section or theft in the first degree.

4764 (4) A person convicted of unauthorized use of a motor vehicle under subsection (c) of  
4765 this section shall be fined not more than the amount set forth in § 22-3571.01, imprisoned for not  
4766 more than 3 years, or both.

4767  
4768 § 22-3216. Taking property without right.

4769 A person commits the offense of taking property without right if that person takes and  
4770 carries away the property of another without right to do so. A person convicted of taking  
4771 property without right shall be fined not more than the amount set forth in § 22-3571.01 or  
4772 imprisoned for not more than 90 days, or both.

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*Subchapter II-A.  
Theft of Utility Service.*

§ 22-3218.01. Definitions.

4778 For the purposes of this subchapter, the term:

4779 (1) "Company" means a person or enterprise engaged in the generation or distribution  
4780 of natural gas or electricity.

4781 (2) "Person" means any individual, corporation, company, association, firm,  
4782 partnership, joint stock company, or other entity.

4783

4784 § 22-3218.02. Unlawful acts.

4785 Unless a person shall be authorized, or employed by, a company engaged in the  
4786 generation or distribution of natural gas or electricity, a person shall not willfully connect or  
4787 disconnect an electrical conductor belonging to the company; make any connection with an  
4788 electrical conductor for the purpose of using or wasting the electric current or gas; tamper with a  
4789 meter used to register gas or current consumed; interfere with the operation of an electrical or gas  
4790 appliance of the company; or tamper, or interfere, with the poles, wires, or conduits used by the  
4791 company. Nothing in this section shall prevent the lawful governmental regulation of gas or  
4792 electric companies or electricity suppliers, or their conductors, appliances, machinery, and poles.

4793

4794 § 22-3218.03. Presumptions and rebuttal evidence.

4795 (a) The presence of a connection, wire, conductor, meter alteration, or any device which  
4796 effects the diversion of electric current or gas without the current or gas being measured or  
4797 registered by or on a meter installed by a company engaged in the generation or distribution of  
4798 electricity or natural gas, whether on a single property or within a multiple-unit building or  
4799 complex, shall constitute prima facie evidence of intent to violate § 22-3218.02.

4800 (b) If a check or test meter installed or employed by a company engaged in the generation  
4801 or distribution of electricity or natural gas shows that a person is using a larger amount of  
4802 electricity than is registered on the meter installed by the company on the person's premises for  
4803 the purpose of registering the natural gas or electricity used by the person, and the company has  
4804 verified that the meter is not malfunctioning, it shall constitute prima facie evidence that the  
4805 unregistered current or gas has been wrongfully diverted by such person and shall constitute  
4806 prima facie evidence of intent to violate § 22-3218.02.

4807 (c) The presumptions created by this section may be rebutted by a preponderance of the  
4808 evidence to the contrary that the person alleged to have violated § 22-3218a did not do so. If the  
4809 person in actual possession of the property or unit has not received the direct benefit of the  
4810 reduction of the cost in electric or gas services, the presumptions created by this section shall  
4811 apply to the owner of the property or unit; provided, that the owner has received the direct  
4812 benefit of unregistered services for at least one full billing cycle.

4813

4814 § 22-3218.04. Penalties for violation.

4815 (a) A person who violates § 22-3218.02 shall be guilty of a misdemeanor, and, upon a  
4816 conviction, shall be imprisoned for not more than 60 days, or fined, not more than the amount set  
4817 forth in § 22-3571.01, or both. In the case of a second or subsequent conviction, a person who  
4818 violates § 22-3218.02 shall be imprisoned for not more than 180 days, or fined, not more than the  
4819 amount set forth in § 22-3571.01, or both.

4820 (b) In addition to the criminal penalties in subsection (a) of this section, a person who is  
4821 found to have violated § 22-3218.02 in a civil proceeding shall be liable to the company using or  
4822 engaged in the generation or distribution of electricity or gas for restitution of the amount of any

4823 losses or damage sustained.

4824

4825

*Subchapter III.*

4826

*Fraud; Related Offenses.*

4827

§ 22-3221. Fraud.

4829 (a) Fraud in the first degree. -- A person commits the offense of fraud in the first degree if  
4830 that person engages in a scheme or systematic course of conduct with intent to defraud or to  
4831 obtain property of another by means of a false or fraudulent pretense, representation, or promise  
4832 and thereby obtains property of another or causes another to lose property.

4833 (b) Fraud in the second degree. -- A person commits the offense of fraud in the second  
4834 degree if that person engages in a scheme or systematic course of conduct with intent to defraud  
4835 or to obtain property of another by means of a false or fraudulent pretense, representation, or  
4836 promise.

4837 (c) False promise as to future performance. -- Fraud may be committed by means of false  
4838 promise as to future performance which the accused does not intend to perform or knows will not  
4839 be performed. An intent or knowledge shall not be established by the fact alone that one such  
4840 promise was not performed.

4841

§ 22-3222. Penalties for fraud.

4842

(a) Fraud in the first degree. --

4844 (1) Any person convicted of fraud in the first degree shall be fined not more than the  
4845 amount set forth in § 22-3571.01 or twice the value of the property obtained or lost, whichever is  
4846 greater, or imprisoned for not more than 10 years, or both, if the value of the property obtained  
4847 or lost is \$ 1,000 or more; and

4848 (2) Any person convicted of fraud in the first degree shall be fined not more than the  
4849 amount set forth in § 22-3571.01 or imprisoned for not more than 180 days, or both, if the  
4850 property obtained or lost has some value.

4851 (b) Fraud in the second degree. --

4852 (1) Any person convicted of fraud in the second degree shall be fined not more than the  
4853 amount set forth in § 22-3571.01 or twice the value of the property which was the object of the  
4854 scheme or systematic course of conduct, whichever is greater, or imprisoned for not more than 3  
4855 years, or both, if the value of the property which was the object of the scheme or systematic  
4856 course of conduct is \$ 1,000 or more; and

4857 (2) Any person convicted of fraud in the second degree shall be fined not more than the  
4858 amount set forth in § 22-3571.01 or imprisoned for not more than 180 days, or both, if the  
4859 property that was the object of the scheme or systematic course of conduct has some value.

4860

§ 22-3223. Credit card fraud.

4861

4862 (a) For the purposes of this section, the term "credit card" means an instrument or device,  
4863 whether known as a credit card, debit card, or by any other name, issued for use of the  
4864 cardholder in obtaining or paying for property or services.

4865 (b) A person commits the offense of credit card fraud if, with intent to defraud, that  
4866 person obtains or pays for property or services by:

4867 (1) Knowingly using a credit card, or the number or description thereof, which has  
4868 been issued to another person without the consent of the person to whom it was issued;

4869 (2) Knowingly using a credit card, or the number or description thereof, which has  
4870 been revoked or cancelled;

4871 (3) Knowingly using a falsified, mutilated, or altered credit card or number or  
4872 description thereof;

4873 (4) Representing that he or she is the holder of a credit card and the credit card had not  
4874 in fact been issued; or

4875 (5) Knowingly using for the employee's or contractor's own purposes a credit card, or  
4876 the number on or description of the credit card, issued to or provided to an employee or  
4877 contractor by or at the request of an employer for the employer's purposes.

4878 (c) A credit card is deemed cancelled or revoked when notice in writing thereof has been  
4879 received by the named holder as shown on the credit card or by the records of the issuer.

4880 (d)(1) Except as provided in paragraph (2) of this subsection, any person convicted of  
4881 credit card fraud shall be fined not more than the amount set forth in § 22-3571.01, imprisoned  
4882 for not more than 180 days, or both.

4883 (2) Any person convicted of credit card fraud shall be fined not more than the amount  
4884 set forth in § 22-3571.01, imprisoned for not more than 10 years, or both, if the value of the  
4885 property or services obtained or paid for is \$ 1,000 or more.

4886 § 22-3224. Fraudulent registration.

4887 (a) A person commits the offense of fraudulent registration if, with intent to defraud the  
4888 proprietor or manager of a hotel, motel, or other establishment which provides lodging to  
4889 transient guests, that person falsely registers under a name or address other than his or her actual  
4890 name or address.

4891 (b) Any person convicted of fraudulent registration shall be fined not more than the  
4892 amount set forth in § 22-3571.01 or imprisoned for not more than 90 days, or both.

4893 § 22-3224.01. Jurisdiction.

4894 An offense under this subchapter shall be deemed to be committed in the District of  
4895 Columbia, regardless of whether the offender is physically present in the District of Columbia, if:

4896 (1) The person to whom a credit card was issued or in whose name the credit card was  
4897 issued is a resident of, or located in, the District of Columbia;

4898 (2) The person who was defrauded is a resident of, or located in, the District of  
4900 Columbia at the time of the fraud;

4901 (3) The loss occurred in the District of Columbia; or

4902 (4) Any part of the offense takes place in the District of Columbia.

4903 *Subchapter III-A.*

4904 *Insurance Fraud.*

4905 § 22-3225.01. Definitions.

4906 For the purposes of this subchapter, the term:

4907 (1) "Business of insurance" means the writing of insurance or reinsuring the risks by an  
4908 insurer, including acts necessary or incidental to writing insurance or reinsuring risks and the  
4909 activities of persons who act as or are officers, directors, agents, or employees of insurers, or  
4910 who are other persons authorized to act on their behalf.

4911 (2) "Commissioner" means the Commissioner of the Department of Insurance,

4915 Securities, and Banking, the Commissioner's designee, or the Department of Insurance,  
4916 Securities, and Banking.

4917 (3) "District" means the District of Columbia.

4918 (4) "Insurance" means a contract or arrangement in which one undertakes to:

4919 (A) Pay or indemnify another as to loss from certain contingencies called "risks,"  
4920 including through reinsurance;

4921 (B) Pay or grant a specified amount or determinable benefit to another in connection  
4922 with ascertainable risk contingencies;

4923 (C) Pay an annuity to another; or

4924 (D) Act as a surety.

4925 (5) "Insurance professional" means insurance sales agents or managing general agents,  
4926 insurance brokers, insurance producers, insurance adjusters, and insurance third party  
4927 administrators.

4928 (6) "Insurer" includes any company defined by § 31-4202 and § 31-2501.03,  
4929 authorized to do the business of insurance in the District, a hospital and medical services  
4930 corporation, a fraternal benefit society, or a health maintenance organization. The term "insurer"  
4931 shall not apply to a Medicaid health maintenance organization.

4932 (7) "Malice" means an intentional or deliberate infliction of injury, by furnishing or  
4933 disclosing information with knowledge that the information is false, or furnishing or disclosing  
4934 information with reckless disregard for a strong likelihood that the information is false and that  
4935 injury will occur as a result.

4936 (8) "Person" means a natural person, company, corporation, joint stock company,  
4937 unincorporated association, partnership, professional corporation, trust, or any other entity or  
4938 combination of the foregoing.

4939 (9) "Practitioner" means a person, licensed to practice a profession or trade in the  
4940 District, whose services are compensated either in whole or in part, directly or indirectly, by  
4941 insurance proceeds.

4942 (10) "Premium" means the money paid or payable as the consideration for coverage  
4943 under an insurance policy.

4944

4945 § 22-3225.02. Insurance fraud in the first degree.

4946 A person commits the offense of insurance fraud in the first degree if that person  
4947 knowingly engages in the following conduct with the intent to defraud or to fraudulently obtain  
4948 property of another and thereby obtains property of another or causes another to lose property  
4949 and the value of the property obtained or lost is \$ 1,000 or more:

4950 (1) Presenting false information or knowingly conceals information regarding a  
4951 material fact in any of the following transactions:

4952 (A) Application for, rating of, or renewal of an insurance policy or reinsurance  
4953 contract;

4954 (B) Claim for payment or benefit pursuant to an insurance policy or reinsurance  
4955 contract;

4956 (C) Premiums paid on an insurance policy or reinsurance contract;

4957 (D) Payment made in accordance with the terms of an insurance policy or  
4958 reinsurance contract;

4959 (E) Application used in a premium finance transaction;

4960 (F) Solicitation for sale of an insurance policy;

- 4961 (G) Application for a license or certificate of authority filed with the Commissioner  
4962 or the chief insurance regulatory official of another jurisdiction;  
4963 (H) Financial statement or condition of any insurer or reinsurer;  
4964 (I) Acquisition, formation, merger, affiliation, reconsolidation, dissolution, or  
4965 withdrawal from one or more lines of insurance or reinsurance in the District by an insurer or  
4966 reinsurer;  
4967 (J) Issuance of written evidence of insurance; or  
4968 (K) Application for reinstatement of an insurance policy;  
4969 (2) Soliciting or accepting insurance or renewal of insurance by or for an insurer which  
4970 the person knows is insolvent or has a strong likelihood of insolvency;  
4971 (3) Removal or tampering with the records of transaction, documentation, and other  
4972 material assets of an insurer from the insurer or from the Department of Insurance and Securities  
4973 Regulation;  
4974 (4) Diversion, misappropriation, conversion, or embezzlement of funds of an insurer,  
4975 an insured, claimant or applicant regarding any of the following:  
4976 (A) Insurance transaction;  
4977 (B) Other insurance business activities by an insurer or insurance professional; or  
4978 (C) Acquisition, formation, merger, affiliation or dissolution of an insurer.  
4979 (5) Transaction of the business of insurance in violation of laws requiring a license,  
4980 certificate of authority, or other legal authority for the transaction of the business of insurance; or  
4981 (6) Employing or using any other person or acting as the agent of any other person to  
4982 procure a client, patient, or customer for the purpose of falsely or fraudulently obtaining benefits  
4983 under a contract of insurance or asserting a false or fraudulent claim against an insured or  
4984 insurer.

4985  
4986 § 22-3225.03. Insurance fraud in the second degree.

4987 A person commits the offense of insurance fraud in the second degree if that person  
4988 knowingly engages in conduct specified in § 22-3225.02 with the intent to defraud or to  
4989 fraudulently obtain property of another and the value of the property which is sought to be  
4990 obtained is \$ 1,000 or more.

4991  
4992 § 22-3225.03a. Misdemeanor insurance fraud.

4993 A person commits the offense of misdemeanor insurance fraud if that person knowingly  
4994 engages in conduct specified in § 22-3225.02 with the intent to defraud or to fraudulently obtain  
4995 property of another.

4996  
4997 § 22-3225.04. Penalties.

4998 (a) Any person convicted of insurance fraud in the first degree shall be fined not more  
4999 than the amount set forth in § 22-3571.01 or imprisoned for not more than 15 years, or both.

5000 (b)(1) Except as provided in paragraph (2) of this subsection, any person convicted of  
5001 insurance fraud in the second degree shall be fined not more than the amount set forth in § 22-  
5002 3571.01 or imprisoned for not more than 5 years, or both.

5003 (2) Any person convicted of insurance fraud in the second degree who has been  
5004 convicted previously of insurance fraud pursuant to § 22-3225.02 or § 22-3225.03, or a felony  
5005 conviction based on similar grounds in any other jurisdiction, shall be fined not more than the  
5006 amount set forth in § 22-3571.01 or imprisoned for not more than 10 years, or both.

5007 (c) Any person convicted of misdemeanor insurance fraud shall be fined not more than  
5008 the amount set forth in § 22-3571.01 or imprisoned for not more than 180 days, or both.

5009 (d) A person convicted of a felony violation of this subchapter shall be disqualified from  
5010 engaging in the business of insurance, subject to 18 U.S.C. § 1033(e)(2).

5011

5012 § 22-3225.05. Restitution.

5013 (a) In addition to the penalties provided under § 22-3225.04, a person convicted under  
5014 this subchapter shall make monetary restitution for any loss caused by the offense. The court  
5015 shall determine the form and method of payment which, if by installment, shall not exceed 5  
5016 years.

5017 (b) Any person, including the District, injured as the result of an insurance fraud in the  
5018 first degree may bring suit in the appropriate court to recover ordinary damages including  
5019 attorney's fees and other costs and punitive damages which shall not be less than \$ 500 nor more  
5020 than \$ 50,000. Except where punitive damages are sought, the court shall award treble damages  
5021 where the offense is proven by clear and convincing evidence to be in accordance with an  
5022 established pattern or practice.

5023 (c) Notwithstanding any action that may be brought by the United States Attorney's office  
5024 to recoup its costs in prosecuting these cases, the Attorney General for the District of Columbia  
5025 may bring a civil suit against any person convicted under this subchapter in order to recover  
5026 investigation and prosecution-related costs incurred by the District.

5027 (d) A suit under subsection (b) of this section must be filed within 3 years of the act  
5028 constituting the offense or within 3 years of the time the plaintiff discovered or with reasonable  
5029 diligence could have discovered the act, whichever is later. This 3 year statute of limitations shall  
5030 not apply to the District.

5031 (e) Remedies provided in this section shall be exclusive and may not be claimed in  
5032 conjunction with any other remedies available under the law.

5033

5034 § 22-3225.06. Indemnity.

5035 An insurer shall not be liable for the following:

5036 (1) Damages or restitution provided by this subchapter, either jointly, severably, or as a  
5037 third party, for insurance fraud offense committed by an insured; or

5038 (2) The defense of an insured or other person who is charged with insurance fraud.

5039

5040 § 22-3225.07. Practitioners.

5041 (a) Notwithstanding any other provisions of law, the offenses of insurance fraud in the  
5042 first degree or the second degree shall be deemed a crime of moral turpitude for the purposes of  
5043 professional or trade license.

5044 (b) The Commissioner, court, or prosecutor shall notify the appropriate licensing  
5045 authority, and the person who is injured by the offense may notify the appropriate licensing  
5046 authority of any conviction.

5047

5048 § 22-3225.08. Investigation and report of insurance fraud. [Transferred].

5049 Transferred.

5050

5051 § 22-3225.09. Insurance fraud prevention and detection. [Transferred].

5052 Transferred.  
5053  
5054 § 22-3225.10. Regulations. [Transferred].  
5055 Transferred.  
5056  
5057 § 22-3225.11. Limited law enforcement authority. [Transferred].  
5058 Transferred.  
5059  
5060 § 22-3225.12. Annual anti-fraud activity reporting requirement. [Transferred].  
5061 Transferred.  
5062  
5063 § 22-3225.13. Immunity. [Transferred].  
5064 Transferred.  
5065  
5066 § 22-3225.14. Prohibition of solicitation. [Transferred].  
5067 Transferred.  
5068  
5069 § 22-3225.15. Jurisdiction.  
5070 An offense under this subchapter shall be deemed to be committed in the District of  
5071 Columbia, regardless of whether the offender is physically present in the District of Columbia, if:  
5072 (1) The insured, insurer, claimant, or applicant is a resident of, or located in, the  
5073 District of Columbia;  
5074 (2) A District of Columbia address is used on an application, policy, or claim for  
5075 payment or benefit;  
5076 (3) The services for which a claim is made were provided or alleged to have been  
5077 provided in the District of Columbia;  
5078 (4) Payment of a claim or benefit was made or was to be made to an address in the  
5079 District of Columbia;  
5080 (5) The loss occurred or is alleged to have occurred in the District of Columbia; or  
5081 (6) Any part of the offense takes place in the District of Columbia.  
5082  
5083 *Subchapter III-B.*  
5084 *Telephone Fraud.*  
5085  
5086 § 22-3226.01. Definitions.  
5087 For the purposes of this subchapter, the term:  
5088 (1) "Applicant" means any individual, sole proprietorship, partnership, association,  
5089 cooperative, corporation, nonprofit organization, and any other organization required to register  
5090 with the District to conduct telemarketing in the District of Columbia.  
5091 (2) "Certificate of registration" means a document issued by the District government  
5092 showing that a named individual or business has registered as a telephone solicitor with the  
5093 Mayor of the District of Columbia.  
5094 (3) "Consumer" means a person who is or may be required to pay for goods or services  
5095 offered by a telephone solicitor through telemarketing.  
5096 (4) "Goods" or "services" means any real property or any tangible or intangible  
5097 personal property or services of any kind provided or offered to a consumer.

5098 (5) "Licensed securities, commodities or investment broker" means a licensed or  
5099 registered securities, commodities or investment broker.

5100 (6) "Seller" means any person, who, in connection with a telemarketing transaction,  
5101 provides, offers to provide, or arranges for others to provide goods or services to the customer in  
5102 exchange for consideration.

5103 (7) "Telemarketing" means a plan, program or campaign which is conducted to induce  
5104 the purchase of goods or services by use of one or more telephones. Telemarketing does not  
5105 include a one-time or infrequent transaction unrelated to a pattern of repeated transactions.  
5106 Telemarketing does not include a telephone call to a consumer:

5107 (A) As a one-time or infrequent transaction unrelated to a pattern of repeated  
5108 transactions;

5109 (B) To provide information to a consumer and in which payment for the sale of good  
5110 or services is not accepted in that telephone call;

5111 (C) To administer an existing account or service an existing customer (including  
5112 product safety recalls);

5113 (D) To respond to a consumer's request; or

5114 (E) In which payment for the sale of good or services is not accepted in that  
5115 telephone call.

5116 (8) "Telephone solicitor" means a person (acting himself or herself or itself, or through  
5117 an agent) who initiates a telephone call to a consumer in the District of Columbia as a part of a  
5118 plan, program, or campaign which is conducted to induce the purchase of goods or services by  
5119 the use of one or more telephones. A telephone solicitor does not include a person who initiates a  
5120 telephone call to a consumer:

5121 (A) As a one-time or infrequent transaction unrelated to a pattern of repeated  
5122 transactions;

5123 (B) To provide information to a consumer and in which payment for the sale of good  
5124 or services is not accepted in that telephone call;

5125 (C) To administer an existing account or service an existing customer (including  
5126 product safety recalls);

5127 (D) To respond to a consumer's request; or

5128 (E) Does not accept payment for the sale of good or services in that telephone call.  
5129

5130 § 22-3226.02. Application for a certificate of registration of telephone solicitor.  
5131 [Transferred].

5132 Transferred.

5133

5134 § 22-3226.03. Surety bond requirements for telephone solicitors. [Transferred].  
5135 Transferred.

5136

5137 § 22-3226.04. Security alternative to surety bonds. [Transferred].  
5138 Transferred.

5139

5140 § 22-3226.05. Exemptions. [Transferred].  
5141 Transferred.

5142

5143 § 22-3226.06. Unlawful acts and practices.

