ENROLLED ORIGINAL

AN ACT

D.C. ACT 24-789

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 17, 2023

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

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

Title I. CRIMINAL CODE ENACTMENT.

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

"TITLE 22A
REVISED CRIMINAL CODE

Chapter
1. General Part.
2. Offenses Against Persons.
3. Property Offenses.
4. Offenses Against Government Operations.
5. Public Order and Safety Offenses.

CHAPTER 1. GENERAL PART.

SUBCHAPTER I. PRELIMINARY PROVISIONS.

Sec.
22A-101. Definitions.
22A-102. Rules of interpretation.
22A-103. Interaction of Title 22A with other District laws.
22A-104. Applicability of the General Part.
22A-105. Role of Commentaries.

SUBCHAPTER II. BASIC REQUIREMENTS OF OFFENSE LIABILITY.

22A-201. Proof of offense elements beyond a reasonable doubt.
22A-202. Conduct requirement.
22A-203. Voluntariness requirement.
22A-204. Causation requirement.
22A-205. Culpable mental state requirement.
22A-206. Definitions and hierarchy of culpable mental states.
22A-207. Rules of interpretation applicable to culpable mental states.
22A-208. Principles of liability governing accident, mistake, and ignorance.
22A-209. Principles of liability governing intoxication.
22A-210. Accomplice liability.
22A-211. Criminal liability for conduct by an innocent or irresponsible person.
22A-212. Merger of related offenses.
22A-213. Judicial dismissal for minimal or unforeseen harms.
22A-214. Minimum age for offense liability.

SUBCHAPTER III. INCHOATE LIABILITY.

22A-301. Criminal attempt.
22A-302. Criminal solicitation.
22A-303. Criminal conspiracy.

22A-304. Exceptions to general inchoate liability.
22A-305. Renunciation defense to attempt, conspiracy, and solicitation.
SUBCHAPTER IV. JUSTIFICATION DEFENSES.
22A-401. Lesser harm.
22A-402. Execution of public duty.
22A-403. Defense of self or another person.
22A-404. Defense of property.
22A-405. Special responsibility for care, discipline, or safety defenses.
SUBCHAPTER V. EXCUSE DEFENSES.
22A-501. Duress.
22A-502. Temporary possession.
22A-503. Entrapment.
22A-504. Mental disability defense.
SUBCHAPTER VI. OFFENSE CLASSES, PENALTIES, AND ENHANCEMENTS.
22A-601. Offense classifications.
22A-602. Authorized dispositions.
22A-603. Authorized terms of imprisonment.
22A-604. Authorized fines.
22A-605. Charging and proof of penalty enhancements.
22A-606. Repeat offender penalty enhancement.
22A-607. Pretrial release penalty enhancement.
22A-608. Hate crime penalty enhancement.
22A-609. Hate crime penalty enhancement civil provisions.
22A-610. Abuse of government power penalty enhancement.
CHAPTER 2. OFFENSES AGAINST PERSONS.
SUBCHAPTER I. HOMICIDE.
22A-2101. Murder.
22A-2102. Manslaughter.
22A-2103. Negligent homicide.
SUBCHAPTER II. ROBBERY, ASSAULT, AND THREATS.
22A-2201. Robbery.
22A-2202. Carjacking.
22A-2203. Assault.
22A-2204. Assault on a law enforcement officer.
22A-2205. Criminal threats.
22A-2206. Offensive physical contact.
SUBCHAPTER III. SEXUAL ASSAULT AND RELATED PROVISIONS.
22A-2301. Sexual assault.
22A-2302. Sexual abuse of a minor.
22A-2303. Sexual abuse by exploitation.

22A-2304. Sexually suggestive conduct with a minor.
22A-2305. Enticing a minor into sexual conduct.
22A-2306. Arranging for sexual conduct with a minor or person incapable of consenting.
22A-2307. Nonconsensual sexual conduct.
22A-2308. Incest.
22A-2309. Civil provisions on the duty to report a sex crime.
22A-2310. Admission of evidence in sexual assault and related cases.
SUBCHAPTER IV. KIDNAPPING, CRIMINAL RESTRAINT, AND BLACKMAIL.
22A-2401. Kidnapping.
22A-2402. Criminal restraint.
22A-2403. Blackmail.
SUBCHAPTER V. ABUSE AND NEGLECT OF VULNERABLE PERSONS.
22A-2501. Criminal abuse of a minor.
22A-2502. Criminal neglect of a minor.
22A-2503. Criminal abuse of a vulnerable adult or elderly person.
22A-2504. Criminal neglect of a vulnerable adult or elderly person.
SUBCHAPTER VI. HUMAN TRAFFICKING.
22A-2601. Forced labor.
22A-2602. Forced commercial sex.
22A-2603. Trafficking in labor.
22A-2604. Trafficking in forced commercial sex.
22A-2605. Sex trafficking of a minor or adult incapable of consenting.
22A-2606. Benefiting from human trafficking.
22A-2607. Misuse of documents in furtherance of human trafficking.
22A-2608. Commercial sex with a trafficked person.
22A-2609. Forfeiture.
22A-2610. Reputation or opinion evidence.
22A-2611. Civil action.
22A-2612. Limitation on liability and sentencing for human trafficking offenses.
22A-2613. Civil forfeiture.
SUBCHAPTER VII. TERRORISM.
22A-2701. Act of terrorism.
22A-2702. Material support for an act of terrorism.
22A-2703. Manufacture or possession of a weapon of mass destruction.
22A-2704. Use, dissemination, or detonation of a weapon of mass destruction.
SUBCHAPTER VIII. STALKING, OBSCENITY, AND INVASIONS OF PRIVACY.
22A-2801. Stalking.
22A-2802. Electronic stalking.
22A-2803. Voyeurism.
22A-2804. Unauthorized disclosure of a sexual recording.

22A-2805. Distribution of an obscene image.
22A-2806. Distribution of an obscene image to a minor.
22A-2807. Creating or trafficking an obscene image of a minor.
22A-2808. Possession of an obscene image of a minor.
22A-2809. Arranging a live sexual performance of a minor.
22A-2810. Attending or viewing a live sexual performance of a minor.
CHAPTER 3. PROPERTY OFFENSES.
SUBCHAPTER I. PROPERTY OFFENSE SUBTITLE PROVISIONS.
22A-3101. Aggregation to determine property offense grades.
SUBCHAPTER II. THEFT.
22A-3201. Theft.
22A-3202. Unauthorized use of property.
22A-3203. Unauthorized use of a motor vehicle.
22A-3204. Shoplifting.
22A-3205. Unlawful creation or possession of a recording.
22A-3206. Unlawful operation of a recording device inside a movie theater.
SUBCHAPTER III. FRAUD.
22A-3301. Fraud.
22A-3302. Payment card fraud.
22A-3303. Check fraud.
22A-3304. Forgery.
22A-3305. Identity theft.
22A-3306. Identity theft civil provisions.
22A-3307. Unlawful labeling of a recording.
22A-3308. Financial exploitation of a vulnerable adult or elderly person.
22A-3309. Financial exploitation of a vulnerable adult or elderly person civil provisions.
22A-3310. Trademark counterfeiting.
SUBCHAPTER IV. EXTORTION.
22A-3401. Extortion.
SUBCHAPTER V. STOLEN PROPERTY.
22A-3501. Possession of stolen property.
22A-3502. Trafficking of stolen property.
22A-3503. Alteration of a motor vehicle identification number.
22A-3504. Alteration of a bicycle identification number.
SUBCHAPTER VI. PROPERTY DAMAGE.
22A-3601. Arson.
22A-3602. Reckless burning.
22A-3603. Criminal damage to property.
22A-3604. Criminal graffiti.
SUBCHAPTER VII. TRESPASS.

22A-3701. Trespass.
SUBCHAPTER VIII. BURGLARY.
22A-3801. Burglary.
22A-3802. Possession of tools to commit a property crime.
CHAPTER 4. OFFENSES AGAINST GOVERNMENT OPERATIONS.
SUBCHAPTER I. BRIBERY, IMPROPER INFLUENCE, AND OFFICIAL MISCONDUCT. [Reserved].
SUBCHAPTER II. PERJURY AND OTHER OFFICIAL FALSIFICATION OFFENSES.
22A-4201. Impersonation of an official.
22A-4202. Misrepresentation as a District of Columbia entity.
22A-4203. Perjury.
22A-4204. Perjury by false certification.
22A-4205. Solicitation of perjury.
22A-4206. False swearing.
22A-4207. False statements.
22A-4208. Impersonation of another before a tribunal, officer, or person.
SUBCHAPTER III. OBSTRUCTION OF GOVERNMENT OPERATIONS.
22A-4301. Obstruction of justice.
22A-4302. Tampering with a witness or informant.
22A-4303. Tampering with a juror or court official.
22A-4304. Retaliation against a witness, informant, juror, or court official.
22A-4305. Tampering with evidence.
22A-4306. Hindering apprehension or prosecution.
SUBCHAPTER IV. GOVERNMENT CUSTODY.
22A-4401. Escape from a correctional facility or officer.
22A-4402. Tampering with a detection device.
22A-4403. Correctional facility contraband.
22A-4404. Resisting arrest or interfering with the arrest of another person.
CHAPTER 5. PUBLIC ORDER AND SAFETY OFFENSES.
SUBCHAPTER I. WEAPON OFFENSES AND RELATED PROVISIONS.
22A-5101. Merger of related weapon offenses.
22A-5102. Exclusions from liability for weapon offenses.
22A-5103. Possession of a prohibited weapon or accessory.
22A-5104. Carrying a dangerous weapon.
22A-5105. Possession of a dangerous weapon with intent to commit a crime.
22A-5106. Possession of a dangerous weapon during a crime.
22A-5107. Possession of a firearm by an unauthorized person.
22A-5108. Negligent discharge of a firearm.
22A-5109. Alteration of a firearm identification mark.
22A-5110. Civil provisions for prohibitions of firearms on public or private property.

22A-5111. Civil provisions for lawful transportation of a firearm or ammunition.
22A-5112. Civil provisions for issuance of a license to carry a pistol.
22A-5113. Unlawful sale of a pistol.
22A-5114. Unlawful transfer of a firearm.
22A-5115. Sale of a firearm without a license.
22A-5116. Civil provisions for licenses of firearms dealers.
22A-5117. Unlawful sale of a firearm by a licensed dealer.
22A-5118. Use of false information for purchase or licensure of a firearm.
22A-5119. Civil provisions for taking and destruction of dangerous articles.
22A-5120. Endangerment with a firearm.
SUBCHAPTER II. BREACHES OF PEACE.
22A-5201. Disorderly conduct.
22A-5202. Public nuisance.
22A-5203. Blocking a public way.
22A-5204. Unlawful demonstration.
22A-5205. Breach of home privacy.
22A-5206. Indecent exposure.
22A-5207. Public urination or defecation.
SUBCHAPTER III. GROUP MISCONDUCT.
22A-5301. Failure to disperse.
SUBCHAPTER IV. PROSTITUTION AND RELATED STATUTES.
22A-5401. Prostitution.
22A-5402. Patronizing prostitution.
22A-5403. Trafficking in commercial sex.
22A-5404. Civil forfeiture.
SUBCHAPTER V. CRUELTY TO ANIMALS.
[Reserved].
SUBCHAPTER VI. OFFENSES AGAINST THE FAMILY AND YOUTH.
22A-5601. Contributing to the delinquency of a minor.
22A-5602. Bigamy.
SUBCHAPTER VII. GAMBLING.
22A-5701. Promoting gambling.
22A-5702. Rigging a publicly exhibited contest.
22A-5703. Permissible gambling activity.
SUBCHAPTER VIII. ENVIRONMENTAL OFFENSES.
[Reserved].

CHAPTER 1. GENERAL PART.

SUBCHAPTER I. PRELIMINARY PROVISIONS.

§ 22A-101. Definitions.

For the purposes of this title, the term:

(1) "Act" shall have the same meaning as provided in § 22A-202.

(2) "Actor" means a person accused of a criminal offense.

(3) "Ammunition" shall have the same meaning as provided in § 7-2501.01(2).

(4)(A) "Amount of damage" means:

(i) When property is completely destroyed, the property's fair market value at the time it was destroyed; or

(ii) When the property is partially damaged, either:

(I) The reasonable cost of necessary repairs, if there are repairs; or

(II) If there are no repairs, the change in the fair market value of the property due to the damage.

(B) Notwithstanding subparagraph (A)(ii) of this paragraph, if the reasonable cost of necessary repairs is greater than the fair market value of the property at the time it was partially damaged, that fair market value is the amount of damage.

(5) "Assault weapon" shall have the same meaning as provided in § 7-2501.01(3A).

(6) "Audiovisual recording" means a material object 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 existing or later developed, together with any accompanying sounds.

(7) "Biological agent" means any microorganism, virus, infectious substance, or biological product that may be bioengineered, or any naturally occurring or bioengineered component of any such microorganism, virus, infectious substance, or biological product, capable of causing:

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

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

(C) Deleterious alteration of the environment.

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

(9) "Bodily injury" means physical pain, physical injury, illness, or impairment of physical condition.

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

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

(12) "Business yard" means securely fenced or walled land where goods are stored or merchandise is traded.

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

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

(15) "Class A contraband" means:

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

(B) Ammunition or an ammunition clip;

(C) A flammable liquid or explosive powder;

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

(E) A shank or a homemade knife;

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

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

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

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

(J) Rope; or

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

(16) "Class B contraband" means:

(A) Any controlled substance or marijuana;

(B) Any alcoholic liquor or beverage;

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

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

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

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

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

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

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

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

(C) Accuse a person of a crime;

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

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

(ii) Significant injury to credit or business reputation;

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

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

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

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

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

(21) "Comparable violation" means a violation of civil law committed against the District of Columbia, a state, a federally recognized Indian tribe, or the United States and its territories, with elements that would necessarily prove the elements of a corresponding current District civil law violation.

(22) "Complainant" means a person who is alleged to have been subjected to the criminal offense.

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

(24) "Consent" means a word or act that:

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

(B) Is not given by a person who:

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) Judicial officer;

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

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

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

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

(32) "Crime of violence" means:

(A) Murder under § 22A-2101;

(B) Manslaughter under § 22A-2102;

(C) Robbery under § 22A-2201;

(D) Carjacking under § 22A-2202;

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

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

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

(H) First degree, second degree, and third degree sexual assault under § 22A-2301(a)-(c);

(I) First, second, fourth, and fifth degree sexual abuse of a minor under § 22A-2302(a), (b), (d), or (e);

(J) Kidnapping under § 22A-2401;

(K) Enhanced criminal restraint under § 22A-2402(a) and (d)(2);

(L) First and second degree criminal abuse of a minor under § 22A-2501(a)-(b);

(M) First and second degree criminal abuse of a vulnerable adult or elderly person under § 22A-2503(a)-(b);

(N) Forced labor under § 22A-2601;

(O) Forced commercial sex under § 22A-2602;

(P) Trafficking in labor under § 22A-2603;

(Q) Trafficking in forced commercial sex under § 22A-2604;

(R) Sex trafficking of a minor or adult incapable of consenting under § 22A-2605;

(S) Act of terrorism under § 22A-2701;

(T) Manufacture or possession of a weapon of mass destruction under § 22A-2703;

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

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

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

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

(33) "Criminal investigation" means an investigation of a violation of any criminal law in effect in the District of Columbia.

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

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

(36) "Dangerous weapon" means:

(A) A firearm;

(B) A restricted explosive;

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

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

(E) A stun gun; or

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

(37) "Deadly force" means any physical force that is likely to cause serious bodily injury or death.

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

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

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

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

(39)(A) "Deceive", and other parts of speech, including "deception", mean:

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

(ii) Preventing another person from acquiring material information;

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

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

(B) The term "deceive" does not include puffing statements that are unlikely to deceive ordinary persons.

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

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

(41) "Deprive" means:

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

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

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

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

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

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

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

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

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

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

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

(51) "False knuckles" means an object, whether made of metal, wood, plastic, or other similarly durable material that is constructed of one piece, the outside part of which is designed to fit over and cover the fingers on a hand and the inside part of which is designed to be gripped by the fist.

(52) "Felony" means:

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

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

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

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

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

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

(C) Medical bills;

(D) Relocation costs;

(E) Lost wages or compensation; and

(F) Attorneys' fees.

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

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

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

(C) Shall include operable antique pistols.

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

(56) "Gambling activity" means:

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

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

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

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

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

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

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

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

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

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

(B) Has a primary nighttime residence that is:

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

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

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

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

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

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

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

(68) "Incapacitated individual" shall have the same meaning as provided in § 21-2011(11).

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

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

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

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

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

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

(75) "Law enforcement officer" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) Plutonium;

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

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

(D) Uranium 233.

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

(87) "Obscene" means:

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

(B) Patently offensive; and

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

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

(89) "Official custody" means full submission after an arrest or substantial physical restraint after an arrest.

(90) "Official proceeding" means:

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

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

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

(92) "Open to the general public" means a location:

(A) To which the public is invited; and

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

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

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

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

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

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

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

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

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

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

(A) When the complainant is a person under 18 years of age:

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

(ii) Someone who is acting with the effective consent of such a parent or such a person; or

(B) When the complainant is an incapacitated individual:

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

(ii) Someone who is acting with the effective consent of such a guardian.

(100) "Personal identifying information" means:

(A) Name, address, telephone number, date of birth, or mother's given name;

(B) Driver's license or driver's license number, or non-driver's license or non-driver's license number;

(C) Savings, checking, or other financial account number;

(D) Social security number or tax identification number;

(E) Passport or passport number;

(F) Citizenship status, visa, or alien registration card or number;

(G) Birth certificate or a facsimile of a birth certificate;

(H) Credit or debit card, or credit or debit card number;

(I) Credit history or credit rating;

(J) Signature;

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

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

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

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

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

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

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

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

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

(i) Blood or adoption; or

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

(B) A half-sibling related by blood;

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

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

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

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

(G) Any employee, contractor, or volunteer of a school, religious institution, or an educational, social, recreational, athletic, musical, charitable, or youth facility,

organization, or program, that exercises supervisory or disciplinary authority over the complainant; or

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

(105) "Possess", and other parts of speech, including "possesses", "possessing", and "possession", mean:

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

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

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

(A) An adjudication of juvenile delinquency;

(B) Probation under § 48-904.01(e);

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

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

(107) "Property" means anything of value and includes:

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

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

(C) Services;

(D) Credit;

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

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

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

(109) "Protected person" means:

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

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

(C) A vulnerable adult;

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

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

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

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

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

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

(112) "Public safety employee" means:

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

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

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

(113) "Publicly exhibited contest" means any:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(126) "Serious bodily injury" means a bodily injury or significant bodily injury that involves:

(A) A substantial risk of death;

(B) Protracted and obvious disfigurement;

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

(D) Protracted loss of consciousness.

(127) "Serious mental injury" means substantial, prolonged harm to a person's psychological or intellectual functioning, that may be exhibited by severe anxiety, depression, withdrawal, or outwardly aggressive behavior, or a combination of those behaviors, and that may be demonstrated by a change in behavior, emotional response, or cognition.

(128) "Services" includes:

(A) Labor, whether professional or nonprofessional;

(B) The use of vehicles or equipment;

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

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

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

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

(129) "Sexual act" means:

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

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

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

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

(130) "Sexual contact" means:

(A) Sexual act; or

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

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

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

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

(132) "Significant emotional distress" means substantial, ongoing mental suffering that may require medical or other professional treatment or counseling, and must rise significantly above the level of uneasiness, nervousness, unhappiness, or similar feeling, that is commonly experienced in day-to-day living.

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

(134) "Social gambling" means any game, wager, or transaction that is:

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

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

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

(136) "Speech" means oral or written language, symbols, or gestures.

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

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

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

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

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

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

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

(142) "Transportation worker" means:

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

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

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

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

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

(144) "Unit of government" means:

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

(B) The United States Congress;

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

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

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

(F) The Council of the District of Columbia;

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

(H) The District of Columbia Court of Appeals;

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

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

(K) The Supreme Court of the United States.

(145)(A) "Value" means:

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

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

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

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

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

(B) Notwithstanding subparagraph (A)(i) and (ii) of this paragraph, the value of a payment card alone is $10, and the value of an unendorsed check alone is $10.

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

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

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

(149) "Weapon of mass destruction" means:

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

(i) Bomb;

(ii) Grenade;

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

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

(v) Mine; or

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

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

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

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

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

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

(150) "Written instrument" includes any:

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

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

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

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

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

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

§ 22A-102. Rules of interpretation.

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

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

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

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

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

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

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

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

§ 22A-105. Role of commentaries.

On or before the effective date of this title, the Criminal Code Reform Commission shall transmit commentaries pertaining to the provisions of the Revised Criminal Code Reform Act of 2022, passed on 2nd reading on November 15, 2022 (Enrolled version of Bill 24-416), to the Secretary of the Council, who shall publish the commentaries in the D.C. Register. These commentaries may be used as an aid in understanding the provisions of this code.

SUBCHAPTER II. BASIC REQUIREMENTS OF OFFENSE LIABILITY.

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

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

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

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

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

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

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

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

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

(3) "Culpability required" includes:

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

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

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

(4) "Objective element" means any conduct element, result element, or circumstance element.

(5) "Offense element" includes the necessary objective elements and culpability required for an offense.

(6) "Result element" means any consequence caused by a person's act or omission that is required to establish liability for an offense.

§ 22A-202. Conduct requirement.

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

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

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

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

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

(1) "Act" means a bodily movement.

(2) "Omission" means a failure to engage in an act when:

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

(B) The person is either:

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

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

§ 22A-203. Voluntariness requirement.

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

(b) *Scope of voluntariness requirement.*

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

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

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

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

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

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

§ 22A-204. Causation requirement.

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

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

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

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

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

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

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

§ 22A-205. Culpable mental state requirement.

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

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

(1) "Culpable mental state" means:

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

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

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

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

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

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

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

(b) "*Knowingly*" or "*intentionally*". A person acts knowingly or intentionally:

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

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

(c) "*Recklessly*". A person acts recklessly:

(1) As to a result element, when:

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

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

(2) As to a circumstance element, when:

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

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

(d) "*Negligently*". A person acts negligently:

(1) As to a result element, when:

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

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

(2) As to a circumstance element, when:

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

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

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

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

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

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

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

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

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

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

(1) That is modified by the phrase "in fact"; or

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

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

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

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

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

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

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

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

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

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

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

(A) Whether conduct constitutes that offense; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 22A-210. Accomplice liability.

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

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

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

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

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

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

(1) Ensures their prior efforts are wholly ineffective;

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

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

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

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

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

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

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

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

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

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

(1) Lacks the culpability required for the offense;

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

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

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

(1) Ensures their prior efforts are wholly ineffective;

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

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

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

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

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

§ 22A-212. Merger of related offenses.

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

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

(2) The offenses differ only in that:

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

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

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

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

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

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

(A) The other offense; or

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

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

(A) The same offense; or

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

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

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

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

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

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

(i) The time for appeal has expired; or

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

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

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

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

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

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

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

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

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

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

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

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

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

SUBCHAPTER III. INCHOATE LIABILITY.

§ 22A-301. Criminal attempt.

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

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

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

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

(4) Either:

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

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

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

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

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

§ 22A-302. Criminal solicitation.

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

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

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

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

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

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

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

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

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

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

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

§ 22A-303. Criminal conspiracy.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) *Legality of conduct in other jurisdiction no defense*. When subsection (e) of this section is proven, it is not a defense to a prosecution for conspiracy that the conduct that is the object of the conspiracy would not constitute a criminal offense under the laws of the jurisdiction in which the conspiracy was formed.

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

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

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

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

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

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

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

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

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

(3) The target offense was not committed.

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

(1) A belief that circumstances exist which:

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

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

(2) A decision to:

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

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

SUBCHAPTER IV. JUSTIFICATION DEFENSES.

§ 22A-401. Lesser harm.

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

(1) The actor reasonably believes that:

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

(B) The conduct constituting the offense:

(i) Will protect against the harm; and

(ii) Is necessary in degree; and

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

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

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

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

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

§ 22A-402. Execution of public duty.

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

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

(A) A court order;

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

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

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

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

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

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

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

(b) *Exceptions*.

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

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

(A) Is expressly authorized by law; or

(B) Occurs in the lawful conduct of war.

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

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

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

(2) The conduct constituting the offense:

(A) Will protect against the harm; and

(B) Is necessary in degree.

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

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

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

(i) Of a serious bodily injury, a sexual act, confinement, or death; or

(ii) While in their individual dwelling unit, of a bodily injury or a sexual contact; and

(B) The conduct constituting the offense:

(i) Will protect against the harm; and

(ii) Is necessary in degree;

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

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

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

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

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

(3) Whether the complainant:

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

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

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

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

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

§ 22A-404. Defense of property.

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

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

(2) The conduct constituting the offense:

(A) Will protect against the harm; and

(B) Is necessary in degree.

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

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

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

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

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

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

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

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

(B) The actor is either:

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

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

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

(3) In fact, such conduct:

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

(B) Either:

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

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

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

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

(A) The complainant is an incapacitated individual; and

(B) The actor is either:

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

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

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

(3) In fact, such conduct:

(A) Is reasonable under all the circumstances;

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

(C) Either:

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

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

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

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

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

(B) The actor is either:

(i) A licensed health professional; or

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

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

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

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

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

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

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

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

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

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

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

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

(3) In fact, such conduct:

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

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

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

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

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

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

SUBCHAPTER V. EXCUSE DEFENSES.

§ 22A-501. Duress.

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

(1) The actor reasonably believes:

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

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

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

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

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

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

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

§ 22A-502. Temporary possession.

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

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

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

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

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

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

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

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

(F) Permanently dispose of the item; and

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

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

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

(2) Possession of a stun gun under § 7-2502.15;

(3) Carrying an air or spring gun under § 7-2502.17;

(4) Carrying a pistol in an unlawful manner under § 7-2509.06;

(5) Possession of a prohibited weapon or accessory under § 22A-5103;

(6) Carrying a dangerous weapon under § 22A-5104; or

(7) Possession of a firearm by an unauthorized person under § 22A-5107.

§ 22A-503. Entrapment.

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

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

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

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

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

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

§ 22A-504. Mental disability defense.

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

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

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

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

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

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

SUBCHAPTER VI. OFFENSE CLASSES, PENALTIES, AND ENHANCEMENTS.

§ 22A-601. Offense classifications.

Each offense subject to this title is classified as a:

(1) Class 1 felony;

(2) Class 2 felony;

(3) Class 3 felony;

(4) Class 4 felony;

(5) Class 5 felony;
(6) Class 6 felony;
(7) Class 7 felony;
(8) Class 8 felony;
(9) Class 9 felony;
(10) Class A misdemeanor;
(11) Class B misdemeanor;
(12) Class C misdemeanor;
(13) Class D misdemeanor; or
(14) Class E misdemeanor.

§ 22A-602. Authorized dispositions.

(a) *Authorized dispositions.* Unless otherwise expressly specified by statute, upon conviction for an offense subject to this title, a court may sentence a person to sanctions that include:

(1) A term of imprisonment under § 22A-603;
(2) A fine under § 22A-604;
(3) Probation under § 16-710;
(4) Restitution or reparation under § 16-711;
(5) Community service under § 16-712;
(6) A sentencing alternative under § 24-903; and
(7) Work release under § 24-241.01.

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

(1) [RESERVED.];
(2) [RESERVED.].

§ 22A-603. Authorized terms of imprisonment.

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

(1) For a Class 1 felony, 45 years;
(2) For a Class 2 felony, 40 years;
(3) For a Class 3 felony, 30 years;
(4) For a Class 4 felony, 24 years;
(5) For a Class 5 felony, 18 years;
(6) For a Class 6 felony, 12 years;
(7) For a Class 7 felony, 8 years;
(8) For a Class 8 felony, 4 years;
(9) For a Class 9 felony, 2 years;
(10) For a Class A misdemeanor, 1 year;
(11) For a Class B misdemeanor, 180 days;

(12) For a Class C misdemeanor, 60 days;
(13) For a Class D misdemeanor, 10 days; and
(14) For a Class E misdemeanor, no imprisonment.

§ 22A-604. Authorized fines.

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

(1) For a Class 1 felony, $1 million;
(2) For a Class 2 felony, $750,000;
(3) For a Class 3 felony, $500,000;
(4) For a Class 4 felony, $250,000;
(5) For a Class 5 felony, $100,000;
(6) For a Class 6 felony, $75,000;
(7) For a Class 7 felony, $50,000;
(8) For a Class 8 felony, $25,000;
(9) For a Class 9 felony, $10,000;
(10) For a Class A misdemeanor, $5,000;
(11) For a Class B misdemeanor, $2,500;
(12) For a Class C misdemeanor, $1,000;
(13) For a Class D misdemeanor, $500; and
(14) For a Class E misdemeanor, $250.

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

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

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

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

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

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

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

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

(d) *Definitions.* For the purposes of this section, the term "organizational actor" means any actor other than a natural person, including a trust, estate, fiduciary, partnership, company,

corporation, association, organization, union, government, government agency, or government-owned corporation, or any other legal entity.

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

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

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

§ 22A-606. Repeat offender penalty enhancement.

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

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

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

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

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

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

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

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

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

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

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

(d) *Penalties.*

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

(A) For a Class 1 or Class 2 felony, by 6 years and $50,000;
(B) For a Class 3 or Class 4 felony, by 4 years and $40,000;
(C) For a Class 5 or Class 6 felony, by 2 years and $30,000;
(D) For a Class 7 or Class 8 felony, by 1 year and $20,000; and
(E) For a Class 9 felony, 180 days and $10,000.

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

(A) For a Class A or Class B misdemeanor, by 60 days and $500; and
(B) For a Class C, Class D, or Class E misdemeanor, by 10 days and $50.

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

§ 22A-607. Pretrial release penalty enhancement.

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

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

(1) Contempt under § 11-741;
(2) Third degree escape from a correctional facility or officer under § 22A-4401(c);
(3) Tampering with a detection device under § 22A-4402(a)(1)(B); or
(4) Violation of a condition of pretrial release under § 23-1329.

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

(1) For a Class 1 or Class 2 felony, by 6 years and $50,000;
(2) For a Class 3 or Class 4 felony, by 4 years and $40,000;
(3) For a Class 5 or Class 6 felony, by 2 years and $30,000;
(4) For a Class 7 or Class 8 felony, by 1 year and $20,000;
(5) For a Class 9 felony, by 180 days and $10,000;
(6) For a Class A or B misdemeanor, by 60 days and $500; and
(7) For a Class C, Class D, or Class E misdemeanor, by 10 days and $50.

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

of this section shall be based on the offense penalty before application of any additional penalty enhancements.

§ 22A-608. Hate crime penalty enhancement.

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

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

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

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

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

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

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

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

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

(b) *Civil action.*

(1) Irrespective of any criminal prosecution or the result of a criminal prosecution, a civil cause of action in a court of competent jurisdiction for appropriate relief shall be available for any person who alleges that they have been subjected to conduct that constitutes a criminal offense committed with the purpose, in whole or part, of threatening, physically harming, damaging the property of, or causing a pecuniary loss to any person or group because of prejudice against the person's or group's perceived race, color, religion, national origin, sex, age, sexual orientation, homelessness, physical disability, political affiliation, or gender identity or expression as, in fact, that term is defined in § 2-1401.02(12A).

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

(A) An injunction;

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

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

(D) Reasonable attorneys' fees and costs.

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

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

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

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

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

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

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

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

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

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

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

CHAPTER 2. OFFENSES AGAINST PERSONS.

SUBCHAPTER I. HOMICIDE.

§ 22A-2101. Murder.

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

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

(1) Knowingly causes the death of another person;

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

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

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

(B) Carjacking under § 22A-2202;

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

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

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

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

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

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

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

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

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

(d) *Penalties.*

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

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

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

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

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

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

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

(D) Knowingly commits the murder for hire;

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

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

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

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

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

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

(f) *Defenses.*

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

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

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

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

(2) *Effect of mitigation defense.* If the government fails to prove the absence of mitigating circumstances beyond a reasonable doubt, but proves all other elements of murder, the actor is not guilty of murder, but is guilty of voluntary manslaughter.

(g) *No accomplice liability for felony murder.* Notwithstanding § 22A-210, no person shall be liable as an accomplice to second degree murder under subsection (b)(3) of this section.

(h) *Felony murder merger.* Multiple convictions for second degree murder under subsection (b)(3) of this section and an offense listed in subsection (b)(3)(A)–(H) of this section merge when arising from the same act or course of conduct and the sentencing court shall follow the procedures specified in § 22A-212(b) and (c).

§ 22A-2102. Manslaughter.

(a) *Voluntary manslaughter.* An actor commits voluntary manslaughter when the actor:

(1) Knowingly causes the death of another person;

(2) Recklessly, with extreme indifference for human life, causes death of another person; or

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

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

(B) Carjacking under § 22A-2202;

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

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

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

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

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

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

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

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

(b) *Involuntary manslaughter.* An actor commits involuntary manslaughter when the actor recklessly causes the death of another person.

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

(d) *Penalties.*

(1) Voluntary manslaughter is a Class 5 felony.

(2) Involuntary manslaughter is a Class 7 felony.

(3) *Penalty enhancements.* The penalty classification for voluntary manslaughter and involuntary manslaughter is increased by one class when the actor commits the offense:

(A) Reckless as to the fact that the decedent is a protected person; or

(B) With the purpose of harming the decedent because of the decedent's status as a law enforcement officer, public safety employee, or District official.

(e) *No accomplice liability for felony murder.* Notwithstanding § 22A-210, no person shall be liable as an accomplice to voluntary manslaughter under subsection (a)(3) of this section.

(f) *Felony murder merger.* Multiple convictions for voluntary manslaughter under subsection (a)(3) of this section and another offense listed in subsection (a)(3)(A)–(H) of this section merge when arising from the same act or course of conduct and the sentencing court shall follow the procedures specified in § 22A-212(b) and (c).

§ 22A-2103. Negligent homicide.

(a) *Offense.* An actor commits negligent homicide when the actor negligently causes the death of another person.

(b) *Penalties*. Negligent homicide is a Class 8 felony.

SUBCHAPTER II. ROBBERY, ASSAULT, AND THREATS.

§ 22A-2201. Robbery.