5144 (a) A telephone solicitor commits the offense of telephone solicitation fraud when  
5145 engaged in any one of the following:  
5146 (1) Fails to obtain or maintain a valid certificate of registration;  
5147 (2) Obtains a certificate of registration through any false or fraudulent pretence or  
5148 representation in any registration application;  
5149 (3) Knowingly fails to have received written consent to use the name of a charitable  
5150 organization;  
5151 (4) Knowingly misrepresents any of the following:  
5152 (A) The total cost of the goods or services that are the subject of the telephone  
5153 solicitation sales call;  
5154 (B) Material restrictions, material limitations, or material conditions to the purchase  
5155 of goods or services that are the subject of a telephone solicitation;  
5156 (C) Material aspects of the performance, efficacy, nature or characteristics of goods  
5157 or services that are the subject of a telephone solicitation; or  
5158 (D) Material aspects of the nature of terms of the telephone solicitor's refund,  
5159 cancellation, exchange or repurchase policies;  
5160 (5) Induces a consumer to purchase goods or services by means of a false or fraudulent  
5161 pretense, representation or promise;  
5162 (6) Charges a consumer's checking or savings account without the consumer's express  
5163 written authorization; or  
5164 (7) Procures the services of any professional delivery, courier, or other pickup service  
5165 to obtain immediate receipt and/or possession of a consumer's payment unless the goods are  
5166 delivered with the opportunity to inspect before payment is collected.  
5167 (b) A person who violates any provision of this section shall be subject to the penalties  
5168 provided in §§ 22-3226.09 and 22-3226.10.  
5169  
5170 § 22-3226.07. Deceptive acts and practices prohibited.  
5171 (a) It is a deceptive telemarketing act or practice for any seller or telephone solicitor to  
5172 misrepresent any of the following material information:  
5173 (1) The total purchase cost to the consumer of the goods or services to be received;  
5174 (2) The true name of the telephone solicitor; or  
5175 (3) Material aspects of the quality or basic characteristics of the goods or services  
5176 purchased.  
5177 (b) It is a deceptive telemarketing act or practice for any seller or telephone solicitor to  
5178 misrepresent any material fact regarding the goods or services purchased that has a tendency to  
5179 mislead.  
5180 (c) No person shall commit a deceptive telemarketing act or practice.  
5181  
5182 § 22-3226.08. Abusive telemarketing acts or practices.  
5183 It is an abusive telemarketing act or practice and violation of this subchapter for a seller  
5184 or telephone solicitor to engage in the following conduct:  
5185 (1) Cause a telephone to ring more than 15 times in an intended telephone solicitation  
5186 call;  
5187 (2) Initiate a telephone solicitation call to a consumer after the same consumer has  
5188 expressly stated that he or she does not wish to receive solicitation calls from that seller; or  
5189 (3) Engage in telephone solicitation to a consumer's residence at any time before 8:00

5190 a.m. and after 9:00 p.m., local time at the place of the consumer called.

5191

5192 § 22-3226.09. Civil penalties. [Transferred].

5193 Transferred.

5194

5195 § 22-3226.10. Criminal penalties.

5196 Any telephone solicitor who violates § 22-3226.06 and obtains property thereby shall be  
5197 guilty of the crime of telemarketing fraud, which is punishable as follows:

5198 (1) If the amount of the transaction is valued at \$ 20,000 or more, the seller or  
5199 telephone solicitor shall upon conviction be guilty of a felony, and shall be subject to a fine of  
5200 not more than the amount set forth in § 22-3571.01 or imprisonment for not more than 4 years, or  
5201 both.

5202 (2) If the amount of the transaction is valued at less than \$ 20,000 but more than \$  
5203 5,000, the seller or telephone solicitor shall upon conviction be guilty of a felony, and shall be  
5204 subject to a fine of not more than the amount set forth in § 22-3571.01 or imprisonment for not  
5205 more than 3 years, or both.

5206 (3) If the amount of the transaction is valued at less than \$ 5,000 or less, the seller or  
5207 telephone solicitor shall upon conviction be guilty of a misdemeanor and shall be subject to a  
5208 fine of not more than the amount set forth in § 22-3571.01 or imprisonment for not more than 6  
5209 months, or both.

5210

5211 § 22-3226.11. Private right of action. [Transferred].

5212 Transferred.

5213

5214 § 22-3226.12. Statute of limitations period. [Transferred].

5215 Transferred.

5216

5217 § 22-3226.13. Task force to combat fraud. [Transferred].

5218 Transferred.

5219

5220 § 22-3226.14. Fraud Prevention Fund. [Transferred].

5221 [Transferred].

5222

5223 § 22-3226.15. General disclosures. [Transferred].

5224 [Transferred].

5225

5226 *Subchapter III-C.*

5227 *Identity Theft.*

5228

5229 § 22-3227.01. Definitions.

5230 For the purposes of this subchapter, the term:

5231 (1) "Financial injury" means all monetary costs, debts, or obligations incurred by a  
5232 person as a result of another person obtaining, creating, possessing, or using that person's  
5233 personal identifying information in violation of this subchapter, including, but not limited to:

5234 (A) The costs of clearing the person's credit rating, credit history, criminal record, or  
5235 any other official record, including attorney fees;

5236 (B) The expenses related to any civil or administrative proceeding to satisfy or  
5237 contest a debt, lien, judgment, or other obligation of the person that arose as a result of the  
5238 violation of this subchapter, including attorney fees;

5239 (C) The costs of repairing or replacing damaged or stolen property;

5240 (D) Lost time or wages, or any similar monetary benefit forgone while the person is  
5241 seeking redress for damages resulting from a violation of this subchapter; and

5242 (E) Lost time, wages, and benefits, other losses sustained, legal fees, and other  
5243 expenses incurred as a result of the use, without permission, of one's personal identifying  
5244 information by another as prohibited by § 22-3227.02.

5245 (2) [Reserved].

5246 (3) "Personal identifying information" includes, but is not limited to, the following:

5247 (A) Name, address, telephone number, date of birth, or mother's maiden name;

5248 (B) Driver's license or driver's license number, or non-driver's license or non-driver's  
5249 license number;

5250 (C) Savings, checking, or other financial account number;

5251 (D) Social security number or tax identification number;

5252 (E) Passport or passport number;

5253 (F) Citizenship status, visa, or alien registration card or number;

5254 (G) Birth certificate or a facsimile of a birth certificate;

5255 (H) Credit or debit card, or credit or debit card number;

5256 (I) Credit history or credit rating;

5257 (J) Signature;

5258 (K) Personal identification number, electronic identification number, password,  
5259 access code or device, electronic address, electronic identification number, routing information  
5260 or code, digital signature, or telecommunication identifying information;

5261 (L) Biometric data, such as fingerprint, voice print, retina or iris image, or other  
5262 unique physical representation;

5263 (M) Place of employment, employment history, or employee identification number;

5264 and

5265 (N) Any other numbers or information that can be used to access a person's financial  
5266 resources, access medical information, obtain identification, act as identification, or obtain  
5267 property.

5268 (4) "Property" shall have the same meaning as provided in § 22-3201(3) and shall include  
5269 credit.

5270

5271 § 22-3227.02. Identity theft.

5272 A person commits the offense of identity theft if that person knowingly:

5273 (1) Uses personal identifying information belonging to or pertaining to another person  
5274 to obtain, or attempt to obtain, property fraudulently and without that person's consent;

5275 (2) Obtains, creates, or possesses personal identifying information belonging to or  
5276 pertaining to another person with the intent to:

5277 (A) Use the information to obtain, or attempt to obtain, property fraudulently and  
5278 without that person's consent; or

5279 (B) Give, sell, transmit, or transfer the information to a third person to facilitate the  
5280 use of the information by that third person to obtain, or attempt to obtain, property fraudulently  
5281 and without that person's consent; or

5282 (3) Uses personal identifying information belonging to or pertaining to another person,  
5283 without that person's consent, to:

- 5284 (A) Identify himself or herself at the time of his or her arrest;
- 5285 (B) Facilitate or conceal his or her commission of a crime; or
- 5286 (C) Avoid detection, apprehension, or prosecution for a crime.

5287  
5288 § 22-3227.03. Penalties for identity theft.

5289 (a) Identity theft in the first degree. -- Any person convicted of identity theft shall be  
5290 fined not more than (1) \$ 10,000, (2) twice the value of the property obtained or (3) twice the  
5291 amount of the financial injury, whichever is greatest, or imprisoned for not more than 10 years,  
5292 or both, if the property obtained, or attempted to be obtained, or the amount of the financial  
5293 injury is the amount set forth in § 22-3571.01 or more.

5294 (b) Identity theft in the second degree. -- Any person convicted of identity theft shall be  
5295 fined not more than the amount set forth in § 22-3571.01 or imprisoned for not more than 180  
5296 days, or both, if the property obtained, or attempted to be obtained, or the amount of the financial  
5297 injury, has some value, or if another person is falsely accused of, or arrested for, committing a  
5298 crime because of the use, without permission, of that person's personal identifying information.

5299 (c) Enhanced penalty. -- Any person who commits the offense of identity theft against an  
5300 individual who is 65 years of age or older, at the time of the offense, may be punished by a fine  
5301 of up to 11/2 times the maximum fine otherwise authorized for the offense and may be  
5302 imprisoned for a term of up to 11/2 times the maximum term of imprisonment otherwise  
5303 authorized for the offense, or both. It is an affirmative defense that the accused:

5304 (1) Reasonably believed that the victim was not 65 years of age or older at the time of  
5305 the offense; or

5306 (2) Could not have determined the age of the victim because of the manner in which  
5307 the offense was committed.

5308  
5309 § 22-3227.04. Restitution.

5310 When a person is convicted of identity theft, the court may, in addition to any other  
5311 applicable penalty, order restitution for the full amount of financial injury.

5312  
5313 § 22-3227.05. Correction of public records.

5314 (a) When a person is convicted, adjudicated delinquent, or found not guilty by reason of  
5315 insanity of identity theft, the court may issue such orders as are necessary to correct any District  
5316 of Columbia public record that contains false information as a result of a violation of this  
5317 subchapter.

5318 (b) In all other cases, a person who alleges that he or she is a victim of identity theft may  
5319 petition the court for an expedited judicial determination that a District of Columbia public  
5320 record contains false information as a result of a violation of this subchapter. Upon a finding of  
5321 clear and convincing evidence that the person was a victim of identity theft, the court may issue  
5322 such orders as are necessary to correct any District of Columbia public record that contains false  
5323 information as a result of a violation of this subchapter.

5324 (c) Notwithstanding any other provision of law, District of Columbia agencies shall  
5325 comply with orders issued under subsection (a) of this section within 30 days of issuance of the  
5326 order.

5327 (d) For the purposes of this section, the term "District of Columbia public record" means  
5328 any document, book, photographic image, electronic data recording, paper, sound recording, or  
5329 other material, regardless of physical form or characteristic, made or received pursuant to law or  
5330 in connection with the transaction of public business by any officer or employee of the District of  
5331 Columbia.

5332  
5333 § 22-3227.06. Jurisdiction.

5334 The offense of identity theft shall be deemed to be committed in the District of Columbia,  
5335 regardless of whether the offender is physically present in the District of Columbia, if:

5336 (1) The person whose personal identifying information is improperly obtained, created,  
5337 possessed, or used is a resident of, or located in, the District of Columbia; or

5338 (2) Any part of the offense takes place in the District of Columbia.

5339  
5340 § 22-3227.07. Limitations.

5341 Obtaining, creating, possessing, and using a person's personal identifying information in  
5342 violation of this subchapter shall constitute a single scheme or course of conduct, and the  
5343 applicable period of limitation under § 23-113 shall not begin to run until after the scheme or  
5344 course of conduct has been completed or terminated.

5345  
5346 § 22-3227.08. Police reports.

5347 The Metropolitan Police Department shall make a report of each complaint of identity  
5348 theft and provide the complainant with a copy of the report.

5349  
5350 *Subchapter IV.*  
5351 *Stolen Property.*

5352  
5353 § 22-3231. Trafficking in stolen property.

5354 (a) For the purposes of this section, the term "traffics" means:

5355 (1) To sell, pledge, transfer, distribute, dispense, or otherwise dispose of property to  
5356 another person as consideration for anything of value; or

5357 (2) To buy, receive, possess, or obtain control of property with intent to do any of the  
5358 acts set forth in paragraph (1) of this subsection.

5359 (b) A person commits the offense of trafficking in stolen property if, on 2 or more  
5360 separate occasions, that person traffics in stolen property, knowing or having reason to believe  
5361 that the property has been stolen.

5362 (c) It shall not be a defense to a prosecution under this section, alone or in conjunction  
5363 with § 22-1803, that the property was not in fact stolen, if the accused engages in conduct which  
5364 would constitute the crime if the attendant circumstances were as the accused believed them to  
5365 be.

5366 (d) Any person convicted of trafficking in stolen property shall be fined not more than the  
5367 amount set forth in § 22-3571.01 or imprisoned for not more than 10 years, or both.

5368  
5369 § 22-3232. Receiving stolen property.

5370 (a) A person commits the offense of receiving stolen property if that person buys,  
5371 receives, possesses, or obtains control of stolen property, knowing or having reason to believe  
5372 that the property was stolen.

5373 (b) It shall not be a defense to a prosecution under this section, alone or in conjunction  
5374 with § 22-1803, that the property was not in fact stolen, if the accused engages in conduct which  
5375 would constitute the crime if the attendant circumstances were as the accused believed them to  
5376 be.

5377 (c)(1) Any person convicted of receiving stolen property shall be fined not more than the  
5378 amount set forth in § 22-3571.01 or imprisoned not more than 7 years, or both, if the value of the  
5379 stolen property is \$ 1,000 or more.

5380 (2) Any person convicted of receiving stolen property shall be fined not more than the  
5381 amount set forth in § 22-3571.01 or imprisoned not more than 180 days, or both, if the stolen  
5382 property has some value.

5383 (d) For the purposes of this section, the term "stolen property" includes property that is  
5384 not in fact stolen if the person who buys, receives, possesses, or obtains control of the property  
5385 had reason to believe that the property was stolen.

5386  
5387 § 22-3233. Altering or removing motor vehicle identification numbers.

5388 (a) It is unlawful for a person to knowingly remove, obliterate, tamper with, or alter any  
5389 identification number on a motor vehicle or a motor vehicle part.

5390 (b)(1) Any person who violates subsection (a) of this section shall be guilty of a  
5391 misdemeanor and, upon conviction, shall be imprisoned for not more than 180 days, or fined not  
5392 more than the amount set forth in § 22-3571.01, or both.

5393 (2) Any person who violates subsection (a) of this section shall be guilty of a felony if  
5394 the value of the motor vehicle or motor vehicle part is \$ 1,000 or more and, upon conviction,  
5395 shall be imprisoned for not more than 5 years, or fined not more than the amount set forth in §  
5396 22-3571.01, or both.

5397 (c) For the purposes of this section, the term:

5398 (1) "Identification number" means a number or symbol that is originally inscribed or  
5399 affixed by the manufacturer to a motor vehicle or motor vehicle part for purposes of  
5400 identification.

5401 (2) "Motor vehicle" means any automobile, self-propelled mobile home, motorcycle,  
5402 motor scooter, truck, truck tractor, truck semi trailer, truck trailer, bus, or other vehicle propelled  
5403 by an internal-combustion engine, electricity, or steam, including any non-operational vehicle  
5404 that is being restored or repaired.

5405  
5406 § 22-3234. Altering or removing bicycle identification numbers.

5407 (a) It is unlawful for a person to knowingly remove, obliterate, tamper with, or alter any  
5408 identification number on a bicycle or bicycle part.

5409 (b) Any person who violates subsection (a) of this section shall be guilty of a  
5410 misdemeanor and, upon conviction, shall be imprisoned for not more than 180 days, or fined not  
5411 more than the amount set forth in § 22-3571.01, or both.

5412 (c) For the purposes of this section, the term:

5413 (1) "Bicycle" shall have the same meaning as provided in § 50-1609(1).

5414 (2) "Identification number" shall have the same meaning as provided in § 50-  
5415 1609(1A).

5416  
5417 *Subchapter V.*  
5418 *Forgery.*

5419  
5420 § 22-3241. Forgery.  
5421 (a) For the purposes of this subchapter, the term:  
5422 (1) "Forged written instrument" means any written instrument that purports to be  
5423 genuine but which is not because it:  
5424 (A) Has been falsely made, altered, signed, or endorsed;  
5425 (B) Contains a false addition or insertion; or  
5426 (C) Is a combination of parts of 2 or more genuine written instruments.  
5427 (2) "Utter" means to issue, authenticate, transfer, publish, sell, deliver, transmit,  
5428 present, display, use, or certify.  
5429 (3) "Written instrument" includes, but is not limited to, any:  
5430 (A) Security, bill of lading, document of title, draft, check, certificate of deposit, and  
5431 letter of credit, as defined in Title 28;  
5432 (B) Stamp, legal tender, or other obligation of any domestic or foreign governmental  
5433 entity;  
5434 (C) Stock certificate, money order, money order blank, traveler's check, evidence of  
5435 indebtedness, certificate of interest or participation in any profitsharing agreement, transferable  
5436 share, investment contract, voting trust certificate, certification of interest in any tangible or  
5437 intangible property, and any certificate or receipt for or warrant or right to subscribe to or  
5438 purchase any of the foregoing items;  
5439 (D) Commercial paper or document, or any other commercial instrument containing  
5440 written or printed matter or the equivalent; or  
5441 (E) Other instrument commonly known as a security or so defined by an Act of  
5442 Congress or a provision of the District of Columbia Official Code.  
5443 (b) A person commits the offense of forgery if that person makes, draws, or utters a  
5444 forged written instrument with intent to defraud or injure another.  
5445  
5446 § 22-3242. Penalties for forgery.  
5447 (a) Any person convicted of forgery shall be fined not more than the amount set forth in §  
5448 22-3571.01 or imprisoned for not more than 10 years, or both, if the written instrument purports  
5449 to be:  
5450 (1) A stamp, legal tender, bond, check, or other valuable instrument issued by a  
5451 domestic or foreign government or governmental instrumentality;  
5452 (2) A stock certificate, bond, or other instrument representing an interest in or claim  
5453 against a corporation or other organization of its property;  
5454 (3) A public record, or instrument filed in a public office or with a public servant;  
5455 (4) A written instrument officially issued or created by a public office, public servant,  
5456 or government instrumentality;  
5457 (5) A check which upon its face appears to be a payroll check;  
5458 (6) A deed, will, codicil, contract, assignment, commercial instrument, or other  
5459 instrument which does or may evidence, create, transfer, terminate, or otherwise affect a legal  
5460 right, interest, obligation, or status; or  
5461 (7) A written instrument having a value of \$ 10,000 or more.  
5462 (b) Any person convicted of forgery shall be fined not more than the amount set forth in §  
5463 22-3571.01 or imprisoned for not more than 5 years, or both, if the written instrument is or  
5464 purports to be:

- 5465 (1) A token, fare card, public transportation transfer certificate, or other article  
5466 manufactured for use as a symbol of value in place of money for the purchase of property or  
5467 services;
- 5468 (2) A prescription of a duly licensed physician or other person authorized to issue the  
5469 same for any controlled substance or other instrument or devices used in the taking or  
5470 administering of controlled substances for which a prescription is required by law; or  
5471 (3) A written instrument having a value of \$ 1,000 or more.
- 5472 (c) Any person convicted of forgery shall be fined not more than the amount set forth in §  
5473 22-3571.01 or imprisoned for not more than 3 years, or both, in any other case.  
5474

5475 *Subchapter VI.*

5476 *Extortion.*

5477

5478 § 22-3251. Extortion.

5479 (a) A person commits the offense of extortion if:

5480 (1) That person obtains or attempts to obtain the property of another with the other's  
5481 consent which was induced by wrongful use of actual or threatened force or violence or by  
5482 wrongful threat of economic injury; or

5483 (2) That person obtains or attempts to obtain property of another with the other's  
5484 consent which was obtained under color or pretense of official right.

5485 (b) Any person convicted of extortion shall be fined not more than the amount set forth in  
5486 § 22-3571.01 or imprisoned for not more than 10 years, or both.  
5487

5488 § 22-3252. Blackmail.

5489 (a) A person commits the offense of blackmail, if, with intent to obtain property of  
5490 another or to cause another to do or refrain from doing any act, that person threatens:

5491 (1) To accuse any person of a crime;

5492 (2) To expose a secret or publicize an asserted fact, whether true or false, tending to  
5493 subject any person to hatred, contempt, or ridicule; or

5494 (3) To impair the reputation of any person, including a deceased person.

5495 (b) Any person convicted of blackmail shall be fined not more than the amount set forth  
5496 in § 22-3571.01 or imprisoned for not more than 5 years, or both.  
5497

5498 CHAPTER 33.

5499 TRESPASS; INJURIES TO PROPERTY.

5500

5501 Sec.

5502 22-3301. Forcible entry and detainer.

5503 22-3302. Unlawful entry on property.

5504 22-3303. Grave robbery; buying or selling dead bodies. [Repealed].

5505 22-3304. Depredation of fixtures in houses. [Repealed].

5506 22-3305. Placing explosives with intent to destroy or injure property.

5507 22-3306. Defacing books, manuscripts, publications, or works of art.

5508 22-3307. Destroying or defacing public records. ~~[Repealed]~~.

5509 22-3308. Cutting down or destroying things growing on or attached to the land of another.

5510 [Repealed].

5511 | 22-3309. Destroying boundary markers. ~~[Repealed]~~.  
5512 | 22-3310. Destroying vines, bushes, shrubs, trees or protections thereof; penalty.  
5513 | 22-3311. Disorderly conduct in public buildings or grounds; injury to or destruction of United  
5514 | States property.  
5515 | 22-3312. Destroying or defacing buildings, statutes, or monuments. [Repealed].  
5516 | 22-3312.01. Defacing public or private property.  
5517 | 22-3312.02. Defacing or burning cross or religious symbol; display of certain emblems.  
5518 | 22-3312.03. Wearing hoods or masks.  
5519 | 22-3312.03a. Abatement of graffiti. [Repealed].  
5520 | 22-3312.03b. Collection against owner. [Repealed].  
5521 | 22-3312.04. Penalties.  
5522 | 22-3312.05. Definitions.  
5523 | 22-3313. Destroying or defacing building material for streets. ~~[Repealed]~~.  
5524 | 22-3314. Destroying cemetery railing or tomb. ~~[Repealed]~~.  
5525 | 22-3315 to 22-3317. Offenses against property of electric lighting, heating, or power companies;  
5526 | tapping gas pipes; tapping or injuring water pipes; tampering with water  
5527 | meters. [Repealed].  
5528 | 22-3318. Malicious pollution of water.  
5529 | 22-3319. Placing obstructions on or displacement or railway tracks. ~~[Repealed]~~.  
5530 | 22-3320. Obstructing public road; removing milestones. [Repealed].  
5531 | 22-3321. Obstructing public highways.  
5532 | 22-3322. Fines under § 22-3321 to be collected in name of United States.  
5533 |  
5534 | § 22-3301. Forcible entry and detainer.  
5535 | Whoever shall forcibly enter upon any premises, or, having entered without force, shall  
5536 | unlawfully detain the same by force against any person previously in the peaceable possession of  
5537 | the same and claiming right thereto, shall be punished by imprisonment for not more than 1 year  
5538 | or a fine of not more than the amount set forth in § 22-3571.01, or both.  
5539 |  
5540 | § 22-3302. Unlawful entry on property.  
5541 | (a)(1) Any person who, without lawful authority, shall enter, or attempt to enter, any  
5542 | private dwelling, building, or other property, or part of such dwelling, building, or other  
5543 | property, against the will of the lawful occupant or of the person lawfully in charge thereof, or  
5544 | being therein or thereon, without lawful authority to remain therein or thereon shall refuse to quit  
5545 | the same on the demand of the lawful occupant, or of the person lawfully in charge thereof, shall  
5546 | be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not  
5547 | more than the amount set forth in § 22-3571.01, imprisonment for not more than 180 days, or  
5548 | both. The presence of a person in any private dwelling, building, or other property that is  
5549 | otherwise vacant and boarded-up or otherwise secured in a manner that conveys that it is vacant  
5550 | and not to be entered, or displays a no trespassing sign, shall be prima facie evidence that any  
5551 | person found in such property has entered against the will of the person in legal possession of the  
5552 | property.  
5553 | (2) For the purposes of this subsection, the term “private dwelling” includes a privately  
5554 | owned house, apartment, condominium, or any building used as living quarters, or cooperative or  
5555 | public housing, as defined in section 3(1) of the United States Housing Act of 1937, approved  
5556 | August 22, 1974 (88 Stat. 654; 42 U.S.C. § 1437a(b)), the development or administration of

5557 which is assisted by the Department of Housing and Urban Development, or housing that is  
5558 owned, operated, or financially assisted by the District of Columbia Housing Authority.

5559 (b) Any person who, without lawful authority, shall enter, or attempt to enter, any public  
5560 building, or other property, or part of such building, or other property, against the will of the  
5561 lawful occupant or of the person lawfully in charge thereof or his or her agent, or being therein  
5562 or thereon, without lawful authority to remain therein or thereon shall refuse to quit the same on  
5563 the demand of the lawful occupant, or of the person lawfully in charge thereof or his or her  
5564 agent, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a  
5565 fine of not more than the amount set forth in § 22-3571.01, imprisonment for not more than 6  
5566 months, or both.

5567  
5568 § 22-3303. Grave robbery; buying or selling dead bodies. [Repealed].  
5569 Repealed.

5570  
5571 § 22-3304. Depredation of fixtures in houses. [Repealed].  
5572 Repealed.

5573  
5574 § 22-3305. Placing explosives with intent to destroy or injure property.  
5575 Whoever places, or causes to be placed, in, upon, under, against, or near to any building,  
5576 car, vessel, monument, statue, or structure, gunpowder or any explosive substance of any kind  
5577 whatsoever, with intent to destroy, throw down, or injure the whole or any part thereof, although  
5578 no damage is done, shall be punished by a fine not more than the amount set forth in § 22-  
5579 3571.01 and by imprisonment for not less than 2 years or more than 10 years.

5580  
5581 § 22-3306. Defacing books, manuscripts, publications, or works of art.  
5582 Any person who shall wrongfully deface, injure, or mutilate, tear, or destroy any book,  
5583 pamphlet, or manuscript, or any portion thereof belonging to the Library of Congress, or to any  
5584 public library in the District of Columbia, whether the property of the United States or of the  
5585 District of Columbia or of any individual or corporation in said District, or who shall wrongfully  
5586 deface, injure, mutilate, tear, or destroy any book, pamphlet, document, manuscript, public  
5587 record, print, engraving, medal, newspaper, or work of art, the property of the United States or of  
5588 the District of Columbia, shall be held guilty of a misdemeanor, and, on conviction thereof, shall,  
5589 when the offense is not otherwise punishable by some statute of the United States, be punished  
5590 by a fine of not less than \$ 10 and not more than the amount set forth in § 22-3571.01, and by  
5591 imprisonment for not less than 1 month nor more than 180 days, or both, for every such offense.

5592  
5593 § 22-3307. Destroying or defacing public records. ~~[Repealed].~~

5594 ~~Repealed.~~  
5595 Whoever maliciously or with intent to injure or defraud any other person defaces,  
5596 mutilates, destroys, abstracts, or conceals the whole or any part of any record authorized  
5597 by law to be made, or pertaining to any court or public office in the District, or any paper  
5598 duly filed in such court or office, shall be fined not more than the amount set forth in §  
5599 22-3571.01 or imprisoned not more than 180 days, or both.

5600  
5601 § 22-3308. Cutting down or destroying things growing on or attached to the land of  
5602 another. [Repealed].

5603 Repealed.

5604

5605 § 22-3309. Destroying boundary markers. ~~[Repealed].~~

5606 ~~Repealed.~~

5607 Whoever maliciously cuts down, destroys, or removes any boundary tree, stone, or other  
5608 mark or monument, or maliciously effaces any inscription thereon, either of his or her  
5609 own lands or of the lands of any other person whatsoever, even though such boundary or  
5610 bounded trees should stand within the person's own land so cutting down and destroying  
5611 the same, shall be fined not more than the amount set forth in § 22-3571.01 and  
5612 imprisoned not exceeding 180 days.

5613

5614 § 22-3310. Destroying vines, bushes, shrubs, trees or protections thereof; penalty.

5615 It shall be unlawful for any person willfully to top, cut down, remove, girdle, break,  
5616 wound, destroy, or in any manner injure any vine, bush, shrub, or tree not owned by that person,  
5617 or any of the boxes, stakes or any other protection thereof, under a penalty not to exceed, for  
5618 each and every such offense:

5619 (1) In the case of any tree 55 inches or greater in circumference when measured at a  
5620 height of four and one half feet, a fine of not more than the amount set forth in § 22-3571.01 or  
5621 imprisonment for not more than 90 days, or both; or

5622 (2) For vines, bushes, shrubs, and smaller trees, a fine of not more than the amount set  
5623 forth in § 22-3571.01 or imprisonment for not more than 30 days, or both.

5624

5625 § 22-3311. Disorderly conduct in public buildings or grounds; injury to or destruction of  
5626 United States property.

5627 Any person guilty of disorderly and unlawful conduct in or about the public buildings and  
5628 public grounds belonging to the United States within the District of Columbia, or who shall  
5629 willfully injure the buildings or shrubs, or shall pull down, impair, or otherwise injure any fence,  
5630 wall, or other inclosure, or shall injure any sink, culvert, pipe, hydrant, cistern, lamp, or bridge,  
5631 or shall remove any stone, gravel, sand, or other property of the United States, or any other part  
5632 of the public grounds or lots belonging to the United States in the District of Columbia, shall be  
5633 fined not more than the amount set forth in § 22-3571.01, or imprisoned not more than 6 months,  
5634 or both.

5635

5636 § 22-3312. Destroying or defacing buildings, statues, or monuments. [Repealed].

5637 Repealed

5638

5639 § 22-3312.01. Defacing public or private property.

5640 It shall be unlawful for any person or persons willfully and wantonly to disfigure, cut,  
5641 chip, or cover, rub with, or otherwise place filth or excrement of any kind upon; to write, mark,  
5642 or print obscene or indecent figures representing obscene or objects upon; to write, mark, draw,  
5643 or paint, without the consent of the owner or proprietor thereof, or, in the case of public property,  
5644 of the person having charge, custody, or control thereof, any word, sign, or figure upon:

5645 (1) Any property, public or private, building, statue, monument, office, public  
5646 passenger vehicle, mass transit equipment or facility, dwelling or structure of any kind including  
5647 those in the course of erection; or

5648 (2) The doors, windows, steps, railing, fencing, balconies, balustrades, stairs, porches,

5649 halls, walls, sides of any enclosure thereof, or any movable property.

5650

5651 § 22-3312.02. Defacing or burning cross or religious symbol; display of certain  
5652 emblems.

5653 (a) It shall be unlawful for any person to burn, desecrate, mar, deface, or damage a  
5654 religious or secular symbol on any private premises or property in the District of Columbia  
5655 primarily used for religious, educational, residential, memorial, charitable, or cemetery purposes,  
5656 or for assembly by persons of a particular race, color, creed, religion, or any other category listed  
5657 in § 2-1401.01, or on any public property in the District of Columbia; or to place or to display in  
5658 any of these locations a sign, mark, symbol, emblem, or other physical impression including, but  
5659 not limited to, a Nazi swastika, a noose, or any manner of exhibit which includes a burning cross,  
5660 real or simulated, where it is probable that a reasonable person would perceive that the intent is:

5661 (1) To deprive any person or class of persons of equal protection of the law or of equal  
5662 privileges and immunities under the law, or for the purpose of preventing or hindering the  
5663 constituted authorities of the United States or the District of Columbia from giving or securing to  
5664 all persons within the District of Columbia equal protection of the law;

5665 (2) To injure, intimidate, or interfere with any person because of his or her exercise of  
5666 any right secured by federal or District of Columbia laws, or to intimidate any person or any  
5667 class of persons from exercising any right secured by federal or District of Columbia laws;

5668 (3) To threaten another person whereby the threat is a serious expression of an intent to  
5669 inflict harm; or

5670 (4) To cause another person to fear for his or her personal safety, or where it is  
5671 probable that reasonable persons will be put in fear for their personal safety by the defendant's  
5672 actions, with reckless disregard for that probability.

5673 (b) Reserved.

5674 (c) Nothing in this section shall be deemed to amend or repeal any provision of the  
5675 District of Columbia Fire Prevention Code (7 DCRR).

5676

5677 § 22-3312.03. Wearing hoods or masks.

5678 (a) No person or persons over 16 years of age, while wearing any mask, hood, or device  
5679 whereby any portion of the face is hidden, concealed, or covered as to conceal the identity of the  
5680 wearer, shall:

5681 (1) Enter upon, be, or appear upon any lane, walk, alley, street, road highway, or other  
5682 public way in the District of Columbia;

5683 (2) Enter upon, be, or appear upon or within the public property of the District of  
5684 Columbia; or

5685 (3) Hold any manner of meeting or demonstration.

5686 (b) The provisions of subsection (a) of this section apply only if the person was wearing  
5687 the hood, mask, or other device:

5688 (1) With the intent to deprive any person or class of persons of equal protection of the  
5689 law or of equal privileges and immunities under the law, or for the purpose of preventing or  
5690 hindering the constituted authorities of the United States or the District of Columbia from giving  
5691 or securing for all persons within the District of Columbia equal protection of the law;

5692 (2) With the intent, by force or threat of force, to injure, intimidate, or interfere with  
5693 any person because of his or her exercise of any right secured by federal or District of Columbia  
5694 laws, or to intimidate any person or any class of persons from exercising any right secured by

5695 federal or District of Columbia laws;  
5696 (3) With the intent to intimidate, threaten, abuse, or harass any other person;  
5697 (4) With the intent to cause another person to fear for his or her personal safety, or,  
5698 where it is probable that reasonable persons will be put in fear for their personal safety by the  
5699 defendant's actions, with reckless disregard for that probability; or  
5700 (5) While engaged in conduct prohibited by civil or criminal law, with the intent of  
5701 avoiding identification.

5702  
5703 § 22-3312.03a. Abatement of graffiti. [Repealed].  
5704 Repealed.

5705  
5706 § 22-3312.03b. Collection against owner. [Repealed].  
5707 Repealed.

5708  
5709 § 22-3312.04. Penalties.

5710 (a) Any person who violates any provision of § 22-3312.01 shall be fined not less than \$  
5711 250 and not more than the amount set forth in § 22-3571.01, or imprisoned for a period not to  
5712 exceed 180 days, or both. Civil fines, penalties, and fees may be imposed as alternative sanctions  
5713 for any infraction of the provisions of § 22-3312.01, pursuant to Chapter 8 of Title 8.

5714 (b) Any person who violates any provision of § 22-3312.02 or § 22-3312.03 shall be  
5715 guilty of a misdemeanor punishable by a fine not more than the amount set forth in § 22-  
5716 3571.01, or imprisonment not to exceed 180 days, or both.

5717 (c) In addition to the penalties provided in subsection (a) of this section, a person  
5718 convicted of violating any provision of § 22-3312.01 may be required to perform community  
5719 service as provided in § 16-712.

5720 (d) Any person who willfully places graffiti on property without the consent of the owner  
5721 shall be subject to the sanctions in subsection (a) of this section.

5722 (e) Any person who willfully possesses graffiti material with the intent to place graffiti on  
5723 property without the consent of the owner shall be fined not less than \$ 100 or more than \$  
5724 1,000.

5725 (f) In addition to any fine or sentence imposed under this section, the court shall order the  
5726 person convicted to make restitution to the owner of the property, or to the party responsible for  
5727 the property upon which the graffiti has been placed, for the damage or loss caused, directly or  
5728 indirectly, by the graffiti, in a reasonable amount and manner as determined by the court.

5729 (g) The District of Columbia courts shall find parents or guardians civilly liable for all  
5730 fines imposed or payments for abatement required if the minor cannot pay within a reasonable  
5731 period of time established by the court.

5732  
5733 § 22-3312.05. Definitions.

5734 For the purposes of §§ 22-3312.01 through 22-3312.05, the term:

5735 (1) "Abate" means to effectively remove.

5736 (2) Reserved.

5737 (3) Reserved.

5738 (4) "Graffiti" means an inscription, writing, drawing, marking, or design that is  
5739 painted, sprayed, etched, scratched, or otherwise placed on structures, buildings, dwellings,  
5740 statues, monuments, fences, vehicles, or other similar materials that are on public or private

5741 property without the consent of the owner, manager, or agent in charge of the property, and the  
5742 graffiti is visible from a public right-of-way.

5743 (5) "Graffiti material" means any aerosol can, bottle, spray device or other mechanism  
5744 designed to dispense paint or a similar substance under pressure, indelible marker, paint stick,  
5745 adhesive label, and engraving device capable of leaving a visible mark on a natural or man-made  
5746 surface.

5747 (6) "Minor" means a person less than 18 years of age.

5748 (7) Reserved.

5749 (8) Reserved.

5750 (9) "Public or private property" shall include any building, bridge, fence or other  
5751 structure, any street, alley, sidewalk, or other vehicular or pedestrian right-of-way, any article of  
5752 street furniture, lamppost, bus shelter, newspaper box, or trash receptacle, any tree, rock, or other  
5753 natural fixture, any utility or public service equipment, or any other personal property located  
5754 outdoors, whether publicly or privately owned.

5755 (10) "Sign" means a name, identification, description, display, or illustration which is  
5756 affixed to, or represented directly or indirectly upon a building, structure, or piece of land and  
5757 which directs attention to an object, product, place, activity, person, institution, organization, or  
5758 business.

5759

5760 § 22-3313. Destroying or defacing building material for streets. ~~[Repealed].~~

5761 ~~Repealed.~~

5762 It shall not be lawful for any person or persons to destroy, break, cut, disfigure, deface,  
5763 burn, or otherwise injure any building materials, or materials intended for the  
5764 improvement of any street, avenue, alley, foot pavement, roads, highways, or inclosure,  
5765 whether public or private property, or remove the same (except in pursuance of law or by  
5766 consent of the owner) from the place where the same may be collected for purposes of  
5767 building or improvement as aforesaid; or to remove, cut, destroy, or injure any  
5768 scaffolding, ladder, or other thing used in or about such building or improvement, under a  
5769 penalty of not more than \$ 25 for each and every such offense.

5770

5771 § 22-3314. Destroying cemetery railing or tomb. ~~[Repealed].~~

5772 ~~Repealed.~~

5773 If any person shall maliciously cut down, demolish, or otherwise injure any railing, fence,  
5774 or inclosure around or upon any cemetery, or shall injure or deface any tomb or  
5775 inscription thereon, such person shall be fined not more than \$ 100.

5776

5777 §§ 22-3315 to 22-3317. Offenses against property of electric lighting, heating, or power  
5778 companies; tapping gas pipes; tapping or injuring water pipes; tampering with water  
5779 meters. [Repealed].

5780 Reserved.

5781

5782 § 22-3318. Malicious pollution of water.

5783 Every person who maliciously commits any act by reason of which the supply of water,  
5784 or any part thereof, to the District of Columbia, becomes impure, filthy, or unfit for use, shall be  
5785 fined not less than \$ 500 and not more than the amount set forth in § 22-3571.01, or imprisoned

5786 for not more than 3 years nor less than 1 year.

5787

5788 § 22-3319. Placing obstructions on or displacement of railway tracks. ~~[Repealed].~~

5789 ~~Repealed.~~

5790 Whoever maliciously places an obstruction on or near the track of any steam or street

5791 railway, or displaces or injures anything appertaining to such track, with intent to

5792 endanger the passage of any locomotive or car, shall be imprisoned for not more than 10

5793 years. In addition to any other penalty provided under this section, a person may be fined

5794 an amount not more than the amount set forth in § 22-3571.01.

5795

5796 § 22-3320. Obstructing public road; removing milestones. [Repealed].

5797 Repealed.

5798

5799 § 22-3321. Obstructing public highway.

5800 Any person who, without lawful authority, shall obstruct the free use of any of the public

5801 highways, which had been used and recognized as public county roads for 25 years prior to May

5802 3, 1862, and which were thereafter duly surveyed, recorded, and declared public highways

5803 according to law, shall be subject to a fine for each offense of not less than \$ 100 nor more than \$

5804 250 and be imprisoned till the fine and the costs of suit and collection of the same are paid.

5805

5806 § 22-3322. Fines under § 22-3321 to be collected in name of United States.

5807 The fines provided for in § 22-3321 shall be collected in the name of the United States.

5808

5809 CHAPTER 34. USE OF "DISTRICT OF COLUMBIA" BY CERTAIN PERSONS.

5810

5811 Sec.

5812 22-3401. Use of "District of Columbia" or similar designation by private detective or collection  
5813 agency — Prohibited.

5814 22-3402. Use of "District of Columbia" or similar designation by private detective or collection  
5815 agency — Penalty.

5816 22-3403. Use of "District of Columbia" or similar designation by private detective or collection  
5817 agency — Prosecutions for violations.

5818

5819 § 22-3401. Use of "District of Columbia" or similar designation by private detective or  
5820 collection agency — Prohibited.

5821 No person engaged in the business of collecting or aiding in the collection of private  
5822 debts or obligations, or engaged in furnishing private police, investigation, or other private  
5823 detective services, shall use as part of the name of such business, or employ in any  
5824 communication, correspondence, notice, advertisement, circular, or other writing or publication,  
5825 the words "District of Columbia", "District", the initials "D.C.", or any emblem or insignia  
5826 utilizing any of the said terms as part of its design, in such manner as reasonably to convey the  
5827 impression or belief that such business is a department, agency, bureau, or instrumentality of the  
5828 municipal government of the District of Columbia or in any manner represents the District of  
5829 Columbia. As used in this section and § 22-3402, the word "person" means and includes  
5830 individuals, associations, partnerships, and corporations.

5831

5832 § 22-3402. Use of "District of Columbia" or similar designation by private detective or  
5833 collection agency — Penalty.

5834 Any person who violates § 22-3401 shall be punished by a fine not more than the amount  
5835 set forth in § 22-3571.01 or by imprisonment for not more than 90 days, or by both such fine and  
5836 imprisonment.

5837  
5838 § 22-3403. Use of "District of Columbia" or similar designation by private detective or  
5839 collection agency — Prosecutions for violations.

5840 All prosecutions for violations of § 22-3401 shall be conducted in the name of the  
5841 District of Columbia by the Attorney General for the District of Columbia or any Assistant  
5842 Attorney General for the District of Columbia.

5843  
5844 CHAPTER 35. VAGRANCY.  
5845 [REPEALED].

5846  
5847 Sec.

5848 22-3501. "Vagrancy" defined; prosecution and the giving of security. [Repealed].

5849 22-3502. "Vagrants" defined. [Repealed].

5850 22-3503. Prosecutions; burden of proof to show lawful employment. [Repealed].

5851 22-3504. Penalty; conditions imposed by court. [Repealed].

5852 22-3505. Prosecutions. [Repealed].

5853 22-3506. Right to strike or picket not abrogated. [Repealed].

5854  
5855 § 22-3501. "Vagrancy" defined; prosecution and the giving of security. [Repealed].  
5856 Repealed.

5857  
5858 § 22-3502. "Vagrants" defined. [Repealed].  
5859 Repealed.

5860  
5861 § 22-3503. Prosecutions; burden of proof to show lawful employment. [Repealed].  
5862 Repealed.

5863  
5864 § 22-3504. Penalty; conditions imposed by court. [Repealed].  
5865 Repealed.

5866  
5867 § 22-3505. Prosecutions. [Repealed].  
5868 Repealed.

5869  
5870 § 22-3506. Right to strike or picket not abrogated. [Repealed].  
5871 Repealed.

5872  
5873 CHAPTER 35A. VOYEURISM.

5874  
5875 Sec.

5876 22-3531. Voyeurism.

5877

5878 § 22-3531. Voyeurism.  
5879 (a) For the purposes of this section, the term:  
5880 (1) "Electronic device" means any electronic, mechanical, or digital equipment that  
5881 captures visual or aural images, including cameras, computers, tape recorders, video recorders,  
5882 and cellular telephones.  
5883 (2) "Private area" means the naked or undergarment-clad genitals, pubic area, anus, or  
5884 buttocks, or female breast below the top of the areola.  
5885 (b) Except as provided in subsection (e) of this section, it is unlawful for any person to  
5886 occupy a hidden observation post or to install or maintain a peephole, mirror, or any electronic  
5887 device for the purpose of secretly or surreptitiously observing an individual who is:  
5888 (1) Using a bathroom or rest room;  
5889 (2) Totally or partially undressed or changing clothes; or  
5890 (3) Engaging in sexual activity.  
5891 (c)(1) Except as provided in subsection (e) of this section, it is unlawful for a person to  
5892 electronically record, without the express and informed consent of the individual being recorded,  
5893 an individual who is:  
5894 (A) Using a bathroom or rest room;  
5895 (B) Totally or partially undressed or changing clothes; or  
5896 (C) Engaging in sexual activity.  
5897 (2) Express and informed consent is only required when the individual engaged in  
5898 these activities has a reasonable expectation of privacy.  
5899 (d) Except as provided in subsection (e) of this section, it is unlawful for a person to  
5900 intentionally capture an image of a private area of an individual, under circumstances in which  
5901 the individual has a reasonable expectation of privacy, without the individual's express and  
5902 informed consent.  
5903 (e) This section does not prohibit the following:  
5904 (1) Any lawful law enforcement, correctional, or intelligence observation or  
5905 surveillance;  
5906 (2) Security monitoring in one's own home;  
5907 (3) Security monitoring in any building where there are signs prominently displayed  
5908 informing persons that the entire premises or designated portions of the premises are under  
5909 surveillance; or  
5910 (4) Any electronic recording of a medical procedure which is conducted under  
5911 circumstances where the patient is unable to give consent.  
5912 (f)(1) A person who violates subsection (b), (c), or (d) of this section is guilty of a  
5913 misdemeanor and, upon conviction, shall be fined not more than the amount set forth in § 22-  
5914 3571.01 or imprisoned for not more than 1 year, or both.  
5915 (2) A person who distributes or disseminates, or attempts to distribute or disseminate,  
5916 directly or indirectly, by any means, a photograph, film, videotape, audiotape, compact disc,  
5917 digital video disc, or any other image or series of images or sounds or series of sounds that the  
5918 person knows or has reason to know were taken in violation of subsection (b), (c), or (d) of this  
5919 section is guilty of a felony and, upon conviction, shall be fined not more than the amount set  
5920 forth in § 22-3571.01 or imprisoned for not more than 5 years, or both.  
5921 (g) The Attorney General for the District of Columbia, or his or her assistants, shall  
5922 prosecute a violation of subsection (b), (c), or (d) of this section for which the penalty is set forth

5923 in subsection (f)(1) of this section.