(a) *First degree*. An actor commits first degree robbery when the actor:

(1) Knowingly takes or exercises control over the property of another that the complainant possesses within the complainant's immediate physical control by:

(A) Causing bodily injury to the complainant or another person physically present;

(B) Communicating, explicitly or implicitly, that the actor immediately will cause the complainant or another person physically present to suffer bodily injury, a sexual act, a sexual contact, confinement, or death;

(C) Applying physical force that moves or immobilizes another person present; or

(D) Removing property from the hand or arms of the complainant;

(2) With intent to deprive the complainant of the property; and

(3) In the course of the robbery, recklessly causes serious bodily injury to another person, other than an accomplice.

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

(1) Knowingly takes or exercises control over the property of another that the complainant possesses within the complainant's immediate physical control by:

(A) Causing bodily injury to the complainant or another person physically present;

(B) Communicating, explicitly or implicitly, that the actor immediately will cause the complainant or another person present to suffer bodily injury, a sexual act, a sexual contact, confinement, or death;

(C) Applying physical force that moves or immobilizes another person present; or

(D) Removing property from the hand or arms of the complainant;

(2) With intent to deprive the complainant of the property; and

(3) Either:

(A) In the course of the robbery, recklessly causes significant bodily injury to another person, other than an accomplice; or

(B) In fact, the property has a value of $5,000 or more.

(c) *Third degree*. An actor commits third degree robbery when the actor:

(1) Knowingly takes or exercises control over the property of another that the complainant possesses within the complainant's immediate physical control by:

(A) Causing bodily injury to the complainant or another person physically present;

(B) Communicating to the complainant, explicitly or implicitly, that the actor immediately will cause the complainant or another person present to suffer bodily injury, a sexual act, a sexual contact, confinement, or death;

(C) Applying physical force that moves or immobilizes another person present; or

(D) Removing property from the hand or arms of the complainant;

(2) With intent to deprive the complainant of the property.

(d) *Affirmative defense.* It is an affirmative defense to liability under this section that, in fact, the actor reasonably believes that an owner of the property gives effective consent to the actor to take or exercise control over the property.

(e) *Penalties.*

(1) First degree robbery is a Class 6 felony, but notwithstanding § 22A-603, the maximum term of imprisonment for first degree robbery is 14 years.

(2) Second degree robbery is a Class 8 felony.

(3) Third degree robbery is a Class 9 felony.

(4) *Penalty enhancements for first degree robbery.* The maximum penalty for first degree robbery shall be increased by 6 years when the actor commits the offense:

(A) Reckless as to the fact that the complainant is a protected person; or

(B) By using or displaying what is, in fact, a dangerous weapon or imitation dangerous weapon.

(5) *Penalty enhancements for second degree robbery.*

(A) The penalty classification of second degree robbery shall be increased by one class when the actor commits the offense reckless as to the fact that the complainant is a protected person; or

(B) The maximum penalty for second degree robbery shall be increased by:

(i) Two classes if the actor commits the offense by recklessly displaying or using what is, in fact, a dangerous weapon or imitation dangerous weapon; or

(ii) Ten years if the actor commits the offense under subsection (b)(3)(A) of this section by recklessly displaying or using what, in fact, is a dangerous weapon and the display or use of the dangerous weapon directly or indirectly causes the injury to the complainant.

(6) *Penalty enhancements for third degree robbery.*

(A) The maximum penalty for third degree robbery shall be increased by one class when the actor commits the offense reckless as to the fact that the complainant is a protected person; or

(B) The maximum penalty for third degree robbery shall be increased by:

(i) Four years if the actor commits the offense by recklessly displaying or using what is, in fact, a dangerous weapon or imitation dangerous weapon; or

(ii) Eight years if the actor commits the offense under subsection (c)(1)(A) of this section by displaying or using what, in fact, is a dangerous weapon and the display or use of the dangerous weapon directly or indirectly causes the injury to the complainant.

§ 22A-2202. Carjacking.

(a) *First degree*. An actor commits first degree carjacking when the actor:

(1) Knowingly takes or exercises control over property of another that the complainant possesses within the complainant's immediate physical control by:

(A) Causing bodily injury to the complainant or another person physically present;

(B) Communicating to the complainant, explicitly or implicitly, that the actor immediately will cause the complainant or another person present to suffer bodily injury, a sexual act, a sexual contact, confinement, or death; or

(C) Applying physical force that moves or immobilizes another person present;

(2) With intent to deprive the complainant of the property;

(3) In fact, the property is a motor vehicle; and

(4) In the course of the carjacking, the actor recklessly causes serious bodily injury to another person, other than an accomplice.

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

(1) Knowingly takes or exercises control over property of another that the complainant possesses within the complainant's immediate physical control by:

(A) Causing bodily injury to the complainant or another person physically present;

(B) Communicating to the complainant, explicitly or implicitly, that the actor immediately will cause the complainant or another person present to suffer bodily injury, a sexual act, a sexual contact, confinement, or death; or

(C) Applying physical force that moves or immobilizes another person present;

(2) With intent to deprive the complainant of the property;

(3) In fact, the property is a motor vehicle; and

(4) In the course of the carjacking, the actor recklessly causes significant bodily injury to another person, other than an accomplice.

(c) *Third degree*. An actor commits third degree carjacking when the actor:

(1) Knowingly takes or exercises control over property of another that the complainant possesses within the complainant's immediate physical control by:

(A) Causing bodily injury to the complainant or another person physically present;

(B) Communicating to the complainant, explicitly or implicitly, that the actor immediately will cause the complainant or another person present to suffer bodily injury, a sexual act, a sexual contact, confinement, or death; or

(C) Applying physical force that moves or immobilizes another person present;

(2) With intent to deprive the complainant of the property; and

(3) In fact, the property is a motor vehicle.

(d) *Affirmative defense.* It is an affirmative defense to liability under this section that, in fact, the actor reasonably believes that an owner of the motor vehicle gives effective consent to the actor to take or exercise control over the motor vehicle.

(e) *Penalties.*

(1) First degree carjacking is a Class 5 felony.

(2) Second degree carjacking is a Class 7 felony.

(3) Third degree carjacking is a Class 8 felony.

(4) *Penalty enhancements for first degree carjacking.* The penalty classification for first degree carjacking shall be increased by one class when the actor commits the offense:

(A) Reckless as to the fact that the complainant is a protected person; or

(B) By using or displaying what is, in fact, a dangerous weapon or imitation dangerous weapon.

(5) *Penalty enhancements for second degree carjacking.* The maximum penalty for second degree carjacking shall be increased by:

(A) Six years when the actor commits the offense:

(i) Reckless as to the fact that the complainant is a protected person; or

(ii) By using or displaying what is, in fact, a dangerous weapon or imitation dangerous weapon; or

(B) Two classes when the actor commits the offense under subsection (b)(4) of this section, by recklessly displaying or using what, in fact, is a dangerous weapon and the display or use of the dangerous weapon directly or indirectly causes the injury to the complainant.

(6) *Penalty enhancements for third degree carjacking.* The penalty classification of third degree carjacking shall be increased by:

(A) One class when the actor commits the offense:

(i) Reckless as to the fact that the complainant is a protected person; or

(ii) By using or displaying what is, in fact, a dangerous weapon or imitation dangerous weapon; or

(B) Two classes when the actor commits the offense under subsection (b)(1)(A) or subsection (c)(1)(A) of this section by recklessly displaying or using what, in fact, is

a dangerous weapon and the display or use of the dangerous weapon directly or indirectly causes the injury to the complainant.

§ 22A-2203. Assault.

(a) *First degree*. An actor commits first degree assault when the actor purposely:

(1) Causes serious and permanent disfigurement to the complainant; or

(2) Destroys, amputates, or permanently disables a member or organ of the complainant's body.

(b) *Second degree*. An actor commits second degree assault when the actor recklessly, with extreme indifference to human life, causes serious bodily injury to the complainant.

(c) *Third degree*. An actor commits third degree assault when the actor recklessly causes significant bodily injury to the complainant.

(d) *Fourth degree*. An actor commits fourth degree assault when the actor recklessly causes bodily injury to the complainant.

(e) *Exclusion from liability*. An actor does not commit an offense under this section when, in fact, the actor's conduct is specifically permitted by a District statute or regulation.

(f) *Defenses*.

(1) It is a defense to liability under subsections (a) and (b) of this section that, in fact:

(A) The injury is caused by a lawful cosmetic or medical procedure;

(B) The actor is not a person with legal authority over the complainant; and

(C) The actor reasonably believes that:

(i) The complainant is 18 years of age or older, and the complainant, or a person with legal authority over the complainant acting consistent with that authority, gives effective consent to the actor to cause the injury;

(ii) The complainant is under 18 years of age and:

(I) The actor is 18 years of age or older; and

(II) A person with legal authority over the complainant acting consistent with that authority gives effective consent to the actor to cause the injury; or

(iii) The complainant is under 18 years of age and:

(I) The actor is under 18 years of age; and

(II) The complainant gives effective consent to the actor to cause the injury.

(2) It is a defense to liability under subsections (c) and (d) of this section that, in fact:

(A) The actor is not a person with legal authority over the complainant; and

(B) The actor reasonably believes that:

(i) The complainant is 18 years of age or older, and the complainant, or a person with legal authority over the complainant acting consistent with that

authority, gives effective consent to the actor either to cause the injury or to engage in a lawful sport, occupation, or other concerted activity, and the actor's infliction of the injury is a reasonably foreseeable hazard of that activity;

(ii) The complainant is under 18 years of age and:

(I) The actor is 18 years of age or older and is more than 4 years older than the complainant; and

(II) A person with legal authority over the complainant acting consistent with that authority gives effective consent to the actor either to cause the injury or to engage in a lawful sport, occupation, or other concerted activity, and the actor's infliction of the injury is a reasonably foreseeable hazard of that activity; or

(iii) The complainant is under 18 years of age and:

(I) The actor is either under 18 years of age or is 18 years of age or older and not more 4 years older than the complainant; and

(II) The complainant gives effective consent to the actor to either to cause the injury or to engage in a lawful sport, occupation, or other concerted activity, and the actor's infliction of the injury is a reasonably foreseeable hazard of that activity.

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

(h) *Penalties.*

(1) First degree assault is a Class 6 felony.

(2) Second degree assault is a Class 7 felony.

(3) Third degree assault is a Class 9 felony.

(4) Fourth degree assault is a Class B misdemeanor.

(5) *Penalty enhancements.* The penalty classification of second degree assault shall be increased by one class when the actor commits the offense:

(A) Reckless as to the fact that the complainant is a protected person, other than a law enforcement officer;

(B) By displaying or using what, in fact, is a dangerous weapon or imitation dangerous weapon; or

(C) With the purpose of harming the complainant because of the complainant's status as a public safety employee or District official.

(6) *Penalty enhancements.* The penalty classification of third degree assault shall be increased by:

(A) One class when the actor commits the offense:

(i) Reckless as to the fact that the complainant is a protected person, other than a law enforcement officer;

(ii) By displaying or using what, in fact, is an imitation dangerous weapon; or

(iii) With the purpose of harming the complainant because of the complainant's status as a public safety employee or District official; or

(B) Two classes when the actor commits the offense by recklessly displaying or using what, in fact, is a dangerous weapon.

(7) *Penalty enhancements*. The penalty classification of fourth degree assault shall be increased by:

(A) One class when the actor commits the offense:

(i) Reckless as to the fact that the complainant is a protected person, other than a law enforcement officer;

(ii) By recklessly displaying or using what, in fact, is an imitation dangerous weapon; or

(iii) With the purpose of harming the complainant because of the complainant's status as a public safety employee or District official; or

(B) Three classes when the actor commits the offense by recklessly displaying or using what, in fact, is a dangerous weapon.

§ 22A-2204. Assault on a law enforcement officer.

(a) *First degree*. An actor commits first degree assault on a law enforcement officer when the actor:

(1) Purposely:

(A) Causes serious and permanent disfigurement to the complainant; or

(B) Destroys, amputates, or permanently disables a member or organ of the complainant's body; and

(2) Engages in conduct specified in paragraph (1) of this subsection either:

(A) With the purpose of harming the complainant because of the complainant's status as a law enforcement officer; or

(B) Reckless as to the fact that the complainant is a law enforcement officer in the course of their official duties.

(b) *Second degree*. An actor commits second degree assault on a law enforcement officer when the actor:

(1) Recklessly, with extreme indifference to human life, causes serious bodily injury to the complainant; and

(2) Engages in conduct specified in paragraph (1) of this subsection either:

(A) With the purpose of harming the complainant because of the complainant's status as a law enforcement officer; or

(B) Reckless as to the fact that the complainant is a law enforcement officer in the course of their official duties.

(c) *Third degree*. An actor commits third degree assault on a law enforcement officer when the actor:

(1) Recklessly causes significant bodily injury to the complainant; and

(2) Engages in conduct specified in paragraph (1) of this subsection either:

(A) With the purpose of harming the complainant because of the complainant's status as a law enforcement officer; or

(B) Reckless as to the fact that the complainant is a law enforcement officer in the course of their official duties.

(d) *Fourth degree.* An actor commits fourth degree assault on a law enforcement officer when the actor:

(1) Recklessly causes bodily injury to the complainant; and

(2) Engages in conduct specified in paragraph (1) of this subsection either:

(A) With the purpose of harming the complainant because of the complainant's status as a law enforcement officer; or

(B) Reckless as to the fact that the complainant is a law enforcement officer in the course of their official duties.

(e) *Exclusion from liability.* An actor does not commit an offense under this section when, in fact, the actor's conduct is specifically permitted by a District statute or regulation.

(f) *Defenses.*

(1) It is a defense to liability under subsections (a) and (b) of this section that, in fact:

(A) The injury is caused by a lawful cosmetic or medical procedure; and

(B) The actor reasonably believes that the complainant gives effective consent to the actor to cause the injury.

(2) It is a defense to liability under subsections (c) and (d) of this section that, in fact, the actor reasonably believes that the complainant gives effective consent to the actor either to cause the injury or to engage in a lawful sport, occupation, or other concerted activity, and the actor's infliction of the injury is a reasonably foreseeable hazard of that activity.

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

(h) *Penalties.*

(1) First degree assault on a law enforcement officer is a Class 6 felony; except that, notwithstanding § 22A-603, the maximum term of imprisonment for first degree assault on a law enforcement officer is 14 years.

(2) Second degree assault on a law enforcement officer is a Class 6 felony.

(3) Third degree assault on a law enforcement officer is a Class 8 felony.

(4) Fourth degree assault on a law enforcement officer is a Class A misdemeanor.

(5) *Penalty enhancements.*

(A) The maximum penalty for second degree assault on a law enforcement officer shall be increased by 2 years when the actor commits the offense by recklessly displaying or using what, in fact, is a dangerous weapon or imitation dangerous weapon.

(B) The maximum penalty for third degree assault on a law enforcement officer shall be increased by 6 years when the actor commits the offense by recklessly displaying or using what, in fact, is a dangerous weapon or imitation dangerous weapon.

(C) The maximum penalty for fourth degree assault on a law enforcement officer shall be increased by 4 years when the actor commits the offense by recklessly displaying or using what, in fact, is a dangerous weapon or imitation dangerous weapon.

§ 22A-2205. Criminal threats.

(a) *First degree*. An actor commits first degree criminal threats when the actor:

(1) Knowingly communicates to a person other than a co-conspirator or accomplice, explicitly or implicitly, that the actor immediately will cause the complainant or another person to suffer a criminal death, serious bodily injury, sexual act, or confinement;

(2) With intent that the communication be perceived as a serious expression that the actor would cause the harm; and

(3) In fact, the communication would cause a reasonable person in the complainant's circumstances to believe that the harm would occur.

(b) *Second degree*. An actor commits second degree criminal threats when the actor:

(1) Knowingly communicates to a person other than a co-conspirator or accomplice, explicitly or implicitly, that the actor will cause the complainant or another person to suffer a criminal bodily injury or sexual contact;

(2) With intent that the communication be perceived as a serious expression that the actor would cause the harm; and

(3) In fact, the communication would cause a reasonable person in the complainant's circumstances to believe that the harm would occur.

(c) *Third degree*. An actor commits third degree criminal threats when the actor:

(1) Knowingly communicates to a person other than a co-conspirator or accomplice, explicitly or implicitly, that the actor will cause the complainant or another person to suffer a criminal loss or damage to property;

(2) With intent that the communication be perceived as a serious expression that the actor would cause the harm; and

(3) In fact, the communication would cause a reasonable person in the complainant's circumstances to believe that the harm would occur.

(d) *Penalties*.

(1) First degree criminal threats is a Class 9 felony.

(2) Second degree criminal threats is a Class B misdemeanor.

(3) Third degree criminal threats is a Class C misdemeanor.

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

(A) Reckless as to the fact that the complainant is a protected person;

(B) By displaying or using what, in fact, is a dangerous weapon or imitation dangerous weapon; or

(C) With the purpose of harming the complainant because of the complainant's status as a law enforcement officer, public safety employee, or District official.

§ 22A-2206. Offensive physical contact.

(a) *First degree*. An actor commits first degree offensive physical contact when the actor:

(1) Knowingly causes the complainant to come into physical contact with bodily fluid or excrement;

(2) With intent that the physical contact be offensive to the complainant; and

(3) In fact, a reasonable person in the situation of the complainant would regard it as offensive.

(b) *Second degree*. An actor commits second degree offensive physical contact when the actor:

(1) Knowingly causes the complainant to come into physical contact with any person or any object or substance;

(2) With intent that the physical contact be offensive to the complainant; and

(3) In fact, a reasonable person in the situation of the complainant would regard it as offensive.

(c) *Exclusion from liability*. An actor does not commit an offense under this section when, in fact, the actor's conduct is specifically permitted by a District statute or regulation.

(d) *Defense*. It is a defense to liability that, in fact:

(1) The actor is not a person with legal authority over the complainant; and

(2) The actor reasonably believes that:

(A) The complainant is 18 years of age or older, and the complainant, or a person with legal authority over the complainant acting consistent with that authority, gives effective consent to the actor to:

(i) Cause the physical contact; or

(ii) Engage in a lawful sport, occupation, or other concerted activity, and the actor's infliction of the physical contact is a reasonably foreseeable hazard of that activity;

(B) The complainant is under 18 years of age and:

(i) The actor is 18 years of age or older and is more than 4 years older than the complainant; and

(ii) A person with legal authority over the complainant acting consistent with that authority gives effective consent to the actor to:

(I) Cause the physical contact; or

(II) Engage in a lawful sport, occupation, or other concerted activity, and the actor's infliction of the physical contact is a reasonably foreseeable hazard of that activity; or

(C) The complainant is under 18 years of age and:

(i) The actor is either under 18 years of age or is 18 years of age or older and not more 4 years older than the complainant; and

(ii) The complainant gives effective consent to the actor to:

(I) Cause the physical contact; or

(II) Engage in a lawful sport, occupation, or other concerted activity, and the actor's infliction of the physical contact is a reasonably foreseeable hazard of that activity.

(e) *Penalties.*

(1) First degree offensive physical contact is a Class B misdemeanor.

(2) Second degree offensive physical contact is a Class D misdemeanor.

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

(A) Reckless as to the fact that the complainant is a protected person; or

(B) With the purpose of harming the complainant because of the complainant's status as a law enforcement officer, public safety employee, or District official.

SUBCHAPTER III. SEXUAL ASSAULT AND RELATED PROVISIONS.

§ 22A-2301. Sexual assault.

(a) *First degree.* An actor commits first degree sexual assault when the actor:

(1) Knowingly engages in a sexual act with the complainant or causes the complainant to engage in or submit to a sexual act;

(2) In one or more of the following ways:

(A) By causing bodily injury to the complainant, or by using physical force that moves or immobilizes the complainant;

(B) By communicating to the complainant, explicitly or implicitly, that the actor will cause:

(i) The complainant to suffer a bodily injury, confinement or death; or

(ii) A third party to suffer a bodily injury, sexual act, sexual contact, confinement, or death; or

(C) By administering or causing to be administered to the complainant, without the complainant's effective consent, a drug, intoxicant, or other substance:

(i) With intent to impair the complainant's ability to express willingness or unwillingness to engage in the sexual act; and

(ii) In fact, the drug, intoxicant, or other substance renders the complainant:

(I) Asleep, unconscious, substantially paralyzed, or passing in and out of consciousness;

(II) Substantially incapable of appraising the nature of the sexual act; or

(III) Substantially incapable of communicating willingness or unwillingness to engage in the sexual act.

(b) *Second degree*. An actor commits second degree sexual assault when the actor:

(1) Knowingly engages in a sexual act with the complainant or causes the complainant to engage in or submit to a sexual act;

(2) In one or more of the following ways:

(A) By making a coercive threat, explicit or implicit; or

(B) When the complainant is:

(i) Asleep, unconscious, or passing in and out of consciousness;

(ii) Incapable of appraising the nature of the sexual act or of understanding the right to give or withhold consent to the sexual act, either due to a drug, intoxicant, or other substance, or, due to an intellectual, developmental, or mental disability or mental illness when the actor has no similarly serious disability or illness;

(iii) Incapable of communicating willingness or unwillingness to engage in the sexual act; or

(iv) Substantially paralyzed.

(c) *Third degree*. An actor commits third degree sexual assault when the actor:

(1) Knowingly engages in a sexual contact with the complainant or causes the complainant to engage in or submit to a sexual contact;

(2) In one or more of the following ways:

(A) By causing bodily injury to the complainant, or by using physical force that moves or immobilizes the complainant;

(B) By communicating to the complainant, explicitly or implicitly, that the actor will cause:

(i) The complainant to suffer a bodily injury, confinement or death; or

(ii) A third party to suffer a bodily injury, sexual act, sexual contact, confinement, or death; or

(C) By administering or causing to be administered to the complainant, without the complainant's effective consent, a drug, intoxicant, or other substance:

(i) With intent to impair the complainant's ability to express unwillingness to engage in the sexual contact; and

(ii) In fact, the drug, intoxicant, or other substance renders the complainant:

(I) Asleep, unconscious, substantially paralyzed, or passing in and out of consciousness;

(II) Substantially incapable of appraising the nature of the sexual contact; or

(III) Substantially incapable of communicating willingness or unwillingness to engage in the sexual contact.

(d) *Fourth degree*. An actor commits fourth degree sexual assault when the actor:

(1) Knowingly engages in a sexual contact with the complainant or causes the complainant to engage in or submit to a sexual contact;

(2) In one or more of the following ways:

(A) By making a coercive threat, explicit or implicit; or

(B) When the complainant is:

(i) Asleep, unconscious, or passing in and out of consciousness;

(ii) Incapable of appraising the nature of the sexual contact or of understanding the right to give or withhold consent to the sexual contact, either due to a drug, intoxicant, or other substance, or, due to an intellectual, developmental, or mental disability or mental illness when the actor has no similarly serious disability or illness;

(iii) Incapable of communicating willingness or unwillingness to engage in the sexual contact; or

(iv) Substantially paralyzed.

(e) *Defense*. It is a defense to liability under subsections (a)(2)(A) and (B), (b)(2)(A) and (B), (c)(2)(A) and (B), and (d)(2)(A) and (B) of this section that, in fact, the actor reasonably believes that the complainant gives effective consent to the actor to engage in the conduct constituting the offense.

(f) *Penalties*.

(1) First degree sexual assault is a Class 4 felony.

(2) Second degree sexual assault is a Class 5 felony.

(3) Third degree sexual assault is a Class 7 felony.

(4) Fourth degree sexual assault is a Class 8 felony.

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

(A) Recklessly causes the sexual act or sexual contact by displaying or using what is, in fact, a dangerous weapon or imitation dangerous weapon;

(B) Knowingly acts with one or more participants that are physically present at the time of the sexual act or sexual contact; or

(C) Recklessly causes serious bodily injury to the complainant immediately before, during, or immediately after the sexual act or sexual contact; or

(D) At the time of the sexual act or sexual contact:

(i) In fact, the complainant is under 12 years of age, and the actor is at least 4 years older than the complainant;

(ii) The actor is reckless as to the fact that the complainant is under 16 years of age and, in fact, the actor is at least 4 years older than the complainant;

(iii) The actor is reckless as to the fact that the complainant is under 18 years of age and the fact that the actor is in a position of trust with or authority over the complainant, and, in fact, the actor is at least 4 years older than the complainant;

(iv) The actor is reckless as to the fact that the complainant is 65 years of age or older and, in fact, the actor is under 65 years of age and at least 10 years younger than the complainant; or

(v) The actor is reckless as to the fact that the complainant is a vulnerable adult.

§ 22A-2302. Sexual abuse of a minor.

(a) *First degree.* An actor commits first degree sexual abuse of a minor when the actor:

(1) Knowingly engages in a sexual act with the complainant or causes the complainant to engage in or submit to a sexual act; and

(2) In fact:

(A) The complainant is under 12 years of age; and

(B) The actor is at least 4 years older than the complainant.

(b) *Second degree.* An actor commits second degree sexual abuse of a minor when the actor:

(1) Knowingly engages in a sexual act with the complainant or causes the complainant to engage in or submit to a sexual act; and

(2) In fact:

(A) The complainant is under 16 years of age; and

(B) The actor is at least 4 years older than the complainant.

(c) *Third degree.* An actor commits third degree sexual abuse of a minor when the actor:

(1) Knowingly engages in a sexual act with the complainant or causes the complainant to engage in or submit to a sexual act;

(2) While in a position of trust with or authority over the complainant; and

(3) In fact:

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

(B) The actor is 18 years of age or older and at least 4 years older than the complainant.

(d) *Fourth degree.* An actor commits fourth degree sexual abuse of a minor when the actor:

(1) Knowingly engages in a sexual contact with the complainant or causes the complainant to engage in or submit to a sexual contact; and

(2) In fact:

(A) The complainant is under 12 years of age; and

(B) The actor is at least 4 years older than the complainant.

(e) *Fifth degree.* An actor commits fifth degree sexual abuse of a minor when the actor:

(1) Knowingly engages in a sexual contact with the complainant or causes the complainant to engage in or submit to a sexual contact; and

(2) In fact:

(A) The complainant is under 16 years of age; and

(B) The actor is at least 4 years older than the complainant.

(f) *Sixth degree*. An actor commits sixth degree sexual abuse of a minor when the actor:

(1) Knowingly engages in a sexual contact with the complainant or causes the complainant to engage in or submit to a sexual contact;

(2) While in a position of trust with or authority over the complainant; and

(3) In fact:

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

(B) The actor is, in fact, 18 years of age or older and at least 4 years older than the complainant.

(g) *Affirmative defenses*. It is an affirmative defense to liability under this section for conduct involving only the actor and the complainant that, in fact, the actor and the complainant are in a marriage or domestic partnership at the time of the sexual act or sexual contact.

(h) *Penalties*.

(1) First degree sexual abuse of a minor is a Class 4 felony.

(2) Second degree sexual abuse of a minor is a Class 5 felony.

(3) Third degree sexual abuse of a minor is a Class 6 felony.

(4) Fourth degree sexual abuse of a minor is a Class 6 felony.

(5) Fifth degree sexual abuse of a minor is a Class 7 felony.

(6) Sixth degree sexual abuse of a minor is a Class 8 felony.

(7) *Penalty enhancements*. The penalty classification of first, second, fourth, and fifth degree sexual abuse of a minor shall be increased by one class when the actor:

(A) Recklessly causes the sexual act or sexual contact by displaying or using what is, in fact, a dangerous weapon or imitation dangerous weapon;

(B) Knowingly acts with one or more participants that are physically present at the time of the sexual act or sexual contact;

(C) Recklessly causes serious bodily injury to the complainant immediately before, during, or immediately after the sexual act or sexual contact; or

(D) Knows at the time of the sexual act or sexual contact that the actor is in a position of trust with or authority over the complainant.

(8) *Penalty enhancements*. The penalty classification of third and sixth degree sexual abuse of a minor shall be increased by one class when the actor:

(A) Recklessly causes the sexual act or sexual contact by displaying or using what is, in fact, a dangerous weapon or imitation dangerous weapon;

(B) Knowingly acts with one or more participants that are physically present at the time of the sexual act or sexual contact; or

(C) Recklessly causes serious bodily injury to the complainant immediately before, during, or immediately after the sexual act or sexual contact.

§ 22A-2303. Sexual abuse by exploitation.

(a) *First degree*. An actor commits first degree sexual abuse by exploitation when the actor:

(1) Knowingly engages in a sexual act with the complainant or causes the complainant to engage in or submit to a sexual act;

(2) In one or more of the following situations:

(A) The actor is a coach, not including a coach who is a secondary school student; a teacher, counselor, principal, administrator, nurse, or security officer at a secondary school, working as an employee, contractor, or volunteer, and is reckless as to the fact that:

(i) The complainant:

(I) Is an enrolled student in the same secondary school; or

(II) Receives educational services or attends educational programming at the same secondary school; and

(ii) The complainant is under 20 years of age;

(B) The actor knowingly and falsely represents that the actor is someone else with whom the complainant is in a romantic, dating, or sexual relationship;

(C) The actor is, or purports to be, a healthcare provider, a health professional, or a religious leader described in § 14-309, and:

(i) Falsely represents that the sexual act is for a bona fide medical, therapeutic, or professional purpose;

(ii) Commits the sexual act during a consultation, examination, treatment, therapy, or other provision of professional services; or

(iii) Commits the sexual act while the complainant is a patient or client of the actor, and is reckless as to the fact that the mental, emotional, or physical condition of the complainant is such that the complainant is impaired from declining participation in the sexual act;

(D) The actor:

(i) Knowingly works as an employee, contractor, or volunteer at or for a hospital, treatment facility, detention or correctional facility, group home, or institution housing persons who are not free to leave at will; and

(ii) Is reckless as to the fact that the complainant is:

(I) A ward, patient, client, or prisoner at that institution;

(II) Awaiting admission to that institution; or

(III) In transport to or from that institution; or

(E) The actor knowingly works as a law enforcement officer, and is reckless as to the fact that the complainant is:

(i) In official custody or detained for a legitimate police purpose;

(ii) Detained pending or following:

(I) A charge or conviction of an offense, or an allegation or finding of juvenile delinquency;

(II) Commitment as a material witness; or

(III) Civil commitment proceedings, extradition, deportation, or exclusion; or

(iii) On probation or parole.

(b) *Second degree*. An actor commits second degree sexual abuse by exploitation when the actor:

(1) Knowingly engages in a sexual contact with the complainant or causes the complainant to engage in or submit to a sexual contact;

(2) In one or more of the following situations:

(A) The actor is a coach, not including a coach who is a secondary school student; a teacher, counselor, principal, administrator, nurse, or security officer at a secondary school, working as an employee, contractor, or volunteer, and is reckless as to the fact that:

(i) The complainant:

(I) Is an enrolled student in the same secondary school; or

(II) Receives educational services or attends educational programming at the same secondary school; and

(ii) The complainant is under 20 years of age;

(B) The actor knowingly and falsely represents that the actor is someone else with whom the complainant is in a romantic, dating, or sexual relationship;

(C) The actor is, or purports to be, a healthcare provider, a health professional, or a religious leader described in § 14-309, and:

(i) Falsely represents that the sexual contact is for a bona fide medical, therapeutic, or professional purpose;

(ii) Commits the sexual contact during a consultation, examination, treatment, therapy, or other provision of professional services; or

(iii) Commits the sexual contact while the complainant is a patient or client of the actor, and is reckless as to the fact that the mental, emotional, or physical condition of the complainant is such that the complainant is impaired from declining participation in the sexual contact;

(D) The actor:

(i) Knowingly works as an employee, contractor, or volunteer at or for a hospital, treatment facility, detention or correctional facility, group home, or institution housing persons who are not free to leave at will; and

(ii) Is reckless as to the fact that the complainant is:

(I) A ward, patient, client, or prisoner at that institution;

(II) Awaiting admission to that institution; or

(III) In transport to or from that institution; or

(E) The actor knowingly works as a law enforcement officer, and is reckless as to the fact that the complainant is:

(i) In official custody or detained for a legitimate police purpose;

(ii) Detained pending or following:

(I) A charge or conviction of an offense, or an allegation or finding of juvenile delinquency;

(II) Commitment as a material witness; or

(III) Civil commitment proceedings, extradition, deportation, or exclusion; or

(iii) On probation or parole.

(c) *Affirmative defense.* It is an affirmative defense to liability under this section that, in fact, the actor and the complainant are in a marriage or domestic partnership at the time of the sexual act or sexual contact.

(d) *Penalties.*

(1) First degree sexual abuse by exploitation is a Class 7 felony.

(2) Second degree sexual abuse by exploitation is a Class 8 felony.

§ 22A-2304. Sexually suggestive conduct with a minor.

(a) *Offense.* An actor commits sexually suggestive conduct with a minor when the actor:

(1) In fact, is 18 years of age or older and at least 4 years older than the complainant; and:

(A) The actor is reckless as to the fact that the complainant is under 16 years of age; or

(B) The actor:

(i) Is reckless as to the fact that the complainant is under 18 years of age; and

(ii) Knows that the actor is in a position of trust with or authority over the complainant; and

(2) The actor:

(A) Purposely engages in:

(i) A sexual act that is visible to the complainant;

(ii) A sexual contact that is visible to the complainant; or

(iii) A sexual or sexualized display of the genitals, pubic area, or anus that is visible to the complainant;

(B) Knowingly:

(i) Engages in one of the following with the complainant or causes the complainant to engage in or submit to one of the following:

(I) Touching or kissing any person, either directly or through the clothing; or

(II) Removing clothing from any person;

(ii) With intent to cause the sexual arousal or sexual gratification of any person; or

(C) Knowingly engages in a sexual act or sexual contact with the complainant or causes the complainant to engage in or submit to a sexual act or sexual contact.

(b) *Affirmative defense.* It is an affirmative defense to liability under this section for conduct involving only the actor and the complainant that, in fact, the actor and the complainant are in a marriage or domestic partnership at the time of the prohibited conduct.

(c) *Penalties*. Sexually suggestive contact with a minor is a Class A misdemeanor.

§ 22A-2305. Enticing a minor into sexual conduct.

(a) *Offense*. An actor commits enticing a minor into sexual conduct when the actor:

(1) Knowingly commands, requests, or tries to persuade the complainant to engage in or submit to a sexual act or sexual contact;

(2) In fact, is 18 years of age or older and at least 4 years older than the complainant, and:

(A) The actor is reckless as to the fact that the complainant is under 16 years of age; or

(B) The actor:

(i) Is reckless as to the fact that the complainant is under 18 years of age; and

(ii) Knows that the actor is in a position of trust with or authority over the complainant; or

(3) In fact, is 18 years of age or older and at least 4 years older than the purported age of the complainant, and:

(A) The complainant is a law enforcement officer who purports to be a person under 16 years of age; and

(B) The actor is reckless as to the fact that the purported age of the complainant is under 16 years of age.

(b) *Affirmative defense*. It is an affirmative defense to liability under this section for conduct involving only the actor and the complainant that, in fact, the actor and the complainant are in a marriage or domestic partnership at the time of the prohibited conduct.

(c) *Penalties*. Enticing a minor into sexual conduct is a Class 9 felony.

§ 22A-2306. Arranging for sexual conduct with a minor or person incapable of consenting.

(a) *Offense*. An actor commits arranging for sexual conduct with a minor or person incapable of consenting when the actor:

(1) Knowingly:

(A) As a person with a responsibility under civil law for the health, welfare, or supervision of the complainant;

(B) Gives effective consent to a third party to:

(i) Engage in or submit to a sexual act or sexual contact with or for the complainant; or

(ii) Cause the complainant to engage in or submit to a sexual act or sexual contact with or for the third party or any other person;

(2) In one of the following situations:

(A) The actor is reckless as to:

(i) The fact that the complainant is under 16 years of age; and

(ii) The fact that the third party or other person is at least 4 years older than the complainant;

(B) The actor:

(i) Is reckless as to:

(I) The fact that the complainant is under 18 years of age; and

(II) The fact that the third party or other person is 18 years of age or older and at least 4 years older than the complainant; and

(ii) Knows that the third party or other person is in a position of trust with or authority over the complainant; or

(C) The actor is reckless as to:

(i) The fact that the complainant is incapable of appraising the nature of the sexual act or sexual contact or of understanding the right to give or withhold consent to the sexual act or sexual contact, either due to a drug, intoxicant, or other substance, or, due to an intellectual, developmental, or mental disability or mental illness when the actor has no similarly serious disability or illness; or

(ii) The fact that the complainant is incapable of communicating willingness or unwillingness to engage in the sexual act or sexual contact.

(b) *Penalties*. Arranging for sexual conduct with a minor or person incapable of consenting is a Class 9 felony.

§ 22A-2307. Nonconsensual sexual conduct.

(a) *First degree*. An actor commits first degree nonconsensual sexual conduct when the actor:

(1) Knowingly engages in a sexual act with the complainant or causes the complainant to engage in or submit to a sexual act;

(2) Reckless as to the fact that the actor lacks the complainant's effective consent.

(b) *Second degree*. An actor commits second degree nonconsensual sexual contact when the actor:

(1) Knowingly engages in a sexual contact with the complainant or causes the complainant to engage in or submit to a sexual contact;

(2) Reckless as to the fact that the actor lacks the complainant's effective consent.

(c) *Exclusion from liability*. An actor does not commit an offense under this section when, in fact, the actor uses deception, unless it is deception as to the nature of the sexual act or sexual contact.

(d) *Penalties*.

(1) First degree nonconsensual sexual conduct is a Class 9 felony.

(2) Second degree nonconsensual sexual conduct is a Class A misdemeanor.

§ 22A-2308. Incest.

(a) *First degree*. An actor commits first degree incest when the actor:

(1) In fact, is 16 years of age or older;

(2) Knowingly engages in a sexual act with another person who is a:

(A) Parent, grandparent, great-grandparent, child, grandchild, great-grandchild, sibling, parent's sibling, a sibling's child, or a child of a parent's sibling, whether related by:

(i) Blood or adoption; or

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

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

(3) Obtains the consent of the other person by undue influence.

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

(1) In fact, is 16 years of age or older;

(2) Knowingly engages in a sexual contact with another person who is a:

(A) Parent, grandparent, great-grandparent, child, grandchild, great-grandchild, sibling, parent's sibling, a sibling's child, or a child of a parent's sibling, whether related by:

(i) Blood or adoption; or

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

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

(3) Obtains the consent of the other person by undue influence.

(c) *Penalties*.

(1) First degree incest is a Class 8 felony.

(2) Second degree incest is a Class A misdemeanor.

§ 22A-2309. Civil provisions on the duty to report a sex crime.

(a) *Duty to report a sex crime*. A person who is, in fact, 18 years of age or older, and is aware of a substantial risk that a person under 16 years of age is being subjected to, or has been subjected to, a predicate crime, shall immediately report such information or belief in a call to 911, a report to the Child and Family Services Agency, or a report to the Metropolitan Police Department.

(b) *Exclusions from duty to report*.

(1) A person does not have a duty to report a predicate crime under subsection (a) of this section when the person is, in fact:

(A) Subjected to a predicate crime by the same person alleged to have committed a predicate crime against the person under 16 years of age;

(B) A lawyer or a person employed by a lawyer when the lawyer or employee is providing representation in a criminal, civil, or delinquency matter, and the information or basis for the belief arises solely in the course of that representation;

(C) A religious leader described in § 14-309, when the information or basis for the belief is the result of a confession or penitential communication made by a penitent directly to the religious leader if:

(i) The penitent made the confession or penitential communication in confidence;

(ii) The confession or penitential communication was made expressly for a spiritual or religious purpose;

(iii) The penitent made the confession or penitential communication to the religious leader in the religious leader's professional capacity; and

(iv) The confession or penitential communication was made in the course of discipline enjoined by the church or other religious body to which the religious leader belongs; or

(D) A sexual assault counselor, when the information or basis for the belief is disclosed in a confidential communication, unless the sexual assault counselor is aware of a substantial risk that:

(i) A sexual assault victim is under 13 years of age;

(ii) A perpetrator or alleged perpetrator of the predicate crime in subsection (a) of this section is in a position of trust with or authority over the sexual assault victim or, if the confidential communication was made prior to the applicability date of the Revised Criminal Code Reform Act of 2022, passed on 2nd reading on November 15, 2022 (Enrolled version of Bill 24-416), in a significant relationship, as that term was defined in former § 22-3001(10), with the sexual assault victim;
or

(iii) A perpetrator or alleged perpetrator of the predicate crime in subsection (a) of this section is more than 4 years older than the sexual assault victim.

(2) No legal privilege, except the privileges set forth in this subsection, shall apply to the duty to report in subsection (a) of this section.

(c) *Relationship to § 4-1321.02.* This section shall not be construed as altering the special duty to report by persons specified in § 4-1321.02(b).

(d) *Civil violation.* A person commits failure to report a sex crime involving a person under 16 years of age when the person:

(1) Is, in fact, 18 years of age or older;

(2) Knows that they have a duty to report a predicate crime involving a person under 16 years of age under subsection (a) of this section; and

(3) Fails to carry out this duty.

(e) *Defense.* It is a defense to liability under subsection (d) of this section that the person fails to report a predicate crime under subsection (a) of this section because the person, in fact, reasonably believes that they are a survivor of an intrafamily offense, as that term is defined in § 16-1001(8).

(f) *Penalty.*

(1) Failure to report a sex crime involving a person under 16 years of age is a civil violation subject to a civil fine of $300.

(2) A violation of subsection (d) of this section shall not constitute a criminal offense or a delinquent act, as that term is defined in § 16-2301(7).

(g) *Judicial venue*. Adjudication of a civil violation under this section shall occur in the Office of Administrative Hearings pursuant to § 2-1831.03(b-6).

(h) *Immunity for good faith report of a sex crime*.

(1) Any person who in good faith makes a report under this section shall have immunity from liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making of the report or any participation in any judicial proceeding involving the report. In all civil or criminal proceedings concerning the person under 16 years of age who is the subject of the report, or resulting from the report, good faith shall be presumed unless rebutted.

(2) Any person who makes a good-faith report under this section and, as a result thereof, is discharged from the person's employment or in any other manner is discriminated against with respect to compensation, hire, tenure, or terms, conditions, or privileges of employment, may commence a civil action for appropriate relief. If the court finds that the person was required to report under this section, in good faith made a report, and was discharged or discriminated against as a result, the court may issue an order granting appropriate relief, including reinstatement with back pay. The District may intervene in any action commenced under this subsection.

(i) *Definitions*. For the purposes of this section, the term:

(1) "Confidential communication" shall have the same meaning as provided in § 14-312.

(2) "Predicate crime" means any conduct that constitutes:

(A) An offense under Subchapter III of Chapter 2 of this title;

(B) Forced commercial sex under § 22A-2602, trafficking in forced commercial sex under § 22A-2604, sex trafficking of a minor or adult incapable of consenting under § 22A-2605, or commercial sex with a trafficked person under § 22A-2608;

(C) Creating or trafficking an obscene image of a minor under § 22A-2807, possession of an obscene image of a minor under § 22A-2808, arranging a live sexual performance of a minor under § 22A-2809, or attending or viewing a live sexual performance of a minor under § 22A-2810; or

(D) Trafficking in commercial sex under § 22A-5403.

(3) "Sexual assault counselor" shall have the same meaning as provided in § 23-1907(10).

(4) "Sexual assault victim" shall have the same meaning as provided in § 23-1907(11).

§ 22A-2310. Admission of evidence in sexual assault and related cases.

(a) *Reputation or opinion evidence of complainant's past sexual behavior inadmissible.* Notwithstanding any other provision of law, in a criminal case under this subchapter, reputation or opinion evidence of the past sexual behavior of the complainant is not admissible.

(b) *Admissibility of other evidence of complainant's past sexual behavior.*

(1) Notwithstanding any other provision of law, in a criminal case for an offense under this subchapter, evidence of a complainant's past sexual behavior, other than reputation or opinion evidence, is not admissible, unless such evidence is:

(A) Admitted in accordance with paragraphs (2), (3), and (4) of this subsection and is constitutionally required to be admitted; or

(B) Admitted in accordance with paragraphs (2), (3), and (4) of this subsection and is evidence of:

(i) Past sexual behavior with persons other than the actor, offered by the actor upon the issue of whether the actor was or was not, with respect to the complainant, the source of semen or bodily injury; or

(ii) Past sexual behavior with the actor where the consent or effective consent of the complainant is at issue and is offered by the actor upon the issue of whether the complainant gave consent or effective consent to the sexual behavior that is the basis of the criminal charge.

(2) If the actor plans to offer under paragraph (1) of this subsection, evidence of specific instances of the complainant's past sexual behavior, the actor shall make a written motion to offer such evidence not later than 15 days before the date on which the trial in which such evidence is to be offered is scheduled to begin, except that the court may allow the motion to be made at a later date, including during trial, if the court determines either that the evidence is newly discovered and could not have been obtained earlier through the exercise of due diligence or that the issue to which such evidence relates has newly arisen in the case. Any motion made under this paragraph, and the accompanying offer of proof, shall be filed under seal and served on all other parties and on the complainant.

(3) The motion described in paragraph (2) of this subsection shall be accompanied by a written offer of proof. If the court determines that the offer of proof contains evidence described in paragraph (1) of this subsection, the court shall order a hearing in chambers to determine if such evidence is admissible. At such hearing, the parties may call witnesses, including the complainant, and offer relevant evidence. If the relevancy of the evidence which the actor seeks to offer in the trial depends upon the fulfillment of a condition of fact, the court, at the hearing in chambers, or at a subsequent hearing in chambers scheduled for such purpose, shall accept evidence on the issue of whether such condition of fact is fulfilled and shall determine such issue.

(4) If the court determines on the basis of the hearing described in paragraph (3) of this subsection that the evidence which the actor seeks to offer is relevant and that the probative value of such evidence outweighs the danger of unfair prejudice, such evidence shall

be admissible in the trial to the extent an order made by the court specifies evidence which may be offered and areas with respect to which the complainant may be examined or cross-examined.

(c) *Prompt reporting.* Evidence of delay in reporting an offense under this subchapter to a public authority shall not raise any presumption concerning the credibility or veracity of a charge under this subchapter.

(d) *Privilege inapplicable for spouses or domestic partners.* Laws attaching a privilege against disclosure of communications between spouses or domestic partners are inapplicable in prosecutions under this subchapter where the actor is or was married to the complainant, or is or was a domestic partner of the complainant, or where the complainant is a person under 16 years of age.

(e) *Definitions.* For the purposes of this section, the term "past sexual behavior" means sexual behavior other than the sexual behavior with respect to which an offense under this subchapter is alleged.

SUBCHAPTER IV. KIDNAPPING, CRIMINAL RESTRAINT, AND BLACKMAIL.

§ 22A-2401. Kidnapping.

(a) *First degree.* An actor commits first degree kidnapping when the actor:

(1) Knowingly and substantially confines or moves the complainant;

(2) By means of:

(A) Causing bodily injury to the complainant or by using physical force;

(B) Making an explicit or implicit coercive threat;

(C) Deception; or

(D) With acquiescence of the complainant, when the actor is:

(i) Reckless as to the facts that:

(I) The complainant is an incapacitated individual; and

(II) A person with legal authority over the complainant who is acting consistent with that authority has not given effective consent to the confinement or movement; or

(ii) In fact, 18 years of age or older and reckless as to the facts that:

(I) The complainant is under 16 years of age and 4 years younger than the actor; and

(II) A person with legal authority over the complainant who is acting consistent with that authority has not given effective consent to the confinement or movement; and

(3) With intent to:

(A) Hold the complainant for ransom or reward;

(B) Use the complainant as a shield or hostage;

(C) Facilitate the commission of any felony or flight thereafter;

(D) Inflict death or serious bodily injury upon the complainant;

(E) Commit a sexual offense defined in Subchapter III of this chapter against the complainant;

(F) Cause any person to believe that the complainant will not be released without suffering death, serious bodily injury, or a sex offense defined in Subchapter III of this chapter;

(G) Permanently leave a person with legal authority over the complainant without custody of the complainant; or

(H) Confine or move the complainant for 72 hours or more.

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

(1) Knowingly and substantially confines or moves the complainant;

(2) By means of:

(A) Causing bodily injury to the complainant or by using physical force;

(B) Making an explicit or implicit coercive threat;

(C) Deception; or

(D) With acquiescence of the complainant, when the actor is:

(i) Reckless as to the facts that:

(I) The complainant is an incapacitated individual; and

(II) A person with legal authority over the complainant who is acting consistent with that authority has not given effective consent to the confinement or movement; or

(ii) In fact, 18 years of age or older and reckless as to the facts that:

(I) The complainant is under 16 years of age and 4 years younger than the actor; and

(II) A person with legal authority over the complainant who is acting consistent with that authority has not given effective consent to the confinement or movement; and

(3) With intent to:

(A) Inflict bodily injury upon the complainant; or

(B) Cause any person to believe that the complainant will not be released without suffering bodily injury.

(c) *Defense*. It is a defense to liability under subsection (a)(3)(G) and (H) of this section when the complainant is, in fact, under 18 years of age and the actor is either:

(1) A close relative or a former legal guardian who had authority to control the complainant's freedom of movement who:

(A) Acts with intent to assume full responsibility for the care and supervision of the complainant; and

(B) Does not cause bodily injury or use an explicit or implicit coercive threat to cause the confinement or movement; or

(2) A person who reasonably believes they are acting at the direction of a close relative who:

(A) Acts with intent that the close relative will assume full responsibility for the care and supervision of the complainant; and

(B) Does not cause bodily injury or use an explicit or implicit coercive threat to cause the confinement or movement.

(d) *Penalties.*

(1) First degree kidnapping is a Class 5 felony.

(2) Second degree kidnapping is a Class 7 felony.

(3) *Penalty enhancements.* The penalty classification of any gradation of this offense is increased by one class when the actor commits the offense:

(A) Reckless as to the fact that the complainant is a protected person;

(B) By recklessly causing the confinement or movement by displaying or using what, in fact, is a dangerous weapon or imitation dangerous weapon; or

(C) With the purpose of harming the complainant because of the complainant's status as a law enforcement officer, public safety employee, or District official.

(e) *Multiple convictions for related offenses.* Multiple convictions for first degree kidnapping or second degree kidnapping and another offense merge when arising from the same act or course of conduct and when the confinement or movement was incidental to commission of the other offense, and the sentencing court shall follow the procedures specified in § 22A-212(b) and (c).

§ 22A-2402. Criminal restraint.

(a) *Offense.* An actor commits criminal restraint when the actor knowingly and substantially confines or moves the complainant:

(1) By means of:

(A) Causing bodily injury to the complainant or by using physical force;

(B) Making an explicit or implicit coercive threat; or

(C) Deception; or

(2) By any means, including with acquiescence of the complainant, when the actor is:

(A) Reckless as to the facts that:

(i) The complainant is an incapacitated individual; and

(ii) A person with legal authority over the complainant who is acting consistent with that authority has not given effective consent to the confinement or movement; or

(B) In fact, 18 years of age or older and reckless as to the facts that:

(i) The complainant is under 16 years of age and 4 years younger than the actor; and

(ii) A person with legal authority over the complainant who is acting consistent with that authority has not given effective consent to the confinement or movement.

(b) *Defenses.*

(1) It is a defense that the complainant is, in fact, under 18 years of age, and the actor is:

(A) A close relative or a former legal guardian who had authority to control the complainant's freedom of movement who:

(i) Acts with intent to assume full responsibility for the care and supervision of the complainant; and

(ii) Does not cause bodily injury or use an explicit or implicit coercive threat to cause the confinement or movement; or

(B) A person who reasonably believes they are acting at the direction of a close relative who:

(i) Acts with intent that the close relative will assume full responsibility for the care and supervision of the complainant; and

(ii) Does not cause bodily injury or use an explicit or implicit coercive threat to cause the confinement or movement.

(2) It is a defense to liability under subsection (a)(2) of this section that, in fact, the actor:

(A) Is a transportation worker who moves the complainant while in the course of the worker's official duties; or

(B) Is a person who moves the complainant solely by persuading the complainant to go to a location open to the general public to engage in a commercial or other legal activity.

(c) *Affirmative defenses.*

(1) It is an affirmative defense to liability under subsection (a)(1)(C) of this section that the actor, in fact:

(A) Lacks the complainant's effective consent solely because of deception by the actor; and

(B) Does not confine or move the complainant with intent to use bodily injury or an explicit or implicit coercive threat if the deception should fail.

(2) It is an affirmative defense to liability under subsection (a)(2) of this section that the actor, in fact, reasonably believes that a person with legal authority over the complainant would have given effective consent to the conduct constituting the offense.

(d) *Penalties.*

(1) Criminal restraint is a Class A misdemeanor.

(2) *Penalty enhancements.* The penalty classification of this offense is increased by one class when the actor commits the offense:

(A) Reckless as to the fact that the complainant is a protected person;

(B) By recklessly causes the confinement or movement by displaying or using what, in fact, is a dangerous weapon or imitation dangerous weapon; or

(C) With the purpose of harming the complainant because of the complainant's status as a law enforcement officer, public safety employee, or District official.

(e) *Multiple convictions for related offenses.* Multiple convictions for criminal restraint and another offense merge when arising from the same act or course of conduct and when the

confinement or movement was incidental to commission of the other offense, and the sentencing court shall follow the procedures specified in § 22A-212(b) and (c).

§ 22A-2403. Blackmail.

(a) *Offense*. An actor commits blackmail when the actor:

(1) Purposely causes another person to commit or refrain from any act;

(2) By communicating, explicitly or implicitly, that if the person does not commit or refrain from the act, any person will:

(A) Take or withhold action as a public official, or cause a public official to take or withhold action;

(B) Accuse another person of a crime;

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

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

(ii) Significant injury to credit or business reputation;

(D) Significantly impair the reputation of a deceased person;

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

(F) Restrict a person's access to a controlled substance that the person owns, or restrict a person's access to prescription medication that the person owns; or

(G) Engage in conduct that, in fact, constitutes:

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

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

(b) *Exclusions to liability*.

(1) An actor does not commit an offense under subsection (a)(2)(C) this section for communicating that, in fact, any person will engage in legal employment or business actions.

(2) An actor does not commit an offense under this section for causing a person to do any of the following:

(A) Transfer, use, give control over, or consent to damage property;

(B) Remain in or move to a location; or

(C) Give consent for a person to enter or remain in a location.

(c) *Affirmative defenses*.

(1) It is an affirmative defense to liability under this section committed by means of the conduct specified in subsection (a)(1)(A)-(F) this section that:

(A) The actor, in fact, reasonably believes the threatened official action to be justified, or the accusation, secret, or assertion to be true, or that the photograph, video, or audio recording is authentic, and

(B) Engages in the conduct with the purpose of compelling the other person to:

(i) Desist or refrain from criminal or tortious activity or behavior harmful to any person's physical or mental health,

(ii) Act or refrain from acting in a manner reasonably related to the wrong that is the subject of the accusation, assertion, invocation of official action, or photograph, video or audio recording; or

(iii) Refrain from taking any action or responsibility for which the actor believes the other unqualified.

(2) It is an affirmative defense to liability under this section that, in fact, the actor reasonably believes that the complainant gives effective consent to the actor to engage in the conduct constituting the offense.

(d) *Penalties*. Blackmail is a Class 8 felony.

SUBCHAPTER V. ABUSE AND NEGLECT OF VULNERABLE PERSONS.

§ 22A-2501. Criminal abuse of a minor.

(a) *First degree*. An actor commits first degree criminal abuse of a minor when the actor:

(1) Is reckless as to the fact that:

(A) The actor has a responsibility under civil law for the health, welfare, or supervision of the complainant; and

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

(2) Either:

(A) Purposely causes serious mental injury to the complainant; or

(B) Recklessly causes serious bodily injury to the complainant.

(b) *Second degree*. An actor commits second degree criminal abuse of a minor when the actor:

(1) Is reckless as to the fact that:

(A) The actor has a responsibility under civil law for the health, welfare, or supervision of the complainant; and

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

(2) Causes significant bodily injury to the complainant.

(c) *Third degree*. An actor commits third degree criminal abuse of a minor when the actor:

(1) Is reckless as to the fact that:

(A) The actor has a responsibility under civil law for the health, welfare, or supervision of the complainant; and

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

(2) Either:

(A) Causes serious mental injury to the complainant; or

(B) In fact, commits a predicate offense against persons against the complainant.

(d) *Exclusion from liability*. An actor does not commit an offense under this section when, in fact, the actor's conduct is specifically permitted by a District statute or regulation.

(e) *Affirmative defense.* It is an affirmative defense to liability under subsections (b) and (c) of this section that the actor, in fact:

(1) Is not a person with legal authority over the complainant; and

(2) Reasonably believes that a person with legal authority over the complainant, acting consistent with that authority, would give effective consent to the injury or the conduct constituting the offense.

(f) *Penalties.*

(1) First degree criminal abuse of a minor is a Class 6 felony.

(2) Second degree criminal abuse of a minor is a Class 8 felony.

(3) Third degree criminal abuse of a minor is a Class 9 felony.

(g) *Definitions.* For the purposes of this section, the term "predicate offense against persons" means:

(1) Fourth degree assault under § 22A-2203(d);

(2) Criminal threats under § 22A-2205;

(3) Offensive physical contact under § 22A-2206;

(4) Criminal restraint under § 22A-2402;

(5) Stalking under § 22A-2801; or

(6) Electronic stalking under § 22A-2802.

§ 22A-2502. Criminal neglect of a minor.

(a) *First degree.* An actor commits first degree criminal neglect of a minor when the actor:

(1) Is reckless as to the fact that:

(A) The actor has a responsibility under civil law for the health, welfare, or supervision of the complainant; and

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

(2) Created, or failed to mitigate or remedy, a substantial risk that the complainant would experience serious bodily injury or death.

(b) *Second degree.* An actor commits second degree criminal neglect of a minor when the actor:

(1) Is reckless as to the fact that:

(A) The actor has a responsibility under civil law for the health, welfare, or supervision of the complainant; and

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

(2) Created, or failed to mitigate or remedy, a substantial risk that the complainant would experience:

(A) Significant bodily injury; or

(B) Serious mental injury.

(c) *Third degree.* An actor commits third degree criminal neglect of a minor when the actor:

(1) Is reckless as to the fact that:

(A) The actor has a responsibility under civil law for the health, welfare, or supervision of the complainant; and

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

(2) Engages in one of the following:

(A) Knowingly leaves the complainant in any place with intent to abandon the complainant; or

(B) Recklessly:

(i) Fails to make a reasonable effort to provide food, clothing, shelter, supervision, medical services, medicine, or other items or care essential for the physical health, mental health, or safety of the complainant; or

(ii) Creates, or fails to mitigate or remedy, a substantial risk that the complainant would experience bodily injury from consumption of alcohol, or consumption or inhalation, without a valid prescription, of a controlled substance or marijuana.

(d) *Exclusions from liability*.

(1) An actor does not commit an offense under this section for conduct that, in fact, constitutes surrendering a newborn child in accordance with Chapter 14A of Title 4.

(2) An actor does not commit an offense under this section when, in fact, the actor's conduct is specifically permitted by a District statute or regulation.

(e) *Affirmative defense*. It is an affirmative defense to liability under subsections (b) and (c)(2)(B) of this section that the actor, in fact:

(1) Is not a person with legal authority over the complainant; and

(2) Reasonably believes that a person with legal authority over the complainant, acting consistent with that authority, would give effective consent to the conduct constituting the offense.

(f) *Penalties*.

(1) First degree criminal neglect of a minor is a Class 8 felony.

(2) Second degree criminal neglect of a minor is a Class A misdemeanor.

(3) Third degree criminal neglect of a minor is a Class B misdemeanor.

§ 22A-2503. Criminal abuse of a vulnerable adult or elderly person.

(a) *First degree*. An actor commits first degree criminal abuse of a vulnerable adult or elderly person when the actor:

(1) Is reckless as to the fact that:

(A) The actor has a responsibility under civil law for the health, welfare, or supervision of the complainant; and

(B) The complainant is a vulnerable adult or elderly person; and

(2) Either:

(A) Purposely causes serious mental injury to the complainant; or

(B) Recklessly causes serious bodily injury to the complainant.

(b) *Second degree*. An actor commits second degree criminal abuse of a vulnerable adult or elderly person when the actor:

(1) Is reckless as to the fact that:

(A) The actor has a responsibility under civil law for the health, welfare, or supervision of the complainant; and

(B) The complainant is a vulnerable adult or elderly person; and

(2) Causes significant bodily injury to the complainant.

(c) *Third degree.* An actor commits third degree criminal abuse of a vulnerable adult or elderly person when the actor:

(1) Is reckless as to the fact that:

(A) The actor has a responsibility under civil law for the health, welfare, or supervision of the complainant; and

(B) The complainant is a vulnerable adult or elderly person; and

(2) Either:

(A) Causes serious mental injury to the complainant; or

(B) In fact, commits a predicate offense against persons against the complainant.

(d) *Exclusion from liability.* An actor does not commit an offense under this section when, in fact, the actor's conduct is specifically permitted by a District statute or regulation.

(e) *Defenses.*

(1) It is a defense to liability under subsection (a)(2)(B) of this section that, in fact:

(A) The injury is caused by:

(i) A lawful cosmetic or medical procedure; or

(ii) An omission;

(B) The actor is not a person with legal authority over the complainant; and

(C) The actor reasonably believes that the complainant, or a person with legal authority over the complainant acting consistent with that authority, gives effective consent to the actor to cause the injury or engage in the omission that causes the injury.

(2) It is a defense to liability under subsections (b) and (c) of this section that, in fact:

(A) The actor is not a person with legal authority over the complainant; and

(B) The actor reasonably believes that the complainant, or a person with legal authority over the complainant acting consistent with that authority, gives effective consent to the actor to:

(i) Cause the injury;

(ii) Engage in the omission that causes the injury; or

(iii) Engage in a lawful sport, occupation, or other concerted activity, and the actor's infliction of the injury is a reasonably foreseeable hazard of that activity.

(f) *Penalties.*

(1) First degree criminal abuse of a vulnerable adult or elderly person is a Class 6 felony.

(2) Second degree criminal abuse of a vulnerable adult or elderly person is a Class 8 felony.

(3) Third degree criminal abuse of a vulnerable adult or elderly person is a Class 9 felony.

(g) *Definitions*. For the purposes of this section, the term "predicate offense against persons" means:

(1) Fourth degree assault under § 22A-2203(d);

(2) Criminal threats under § 22A-2205;

(3) Offensive physical contact under § 22A-2206;

(4) Criminal restraint under § 22A-2402;

(5) Stalking under § 22A-2801; or

(6) Electronic stalking under § 22A-2802.

§ 22A-2504. Criminal neglect of a vulnerable adult or elderly person.

(a) *First degree*. An actor commits first degree criminal neglect of a vulnerable adult or elderly person when the actor:

(1) Is reckless as to the fact that:

(A) The actor has a responsibility under civil law for the health, welfare, or supervision of the complainant; and

(B) The complainant is a vulnerable adult or elderly person; and

(2) Creates, or fails to mitigate or remedy, a substantial risk that the complainant would experience serious bodily injury or death.

(b) *Second degree*. An actor commits second degree criminal neglect of a vulnerable adult or elderly person when the actor:

(1) Is reckless as to the fact that:

(A) The actor has a responsibility under civil law for the health, welfare, or supervision of the complainant; and

(B) The complainant is a vulnerable adult or elderly person; and

(2) Creates, or fails to mitigate or remedy, a substantial risk that the complainant would experience:

(A) Significant bodily injury; or

(B) Serious mental injury.

(c) *Third degree*. An actor commits third degree criminal neglect of a vulnerable adult or elderly person when the actor:

(1) Is reckless as to the fact that:

(A) The actor has a responsibility under civil law for the health, welfare, or supervision of the complainant; and

(B) The complainant is a vulnerable adult or elderly person; and

(2) Either:

(A) Fails to make a reasonable effort to provide food, clothing, shelter, supervision, medical services, medicine, or other items or care essential for the physical health, mental health, or safety of the complainant; or

(B) Creates, or fails to mitigate or remedy, a substantial risk that the complainant would experience bodily injury from consumption of alcohol, or consumption or inhalation, without a valid prescription, of a controlled substance or marijuana.

(d) *Exclusion from liability.* An actor does not commit an offense under this section when, in fact, the actor's conduct is specifically permitted by a District statute or regulation.

(e) *Defenses.*

(1) It is a defense to liability under subsection (a) of this section that, in fact:

(A) The risk is caused by:

(i) A lawful cosmetic or medical procedure; or

(ii) An omission;

(B) The actor is not a person with legal authority over the complainant; and

(C) The actor reasonably believes that the complainant, or a person with legal authority over the complainant acting consistent with that authority, gives effective consent to the actor to engage in the conduct that constitutes the offense.

(2) It is a defense to liability under subsections (b) and (c) of this section that, in fact:

(A) The actor is not a person with legal authority over the complainant; and

(B) The actor reasonably believes that the complainant, or a person with legal authority over the complainant acting consistent with that authority, gives effective consent to the actor to:

(i) Engage in the conduct that constitutes the offense; or

(ii) Engage in a lawful sport, occupation, or other concerted activity, and the actor's creation, or failure to mitigate or remedy, the risk is a reasonably foreseeable hazard of that activity.

(f) *Penalties.*

(1) First degree criminal neglect of a vulnerable adult or elderly person is a Class 8 felony.

(2) Second degree criminal neglect of a vulnerable adult or elderly person is a Class A misdemeanor.

(3) Third degree criminal neglect of a vulnerable adult or elderly person is a Class B misdemeanor.

SUBCHAPTER VI. HUMAN TRAFFICKING.

§ 22A-2601. Forced labor.

(a) *Offense.* An actor commits forced labor when the actor:

(1) Knowingly causes a person to provide services;

(2) By means of debt bondage or making an explicit or implicit coercive threat.

(b) *Exclusions from liability.* An actor does not commit an offense under this section for, in fact, communicating that any person will engage in legal employment actions, such as threats of termination, demotion, reduced pay or benefits, or scheduling changes, in order to compel an employee to provide labor or services.

(c) *Penalties.*

(1) Forced labor is a Class 5 felony.

(2) *Penalty enhancements.* The penalty classification of this offense is increased by one class when the actor commits the offense:

(A) Reckless as to the fact that the complainant is under 18 years of age; or

(B) By holding the complainant, or causing the complainant to provide services, for more than 180 days.

§ 22A-2602. Forced commercial sex.

(a) *Offense.* An actor commits forced commercial sex when the actor:

(1) Knowingly causes the complainant to engage in or submit to a commercial sex act with or for another person;

(2) In one or more of the following ways:

(A) By using physical force that causes bodily injury to, overcomes, or restrains any person;

(B) By making a coercive threat, explicit or implicit;

(C) By debt bondage; or

(D) By administering or causing to be administered to the complainant, without the complainant's effective consent, a drug, intoxicant, or other substance:

(i) With intent to impair the complainant's ability to express willingness or unwillingness to engage in the commercial sex act; and

(ii) In fact, the drug, intoxicant, or other substance renders the complainant:

(I) Asleep, unconscious, substantially paralyzed, or passing in and out of consciousness;

(II) Substantially incapable of appraising the nature of the commercial sex act; or

(III) Substantially incapable of communicating unwillingness to engage in the commercial sex act.

(b) *Penalties.*

(1) Forced commercial sex is a Class 4 felony.

(2) *Penalty enhancements.* The penalty classification of this offense is increased by one class when the actor commits the offense:

(A) Reckless as to the fact that the complainant is under 18 years of age, or, in fact, the complainant is under 12 years of age; or

(B) By recklessly holding the complainant, or causing the complainant to provide commercial sex acts, for a total of more than 180 days.

§ 22A-2603. Trafficking in labor.

(a) *Offense*. An actor commits trafficking in labor when the actor:

(1) Knowingly recruits, entices, houses, transports, provides, obtains, or maintains by any means, a person;

(2) With intent that, as a result, the person will be caused to provide services by means of debt bondage or an explicit or implicit coercive threat.

(b) *Penalties*.

(1) Trafficking in labor is a Class 6 felony.

(2) *Penalty enhancements*. The penalty classification of this offense is increased by one class when the actor commits the offense:

(A) Reckless as to the fact that the complainant is under 18 years of age; or

(B) By holding the complainant, or causing the complainant to provide services, for a total of more than 180 days.

§ 22A-2604. Trafficking in forced commercial sex.

(a) *Offense*. An actor commits trafficking in forced commercial sex when the actor:

(1) Knowingly recruits, entices, houses, transports, provides, obtains, or maintains by any means, the complainant;

(2) With intent that, as a result, the complainant will be caused to engage in or submit to a commercial sex act with or for another person in one or more of the following ways:

(A) By physical force that causes bodily injury to, overcomes, or restrains any person;

(B) By an explicit or implicit coercive threat;

(C) By debt bondage; or

(D) By a drug, intoxicant, or other substance, administered to the complainant without the complainant's effective consent.