5924

5925 CHAPTER 35B. FINES FOR CRIMINAL OFFENSES.

5926

5927 Sec.

5928 22-3571.01. Fines for criminal offenses.

5929 22-3571.02. Applicability of fine proportionality provision.

5930

5931 § 22-3571.01. Fines for criminal offenses.

5932 (a) Notwithstanding any other provision of the law, and except as provided in § 22-  
5933 3571.02, a defendant who has been found guilty of an offense under the District of Columbia  
5934 Official Code punishable by imprisonment may be sentenced to pay a fine as provided in this  
5935 section.

5936 (b) An individual who has been found guilty of such an offense may be fined not more  
5937 than the greatest of:

5938 (1) \$ 100 if the offense is punishable by imprisonment for 10 days or less; (2) \$ 250 if  
5939 the offense is punishable by imprisonment for 30 days, or one month, or less but more than 10  
5940 days;

5941 (3) \$ 500 if the offense is punishable by imprisonment for 90 days, or 3 months, or less  
5942 but more than 30 days;

5943 (4) \$ 1,000 if the offense is punishable by imprisonment for 180 days, or 6 months, or  
5944 less but more than 90 days;

5945 (5) \$ 2,500 if the offense is punishable by imprisonment for one year or less but more  
5946 than 180 days;

5947 (6) \$ 12,500 if the offense is punishable by imprisonment for 5 years or less but more  
5948 than one year;

5949 (7) \$ 25,000 if the offense is punishable by imprisonment for 10 years or less but more  
5950 than 5 years;

5951 (8) \$ 37,500 if the offense is punishable by imprisonment for 15 years or less but more  
5952 than 10 years;

5953 (9) \$ 50,000 if the offense is punishable by imprisonment for 20 years or less but more  
5954 than 15 years;

5955 (10) \$ 75,000 if the offense is punishable by imprisonment for 30 years or less but  
5956 more than 20 years;

5957 (11) \$ 125,000 if the offense is punishable by imprisonment for more than 30 years; or

5958 (12) \$ 250,000 if the offense resulted in death.

5959 (c) An organization that has been found guilty of an offense punishable by imprisonment  
5960 for 6 months or more may be fined not more than the greatest of:

5961 (1) Twice the maximum amount specified in the law setting forth the penalty for the  
5962 offense;

5963 (2) Twice the applicable amount under subsection (b) of this section; or

5964 (3) Twice the applicable amount under § 22-3571.02(a).

5965

5966 § 22-3571.02. Applicability of fine proportionality provision.

5967 (a) Notwithstanding any other provision of law, a sentence to pay a fine under § 22-  
5968 3571.01 shall be subject to the following:

5969 (1) If a law setting forth the penalty for such an offense specifies a maximum fine that  
5970 is lower than the fine otherwise applicable under § 22-3571.01 and such law, by specific  
5971 reference, exempts the offense from the applicability of the fine otherwise applicable under § 22-  
5972 3571.01, the defendant may not be fined more than the maximum amount specified in the law  
5973 setting forth the penalty for the offense.

5974 (2) If a law setting forth the penalty for such an offense specifies a maximum fine that  
5975 is higher than the fine otherwise applicable under § 22-3571.01 and such law, by specific  
5976 reference, exempts the offense from the applicability of the fine otherwise applicable under § 22-  
5977 3571.01, the defendant may be fined the maximum amount specified in the law setting forth the  
5978 penalty for the offense.

5979 (3) If a law setting forth the penalty for such an offense specifies no fine and such law,  
5980 by specific reference, does not exempt the offense from the fine otherwise applicable under § 22-  
5981 3571.01, the defendant may be fined pursuant to § 22-3571.01.

5982 (b)(1) If any person derives pecuniary gain from such an offense, or if the offense results  
5983 in pecuniary loss to a person other than the defendant, the defendant may be fined not more than  
5984 the greater of twice the gross gain or twice the gross loss.

5985 (2) The court may impose a fine under this subsection in excess of the fine provided  
5986 for by § 22-3571.01 only to the extent that the pecuniary gain or loss is both alleged in the  
5987 indictment or information and is proven beyond a reasonable doubt.

5988 (c) [This chapter and the provisions of D.C. Law 19-317] shall not apply to any provision  
5989 of Title 11 of the District of Columbia Official Code.

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5991  
5992  
5993 SUBTITLE II.  
5994 ENHANCED PENALTIES.

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5995  
5996  
5997  
5998 CHAPTER 36. CRIMES COMMITTED AGAINST CERTAIN PERSONS.  
5999

6000 Sec.

6001 22-3601. Enhanced penalty for crimes against senior citizen victims.

6002 22-3602. Enhanced penalty for committing certain dangerous and violent crimes against a  
6003 citizen patrol member.

6004  
6005 § 22-3601. Enhanced penalty for crimes against senior citizen victims.

6006 (a) Any person who commits any offense listed in subsection (b) of this section against  
6007 an individual who is 60 years of age or older, at the time of the offense, may be punished by a  
6008 fine of up to 1 1/2 times the maximum fine otherwise authorized for the offense and may be  
6009 imprisoned for a term of up to 1 1/2 times the maximum term of imprisonment otherwise  
6010 authorized for the offense, or both.

6011 (b) The provisions of subsection (a) of this section shall apply to the following offenses:  
6012 Abduction, arson, aggravated assault, assault with a dangerous weapon, assault with intent to  
6013 kill, commit first degree sexual abuse, or commit second degree sexual abuse, assault with intent  
6014 to commit any other offense, burglary, carjacking, armed carjacking, extortion or blackmail

6015 accompanied by threats of violence, kidnapping, malicious disfigurement, manslaughter,  
6016 mayhem, murder, robbery, sexual abuse in the first, second, and third degrees, theft, fraud in the  
6017 first degree, and fraud in the second degree, or an attempt or conspiracy to commit any of the  
6018 foregoing offenses.

6019 (c) It is an affirmative defense that the accused knew or reasonably believed the victim  
6020 was not 60 years old or older at the time of the offense, or could not have known or determined  
6021 the age of the victim because of the manner in which the offense was committed. This defense  
6022 shall be established by a preponderance of the evidence.

6023

6024 § 22-3602. Enhanced penalty for committing certain dangerous and violent crimes  
6025 against a citizen patrol member.

6026 (a) For purposes of this section, the term "citizen patrol" means a group of residents of  
6027 the District of Columbia organized for the purpose of providing additional security surveillance  
6028 for certain District of Columbia neighborhoods with the goal of crime prevention. The term shall  
6029 include, but is not limited to, Orange Hat Patrols, Red Hat Patrols, Blue Hat Patrols, or  
6030 Neighborhood Watch Associations.

6031 (b) Any person who commits any offense listed in subsection (c) of this section against a  
6032 member of a citizen patrol ("member") while that member is participating in a citizen patrol, or  
6033 because of the member's participation in a citizen patrol, may be punished with a fine up to 1 1/2  
6034 times the maximum fine otherwise authorized for the offense or may be imprisoned for a term of  
6035 up to 1 1/2 times the maximum term of imprisonment otherwise authorized for this offense, or  
6036 both.

6037 (c) The provisions of subsection (b) of this section shall apply to the following offenses:  
6038 taking or attempting to take property from another by force or threat of force, forcible rape, or  
6039 assault with intent to commit forcible rape, murder, mayhem, kidnapping, robbery, burglary,  
6040 voluntary manslaughter, extortion or blackmail accompanied by threats of violence, assault with  
6041 a deadly weapon, simple assault, aggravated assault, or a conspiracy to commit any of the  
6042 foregoing offenses as defined by an Act of Congress or law of the District of Columbia if the  
6043 offense is punishable by imprisonment for more than 1 year.

6044

6045 CHAPTER 36A. CRIMES COMMITTED AGAINST MINORS.

6046

6047 Sec.

6048 22-3611. Enhanced penalty for committing crime of violence against minors.

6049

6050 § 22-3611. Enhanced penalty for committing crime of violence against minors.

6051 (a) Any adult, being at least 2 years older than a minor, who commits a crime of violence  
6052 against that minor may be punished by a fine of up to 1 1/2 times the maximum fine otherwise  
6053 authorized for the offense and may be imprisoned for a term of up to 1 1/2 times the maximum  
6054 term of imprisonment otherwise authorized for the offense, or both.

6055 (b) It is an affirmative defense that the accused reasonably believed that the victim was  
6056 not a minor at the time of the offense. This defense shall be established by a preponderance of  
6057 the evidence.

6058 (c) For the purposes of this section, the term:

6059 (1) "Adult" means a person 18 years of age or older at the time of the offense.

6060 (2) "Crime of violence" shall have the same meaning as provided in § 23-1331(4).

6061 (3) "Minor" means a person under 18 years of age at the time of the offense.

6062  
6063 CHAPTER 37. BIAS-RELATED CRIMES.  
6064

6065 Sec.

6066 22-3701. Definitions.

6067 22-3702. Collection and publication of data.

6068 22-3703. Bias-related crime.

6069 22-3704. Civil action. [Transferred].  
6070

6071 § 22-3701. Definitions.

6072 For the purposes of this chapter, the term:

6073 (1) "Bias-related crime" means a designated act that demonstrates an accused's  
6074 prejudice based on the actual or perceived race, color, religion, national origin, sex, age, marital  
6075 status, personal appearance, sexual orientation, gender identity or expression, family  
6076 responsibility, homelessness, physical disability, matriculation, or political affiliation of a victim  
6077 of the subject designated act.

6078 (2) "Designated act" means a criminal act, including arson, assault, burglary, injury to  
6079 property, kidnapping, manslaughter, murder, rape, robbery, theft, or unlawful entry, and  
6080 attempting, aiding, abetting, advising, inciting, conniving, or conspiring to commit arson, assault,  
6081 burglary, injury to property, kidnapping, manslaughter, murder, rape, robbery, theft, or unlawful  
6082 entry.

6083 (3) "Gender identity or expression" shall have the same meaning as provided in § 2-  
6084 1401.02(12A).

6085 (4) "Homelessness" means:

6086 (A) The status or circumstance of an individual who lacks a fixed, regular, and  
6087 adequate nighttime residence; or

6088 (B) The status or circumstance of an individual who has a primary nighttime  
6089 residence that is:

6090 (i) A supervised publicly or privately operated shelter designed to provide  
6091 temporary living accommodations, including welfare motels, hotels, congregate shelters, and  
6092 transitional housing for the mentally ill;

6093 (ii) An institution that provides a temporary residence for individuals intended to  
6094 be institutionalized; or

6095 (iii) A public or private place not designed for, or ordinarily used as, a regular  
6096 sleeping accommodation for human beings.  
6097

6098 § 22-3702. Collection and publication of data.

6099 (a) The Metropolitan Police force shall afford each crime victim the opportunity to  
6100 submit with the complaint a written statement that contains information to support a claim that  
6101 the designated act constitutes a bias-related crime.

6102 (b) The Mayor shall collect and compile data on the incidence of bias-related crime.

6103 (c) Data collected under subsection (b) of this section shall be used for research or  
6104 statistical purposes and may not contain information that may reveal the identity of an individual  
6105 crime victim.

6106 (d) The Mayor shall publish an annual summary of the data collected under subsection  
6107 (b) of this section and transmit the summary and recommendations based on the summary to the  
6108 Council.

6109  
6110 § 22-3703. Bias-related crime.

6111 A person charged with and found guilty of a bias-related crime shall be fined not more  
6112 than 11/2 times the maximum fine authorized for the designated act and imprisoned for not more  
6113 than 11/2 times the maximum term authorized for the designated act.

6114  
6115 § 22-3704. Civil action. [Transferred].  
6116 Transferred.

6117  
6118  
6119 CHAPTER 37A. CRIMES COMMITTED AGAINST TAXICAB DRIVERS AND CERTAIN  
6120 TRANSIT WORKERS.

6121  
6122 Sec.  
6123 22-3751. Enhanced penalties for offenses committed against taxicab drivers.  
6124 22-3751.01. Enhanced penalties for offenses committed against transit operators and Metrorail  
6125 station managers.  
6126 22-3752. Enumerated offenses.

6127  
6128 § 22-3751. Enhanced penalties for offenses committed against taxicab drivers.  
6129 Any person who commits an offense listed in § 22-3752 against a taxicab driver who, at  
6130 the time of the offense, has a current license to operate a taxicab in the District of Columbia or  
6131 any United States jurisdiction and is operating a taxicab in the District of Columbia may be  
6132 punished by a fine of up to one and 1/2 times the maximum fine otherwise authorized for the  
6133 offense and may be imprisoned for a term of up to one and 1/2 times the maximum term of  
6134 imprisonment otherwise authorized for the offense, or both.

6135  
6136 § 22-3751.01. Enhanced penalties for offenses committed against transit operators and  
6137 Metrorail station managers.

6138 (a) Any person who commits an offense enumerated in § 22-3752 against a transit  
6139 operator, who, at the time of the offense, is authorized to operate and is operating a mass transit  
6140 vehicle in the District of Columbia, or against Metrorail station manager while on duty in the  
6141 District of Columbia, may be punished by a fine of up to one and 1/2 times the maximum fine  
6142 otherwise authorized for the offense and may be imprisoned for a term of up to one and 1/2 times  
6143 the maximum term of imprisonment otherwise authorized by the offense, or both.

6144 (b) For the purposes of this section, the term:

6145 (1) "Mass transit vehicle" means any publicly or privately owned or operated  
6146 commercial vehicle for the carriage of 6 or more passengers, including any Metrobus, Metrorail,  
6147 Metroaccess, or DC Circulator vehicle or other bus, trolley, or van operating within the District  
6148 of Columbia.

6149 (2) "Metrorail station manager" means any Washington Metropolitan Area Transit  
6150 Authority employee who is assigned to supervise a Metrorail station from a kiosk at that station.

6151 (3) "Transit operator" means a person who is licensed to operate a mass transit vehicle.

6152

6153 § 22-3752. Enumerated offenses.

6154 The provisions of §§ 22-3751 and 22-3751.01 shall apply to the following offenses or  
6155 any attempt or conspiracy to commit any of the following offenses: murder, manslaughter,  
6156 aggravated assault, assault with a dangerous weapon, mayhem or maliciously disfiguring, threats  
6157 to do bodily harm, first degree sexual abuse, second degree sexual abuse, third degree sexual  
6158 abuse, fourth degree sexual abuse, misdemeanor sexual abuse, robbery, carjacking, and  
6159 kidnapping.

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SUBTITLE III.  
SEX OFFENDERS.

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CHAPTER 38. SEXUAL PSYCHOPATHS,  
[TRANSFERRED].

Sec.

22-3801, 22-3802. Indecent acts with children; sodomy. [Transferred]. [Repealed].

22-3803. Definitions. [Transferred].

22-3804. Filing of statement. [Transferred].

22-3805. Right to counsel. [Transferred].

22-3806. Examination by psychiatrists. [Transferred].

22-3807. When hearing is required. [Transferred].

22-3808. Hearing; commitment. [Transferred].

22-3809. Parole; discharge. [Transferred].

22-3810. Stay of criminal proceedings. [Transferred].

22-3811. Criminal law unchanged. [Transferred].

§§ 22-3801, 22-3802. Indecent acts with children; sodomy. [Transferred]. [Repealed].  
Transferred. Repealed.

§ 22-3803. Definitions. [Transferred].  
Transferred.

§ 22-3804. Filing of statement. [Transferred].  
Transferred.

§ 22-3805. Right to counsel. [Transferred].  
Transferred.

§ 22-3806. Examination by psychiatrists. [Transferred].  
Transferred.

6197  
6198 § 22-3807. When hearing is required. [Transferred].  
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6201 § 22-3808. Hearing; commitment. [Transferred].  
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6211 Transferred.  
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6217 22-3901. Definitions. [Transferred].  
6218 22-3902. Testing and counseling. [Transferred].  
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6223 Transferred.  
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6226 Transferred.  
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6229 Transferred.  
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6236 22-4002. Registration period. [Transferred].  
6237 22-4003. Certification duties of the Superior Court. [Transferred].  
6238 22-4004. Dispute resolution procedures in the Superior Court. [Transferred].  
6239 22-4005. Duties of the Department of Corrections. [Transferred].  
6240 22-4006. Duties of the Department of Mental Health. [Transferred].  
6241 22-4007. Registration functions of the Court Services and Offender Supervision Agency.  
6242 [Transferred].

6243 22-4008. Verification functions of the Court Services and Offender Supervision Agency.  
6244 [Transferred].  
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6247 and Offender Supervision Agency. [Transferred].  
6248 22-4011. Community notification and education duties of the Metropolitan Police Department.  
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6253 22-4015. Penalties; mandatory release conditions.  
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6255 adults. [Transferred].  
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6257  
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6262  
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6264 Transferred.  
6265  
6266 § 22-4003. Certification duties of the Superior Court. [Transferred].  
6267 Transferred.  
6268  
6269 § 22-4004. Dispute resolution procedures in the Superior Court. [Transferred].  
6270 Transferred.  
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6273 Transferred.  
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6276 Transferred.  
6277  
6278 § 22-4007. Registration functions of the Court Services and Offender Supervision  
6279 Agency. [Transferred].  
6280 Transferred.  
6281  
6282 § 22-4008. Verification functions of the Court Services and Offender Supervision  
6283 Agency. [Transferred].  
6284 Transferred.  
6285  
6286 § 22-4009. Change of address or other information. [Transferred].  
6287 Transferred.  
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6289 § 22-4010. Maintenance and release of sex offender registration information by the  
6290 Court Services and Offender Supervision Agency. [Transferred].  
6291 Transferred.  
6292  
6293 § 22-4011. Community notification and education duties of the Metropolitan Police  
6294 Department. [Transferred].  
6295 Transferred.  
6296  
6297 § 22-4012. Interagency coordination. [Transferred].  
6298 Transferred.  
6299  
6300 § 22-4013. Immunity. [Transferred].  
6301 Transferred.  
6302  
6303 § 22-4014. Duties of sex offenders.  
6304 Transferred.  
6305  
6306 § 22-4015. Penalties; mandatory release condition.  
6307 (a) Any sex offender who knowingly violates any requirement of this chapter, including  
6308 any requirement adopted by the Agency pursuant to this chapter, shall be fined not more than the  
6309 amount set forth in § 22-3571.01, or imprisoned for not more than 180 days, or both. In the event  
6310 that a sex offender convicted under this section has a prior conviction under this section, or a  
6311 prior conviction in any other jurisdiction for failing to comply with the requirements of a sex  
6312 offender registration program, the sex offender shall be fined not more than the amount set forth  
6313 in § 22-3571.01, or imprisoned not more than 5 years, or both.  
6314  
6315 (b) Compliance with the requirements of this chapter, including any requirements  
6316 adopted by the Agency pursuant to this chapter, shall be a mandatory condition of probation,  
6317 parole, supervised release, and conditional release of any sex offender.  
6318  
6319 § 22-4016. No change in age of consent; registration not required for offenses between  
6320 consenting adults. [Transferred].  
6321 Transferred.  
6322  
6323 § 22-4017. Freedom of Information Act exception. [Transferred].  
6324 Transferred.  
6325  
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6327 [REPEALED].  
6328  
6329 Sec.  
6330 22-4101. Definitions. [Repealed].  
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6333 22-4104. Duties of the Advisory Council. [Repealed].  
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6335 22-4106. Duties of the Department of Corrections. [Repealed].  
6336 22-4107. Transfer of information to the Department and Federal Bureau of Investigation.  
6337 [Repealed].  
6338 22-4108. Duties of the Board of Parole. [Repealed].  
6339 22-4109. Verification. [Repealed].  
6340 22-4110. Notification of change of address. [Repealed].  
6341 22-4111. Registration for change of address to another state. [Repealed].  
6342 22-4112. Length of registration. [Repealed].  
6343 22-4113. Penalties. [Repealed].  
6344 22-4114. Transfer of information and central database. [Repealed].  
6345 22-4115. Release of information. [Repealed].  
6346 22-4116. Absolute immunity for members of the Advisory Council; immunity for good faith  
6347 conduct for others. [Repealed].  
6348 22-4117. Applicability. [Repealed].  
6349  
6350  
6351 § 22-4101. Definitions. [Repealed].  
6352 Repealed.  
6353  
6354 § 22-4102. Persons required to register. [Repealed].  
6355 Repealed.  
6356  
6357 § 22-4103. Establishment of the Sex Offender Registration Advisory Council.  
6358 [Repealed].  
6359 Repealed.  
6360  
6361 § 22-4104. Duties of the Advisory Council. [Repealed].  
6362 Repealed.  
6363  
6364 § 22-4105. Duties of the Court. [Repealed].  
6365 Reserved.  
6366  
6367 § 22-4106. Duties of the Department of Corrections. [Repealed].  
6368 Repealed.  
6369  
6370 § 22-4107. Transfer of information to the Department and Federal Bureau of  
6371 Investigation. [Repealed].  
6372 Repealed.  
6373  
6374 § 22-4108. Duties of the Board of Parole. [Repealed].  
6375 Repealed.  
6376  
6377 § 22-4109. Verification. [Repealed].  
6378 Repealed.  
6379  
6380 § 22-4110. Notification of change of address. [Repealed].