(b) *Penalties*.

(1) Trafficking in forced commercial sex is a Class 6 felony.

(2) *Penalty enhancements*. The penalty classification of this offense is increased by one class when the actor commits the offense:

(A) Reckless as to the fact that the complainant is under 18 years of age, or, in fact, the complainant is under 12 years of age; or

(B) By recklessly holding the complainant, or causing the complainant to provide commercial sex acts, for a total of more than 180 days.

§ 22A-2605. Sex trafficking of a minor or adult incapable of consenting.

(a) *Offense*. An actor commits sex trafficking of a minor or adult incapable of consenting when the actor:

(1) Knowingly recruits, entices, houses, transports, provides, obtains, or maintains by any means the complainant;

(2) With intent that the complainant, as a result, will be caused to engage in or submit to a commercial sex act with or for another person; and

(3) Reckless as to the fact that the complainant is:

(A) Under 18 years of age;

(B) Incapable of appraising the nature of the commercial sex act or of understanding the right to give or withhold consent to the commercial sex act, either due to a drug, intoxicant, or other substance, or, due to an intellectual, developmental, or mental disability or mental illness when the actor has no similarly serious disability or illness; or

(C) Incapable of communicating willingness or unwillingness to engage in the commercial sex act.

(b) *Penalties.*

(1) Sex trafficking of a minor or adult incapable of consenting is a Class 5 felony.

(2) *Penalty enhancements.* The penalty classification of this offense is increased by one class when the actor commits the offense and recklessly holds the complainant, or causes the complainant to provide commercial sex acts, for a total of more than 180 days.

§ 22A-2606. Benefiting from human trafficking.

(a) *First degree.* An actor commits first degree benefiting from human trafficking when the actor:

(1) Knowingly obtains any financial benefit or property;

(2) By participating in a group of 2 or more persons;

(3) Reckless as to the fact that the group is engaging in conduct that, in fact: constitutes forced commercial sex under § 22A-2602, trafficking in forced commercial sex under § 22A-2604, or sex trafficking of a minor or adult incapable of consenting under § 22A-2605; and

(4) The actor's participation in the group furthers, in any manner, the conduct that constitutes a human trafficking offense.

(b) *Second degree.* An actor commits second degree benefiting from human trafficking when the actor:

(1) Knowingly obtains any financial benefit or property;

(2) By participation in a group of 2 or more persons;

(3) Reckless as to the fact that the group is engaging in conduct that, in fact: constitutes forced labor under § 22A-2601 or trafficking in labor under § 22A-2603; and

(4) The actor's participation in the group furthers, in any manner, the conduct that constitutes a human trafficking offense.

(c) *Penalties.*

(1) First degree benefiting from human trafficking is a Class 6 felony.

(2) Second degree benefiting from human trafficking is a Class 7 felony.

§ 22A-2607. Misuse of documents in furtherance of human trafficking.

(a) *First degree*. An actor commits first degree misuse of documents in furtherance of human trafficking when the actor:

(1) Knowingly destroys, conceals, removes, confiscates, or possesses any actual or purported government identification document, including a passport or other immigration document of any person;

(2) With intent to restrict the person's liberty to move or travel in order to maintain performance of a commercial sex act by the person.

(b) *Second degree*. An actor commits second degree misuse of documents in furtherance of human trafficking when the actor:

(1) Knowingly destroys, conceals, removes, confiscates, or possesses any actual or purported government identification document, including a passport or other immigration document of any person;

(2) With intent to restrict the person's liberty to move or travel in order to maintain the services of the person.

(c) *Penalties*.

(1) First degree misuse of documents in furtherance of human trafficking is a Class 8 felony.

(2) Second degree misuse of documents in furtherance of human trafficking is a Class 9 felony.

§ 22A-2608. Commercial sex with a trafficked person.

(a) *First degree*. An actor commits first degree commercial sex with a trafficked person when the actor:

(1) Knowingly engages in a commercial sex act;

(2) When a coercive threat, explicit or implicit, or debt bondage by another person causes the complainant to submit to or engage in the commercial sex act;

(3) Reckless as to the fact that the complainant is under 18 years of age, or, in fact, the complainant is under 12 years of age.

(b) *Second degree*. An actor commits second degree commercial sex with a trafficked person when the actor:

(1) Knowingly engages in a commercial sex act;

(2) When either:

(A) An explicit or implicit coercive threat, or debt bondage by another person causes the complainant to submit to or engage in the commercial sex act; or

(B) The complainant is recruited, enticed, housed, transported, provided, obtained, or maintained for the purpose of causing the person to submit to or engage in the commercial sex act; and:

(i) The actor is reckless as to the fact that the complainant is under 18 years of age;

(ii) Incapable of appraising the nature of the commercial sex act or of understanding the right to give or withhold consent to the commercial sex act, either due to a

drug, intoxicant, or other substance, or, due to an intellectual, developmental, or mental disability or mental illness when the actor has no similarly serious disability or illness; or

(iii) Incapable of communicating willingness or unwillingness to engage in the commercial sex act; or

(iv) The complainant is, in fact, under 12 years of age.

(c) *Penalties.*

(1) First degree commercial sex with a trafficked person is a Class 3 felony.

(2) Second degree commercial sex with a trafficked person is a Class 4 felony.

§ 22A-2609. Forfeiture.

(a) *Forfeiture penalty.* In imposing sentence on any person convicted of a violation of this subchapter, the court may order, in addition to any sentence imposed, that the person shall forfeit to the District of Columbia:

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

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

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

(1) Any property, real or personal, that was used or planned to be used to commit or to facilitate the commission of an offense under this subchapter; and

(2) Any property, real or personal, which constitutes or is derived from proceeds traceable to an offense under this subchapter.

§ 22A-2610. Reputation or opinion evidence.

(a) In a criminal case in which a person is accused of forced commercial sex under § 22A-2602, trafficking in forced commercial sex under § 22A-2604, sex trafficking of a minor or adult incapable of consenting under § 22A-2605, or benefiting from human trafficking under § 22A-2606, reputation or opinion evidence of the past sexual behavior of the alleged victim is not admissible. Evidence of an alleged victim's past sexual behavior other than reputation or opinion evidence also is not admissible, unless such evidence other than reputation or opinion evidence is admitted in accordance with § 22A-2310(b) and is constitutionally required to be admitted.

(b) *Definitions.* For the purposes of this section, the term "past sexual behavior" means sexual behavior other than the sexual behavior with respect to which an offense under this subchapter is alleged.

§ 22A-2611. Civil action.

(a) An individual who is a victim of an offense prohibited by § 22A-2601, § 22A-2602, § 22A-2603, § 22A-2604, § 22A-2605, § 22A-2606, § 22A-2607, or § 22A-2608 may bring a civil action in the Superior Court of the District of Columbia. The court may award actual damages, compensatory damages, punitive damages, injunctive relief, and any other appropriate relief. A

prevailing plaintiff shall also be awarded attorney's fees and costs. Treble damages shall be awarded on proof of actual damages where a defendant's acts were willful and malicious.

(b) Any action for recovery of damages arising out of an offense in this subchapter may not be brought after 5 years from when the victim knew, or reasonably should have been aware, of any act constituting an offense in this subchapter, or if the offense occurred while the victim was less than 35 years of age, the date that the victim turns 40 years of age, whichever is later.

(c) If a person entitled to sue is imprisoned, insane, or similarly incapacitated at the time the cause of action accrues, so that it is impossible or impracticable for the person to bring an action, then the time of the incapacity is not part of the time limited for the commencement of the action.

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

§ 22A-2612. Limitation on liability and sentencing for human trafficking offenses.

(a) *Accomplice liability for victims of trafficking.* A person shall not be charged as an accomplice to the commission of an offense under this subchapter if, prior to commission of the offense, the person was themself a victim of an offense under this subchapter by the principal within 3 years prior to the conduct by the principal that constitutes the offense.

(b) *Conspiracy liability for victims of trafficking.* A person shall not be charged with conspiracy to commit an offense under this subchapter if, prior to the conspiracy, the person was themself a victim of an offense under this subchapter by a party to the conspiracy within 3 years prior to the formation of the conspiracy.

§ 22A-2613. Civil forfeiture.

(a) *Property subject to forfeiture.* The following are subject to civil forfeiture:

(1) In fact, all conveyances, including aircraft, vehicles or vessels, which are possessed with intent to be used, or are, in fact, used, to facilitate the commission of an offense under this subchapter; and

(2) In fact, all money, coins, and currency which are possessed with intent to be used, or are, in fact, used, to facilitate the commission of an offense under this subchapter.

(b) *Requirements for forfeiture.* All seizures and forfeitures under this section shall be pursuant to the standards and procedures set forth in Chapter 3 of Title 41.

SUBCHAPTER VII. TERRORISM.

§ 22A-2701. Act of terrorism.

(a) *First degree.* An actor commits a first degree act of terrorism when the actor:

(1) In fact, commits murder under § 22A-2101;

(2) With the purpose, in whole or part, of:

(A) Intimidating or coercing a significant portion of the civilian population of the District of Columbia or the United States; or

(B) Influencing the policy or conduct of a unit of government by intimidation or coercion.

(b) *Second degree.* An actor commits a second degree act of terrorism when the actor:

(1) In fact, commits:

(A) Manslaughter under § 22A-2102;

(B) First degree assault under § 22A-2203(a);

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

(D) Kidnapping under § 22A-2401;

(2) With the purpose, in whole or part, of:

(A) Intimidating or coercing a significant portion of the civilian population of the District of Columbia or the United States; or

(B) Influencing the policy or conduct of a unit of government by intimidation or coercion.

(c) *Third degree.* An actor commits a third degree act of terrorism when the actor:

(1) In fact, commits:

(A) Arson under § 22A-3601; or

(B) First degree criminal damage to property under § 22A-3603(a);

(2) With the purpose, in whole or part, of:

(A) Intimidating or coercing a significant portion of the civilian population of the District of Columbia or the United States; or

(B) Influencing the policy or conduct of a unit of government by intimidation or coercion.

(d) *Penalties.*

(1) First degree act of terrorism is a Class 1 felony.

(2) Second degree act of terrorism is a Class 3 felony.

(3) Third degree act of terrorism is a Class 6 felony.

§ 22A-2702. Material support for an act of terrorism.

(a) *Offense.* An actor commits material support for an act of terrorism when the actor:

(1) Knowingly provides, or commands, requests, or tries to persuade, any person to provide material support or resources;

(2) With intent that the material support or resources will be used, in whole or in part:

(A) To assist the planning or commission of conduct constituting an act of terrorism under § 22A-2701; or

(B) To flee after committing an act of terrorism under § 22A-2701.

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

(c) *Penalties.* Material support for an act of terrorism is a Class 7 felony.

(d) *Merger*. A conviction for material support for an act of terrorism merges with any other conviction for being an accomplice to an act of terrorism under § 22A-2701 arising from the same act or course of conduct. The sentencing court shall follow the procedures specified in § 22A-212(b) and (c).

(e) *Definitions*. For the purposes of this section, the term "material support or resources" means:

(1) Expert services or assistance;

(2) Currency, financial securities or other monetary instruments; financial services; lodging; training; false documentation or identification; equipment; facilities; weapons; lethal substances; explosives; personnel; transportation; and other physical assets; or

(3) A weapon of mass destruction.

§ 22A-2703. Manufacture or possession of a weapon of mass destruction.

(a) *Offense*. An actor commits manufacture or possession of a weapon of mass destruction when the actor:

(1) Either:

(A) Knowingly manufactures or possesses a weapon of mass destruction; or

(B) With intent that it will be used to cause death or serious bodily injury to multiple persons, other than as part of a lawful medical procedure, knowingly manufactures or possesses an item that is:

(i) A toxic or poisonous chemical or its precursors;

(ii) A biological agent or toxin; or

(iii) Radioactive or nuclear material; and

(2) In fact, the weapon of mass destruction or other item is capable of causing multiple deaths, serious bodily injuries to multiple persons, or an amount of damage to property of $500,000 or more.

(b) *Exclusions from liability*. An actor does not commit an offense under subsection (a)(1)(A) of this section when, in fact, the actor is:

(1) An employee of the District or federal government, who is on duty and acting within the scope of those duties;

(2) Lawfully engaging in the business of manufacturing, repairing, or dealing the weapon involved in the offense;

(3) Lawfully engaging in the business of shipping or delivering the weapon involved in the offense;

(4) Acting within the scope of authority granted by the Chief of the Metropolitan Police Department or a competent court; or

(5) A university, research institution, private company, individual, or hospital engaged in scientific or public health research and, as required by federal law, has registered with the Centers for Disease Control and Prevention pursuant to Part 121 (commencing with Section 121.1) of Subchapter E of Chapter 1 of Title 9 or pursuant to Part 73 (commencing with

Section 73.1) of Subchapter F of Chapter 1 of Title 42 of the Code of Federal Regulations, or any successor provisions.

(c) *Affirmative defense*. It is an affirmative defense to liability under this section that the actor possesses the weapon or item while, in fact, voluntarily surrendering the weapon or item pursuant to District or federal law.

(d) *Penalties*. Manufacture or possession of a weapon of mass destruction is a Class 6 felony.

(e) *Merger*. A conviction for manufacture or possession of a weapon of mass destruction merges with any other weapon possession offense arising from the same act or course of conduct under Subchapter I of Chapter 5 of this title or Chapter 25 of Title 7. The sentencing court shall follow the procedures specified in subsections § 22A-212(b) and (c).

§ 22A-2704. Use, dissemination, or detonation of a weapon of mass destruction.

(a) *First degree*. An actor commits first degree use, dissemination, or detonation of a weapon of mass destruction when the actor:

(1) With intent to cause serious bodily injury or death to multiple persons, other than as part of a lawful medical procedure;

(2) Knowingly uses, disseminates, or detonates:

(A) A weapon of mass destruction;

(B) A toxic or poisonous chemical or its precursors;

(C) A biological agent or toxin; or

(D) Radioactive or nuclear material; and

(3) In fact, the weapon of mass destruction or other item is capable of causing multiple deaths or serious bodily injuries to multiple persons.

(b) *Second degree*. An actor commits second degree use, dissemination, or detonation of a weapon of mass destruction when the actor:

(1) With intent to cause:

(A) Bodily injury to multiple persons, other than as part of a lawful medical procedure; or

(B) Massive damage to property, including plants and animals, on land owned by a government, government agency, or government-owned corporation;

(2) Knowingly uses, disseminates, or detonates:

(A) A weapon of mass destruction;

(B) A toxic or poisonous chemical or its precursors;

(C) A biological agent or toxin; or

(D) Radioactive or nuclear material; and

(3) In fact, the weapon of mass destruction or other item is capable of causing multiple deaths, serious bodily injuries to multiple persons, or an amount of damage to property of $500,000 or more.

(c) *Exclusions from liability*. An actor does not commit an offense under subsection (b)(1)(B) of this section when, in fact, the actor is:

(1) An employee of the District or federal government, who is on duty and acting within the scope of those duties;

(2) Acting within the scope of authority granted by the Chief of the Metropolitan Police Department or a competent court; or

(3) A university, research institution, private company, individual, or hospital engaged in scientific or public health research and, as required by federal law, has registered with the Centers for Disease Control and Prevention pursuant to Part 121 (commencing with Section 121.1) of Subchapter E of Chapter 1 of Title 9 or pursuant to Part 73 (commencing with Section 73.1) of Subchapter F of Chapter 1 of Title 42 of the Code of Federal Regulations, or any successor provisions;

(d) *Affirmative defense*. It is an affirmative defense to liability under subsection (b)(1)(B) of this section that the actor, in fact, reasonably believes they are acting in compliance with a current license or authority under civil law and with the effective consent of an owner of the property.

(e) *Penalties*.

(1) First degree use, dissemination, or detonation of a weapon of mass destruction is a Class 3 felony.

(2) Second degree use, dissemination, or detonation of a weapon of mass destruction is a Class 5 felony.

(f) *Merger*. A conviction for use, dissemination, or detonation of a weapon of mass destruction merges with any other weapon possession offense arising from the same act or course of conduct under Subchapter I of Chapter 5 of this title or Chapter 25 of Title 7. The sentencing court shall follow the procedures specified in § 22A-212(b) and (c).

SUBCHAPTER VIII. STALKING, OBSCENITY, AND INVASIONS OF PRIVACY.

§ 22A-2801. Stalking.

(a) *Offense*. An actor commits stalking when the actor:

(1) Purposely engages in a course of conduct directed at a complainant that consists of 2 or more separate occasions of any of the following:

(A) Physically following or physically monitoring the complainant;

(B) Falsely personating the complainant;

(C) Contacting the complainant, by use of a telephone, mail, delivery service, electronic message, in person, or any other means; or

(D) In fact, committing, soliciting, or attempting:

(i) Criminal threats under § 22A-2205;

(ii) Theft under § 22A-3201;

(iii) Identity theft under § 22A-3305;

(iv) Arson under § 22A-3601;

(v) Criminal damage to property under § 22A-3603;

(vi) Criminal graffiti under § 22A-3604;

(vii) Trespass under § 22A-3701;

(viii) Breach of home privacy under § 22A-5205; or

(ix) Indecent exposure under § 22A-5206;

(2) Negligent as to the fact that the course of conduct is without the complainant's effective consent; and

(3) Either:

(A) With intent to cause the complainant to:

(i) Fear for the complainant's safety or the safety of another person; or

(ii) Suffer significant emotional distress; or

(B) Negligently causing the complainant to:

(i) Fear for the complainant's safety or the safety of another person; or

(ii) Suffer significant emotional distress.

(b) *Exclusions from liability.*

(1) An actor does not commit an offense under subsection (a)(1)(C) of this section when, in fact, the actor is expressing an opinion on a political or public matter, and the expression is directed to a complainant who is a law enforcement officer, District official, candidate for elected office, or employee of a business that serves the public, while the complainant is involved in their official duties.

(2) An actor does not commit an offense under this section when, in fact, the actor is:

(A) Authorized to engage in the conduct by a court order or District statute, regulation, rule, or license; or

(B) Carrying out a specific, lawful commercial purpose or employment duty, when acting within the reasonable scope of that purpose or duty.

(c) *Unit of prosecution.* Under this section, where conduct is of a continuing nature, each 24-hour period constitutes one occasion.

(d) *Penalties.*

(1) Stalking is a Class A misdemeanor.

(2) *Penalty enhancements.* The penalty classification of this offense shall be increased by one class when the actor, in fact:

(A) Violates a court order or condition of release prohibiting or restricting contact with the complainant;

(B) Has one or more prior convictions within 10 years for:

(i) Stalking under § 22A-2801 or a comparable offense; or

(ii) Electronic stalking under § 22A-2802 or a comparable offense;

(C) Causes more than $5,000 in financial injury; or

(D) Is 18 years of age or older, is at least 4 years older than the complainant, and is reckless as to the fact that the complainant is under 18 years of age.

(3) *No repeat offender enhancement.* A person shall not be subject to both a penalty enhancement under paragraph (2)(B) of this subsection and a repeat offender penalty enhancement in § 22A-606 for the same course of conduct.

(e) *Definitions.* For the purposes of this section, the term "safety" means ongoing security from significant intrusions on one's bodily integrity or bodily movement.

§ 22A-2802. Electronic stalking.

(a) *Offense.* An actor commits electronic stalking when the actor:

(1) Purposely engages in a course of conduct directed at a complainant that consists of 2 or more separate occasions of:

(A) Creating an image or an audio recording of the complainant, other than a derivative image or audio recording; or

(B) Accessing monitoring equipment or software, on property of another, that discloses the complainant's location;

(2) Negligent as to the fact that the course of conduct is without the complainant's effective consent; and

(3) Either:

(A) With intent to cause the complainant to:

(i) Fear for the complainant's safety or the safety of another person; or

(ii) Suffer significant emotional distress; or

(B) Negligently causing the complainant to:

(i) Fear for the complainant's safety or the safety of another person; or

(ii) Suffer significant emotional distress.

(b) *Exclusions from liability.*

(1) An actor does not commit an offense under subsection (a)(1)(A) of this section when, in fact, the actor is expressing an opinion on a political or public matter, and the expression is directed to a complainant who is a law enforcement officer, District official, candidate for elected office, or employee of a business that serves the public, while the complainant is involved in their official duties.

(2) An actor does not commit an offense under subsection (a)(1)(A) of this section when, in fact:

(A) The actor is a party to the communication on the audio recording; or

(B) One of the parties to the communication on the audio recording gives effective consent to the conduct.

(3) An actor does not commit an offense under this section when, in fact, the actor is:

(A) Authorized to engage in the conduct by a court order or District statute, regulation, rule, or license; or

(B) Carrying out a specific, lawful commercial purpose or employment duty, when acting within the reasonable scope of that purpose or duty.

(c) *Unit of prosecution.* Under this section, where conduct is of a continuing nature, each 24-hour period constitutes one occasion.

(d) *Penalties.*

(1) Electronic stalking is a Class A misdemeanor.

(2) *Penalty enhancements.* The penalty classification of this offense shall be increased by one class when the actor, in fact:

(A) Violates a court order or condition of release prohibiting or restricting contact with the complainant;

(B) Has one or more prior convictions within 10 years for:

(i) Stalking under § 22A-2801 or a comparable offense; or

(ii) Electronic stalking under § 22A-2802 or a comparable offense;

(C) Causes more than $5,000 in financial injury; or

(D) Is 18 years of age or older, is at least 4 years older than the complainant, and is reckless as to the fact that the complainant is under 18 years of age.

(3) *No repeat offender enhancement.* A person shall not be subject to both a penalty enhancement under paragraph (2)(B) of this subsection and a repeat offender penalty enhancement in § 22A-606 for the same course of conduct.

(e) *Definitions.* For the purposes of this section, the term "safety" means ongoing security from significant intrusions on one's bodily integrity or bodily movement.

§ 22A-2803. Voyeurism.

(a) *First degree.* An actor commits first degree voyeurism when the actor:

(1) Knowingly creates:

(A) An image, other than a derivative image, of the complainant's nude or undergarment-clad genitals, pubic area, anus, buttocks, or female breast below the top of the areola;

(B) An image or audio recording, other than a derivative image or audio recording, of the complainant engaging in or submitting to a sexual act or masturbation; or

(C) An image, other than a derivative image, of the complainant urinating or defecating;

(2) Without the complainant's effective consent; and

(3) In fact, the complainant has a reasonable expectation of privacy under the circumstances.

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

(1) Knowingly observes directly:

(A) The complainant's nude or undergarment-clad genitals, anus, pubic area, buttocks, or female breast below the top of the areola;

(B) The complainant engaging in or submitting to a sexual act or masturbation; or

(C) The complainant urinating or defecating.

(2) Without the complainant's effective consent; and

(3) In fact, the complainant has a reasonable expectation of privacy under the circumstances.

(c) *Penalties.*

(1) First degree voyeurism is a Class 9 felony.

(2) Second degree voyeurism is a Class B misdemeanor.

(3) *Penalty enhancement.* The penalty classification of any gradation of this offense shall be increased by one class when the actor is reckless as to the fact that the complainant is under 18 years of age.

§ 22A-2804. Unauthorized disclosure of a sexual recording.

(a) *Offense.* An actor commits unauthorized disclosure of a sexual recording when the actor:

(1) Knowingly distributes or displays to a person other than the complainant, or makes accessible on an electronic platform to a user other than the complainant or actor:

(A) An image of the complainant's:

(i) Nude genitals or anus; or

(ii) Nude or undergarment-clad pubic area, buttocks, or female breast below the top of the areola; or

(B) An image or an audio recording of the complainant engaging in or submitting to a sexual act, masturbation, or sadomasochistic abuse;

(2) Without the complainant's effective consent; and

(3) Either:

(A) After reaching an explicit or implicit agreement with the complainant that the image or audio recording will not be distributed or displayed, with intent to:

(i) Alarm or sexually abuse, humiliate, harass, or degrade the complainant; or

(ii) Receive financial gain as a result of the distribution or display; or

(B) In fact, after personally obtaining the image or audio recording by committing an offense that is, in fact:

(i) Voyeurism under § 22A-2803;

(ii) Theft under § 22A-3201;

(iii) Unauthorized use of property under § 22A-3202; or

(iv) Extortion under § 22A-3401.

(b) *Exclusions from liability.*

(1) An actor does not commit an offense under this section when, in fact, the actor is a licensee under the 47 U.S.C. § 151 *et seq.* engaged in activities regulated pursuant to 47 U.S.C. § 151 *et seq.*

(2) An actor does not commit an offense under this section when, in fact, the actor is an interactive computer service, as that term is defined in 47 U.S.C. § 230(f)(2), for content provided by another person.

(c) *Affirmative defense.* It is an affirmative defense to liability under this section, that the actor:

(1) With intent, exclusively and in good faith, to report possible illegal conduct or seek legal counsel from any attorney;

(2) In fact, distributes the image or audio recording to a person whom the actor reasonably believes is:

(A) A law enforcement officer, prosecutor, or attorney; or

(B) A teacher, school counselor, school administrator, or a person with a responsibility under civil law for the health, welfare, or supervision of a person who is:

(i) Depicted in the image or audio recording; or

(ii) Involved in the creation of the image or audio recording.

(d) *Penalties.*

(1) Unauthorized disclosure of a sexual recording is a Class B misdemeanor.

(2) *Penalty enhancements.* The penalty classification of this offense shall be increased by 2 classes when the actor knowingly:

(A) Distributes or displays the image or audio recording to 6 or more persons other than the complainant; or

(B) Makes the image or audio recording publicly accessible on an electronic platform to a user other than the complainant or actor.

(e) *Definitions.* For the purposes of this section, the term "licensee" shall have the same meaning as provided in 47 U.S.C. § 153(30).

§ 22A-2805. Distribution of an obscene image.

(a) *Offense.* An actor commits distribution of an obscene image when the actor:

(1) Knowingly distributes or displays to a complainant an image that depicts a real or fictitious person engaging in or submitting to an actual or simulated:

(A) Sexual act;

(B) Sadomasochistic abuse;

(C) Masturbation;

(D) Sexual or sexualized display of the genitals, pubic area, or anus, when there is less than a full opaque covering;

(E) Sexual contact; or

(F) Sexual or sexualized display of the breast below the top of the areola, or buttocks, when there is less than a full opaque covering;

(2) Without the complainant's effective consent; and

(3) Reckless as to the fact that the image is obscene.

(b) *Exclusions from liability.*

(1) An actor does not commit an offense under this section when, in fact, the actor is a licensee under 47 U.S.C. § 151 *et seq.* engaged in activities regulated pursuant to 47 U.S.C. § 151 *et seq.*.

(2) An actor does not commit an offense under this section when, in fact, the actor is an interactive computer service, as that term is defined in 47 U.S.C. § 230(f)(2), for content provided by another person.

(3) An actor does not commit an offense under this section when, in fact, the actor distributes or displays an image to a complainant in a location open to the general public or in an electronic forum, unless the actor:

(A) Knowingly distributes or displays the image directly to the complainant; or

(B) Purposely distributes or displays the image to the complainant.

(4) An actor does not commit an offense under this section when, in fact, the actor reasonably believes that they are distributing the image to:

(A) A person who is depicted in the image;

(B) A person who was involved in the creation or distribution of the image; or

(C) A person with a responsibility under civil law for the health, welfare, or supervision of a person who the actor reasonably believes is:

(i) Depicted in the image; or

(ii) Involved in the creation of the image.

(c) *Affirmative defenses.*

(1) It is an affirmative defense to liability under this section that the actor, in fact:

(A) Is an employee of a school, museum, library, movie theater, or other venue;

(B) Is acting within the reasonable scope of that role; and

(C) Has no control over the selection of the image.

(2) It is an affirmative defense to liability under this section, that the actor:

(A) With intent, exclusively and in good faith, to report possible illegal conduct or seek legal counsel from any attorney;

(B) In fact, distributes the image to a person whom the actor reasonably believes is:

(i) A law enforcement officer, prosecutor, or attorney; or

(ii) A teacher, school counselor, or school administrator of a person that the actor reasonably believes to be depicted in the image or involved in the creation of the image.

(d) *Penalties.* Distribution of an obscene image is a Class C misdemeanor.

(e) *Definitions.* For the purposes of this section, the term "licensee" shall have the same meaning as provided in 47 U.S.C. § 153(30).

§ 22A-2806. Distribution of an obscene image to a minor.

(a) *Offense.* An actor commits distribution of an obscene image to a minor when the actor:

(1) Knowingly distributes or displays to a complainant an image that depicts a real or fictitious person engaging in or submitting to an actual or simulated:

(A) Sexual act;

(B) Sadomasochistic abuse;

(C) Masturbation;

(D) Sexual or sexualized display of the genitals, pubic area, or anus, when there is less than a full opaque covering;

(E) Sexual contact; or

(F) Sexual or sexualized display of the breast below the top of the areola or buttocks, when there is less than a full opaque covering;

(2) Reckless as to the fact that:

(A) The image is obscene; and

(B) The complainant is under 16 years of age; and

(3) In fact, the actor is 18 years of age or older and at least 4 years older than the complainant.

(b) *Exclusions from liability.*

(1) An actor does not commit an offense under this section when, in fact, the actor is a licensee under 47 U.S.C. § 151 *et seq.* engaged in activities regulated pursuant to 47 U.S.C. § 151 *et seq.*

(2) An actor does not commit an offense under this section when, in fact, the actor is an interactive computer service, as that term is defined in 47 U.S.C. § 230(f)(2), for content provided by another person.

(3) An actor does not commit an offense under this section when, in fact, the actor distributes or displays an image to a complainant in a location open to the general public or in an electronic forum, unless the actor:

(A) Knowingly distributes or displays the image directly to the complainant; or

(B) Purposely distributes or displays the image to the complainant.

(4) An actor does not commit an offense under this section when, in fact, the actor reasonably believes that they are distributing the image or audio recording to:

(A) A person who is depicted in the image or audio recording;

(B) A person who was involved in the creation or distribution of the image or audio recording; or

(C) A person with a responsibility under civil law for the health, welfare, or supervision of a person who the actor reasonably believes is:

(i) Depicted in the image or audio recording; or

(ii) Involved in the creation of the image or audio recording.

(c) *Affirmative defenses.*

(1) It is an affirmative defense to liability under this section that the actor, in fact:

(A) Is an employee of a school, museum, library, movie theater, or other venue;

(B) Is acting within the reasonable scope of that role; and

(C) Has no control over the selection of the image.

(2) It is an affirmative defense to liability under this section that the actor, in fact:

(A) Is married to, or in a domestic partnership with the complainant; and

(B) Reasonably believes that complainant gave effective consent to the conduct.

(d) *Penalties*. Distribution of an obscene image to a minor is a Class B misdemeanor.

(e) *Definitions*. For the purposes of this section, the term "licensee" shall have the same meaning as provided in 47 U.S.C. § 153(30).

§ 22A-2807. Creating or trafficking an obscene image of a minor.

(a) *First degree*. An actor commits first degree creating or trafficking an obscene image of a minor when the actor:

(1) Knowingly:

(A) Creates an image, other than a derivative image, by recording, photographing, or filming the complainant, or produces or directs the creation of such an image;

(B) As a person with a responsibility under civil law for the health, welfare, or supervision of the complainant, gives effective consent for the complainant to engage in or submit to the recording, photographing, or filming of an image, other than a derivative image;

(C) Displays, distributes, or manufactures with intent to distribute an image;

(D) Makes an image accessible to another user on an electronic platform; or

(E) Sells or advertises an image;

(2) Reckless as to the fact that the image depicts, or will depict, in part or whole, the body of a real complainant under 18 years of age engaging in or submitting to:

(A) A sexual act or simulated sexual act;

(B) Sadomasochistic abuse or simulated sadomasochistic abuse;

(C) Masturbation or simulated masturbation; or

(D) A sexual or sexualized display of the genitals, pubic area, or anus, when there is less than a full opaque covering.

(b) *Second degree*. An actor commits second degree creating or trafficking an obscene image of a minor when the actor:

(1) Knowingly:

(A) Creates an image, other than a derivative image, by recording, photographing, or filming the complainant, or produces or directs the creation of such an image;

(B) As a person with a responsibility under civil law for the health, welfare, or supervision of the complainant, gives effective consent for the complainant to engage in or submit to the recording, photographing, or filming of an image, other than a derivative image;

(C) Displays, distributes, or manufactures with intent to distribute an image;

(D) Makes an image accessible to another user on an electronic platform; or

(E) Sells or advertises an image;

(2) Reckless as to the fact that the image depicts, or will depict, in part or whole, the body of a real complainant under 18 years of age engaging in or submitting to:

(A) An obscene sexual contact; or

(B) An obscene sexual or sexualized display of the breast below the top of the areola, or the buttocks, when there is less than a full opaque covering.

(c) *Exclusions from liability.*

(1) An actor does not commit an offense under this section when, in fact, the actor is a licensee under 47 U.S.C. § 151 *et seq.* engaged in activities regulated pursuant to 47 U.S.C. § 151 *et seq.*

(2) An actor does not commit an offense under this section when, in fact, the actor is an interactive computer service, as that term is defined in 47 U.S.C. § 230(f)(2), for content provided by another person.

(d) *Affirmative defenses.*

(1) It is an affirmative defense to liability under subsection (a) of this section that, in fact, the image has, or will have, serious literary, artistic, political, or scientific value, when considered as a whole.

(2) It is an affirmative defense to liability under subsections (a)(1)(A), (B), (C), and (D) and (b)(1)(A), (B), (C), and (D) of this section that, in fact:

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

(B) Either:

(i) The actor is the only person under 18 years of age who is, or who will be, depicted in the image; or

(ii) The actor reasonably believes that every person under 18 years of age who is, or who will be, depicted in the image, gives effective consent to the actor to engage in the conduct constituting the offense.

(3) It is an affirmative defense to liability under subsections (a)(1)(A), (C), and (D) and (b)(1)(A), (C), and (D) of this section that, in fact:

(A) The actor is at least 18 years of age;

(B) Either:

(i) The actor is married to, or in a domestic partnership with, the complainant; or

(ii) The actor is in a romantic, dating, or sexual relationship with the complainant, and:

(I) When the complainant is under 16 years of age, the actor is less than 4 years older than the complainant; or

(II) When the complainant is under 18 years of age and the actor is at least 4 years older than the complainant, the actor is not in a position of trust with or authority over the complainant;

(C) The complainant is the only person who is, or who will be, depicted in the image, or the actor and the complainant are the only persons who are, or who will be, depicted in the image;

(D) The actor reasonably believes that the complainant gives effective consent to the actor to engage in the conduct constituting the offense; and

(E) Under subsections (a)(1)(C) and (D) and (b)(1)(C) and (D) of this section, the actor reasonably believes that the recipient, the planned recipient, or the user of the electronic platform is the complainant.

(4) It is an affirmative defense to liability under subsections (a)(1)(C) and (b)(1)(C) of this section for displaying or distributing an image that the actor:

(A) With intent, exclusively and in good faith, to report possible illegal conduct or seek legal counsel from any attorney;

(B) In fact, distributes or displays the image to a person whom the actor reasonably believes is:

(i) A law enforcement officer, prosecutor, or attorney; or

(ii) A teacher, school counselor, school administrator, or person with a responsibility under civil law for the health, welfare, or supervision of a person that the actor reasonably believes to be depicted in the image or involved in the creation of the image.

(5) It is an affirmative defense to liability under subsections (a)(1)(C), (D), and (E) and (b)(1)(C), (D), and (E) of this section that the actor, in fact:

(A) Is an employee of a school, museum, library, movie theater, or other venue;

(B) Is acting within the reasonable scope of that role; and

(C) Has no control over the creation or selection of the image.

(e) *Penalties.*

(1) First degree creating or trafficking an obscene image of a minor is a Class 7 felony.

(2) Second degree creating or trafficking an obscene image of a minor is a Class 8 felony.

(f) *Definitions.* For the purposes of this section, the term "licensee" shall have the same meaning as provided in 47 U.S.C. § 153(30).

§ 22A-2808. Possession of an obscene image of a minor.

(a) *First degree*. An actor commits first degree possession of an obscene image of a minor when the actor:

(1) Knowingly possesses an image;

(2) Reckless as to the fact that the image depicts, in part or whole, the body of a real complainant under 18 years of age engaging in or submitting to:

(A) A sexual act or simulated sexual act;

(B) Sadomasochistic abuse or simulated sadomasochistic abuse;

(C) Masturbation or simulated masturbation; or

(D) A sexual or sexualized display of the genitals, pubic area, or anus, when there is less than a full opaque covering.

(b) *Second degree*. An actor commits second degree possession of an obscene image of a minor when the actor:

(1) Knowingly possesses an image;

(2) Reckless as to the fact that the image depicts, in part or whole, the body of a real complainant under 18 years of age engaging in or submitting to:

(A) An obscene sexual contact; or

(B) An obscene sexual or sexualized display of the breast below the top of the areola, or the buttocks, when there is less than a full opaque covering.

(c) *Exclusions from liability*.

(1) An actor does not commit an offense under this section when, in fact, the actor is a licensee under 47 U.S.C. § 151 *et seq.* engaged in activities regulated pursuant to 47 U.S.C. § 151 *et seq.*

(2) An actor does not commit an offense under this section when, in fact, the actor is an interactive computer service, as that term is defined in 47 U.S.C. § 230(f)(2), for content provided by another person.

(d) *Affirmative defenses*.

(1) It is an affirmative defense to liability under subsection (a) of this section that, in fact, the image has serious literary, artistic, political, or scientific value, when considered as a whole.

(2) It is an affirmative defense to liability under this section that, in fact:

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

(B) Either:

(i) The actor is the only person under 18 years of age who is depicted in the image; or

(ii) The actor reasonably believes that every person under 18 years of age who is depicted in the image gives effective consent to the actor to engage in the conduct constituting the offense.

(3) It is an affirmative defense to liability under this section that, in fact:

(A) The actor is at least 18 years of age;

(B) Either:

(i) The actor is married to, or in a domestic partnership with, the complainant; or

(ii) The actor is in a romantic, dating, or sexual relationship with the complainant, and:

(I) When the complainant is under 16 years of age, the actor is less than 4 years older than the complainant; or

(II) When the complainant is under 18 years of age and the actor is at least 4 years older than the complainant, the actor is not in a position of trust with or authority over the complainant;

(C) The complainant is the only person who is depicted in the image, or the actor and the complainant are the only persons who are depicted in the image; and

(D) The actor reasonably believes that the complainant gives effective consent to the actor to engage in the conduct constituting the offense.

(4) It is an affirmative defense to liability under this section that the actor:

(A) With intent, exclusively and in good faith, to report possible illegal conduct or to seek legal counsel from any attorney;

(B) In fact, promptly contacts a person whom the actor reasonably believes is:

(i) A law enforcement officer, prosecutor, or attorney; or

(ii) A teacher, school counselor, school administrator, or person with a responsibility under civil law for the health, welfare, or supervision of the complainant that the actor reasonably believes to be depicted in the image; and

(C) Either:

(i) Promptly distributes the image to one of the individuals specified in subsection (d)(4)(B)(i) or (ii) of this section, without making or retaining a copy; or

(ii) Affords a law enforcement officer access to the image.

(5) It is an affirmative defense to liability under this section that the actor, in fact:

(A) Is an employee of a school, museum, library, movie theater, or other venue;

(B) Is acting within the reasonable scope of that role; and

(C) Has no control over the creation or selection of the image.

(6) It is an affirmative defense to liability under this section that the actor possesses the image:

(A) With intent, exclusively and in good faith, to permanently dispose of the item; and

(B) In fact, the actor does not possess the item longer than is reasonably necessary to permanently dispose of the item.

(e) *Penalties.*

(1) First degree possession of an obscene image of a minor is a Class 8 felony.

(2) Second degree possession of an obscene image of a minor is a Class 9 felony.

(f) *Definitions.* For the purposes of this section, the term "licensee" shall have the same meaning as provided in 47 U.S.C. § 153(30).

§ 22A-2809. Arranging a live sexual performance of a minor.

(a) *First degree.* An actor commits first degree arranging a live sexual performance of a minor when the actor:

(1) Knowingly:

(A) Creates, produces, or directs a live performance;

(B) As a person with a responsibility under civil law for the health, welfare, or supervision of the complainant, gives effective consent for the complainant to engage in or submit to the creation of a live performance; or

(C) Sells admission to or advertises a live performance;

(2) Reckless as to the fact that the live performance depicts, or will depict, in part or whole, the body of a real complainant under 18 years of age engaging in or submitting to:

(A) A sexual act or simulated sexual act;

(B) Sadomasochistic abuse or simulated sadomasochistic abuse;

(C) Masturbation or simulated masturbation; or

(D) A sexual or sexualized display of the genitals, pubic area, or anus, when there is less than a full opaque covering.

(b) *Second degree.* An actor commits second degree arranging a live sexual performance of a minor when the actor:

(1) Knowingly:

(A) Creates, produces, or directs a live performance;

(B) As a person with a responsibility under civil law for the health, welfare, or supervision of the complainant, gives effective consent for the complainant to engage in or submit to the creation of a live performance; or

(C) Sells admission to or advertises a live performance;

(2) Reckless as to the fact that the live performance depicts, or will depict, in part or whole, the body of a real complainant under 18 years of age engaging in or submitting to:

(A) An obscene sexual contact; or

(B) An obscene sexual or sexualized display of the breast below the top of the areola, or the buttocks, when there is less than a full opaque covering.

(c) *Affirmative defenses.*

(1) It is an affirmative defense to liability under subsection (a) of this section that, in fact, the live performance has, or will have, serious literary, artistic, political, or scientific value, when considered as a whole.

(2) It is an affirmative defense to liability under subsections (a)(1)(A) and (B) and (b)(1)(A) and (B) of this section that, in fact:

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

(B) Either:

(i) The actor is the only person under 18 years of age who is, or who will be, depicted in the live performance; or

(ii) The actor reasonably believes that every person under 18 years of age who is, or who will be, depicted in the live performance, gives effective consent to the actor to engage in the conduct constituting the offense.

(3) It is an affirmative defense to liability under subsections (a)(1)(A) and (b)(1)(A) of this section, that, in fact:

(A) The actor is at least 18 years of age;

(B) Either:

(i) The actor is married to, or in a domestic partnership with, the complainant; or

(ii) The actor is in a romantic, dating, or sexual relationship with the complainant, and:

(I) When the complainant is under 16 years of age, the actor is less than 4 years older than the complainant; or

(II) When the complainant is under 18 years of age and the actor is at least 4 years older than the complainant, the actor is not in a position of trust with or authority over the complainant;

(C) The complainant is the only person who is, or who will be, depicted in the live performance, or the actor and complainant are the only persons who are, or who will be, depicted in the live performance;

(D) The actor reasonably believes that the complainant gives effective consent to the actor to engage in the conduct constituting the offense; and

(E) The actor reasonably believes that the actor is the only audience for the live performance, other than the complainant.

(4) It is an affirmative defense to subsections (a)(1)(C) and (b)(1)(C) of this section that the actor, in fact:

(A) Is an employee of a school, museum, library, movie theater, or other venue;

(B) Is acting within the reasonable scope of that role;

(C) Has no control over the creation or selection of the live performance; and

(D) Does not record, photograph, or film the live performance.

(d) *Penalties.*

(1) First degree arranging a live sexual performance of a minor is a Class 7 felony.

(2) Second degree arranging a live sexual performance of a minor is a Class 8 felony.

§ 22A-2810. Attending or viewing a live sexual performance of a minor.

(a) *First degree.* An actor commits attending or viewing a live sexual performance of a minor when the actor:

(1) Knowingly attends or views a live performance or views a live broadcast;

(2) Reckless as to the fact that the live performance or live broadcast depicts, in part or whole, the body of a real complainant under 18 years of age engaging in or submitting to:

(A) A sexual act or simulated sexual act;

(B) Sadomasochistic abuse or simulated sadomasochistic abuse;

(C) Masturbation or simulated masturbation; or

(D) A sexual or sexualized display of the genitals, pubic area, or anus, when there is less than a full opaque covering.

(b) *Second degree.* An actor commits attending or viewing a live sexual performance of a minor when the actor:

(1) Knowingly attends or views a live performance or views a live broadcast;

(2) Reckless as to the fact that the live performance or live broadcast depicts, in part or whole, the body of a real complainant under 18 years of age engaging in or submitting to:

(A) An obscene sexual contact; or

(B) An obscene sexual or sexualized display of the breast below the top of the areola, or the buttocks, when there is less than a full opaque covering.

(c) *Affirmative defenses.*

(1) It is an affirmative defense to liability under this section that, in fact, the live performance or live broadcast has serious literary, artistic, political, or scientific value, when considered as a whole.

(2) It is an affirmative defense to liability under this section that, in fact:

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

(B) Either:

(i) The actor is the only person under 18 years of age who is depicted in the live performance or live broadcast; or

(ii) The actor reasonably believes that every person under 18 years of age who is depicted in the live performance or live broadcast gives effective consent to the actor to engage in the conduct constituting the offense.

(3) It is an affirmative defense to liability under this section that, in fact:

(A) The actor is at least 18 years of age;

(B) Either:

(i) The actor is married to, or in a domestic partnership with, the complainant; or

(ii) The actor is in a romantic, dating, or sexual relationship with the complainant, and:

(I) When the complainant is under 16 years of age, the actor is less than 4 years older than the complainant; or

(II) When the complainant is under 18 years of age and the actor is at least 4 years older than the complainant, the actor is not in a position of trust with or authority over the complainant;

(C) The complainant is the only person that is depicted in the live performance or live broadcast, or the actor and the complainant are the only persons that are depicted in the live performance or live broadcast;

(D) The actor reasonably believes that the complainant gives effective consent to the actor to engage in the conduct constituting the offense; and

(E) The actor reasonably believes that the actor is the only audience for the live performance or live broadcast, other than the complainant.

(4) It is an affirmative defense to liability under this section that the actor, in fact:

(A) Is an employee of a school, museum, library, movie theater, or other venue;

(B) Is acting within the reasonable scope of that role;

(C) Has no control over the creation or selection of the live performance or live broadcast; and

(D) Does not record, photograph, or film the live performance or live broadcast.

(d) *Penalties.*

(1) First degree attending or viewing a live sexual performance of a minor is a Class 8 felony.

(2) Second degree attending or viewing a live sexual performance of a minor is a Class 9 felony.

CHAPTER 3. PROPERTY OFFENSES.

SUBCHAPTER I. PROPERY OFFENSE SUBTITLE PROVISIONS.

§ 22A-3101. Aggregation to determine property offense grades.

(a) *Requirements for aggregation.* When a single scheme or systematic course of conduct could give rise to multiple charges of an offense listed in subsection (b) of this section, the government instead may bring one charge and aggregate the values, amounts of damage, or quantities of the property involved to determine the grade of the offense.

(b) *Offenses subject to aggregation.* Aggregation under subsection (a) of this section may be applied to the following offenses:

(1) Theft under § 22A-3201;

(2) Unlawful creation or possession of a recording under § 22A-3205;

(3) Fraud under § 22A-3301;

(4) Payment card fraud under § 22A-3302;

(5) Check fraud under § 22A-3303;

(6) Forgery under § 22A-3304;

(7) Identity theft under § 22A-3305;

(8) Unlawful labeling of a recording under § 22A-3307;

(9) Financial exploitation of a vulnerable adult or elderly person under § 22A-3308;

(10) Extortion under § 22A-3401;

(11) Possession of stolen property under § 22A-3501;

(12) Trafficking of stolen property under § 22A-3502;

(13) Alteration of motor vehicle identification number under § 22A-3503; and

(14) Criminal damage to property under § 22A-3603.

SUBCHAPTER II. THEFT.

§ 22A-3201. Theft.

(a) *First degree*. An actor commits first degree theft when the actor:

(1) Knowingly takes, obtains, transfers, or exercises control over the property of another;

(2) Without the consent of an owner;

(3) With intent to deprive an owner of the property; and

(4) In fact, the property has a value of $500,000 or more.

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

(1) Knowingly takes, obtains, transfers, or exercises control over the property of another;

(2) Without the consent of an owner;

(3) With intent to deprive an owner of the property; and

(4) In fact, the property has a value of $50,000 or more.

(c) *Third degree*. An actor commits third degree theft when the actor:

(1) Knowingly takes, obtains, transfers, or exercises control over the property of another;

(2) Without the consent of an owner;

(3) With intent to deprive an owner of the property; and

(4) In fact:

(A) The property has a value of $5,000 or more; or

(B) The property is a motor vehicle.

(d) *Fourth degree*. An actor commits fourth degree theft when the actor:

(1) Knowingly takes, obtains, transfers, or exercises control over the property of another;

(2) Without the consent of an owner;

(3) With intent to deprive an owner of the property; and

(4) In fact:

(A) The property has a value of $500 or more; or

(B) The property is taken from a complainant who possesses the property within the complainant's immediate physical control.

(e) *Fifth degree*. An actor commits fifth degree theft when the actor:

(1) Knowingly takes, obtains, transfers, or exercises control over the property of another;

(2) Without the consent of an owner;

(3) With intent to deprive an owner of the property; and

(4) In fact, the property has any value.

(f) *Exclusion from liability*. An actor does not commit an offense under this section for conduct that, in fact, constitutes a failure to pay established fare or to present a valid transfer under § 35-252.

(g) *Penalties*.

(1) First degree theft is a Class 7 felony.

(2) Second degree theft is a Class 8 felony.

(3) Third degree theft is a Class 9 felony.

(4) Fourth degree theft is a Class A misdemeanor.

(5) Fifth degree theft is a Class C misdemeanor.

§ 22A-3202. Unauthorized use of property.

(a) *Offense*. An actor commits unauthorized use of property when the actor:

(1) Knowingly takes, obtains, transfers, or exercises control over the property of another;

(2) Without the effective consent of an owner.

(b) *Exclusion from liability*. An actor does not commit an offense under this section for conduct that, in fact, constitutes a failure to pay established fare or to present a valid transfer under § 35-252.

(c) *Defense*. It is a defense to liability under this section that, in fact:

(1) The actor reasonably believes that the property is lost or was stolen by a third party; and

(2) Engages in the conduct constituting the offense with intent to return the property to a lawful owner.

(d) *Penalties*. Unauthorized use of property is a Class D misdemeanor.

§ 22A-3203. Unauthorized use of a motor vehicle.

(a) *Offense*. An actor commits unauthorized use of a motor vehicle when the actor:

(1) Knowingly operates a motor vehicle;

(2) Without the effective consent of an owner.

(b) *Defense*. It is a defense to liability under this section that, in fact:

(1) The actor reasonably believes that the motor vehicle is lost or was stolen by a third party; and

(2) Engages in the conduct constituting the offense with intent to return the motor vehicle to a lawful owner.

(c) *Penalties*. Unauthorized use of a motor vehicle is a Class A misdemeanor.

§ 22A-3204. Shoplifting.

(a) *Offense*. An actor commits shoplifting when the actor:

(1) Knowingly:

(A) Holds or carries on the actor's person, or conceals;

(B) Removes, alters, or transfers the price tag, serial number, or other identification mark that is imprinted on or attached to; or

(C) Transfers from one container or package to another container or package;

(2) Personal property of another that is:

(A) Displayed or offered for sale; or

(B) Held or stored on the premises in reasonably close proximity to the customer sales area, for future display or sale;

(3) With intent to take or make use of the property without complete payment.

(b) *No attempt liability.* The criminal attempt provision in § 22A-301 shall not apply to this section.

(c) *Penalties.* Shoplifting is a Class D misdemeanor.

(d) *Qualified immunity.* A person who displays, holds, stores, or offers for sale personal property as specified in subsection (a)(2) of this section, or an employee or agent of such a person, who detains or causes the arrest of a person in a place where such property is displayed, held, stored, or offered for sale shall not be held liable for detention, false imprisonment, malicious prosecution, defamation, or false arrest, in any proceeding arising out of such detention or arrest, if, in fact:

(1) The person detaining or causing the arrest has, at the time thereof, probable cause to believe that the person detained or arrested committed an offense described in this section;

(2) The manner of the detention or arrest is reasonable;

(3) Law enforcement authorities are notified as soon as practicable; and

(4) The person detained or arrested is released as soon as practicable after the detention or arrest, or is surrendered to law enforcement authorities as soon as practicable.

§ 22A-3205. Unlawful creation or possession of a recording.

(a) *First degree.* An actor commits first degree unlawful creation or possession of a recording when the actor:

(1) Knowingly makes, obtains, or possesses either:

(A) A sound recording that is a copy of an original sound recording that was fixed before February 15, 1972; or

(B) A sound recording or audiovisual recording of a live performance;

(2) Without the effective consent of an owner;

(3) With intent to sell, rent, or otherwise use the recording for commercial gain or advantage; and

(4) In fact, the number of recordings made, obtained, or possessed is 100 or more.

(b) *Second degree.* An actor commits second degree unlawful creation or possession of a recording when the actor:

(1) Knowingly makes, obtains, or possesses either:

(A) A sound recording that is a copy of an original sound recording that was fixed before February 15, 1972; or

(B) A sound recording or audiovisual recording of a live performance;

(2) Without the effective consent of an owner;

(3) With intent to sell, rent, or otherwise use the recording for commercial gain or advantage; and

(4) In fact, any number of recordings were made, obtained, or possessed.

(c) *Exclusions from liability*. An actor does not commit an offense under this section when the actor, in fact:

(1) Copies or reproduces a sound recording or audiovisual recording in the manner specifically permitted by Title 17 of the United States Code; or

(2) Copies or reproduces a sound recording that is made by a licensed radio or television station or a cable broadcaster solely for broadcast or archival use.

(d) *Penalties*.

(1) First degree unlawful creation or possession of a recording is a Class C misdemeanor.

(2) Second degree unlawful creation or possession of a recording is a Class D misdemeanor.

(e) *Forfeiture*. Upon conviction under this section, the court may, in addition to the penalties provided by this section, order the forfeiture and destruction or other disposition of all sound recordings, audiovisual recordings, and equipment used, or attempted to be used, in violation of this section.

§ 22A-3206. Unlawful operation of a recording device inside a movie theater.

(a) *Offense*. An actor commits unlawful operation of a recording device inside a movie theater when the actor:

(1) Knowingly operates a recording device inside a movie theater;

(2) Without the effective consent of an owner of the movie theater; and

(3) With intent to record a motion picture, or any part of it.

(b) *Penalties*. Unlawful operation of a recording device inside a movie theater is a Class D misdemeanor.

(c) *Qualified immunity*. An owner of the movie theater specified in subsection (a) of this section, or the owner's employee or agent, who detains or causes the arrest of a person inside, or immediately adjacent to, the movie theater, shall not be held liable for detention, false imprisonment, malicious prosecution, defamation, or false arrest in any proceeding arising out of such detention or arrest, if, in fact:

(1) The person detaining or causing the arrest has, at the time thereof, probable cause to believe that the person detained or arrested committed, or attempted to commit, an offense described in this section;

(2) The manner of the detention or arrest is reasonable;

(3) Law enforcement authorities are notified as soon as practicable; and

(4) The person detained or arrested is released as soon as practicable after the detention or arrest, or is surrendered to law enforcement authorities as soon as practicable.

(d) *Forfeiture*. Upon conviction under this section, the court may, in addition to the penalties provided by this section, order the forfeiture and destruction or other disposition of any recording and all equipment used, or attempted to be used, in violation of this section.

SUBCHAPTER III. FRAUD.

§ 22A-3301. Fraud.

(a) *First degree*. An actor commits first degree fraud when the actor:

(1) Knowingly takes, obtains, transfers, or exercises control over the property of another;

(2) With the consent of an owner obtained by deception;

(3) With intent to deprive an owner of the property; and

(4) In fact:

(A) The property, other than labor or services, has a value of $500,000 or more; or

(B) The property is 2080 hours or more of labor or services.

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

(1) Knowingly takes, obtains, transfers, or exercises control over the property of another;

(2) With the consent of an owner obtained by deception;

(3) With intent to deprive an owner of the property; and

(4) In fact:

(A) The property, other than labor or services, has a value of $50,000 or more; or

(B) The property is 160 hours or more of labor or services.

(c) *Third degree*. An actor commits third degree fraud when the actor:

(1) Knowingly takes, obtains, transfers, or exercises control over the property of another;

(2) With the consent of an owner obtained by deception;

(3) With intent to deprive an owner of the property; and

(4) In fact:

(A) The property, other than labor or services, has a value of $5,000 or more; or

(B) The property is 40 hours or more of labor or services.

(d) *Fourth degree*. An actor commits fourth degree fraud when the actor:

(1) Knowingly takes, obtains, transfers, or exercises control over the property of another;

(2) With the consent of an owner obtained by deception;

(3) With intent to deprive an owner of the property; and

(4) In fact:

(A) The property, other than labor or services, has a value of $500 or more; or

(B) The property is 8 hours or more of labor or services.

(e) *Fifth degree*. An actor commits fifth degree fraud when the actor:

(1) Knowingly takes, obtains, transfers, or exercises control over the property of another;

(2) With the consent of an owner obtained by deception;

(3) With intent to deprive an owner of the property; and

(4) In fact, the property has any value.

(f) *Penalties*.

(1) First degree fraud is a Class 7 felony.

(2) Second degree fraud is a Class 8 felony.

(3) Third degree fraud is a Class 9 felony.

(4) Fourth degree fraud is a Class A misdemeanor.

(5) Fifth degree fraud is a Class C misdemeanor.

§ 22A-3302. Payment card fraud.

(a) *First degree*. An actor commits first degree payment card fraud when the actor:

(1) Knowingly obtains or pays for property by using a payment card:

(A) Without the effective consent of the person to whom the payment card was issued;

(B) After the payment card was revoked or canceled;

(C) When the payment card was never issued; or

(D) For the actor's own purposes, when the actor is an employee or contractor and the payment card was issued to the actor for the employer's purposes; and

(2) In fact, the property has a value of $500,000 or more.

(b) *Second degree*. An actor commits second degree payment card fraud when the actor:

(1) Knowingly obtains or pays for property by using a payment card:

(A) Without the effective consent of the person to whom the payment card was issued;

(B) After the payment card was revoked or canceled;

(C) When the payment card was never issued; or

(D) For the actor's own purposes, when the actor is an employee or contractor and the payment card was issued to the actor for the employer's purposes; and

(2) In fact, the property has a value of $50,000 or more.

(c) *Third degree*. An actor commits third degree payment card fraud when the actor:

(1) Knowingly obtains or pays for property by using a payment card:

(A) Without the effective consent of the person to whom the payment card was issued;

(B) After the payment card was revoked or canceled;

(C) When the payment card was never issued; or

(D) For the actor's own purposes, when the actor is an employee or contractor and the payment card was issued to the actor for the employer's purposes; and

(2) In fact, the property has a value of $5,000 or more.

(d) *Fourth degree.* An actor commits fourth degree payment card fraud when the actor:

(1) Knowingly obtains or pays for property by using a payment card:

(A) Without the effective consent of the person to whom the payment card was issued;

(B) After the payment card was revoked or canceled;

(C) When the payment card was never issued; or

(D) For the actor's own purposes, when the actor is an employee or contractor and the payment card was issued to the actor for the employer's purposes; and

(2) In fact, the property has a value of $500 or more.

(e) *Fifth degree.* An actor commits fifth degree payment card fraud when the actor:

(1) Knowingly obtains or pays for property by using a payment card:

(A) Without the effective consent of the person to whom the payment card was issued; or

(B) After the payment card was revoked or canceled; or

(C) When the payment card was never issued; or

(D) For the actor's own purposes, when the actor is an employee or contractor and the payment card was issued to the actor for the employer's purposes; and

(2) In fact, the property has any value.

(f) *Penalties.*

(1) First degree payment card fraud is a Class 7 felony.

(2) Second degree payment card fraud is a Class 8 felony.

(3) Third degree payment card fraud is a Class 9 felony.

(4) Fourth degree payment card fraud is a Class A misdemeanor.

(5) Fifth degree payment card fraud is a Class C misdemeanor.

§ 22A-3303. Check fraud.

(a) *First degree.* An actor commits first degree check fraud when the actor:

(1) Knowingly obtains or pays for property by using a check;

(2) With intent that the check not be honored in full upon presentation to the bank or depository institution drawn upon; and

(3) The amount of loss to the check holder is, in fact, $5,000 or more.

(b) *Second degree.* An actor commits second degree check fraud when the actor:

(1) Knowingly obtains or pays for property by using a check;

(2) With intent that the check not be honored in full upon presentation to the bank or depository institution drawn upon; and

(3) The amount of loss to the check holder is, in fact, $500 or more.

(c) *Third degree.* An actor commits third degree check fraud when the actor:

(1) Knowingly obtains or pays for property by using a check;

(2) With intent that the check not be honored in full upon presentation to the bank or depository institution drawn upon; and

(3) The amount of loss to the check holder is, in fact, any amount.

(d) *Penalties.*

(1) First degree check fraud is a Class 9 felony.

(2) Second degree check fraud is a Class A misdemeanor.

(3) Third degree check fraud is a Class C misdemeanor.

§ 22A-3304. Forgery.

(a) *First degree.* An actor commits first degree forgery when the actor:

(1) Commits third degree forgery; and

(2) The written instrument appears to be, in fact:

(A) A stock certificate, bond, or other instrument representing an interest in or claim against a corporation or other organization of its property;

(B) A public record, or instrument filed in a public office or with a public servant;

(C) A written instrument officially issued or created by a public office, public servant, or government instrumentality;

(D) A deed, will, codicil, contract, assignment, commercial instrument, or other instrument which does or may evidence, create, transfer, terminate, or otherwise affect a legal right, interest, obligation, or status; or

(E) A written instrument having a value of $50,000 or more.

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

(1) Commits third degree forgery; and

(2) The written instrument appears to be, in fact:

(A) A token, fare card, public transportation transfer certificate, or other article manufactured for use as a symbol of value in place of money for the purchase of property or services;

(B) A prescription of a duly licensed physician or other person authorized to issue the same for any controlled substance or other instrument or devices used in the taking or administering of controlled substances for which a prescription is required by law; or

(C) A written instrument having a value of $5,000 or more.

(c) *Third degree.* An actor commits third degree forgery when the actor:

(1) Knowingly does any of the following:

(A) Alters a written instrument without authorization, and the written instrument is reasonably adapted to deceive a person into believing it is genuine;

(B) Makes or completes a written instrument:

(i) That appears:

(I) To be the act of another who did not authorize that act, or

(II) To have been made or completed at a time or place or in a numbered sequence other than was in fact the case, or

(III) To be a copy of an original when no such original existed; and

(ii) The written instrument is reasonably adapted to deceive a person into believing the written instrument is genuine; or

(C) Transmits or otherwise uses a written instrument that was made, signed, or altered in a manner specified in subsection (c)(1)(A) or (B) of this section;

(2) With intent to:

(A) Obtain the property of another by deception; or

(B) Harm another person.

(d) *Penalties.*

(1) First degree forgery is a Class 8 felony.

(2) Second degree forgery is a Class 9 felony.

(3) Third degree forgery is a Class A misdemeanor.

§ 22A-3305. Identity theft.

(a) *First degree.* An actor commits identity theft when the actor:

(1) Commits fifth degree identity theft; and

(2) The value of the property intended to be obtained or the amount of the payment intended to be avoided, or the financial injury, whichever is greater, in fact, is $500,000 or more.

(b) *Second degree.* An actor commits second degree identity theft when the actor:

(1) Commits fifth degree identity theft; and

(2) The value of the property intended to be obtained or the amount of the payment intended to be avoided, or the financial injury, whichever is greater, in fact, is $50,000 or more.

(c) *Third degree.* An actor commits third degree identity theft when the actor:

(1) Commits fifth degree identity theft; and

(2) The value of the property intended to be obtained or the amount of the payment intended to be avoided, or the financial injury, whichever is greater, in fact, is $5,000 or more.

(d) *Fourth degree.* A person commits fourth degree identity theft when the actor:

(1) Commits fifth degree identity theft; and

(2) The value of the property intended to be obtained or the amount of the payment intended to be avoided, or the financial injury, whichever is greater, in fact, is $500 or more.

(e) *Fifth degree.* An actor commits fifth degree identity theft when the actor:

(1) Knowingly creates, possesses, or uses personal identifying information belonging to or pertaining to another person;

(2) Without that other person's effective consent; and

(3) With intent to use the personal identifying information to:

(A) Obtain the property of another by deception;

(B) Avoid payment due for any property, fines, or fees by deception; or

(C) Give, sell, transmit, or transfer the information to a third person to facilitate the use of the identifying information by that third person to obtain property by deception.

(f) *Unit of prosecution and calculation of time to commence prosecution of offense.* Creating, possessing, or using a person's personal identifying information in violation of this section shall constitute a single course of conduct for determining the applicable period of limitation under § 23-113(b). The applicable time limitation under § 23-113 shall not begin to run until after the day after the course of conduct has been completed, or the person whose identifying information was taken, possessed, or used knows, or reasonably should have been aware, of the identity theft, whichever occurs earlier.

(g) *Penalties.*

(1) First degree identity theft is a Class 7 felony.

(2) Second degree identity theft is a Class 8 felony.

(3) Third degree identity theft is a Class 9 felony.

(4) Fourth degree identity theft is a Class A misdemeanor.

(5) Fifth degree identity theft is a Class C misdemeanor.

(h) *Police reports.* The Metropolitan Police Department shall make a report of each complaint of identity theft and provide the complainant with a copy of the report.

§ 22A-3306. Identity theft civil provisions.

(a) When a person is convicted, adjudicated delinquent, or found not guilty of identity theft under the mental disability affirmative defense in § 22A-504, the court may issue such orders as are necessary to correct any District of Columbia public record that contains false information as a result of a violation of § 22A-3305.

(b) In all other cases, a person who alleges that they are a victim of identity theft may petition the court for an expedited judicial determination that a District of Columbia public record contains false information as a result of a violation of § 22A-3305. Upon a finding of clear and convincing evidence that the person was a victim of identity theft, the court may issue such orders as are necessary to correct any District of Columbia public record that contains false information as a result of a violation of § 22A-3305.

(c) Notwithstanding any other provision of law, District of Columbia agencies shall comply with orders issued under subsection (a) of this section within 30 days after the issuance of the order.

§ 22A-3307. Unlawful labeling of a recording.

(a) *First degree.* An actor commits first degree unlawful labeling of a recording when the actor:

(1) Knowingly possesses sound recordings or audiovisual recordings that do not clearly and conspicuously disclose the true name and address of the manufacturer on their labels, covers, or jacket that, in fact, number 100 or more;

(2) With intent to sell or rent the sound recordings or audiovisual recordings.

(b) *Second degree.* An actor commits second degree unlawful labeling of a recording when the actor:

(1) Knowingly possesses one or more sound recordings or audiovisual recordings that does not clearly and conspicuously disclose the true name and address of the manufacturer on its label, cover, or jacket;

(2) With intent to sell or rent the sound recordings or audiovisual recordings.

(c) *Exclusions from liability.* An actor does not commit an offense under this section when the actor, in fact:

(1) Transfers any sounds or images recorded on a sound recording or audiovisual recording in connection with, or as part of, a radio or television broadcast transmission, or for the purposes of archival preservation; or

(2) Transfers, in their home for their own personal use, any sounds or images recorded on a sound recording or audiovisual recording.

(d) *Penalties.*

(1) First degree unlawful labeling of a recording is a Class C misdemeanor.

(2) Second degree unlawful labeling of a recording is a Class D misdemeanor.

(e) *Forfeiture.* Upon conviction under this section, the court may, in addition to the penalties provided by this section, order the forfeiture and destruction or other disposition of all sound recordings, audiovisual recordings, and equipment used, or attempted to be used, in violation of this section.

(f) *Definitions.* For the purposes of this section, the term "manufacturer" means the person who affixes, or authorizes the affixation of, sounds or images to a sound recording or audiovisual recording.

§ 22A-3308. Financial exploitation of a vulnerable adult or elderly person.

(a) *First degree.* An actor commits first degree financial exploitation of a vulnerable adult or elderly person when the actor:

(1) Commits fifth degree financial exploitation of a vulnerable adult or elderly person; and

(2) In fact, the value of the property or the amount of the financial injury, whichever is greater, is $500,000 or more.