6381 Repealed.  
6382  
6383 § 22-4111. Registration for change of address to another state. [Repealed].  
6384 Repealed.  
6385  
6386 § 22-4112. Length of registration. [Repealed].  
6387 Repealed.  
6388  
6389 § 22-4113. Penalties. [Repealed].  
6390 Repealed.  
6391  
6392 § 22-4114. Transfer of information and central database. [Repealed].  
6393 Repealed.  
6394  
6395 § 22-4115. Release of information. [Repealed].  
6396 Repealed.  
6397  
6398 § 22-4116. Absolute immunity for members of the Advisory Council; immunity for good  
6399 faith conduct for others. [Repealed].  
6400 Repealed.  
6401  
6402 § 22-4117. Applicability. [Repealed].  
6403 Repealed.  
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6408 DNA TESTING.  
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6410  
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6412 CHAPTER 41A. DNA TESTING AND POST-CONVICTION RELIEF FOR INNOCENT  
6413 PERSONS.  
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6416 22-4131. Definitions. [Transferred].  
6417 22-4132. Pre-conviction DNA testing. [Transferred].  
6418 22-4133. Post-conviction DNA testing. [Transferred].  
6419 22-4134. Preservation of evidence.  
6420 22-4135. Motion to vacate a conviction or grant a new trial on the ground of actual innocence.  
6421 [Transferred].  
6422  
6423  
6424 § 22-4131. Definitions. [Transferred].  
6425 Transferred.  
6426

6427 § 22-4132. Pre-conviction DNA testing. [Transferred].  
6428 Transferred.

6429  
6430 § 22-4133. Post-conviction DNA testing. [Transferred].  
6431 Transferred.

6432  
6433 § 22-4134. Preservation of evidence.

6434  
6435 (a) Law enforcement agencies shall preserve biological material that was seized or  
6436 recovered as evidence in the investigation or prosecution that resulted in the conviction or  
6437 adjudication as a delinquent for a crime of violence and not consumed in previous DNA testing  
6438 for 5 years or as long as any person incarcerated in connection with that case or investigation  
6439 remains in custody, whichever is longer.

6440  
6441 (b) Notwithstanding subsection (a) of this section, the District of Columbia may dispose  
6442 of the biological material after 5 years, if the District of Columbia notifies any person who  
6443 remains incarcerated in connection with the investigation or prosecution and any counsel of  
6444 record for such person (or, if there is no counsel of record, the Public Defender Service), of the  
6445 intention of the District of Columbia to dispose of the evidence and the District of Columbia  
6446 affords such person not less than 180 days after the notification to make an application for DNA  
6447 testing of the evidence.

6448  
6449 (c) The District of Columbia shall not be required to preserve evidence that must be  
6450 returned to its rightful owner, or is of such a size, bulk, or physical character as to render  
6451 retention impracticable. If practicable, the District of Columbia shall remove and preserve  
6452 portions of this material evidence sufficient to permit future DNA testing before returning or  
6453 disposing of it. (d) Whoever willfully or maliciously destroys, alters, conceals, or tampers with  
6454 evidence that is required to be preserved under this section with the intent to (1) impair the  
6455 integrity of that evidence, (2) prevent that evidence from being subjected to DNA testing, or (3)  
6456 prevent the production or use of that evidence in an official proceeding, shall be subject to a fine  
6457 not more than the amount set forth in § 22-3571.01 or imprisoned for not more than 5 years, or  
6458 both.

6459  
6460 § 22-4135. Motion to vacate a conviction or grant a new trial on the ground of actual  
6461 innocence. [Transferred].  
6462 Transferred.

6463  
6464  
6465 CHAPTER 41B. DNA SAMPLE COLLECTION.  
6466 [TRANSFERRED].

6467  
6468  
6469 Sec.  
6470 22-4151. Qualifying offenses. [Transferred].

6471  
6472 § 22-4151. Qualifying offenses. [Transferred].  
6473 Transferred.

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§ 22-4201. Technical assistance and research. [Transferred].  
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22-4232. Establishment of the Criminal Justice Coordinating Council. [Transferred].  
22-4233. Membership. [Transferred].  
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Authorization of Certain Federal Officials.*

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22-4242. Annual reporting requirement. [Transferred].  
22-4243. Federal contribution to Criminal Justice Coordinating Council. [Transferred].  
22-4244. District of Columbia Criminal Justice Coordinating Council defined. [Transferred].

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General.*

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6519 Transferred.  
6520  
6521 § 22-4232. Establishment of the Criminal Justice Coordinating Council. [Transferred].  
6522 Transferred.  
6523  
6524 § 22-4233. Membership. [Transferred].  
6525 Transferred.  
6526  
6527 § 22-4234. Duties. [Transferred].  
6528 Transferred.  
6529  
6530 § 22-4235. Administrative support. [Transferred].  
6531 Transferred.  
6532

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6534 *Authorization of Certain Federal Officials.*

6535  
6536 § 22-4241. Authorizing federal officials. [Transferred].  
6537 Transferred.  
6538  
6539 § 22-4242. Annual reporting requirement. [Transferred].  
6540 Transferred.  
6541  
6542 § 22-4243. Federal contribution to Criminal Justice Coordinating Council.  
6543 [Transferred].  
6544 Transferred.  
6545  
6546 § 22-4244. District of Columbia Criminal Justice Coordinating Council defined.  
6547 Transferred.  
6548

6549 CHAPTER 42B. HOMICIDE ELIMINATION.  
6550 [TRANSFERRED].

6551  
6552 Sec.  
6553 22-4251. Comprehensive Homicide Elimination Strategy Task Force established. [Transferred].  
6554  
6555  
6556 § 22-4251. Comprehensive Homicide Elimination Strategy Task Force established.  
6557 [Transferred].  
6558 Transferred.  
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6562 SUBTITLE V.  
6563 HARBOR, GAME AND FISH LAWS.  
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CHAPTER 43. GAME AND FISH LAWS.

Sec.

- 22-4301 to 22-4306. Prohibition and control of net fishing in Potomac River; catching and killing bass; "person" defined; sale of bass prohibited; sale and possession of shad or herring; sale of small striped bass; use of explosives and drugs in fishing prohibited. [Repealed]. [Transferred].
- 22-4307. [Transferred].
- 22-4308 to 22-4327. Confiscation of fishing equipment used in violation of the law; sale and possession of woodcocks, squirrels, rabbits, wild chicks, wild geese, and certain game birds; inspection of premises to detect violation of game laws; trespassing for purposes of hunting; shooting or having guns in possession on a Sunday; killing or capturing game beyond District jurisdiction; compensation for persons securing convictions under game laws; killing game birds and permits therefor; hunting squirrels, chipmunks and rabbits without a permit; killing of English sparrow or wild animal suffering from disease or injury; hunting or disbursing of ducks, geese, and waterfowl; sale, possession, or purchase of certain types of birds prohibited; license for certain scientific purposes; sale of birds raised in captivity or for propagation. [Repealed]. [Transferred].
- 22-4328. Council's authority with respect to wild animals, fishing licenses, and migratory birds; exception; "wild animals" defined. [Transferred].
- 22-4329. Inspection of business or vocational establishments requiring a license or permit or any vehicle, boat, market box, market stall or cold storage plant, during business hours. [Transferred].
- 22-4330. Seizure of hunting and fishing equipment; sale at public auction and disposal of proceeds; disposal of property not sold at auction; payment of valid liens after sale. [Transferred].
- 22-4331. Penalties; prosecutions.
- 22-4332. Delegation of functions by Secretary of the Interior and Mayor; Council to make regulations; "Mayor" and "Secretary of the Interior" defined. [Transferred].
- 22-4333. Existing authority of Secretary of the Interior not impaired. [Transferred].

§§ 22-4301 to 22-4306. Prohibition and control of net fishing in Potomac River; catching and killing bass; "person" defined; sale of bass prohibited; sale and possession of shad or herring; sale of small striped bass; use of explosives and drugs in fishing prohibited. [Repealed]. [Transferred].  
Repealed.

§ 22-4307. Penalties. [Transferred].  
Transferred.

§§ 22-4308 to 22-4327. Confiscation of fishing equipment used in violation of the law; sale and possession of woodcocks, squirrels, rabbits, wild chicks, wild geese, and certain

6611 game birds; inspection of premises to detect violation of game laws; trespassing for  
6612 purposes of hunting; shooting or having guns in possession on a Sunday; killing or  
6613 capturing game beyond District jurisdiction; compensation for persons securing  
6614 convictions under game laws; killing game birds and permits therefor; hunting squirrels,  
6615 chipmunks and rabbits without a permit; killing of English sparrow or wild animal  
6616 suffering from disease or injury; hunting or disbursing of ducks, geese, and waterfowl;  
6617 sale, possession, or purchase of certain types of birds prohibited; license for certain  
6618 scientific purposes; sale of birds raised in captivity or for propagation. [Repealed].  
6619 [Transferred].  
6620 Repealed.  
6621  
6622 § 22-4328. Council's authority with respect to wild animals, fishing licenses, and  
6623 migratory birds; exception; "wild animals" defined. [Transferred].  
6624 Transferred.  
6625  
6626 § 22-4329. Inspection of business or vocational establishments requiring a license or  
6627 permit or any vehicle, boat, market box, market stall or cold storage plant,  
6628 during business hours. ~~[Transferred]~~.  
6629 ~~Transferred.~~  
6630 Authorized officers and employees of the government of the United States or of the  
6631 government of the District of Columbia are, for the purpose of enforcing the provisions  
6632 of this chapter and the regulations promulgated by the Council of the District of  
6633 Columbia under the authority of this chapter, empowered, during business hours, to  
6634 inspect any building or premises in or on which any business, trade, vocation, or  
6635 occupation requiring a license or permit is carried on, or any vehicle, boat, market box,  
6636 market stall, or cold-storage plant. No person shall refuse to permit any such inspection.  
6637  
6638 § 22-4330. Seizure of hunting and fishing equipment; sale at public auction and disposal  
6639 of proceeds; disposal of property not sold at auction; payment of valid liens  
6640 after sale. [Transferred].  
6641 Transferred.  
6642  
6643 § 22-4331. Penalties; prosecutions.  
6644 (a) Any person convicted of violating any provision of this chapter, or any regulation  
6645 made pursuant to this chapter, shall be fined not more than the amount set forth in § 22-3571.01  
6646 or imprisoned not more than 90 days, or both.  
6647  
6648 (b) Prosecutions for violations of this chapter, or the regulations made pursuant thereto,  
6649 shall be conducted in the name of the District of Columbia by the Attorney General for the  
6650 District of Columbia or any Assistant Attorney General for the District of Columbia.  
6651  
6652 § 22-4332. Delegation of functions by Secretary of the Interior and Mayor; Council to  
6653 make regulations; "Mayor" and "Secretary of the Interior" defined.  
6654 [Transferred].  
6655 Transferred.  
6656

6657 § 22-4333. Existing authority of Secretary of the Interior not impaired. [Transferred].  
6658 Transferred.

6659

6660

#### CHAPTER 44. HARBOR REGULATIONS.

6661

6662 Sec.

6663 22-4401. Harbor Regulations; authority vested in Council; compliance with federal law  
6664 required; District and federal statutes and regulations supplemented. [Transferred].  
6665 [Repealed].

6666 22-4402. Throwing or depositing matter in Potomac River.

6667 22-4403. Deposits of deleterious matter in Rock Creek or Potomac River.

6668 22-4404. Penalties for violation of § 22-4403.

6669

6670 § 22-4401. Harbor regulations; authority vested in Council; compliance with federal law  
6671 required; District and federal statutes and regulations supplemented. [Transferred]. [Repealed].  
6672 Transferred. Repealed.

6673

6674 § 22-4402. Throwing or depositing matter in Potomac River.

6675 (a) It shall be unlawful for any owner or occupant of any wharf or dock, any master or  
6676 captain of any vessel, or any person or persons to cast, throw, drop, or deposit any stone, gravel,  
6677 sand, ballast, dirt, oyster shells, or ashes in the water in any part of the Potomac River or its  
6678 tributaries in the District of Columbia, or on the shores of said river below highwater mark,  
6679 unless for the purpose of making a wharf, after permission has been obtained from the Mayor of  
6680 the District of Columbia for that purpose, which wharf shall be sufficiently inclosed and secured  
6681 so as to prevent injury to navigation.

6682 (b) It shall be unlawful for any owner or occupant of any wharf or dock, any captain or  
6683 master of any vessel, or any other person or persons to cast, throw, deposit, or drop in any dock  
6684 or in the waters of the Potomac River or its tributaries in the District of Columbia any dead fish,  
6685 fish offal, dead animals of any kind, condemned oysters in the shell, watermelons, cantaloupes,  
6686 vegetables, fruits, shavings, hay, straw, or filth of any kind whatsoever.

6687 (c) Nothing in this section contained shall be construed to interfere with the work of  
6688 improvement in or along the said river and harbor under the supervision of the United States  
6689 government.

6690 (d) Any person or persons violating any of the provisions of this section shall be deemed  
6691 guilty of a misdemeanor, and on conviction shall be punished by a fine not more than the amount  
6692 set forth in § 22-3571.01, or by imprisonment not exceeding 6 months, or both, in the discretion  
6693 of the court.

6694

6695 § 22-4403. Deposits of deleterious matter in Rock Creek or Potomac River.

6696 No person shall allow any tar, oil, ammoniacal liquor, or other waste products of any gas  
6697 works or works engaged in using such products, or any waste product whatever of any  
6698 mechanical, chemical, manufacturing, or refining establishment to flow into or be deposited in  
6699 Rock Creek or the Potomac River or any of its tributaries within the District of Columbia or into  
6700 any pipe or conduit leading to the same.

6701

6702 § 22-4404. Penalties for violation of § 22-4403.

6703 Any person who shall violate any provision of § 22-4403 shall for each such offense be  
6704 fined not more than the amount set forth in § 22-3571.01 or imprisoned not more than 90 days,  
6705 or both.

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6706  
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6709 SUBTITLE VI.  
6710 REGULATION AND POSSESSION OF WEAPONS.

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6711  
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6714 CHAPTER 45. WEAPONS AND POSSESSION OF WEAPONS.

6715  
6716  
6717 Sec.

- 6718 22-4501. Definitions.  
6719 22-4502. Additional penalty for committing crime when armed.  
6720 22-4502.01. Gun free zones; enhanced penalty.  
6721 22-4503. Unlawful possession of firearm.  
6722 22-4503.01. Unlawful discharge of a firearm.  
6723 22-4503.02. Prohibition of firearms from public or private property.  
6724 22-4504. Carrying concealed weapons; possession of weapons during commission of crime of  
6725 violence; penalty.  
6726 22-4504.01. Authority to carry firearm in certain places and for certain purposes.  
6727 22-4504.02. Lawful transportation of firearms.  
6728 22-4505. Exceptions to § 22-4504.  
6729 22-4506. Issuance of a license to carry a pistol.  
6730 22-4507. Certain sales of pistols prohibited.  
6731 22-4508. Transfers of firearms regulated.  
6732 22-4509. Dealers of weapons to be licensed.  
6733 22-4510. Licenses of weapons dealers; records; by whom granted; conditions.  
6734 22-4511. False information in purchase of weapons prohibited.  
6735 22-4512. Alteration of identifying marks of weapons prohibited.  
6736 22-4513. Exceptions.  
6737 22-4514. Possession of certain dangerous weapons prohibited; exceptions.  
6738 22-4515. Penalties.  
6739 22-4515a. Manufacture, transfer, use, possession, or transportation of Molotov cocktails, or  
6740 other explosives for unlawful purposes, prohibited; definitions; penalties.  
6741 22-4516. Severability.  
6742 22-4517. Dangerous articles; definition; taking and destruction; procedure.

6743  
6744 § 22-4501. Definitions.

6745 For the purposes of this chapter, the term:

- 6746 (1) "Crime of violence" shall have the same meaning as provided in § 23-1331(4).  
6747 (2) "Dangerous crime" means distribution of or possession with intent to distribute a  
6748 controlled substance. For the purposes of this definition, the term "controlled substance" means

6749 any substance defined as such in the District of Columbia Official Code or any Act of Congress.

6750 (2A) "Firearm" means any weapon, regardless of operability, which will, or is  
6751 designed or redesigned, made or remade, readily converted, restored, or repaired, or is intended  
6752 to, expel a projectile or projectiles by the action of an explosive. The term "firearm" shall not  
6753 include:

6754 (A) A destructive device as that term is defined in § 7-2501.01(7);

6755 (B) A device used exclusively for line throwing, signaling, or safety, and required or  
6756 recommended by the Coast Guard or Interstate Commerce Commission; or

6757 (C) A device used exclusively for firing explosive rivets, stud cartridges, or similar  
6758 industrial ammunition and incapable for use as a weapon.

6759 (3) "Knuckles" means an object, whether made of metal, wood, plastic, or other  
6760 similarly durable material that is constructed of one piece, the outside part of which is designed  
6761 to fit over and cover the fingers on a hand and the inside part of which is designed to be gripped  
6762 by the fist.

6763 (4) "Machine gun" shall have the same meaning as provided in § 7-2501.01(10).

6764 (5) "Person" includes individual, firm, association, or corporation.

6765 (6) "Pistol" shall have the same meaning as provided in § 7-2501.01(12).

6766 (6A) "Place of business" shall have the same meaning as provided in § 7-  
6767 2501.01(12A).

6768 (7) "Playground" means any facility intended for recreation, open to the public, and  
6769 with any portion of the facility that contains one or more separate apparatus intended for the  
6770 recreation of children, including, but not limited to, sliding boards, swingsets, and teeterboards.

6771 (7A) "Registrant" means a person who has registered a firearm pursuant to Unit A of  
6772 Chapter 25 of Title 7.

6773 (8) "Sawed-off shotgun" shall have the same meaning as provided in § 7-2501.01(15).

6774 (9) "Sell" and "purchase" and the various derivatives of such words shall be construed  
6775 to include letting on hire, giving, lending, borrowing, and otherwise transferring.

6776 (9A) "Shotgun" shall have the same meaning as provided in § 7-2501.01(16).

6777 (10) "Video arcade" means any facility legally accessible to persons under 18 years of  
6778 age, intended primarily for the use of pinball and video machines for amusement, and which  
6779 contains a minimum of 10 pinball or video machines.

6780 (11) "Youth center" means any recreational facility or gymnasium (including any  
6781 parking lot appurtenant thereto), intended primarily for use by persons under 18 years of age,  
6782 which regularly provides athletic, civic, or cultural activities.

6783

6784 § 22-4502. Additional penalty for committing crime when armed.

6785 (a) Any person who commits a crime of violence, or a dangerous crime in the District of  
6786 Columbia when armed with or having readily available any pistol or other firearm (or imitation  
6787 thereof) or other dangerous or deadly weapon (including a sawed-off shotgun, shotgun, machine  
6788 gun, rifle, dirk, bowie knife, butcher knife, switchblade knife, razor, blackjack, billy, or metallic  
6789 or other false knuckles):

6790 (1) May, if such person is convicted for the first time of having so committed a crime  
6791 of violence, or a dangerous crime in the District of Columbia, be sentenced, in addition to the  
6792 penalty provided for such crime, to a period of imprisonment which may be up to, and including,  
6793 30 years for all offenses except first degree murder while armed, second degree murder while  
6794 armed, first degree sexual abuse while armed, and first degree child sexual abuse while armed,

6795 and shall, if convicted of such offenses while armed with any pistol or firearm, be imprisoned for  
6796 a mandatory-minimum term of not less than 5 years; and

6797 (2) Shall, if such person is convicted more than once of having so committed a crime  
6798 of violence, or a dangerous crime in the District of Columbia, or an offense in any other  
6799 jurisdiction that would constitute a crime of violence or dangerous crime if committed in the  
6800 District of Columbia, be sentenced, in addition to the penalty provided for such crime, to a  
6801 period of imprisonment of not less than 5 years and, except for first degree murder while armed,  
6802 second degree murder while armed, first degree sexual abuse while armed and first degree child  
6803 sexual abuse while armed, not more than 30 years, and shall, if convicted of such second offense  
6804 while armed with any pistol or firearm, be imprisoned for a mandatory-minimum term of not less  
6805 than 10 years.

6806 (3) Shall, if such person is convicted of first degree murder while armed, second  
6807 degree murder while armed, first degree sexual abuse while armed, or first degree child sexual  
6808 abuse while armed, be sentenced, in addition to the penalty provided for such crime, to a period  
6809 of imprisonment of not less than the minimum and mandatory minimum sentences required by  
6810 subsections (a)(1), (a)(2), (c) and (e) of this section and § 22-2104, and not more than life  
6811 imprisonment or life imprisonment without possibility of release as authorized by § 24-403.01(b-  
6812 2); § 22-2104; § 22-2104.01; and §§ 22-3002, 22-3008, and 22-3020.

6813 (4) For purposes of imprisonment following revocation of release authorized by § 24-  
6814 403.01(b)(7), the offenses defined by this section are Class A felonies.

6815 (b) [Reserved].

6816 (c) Any person sentenced pursuant to paragraph (1), (2), or (3) of subsection (a) above for  
6817 a conviction of a crime of violence or a dangerous crime while armed with any pistol or firearm,  
6818 shall serve a mandatory-minimum term of 5 years, if sentenced pursuant to paragraph (1) of  
6819 subsection (a) of this section, or 10 years, if sentenced pursuant to paragraph (2) of subsection (a)  
6820 of this section, and such person shall not be released, granted probation, or granted suspension of  
6821 sentence, prior to serving such mandatory-minimum sentence.

6822 (d) [Reserved].

6823 (e)(1) Subchapter I of Chapter 9 of Title 24 shall not apply with respect to any person  
6824 sentenced under paragraph (2) of subsection (a) of this section or to any person convicted more  
6825 than once of having committed a crime of violence or a dangerous crime in the District of  
6826 Columbia sentenced under subsection (a)(3) of this section.

6827 (2) The execution or imposition of any term of imprisonment imposed under paragraph  
6828 (2) or (3) of subsection (a) of this section may not be suspended and probation may not be  
6829 granted.

6830 (e-1) In addition to any other penalty provided under this section, a person may be fined  
6831 an amount not more than the amount set forth in § 22-3571.01.

6832 (f) Nothing contained in this section shall be construed as reducing any sentence  
6833 otherwise imposed or authorized to be imposed.

6834 (g) No conviction with respect to which a person has been pardoned on the ground of  
6835 innocence shall be taken into account in applying this section.

6836

6837 § 22-4502.01. Gun free zones; enhanced penalty.

6838 (a) All areas within, 1000 feet of an appropriately identified public or private day care  
6839 center, elementary school, vocational school, secondary school, college, junior college, or  
6840 university, or any public swimming pool, playground, video arcade, youth center, or public

6841 library, or in and around public housing as defined in section 3(1) of the United States Housing  
6842 Act of 1937, approved August 22, 1974 (88 Stat. 654; 42 U.S.C. § 1437a(b)), the development or  
6843 administration of which is assisted by the United States Department of Housing and Urban  
6844 Development, or in or around housing that is owned, operated, or financially assisted by the  
6845 District of Columbia Housing Authority, or an event sponsored by any of the above entities shall  
6846 be declared a gun free zone. For the purposes of this subsection, the term "appropriately  
6847 identified" means that there is a sign that identifies the building or area as a gun free zone.

6848 (b) Any person illegally carrying a gun within a gun free zone shall be punished by a fine  
6849 up to twice that otherwise authorized to be imposed, by a term of imprisonment up to twice that  
6850 otherwise authorized to be imposed, or both.

6851 (c) The provisions of this section shall not apply to a person legally licensed to carry a  
6852 firearm in the District of Columbia who lives or works within 1000 feet of a gun free zone or to  
6853 members of the Army, Navy, Air Force, or Marine Corps of the United States; the National  
6854 Guard or Organized Reserves when on duty; the Post Office Department or its employees when  
6855 on duty; marshals, sheriffs, prison, or jail wardens, or their deputies; policemen or other duly-  
6856 appointed law enforcement officers; officers or employees of the United States duly authorized  
6857 to carry such weapons; banking institutions; public carriers who are engaged in the business of  
6858 transporting mail, money, securities, or other valuables; and licensed wholesale or retail dealers.

6859  
6860 § 22-4503. Unlawful possession of firearm.

6861 (a) No person shall own or keep a firearm, or have a firearm in his or her possession or  
6862 under his or her control, within the District of Columbia, if the person:

6863 (1) Has been convicted in any court of a crime punishable by imprisonment for a term  
6864 exceeding one year;

6865 (2) Is not licensed under § 22-4510 to sell weapons, and the person has been convicted  
6866 of violating this chapter;

6867 (3) Is a fugitive from justice;

6868 (4) Is addicted to any controlled substance, as defined in § 48-901.02(4);

6869 (5) Is subject to a court order that:

6870 (A)(i) Was issued after a hearing of which the person received actual notice, and at  
6871 which the person had an opportunity to participate; or

6872 (ii) Remained in effect after the person failed to appear for a hearing of which the  
6873 person received actual notice;

6874 (B) Restrains the person from assaulting, harassing, stalking, or threatening the  
6875 petitioner or any other person named in the order; and

6876 (C) Requires the person to relinquish possession of any firearms;

6877 (6) Has been convicted within the past 5 years of an intrafamily offense, as defined in  
6878 D.C. Official Code § 16-1001(8), punishable as a misdemeanor, or any similar provision in the  
6879 law of another jurisdiction.

6880 (b)(1) A person who violates subsection (a)(1) of this section shall be sentenced to  
6881 imprisonment for not more than 10 years and shall be sentenced to imprisonment for a  
6882 mandatory-minimum term of 1 year, unless she or he has a prior conviction for a crime of  
6883 violence other than conspiracy, in which case she or he shall be sentenced to imprisonment for  
6884 not more than 15 years and shall be sentenced to a mandatory-minimum term of 3 years.

6885 (2) A person sentenced to a mandatory-minimum term of imprisonment under  
6886 paragraph (1) of this subsection shall not be released from prison or granted probation or

6887 suspension of sentence prior to serving the mandatory-minimum sentence.

6888 (3) In addition to any other penalty provided under this subsection, a person may be  
6889 fined an amount not more than the amount set forth in § 22-3571.01.

6890 (c) A person who violates subsection (a)(2) through (a)(6) of this section shall be  
6891 sentenced to not less than 2 years nor more than 10 years, fined not more than the amount set  
6892 forth in § 22-3571.01, or both.

6893 (d) For the purposes of this section, the term:

6894 (1) "Crime of violence" shall have the same meaning as provided in § 23-1331(4), or a  
6895 crime under the laws of any other jurisdiction that involved conduct that would constitute a  
6896 crime of violence if committed in the District of Columbia, or conduct that is substantially  
6897 similar to that prosecuted as a crime of violence under the District of Columbia Official Code.

6898 (2) "Fugitive from justice" means a person who has:

6899 (A) Fled to avoid prosecution for a crime or to avoid giving testimony in a criminal  
6900 proceeding; or

6901 (B) Escaped from a federal, state, or local prison, jail, halfway house, or detention  
6902 facility or from the custody of a law enforcement officer.

6903  
6904 § 22-4503.01. Unlawful discharge of a firearm.

6905 Except as otherwise permitted by law, including legitimate self-defense, no firearm shall  
6906 be discharged or set off in the District of Columbia without a special written permit from the  
6907 Chief of Police issued pursuant to Section 1 of Article 9 of the Police Regulations of the District  
6908 of Columbia, effective September 29, 1964 (C.O. 64-1397F; 24 DCMR § 2300.1) [CDCR 24-  
6909 2300.1].

6910  
6911 § 22-4503.02. Prohibition of firearms from public or private property.

6912 (a) The District of Columbia may prohibit or restrict the possession of firearms on its  
6913 property and any property under its control.

6914 (b) Private persons or entities owning property in the District of Columbia may prohibit  
6915 or restrict the possession of firearms on their property; provided, that this subsection shall not  
6916 apply to law enforcement personnel when lawfully authorized to enter onto private property.

6917  
6918 § 22-4504. Carrying concealed weapons; possession of weapons during commission of  
6919 crime of violence; penalty.

6920 (a) No person shall carry within the District of Columbia either openly or concealed on or  
6921 about their person, a pistol, without a license issued pursuant to District of Columbia law, or any  
6922 deadly or dangerous weapon. Whoever violates this section shall be punished as provided in §  
6923 22-4515, except that:

6924 (1) A person who violates this section by carrying a pistol, without a license issued  
6925 pursuant to District of Columbia law, or any deadly or dangerous weapon, in a place other than  
6926 the person's dwelling place, place of business, or on other land possessed by the person, shall be  
6927 fined not more than the amount set forth in § 22-3571.01 or imprisoned for not more than 5  
6928 years, or both; or

6929 (2) If the violation of this section occurs after a person has been convicted in the  
6930 District of Columbia of a violation of this section or of a felony, either in the District of  
6931 Columbia or another jurisdiction, the person shall be fined not more than the amount set forth in  
6932 § 22-3571.01 or imprisoned for not more than 10 years, or both.

6933 (a-1) Except as otherwise permitted by law, no person shall carry within the District of  
6934 Columbia a rifle or shotgun. A person who violates this subsection shall be subject to the  
6935 criminal penalties set forth in subsection (a)(1) and (2) of this section.

6936 (b) No person shall within the District of Columbia possess a pistol, machine gun,  
6937 shotgun, rifle, or any other firearm or imitation firearm while committing a crime of violence or  
6938 dangerous crime as defined in § 22-4501. Upon conviction of a violation of this subsection, the  
6939 person may be sentenced to imprisonment for a term not to exceed 15 years and shall be  
6940 sentenced to imprisonment for a mandatory-minimum term of not less than 5 years and shall not  
6941 be released on parole, or granted probation or suspension of sentence, prior to serving the  
6942 mandatory-minimum sentence.

6943 (c) In addition to any other penalty provided under this section, a person may be fined an  
6944 amount not more than the amount set forth in § 22-3571.01.

6945  
6946 § 22-4504.01. Authority to carry firearm in certain places and for certain purposes.  
6947 Notwithstanding any other law, a person holding a valid registration for a firearm may  
6948 carry the firearm:

- 6949 (1) Within the registrant's home;  
6950 (2) While it is being used for lawful recreational purposes;  
6951 (3) While it is kept at the registrant's place of business; or  
6952 (4) While it is being transported for a lawful purpose as expressly authorized by  
6953 District or federal statute and in accordance with the requirements of that statute.

6954  
6955 § 22-4504.02. Lawful transportation of firearms.

6956 (a) Any person who is not otherwise prohibited by the law from transporting, shipping, or  
6957 receiving a firearm shall be permitted to transport a firearm for any lawful purpose from any  
6958 place where he or she may lawfully possess and carry the firearm to any other place where he or  
6959 she may lawfully possess and carry the firearm if the firearm is transported in accordance with  
6960 this section.

6961 (b)(1) If the transportation of the firearm is by a vehicle, the firearm shall be unloaded,  
6962 and neither the firearm nor any ammunition being transported shall be readily accessible or  
6963 directly accessible from the passenger compartment of the transporting vehicle.

6964 (2) If the transporting vehicle does not have a compartment separate from the driver's  
6965 compartment, the firearm or ammunition shall be contained in a locked container other than the  
6966 glove compartment or console, and the firearm shall be unloaded.

6967 (c) If the transportation of the firearm is in a manner other than in a vehicle, the firearm  
6968 shall be:

- 6969 (1) Unloaded;  
6970 (2) Inside a locked container; and  
6971 (3) Separate from any ammunition.

6972  
6973 § 22-4505. Exceptions to § 22-4504.

6974 (a) The provisions of §§ 22-4504(a) and 22-4504(a-1) shall not apply to:

6975 (1) Marshals, sheriffs, prison or jail wardens, or their deputies, policemen or other duly  
6976 appointed law enforcement officers, including special agents of the Office of Tax and Revenue,  
6977 authorized in writing by the Deputy Chief Financial Officer for the Office of Tax and Revenue to  
6978 carry a firearm while engaged in the performance of their official duties, and criminal

6979 investigators of the Office of the Inspector General, designated in writing by the Inspector  
6980 General, while engaged in the performance of their official duties;

6981 (2) Special police officers and campus police officers who carry a firearm in  
6982 accordance with D.C. Official Code § 5-129.02, and rules promulgated pursuant to that section;

6983 (3) Members of the Army, Navy, Air Force, or Marine Corps of the United States or of  
6984 the National Guard or Organized Reserves when on duty, or to the regularly enrolled members of  
6985 any organization duly authorized to purchase or receive such weapons from the United States;  
6986 provided, that such members are at or are going to or from their places of assembly or target  
6987 practice;

6988 (4) Officers or employees of the United States duly authorized to carry a concealed  
6989 pistol;

6990 (5) Any person engaged in the business of manufacturing, repairing, or dealing in  
6991 firearms, or the agent or representative of any such person having in his or her possession, using,  
6992 or carrying a pistol in the usual or ordinary course of such business; and

6993 (6) Any person while carrying a pistol, transported in accordance with § 22-4504.02,  
6994 from the place of purchase to his or her home or place of business or to a place of repair or back  
6995 to his or her home or place of business or in moving goods from one place of abode or business  
6996 to another, or to or from any lawful recreational firearm-related activity.

6997 (b) The provisions of § 22-4504(a) with respect to pistols shall not apply to a police  
6998 officer who has retired from the Metropolitan Police Department, if the police officer has  
6999 registered a pistol and it is concealed on or about the police officer.

7000 (c) For the purposes of subsection (a)(6) of this section, the term "recreational firearm-  
7001 related activity" includes a firearms training and safety class.

7002

7003 § 22-4506. Issue of a license to carry a pistol.

7004 (a) The Chief of the Metropolitan Police Department ("Chief") may, upon the application  
7005 of a person having a bona fide residence or place of business within the District of Columbia, or  
7006 of a person having a bona fide residence or place of business within the United States and a  
7007 license to carry a pistol concealed upon his or her person issued by the lawful authorities of any  
7008 State or subdivision of the United States, issue a license to such person to carry a pistol  
7009 concealed upon his or her person within the District of Columbia for not more than 2 years from  
7010 the date of issue, if it appears that the applicant has good reason to fear injury to his or her person  
7011 or property or has any other proper reason for carrying a pistol, and that he or she is a suitable  
7012 person to be so licensed.

7013 (b) A non-resident who lives in a state that does not require a license to carry a concealed  
7014 pistol may apply to the Chief for a license to carry a pistol concealed upon his or her person  
7015 within the District of Columbia for not more than 2 years from the date of issue; provided, that  
7016 he or she meets the same reasons and requirements set forth in subsection (a) of this section.

7017 (c) For any person issued a license pursuant to this section, or renewed pursuant to § 7-  
7018 2509.03, the Chief may limit the geographic area, circumstances, or times of the day, week,  
7019 month, or year in which the license is effective, and may subsequently limit, suspend, or revoke  
7020 the license as provided under § 7-2509.05.

7021 (d) The application for a license to carry shall be on a form prescribed by the Chief and  
7022 shall bear the name, address, description, photograph, and signature of the licensee.

7023 (e) Except as provided in § 7-2509.05(b), any person whose application has been denied  
7024 or whose license has been limited or revoked may, within 15 days after the date of the notice of

7025 denial or notice of intent, appeal to the Concealed Pistol Licensing Review Board established  
7026 pursuant to § 7-2509.08.

7027

7028 § 22-4507. Certain sales of pistols prohibited.

7029 No person shall within the District of Columbia sell any pistol to a person who he or she  
7030 has reasonable cause to believe is not of sound mind, or is forbidden by § 22-4503 to possess a  
7031 pistol [now "firearm"], or, except when the relation of parent and child or guardian and ward  
7032 exists, is under the age of 21 years.

7033

7034 § 22-4508. Transfers of firearms regulated.

7035 No seller shall within the District of Columbia deliver a firearm to the purchaser thereof  
7036 until 10 days shall have elapsed from the date of the purchase thereof, except in the case of sales  
7037 to marshals, sheriffs, prison or jail wardens or their deputies, policemen, or other duly appointed  
7038 law enforcement officers, and, when delivered, said firearm shall be transported in accordance  
7039 with § 22-4504.02. At the time of purchase, the purchaser shall sign in duplicate and deliver to  
7040 the seller a statement containing his or her full name, address, occupation, date and place of  
7041 birth, the date of purchase, the caliber, make, model, and manufacturer's number of the firearm  
7042 and a statement that the purchaser is not forbidden by § 22-4503 to possess a firearm. The seller  
7043 shall, within 6 hours after purchase, sign and attach his or her address and deliver one copy to  
7044 such person or persons as the Chief of Police of the District of Columbia may designate, and  
7045 shall retain the other copy for 6 years. No machine gun, sawed-off shotgun, or blackjack shall be  
7046 sold to any person other than the persons designated in § 22-4514 as entitled to possess the same,  
7047 and then only after permission to make such sale has been obtained from the Chief of Police of  
7048 the District of Columbia. This section shall not apply to sales at wholesale to licensed dealers.

7049

7050 § 22-4509. Dealers of weapons to be licensed.

7051 No retail dealer shall within the District of Columbia sell or expose for sale or have in his  
7052 or her possession with intent to sell, any pistol, machine gun, sawed-off shotgun, or blackjack  
7053 without being licensed as provided in § 22-4510. No wholesale dealer shall, within the District of  
7054 Columbia, sell, or have in his or her possession with intent to sell, to any person other than a  
7055 licensed dealer, any pistol, machine gun, sawed-off shotgun, or blackjack.

7056

7057 § 22-4510. Licenses of weapons dealers; records; by whom granted; conditions.

7058 (a) The Mayor of the District of Columbia may, in his or her discretion, grant licenses  
7059 and may prescribe the form thereof, effective for not more than 1 year from date of issue,  
7060 permitting the licensee to sell pistols, machine guns, sawed-off shotguns, and blackjacks at retail  
7061 within the District of Columbia subject to the following conditions in addition to those specified  
7062 in § 22-4509, for breach of any of which the license shall be subject to forfeiture and the licensee  
7063 subject to punishment as provided in this chapter:

7064 (1) The business shall be carried on only in the building designated in the license.

7065 (2) The license or a copy thereof, certified by the issuing authority, shall be displayed  
7066 on the premises where it can be easily read.

7067 (3) No pistol shall be sold: (A) if the seller has reasonable cause to believe that the  
7068 purchaser is not of sound mind or is forbidden by § 22-4503 to possess a pistol [now "firearm"]  
7069 or is under the age of 21 years; and (B) unless the purchaser is personally known to the seller or  
7070 shall present clear evidence of his or her identity. No machine gun, sawed-off shotgun, or

7071 blackjack shall be sold to any person other than the persons designated in § 22-4514 as entitled  
7072 to possess the same, and then only after permission to make such sale has been obtained from the  
7073 Chief of Police of the District of Columbia.

7074 (4) A true record shall be made in a book kept for the purpose, the form of which may  
7075 be prescribed by the Mayor, of all pistols, machine guns, and sawed-off shotguns in the  
7076 possession of the licensee, which said record shall contain the date of purchase, the caliber,  
7077 make, model, and manufacturer's number of the weapon, to which shall be added, when sold, the  
7078 date of sale.

7079 (5) A true record in duplicate shall be made of every pistol, machine gun, sawed-off  
7080 shotgun, and blackjack sold, said record to be made in a book kept for the purpose, the form of  
7081 which may be prescribed by the Mayor of the District of Columbia and shall be personally  
7082 signed by the purchaser and by the person effecting the sale, each in the presence of the other  
7083 and shall contain the date of sale, the name, address, occupation, color, and place of birth of the  
7084 purchaser, and, so far as applicable, the caliber, make, model, and manufacturer's number of the  
7085 weapon, and a statement by the purchaser that the purchaser is not forbidden by § 22-4503 to  
7086 possess a pistol [now "firearm"]. One copy of said record shall, within 7 days, be forwarded by  
7087 mail to the Chief of Police of the District of Columbia and the other copy retained by the seller  
7088 for 6 years.

7089 (6) No pistol or imitation thereof or placard advertising the sale thereof shall be  
7090 displayed in any part of said premises where it can readily be seen from the outside. No license  
7091 to sell at retail shall be granted to anyone except as provided in this section.

7092 (b) Any license issued pursuant to this section shall be issued by the Metropolitan Police  
7093 Department as a Public Safety endorsement to a basic business license under the basic business  
7094 license system as set forth in subchapter I-A of Chapter 28 of Title 47 of the District of Columbia  
7095 Official Code [§ 47-2851.01 et seq.].

7096 § 22-4511. False information in purchase of weapons prohibited.  
7097

7098 No person shall, in purchasing a pistol or in applying for a license to carry the same, or in  
7099 purchasing a machine gun, sawed-off shotgun, or blackjack within the District of Columbia, give  
7100 false information or offer false evidence of his or her identity.

7101 § 22-4512. Alteration of identifying marks of weapons prohibited.  
7102

7103 No person shall within the District of Columbia change, alter, remove, or obliterate the  
7104 name of the maker, model, manufacturer's number, or other mark or identification on any pistol,  
7105 machine gun, or sawed-off shotgun. Nothing contained in this section shall apply to any officer  
7106 or agent of any of the departments of the United States or the District of Columbia engaged in  
7107 experimental work.

7108 § 22-4513. Exceptions.  
7109

7110 Except as provided in § 22-4502, § 22-4504(b), and § 22-4514(b), this chapter shall not  
7111 apply to toy or antique pistols unsuitable for use as firearms.

7112 § 22-4514. Possession of certain dangerous weapons prohibited; exceptions.  
7113

7114 (a) No person shall within the District of Columbia possess any machine gun, sawed-off  
7115 shotgun, knuckles, or any instrument or weapon of the kind commonly known as a blackjack,  
7116 slungshot, sand club, sandbag, switchblade knife, nor any instrument, attachment, or appliance

7117 for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the  
7118 firing of any firearms; provided, however, that machine guns, or sawed-off shotgun, knuckles,  
7119 and blackjacks may be possessed by the members of the Army, Navy, Air Force, or Marine  
7120 Corps of the United States, the National Guard, or Organized Reserves when on duty, the Post  
7121 Office Department or its employees when on duty, marshals, sheriffs, prison or jail wardens, or  
7122 their deputies, policemen, or other duly-appointed law enforcement officers, including any  
7123 designated civilian employee of the Metropolitan Police Department, or officers or employees of  
7124 the United States duly authorized to carry such weapons, banking institutions, public carriers  
7125 who are engaged in the business of transporting mail, money, securities, or other valuables,  
7126 wholesale dealers and retail dealers licensed under § 22-4510.

7127 (b) No person shall within the District of Columbia possess, with intent to use unlawfully  
7128 against another, an imitation pistol, or a dagger, dirk, razor, stiletto, or knife with a blade longer  
7129 than 3 inches, or other dangerous weapon.

7130 (c) Whoever violates this section shall be punished as provided in § 22-4515 unless the  
7131 violation occurs after such person has been convicted in the District of Columbia of a violation  
7132 of this section, or of a felony, either in the District of Columbia or in another jurisdiction, in  
7133 which case such person shall be imprisoned for not more than 10 years.

7134 (d) In addition to any other penalty provided under this section, a person may be fined an  
7135 amount not more than the amount set forth in § 22-3571.01.

7136

7137 § 22-4515. Penalties.

7138 Any violation of any provision of this chapter for which no penalty is specifically  
7139 provided shall be punished by a fine of not more than the amount set forth in § 22-3571.01 or  
7140 imprisonment for not more than 1 year, or both.

7141

7142 § 22-4515a. Manufacture, transfer, use, possession, or transportation of Molotov  
7143 cocktails, or other explosives for unlawful purposes, prohibited; definitions; penalties.

7144 (a) No person shall within the District of Columbia manufacture, transfer, use, possess, or  
7145 transport a molotov cocktail. As used in this subsection, the term "molotov cocktail" means: (1) a  
7146 breakable container containing flammable liquid and having a wick or a similar device capable  
7147 of being ignited; or (2) any other device designed to explode or produce uncontained combustion  
7148 upon impact; but such term does not include a device lawfully and commercially manufactured  
7149 primarily for the purpose of illumination, construction work, or other lawful purpose.

7150 (b) No person shall manufacture, transfer, use, possess, or transport any device,  
7151 instrument, or object designed to explode or produce uncontained combustion, with the intent  
7152 that the same may be used unlawfully against any person or property.

7153 (c) No person shall, during a state of emergency in the District of Columbia declared by  
7154 the Mayor pursuant to law, or during a situation in the District of Columbia concerning which  
7155 the President has invoked any provision of Chapter 15 of Title 10, United States Code,  
7156 manufacture, transfer, use, possess, or transport any device, instrument, or object designed to  
7157 explode or produce uncontained combustion, except at his or her residence or place of business.

7158 (d) Whoever violates this section shall: (1) for the first offense, be sentenced to a term of  
7159 imprisonment of not less than 1 and not more than 5 years; (2) for the second offense, be  
7160 sentenced to a term of imprisonment of not less than 3 and not more than 15 years; and (3) for  
7161 the third or subsequent offense, be sentenced to a term of imprisonment of not less than 5 years  
7162 and not more than 30 years. In the case of a person convicted of a third or subsequent violation

7163 of this section, Chapter 402 of Title 18, United States Code (Federal Youth Corrections Act)  
7164 shall not apply. For purposes of imprisonment following revocation of release authorized by §  
7165 24-403.01(b)(7), the third or subsequent conviction for an offense defined by this section is a  
7166 Class A felony.

7167 (e) In addition to any other penalty provided under this section, a person may be fined an  
7168 amount not more than the amount set forth in § 22-3571.01.

7169  
7170 § 22-4516. Severability.

7171 If any part of this chapter is for any reason declared void, such invalidity shall not affect  
7172 the validity of the remaining portions of this chapter.