(b) *Second degree.* An actor commits second degree financial exploitation of a vulnerable adult or elderly person when the actor:

(1) Commits fifth degree financial exploitation of a vulnerable adult or elderly person; and

(2) In fact, the value of the property or the amount of the financial injury, whichever is greater, is $50,000 or more.

(c) *Third degree.* An actor commits third degree financial exploitation of a vulnerable adult or elderly person when the actor:

(1) Commits fifth degree financial exploitation of a vulnerable adult or elderly person; and

(2) In fact, the value of the property or the amount of the financial injury, whichever is greater, is $5,000 or more.

(d) *Fourth degree.* An actor commits fourth degree financial exploitation of a vulnerable adult or elderly person when the actor:

(1) Commits fifth degree financial exploitation of a vulnerable adult or elderly person; and

(2) In fact, the value of the property or the amount of the financial injury, whichever is greater, is $500 or more.

(e) *Fifth degree.* An actor commits fifth degree financial exploitation of a vulnerable adult or elderly person when the actor:

(1) Knowingly takes, obtains, transfers, or exercises control over the property of another:

(A) With consent of an owner obtained by undue influence;

(B) Reckless as to the fact that the owner is a vulnerable adult or elderly person;

(C) With intent to deprive an owner of the property; and

(D) In fact, the property has any value; or

(2) Reckless as to the fact that the complainant is a vulnerable adult or elderly person, commits one or more offenses that is, in fact:

(A) Theft under § 22A-3201;

(B) Fraud under § 22A-3301;

(C) Payment card fraud under § 22A-3302;

(D) Check fraud under § 22A-3303;

(E) Forgery under § 22A-3304;

(F) Identity theft under § 22A-3305; or

(G) Extortion under § 22A-3401.

(f) *Penalties.*

(1) First degree financial exploitation of a vulnerable adult or elderly person is a Class 6 felony.

(2) Second degree financial exploitation of a vulnerable adult or elderly person is a Class 7 felony.

(3) Third degree financial exploitation of a vulnerable adult or elderly person is a Class 8 felony.

(4) Fourth degree financial exploitation of a vulnerable adult or elderly person is a Class 9 felony.

(5) Fifth degree financial exploitation of a vulnerable adult or elderly person is a Class B misdemeanor.

(g) *Restitution.* In addition to the penalties set forth in subsection (f) of this section, a person shall make restitution, before the payment of any fines or civil penalties.

§ 22A-3309. Financial exploitation of a vulnerable adult or elderly person civil provisions.

(a) *Petition for injunctive relief and protections.* Notwithstanding any other provision of law, if the Attorney General for the District of Columbia or the United States Attorney has reason to believe that any person has violated, or intends to violate, section § 22A-3308, the Attorney General or the United States Attorney may bring a civil action in the Court, in the name of the District, which may be by ex parte motion and without notice to the person, to seek any of the following:

(1) A temporary or permanent injunction;

(2) Restitution of money or property;

(3) The cost of the action, including reasonable attorney's fees;

(4) Revocation of all permits, licenses, registrations, or certifications issued by the District authorizing the person to provide services to vulnerable adults or elderly persons, which shall be effective upon the issuance of the Court's judgment, and the person shall not be entitled to a hearing with the relevant licensing board or agency;

(5) Civil penalties of not more than $10,000 per violation; or

(6) Any other relief the court deems just.

(b) In an action under this section:

(1) A related criminal proceeding need not have been initiated, nor judgment secured, prior to bringing the action;

(2) The Attorney General shall not be required to prove damages; and

(3) The burden of proof shall be by a preponderance of the evidence.

(c) *Standard for court review of petition.* The court may grant an ex parte motion authorized by subsection (a) of this section without notice to the person against whom the injunction or order is sought if the court finds that facts offered in support of the motion establish that:

(1) There is a substantial likelihood that the person committed financial exploitation of a vulnerable adult or elderly person;

(2) The harm that may result from the injunction or order is clearly outweighed by the risk of harm to the vulnerable adult or elderly person if the injunction or order is not issued; and

(3) If the Attorney General for the District of Columbia or the United States Attorney has petitioned for an order temporarily freezing assets, the order is necessary to prevent dissipation of assets obtained in violation of § 22A-3308.

(d) *Effect of order to temporarily freeze assets.*

(1) An order temporarily freezing assets without notice to the person under subsections (a) and (c) of this section shall expire on a date set by the court, not later than 14 days after the court issues the order unless, before that time, the court extends the order for good cause shown.

(2) A person whose assets were temporarily frozen under subsections (a) and (c) of this section may move to dissolve or modify the order after notice to the Attorney General for the District of Columbia or the United States Attorney. The court shall hear and decide the motion or application on an expedited basis.

(e) *Appointment of receiver or conservator.* The court may issue an order temporarily freezing the assets of the vulnerable adult or elderly person to prevent dissipation of assets; provided, that the court also appoints a receiver or conservator for those assets. The order shall allow for the use of assets to continue care for the vulnerable adult or elderly person, and can only be issued upon a showing that a temporary injunction or temporary restraining order authorized by this section would be insufficient to safeguard the assets, or with the consent of the vulnerable adult or elderly person or their legal representative.

§ 22A-3310. Trademark counterfeiting.

(a) *First degree.* An actor commits first degree trademark counterfeiting when the actor:

(1) Knowingly manufactures for sale, possesses with intent to sell, or offers to sell, property bearing or identified by a counterfeit mark; and

(2) In fact, the property consists of 100 or more items, or the property has a total retail value of $5,000 or more.

(b) *Second degree.* An actor commits second degree trademark counterfeiting when the actor:

(1) Knowingly manufactures for sale, possesses with intent to sell, or offers to sell, property bearing or identified by a counterfeit mark; and

(2) In fact, the property has any value.

(c) *Exclusion from liability.* An actor does not commit an offense under this section if the actor, in fact, uses a trademark in a manner that is legal under civil law.

(d) *Seizure and disposal of seized items bearing a counterfeit mark.*

(1) Any items bearing a counterfeit mark shall be seized, and all personal property, including any items, objects, tools, machines, equipment, instrumentalities, or vehicles of any kind, employed or used in connection with a violation of this section may be seized, by any law enforcement officer, including any designated civilian employee of the Metropolitan Police Department, in accordance with the procedures set forth in Chapter 3 of Title 41.

(2) All seized personal property shall be subject to forfeiture pursuant to the standards and procedures set forth in Chapter 3 of Title 41.

(3) Upon the request of the owner of the trademark, service mark, trade name, label, term, picture, seal, word, or advertisement, all seized items bearing a counterfeit mark shall be released to the owner of the trademark, service mark, trade name, label, term, picture, seal, word, or advertisement for destruction or disposition.

(4) If the owner of the trademark, service mark, trade name, label, term, picture, seal, word, or advertisement does not request release of seized items bearing a counterfeit mark, such items shall be destroyed unless the owner of the of the trademark, service mark, trade name, label, term, picture, seal, word, or advertisement consents to another disposition.

(e) *Evidence of state or federal registration.* Any state or federal certificate of registration of any trademark, service mark, trade name, label, term, picture, seal, word, or advertisement shall be prima facie evidence of the facts stated therein.

(f) *Penalties.*

(1) First degree trademark counterfeiting is a Class A misdemeanor.

(2) Second degree trademark counterfeiting is a Class C misdemeanor.

SUBCHAPTER IV. EXTORTION.

§ 22A-3401. Extortion.

(a) *First degree.* An actor commits first degree extortion when the actor:

(1) Knowingly takes, obtains, transfers, or exercises control over the property of another;

(2) With the consent of an owner obtained by an explicit or implicit coercive threat;

(3) With intent to deprive an owner of the property; and

(4) In fact, the property has a value of $500,000 or more.

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

(1) Knowingly takes, obtains, transfers, or exercises control over the property of another;

(2) With the consent of an owner obtained by an explicit or implicit coercive threat;

(3) With intent to deprive an owner of the property; and

(4) In fact, the property has a value of $50,000 or more.

(c) *Third degree.* An actor commits third degree extortion when the actor:

(1) Knowingly takes, obtains, transfers, or exercises control over the property of another;

(2) With the consent of an owner obtained by an explicit or implicit coercive threat;

(3) With intent to deprive an owner of the property; and

(4) In fact, the property has a value $5,000 or more.

(d) *Fourth degree.* An actor commits fourth degree extortion when the actor:

(1) Knowingly takes, obtains, transfers, or exercises control over the property of another;

(2) With the consent of an owner obtained by an explicit or implicit coercive threat;

(3) With intent to deprive an owner of the property; and

(4) In fact, the property has a value of $500 or more.

(e) *Fifth degree*. An actor commits fifth degree extortion when the actor:

(1) Knowingly takes, obtains, transfers, or exercises control over the property of another;

(2) With the consent of an owner obtained by an explicit or implicit coercive threat;

(3) With intent to deprive an owner of the property; and

(4) In fact, the property has any value.

(f) *Penalties*.

(1) First degree extortion is a Class 6 felony.

(2) Second degree extortion is a Class 7 felony.

(3) Third degree extortion is a Class 8 felony.

(4) Fourth degree extortion is a Class 9 felony.

(5) Fifth degree extortion is a Class B misdemeanor.

SUBCHAPTER V. STOLEN PROPERTY.

§ 22A-3501. Possession of stolen property.

(a) *First degree*. An actor commits first degree possession of stolen property when the actor:

(1) Knowingly buys or possesses property;

(2) With intent that the property be stolen;

(3) With intent to deprive an owner of the property; and

(4) In fact, the property has a value of $500,000 or more.

(b) *Second degree*. An actor commits second degree possession of stolen property when the actor:

(1) Knowingly buys or possesses property;

(2) With intent that the property be stolen;

(3) With intent to deprive an owner of the property; and

(4) In fact, the property has a value of $50,000 or more.

(c) *Third degree*. An actor commits third degree possession of stolen property when the actor:

(1) Knowingly buys or possesses property;

(2) With intent that the property be stolen;

(3) With intent to deprive an owner of the property; and

(4) In fact, the property has a value of $5,000 or more.

(d) *Fourth degree*. An actor commits fourth degree possession of stolen property when the actor:

(1) Knowingly buys or possesses property;

(2) With intent that the property be stolen;

(3) With intent to deprive an owner of the property; and

(4) In fact, the property has a value of $500 or more.

(e) *Fifth degree.* An actor commits fifth degree possession of stolen property when the actor:

(1) Knowingly buys or possesses property;
(2) With intent that the property be stolen;
(3) With intent to deprive an owner of the property; and
(4) In fact, the property has any value.

(f) *Penalties.*

(1) First degree possession of stolen property is a Class 8 felony.
(2) Second degree possession of stolen property is a Class 9 felony.
(3) Third degree possession of stolen property is a Class A misdemeanor.
(4) Fourth degree possession of stolen property is a Class B misdemeanor.
(5) Fifth degree possession of stolen property is a Class D misdemeanor.

§ 22A-3502. Trafficking of stolen property.

(a) *First degree.* An actor commits first degree trafficking of stolen property when the actor:

(1) Knowingly buys or possesses property on 2 or more separate occasions;
(2) With intent that the property be stolen;
(3) With intent to sell, pledge as consideration, or trade the property; and
(4) In fact, the total property trafficked has a value of $500,000 or more.

(b) *Second degree.* An actor commits second degree trafficking of stolen property when the actor:

(1) Knowingly buys or possesses property on 2 or more separate occasions;
(2) With intent that the property be stolen;
(3) With intent to sell, pledge as consideration, or trade the property; and
(4) In fact, the total property trafficked has a value of $50,000 or more.

(c) *Third degree.* An actor commits third degree trafficking of stolen property when the actor:

(1) Knowingly buys or possesses property on 2 or more separate occasions;
(2) With intent that the property be stolen;
(3) With intent to sell, pledge as consideration, or trade the property; and
(4) In fact, the total property trafficked has a value of $5,000 or more.

(d) *Fourth degree.* An actor commits fourth degree trafficking of stolen property when the actor:

(1) Knowingly buys or possesses property on 2 or more separate occasions;
(2) With intent that the property be stolen;
(3) With intent to sell, pledge as consideration, or trade the property; and
(4) In fact, the total property trafficked has a value of $500 or more.

(e) *Fifth degree.* An actor commits fifth degree trafficking of stolen property when the actor:

(1) Knowingly buys or possesses property on 2 or more separate occasions;

(2) With intent that the property be stolen;

(3) With intent to sell, pledge as consideration, or trade the property; and

(4) In fact, the property trafficked has any value.

(f) *Penalties.*

(1) First degree trafficking of stolen property is a Class 7 felony.

(2) Second degree trafficking of stolen property is a Class 8 felony.

(3) Third degree trafficking of stolen property is a Class 9 felony.

(4) Fourth degree trafficking of stolen property is a Class A misdemeanor.

(5) Fifth degree trafficking of stolen property is a Class C misdemeanor.

§ 22A-3503. Alteration of a motor vehicle identification number.

(a) *First degree.* An actor commits first degree alteration of a motor vehicle identification number when the actor:

(1) Knowingly alters a vehicle identification number of a motor vehicle or motor vehicle part;

(2) With intent to conceal or misrepresent the identity of the motor vehicle or motor vehicle part; and

(3) The value of such motor vehicle or motor vehicle part, in fact, is $5,000 or more.

(b) *Second degree.* An actor commits second degree alteration of a motor vehicle identification number when the actor:

(1) Knowingly alters a vehicle identification number of a motor vehicle or motor vehicle part;

(2) With intent to conceal or misrepresent the identity of the motor vehicle or motor vehicle part; and

(3) The motor vehicle or motor vehicle part, in fact, has any value.

(c) *Penalties.*

(1) First degree alteration of a motor vehicle identification number is a Class 9 felony.

(2) Second degree alteration of a motor vehicle identification number is a Class B misdemeanor.

§ 22A-3504. Alteration of a bicycle identification number.

(a) *Offense.* An actor commits alteration of a bicycle identification numbers when the actor:

(1) Knowingly alters an identification number of a bicycle or bicycle part;

(2) With intent to conceal or misrepresent the identity of the bicycle or bicycle part.

(b) *Penalties.* Alteration of a bicycle identification number is a Class D misdemeanor.

(c) *Definitions.* For the purposes of this section, the terms "bicycle" "and "identification number" shall have the same meaning as provided in § 50-1609(1) and (1A), respectively.

SUBCHAPTER VI. PROPERTY DAMAGE.

§ 22A-3601. Arson.

(a) *First degree*. An actor commits first degree arson when the actor:

(1) Knowingly starts a fire, or causes an explosion, that damages or destroys a dwelling or building;

(2) Reckless as to the fact that a person who is not a participant in the crime is present inside the dwelling or building; and

(3) In fact, the fire or explosion causes death or serious bodily injury to any person who is not a participant in the crime.

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

(1) Knowingly starts a fire, or causes an explosion, that damages or destroys a dwelling or building;

(2) Reckless as to the fact that a person who is not a participant in the crime is present inside the dwelling or building.

(c) *Third degree*. An actor commits third degree arson when the actor knowingly starts a fire, or causes an explosion, that damages or destroys a dwelling or building.

(d) *Affirmative defense*. It is an affirmative defense to liability under subsection (c) of this section that the actor, in fact, has a valid blasting permit issued by the Fire and Emergency Medical Services Department, and complied with all the rules and regulations governing the use of such a permit.

(e) *Penalties*.

(1) First degree arson is a Class 5 felony.

(2) Second degree arson is a Class 7 felony.

(3) Third degree arson is a Class 9 felony.

§ 22A-3602. Reckless burning.

(a) *Offense*. An actor commits reckless burning when the actor:

(1) Knowingly starts a fire or causes an explosion;

(2) Reckless as to the fact that the fire or explosion damages or destroys a dwelling or building.

(b) *Affirmative defense*. It is an affirmative defense to liability under this section that the actor, in fact, has a valid blasting permit issued by the Fire and Emergency Medical Services Department, and complied with all the rules and regulations governing the use of such a permit.

(c) *Penalties*. Reckless burning is a Class A misdemeanor.

§ 22A-3603. Criminal damage to property.

(a) *First degree*. An actor commits first degree criminal damage to property when the actor:

(1) Knowingly damages or destroys the property of another;

(2) Without the effective consent of an owner; and

(3) In fact, the amount of damage is $500,000 or more.

(b) *Second degree*. An actor commits second degree criminal damage to property when the actor:

(1) Knowingly damages or destroys the property of another;
(2) Without the effective consent of an owner; and
(3) In fact, the amount of damage is $50,000 or more.

(c) *Third degree*. An actor commits third degree criminal damage to property when the actor:

(1) Knowingly damages or destroys the property of another;
(A) Without the effective consent of an owner; and
(B) In fact:
(i) The amount of damage is $5,000 or more;
(ii) The property is a cemetery, grave, or other place for the internment of human remains; or
(iii) The property is a place of worship or a public monument; or
(2) Recklessly damages or destroys property;
(A) Knowing that it is the property of another;
(B) Without the effective consent of an owner; and
(C) In fact, the amount of damage is $50,000 or more.

(d) *Fourth degree*. An actor commits fourth degree criminal damage to property when the actor:

(1) Recklessly damages or destroys property;
(2) Knowing that it is the property of another;
(3) Without the effective consent of an owner; and
(4) In fact, the amount of damage is $500 or more.

(e) *Fifth degree*. An actor commits fifth degree criminal damage to property when the actor:

(1) Recklessly damages or destroys property;
(2) Knowing that it is the property of another;
(3) Without the effective consent of an owner; and
(4) In fact, there is any amount of damage to the property.

(f) *Penalties*.

(1) First degree criminal damage to property is a Class 7 felony.
(2) Second degree criminal damage to property is a Class 8 felony.
(3) Third degree criminal damage to property is a Class 9 felony.
(4) Fourth degree criminal damage to property is a Class A misdemeanor.
(5) Fifth degree criminal damage to property is a Class C misdemeanor.

§ 22A-3604. Criminal graffiti.

(a) *Offense*. An actor commits criminal graffiti when the actor:

(1) Knowingly places any inscription, writing, drawing, marking, or design on the property of another;
(2) Without the effective consent of an owner.

(b) *Penalties*. Criminal graffiti is a Class D misdemeanor.

SUBCHAPTER VII. TRESPASS.

§ 22A-3701. Trespass.

(a) *First degree.* An actor commits first degree trespass when the actor:

(1) Knowingly enters or remains inside a dwelling, or part thereof;

(2) Without a privilege or license to do so under civil law.

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

(1) Knowingly enters or remains inside a building, or part thereof;

(2) Without a privilege or license to do so under civil law.

(c) *Third degree.* An actor commits third degree trespass when the actor:

(1) Knowingly enters or remains inside or on land, a watercraft, or a motor vehicle, or part thereof;

(2) Without a privilege or license to do so under civil law.

(d) *Exclusions from liability.*

(1) An actor does not commit an offense under this section by, in fact, violating a barring notice issued for District of Columbia Housing Authority properties unless the bar notice is lawfully issued pursuant to the District of Columbia Municipal Regulations on an objectively reasonable basis.

(2) An actor does not commit an offense under this section for conduct that, in fact, constitutes a failure to pay established fare or to present a valid transfer under § 35-252.

(e) *Permissive inference.* In a trial determining a violation of this section, a factfinder may, but is not required to, infer that an actor lacks a privilege or license to enter or remain inside or on a location that:

(1) Is otherwise vacant;

(2) Shows signs of a forced entry; and

(3) Either:

(A) Is secured in a manner that reasonably conveys that it is not to be entered; or

(B) Displays signage that is reasonably visible prior to or outside the location's points of entry, and that sign says "no trespassing" or similarly indicates that a person may not enter.

(f) *Penalties.*

(1) First degree trespass is a Class B misdemeanor.

(2) Second degree trespass is a Class C misdemeanor.

(3) Third degree trespass is a Class D misdemeanor.

SUBCHAPTER VIII. BURGLARY.

§ 22A-3801. Burglary.

(a) *First degree.* An actor commits first degree burglary when the actor:

(1) Knowingly and fully enters or surreptitiously remains inside a dwelling, or part thereof;

(2) Without a privilege or license to do so under civil law;

(3) With intent to commit while inside one or more offenses that is, in fact, an offense under Chapter 2 of this title or a predicate property offense;

(4) Reckless as to the fact that a person who is not a participant in the burglary either is entering with the actor or is already inside; and

(5) In fact, the person directly perceives the actor while the actor is inside.

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

(1) Knowingly and fully enters or surreptitiously remains inside:

(A) A dwelling, or part thereof, without a privilege or license to do so under civil law; or

(B) A building, or part thereof, without a privilege or license to do so under civil law:

(i) That is not open to the general public at the time of the burglary;

(ii) Reckless as to the fact that a person who is not a participant in the burglary either is entering with the actor or is already inside; and

(2) With intent to commit while inside one or more offense that is, in fact, an offense under Chapter 2 of this title or a predicate property offense.

(c) *Third degree*. An actor commits third degree burglary when the actor:

(1) Knowingly and fully enters or surreptitiously remains inside:

(A) A building or business yard, or part thereof;

(B) That is not open to the general public at the time of the burglary;

(2) Without a privilege or license to do so under civil law; and

(3) With intent to commit while inside one or more offenses that is, in fact, an offense under Chapter 2 of this title or a predicate property offense.

(d) *Penalties*.

(1) First degree burglary is a Class 8 felony, but notwithstanding § 22A-603, the maximum term of imprisonment for first degree burglary is 6 years.

(2) Second degree burglary is a Class 8 felony.

(3) Third degree burglary is a Class A misdemeanor.

(4) *Penalty enhancements*.

(A) The maximum penalty for first degree burglary shall be increased by 2 classes if the actor knowingly holds or carries on the actor's person, while entering or surreptitiously remaining in the location, what is, in fact, a dangerous weapon or imitation firearm.

(B) The maximum penalty for second degree burglary shall be increased by one class if the actor knowingly holds or carries on the actor's person, while entering or surreptitiously remaining in the location, what is, in fact, a dangerous weapon or imitation firearm.

(C) The maximum penalty for third degree burglary shall be increased by 5 years if the actor knowingly holds or carries on the actor's person, while entering or

surreptitiously remaining in the location, what is, in fact, a dangerous weapon or imitation firearm.

(e) *Definitions*. For the purposes of this section, the term "predicate property offense" means:

(1) Theft under § 22A-3201;
(2) Unauthorized use of property under § 22A-3202;
(3) Unauthorized use of a motor vehicle under § 22A-3203;
(4) Extortion under § 22A-3401;
(5) Arson under § 22A-3601;
(6) Reckless burning under § 22A-3602; or
(7) Criminal damage to property under § 22A-3603.

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

(a) *Offense*. An actor commits possession of tools to commit a property crime when the actor:

(1) Knowingly possesses a tool, or tools, designed or specifically adapted for picking locks, cutting chains, cutting glass, bypassing an electronic security system, or bypassing a locked door;

(2) With intent to use the tool or tools to commit one or more offenses that is, in fact:

(A) Theft under § 22A-3201;
(B) Unauthorized use of property under § 22A-3202;
(C) Unauthorized use of a motor vehicle under § 22A-3203;
(D) Shoplifting under § 22A-3204;
(E) Alteration of motor vehicle identification number under § 22A-3503;
(F) Alteration of bicycle identification number under § 22A-3504;
(G) Arson under § 22A-3601;
(H) Criminal damage to property under § 22A-3603;
(I) Criminal graffiti under § 22A-3604;
(J) Trespass under § 22A-3701; or
(K) Burglary under § 22A-3801.

(b) *No attempt liability*. The criminal attempt provision in § 22A-301 shall not apply to this section.

(c) *Penalties*. Possession of tools to commit a property crime is a Class D misdemeanor.

CHAPTER 4. OFFENSES AGAINST GOVERNMENT OPERATIONS.

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

[Reserved.]

SUBCHAPTER II. PERJURY AND OTHER OFFICIAL FALSIFICATION OFFENSES.

§ 22A-4201. Impersonation of an official.

(a) *First degree.* An actor commits first degree impersonation of an official when the actor:

(1) With intent:

(A) To deceive any other person as to the actor's lawful authority; and

(B) Either:

(i) To cause harm to another person; or

(ii) That any person receives a personal benefit of any kind;

(2) Knowingly and falsely represents themselves to currently hold lawful authority as a:

(A) Judge of a federal or local court in the District of Columbia;

(B) Prosecutor for the United States Attorney for the District of Columbia, or the Attorney General for the District of Columbia;

(C) Notary public;

(D) Law enforcement officer;

(E) Public safety employee;

(F) District official;

(G) District employee with power to enforce District laws or regulations; or

(H) Person authorized to solemnize marriage; and

(3) Performs the duty, exercises the authority, or attempts to perform the duty or exercise the authority pertaining to a person listed in subsection (a)(2) of this section.

(b) *Second degree.* An actor commits second degree impersonation of an official when the actor:

(1) With intent:

(A) To deceive any other person as to the actor's lawful authority; and

(B) Either:

(i) To cause harm to another person; or

(ii) That any person receive a personal benefit of any kind;

(2) Knowingly and falsely represents themselves to currently hold lawful authority as a:

(A) Judge of a federal or local court in the District of Columbia;

(B) Prosecutor for the United States Attorney for the District of Columbia, or the Attorney General for the District of Columbia;

(C) Notary public;

(D) Law enforcement officer;

(E) Public safety employee;

(F) District official;

(G) District employee with power to enforce District laws or regulations; or

(H) Person authorized to solemnize marriage.

(c) *Civil provision regarding use of official uniform insignia.* The Metropolitan Police Department and the Fire and Emergency Medical Services Department shall have the sole and exclusive rights to have and use, in carrying out their respective missions, the official badges, patches, emblems, copyrights, descriptive or designating marks, and other official insignia displayed upon their current and future uniforms.

(d) *Penalties.*

(1) First degree impersonation of an official is a Class 9 felony.

(2) Second degree impersonation of an official is a Class B misdemeanor.

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

(a) *Offense.* An actor commits misrepresentation as a District of Columbia entity when the actor:

(1) Knowingly:

(A) Engages in the business of collecting or aiding in the collection of debts or obligations, or of providing private police, investigation, or other detective services; and

(B) Uses the words "District of Columbia", "District", or "D.C." in the business name or in a business communication;

(2) With intent to:

(A) Deceive any other person as to the actor's lawful authority as a District of Columbia entity; and

(B) Receive a personal or business benefit of any kind; and

(3) In fact, the name or communication would cause a reasonable person in the complainant's circumstances to believe that the actor is a District of Columbia government entity or representative.

(b) *Prosecutorial authority.* The Attorney General for the District of Columbia shall prosecute violations of this section.

(c) *Penalties.* Misrepresentation as a District of Columbia entity is a Class C misdemeanor.

(d) *Definitions.* For the purposes of this section, the term "actor" includes a legal entity that is not a natural person.

§ 22A-4203. Perjury.

(a) *Offense.* An actor commits perjury when the actor either:

(1) Knowingly makes a false statement in an official proceeding and, in fact:

(A) The actor makes the false statement while testifying, orally or in writing, under oath or affirmation attesting to the truth of the statement;

(B) The oath or affirmation is administered:

(i) Before a competent tribunal, officer, or person; and

(ii) In a case or matter in which the law authorizes the taking of such an oath or affirmation; and

(C) The false statement is material to the course or outcome of the official proceeding; or

(2) Knowingly makes a false statement in a sworn declaration or unsworn declaration and, in fact, the statement is:

(A) In a writing with a statement indicating that the declaration is made under penalty of perjury;

(B) Delivered in a case or matter where the law requires or permits the statement to be made in a sworn declaration; and

(C) Material to the case or matter in which the declaration is delivered.

(b) *Requirement of corroboration.* In a prosecution under this section, proof of falsity of a statement may not be established solely by the uncorroborated testimony of a single witness.

(c) *Defenses.*

(1) It is a defense to liability under subsection (a)(1) of this section that, in fact:

(A) The actor retracted the false statement during the course of the official proceeding;

(B) The retraction occurred before the falsity of the statement was exposed; and

(C) The retraction occurred before the false statement substantially affected the proceeding.

(2) It is a defense to liability under subsection (a)(2) of this section that, in fact:

(A) The actor retracted the false statement before the statement was delivered in the case or matter; and

(B) The retraction occurred before the falsity of the statement was exposed.

(d) *Penalties.* Perjury is a Class 8 felony.

(e) *Definitions.* For the purposes of this section, the term:

(1) "Competent" means having jurisdiction over the actor and case or matter.

(2) "Tribunal" means any District of Columbia court, regulatory agency, commission, or other body or person authorized by law to render a decision of a judicial or quasi-judicial nature.

(3) "Officer" shall have the same meaning as provided in § 1-301.45.

(4) "Sworn declaration" means a signed record given under oath or affirmation attesting to its truth including a sworn statement, verification, certificate, or affidavit.

(5) "Unsworn declaration" means a declaration in a signed record that is not given under oath but is given under penalty of perjury in the form specified in § 16-5306 or 28 U.S.C. §1746(2).

§ 22A-4204. Perjury by false certification.

(a) *Offense.* An actor commits perjury by false certification when the actor:

(1) Knowingly makes a false certification of:

(A) Acknowledgement; or

(B) Another material matter in an acknowledgment; and

(2) In fact, the actor is a notarial official or other officer authorized to take proof or certification.

(b) *Penalties*. Perjury by false certification is a Class 8 felony.

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

(1) "Acknowledgement" shall have the same meaning as provided in § 1-1231.01.

(2) "Notarial officer" shall have the same meaning as provided in § 1-1231.01.

(3) "Officer" shall have the same meaning as provided in § 1-301.45.

§ 22A-4205. Solicitation of perjury.

(a) *Offense*. An actor commits solicitation of perjury when the actor:

(1) Knowingly commands, requests, or tries to persuade another person to engage in conduct, which, if carried out, in fact, will constitute either the offense of perjury or perjury by false certification under District of Columbia law;

(2) Acts with the culpability required for the offense of perjury or the offense of perjury by false certification; and

(3) The other person engages in conduct which constitutes either the offense of perjury or the offense of perjury by false certification under District of Columbia law.

(b) *Penalties*. Solicitation of perjury is a Class 8 felony.

§ 22A-4206. False swearing.

(a) *Offense*. An actor commits false swearing when the actor:

(1) Knowingly makes a false statement in a writing to a notarial officer or other person while under oath or affirmation attesting to the truth of the statement; and

(2) In fact:

(A) The oath or affirmation was administered by a notarial officer or other person authorized to administer oaths; and

(B) The statement is:

(i) Material to the case or matter in which it was delivered; and

(ii) Required by law to be sworn or affirmed before a notarial official or other person authorized to take and certify acknowledgment or proof.

(b) *Penalties*.

(1) False swearing is a Class A misdemeanor.

(2) *Penalty enhancements*. The penalty classification of this offense shall be increased by one class when the actor commits the offense negligent as to the fact that the statement is material to the arrest, detention, prosecution, conviction, sentence, search, or seizure of another person.

(c) *Definitions*. The terms "acknowledgment" and "notarial officer" have the same meanings specified in § 1-1231.01.

§ 22A-4207. False statements.

(a) *Offense*. An actor commits false statements when the actor:

(1) Knowingly makes a false statement in writing, directly or indirectly, to any District of Columbia government agency, department, or instrumentality, including any court of the District of Columbia;

(2) Negligent as to the fact that the writing indicates the making of a false statement is punishable by criminal penalty; and

(3) In fact, the statement is:

(A) Made under circumstances in which the statement could reasonably be expected to be relied upon as true; and

(B) Material to the case or matter to which it was delivered or likely to be delivered.

(b) *Penalties.*

(1) False statements is a Class B misdemeanor.

(2) *Penalty enhancements.* The penalty classification of this offense shall be increased by 2 classes when the actor commits the offense negligent as to the fact that the statement is material to the arrest, detention, prosecution, conviction, sentence, search, or seizure of another person.

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

(a) *Offense.* An actor commits impersonation of another before a tribunal, officer, or person when the actor:

(1) Knowingly provides personal identifying information belonging to another person to a competent tribunal, officer, or person;

(2) With intent to deceive the tribunal, officer, or person as to the actor's identity; and

(3) In fact, the personally identifying information was given under circumstances in which the information could reasonably be expected to be relied upon as true.

(b) *Prosecutorial authority.* The Attorney General for the District of Columbia shall prosecute violations of this section.

(c) *Penalties.* Impersonation of another before a tribunal, officer, or person is a Class C misdemeanor.

SUBCHAPTER III. OBSTRUCTION OF GOVERNMENT OPERATIONS.

§ 22A-4301. Obstruction of justice.

(a) *First degree.* An actor commits first degree obstruction of justice when the actor:

(1) Knowing that an official proceeding or criminal investigation has been initiated for any crime that is, in fact, a predicate felony;

(2) Commits any criminal offense under District of Columbia law;

(3) With the purpose of obstructing or impeding the proper functioning and integrity of the official proceeding or the criminal investigation.

(b) *Second degree.* An actor commits second degree obstruction of justice when the actor:

(1) Knowing that an official proceeding or criminal investigation has been initiated for any crime;

(2) In fact, commits any criminal offense under District of Columbia law;

(3) With the purpose of obstructing or impeding the proper functioning and integrity of the official proceeding or the criminal investigation.

(c) *Penalties.*

(1) First degree obstruction of justice is a Class 9 felony.

(2) Second degree obstruction of justice is a Class A misdemeanor.

(d) *Merger.*

(1) A conviction for obstruction of justice shall not merge with a conviction for any offense specified in subsection (a)(2) or subsection (b)(2) of this section when arising from the same act or course of conduct except as provided in paragraph (2) of this subsection.

(2) A conviction for obstruction of justice shall merge with a conviction for any other offense under Chapter 4 of this title arising from the same act or course of conduct. The sentencing court shall follow the procedures specified in § 22A-212(b) and (c).

(e) *Definitions.*

(1) For the purposes of this section, the term "predicate felony" means:

(A) Any Class 1, 2, 3, 4, 5, 6, or 7 felony under this title that requires as an element a bodily injury, sexual act, sexual contact, confinement, or death; or

(B) A criminal attempt, solicitation, or conspiracy to commit any Class 1, 2, 3, 4, 5, 6, or 7 felony under this title that requires as an element a bodily injury, sexual act, sexual contact, confinement, or death.

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

(a) *First degree.* An actor commits first degree tampering with a witness or informant when the actor:

(1) In fact, commits a crime of violence;

(2) Knowing that an official proceeding or criminal investigation has been initiated or is likely to be initiated;

(3) With the purpose of causing a person to:

(A) Testify or inform falsely in the official proceeding or criminal investigation;

(B) Withhold any testimony or information that has the natural tendency to influence, or is capable of influencing, the official proceeding or criminal investigation;

(C) Elude legal process summoning the person to testify or supply evidence in the official proceeding;

(D) Be absent from the official proceeding to which the person has been legally summoned; or

(E) Destroy, conceal, remove, or alter a document, record, image, audiovisual recording, or other object so as to either:

(i) Impair its value as evidence in the official proceeding; or

(ii) Prevent its production or use in the official proceeding.

(b) *Second degree*. An actor commits second degree tampering with a witness or informant when the actor:

(1) Either:

(A) Knowingly, directly or indirectly, offers, confers or agrees to confer upon another person anything of value; or

(B) In fact:

(i) Commits any criminal offense other than obstruction of justice under District of Columbia law;

(ii) With intent to cause a person to:

(I) Fear for the person's safety or the safety of another person; or

(II) Suffer significant emotional distress;

(2) Knowing that an official proceeding or criminal investigation has been initiated or is likely to be initiated;

(3) With the purpose of causing a person to:

(A) Testify or inform falsely in the official proceeding or criminal investigation;

(B) Withhold any testimony or information that has the natural tendency to influence, or is capable of influencing, the official proceeding or criminal investigation;

(C) Elude legal process summoning the person to testify or supply evidence in the official proceeding;

(D) Be absent from the official proceeding to which the person has been legally summoned; or

(E) Destroy, conceal, remove, or alter a document, record, image, audiovisual recording, or other object so as to either:

(i) Impair its value as evidence in the official proceeding; or

(ii) Prevent its production or use in the official proceeding.

(c) *Third degree*. An actor commits third degree tampering with a witness or informant when the actor:

(1) In fact, commits any criminal offense other than obstruction of justice under District of Columbia law;

(2) Knowing that an official proceeding or criminal investigation has been initiated or is likely to be initiated;

(3) With the purpose of causing a person to:

(A) Testify or inform falsely in the official proceeding or criminal investigation;

(B) Withhold any testimony or information that has the natural tendency to influence, or is capable of influencing, the official proceeding or criminal investigation;

(C) Elude legal process summoning the person to testify or supply evidence in the official proceeding;

(D) Be absent from the official proceeding to which the person has been legally summoned; or

(E) Destroy, conceal, remove, or alter a document, record, image, audiovisual recording, or other object so as to either:

(i) Impair its value as evidence in the official proceeding; or

(ii) Prevent its production or use in the official proceeding.

(d) *Penalties.*

(1) First degree tampering with a witness or informant is a Class 7 felony.

(2) Second degree tampering with a witness or informant is a Class 9 felony.

(3) Third degree tampering with a witness or informant is a Class A misdemeanor.

(e) *Merger.*

(1) A conviction for tampering with a witness or informant shall not merge with a conviction for any offense specified in subsection (a)(1) or subsection (b)(1) of this section when arising from the same act or course of conduct except as provided in paragraph (2) of this subsection.

(2) A conviction for tampering with a witness or informant shall merge with a conviction for any other offense under Chapter 4 of this title arising from the same act or course of conduct. The sentencing court shall follow the procedures specified in § 22A-212(b) and (c).

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

(a) *First degree.* An actor commits first degree tampering with a juror or court official when the actor:

(1) In fact, commits a crime of violence;

(2) Knowing that an official proceeding has been initiated or is likely to be initiated; and

(3) With the purpose of:

(A) Influencing the vote, opinion, decision, deliberation, or other official action of a juror in the official proceeding;

(B) Influencing the opinion, decisions, or other official action of a court official in the official proceeding;

(C) Causing a juror to withhold any testimony or information that has the natural tendency to influence, or is capable of influencing, the official proceeding; or

(D) Causing a person to be absent from jury service to which the person has been legally summoned or ordered to return.

(b) *Second degree.* An actor commits second degree tampering with a juror or court official when the actor:

(1) Either:

(A) Knowingly, directly or indirectly, offers, confers or agrees to confer upon another person anything of value; or

(B) In fact:

(i) Commits any criminal offense other than obstruction of justice under District of Columbia law;

(ii) With intent to cause a person to:

(I) Fear for the person's safety or the safety of another person; or

(II) Suffer significant emotional distress;

(2) Knowing that an official proceeding has been initiated or is likely to be initiated;

(3) With the purpose of:

(A) Influencing the vote, opinion, decision, deliberation, or other official action of a juror in the official proceeding;

(B) Influencing the opinion, decisions, or other official action of a court official in the official proceeding;

(C) Causing a juror to withhold any testimony or information that has the natural tendency to influence, or is capable of influencing, the official proceeding; or

(D) Causing a person to be absent from jury service to which the person has been legally summoned or ordered to return.

(c) *Third degree*. An actor commits third degree tampering with a juror or court official when the actor:

(1) In fact, commits any criminal offense other than obstruction of justice under District of Columbia law;

(2) Knowing that an official proceeding has been initiated or is likely to be initiated;

(3) With the purpose of:

(A) Influencing the vote, opinion, decision, deliberation, testimony, or other official action of a juror in the official proceeding;

(B) Influencing the opinion, decisions, testimony, or other official action of a court official in the official proceeding;

(C) Causing a juror to withhold any testimony or information that has the natural tendency to influence, or is capable of influencing, the official proceeding; or

(D) Causing a person to be absent from jury service to which the person has been legally summoned or ordered to return.

(d) *Penalties*.

(1) First degree tampering with a juror or court official is a Class 7 felony.

(2) Second degree tampering with a juror or court official is a Class 9 felony.

(3) Third degree tampering with a juror or court official is a Class A misdemeanor.

(e) *Merger*.

(1) A conviction for tampering with a juror or court official shall not merge with a conviction for any offense specified in subsection (a)(1) or subsection (b)(1) of this section when arising from the same act or course of conduct except as provided in paragraph (2) of this subsection.

(2) A conviction for tampering with a juror or court official shall merge with a conviction for any other offense under Chapter 4 of this title arising from the same act or course of conduct. The sentencing court shall follow the procedures specified in § 22A-212(b) and (c).

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

(a) *First degree*. An actor commits first degree retaliation against a witness, informant, juror, or court official when the actor:

(1) With the purpose of harming another person because of the person's prior:

(A) Appearance at or testimony in an official proceeding;

(B) Provision of any information, document, record, image, audiovisual recording, or other object related to a violation of any criminal statute to a court official in an official proceeding or a law enforcement officer in a criminal investigation; or

(C) Performance of their official duties as a juror or court official in an official proceeding;

(2) In fact, commits a crime of violence against any person.

(b) *Second degree*. An actor commits second degree retaliation against a witness, informant, juror, or court official when the actor:

(1) With the purpose, in whole or part, of harming another person because of the person's prior:

(A) Appearance at or testimony in an official proceeding;

(B) Provision of any information, document, record, image, audiovisual recording, or other object related to a violation of any criminal statute to a court official in an official proceeding or a law enforcement officer in a criminal investigation; or

(C) Performance of their official duties as a juror or court official in an official proceeding;

(2) In fact, commits a predicate offense against any person.

(c) *Penalties*.

(1) First degree retaliation against a witness, informant, juror, or court official is a Class 9 felony.

(2) Second degree retaliation against a witness, informant, juror, or court official is a Class B misdemeanor.

(d) *Merger*.

(1) A conviction for retaliation against a witness, informant, juror, or court official shall not merge with a conviction for any offense specified in subsection (a)(2) or subsection (b)(2) of this section when arising from the same act or course of conduct except as provided in paragraph (2) of this subsection.

(2) A conviction for retaliation against a witness, informant, juror, or court official shall merge with a conviction for any other offense under Chapter 4 of this title arising from the same act or course of conduct. The sentencing court shall follow the procedures specified in § 22A-212(b) and (c).

(e) *Definitions.*

(1) For the purposes of this section, the term "predicate offense" means:

(A) Any crime under this title that includes as an element a bodily injury, sexual act, sexual contact, confinement, or death;

(B) Any crime under this title that includes as an element damage to or destruction of a dwelling, building, or the property of another; or

(C) A criminal attempt, solicitation, or conspiracy to commit any crime under this title that includes as an element:

(i) A bodily injury, sexual act, sexual contact, confinement, death; or

(ii) Damage to or destruction of a dwelling, building, or the property of another.

§ 22A-4305. Tampering with evidence.

(a) *First degree.* An actor commits tampering with evidence in the first degree when the actor:

(1) Knowingly destroys, conceals, removes, or alters a document, record, image, audiovisual recording, or other object, regardless of medium, either:

(A) With the purpose of impairing its value as evidence in an official proceeding or criminal investigation that, in fact, has been or is likely to be initiated for a predicate felony; or

(B) With the purpose of preventing its production or use in an official proceeding or criminal investigation that, in fact, has been or is likely to be initiated for a predicate felony; or

(2) Knowingly makes, presents, or uses any document, record, image, audiovisual recording, or other object, regardless of medium:

(A) With the purpose of deceiving another person as to its veracity; and

(B) With the purpose of affecting the course or outcome of an official proceeding or criminal investigation that, in fact, has been or is likely to be initiated for a predicate felony.

(b) *Second degree.* An actor commits tampering with evidence in the second degree when the actor:

(1) Knowingly destroys, conceals, removes, or alters a document, record, image, audiovisual recording, or other object, regardless of medium, either:

(A) With the purpose of impairing its value as evidence in an official proceeding or criminal investigation that, in fact, has been or is likely to be initiated; or

(B) With the purpose of preventing its production or use in an official proceeding or criminal investigation that, in fact, has been or is likely to be initiated; or

(2) Knowingly makes, presents, or uses any document, record, image, audiovisual recording, or other object, regardless of medium:

(A) With the purpose of deceiving another person as to its veracity; and

(B) With the purpose of affecting the course or outcome of an official proceeding or criminal investigation that, in fact, has been or is likely to be initiated.

(c) *Penalties.*

(1) First degree tampering with evidence is a Class 9 felony.

(2) Second degree tampering with evidence is a Class B misdemeanor.

(d) *Merger.* A conviction for tampering with evidence shall merge with a conviction for any other offense under Chapter 4 of this title arising from the act or same course of conduct. The sentencing court shall follow the procedures specified in § 22A-212(b) and (c).

(e) *Definitions.*

(1) For the purposes of this section, the term "predicate felony" means:

(A) Any Class 1, 2, 3, 4, 5, 6, or 7 felony under this title that includes as an element in a bodily injury, sexual act, sexual contact, confinement, or death; or

(B) A criminal attempt, solicitation, or conspiracy to commit any Class 1, 2, 3, 4, 5, 6, or 7 felony under this title that includes as an element a bodily injury, sexual act, sexual contact, confinement, or death.

§ 22A-4306. Hindering apprehension or prosecution.

(a) *First degree.* An actor commits first degree hindering apprehension or prosecution when the actor:

(1) With the purpose of impeding or preventing the apprehension, prosecution, conviction, or punishment of another person for prior conduct;

(2) Knowingly:

(A) Harbors or conceals the other person; or

(B) Provides or aids in providing the other person a weapon, transportation, disguise, or other means of avoiding apprehension; and

(3) The prior conduct that the other person is charged with or liable to be charged with, in fact, constitutes a predicate felony.

(b) *Second degree.* An actor commits second degree hindering apprehension or prosecution when the actor:

(1) With the purpose of impeding or preventing the apprehension, prosecution, conviction, or punishment of another person for prior conduct;

(2) Knowingly:

(A) Harbors or conceals the other person; or

(B) Provides or aids the other person by providing a weapon, transportation, disguise, or other means of avoiding apprehension.

(c) *Penalties.*

(1) First degree hindering apprehension or prosecution is a Class 9 felony.

(2) Second degree hindering apprehension or prosecution is a Class A misdemeanor.

(d) *Merger*. A conviction for hindering apprehension or prosecution shall merge with a conviction for any other offense under Chapter 4 of this title arising from the same act or course of conduct. The sentencing court shall follow the procedures specified in § 22A-214(b) and (c).

(e) *Definitions*. For the purposes of this section, the term "predicate felony" means:

(1) Any Class 1, 2, 3, 4, 5, 6, or 7 felony under this title that includes as an element in a bodily injury, sexual act, sexual contact, confinement, or death; or

(2) A criminal attempt, solicitation, or conspiracy to commit any Class 1, 2, 3, 4, 5, 6, or 7 felony under this title that includes as an element a bodily injury, sexual act, sexual contact, confinement, or death.

SUBCHAPTER IV. GOVERNMENT CUSTODY.

§ 22A-4401. Escape from a correctional facility or officer.

(a) *First degree*. An actor commits first degree escape from a correctional facility or officer when the actor:

(1) In fact, is subject to a court order that authorizes the actor's confinement in a correctional facility, secure juvenile detention facility, or cellblock operated by the United States Marshals Service; and

(2) Knowingly, without the effective consent of the Mayor, the Director of the Department of Corrections, the Director of the Department of Youth Rehabilitation Services, or the United States Marshals Service, leaves the correctional facility, juvenile detention facility, or cellblock operated by the United States Marshals Service.

(b) *Second degree*. An actor commits second degree escape from a correctional facility or officer when the actor:

(1) In fact, is in the lawful official custody of a law enforcement officer of the District of Columbia or of the United States; and

(2) Knowingly, without the effective consent of the law enforcement officer, leaves official custody.

(c) *Third degree*. An actor commits third degree escape from a correctional facility or officer when the actor:

(1) In fact, is subject to a court order that authorizes the person's confinement in a correctional facility or halfway house; and

(2) Knowingly, without the effective consent of the Mayor, the Director of the Department of Corrections, or the Director of the Department of Youth Rehabilitation Services:

(A) Fails to return to the correctional facility or halfway house;

(B) Fails to report to the correctional facility or halfway house; or

(C) Leaves a halfway house.

(d) *Exclusion from liability.* An actor does not commit an offense under subsection (b) of this section when, in fact, the actor is within a correctional facility, juvenile detention facility, or halfway house.

(e) *Penalties.*

(1) First degree escape from a correctional facility or officer is a Class 8 felony.

(2) Second degree escape from a correctional facility or officer is a Class A misdemeanor.

(3) Third degree escape from a correctional facility or officer is a Class B misdemeanor.

§ 22A-4402. Tampering with a detection device.

(a) *Offense.* An actor commits tampering with a detection device when the actor:

(1) Knows the actor is required to wear a detection device while:

(A) Subject to a final civil protection order issued under § 16-1005;

(B) On pretrial release in a District of Columbia case;

(C) On presentence or predisposition release in a District of Columbia case;

(D) Committed to the Department of Youth Rehabilitation Services or incarcerated, in a District of Columbia case; or

(E) On supervised release, probation, or parole, in a District of Columbia case; and

(2) Either:

(A) Removes the detection device or allows an unauthorized person to do so; or

(B) Interferes with the emission or detection of the detection device or allows an unauthorized person to do so.

(b) *Jurisdiction.* An offense under this section shall be deemed to be committed in the District of Columbia, regardless of whether the actor is physically present in the District of Columbia.

(c) *Penalties.* Tampering with a detection device is a Class B misdemeanor.

§ 22A-4403. Correctional facility contraband.

(a) *First degree.* An actor commits first degree correctional facility contraband when the actor:

(1) With intent that an item be received by someone confined to a correctional facility or secure juvenile detention facility:

(A) Knowingly brings the item to a correctional facility or secure juvenile detention facility;

(B) Without the effective consent of the Mayor, the Director of the Department of Corrections, or the Director of the Department of Youth Rehabilitation Services; and

(C) The item, in fact, is Class A contraband; or

(2) In fact, is someone confined to a correctional facility or secure juvenile detention facility and:

(A) Knowingly possesses an item in a correctional facility or secure juvenile detention facility;

(B) Without the effective consent of the Mayor, the Director of the Department of Corrections, or the Director of the Department of Youth Rehabilitation Services; and

(C) The item, in fact, is Class A contraband.

(b) *Second degree*. An actor commits second degree correctional facility contraband when the actor:

(1) With intent that an item be received by someone confined to a correctional facility or secure juvenile detention facility:

(A) Knowingly brings the item to a correctional facility or secure juvenile detention facility;

(B) Without the effective consent of the Mayor, the Director of the Department of Corrections, or the Director of the Department of Youth Rehabilitation Services; and

(C) The item, in fact, is Class B contraband; or

(2) In fact, is someone confined to a correctional facility or secure juvenile detention facility and:

(A) Knowingly possesses an item in a correctional facility or secure juvenile detention facility;

(B) Without the effective consent of the Mayor, the Director of the Department of Corrections, or the Director of the Department of Youth Rehabilitation Services; and

(C) The item, in fact, is Class B contraband.

(c) *Exclusion from liability*. An actor does not commit an offense under this section for, in fact, possessing:

(1) A portable electronic communication device, in the course of a legal visit;

(2) A controlled substance that is prescribed to the actor and medically necessary to have immediately or constantly accessible; or

(3) A syringe, needle, or other medical device, that is medically necessary to have immediately or constantly available.

(d) *Detainment authority*. If there is probable cause to suspect an actor of committing correctional facility contraband under subsection (a)(1) or subsection (b)(1) of this section, the warden or director of a correctional facility may detain the actor for not more than 2 hours, pending surrender to the Metropolitan Police Department or a law enforcement agency acting pursuant to § 10-509.01.

(e) *Penalties*.

(1) First degree correctional facility contraband is a Class 9 felony.

(2) Second degree correctional facility contraband is a Class A misdemeanor.

§ 22A-4404. Resisting arrest or interfering with the arrest of another person.

(a) *Offense*. An actor commits resisting arrest or interfering with the arrest of another person when the actor:

(1) With the purpose of preventing the actor or another person from being placed in official custody;

(2) Knowingly:

(A) Uses physical force against a law enforcement officer; or

(B) Engages in conduct other than speech or passive resistance that either:

(i) Creates a substantial risk of causing significant bodily injury to a law enforcement officer; or

(ii) Requires substantial physical force by a law enforcement officer to overcome the actor's resistance; and

(3) The actor is reckless as to the fact that:

(A) A law enforcement officer verbally communicated to the person under arrest that the person was under arrest;

(B) The communication would cause a reasonable person in the actor's circumstances to believe that the actor or another person was under arrest; and

(C) The actor was given a reasonable opportunity to:

(i) Submit to arrest; or

(ii) Cease or refrain from using force or engaging in conduct interfering with the arrest of another person.

(b) *Affirmative defense*. It is an affirmative defense to liability under this section that, in fact, the actor reasonably believes:

(1) The actor or another person is in imminent danger of significant bodily injury; and

(2) The conduct constituting the offense:

(A) Will protect against such bodily injury; and

(B) Is necessary in degree.

(c) *Unit of prosecution*. Where conduct is of a continuing nature, the unit of prosecution is based on the arrest regardless of the number of law enforcement officers involved in the arrest.

(d) *Penalties*. Resisting arrest or interfering with the arrest of another person is a Class C misdemeanor.

CHAPTER 5. PUBLIC ORDER AND SAFETY OFFENSES.

SUBCHAPTER I. WEAPON OFFENSES AND RELATED PROVISIONS.

§ 22A-5101. Merger of related weapon offenses.

(a) *Merger of possessory offenses and offenses related to other crime*. Multiple convictions for 2 or more of the following offenses merge when arising from the same act or course of conduct:

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

(2) Possession of a stun gun under § 7-2502.15;

(3) Carrying an air or spring gun under § 7-2502.17;

(4) Carrying a dangerous weapon under § 22A-5104;

(5) Possession of a dangerous weapon with intent to commit a crime under § 22A-5105; and

(6) Possession of a dangerous weapon during a crime under § 22A-5106.

(b) *Merger of offenses related to other crime and display or use of weapon.* When arising from the same act or course of conduct, convictions for possession of a dangerous weapon with intent to commit a crime under § 22A-5105 or possession of a dangerous weapon during a crime under § 22A-5106 merge with any offense under Chapter 2 or 3 of this title that includes as an element of any gradation or enhancement that the person displayed or used a dangerous weapon.

(c) *Merger procedure and rule of priority.* For an actor found guilty of 2 or more offenses that merge under this section the sentencing court shall follow the procedures specified in § 22A-212(b) and (c).

§ 22A-5102. Exclusions from liability for weapon offenses.

(a) *Scope of exclusion.* The exclusions from liability specified in this section apply to the following offenses:

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

(2) Possession of a stun gun under § 7-2502.15;

(3) Carrying an air or spring gun under § 7-2502.17;

(4) Carrying a pistol in an unlawful manner under § 7-2509.06A;

(5) Possession of a prohibited weapon or accessory under § 22A-5103; and

(6) Carrying a dangerous weapon under § 22A-5104.

(b) *Exclusion from liability.* Notwithstanding any other District law, an actor does not commit an offense specified in subsection (a) of this section when, in fact, the actor is:

(1) A member of the Army, Navy, Air Force, or Marine Corps of the United States;

(2) An on-duty member of the National Guard or Organized Reserves;

(3) A qualified law enforcement officer, as that term is defined in 18 U.S.C. § 926B;

(4) A qualified retired law enforcement officer, as that term is defined in 18 U.S.C. § 926C(c), who carries a concealed pistol that is registered under § 7-2502.07 and is conveniently accessible and within reach;

(5) An on-duty licensed special police officer or campus police officer, who possesses or carries a firearm registered under § 7-2502.07 in accordance with § 5-129.02 and all rules issued pursuant to that section;

(6) An on-duty director, deputy director, officer, or employee of the Department of Corrections who possesses or carries a firearm registered under § 7-2502.07;

(7) An employee of the District or federal government, who is on duty and acting within the scope of those duties;

(8) Lawfully engaging in the business of manufacturing, repairing, or dealing the weapon involved in the offense;

(9) Lawfully engaging in the business of shipping or delivering the weapon involved in the offense; or

(10) Acting within the scope of authority granted by the Chief of the Metropolitan Police Department or a competent court.

(c) *Exclusion from liability.* Notwithstanding any other District law, an actor shall not be subject to prosecution for an offense specified in subsection (a) of this section if, in fact, the actor:

(1) Holds a valid registration certificate issued under § 7-2502.07; and

(2) Possesses the registered firearm or ammunition for a firearm of the same caliber while:

(A) At the home or place of business designated on the registration certificate;

(B) Transporting the firearm or ammunition, in accordance with § 22A-5111, to or from:

(i) A place of sale;

(ii) The person's home or place of business;

(iii) A place of repair;

(iv) A firearms training and safety class conducted by a firearms instructor; or

(v) A lawful recreational firearm-related activity; or

(C) Transporting the firearm or ammunition for a lawful purpose as expressly authorized by a District or federal statute and in accordance with the requirements of that statute.

(d) *Exclusion from liability.* Notwithstanding any other District law, an actor does not commit an offense specified in subsection (a) of this section when, in fact, the actor possesses or carries a firearm while participating in a firearms training and safety class conducted by a firearms instructor.

§ 22A-5103. Possession of a prohibited weapon or accessory.

(a) *First degree.* An actor commits first degree possession of a prohibited weapon or accessory when the actor:

(1) Knowingly possesses a firearm or explosive;

(2) Reckless as to the fact that the firearm or explosive is:

(A) An assault weapon;

(B) A machine gun;

(C) A sawed-off shotgun;
(D) A restricted explosive; or
(E) A ghost gun.

(b) *Second degree*. An actor commits second degree possession of a prohibited weapon or accessory when the actor:

(1) Knowingly possesses a firearm accessory;
(2) Reckless as to the fact that the firearm accessory is:
(A) A firearm silencer;
(B) A bump stock; or
(C) A large capacity ammunition feeding device.

(c) *Exclusion from liability*. An actor does not commit an offense under this section when, in fact, the actor satisfies the criteria in § 22A-5102.

(d) *Affirmative defense*. It is an affirmative defense to liability under this section that the actor possesses the item while, in fact, voluntarily surrendering the item pursuant to District or federal law.

(e) *Penalties*.

(1) First degree possession of a prohibited weapon or accessory is a Class 8 felony.

(2) Second degree possession of a prohibited weapon or accessory is a Class 9 felony.

(3) *Merger*. A conviction for possession of a prohibited weapon or accessory does not merge with any other offense arising from the same act or course of conduct.

§ 22A-5104. Carrying a dangerous weapon.

(a) *First degree*. An actor commits first degree carrying a dangerous weapon when the actor:

(1) Knowingly possesses:
(A) A firearm, other than a pistol;
(B) A pistol, without a license to carry under § 22A-5112; or
(C) A restricted explosive;

(2) The firearm, pistol, or restricted explosive is conveniently accessible and within reach; and

(3) The actor is in a location:
(A) Other than the actor's home, place of business, or land; and
(B) That, in fact, is:

(i) Within 300 feet of the boundary line of a school, college, university, public swimming pool, public playground, public youth center, public library, or children's day care center; and

(ii) Displays clear and conspicuous signage indicating that firearms or explosives are prohibited.

(b) *Second degree*. An actor commits second degree carrying a dangerous weapon when the actor:

(1) Knowingly possesses:

(A) A firearm, other than a pistol;

(B) A pistol, without a license to carry under § 22A-5112; or

(C) A restricted explosive;

(2) The firearm, pistol, or restricted explosive is conveniently accessible and within reach; and

(3) The actor is in a location other than the actor's home, place of business, or land.

(c) *Third degree*. An actor commits third degree carrying a dangerous weapon when the actor:

(1) Knowingly possesses a dangerous weapon;

(2) The dangerous weapon is conveniently accessible and within reach;

(3) The actor is in a location other than the actor's home, place of business, or land; and

(4) With intent to use the weapon in a manner that:

(A) Is likely to cause death or serious bodily injury to another person; and

(B) Does not constitute defense of self or another person under § 22A-403.

(d) *Exclusion from liability*. An actor does not commit an offense under this section when, in fact, the actor satisfies the criteria in § 22A-5102.

(e) *Affirmative defense*. It is an affirmative defense to liability under this section that the actor possesses the item while, in fact, voluntarily surrendering the item pursuant to District or federal law.

(f) *Penalties*.

(1) First degree carrying a dangerous weapon is a Class 8 felony.

(2) Second degree carrying a dangerous weapon is a Class 9 felony.

(3) Third degree carrying a dangerous weapon is a Class B misdemeanor.

§ 22A-5105. Possession of a dangerous weapon with intent to commit a crime.

(a) *First degree*. An actor commits first degree possession of a dangerous weapon with intent to commit a crime when the actor:

(1) Knowingly possesses an object designed to explode or produce uncontained combustion;

(2) With intent to use the object to commit a criminal harm that is, in fact:

(A) An offense under Chapter 2 of this title; or

(B) An offense under Chapter 3 of this title.

(b) *Second degree*. An actor commits second degree possession of a dangerous weapon with intent to commit a crime when the actor:

(1) Knowingly possesses:

(A) A dangerous weapon; or

(B) An imitation firearm;

(2) With intent to use the imitation firearm or dangerous weapon to commit a criminal harm that is, in fact:

(A) An offense under Chapter 2 of this title; or

(B) Burglary under § 22A-3801.

(c) *Limitation on attempt liability.* The criminal attempt provision in § 22A-301 shall not apply to this section if the actor does not actually possess an item with intent to use it to commit an offense under Chapter 2 or 3 of this title.

(d) *Penalties.*

(1) First degree possession of a dangerous weapon with intent to commit a crime is a Class 8 felony.

(2) Second degree possession of a dangerous weapon with intent to commit a crime is a Class A misdemeanor.

§ 22A-5106. Possession of a dangerous weapon during a crime.

(a) *First degree.* An actor commits first degree possession of a dangerous weapon during a crime when the actor:

(1) Knowingly possesses a firearm;

(2) In furtherance of and while committing what, in fact, is an offense under Chapter 2 of this title.

(b) *Second degree.* An actor commits second degree possession of a dangerous weapon during a crime when the actor:

(1) Knowingly possesses:

(A) An imitation firearm; or

(B) A dangerous weapon;

(2) In furtherance of and while committing what, in fact, is an offense under Chapter 2 of this title.

(c) *Penalties.*

(1) First degree possession of a dangerous weapon during a crime is a Class 9 felony.

(2) Second degree possession of a dangerous weapon during a crime is a Class A misdemeanor.

§ 22A-5107. Possession of a firearm by an unauthorized person.

(a) *First degree.* An actor commits first degree possession of a firearm by an unauthorized person when the actor:

(1) Knowingly possesses a firearm; and

(2) Has a prior conviction for what is, in fact, a crime of violence other than conspiracy, or a comparable offense.

(b) *Second degree.* An actor commits second degree possession of a firearm by an unauthorized person when the actor:

(1) Knowingly possesses a firearm; and

(2) In addition:

(A) Is a fugitive from justice;

(B) Has a prior conviction for what is, in fact:

(i) A District offense that is currently punishable by imprisonment for a term exceeding one year, or a comparable offense, committed within 10 years of the current possession of a firearm;

(ii) An offense under this subchapter, or a comparable offense, committed within 5 years of the current possession of a firearm; or

(iii) An intrafamily offense, as that term is defined in § 16-1001(8), that requires as an element confinement, a sexual act, sexual contact, bodily injury, or threats, or a comparable offense, committed within 5 years of the current possession of a firearm; or

(C) Is subject to a final civil protection order issued under § 16-1005 or a final anti-stalking order issued under § 16-1064.

(c) *Exclusion from liability.* An actor does not commit an offense under this section for, in fact, possessing a firearm within the first 24 hours of the prior conviction or service of the protection order, or, when the judicial officer sentencing the actor or issuing the protection order specifically orders a shorter period of time for the actor to retrieve and safely transport the firearm or relinquish ownership, within the time specified by the judicial officer.

(d) *Affirmative defense.* It is an affirmative defense to liability under this section that the actor possesses the item while, in fact, voluntarily surrendering the item pursuant to District or federal law.

(e) *Penalties.*

(1) First degree possession of a firearm by an unauthorized person is a Class 8 felony.

(2) Second degree possession of a firearm by an unauthorized person is a Class 9 felony.

(f) *Definitions.* For the purposes of this section, the term "fugitive from justice" means a person who has an open arrest warrant for:

(1) Fleeing to avoid prosecution for a crime;

(2) Fleeing to avoid giving testimony in a criminal proceeding; or

(3) Escape from a correctional facility or officer under § 22A-4401.

§ 22A-5108. Negligent discharge of firearm.

(a) *Offense.* An actor commits negligent discharge of a firearm when the actor:

(1) Negligently discharges a projectile from a firearm outside a licensed firing range; and

(2) In fact, does not have:

(A) A written permit issued by the Metropolitan Police Department; or

(B) Other permission under District or federal law.

(b) *Prosecutorial authority.* The Attorney General for the District of Columbia shall prosecute violations of this section.

(c) *Penalties.* Negligent discharge of a firearm is a Class A misdemeanor.

§ 22A-5109. Alteration of a firearm identification mark.

(a) *Offense.* An actor commits alteration of a firearm identification mark when the actor:

(1) Knowingly alters or removes from a firearm:

(A) The name of the maker;

(B) The model;

(C) The manufacturer's number; or

(D) Other identifying mark;

(2) With intent to conceal or misrepresent the identity of the firearm.

(b) *Penalties.* Alteration of a firearm identification mark is a Class A misdemeanor.

(c) *Definitions.* For the purposes of this section, the term "manufacturer" shall have the same meaning as provided in § 7-2505.03(2).

§ 22A-5110. Civil provisions for prohibitions of firearms on public or private property.

(a) The District may prohibit or restrict the possession of firearms on its property and any property under its control.

(b) Private persons or entities owning property in the District may prohibit or restrict the possession of firearms on their property by any person other than a law enforcement officer while that law enforcement officer is lawfully authorized to enter onto the private property.

§ 22A-5111. Civil provisions for lawful transportation of a firearm or ammunition.

Notwithstanding any other District law, a person shall be permitted to transport a firearm or ammunition under the following circumstances:

(1) The person is not otherwise prohibited by law from possessing a firearm or ammunition;

(2) The transportation of the firearm or ammunition is:

(A) For any lawful purpose;

(B) From any place where the person may lawfully possess the firearm or ammunition; and

(C) To any place where the person may lawfully possess the firearm or ammunition;

(3) When the firearm is transported in a motor vehicle, the firearm is unloaded, and:

(A) If the motor vehicle has a compartment separate from the passenger area, neither the firearm nor any ammunition is conveniently accessible and within reach from the passenger area of the motor vehicle; or

(B) If the motor vehicle does not have a compartment separate from the passenger area, the firearm and any ammunition is in a locked container other than the glove compartment or console; and

(4) When the firearm is not transported in a motor vehicle, the firearm is:

(A) Unloaded;

(B) Inside a locked container; and

(C) Separate from any ammunition.

§ 22A-5112. Civil provisions for issuance of a license to carry a pistol.

(a) The Chief of the Metropolitan Police Department may, upon the application of a person having a bona fide residence or place of business within the District of Columbia, or of a person having a bona fide residence or place of business within the United States and a license to carry a pistol concealed upon their person issued by the lawful authorities of any state or subdivision of the United States, issue a license to such person to carry a pistol concealed upon their person within the District of Columbia for not more than 2 years from the date of issue, if it appears that the person is a suitable person to be so licensed.

(b) A non-resident who lives in a state or subdivision of the United States that does not require a license to carry a concealed pistol may apply to the Chief of the Metropolitan Police Department for a license to carry a pistol concealed upon their person within the District of Columbia for not more than 2 years from the date of issue; provided, that the person meets the same reasons and requirements set forth in subsection (a) of this section.

(c) For any person issued a license pursuant to this section, or renewed pursuant to § 7-2509.03, the Chief of the Metropolitan Police Department may limit the geographic area, circumstances, or times of the day, week, month, or year in which the license is effective, and may subsequently limit, suspend, or revoke the license as provided under § 7-2509.05.

(d) The application for a license to carry shall be on a form prescribed by the Chief of the Metropolitan Police Department and shall bear the name, address, description, photograph, and signature of the licensee.

(e) Except as provided in § 7-2509.05(b), any person whose application has been denied or whose license has been limited or revoked may, within 15 days after the date of the notice of denial or notice of intent, appeal to the Concealed Pistol Licensing Review Board established pursuant to § 7-2509.08.

§ 22A-5113. Unlawful sale of a pistol.