7173  
7174 § 22-4517. Dangerous articles; definition; taking and destruction; procedure.

7175 (a) As used in this section, the term "dangerous article" means:

7176 (1) Any weapon such as a pistol, machine gun, sawed-off shotgun, blackjack,  
7177 slingshot, sandbag, or metal knuckles; or

7178 (2) Any instrument, attachment, or appliance for causing the firing of any firearms to  
7179 be silent or intended to lessen or muffle the noise of the firing of any firearms.

7180 (b) A dangerous article unlawfully owned, possessed, or carried is hereby declared to be a  
7181 nuisance.

7182 (c) When a police officer, in the course of a lawful arrest or lawful search, or when a  
7183 designated civilian employee of the Metropolitan Police Department in the course of a lawful  
7184 search, discovers a dangerous article which the officer reasonably believes is a nuisance under  
7185 subsection (b) of this section the officer shall take it into his or her possession and surrender it to  
7186 the Property Clerk of the Metropolitan Police Department.

7187 (d)(1) Within 30 days after the date of such surrender, any person may file in the office of  
7188 the Property Clerk of the Metropolitan Police Department a written claim for possession of such  
7189 dangerous article. Upon the expiration of such period, the Property Clerk shall notify each such  
7190 claimant, by registered mail addressed to the address shown on the claim, of the time and place  
7191 of a hearing to determine which claimant, if any, is entitled to possession of such dangerous  
7192 article. Such hearing shall be held within 60 days after the date of such surrender.

7193 (2) At the hearing the Property Clerk shall hear and receive evidence with respect to  
7194 the claims filed under paragraph (1) of this subsection. Thereafter he or she shall determine  
7195 which claimant, if any, is entitled to possession of such dangerous article and shall reduce his or  
7196 her decision to writing. The Property Clerk shall send a true copy of such written decision to  
7197 each claimant by registered mail addressed to the last known address of such claimant.

7198 (3) Any claimant may, within 30 days after the day on which the copy of such decision  
7199 was mailed to such claimant, file an appeal in the Superior Court of the District of Columbia. If  
7200 the claimant files an appeal, he or she shall at the same time give written notice thereof to the  
7201 Property Clerk. If the decision of the Property Clerk is so appealed, the Property Clerk shall not  
7202 dispose of the dangerous article while such appeal is pending and, if the final judgment is entered  
7203 by such court, he or she shall dispose of such dangerous article in accordance with the judgment  
7204 of such court. The Superior Court of the District of Columbia is authorized to determine which  
7205 claimant, if any, is entitled to possession of the dangerous article and to enter a judgment  
7206 ordering a disposition of such dangerous article consistent with subsection (f) of this section.

7207 (4) If there is no such appeal, or if such appeal is dismissed or withdrawn, the Property  
7208 Clerk shall dispose of such dangerous article in accordance with subsection (f) of this section.

7209 (5) The Property Clerk shall make no disposition of a dangerous article under this  
7210 section, whether in accordance with his or her own decision or in accordance with the judgment  
7211 of the Superior Court of the District of Columbia, until the United States Attorney for the District  
7212 of Columbia certifies to the Property Clerk that such dangerous article will not be needed as  
7213 evidence.

7214 (e) A person claiming a dangerous article shall be entitled to its possession only if: (1)  
7215 such person shows, on satisfactory evidence, that such person is the owner of the dangerous  
7216 article or is the accredited representative of the owner, and that the ownership is lawful; (2) such  
7217 person shows on satisfactory evidence that at the time the dangerous article was taken into  
7218 possession by a police officer or a designated civilian employee of the Metropolitan Police  
7219 Department, it was not unlawfully owned and was not unlawfully possessed or carried by the  
7220 claimant or with his or her knowledge or consent; and (3) the receipt of possession by the  
7221 claimant does not cause the article to be a nuisance. A representative is accredited if such person  
7222 has a power of attorney from the owner.

7223 (f) If a person claiming a dangerous article is entitled to its possession as determined  
7224 under subsections (d) and (e) of this section, possession of such dangerous article shall be given  
7225 to such person. If no person so claiming is entitled to its possession as determined under  
7226 subsections (d) and (e) of this section, or if there be no claimant, such dangerous article shall be  
7227 destroyed. In lieu of such destruction, any such serviceable dangerous article may, upon order of  
7228 the Mayor of the District of Columbia, be transferred to and used by any federal or District  
7229 Government law-enforcing agency, and the agency receiving same shall establish property  
7230 responsibility and records of these dangerous articles.

7231 (g) The Property Clerk shall not be liable in damages for any action performed in good  
7232 faith under this section.

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SUBTITLE VII.  
REPEALED PROVISIONS.  
[REPEALED].

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CHAPTER 46. EMBEZZLEMENT.  
[REPEALED].

Sec.

22-4601 to 22-4611. Embezzlement of property of District; embezzlement by agent, attorney,  
clerk, servant, or agent of a corporation; embezzlement of note not delivered; receiving  
embezzled property; embezzlement by carriers and innkeepers; embezzlement by  
warehouseman, factor, storage, forwarding, or commission merchant; violations of §§ 22-  
4602 to 22-4606 where value of property less than \$ 100; conversion by commission  
merchant, consignee, person selling goods on commission, and auctioneers;  
embezzlement by mortgagor of personal property in possession; embezzlement by  
executors and other fiduciaries; taking property without right. [Repealed].

7255 §§ 22-4601 to 22-4611. Embezzlement of property of District; embezzlement by agent,  
7256 attorney, clerk, servant, or agent of a corporation; embezzlement of note not delivered; receiving  
7257 embezzled property; embezzlement by carriers and innkeepers; embezzlement by  
7258 warehouseman, factor, storage, forwarding, or commission merchant; violations of §§ 22-4602 to  
7259 22-4606 where value of property less than \$ 100; conversion by commission merchant,  
7260 consignee, person selling goods on commission, and auctioneers; embezzlement by mortgagor of  
7261 personal property in possession; embezzlement by executors and other fiduciaries; taking  
7262 property without right. [Repealed].

7263 Repealed.

7264

#### CHAPTER 47. LARCENY; RECEIVING STOLEN GOODS.

7265 [REPEALED].

7266

7267

7268 Sec.

7269 22-4701 to 22-4708. Grand larceny; petit larceny; order of restitution; larceny after trust;  
7270 unauthorized use of vehicles; theft from vehicles; receiving stolen goods; stealing  
7271 property of District; receiving property stolen from District; destroying stolen property.  
7272 [Repealed].

7273

7274 §§ 22-4701 to 22-4708. Grand larceny; petit larceny; order of restitution; larceny after  
7275 trust; unauthorized use of vehicles; theft from vehicles; receiving stolen goods; stealing property  
7276 of District; receiving property stolen from District; destroying stolen property. [Repealed].

7277 Repealed.

7278

7279

#### CHAPTER 48. RAPE. [REPEALED].

7280

7281 Sec.

7282 22-4801. Definition and penalty. [Repealed].

7283

7284 § 22-4801. Definition and penalty. [Repealed].

7285 Repealed.

7286

7287

#### CHAPTER 49. SEDUCTION.

7288 [REPEALED].

7289

7290 Sec.

7291 22-4901 to 22-4902. Seduction; seduction by teacher. [Repealed].

7292

7293 §§ 22-4901, 22-4902. Seduction; seduction by teacher. [Repealed].

7294 Repealed.

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7296

#### CHAPTER 50. WAREHOUSE RECEIPTS.

7297 [REPEALED].

7298

7299 Sec.

7300 22-5001 to 22-5006. Issue of receipt for goods not received; issue of receipt containing false

7301 statement; issue of duplicate receipts not so marked; issue of receipt that does not state  
7302 warehouseman's ownership of goods; delivery of goods without obtaining negotiable  
7303 receipts; negotiation of receipt for mortgaged goods. [Repealed].  
7304

7305 §§ 22-5001 to 22-5006. Issue of receipt for goods not received; issue of receipt  
7306 containing false statement; issue of duplicate receipts not so marked; issue of receipt that does  
7307 not state warehouseman's ownership of goods; delivery of goods without obtaining negotiable  
7308 receipts; negotiation of receipt for mortgaged goods. [Repealed].  
7309 Repealed.  
7310

7311 CHAPTER 51. LIBEL; BLACKMAIL; EXTORTION; THREATS.  
7312 [REPEALED].  
7313

7314 Sec.  
7315 22-5101 to 22-5106. Libel (penalty; publication; justification); false charges of unchastity;  
7316 blackmail; intent to commit extortion by communication of illegal threats and demands.  
7317 [Repealed].  
7318

7319 §§ 22-5101 to 22-5106. Libel (penalty; publication; justification); false charges of  
7320 unchastity; blackmail; intent to commit extortion by communication of illegal threats and  
7321 demands. [Repealed].  
7322 Repealed.  
7323

7324 CHAPTER 52. MISCELLANEOUS PROVISIONS.  
7325 [REPEALED].  
7326

7327 Sec.  
7328 22-5201. "Gift enterprise" defined. [Repealed].  
7329 22-5202, 22-5203. Gift enterprise -- Prohibited; penalty. [Repealed].  
7330 22-5204 to 22-5206. Kosher meat -- Sale; labeling; signs displayed where kosher and nonkosher  
7331 meats sold; definitions; penalties. [Repealed].  
7332 22-5207, 22-5208. Limitation of hours of daily service for laborers and mechanics on public  
7333 works; penalty for violation of § 22-5207. [Repealed].  
7334 22-5209 to 22-5213. Mislabeling potatoes (prohibited; sign to show grade; exception for seed  
7335 potatoes; penalties); procuring enlistment of criminals. [Repealed].  
7336 22-5214. Use of the flag for advertising purposes; mutilation of the flag. [Repealed].  
7337 22-5215. Discrimination by theatre proprietors against persons wearing uniform of armed  
7338 services prohibited. [Repealed].  
7339

7340 § 22-5201. "Gift enterprise" defined. [Repealed].  
7341 Repealed.  
7342

7343 §§ 22-5202, 22-5203. Gift enterprise -- Prohibited; penalty. [Repealed].  
7344 Repealed.  
7345

7346 §§ 22-5204 to 22-5206. Kosher meat -- Sale; labeling; signs displayed where kosher and  
7347 nonkosher meats sold; definitions; penalties. [Repealed].  
7348 Repealed.  
7349  
7350 §§ 22-5207, 22-5208. Limitation of hours of daily service for laborers and mechanics on  
7351 public works; penalty for violation of § 22-5207. [Repealed].  
7352 Repealed.  
7353  
7354 §§ 22-5209 to 22-5213. Mislabeling potatoes (prohibited; sign to show grade; exception  
7355 for seed potatoes; penalties); procuring enlistment of criminals. [Repealed].  
7356 Repealed.  
7357  
7358 § 22-5214. Use of the flag for advertising purposes; mutilation of the flag. [Repealed].  
7359 Repealed.  
7360  
7361 § 22-5215. Discrimination by theatre proprietors against persons wearing uniform of  
7362 armed services prohibited. [Repealed].  
7363 Repealed.”  
7364  
7365 Sec. 3. Conforming amendments.  
7366 (a) Chapter 106 of the Acts of the Legislative Assembly, adopted August 23, 1871, is  
7367 amended as follows:  
7368 (1) Section 1 (D.C. Official Code § 22-1001) is repealed.  
7369 (2) Section 2 (D.C. Official Code § 22-1002) is repealed.  
7370 (3) Section 3 (D.C. Official Code § 22-1003) is repealed.  
7371 (4) Section 7 (D.C. Official Code § 22-1007) is repealed.  
7372 (5) Section 9 (D.C. Official Code § 22-1009) is repealed.  
7373 (6) Section 10 (D.C. Official Code § 22-1011) is repealed.  
7374 (7) Section 11 (D.C. Official Code § 22-1012(b)) is repealed.  
7375 (8) Section 12 (D.C. Official Code § 22-1013) is repealed.  
7376 (b) The Revised Statutes of the District of Columbia are amended as follows:  
7377 (1) Sections 268 through 270 (D.C. Official Code §§ 22-3320 through 22-3322)  
7378 are repealed.  
7379 (2) Sections 432 and 433 (D.C. Official Code §§ 22-405 and 22-1406) are  
7380 repealed.

7381 (3) Section 1806 (D.C. Official Code § 22-3318) is repealed.<sup>2</sup>  
7382 (c) Section 9 of An Act To create revenue in the District of Columbia by levying a tax  
7383 upon all dogs therein, to make such dogs personal property, and for other purposes, approved  
7384 June 19, 1878 (20 Stat. 174; D.C. Official Code § 22-1311), is repealed.  
7385 (d) Section 3 of An Act For the protection of children in the District of Columbia and for  
7386 other purposes, approved February 13, 1885 (23 Stat. 303; D.C. Official Code § 22-1101), is  
7387 repealed.  
7388 (e) Sections 4 and 6a of An Act to prevent cruelty to children or animals in the District  
7389 of Columbia, and for other purposes, approved June 25, 1892 (27 Stat. 60; D.C. Code §§ 22-  
7390 1012(a)<sup>3</sup> and 22-1006.01), are repealed.  
7391 (f) An Act For the preservation of the public peace and the protection of property within  
7392 the District of Columbia, approved July 29, 1892 (27 Stat. 322; codified in scattered sections of  
7393 the District of Columbia Official Code), is amended as follows:  
7394 (1) Section 2 (D.C. Official Code § 22-3313) is repealed.  
7395 (2) Section 3 (D.C. Official Code § 22-1309) is repealed.  
7396 (3) Section 4 (D.C. Official Code § 22-1317) is repealed.  
7397 (4) Section 6 (D.C. Official Code § 22-1307) is repealed.  
7398 (5) Section 9 (D.C. Official Code § 22-1312) is repealed.  
7399 (6) Section 10 (D.C. Official Code §§ 22-1310) 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).

7400 (7) Sections 11a and 11b (D.C. Official Code §§ 22-1314.01 and 22-1314.02) are  
7401 repealed.

7402 (8) Section 13 (D.C. Official Code § 22-3310) is repealed.

7403 (9) Section 14 (D.C. Official Code § 22-1313) is repealed.

7404 (10) Section 15 (D.C. Official Code § 22-3311) is repealed.

7405 (11) Section 16 (D.C. Official Code § 22-1318) is repealed.

7406 (12) Section 17 (D.C. Official Code § 22-1308) is repealed.

7407 (13) Section 18 (D.C. Official Code § 22-1809) is repealed.

7408 (g) An Act To punish the impersonation of inspectors of the health and other departments  
7409 of the District of Columbia, approved March 2, 1897 (29 Stat. 619; D.C. Official Code § 22-  
7410 1405), is repealed.

7411 (h) An Act To establish a code of law for the District of Columbia, approved March 3,  
7412 1901 (31 Stat. 1189; codified in scattered sections of the D.C. Official Code), is amended as  
7413 follows:

7414 (1) Section 213 (D.C. Official Code § 22-1514) is repealed.

7415 (2) Sections 798 through 802b (D.C. Official Code §§ 22-2101 through 2107) are  
7416 repealed.

7417 (3) Sections 803 through 806c (D.C. Official Code §§ 22-401 through 22-404.03)  
7418 are repealed.

7419 (4) Section 807 (D.C. Official Code § 22-406) is repealed.

7420 (5) Section 810 through 811a (D.C. Official Code § 22-2801 through 22-2803) are  
7421 repealed.

7422 (6) Section 812 (D.C. Official Code § 22-2001) is repealed.

7423 (7) Section 813 (D.C. Official Code § 22-2704) is repealed.

7424 (8) Sections 820 and 821 (D.C. Official Code §§ 22-301 and 22-302) are repealed.

7425 (9) Section 823 (D.C. Official Code § 22-801) is repealed.

7426 (10) Section 824 (D.C. Official Code § 22-3302) is repealed.

7427 (11) Section 825a (D.C. Official Code § 22-3305) is repealed.

7428 (12) Section 836a (D.C. Official Code § 22-1808) is repealed.

7429 (13) Section 844 (D.C. Official Code § 22-3307) is repealed.

7430 (14) Section 846 (D.C. Official Code § 22-3319) is repealed.

7431 (15) Section 848 (D.C. Official Code § 22-303) is repealed.  
7432 (16) Section 849 (D.C. Official Code § 22-3306) is repealed.  
7433 (17) Section 850 (D.C. Official Code § 22-3314) is repealed.  
7434 (18) Section 851 (D.C. Official Code § 22-3301) is repealed.  
7435 (19) Sections 859 and 860 (D.C. Official Code §§ 22-1403 and 22-1404) are  
7436 repealed.  
7437 (20) Sections 863 through 869 (D.C. Official Code §§ 22-1701 through 22-1708)  
7438 are repealed.  
7439 (21) Section 870 (D.C. Official Code § 22-501) is repealed.  
7440 (22) Sections 869(e) and 869(f) (D.C. Official Code §§ 22-1713 and 22-17114)  
7441 are repealed.  
7442 (23) Section 872 (D.C. Official Code § 22-2201) is repealed.  
7443 (24) Section 875 (D.C. Official Code § 22-1901) is repealed.  
7444 (25) Section 879 (D.C. Official Code § 22-1502) is repealed.  
7445 (26) Section 880 (D.C. Official Code § 22-3309) is repealed.  
7446 (27) Section 891 (D.C. Official Code § 22-3303) is repealed.  
7447 (28) Sections 901 and 902 (D.C. Official Code §§ 22-4403 and 22-4404) are  
7448 repealed.  
7449 (29) Sections 904 and 910 (D.C. Official Code §§ 22-1801 through 22-1807) are  
7450 repealed.  
7451 (i) Section 4 of An Act To enlarge the powers of the courts of the District of Columbia in  
7452 cases involving delinquent children, and for other purposes, approved March 3, 1901 (31 Stat.  
7453 1095; D.C. Official Code § 22-1102), is repealed.  
7454 (j) Section 845a of An Act To amend an Act entitled “An Act to establish a code of law  
7455 for the District of Columbia,” approved June 30, 1902 (32 Stat. 535; D.C. Official Code § 22-  
7456 1402) is repealed.<sup>4</sup>

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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.

7457 (k) An Act To prevent the giving of false alarms in the District of Columbia, approved  
7458 June 8, 1906 (34 Stat. 220; D.C. Official Code § 22-1319) is repealed.

7459 (l) An Act In relation to pandering, to define and prohibit the same and to provide for the  
7460 punishment thereof, approved June 25, 1910 (36 Stat. 833; D.C. Official Code §§ 22–2705  
7461 through 22-2712), is repealed.<sup>5</sup>

7462 (m) An Act To confer concurrent jurisdiction on the police court of the District of  
7463 Columbia in certain jurisdictions, approved July 16, 1912 (37 Stat. 192; D.C. Official Code §§  
7464 22-407, 22-1301, and 22-2722), is repealed.

7465 (n) An Act To amend section eight hundred and ninety-five of the Code of Law for the  
7466 District of Columbia, approved February 3, 1913 (37 Stat. 656; D.C. Official Code § 22–4402),  
7467 is repealed.<sup>6</sup>

7468 (o) An Act To prevent fraudulent advertising in the District of Columbia, approved May  
7469 29, 1916 (39 Stat. 165; D.C. Official Code §§ 22-1511 through 22-1513), is repealed.

7470 (p) An Act regulating the issuance of checks, drafts, and orders for the payment of money  
7471 within the District of Columbia, approved July 1, 1922 (47 Stat. 820; D.C. Official Code § 22-  
7472 1510), is repealed.

7473 (q) An Act To control the possession, sale, transfer, and use of pistols and other  
7474 dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of  
7475 evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code §§ 22-  
7476 4501 through 22-4517), is repealed.<sup>7</sup>

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<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 Code omits the section number for this statute.

<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.

7477 (r) Section 8 of An Act to establish a Board of Indeterminate Sentence and Parole for the  
7478 District of Columbia and to determine its functions, and for other purposes, approved July 15,  
7479 1932 (47 Stat. 698; D.C. Official Code § 22-2601), is repealed.

7480 (s) An Act For the suppression of prostitution in the District of Columbia, approved  
7481 August 15, 1935 (49 Stat. 651; D.C. Official Code § 22-2701 *et seq.*), is amended as follows:

7482 (1) Section 1 (D.C. Official Code § 22-2701) is repealed.

7483 (2) Section 3 (D.C. Official Code § 22-2703) is repealed.

7484 (3) Sections 5 through 7 (D.C. Official Code §§ 22-2723 through 22-2725) are  
7485 repealed.

7486 (t) An Act To define the crime of bribery and to provide for its punishment, approved  
7487 February 26, 1936 (49 Stat. 1143; D.C. Code § 22-704), is repealed.

7488 (u) Sections 2 through 4 of An Act To prohibit the introduction of contraband into the  
7489 District of Columbia penal institutions, approved December 15, 1941 (55 Stat. 800; D.C. Official  
7490 Code § 22-2603.01 through 22-2603.03), are repealed.

7491 (v) The District of Columbia Law Enforcement Act, approved June 29, 1953 (67 Stat. 90;  
7492 codified in scattered sections of the District of Columbia Official Code) is amended as follows:

7493 (1) Section 209(a) (D.C. Official Code § 22-2501) is repealed.

7494 (2) Section 211(a) (D.C. Official Code § 22-1321) is repealed.

7495 (w) Section 4 of An Act To revise and modernize the fish and game laws of the District  
7496 of Columbia, and for other purposes, approved August 23, 1958 (72 Stat. 815; D.C. Official  
7497 Code § 22-4331), is repealed.

7498 (x) An Act To prohibit the use by collecting agencies and private detective agencies of  
7499 any name, emblem, or insignia which reasonably tends to convey the impression that any such  
7500 agency is an agency of the government of the District of Columbia, approved October 16, 1962  
7501 (76 Stat. 1071; D.C. Official Code §§ 22-3401 through 22-3403), is repealed.

7502 (y) Section 901 of An Act Relating to crime and criminal procedure in the District of  
7503 Columbia, approved December 27, 1967 (81 Stat. 742; D.C. Official Code § 22-1322), is  
7504 repealed.

7505 (z) Section 1502 of the Omnibus Crime Control and Safe Streets Act of 1968, approved  
7506 June 19, 1968 (82 Stat. 238; D.C. Official Code § 22-1810), is repealed.

7507 (aa) Section 203 of the District of Columbia Court Reform and Criminal Procedure Act  
7508 of 1970, approved July 29, 1970 (84 Stat. 600; D.C. Official Code § 22-601), is repealed.

7509 (bb) Section 2 of the Control Prostitution and Sale of Controlled Substances in Public  
7510 Places Criminal Control Act of 1981, effective December 10, 1981 (D.C. Law 4-57; D.C. Code §  
7511 22-2701.01), is repealed.

7512 (cc) The District of Columbia Theft and White Collar Crimes Act of 1982, effective  
7513 December 1, 1982 (D.C. Law 4-164; codified in scattered sections of the D.C. Official Code)<sup>8</sup> is  
7514 amended as follows:

7515 (1) Sections 101 through 125g (D.C. Official Code §§ 22-3201 through 22-  
7516 3225.07) are repealed.

7517 (2) Section 125o (D.C. Official Code § 22-3225.15) is repealed.

7518 (3) Section 126a (D.C. Official Code § 22-3226.01) is repealed.

7519 (4) Sections 126f through 126h (D.C. Official Code §§ 22-3226.06 through 22-  
7520 3226.08) are repealed.

7521 (5) Section 126j (D.C. Official Code § 22-3226.10) is repealed.

7522 (6) Sections 301 through 303 (D.C. Official Code §§ 22-711 through 22-713) are  
7523 repealed.

7524 (7) Sections 401 through 404 (D.C. Official Code §§ 22-2402 through 22-2405)  
7525 are repealed.

7526 (8) Sections 501 through 503 (D.C. Official Code §§ 22-721 through 22-723) are  
7527 repealed.

7528 (9) Sections 3601 and 3602 (D.C. Official Code §§ 22-3601 and 22-3602) are  
7529 repealed.

7530 (dd) The District of Columbia Protection of Minors Act of 1982, effective March 9, 1983  
7531 (D.C. Law 4-173; D.C. Official Code § 22-3101 through 22-3104), is repealed.

7532 (ee) The Anti-Intimidation and Defacing of Public or Private Property Criminal Penalty  
7533 Act of 1982, effective March 10, 1983 (D.C. Law 4-203; D.C. Code §§ 22-3312.01 *et seq.*), is  
7534 amended as follows:

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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.

7535 (1) Section 1a (D.C. Official Code § 22-3312.05) is repealed.  
7536 (2) Section 2 (D.C. Official Code § 22-3312.01) is repealed.  
7537 (3) Section 3 (D.C. Official Code § 22-3312.02) is repealed.  
7538 (4) Section 4 (D.C. Official Code §§ 22-3312.03) is repealed.  
7539 (5) Section 5 (D.C. Official Code § 22-3312.04) is repealed.<sup>9</sup>

7540 (ff) Sections 2 through 4 of the Bias-Related Crime Act of 1989, effective May 8, 1990  
7541 (D.C. Law 8-121; D.C. Official Code § 22-3701 through 22-3703) are repealed.  
7542 (gg) Sections 2 through 7 of The Panhandling Control Act of 1993, effective November  
7543 17, 1993 (D.C. Law 10-54; D.C. Official Code §§ 22-2301 through 22-2306), are repealed.  
7544 (hh) Sections 101 through 219 of the Anti-Sexual Abuse Act of 1994, effective May 23,  
7545 1995 (D.C. Law 10-257; D.C. Official Code §§ 22-3001 through 22-3020), are repealed.<sup>10</sup>  
7546 (ii) The Commercial Counterfeiting Criminalization Act of 1996, effective June 3, 1997  
7547 (D.C. Law 11-271; D.C. Code §§ 22-901 and 22-902), is repealed.  
7548 (jj) Section 11712(e) of the National Capital Revitalization and Self-Government  
7549 Improvement Act of 1997, approved August 5, 1997 (111 Stat. 782; D.C. Official Code § 22-  
7550 1323) is repealed.  
7551 (kk) Section 16 of The Sex Offender Registration Act of 1999, effective July 11, 2000  
7552 (D.C. Law 13-137; D.C. Official Code § 22-4015), is repealed.  
7553 (ll) Sections 201 through 206 of the Seniors Protection Amendment Act of 2000,  
7554 effective June 8, 2001 (D.C. Law 13-301; D.C. Code §§ 22-931 through 22-936), are repealed.  
7555 (mm) Sections 2, 2a, and 3 of the Taxicab Drivers Protection Act of 2000, effective June  
7556 9, 2001 (D.C. Law 13-307; D.C. Official Code §§ 22-3751, 22-3751.01, and 22-3752), are  
7557 repealed.<sup>11</sup>

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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.

<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.

7558 (nn) Section 5 of the Innocence Protection Act of 2001, effective May 17, 2002 (D.C.  
7559 Law 14–134; D.C. Official Code § 22–4134), is repealed.

7560 (oo) The Omnibus Anti-Terrorism Act of 2002, effective October 17, 2002 (D.C. Law  
7561 14-194; codified in scattered sections of the District of Columbia Official Code), is amended as  
7562 follows:

7563 (1) Sections 101 through 106 (D.C. Code §§ 22-3151 through 22-3156) are  
7564 repealed.

7565 (2) Section 702 (D.C. Code § 22-1409) is repealed.

7566 (pp) The Omnibus Public Safety Amendment Act of 2006, effective April 24, 2007  
7567 (D.C. Law 16-306; codified in scattered sections of the District of Columbia Official Code) is  
7568 amended as follows:

7569 (1) Section 101 (D.C. Official Code § 22-951) is repealed.

7570 (2) Section 102 (D.C. Official Code § 22-3611) is repealed.

7571 (3) Section 103 (D.C. Official Code § 22-811) is repealed.

7572 (4) Section 105 (D.C. Official Code § 22-3531) is repealed.

7573 (5) Section 106 (D.C. Official Code § 22-851) is repealed.

7574 (6) Section 107 (D.C. Official Code § 22-1931) is repealed.

7575 (qq) The Omnibus Public Safety and Justice Amendment Act of 2009, effective  
7576 December 10, 2009 (D.C. Law 18–88; codified in scattered sections of the District of Columbia  
7577 Official Code), is amended as follows:

7578 (1) Section 102 (D.C. Code § 22-1341) is repealed.

7579 (2) Section 103 (D.C. Code §§ 22-1211) is repealed.

7580 (3) Sections 501 through 505 (D.C. Code §§ 22-3131 through 22-3135) is  
7581 repealed.

7582 (rr) Sections 101 through 108 of the Prohibition Against Human Trafficking Amendment  
7583 Act of 2010, effective October 23, 2010 (D.C. Law 18–239; D.C. Official Code §§ 22–1831  
7584 through 22-1838), are repealed.

7585 (ss) Sections 2 and 3 of the Residential Tranquility Act of 2010, effective May 26, 2011  
7586 (D.C. Law 18–374; D.C. Official Code §§ 22–2751 and 22-2752), are repealed.

7587 (tt) Sections 101 and 102 of the Criminal Fine Proportionality Amendment Act of 2012,  
7588 effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code §§ 22-3571.01 and 22-3571.02),  
7589 are repealed.

7590 (uu) The Prohibition of the Harm of Police Animals Act of 2014, effective April 24, 2015  
7591 (D.C. Law 20-242; D.C. Official Code § 22-861), is repealed.

7592 (vv) The Criminalization of Non-Consensual Pornography Act of 2014, effective May 7,  
7593 2015 (D.C. Law 20-275; D.C. Official Code §§ 22-3051 through 22-3057) is repealed.

7594

## 7595 **TITLE 2. TECHNICAL AMENDMENTS TO STATUTES OUTSIDE OF TITLE 22**

7596 Sec. 201. Short title.

7597 This title may be cited as the “Technical Amendments to Criminal Statutes Outside of  
7598 Title 22 Act of 2017.”

### 7599 **SUBTITLE A. TECHNICAL AMENDMENTS TO TITLE 2**

7600 Sec. 202. Section 821 of the District of Columbia Procurement Practices Act of 1985,  
7601 effective May 8, 1998 (D.C. Law 12-104; D.C. Official Code § 2-381.09) is amended by striking  
7602 the phrase “The Attorney General for the District of Columbia shall prosecute violations of this  
7603 section.”.<sup>12</sup>

### 7604 **SUBTITLE B. TECHNICAL AMENDMENTS TO TITLE 4**

7605 Sec. 203. The District of Columbia Public Assistance Act of 1982, effective April 6,  
7606 1982 (D.C. Law 4-101; codified in scattered sections of the D.C. Official Code) is amended as  
7607 follows:

7608 (a) Section 1801 (D.C. Official Code § 4-218.01) is amended as follows:

7609 (1) Subsection (a) is amended by striking the phrase “payment of public  
7610 assistance to which he is not entitled” and inserting the phrase “payment of public assistance to  
7611 which he or she is not entitled” in its place.

7612 (2) Subsection (b) is amended as follows:

7613 (A) By striking the word “he” both times it appears and inserting the  
7614 phrase “he or she” in its place.

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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.”

7615 (B) By striking the word “his” and inserting the phrase “his or her” in  
7616 its place.

7617 (b) Section 1805(c) (D.C. Official Code § 4-218.05(c)) is amended by striking  
7618 “Corporation Counsel” and inserting “Attorney General for the District of Columbia” in its  
7619 place.

7620 SUBTITLE C. TECHNICAL AMENDMENTS TO TITLE 6

7621 Sec. 204. Section 10(a) of An Act Providing for the zoning of the District of Columbia  
7622 and the regulation of the location, height, bulk, and uses of buildings and other structures and of  
7623 the uses of land in the District of Columbia, and for other purposes, approved June 20, 1938 (52  
7624 Stat. 800; D.C. Official Code § 6-641.09(a)), is amended as follows:

7625 (a) By striking the phrase “Inspector of Buildings, and said Inspector” and inserting the  
7626 phrase “Department of Consumer and Regulatory Affairs, and the Department of Consumer and  
7627 Regulatory Affairs” in its place.

7628 (b) By striking the phrase “Corporation Counsel or any of his assistants” and inserting the  
7629 phrase “Attorney General for the District of Columbia or any of his or her assistants” in its place.

7630 (c) By striking the phrase “Corporation Counsel of” and inserting the phrase “Attorney  
7631 General for” in its place.

7632 SUBTITLE D. TECHNICAL AMENDMENTS TO TITLE 7

7633 Sec. 205. Section 201(b) of the Firearms Control Regulations Act of 1975, effective  
7634 September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2502.01(b)) is amended as follows:

7635 (a) Subparagraph (2)(C) is amended by striking the word “his” and inserting the  
7636 phrase “his or her” in its place.

7637 (b) Paragraph (3) is amended as follows:

7638 (1) By striking the word “his” wherever it appears and inserting the phrase  
7639 “his or her” in its place.

7640 (2) By striking the word “he” wherever it appears and inserting the  
7641 phrase “he or she” in its place.

7642 SUBTITLE E. TECHNICAL AMENDMENTS TO TITLE 10

7643 Sec. 206. Section 6(c) of An Act To define the area of the United States Capitol  
7644 Grounds, to regulate the use thereof, and for other purposes, approved July 31, 1946 (60 Stat.

7645 718; D.C. Official Code § 10-503.16(c)) is amended by striking the word “his” and inserting the  
7646 phrase “his or her” in its place.

7647 SUBTITLE F. TECHNICAL AMENDMENTS TO TITLE 23

7648 Sec. 207. Title 23 of the District of Columbia Official Code is amended as follows:

7649 (a) Section 23-1327 is amended as follows:

7650 (1) Subsection (a) is amended as follows:

7651 (A) By striking the word “his” wherever it appears and inserting  
7652 the phrase “his or her” in its place.

7653 (B) By striking the word “he” wherever it appears and inserting the  
7654 phrase “he or she” in its place.

7655 (2) Subsection (c) is amended by striking the word “his” and inserting the phrase  
7656 “his or her” in its place.

7657 (b) Section 23-1329 is amended as follows:

7658 (1) Subsection (b)(1) is amended as follows:

7659 (A) By striking the word “he” both times it appears and inserting the  
7660 phrase “he or she” in its place.

7661 (B) By striking the word “his” and inserting the phrase “his or her” in its  
7662 place.

7663 (2) Subsection (c) is amended by striking the word “his” and inserting the phrase  
7664 “his or her” in its place.

7665 SUBTITLE G. TECHNICAL AMENDMENTS TO TITLE 24

7666 Section 208. Section 6(b) of the District of Columbia Work Release Act, approved  
7667 November 10, 1966 (80 Stat. 1520; D.C. Official Code § 24-241.05(b)) is amended as follows:

7668 (a) By striking the word “his” both times it appears and inserting the phrase “his  
7669 or her” in its place.

7670 (b) By striking the phrase “Corporation Counsel of” and inserting the phrase  
7671 “Attorney General for” in its place.

7672 SUBTITLE H. TECHNICAL AMENDMENTS TO TITLE 25

7673 Sec. 209. Section 25-1002(c)(2) of the District of Columbia Official Code is amended by  
7674 striking the word “his” and inserting the phrase “his or her” in its place.

7675 SUBTITLE I. TECHNICAL AMENDMENTS TO TITLE 47

7676 Sec. 210. Title 47 of the District of Columbia Official Code is amended as follows:

7677 (a) Section 47-2828(a) is amended by striking the word “his” and inserting the  
7678 phrase “his or her” in its place.

7679 (b) Section 47-2829 is amended as follows:

7680 (1) Subsection (b) is amended as follows:

7681 (A) By striking “Collector of Taxes” and inserting “Office of Tax  
7682 and Revenue” in its place.

7683 (B) By striking the word “his” and inserting the phrase “his or her” in its  
7684 place.

7685 (2) Subsection (i) is amended by striking the word “his” wherever it  
7686 appears and inserting the phrase “his or her” in its place.

7687 SUBTITLE J. TECHNICAL AMENDMENTS TO TITLE 48

7688 Sec. 211. Section 401(e)(2) of the District of Columbia Uniform Controlled Substances  
7689 Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-904.01(e)(2)) is  
7690 amended by striking the word “him” and inserting the phrase “him or her” in its place.

7691 SUBTITLE K. TECHNICAL AMENDMENTS TO TITLE 50

7692 Sec. 212. Section 6(b)(2) of the Uniform Classification and Commercial Driver’s  
7693 License Act of 1990, effective September 20, 1990 (D.C. Law 8-161; D.C. Official Code § 50-  
7694 405(b)(2)) is amended by striking “Corporation Counsel” and inserting “Attorney General for the  
7695 District of Columbia” in its place.

7696 Sec. 213. The District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat.  
7697 1119; codified in scattered cites of the D.C. Official Code) is amended as follows:

7698 (a) Section 7(a) (D.C. Official Code § 50-1401.01(a)) is amended as follows:

7699 (1) Paragraph (3) is amended as follows:

7700 (A) By striking the word “his” both times it appears and inserting  
7701 the phrase “his or her” in its place.

7702 (B) By striking the word “he” and inserting the phrase “he or she”  
7703 in its place.

7704 (C) By striking the word “him” and inserting the phrase “him or her” in its  
7705 place.

7706 (2) Paragraph (6) is amended by striking the word “his” and inserting the

7707 phrase “his or her” in its place.

7708 (b) Section 10b (D.C. Official Code § 50-2201.05b is amended as follows:

7709 (1) Paragraph (d)(1) is amended by striking the word “his” and inserting  
7710 the phrase “his or her” in its place.

7711 (2) By striking subsection (e).

7712 Sec. 214. Section 4(e) of the Removal and Disposition of Abandoned and Other  
7713 Unlawfully Parked Vehicles Reform Act of 2003, effective October 28, 2003 (D.C. Law 15-35;  
7714 D.C. Official Code § 50-2421.04(e)) is amended by striking “Corporation Counsel” and inserting  
7715 “Attorney General for the District of Columbia” in its place.

7716

7717 **TITLE 3. AMENDMENT OF AN UNCONSTITUTIONAL STATUTE**

7718 Sec. 301. Short title.

7719 This title may be cited as the “Possession of Unlawful Ammunition Offense Amendment  
7720 Act of 2017.”

7721 Sec. 302. Section 601 of the Firearms Control Regulations Act of 1975, effective  
7722 September 24, 1976 (D.C. Law 1-85; D.C. Code § 7-2506.01), is amended to read as follows:

7723 "Sec. 601. (a) *Definitions.* For the purposes of this section, the term "large capacity  
7724 ammunition feeding device" means a magazine, belt, drum, feed strip, or similar device that has  
7725 a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of  
7726 ammunition. The term "large capacity ammunition feeding device" shall not include an attached  
7727 tubular device designed to accept, and capable of operating only with, .22 caliber rimfire  
7728 ammunition.

7729 "(b) *Offense.* A person commits the crime of unlawful possession of ammunition when  
7730 that person:

7731 "(1) Possesses ammunition, and that person has not lawfully registered a firearm  
7732 of the same caliber or gauge of ammunition pursuant to subchapter IV of this unit;

7733 "(2) Possesses one or more restricted pistol bullets as defined in § 7-  
7734 2501.01(13A)(A); or

7735 "(3) Possesses, sells, or transfers any large capacity ammunition feeding device  
7736 regardless of whether the device is attached to a firearm.

7737 "(c) *Affirmative defense.* It is an affirmative defense to the crime of unlawful

7738 possession of ammunition for subsections (b)(1) and (b)(2) that the person charged:  
7739           "(1) Is a licensed dealer pursuant to subchapter IV of this unit;  
7740           "(2) Is an officer, agent, or employee of the District of Columbia or the United  
7741 States of America, and was on duty and acting within the scope of his or her duties when that  
7742 person possessed such ammunition;  
7743           "(3) Holds an ammunition collector's certificate on September 24, 1976; or  
7744           "(4) Temporarily possessed ammunition while participating in a  
7745 firearms training and safety class conducted by a firearms instructor."  
7746

#### 7747           **TITLE 4. ABOLITION OF COMMON LAW OFFENSES**

7748           Sec. 401. Short title.

7749           This title may be cited as the "Abolition of Common Law Offenses Act of 2017."

7750           Sec. 402. Section 1 of An Act To establish a code of law for the District of Columbia,  
7751 approved March 3, 1901 (31 Stat. 1189; D.C. Code § 45-401), is amended as follows:

7752           (a) Subsection (a) is amended by striking the phrase "some provision of the 1901  
7753 Code" and inserting the phrase "some provision of the 1901 Code or this section" in its place.

7754           (b) Subsection (b) is amended to read as follows:

7755           "Common law offenses are abolished and no act or omission constitutes an offense unless  
7756 made so by an Act of Congress, this Code, or a municipal regulation of the District of Columbia.  
7757 This subsection does not affect the power to punish for contempt, or to employ any sanction  
7758 authorized by law for the enforcement of an order or a civil judgment or decree. This subsection  
7759 shall not be construed to repeal any common law defenses or any legal precedent other than that  
7760 which recognizes common law offenses."  
7761

#### 7762           **TITLE 5. REPEAL OF ARCHAIC AND UNUSED OFFENSES OUTSIDE OF TITLE 22**

7763           Sec. 501. Short title.

7764           This title may be cited as the "Abolition of Common Law Offenses Act of 2017."

7765           Sec. 502. Section 6 of An Act for the promotion of anatomical science and to prevent the  
7766 desecration of graves in the District of Columbia, approved April 29, 1902 (32 Stat. 175; D.C.  
7767 Official Code § 3-206), is repealed.

7768           Sec. 503. Section 2 of An Act To give additional powers to the Board of Public Welfare  
7769 of the District of Columbia, and for other purposes, approved January 12, 1942 (55 Stat. 883;  
7770 D.C. Official Code § 4-125), is repealed.

7771           Sec. 504. Section 10 of An Act To regulate the importation of nursery stock and other  
7772 plants and plant products; to enable the Secretary of Agriculture to establish and maintain  
7773 quarantine districts for plant diseases and insect pests; to permit and regulate the movement of  
7774 fruits, plants, and vegetables therefrom, and for other purposes, approved August 20, 1912 (37  
7775 Stat. 318; D.C. Official Code § 8-305), is repealed.

7776           Sec. 505. The Permit Restoration Act of 1999, effective April 12, 2000 (D.C. Law 13-  
7777 91; D.C. Official Code §§ 9-433.01 and 9-433.02) is repealed.<sup>13</sup>

7778           Sec. 506. Section 8 of An Act Making appropriations to provide for the expenses of the  
7779 government of the District of Columbia for the fiscal year ending June thirtieth, nineteen  
7780 hundred and fourteen, and for other purposes, approved March 4, 1913 (37 Stat. 974; codified in  
7781 scattered sections of the District of Columbia Official Code), is amended as follows:

7782           (a) Paragraph 80 (D.C. Official Code § 34-701) is repealed.

7783           (b) Paragraph 86 (D.C. Official Code § 34-707) is repealed.

7784           Sec. 507. Section 878c of An Act To establish a code of law for the District of  
7785 Columbia, approved February 27, 1907 (34 Stat. 1007; D.C. Official Code § 36-153), is  
7786 repealed.<sup>14</sup>

7787           Sec. 508. Section 47-102 of the District of Columbia Official Code is repealed.

7788           Sec. 509. Conforming amendments.

7789           (a) Section 15 of An Act To regulate the importation of nursery stock and other plants  
7790 and plant products; to enable the Secretary of Agriculture to establish and maintain quarantine  
7791 districts for plant diseases and insect pests; to permit and regulate the movement of fruits, plants,

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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.

7792 and vegetables therefrom, and for other purposes, approved May 31, 1920 (41 Stat. 726; D.C.  
7793 Code § 8-304) is amended by striking the phrase “punished, as provided in § 8-305” and  
7794 inserting the phrase “guilty of a misdemeanor and shall, upon conviction thereof, be punished by  
7795 a fine not exceeding \$500 or by imprisonment not exceeding 1 year, or both such fine and  
7796 imprisonment, in the discretion of the court” in its place.<sup>15</sup>

7797 (b) Section 878d of An Act To establish a code of law for the District of Columbia,  
7798 approved February 27, 1907 (34 Stat. 1007; D.C. Official Code § 36-154) is amended by striking  
7799 the phrase “shall be punished as provided in § 36-153” and inserting the phrase “shall, for the 1st  
7800 offense, be punished by a fine of not less than \$.50 for each such vessel, or by imprisonment for  
7801 not less than 10 days nor more than 1 year, or by both such fine and imprisonment; and for each  
7802 subsequent offense by a fine of not less than \$1 nor more than \$5 for each such vessel, or by  
7803 imprisonment for not less than 20 days nor more than 1 year, or by both such fine and  
7804 imprisonment” in its place.<sup>16</sup>

#### 7805 **TITLE 6. APPLICABILITY DATE; FISCAL IMPACT; EFFECTIVE DATE**

7806 Sec. 601. Applicability.

7807 This Act shall apply as of [insert correct date].

7808 Sec. 602. Fiscal impact statement.

7809 [Insert appropriate language].

7810 Section 603. Effective date.

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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.

7811            This act shall take effect following approval by the Mayor (or in the event of veto by the  
7812 Mayor, action by the Council to override the veto), a 60-day period of Congressional review as  
7813 provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December  
7814 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of  
7815 Columbia Register.

SECOND DRAFT OF REPORT #1