(a) *Offense*. An actor commits unlawful sale of a pistol when the actor:

(1) Knowingly sells a pistol;

(2) Reckless as to the fact that the purchaser is:

(A) Not of sound mind;

(B) Prohibited from possessing a firearm by § 22A-5107; or

(C) Under 21 years of age, except when the purchaser is a child or ward of the actor.

(b) *Penalties*. Unlawful sale of a pistol is a Class 9 felony.

§ 22A-5114. Unlawful transfer of a firearm.

(a) *Offense*. An actor commits unlawful transfer of a firearm when the actor:

(1) Knowingly, as the seller of a firearm, delivers the firearm to a purchaser:

(A) Fewer than 10 days after the date of the purchase, except in the case of sales to law enforcement officers; or

(B) In a manner other than as specified in § 22A-5111;

(2) Knowingly, as the purchaser of a firearm, fails to sign in duplicate and deliver to the seller a statement containing the purchaser's full name, address, occupation, date and place of birth, the date of purchase, the caliber, make, model, and manufacturer's number of the firearm and a statement that the purchaser is not prohibited from possessing a firearm under § 22A-5107;

(3) Knowingly, as the seller of a firearm, fails to sign and attach their address to the purchaser's statement described in subsection (a)(2) of this section and deliver one copy to such person or persons as the Chief of the Metropolitan Police Department may designate, and retain the other copy for 6 years; or

(4) Knowingly sells an assault weapon, machine gun, or sawed-off shotgun:

(A) To any person other than the persons designated in § 22A-5102(b) as entitled to possess the same; or

(B) Without prior permission to make such sale obtained from the Chief of the Metropolitan Police Department.

(b) *Exclusion from liability.* An actor does not commit an offense under this section when, in fact, the actor is a wholesale dealer selling a firearm to a dealer licensed under § 22A-5116.

(c) *Penalties.* Unlawful transfer of a firearm is a Class 9 felony.

§ 22A-5115. Sale of a firearm without a license.

(a) *Offense.* An actor commits sale of a firearm without a license when the actor knowingly:

(1) As a retail dealer:

(A) Sells, exposes for sale, or possesses with intent to sell, a firearm;

(B) Without a license under § 22A-5116; or

(2) As a wholesale dealer, sells, or possesses with intent to sell, a firearm to any person other than a dealer licensed under § 22A-5116.

(b) *Penalties.* Unlawful sale of a firearm without a license is a Class 9 felony.

§ 22A-5116. Civil provisions for licenses of firearms dealers.

(a) The Mayor of the District of Columbia may, in their discretion, grant licenses and may prescribe the form thereof, effective for not more than one year after the date of issue, permitting the licensee to sell a firearm at retail within the District of Columbia. Any license issued under this section shall require the licensee to follow the licensure requirements described in subsection (b) of this section.

(b)(1) Firearm sales shall occur only in the building designated in the license.

(2) The license or a copy thereof, certified by the issuing authority, shall be clearly and conspicuously displayed on the premises.

(3) No firearm shall be sold if the purchaser is:

(A) Not of sound mind;

(B) Prohibited from possessing a firearm under § 22A-5107;

(C) Under 21 years of age; or

(D) Unknown to the seller, unless the purchaser presents clear evidence of the purchaser's identity.

(4) No assault weapon, machine gun, or sawed-off shotgun shall be sold to any person other than the persons specified in § 22A-5102(b) as entitled to possess the same, and then only after permission to make such sale has been obtained from the Chief of the Metropolitan Police Department.

(5) A true record shall be made of all firearms in the possession of the licensee, in a form prescribed by the Mayor. The record shall contain the date of purchase, the caliber, make, model, and manufacturer's number of each weapon, to which shall be added, when sold, the date of sale.

(6) A true record in duplicate shall be made of every firearm sold, in a form prescribed by the Mayor. The record shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the date of sale; the name, address, occupation, and place of birth of the purchaser; so far as applicable, the caliber, make, model, and manufacturer's number of the weapon; and a statement by the purchaser that the purchaser is not a person prohibited from possessing a firearm under § 22A-5107. A copy of the record shall, within 7 days after the sale, be forwarded by mail to the Chief of the Metropolitan Police Department and the other copy retained by the seller for 6 years after the sale.

(7) No firearm or imitation firearm or placard advertising the sale of a firearm or imitation firearm shall be clearly and conspicuously displayed on the premises, where it can readily be seen from outside.

(c) Any license shall be subject to forfeiture for any violation of the requirements specified in subsection (b) of this section.

(d) Any license issued under this section shall be issued by the Metropolitan Police Department as a Public Safety endorsement to a basic business license under the basic business license system as set forth in Subchapter I-A of Chapter 28 of Title 47.

(e) *Definitions*. For the purposes of this section, the term "manufacturer" shall have the same meaning as provided in § 7-2505.03(2).

§ 22A-5117. Unlawful sale of a firearm by a licensed dealer.

(a) *Offense*. An actor commits unlawful sale of a firearm by a licensed dealer when the actor:

(1) In fact, is a licensed dealer under § 22A-5116; and

(2) Recklessly violates a licensure requirement specified in § 22A-5116(b).

(b) *Penalties*. Unlawful sale of a firearm by a licensed dealer is a Class A misdemeanor.

§ 22A-5118. Use of false information for purchase or licensure of a firearm.

(a) *Offense*. An actor commits use of false information for purchase or licensure of a firearm when the actor knowingly gives false information or false evidence of identity to:

(1) Purchase a firearm; or

(2) Apply for a license to carry a pistol under § 22A-5112.

(b) *Penalties.* Use of false information for purchase or licensure of a firearm is a Class A misdemeanor.

§ 22A-5119. Civil provisions for the taking and destruction of dangerous articles.

(a) A dangerous article unlawfully owned, possessed, or carried is hereby declared to be a nuisance.

(b) When a police officer, in the course of a lawful arrest or lawful search, or when a designated civilian employee of the Metropolitan Police Department in the course of a lawful search, discovers a dangerous article that the officer reasonably believes is a nuisance under subsection (a) of this section the officer shall take it into their possession and surrender it to the Property Clerk of the Metropolitan Police Department.

(c) *Hearing procedures.*

(1) Within 30 days after the date of such surrender, any person may file in the office of the Property Clerk of the Metropolitan Police Department a written claim for possession of such dangerous article. Upon the expiration of the period, the Property Clerk shall notify each claimant, by registered mail addressed to the address shown on the claim, of the time and place of a hearing to determine which claimant, if any, is entitled to possession of such dangerous article. The hearing shall be held within 60 days after the date of such surrender.

(2) At the hearing, the Property Clerk shall hear and receive evidence with respect to the claims filed under paragraph (1) of this subsection. Thereafter the Property Clerk shall determine which claimant, if any, is entitled to possession of such dangerous article and shall reduce their decision to writing. The Property Clerk shall send a true copy of the written decision to each claimant by registered mail addressed to the most recent address of the claimant.

(3) Any claimant may, within 30 days after the day on which the copy of the decision was mailed to such claimant, file an appeal in the Superior Court of the District of Columbia. If the claimant files an appeal, the claimant shall at the same time give written notice thereof to the Property Clerk. If the decision of the Property Clerk is so appealed, the Property Clerk shall not dispose of the dangerous article while the appeal is pending and, if the final judgment is entered by the court, the Property Clerk shall dispose of the dangerous article in accordance with the judgment of the court. The court is authorized to determine which claimant, if any, is entitled to possession of the dangerous article and to enter a judgment ordering a disposition of the dangerous article consistent with subsection (e) of this section.

(4) If there is no appeal, or if the appeal is dismissed or withdrawn, the Property Clerk shall dispose of the dangerous article in accordance with subsection (e) of this section.

(5) The Property Clerk shall make no disposition of a dangerous article under this section, whether in accordance with their own decision or in accordance with the judgment of the court, until the United States Attorney for the District of Columbia or the Attorney General for the District of Columbia certifies to the Property Clerk that the dangerous article will not be needed as evidence.

(d) A person claiming a dangerous article shall be entitled to its possession only if:

(1) The claimant shows, on satisfactory evidence that the ownership is lawful and:

(A) The person is the owner of the dangerous article; or

(B) The person is the accredited representative of the owner and has a power of attorney from the owner;

(2) The claimant shows, on satisfactory evidence, that at the time the dangerous article was taken into possession by a police officer or a designated civilian employee of the Metropolitan Police Department, it was not unlawfully owned and was not unlawfully possessed or carried by the claimant or with their awareness or consent; and

(3) The receipt of possession by the claimant does not cause the article to be a nuisance.

(e) If a person claiming a dangerous article is entitled to its possession as determined under subsections (c) and (d) of this section, possession of such dangerous article shall be given to the claimant. If no person so claiming is entitled to its possession as determined under subsections (c) and (d) of this section, or if there is no claimant, the dangerous article shall be destroyed or, upon order of the Mayor of the District of Columbia, transferred to and used by any federal or District government law enforcement agency. A District government agency receiving a dangerous article under this section shall establish responsibility and records for the item.

(f) The Property Clerk shall not be liable in damages for any action performed in good faith under this section.

(g) *Definitions*. For the purposes of this section, the term "dangerous article" means:

(1) A bump stock;

(2) A firearm;

(3) A firearm silencer;

(4) A large capacity ammunition feeding device; or

(5) A restricted explosive.

§ 22A-5120. Endangerment with a firearm.

(a) *Offense*. An actor commits endangerment with a firearm when the actor:

(1) Knowingly discharges a projectile from a firearm outside a licensed firing range; and

(2) Either:

(A) The discharged projectile creates a substantial risk of death or bodily injury to another person; or

(B) In fact:

(i) The actor or the discharged projectile is in a location that is:

(I) Open to the general public at the time of the offense;

(II) A communal area of multi-unit housing; or

(III) Inside a public conveyance or a rail station; and

(ii) The actor does not have permission to discharge a projectile from a firearm under:

(I) A written permit issued by the Metropolitan Police Department; or

(II) Other District or federal law.

(b) *Penalties*. Endangerment with a firearm is a Class 9 felony.

(c) *Multiple convictions for related offenses*. A conviction for an offense under this section and a conviction for another offense that has as an objective element in the offense definition or applicable penalty enhancement the use or display, or attempted use or display, of a firearm, imitation firearm, or dangerous weapon shall merge when the convictions arise from the same act or course of conduct and the same complainant.

(d) *Merger procedure and rule of priority*. For an actor found guilty of 2 or more offenses that merge under this section, the sentencing court shall follow the procedures specified in § 22A-212(b) and (c).

SUBCHAPTER II. BREACHES OF PEACE.

§ 22A-5201. Disorderly conduct.

(a) *Offense*. An actor commits disorderly conduct when the actor:

(1) In fact, is in a location that is:

(A) Open to the general public at the time of the offense;

(B) Inside a public conveyance or a rail transit station; or

(C) A communal area of multi-unit housing; and

(2) Engages in any of the following conduct:

(A) Recklessly, by conduct other than speech, causes any person present to reasonably believe that they are likely to suffer immediate criminal bodily injury, taking of property, or damage to property;

(B) Purposely commands, requests, or tries to persuade any person present to cause immediate criminal bodily injury, taking of property, or damage to property, reckless as to the fact that the harm is likely to occur;

(C) Purposely directs abusive speech to any person present, reckless as to the fact that such conduct is likely to provoke immediate retaliatory criminal bodily injury, taking of property, or damage to property; or

(D) Knowingly continues or resumes fighting with another person after receiving a law enforcement officer's order to stop.

(b) *Exclusions from liability*.

(1) An actor does not commit an offense under subsection (a)(2)(A) of this section when, in fact, the other person present is a law enforcement officer in the course of official duties.

(2) An actor does not commit an offense under subsection (a)(2)(C) of this section when, in fact, the conduct is directed to or likely to provoke a law enforcement officer in the course of official duties.

(c) *Prosecutorial authority*. The Attorney General for the District of Columbia shall prosecute violations of this section.

(d) *Penalties*. Disorderly conduct is a Class D misdemeanor.

§ 22A-5202. Public nuisance.

(a) *First degree.* An actor commits first degree public nuisance when the actor purposely causes significant interruption to:

(1) The orderly conduct of a meeting by a District or federal public body;

(2) A person's reasonable, quiet enjoyment of their dwelling, between 10:00 p.m. and 7:00 a.m., and continues or resumes the conduct after receiving oral or written notice to stop;

(3) A person's lawful use of a public conveyance; or

(4) A religious service, funeral, or wedding, that is, in fact, lawful and in a location that is open to the general public at the time of the offense.

(b) *Second degree.* An actor commits second degree public nuisance when the actor:

(1) Knowingly makes an unreasonably loud noise between 10:00 p.m. and 7:00 a.m.;

(2) That is likely to annoy or disturb one or more other persons in their residences.

(c) *Prosecutorial authority.* The Attorney General for the District of Columbia shall prosecute violations of this section.

(d) *Penalties.*

(1) First degree public nuisance is a Class D misdemeanor.

(2) Second degree public nuisance is a Class E misdemeanor.

(e) *Definitions.* For the purposes of this section, the terms "meeting" and "public body" shall have the same meanings as provided in § 2-574(1) and (3), respectively.

§ 22A-5203. Blocking a public way.

(a) *Offense.* An actor commits blocking a public way when the actor:

(1) Knowingly blocks a street, sidewalk, bridge, path, entrance, exit, or passageway;

(2) While on land or inside a building that is owned by a government, government agency, or government-owned corporation; and

(3) Continues or resumes the blocking after receiving a law enforcement officer's order that, in fact, is lawful, to stop.

(b) *Prosecutorial authority.* The Attorney General for the District of Columbia shall prosecute violations of this section.

(c) *Penalties.* Blocking a public way is a Class D misdemeanor.

§ 22A-5204. Unlawful demonstration.

(a) *Offense.* An actor commits unlawful demonstration when the actor:

(1) Knowingly engages in a demonstration;

(2) In a location where the demonstration, in fact, is otherwise unlawful under District or federal law; and

(3) Continues or resumes engaging in the demonstration after receiving a law enforcement order to stop.

(b) *Prosecutorial authority.* The Attorney General for the District of Columbia shall prosecute violations of this section.

(c) *Penalties.* Unlawful demonstration is a Class D misdemeanor.

§ 22A-5205. Breach of home privacy.

(a) *Offense*. An actor commits breach of home privacy when the actor:

(1) Knowingly and surreptitiously observes inside a dwelling, by any means; and

(2) In fact, an occupant of the dwelling would have a reasonable expectation of privacy.

(b) *Prosecutorial authority*. The Attorney General for the District of Columbia shall prosecute violations of this section.

(c) *Penalties*. Breach of home privacy is a Class C misdemeanor.

§ 22A-5206. Indecent exposure.

(a) *First degree*. An actor commits first degree indecent exposure when the actor:

(1) Knowingly engages in:

(A) A sexual act;

(B) Masturbation; or

(C) A sexual or sexualized display of the genitals, pubic area, or anus, when there is less than a full opaque covering; and

(2) The conduct is:

(A) Visible to the complainant;

(B) Without the complainant's effective consent; and

(C) With the purpose of alarming or sexually abusing, humiliating, harassing, or degrading the complainant.

(b) *Second degree*. An actor commits second degree indecent exposure when the actor:

(1) Knowingly engages in:

(A) A sexual act;

(B) Masturbation; or

(C) A display of the genitals, pubic area, or anus, when there is less than a full opaque covering;

(2) In, or visible from, a location that is:

(A) Open to the general public at the time of the offense;

(B) Inside a public conveyance or a rail transit station; or

(C) A communal area of multi-unit housing; and

(3) Reckless as to the fact that the conduct:

(A) Is visible to the complainant;

(B) Is without the complainant's effective consent; and

(C) Alarms or sexually abuses, humiliates, harasses, or degrades any person.

(c) *Exclusions from liability*.

(1) An actor does not commit an offense under subsection (a) of this section when, in fact:

(A) The actor is inside their own individual dwelling unit; and

(B) The conduct is not visible to any person outside the dwelling.

(2) An actor shall not be subject to prosecution under this section when, in fact, the actor is:

(A) An employee of a licensed sexually-oriented business establishment; and

(B) Acting within the reasonable scope of that role.

(d) *Prosecutorial authority.* The Attorney General for the District of Columbia shall prosecute violations of subsection (b) of this section.

(e) *Penalties.*

(1) First degree indecent exposure is a Class B misdemeanor.

(2) Second degree indecent exposure is a Class C misdemeanor.

(f) *Definitions.* For the purposes of this section, the term "sexually-oriented business establishment" shall have the same meaning as provided in 11 DCMR § 199.1.

§ 22A-5207. Public urination or defecation.

(a) *Offense*: An actor commits public urination or defecation when the actor knowingly urinates or defecates in a public place, other than a urinal or toilet.

(b) *Penalty.* Public urination or defecation is a Class E misdemeanor.

SUBCHAPTER III. GROUP MISCONDUCT.

§ 22A-5301. Failure to disperse.

(a) *Offense.* An actor commits failure to disperse when the actor:

(1) Knowingly fails to obey a law enforcement officer's dispersal order;

(2) Reckless as to the fact that 8 or more people are each personally and simultaneously committing or attempting to commit a criminal bodily injury, taking of property, or damage to property, in the area reasonably perceptible to the actor; and

(3) In fact, the actor's presence substantially impairs the ability of a law enforcement officer to safely prevent or stop the criminal conduct.

(b) *Penalties.* Failure to disperse is a Class D misdemeanor.

SUBCHAPTER IV. PROSTITUTION AND RELATED STATUTES.

§ 22A-5401. Prostitution.

(a) *Offense.* An actor commits prostitution when the actor knowingly:

(1) Pursuant to a prior agreement, explicit or implicit, engages in or submits to a sexual act or sexual contact in exchange for the actor or a third party receiving anything of value;

(2) Agrees, explicitly or implicitly, to engage in or submit to a sexual act or sexual contact in exchange for the actor or a third party receiving anything of value; or

(3) Commands, requests, or tries to persuade any person to engage in or submit to a sexual act or sexual contact in exchange for the actor or a third party receiving anything of value.

(b) *Immunity.*

(1) An actor does not commit an offense under this section when, in fact, the actor is under 18 years of age.

(2) The Metropolitan Police Department and any other District agency designated by the Mayor shall refer any person under 18 years of age that is suspected of violating subsection (a) of this section to an organization that provides treatment, housing, or services appropriate for victims of sex trafficking of a minor under § 22A-2605.

(c) *Penalties*. Prostitution is a Class D misdemeanor.

(d) *Judicial deferral and dismissal of proceedings*.

(1) When a person is found guilty of prostitution under this section, the court may, without entering a judgment of guilty and with the consent of the person, defer further proceedings on that offense and place the person on probation upon such reasonable conditions as it may require and for such period, not to exceed one year, as the court may prescribe. Upon violation of a condition of the probation, the court may enter an adjudication of guilt and proceed as otherwise provided. The court may, in its discretion, dismiss the proceedings against such person and discharge the person from probation before the expiration of the maximum period prescribed for such person's probation. If during the period of probation the person does not violate any of the conditions of the probation, then upon expiration of such period the court shall discharge the person and dismiss the proceedings against the person. Discharge and dismissal under this subsection shall be without court adjudication of guilt. Such discharge or dismissal shall not be deemed a conviction with respect to disqualifications or disabilities imposed by law upon conviction of a crime or for any other reason.

(2) Upon the dismissal of such proceedings and discharge of the person under paragraph (1) of this subsection, such person may apply to the court for an order to expunge from all official records (other than the nonpublic records to be retained under paragraph (1) of this subsection) all recordation relating to their arrest, indictment or information, trial, finding of guilty, and dismissal and discharge pursuant to this subsection. If the court determines, after hearing, that the proceedings were dismissed and the person discharged, it shall enter such order. The effect of such order shall be to restore such person, in the contemplation of this law, to the status they occupied before such arrest or indictment or information. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge such arrest, or indictment, or trial in response to any inquiry made of them for any purpose.

§ 22A-5402. Patronizing prostitution.

(a) *Offense*. An actor commits patronizing prostitution when the actor knowingly:

(1) Pursuant to a prior agreement, explicit or implicit, engages in or submits to a sexual act or sexual contact in exchange for the actor giving another person anything of value;

(2) Agrees, explicitly or implicitly, to give anything of value to another person in exchange for that person or a third party engaging in or submitting to a sexual act or sexual contact; or

(3) Commands, requests, or tries to persuade any person to engage in or submit to a sexual act or sexual contact in exchange for the actor giving another person anything of value.

(b) *Penalties*.

(1) Patronizing prostitution is a Class D misdemeanor.

(2) *Penalty enhancements*. The penalty classification of this offense shall be increased by one class when the actor:

(A) Is reckless as to the fact that the person patronized is under 18 years of age, or, in fact, the person patronized is under 12 years of age; or

(B) Is reckless as to the fact that the person patronized is:

(i) Incapable of appraising the nature of the sexual act or sexual contact or of understanding the right to give or withhold consent to the sexual act or sexual contact, either due to a drug, intoxicant, or other substance, or, due to an intellectual, developmental, or mental disability or mental illness when the actor has no similarly serious disability or illness; or

(ii) Incapable of communicating willingness or unwillingness to engage in the sexual act or sexual contact.

§ 22A-5403. Trafficking in commercial sex.

(a) *Offense*. An actor commits trafficking in commercial sex when the actor:

(1) With intent to receive anything of value as a result, purposely:

(A) Causes, procures, provides, recruits, or entices a person to engage in or submit to a commercial sex act with or for another person; or

(B) Provides or maintains a location for a person to engage in or submit to a commercial sex act with or for another person;

(2) Knowingly receives anything of value as a result of:

(A) Causing, procuring, providing, recruiting, or enticing a person to engage in or submit to a commercial sex act with or for another person; or

(B) Providing or maintaining a location for a person to engage in or submit to a commercial sex act with or for another person; or

(3) Obtains anything of value from the proceeds or earnings of a commercial sex act that a person has engaged in or submitted to, either without consideration or when the consideration is providing or maintaining a location for a commercial sex act.

(b) *Penalties*.

(1) Trafficking in commercial sex is a Class 9 felony.

(2) *Penalty enhancements*. The penalty classification of this offense shall be increased by one class when the actor:

(A) Is reckless as to the fact that the person trafficked is under 18 years of age, or, in fact, the person trafficked is under 12 years of age; or

(B) Is reckless as to the fact that the person trafficked is:

(i) Incapable of appraising the nature of the commercial sex act or of understanding the right to give or withhold consent to the commercial sex act, either due to a drug, intoxicant, or other substance, or, due to an intellectual, developmental, or mental disability or mental illness when the actor has no similarly serious disability or illness; or

(ii) Incapable of communicating willingness or unwillingness to engage in the commercial sex act.

§ 22A-5404. Civil forfeiture.

(a) *Property subject to forfeiture.* The following are subject to civil forfeiture:

(1) In fact, all conveyances, including aircraft, vehicles, or vessels, which are possessed with intent to be used, or are, in fact, used, to facilitate the commission of trafficking in commercial sex under § 22A-5403; and

(2) In fact, all money, coins, and currency which are possessed with intent to be used, or are, in fact, used, to facilitate the commission of trafficking in commercial sex under § 22A-5403.

(b) *Requirements for forfeiture.* All seizures and forfeitures under this section shall be pursuant to the standards and procedures set forth in Chapter 3 of Title 41.

SUBCHAPTER V. CRUELTY TO ANIMALS.

[Reserved].

SUBCHAPTER VI. OFFENSES AGAINST THE FAMILY AND YOUTH.

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

(a) *Offense.* An actor commits contributing to the delinquency of a minor when the actor:

(1) In fact, is 18 years of age or older and at least 4 years older than the complainant;

(2) Is reckless as to the fact that the complainant is under 18 years of age; and

(3) In fact, either:

(A) Is an accomplice to the complainant under § 22A-210 for any District offense, a violation of § 25-1002, or a comparable offense or comparable violation; or

(B) Engages in criminal solicitation of the complainant under § 22A-302 for any District offense, a violation of § 25-1002, or a comparable offense or comparable violation.

(b) *Exclusions from liability.*

(1) An actor does not commit an offense under this section when, in fact, during a demonstration, the complainant's conduct constitutes, or, if carried out, would constitute, a trespass under § 22A-2601, a public nuisance under § 22A-5202, blocking a public way under § 22A-5203, an unlawful demonstration under § 22A-5204, an attempt to commit any such an offense, or a comparable offense.

(2) An actor does not commit an offense under this section when, in fact, the actor satisfies the requirements specified under § 7-403.

(c) *Relationship to minor's conduct.* An actor may be convicted of an offense under this section even though the complainant has been acquitted, or has not been arrested, prosecuted, convicted, or adjudicated delinquent.

(d) *Affirmative defense.* It is an affirmative defense to liability under this section that the actor engages in the conduct constituting the offense:

(1) With intent to safeguard or promote the welfare of the complainant; and

(2) In fact, such conduct:

(A) Is reasonable in manner and degree, under all the circumstances; and

(B) Does not create a substantial risk of, or cause, death or serious bodily injury.

(e) *Penalties*. Contributing to the delinquency of a minor is a Class B misdemeanor.

§ 22A-5602. Bigamy.

(a) *Offense*. An actor commits bigamy when the actor knowingly misrepresents the existence or status of a previous marriage or domestic partnership on a District of Columbia:

(1) Marriage license application; or

(2) Domestic partnership declaration.

(b) *Exclusion from liability*. An actor does not commit an offense under this section when the actor, in fact, for 5 successive years or more immediately prior to the application or declaration, both:

(1) Has had no contact with the spouse or domestic partner; and

(2) Is not aware that the spouse or domestic partner is living.

(c) *Affirmative defense*. It is an affirmative defense to liability under this section that, in fact, the actor reasonably believes that the spouse or domestic partner is deceased.

(d) *Penalties*. Bigamy is a Class A misdemeanor.

(e) *Merger*. A conviction for an offense under this section and a conviction for false statements under § 22A-4207 shall merge when the convictions arise from the same act or course of conduct and the same complainant. The sentencing court shall follow the procedures in § 22A-212(b) and (c).

SUBCHAPTER VII. GAMBLING.

§ 22A-5701. Promoting gambling.

(a) *Offense*. An actor commits promoting gambling when the actor:

(1) Knowingly:

(A) Induces or tries to induce another person to engage in any gambling activity; or

(B) Installs or operates a game of skill machine at any location reckless as to the fact that such installation or operation violates subchapter III of Chapter 6 in Title 36;

(2) With intent that the actor or another person receive financial gain other than personal gambling winnings; and

(3) In fact, the actor is not engaging in conduct:

(A) Solely as a player; or

(B) Authorized by a District law, regulation, rule, or license.

(b) *Exclusion from liability*. It is an exclusion from liability under this section that the gambling activity in question was, in fact, social gambling.

(c) *Forfeiture*. Upon conviction under this section, the court may, in addition to the penalties provided by this section, order the forfeiture and destruction or other disposition of any equipment or money used, or attempted to be used, in violation of this section.

(d) *Penalties*. Promoting gambling is a Class B misdemeanor.

(e) *Definitions*. For the purposes of this section, the term:

(1) "Game of skill machine" shall have the same meaning as provided in § 36-641.01.

(2) "Player" means a person engaged in gambling activity solely as a contestant or bettor.

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

(a) *First degree*. An actor commits first degree rigging a publicly exhibited contest when the actor:

(1) Knowingly:

(A) Offers or gives anything of value to any person;

(B) Demands or requests anything of value from any person; or

(C) Makes an explicit or implicit coercive threat to any person;

(2) With the purpose of causing a contest participant or contest official in a publicly exhibited contest to agree to engage in conduct that affects:

(A) The course or outcome of the publicly exhibited contest; and

(B) The outcome of any wager or bet on the publicly exhibited contest.

(b) *Second degree*. An actor commits second degree rigging a publicly exhibited contest when the actor:

(1) Knowingly agrees to accept anything of value from another person;

(2) In exchange for the actor or another person engaging in conduct as a contest participant or contest official in a publicly exhibited contest that affects:

(A) The course or outcome of the publicly exhibited contest; and

(B) The outcome of any wager or bet on the publicly exhibited contest.

(c) *Exclusions from liability*. An actor does not commit an offense under this section when, in fact, the actor engages in the conduct constituting the offense with the purpose of encouraging a contest participant or contest official to perform with a higher degree of skill, ability, or diligence in the publicly exhibited contest.

(d) *Penalties*.

(1) First degree rigging a publicly exhibited contest is a Class 9 felony.

(2) Second degree rigging a publicly exhibited contest is a Class A misdemeanor.

§ 22-5703. Permissible gambling activity.

(a) Nothing in this subchapter shall be construed to prohibit participation in, or operation, advertisement, or promotion of any gambling activity that is authorized by District law, regulation, rule, or license and regulated, licensed, or operated by the Office of Lottery and Gaming.

(b) Nothing in this subchapter shall be construed to prohibit advertising a lottery by the Maryland State Lottery so long as Maryland does not prohibit advertising or otherwise publishing an account of a lottery by the District of Columbia.

SUBCHAPTER VIII. ENVIRONMENTAL OFFENSES.
"[Reserved].".

TITLE II. ADDITIONAL REVISED CRIMINAL OFFENSES AND PROVISIONS.

Sec. 201. The Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1–85; D.C. Official Code § 7–2501.01 *et seq.*), is amended as follows:

(a) Section 201 (D.C. Official Code § 7-2502.01) is amended as follows:

(1) The section heading is amended to read as follows:

"Sec. 201. Eligibility for firearm registration.".

(2) Subsection (a) is amended by striking the phrase "Except as otherwise provided in this act, no person or organization in the District of Columbia ("District") shall receive, possess, control, transfer, offer for sale, sell, give, or deliver any destructive device, and no person or organization in the District shall possess or control any firearm, unless the person or organization holds a valid registration certificate for the firearm. A registration" and inserting the phrase "A registration" in its place.

(3) Subsection (b) is repealed.

(4) Subsection (c) is repealed.

(b) A new section 201a is added to read as follows:

"Sec. 201a. Possession of an unregistered firearm, destructive device, or ammunition.

"(a) *First degree*. An actor commits first degree possession of an unregistered firearm, destructive device, or ammunition when the actor knowingly possesses:

"(1) A destructive device;

"(2) One or more restricted pistol bullets; or

"(3) A firearm without, in fact, being the holder of a registration certificate issued under section 207 for that firearm.

"(b) *Second degree*. An actor commits second degree possession of an unregistered firearm, destructive device, or ammunition when the actor knowingly possesses ammunition without, in fact, being the holder of a registration certificate issued under section 207 for a firearm of the same caliber.

"(c) *Exclusions from liability*.

"(1) An actor does not commit an offense under subsection (a) of this section for, in fact, possessing a firearm frame, receiver, muffler, or silencer.

"(2) An actor does not commit an offense under subsection (a) of this section for, in fact, possessing a lacrimator or sternutator.

"(3) An actor does not commit an offense under subsection (a) of this section when, in fact, the actor is a nonresident of the District of Columbia who is:

"(A) Participating in a lawful recreational firearm-related activity inside the District; or

"(B) Traveling to or from a lawful recreational firearm-related activity outside the District and:

"(i) Is transporting the firearm in accordance with the requirements specified in D.C. Official Code § 22A-5111; and

"(ii) Upon demand of a law enforcement officer, the actor exhibits proof that:

"(I) The actor is traveling to or from a lawful recreational firearm-related activity outside the District; and

"(II) The actor's possession or control of the firearm is lawful in the actor's jurisdiction of residence.

"(4) An actor does not commit an offense under subsection (b) of this section when, in fact, the actor is the holder of an ammunition collector's certificate effective on or before September 24, 1976.

"(5) An actor does not commit an offense under subsection (b) this section for, in fact, possessing one or more empty cartridge cases, shells, or spent bullets.

"(6) An actor does not commit an offense under this section when, in fact, the actor satisfies the criteria in D.C. Official Code § 22A-5102.

"(d) *Affirmative defense.* It is an affirmative defense to liability under this section that the actor possesses the item while, in fact, voluntarily surrendering the item pursuant to District or federal law.

"(e) *Prosecutorial authority.* The Attorney General for the District of Columbia shall prosecute violations of this section.

"(f) *Penalties.*

"(1) First degree possession of an unregistered firearm, destructive device, or ammunition is a Class A misdemeanor.

"(2) Second degree possession of an unregistered firearm, destructive device, or ammunition is a Class B misdemeanor.

"(3) *Administrative disposition.* The Attorney General for the District of Columbia may, in its discretion, offer an administrative disposition under Subtitle A of Title III of the First Amendment Assembly Enforcement and Procedure Act of 2004, effective April 13, 2005 (D.C. Law 15-352; D.C. Official Code § 5-335.01 *et seq.*), for a violation of this section.

"(g) *Interpretation of statute.* Chapter 1 of Title 22A of the District of Columbia Official Code shall apply to this offense.".

(c) Section 212 (D.C. Official Code § 7-2502.12) is repealed.

(d) Section 213 (D.C. Official Code § 7-2502.13) is repealed.

(e) Section 215 (D.C. Official Code § 7-2502.15) is amended to read as follows:

"Sec. 215. Possession of a stun gun.

"(a) *Offense.* An actor commits possession of a stun gun when the actor knowingly possesses a stun gun and:

"(1) Is under 18 years of age; or

"(2) Is in a location that:

"(A) Is a building, building grounds, or part of a building, that is occupied by the District of Columbia;

"(B) Is a building, building grounds, or part of a building, that is occupied by a preschool, a primary or secondary school, public recreation center, or a children's day care center; or

"(C) Displays clear and conspicuous signage indicating that stun guns are prohibited.

"(b) *Exclusion from liability.* An actor does not commit an offense under this section when, in fact, the actor satisfies the criteria in D.C. Official Code § 22A-5102.

"(c) *Affirmative defense.* It is an affirmative defense to liability under this section that, in fact:

"(1) A person lawfully in charge of the location gave effective consent to the conduct charged to constitute the offense; or

"(2) The actor reasonably believes that a person lawfully in charge of the location gave effective consent to the conduct charged to constitute the offense.

"(d) *Prosecutorial authority.* The Attorney General for the District of Columbia shall prosecute violations of this section.

"(e) *Penalties.* Possession of a stun gun is a Class B misdemeanor.

"(f) *Interpretation of statute.* Chapter 1 of Title 22A of the District of Columbia Official Code shall apply to this offense.".

(f) A new section 217 is added to read as follows:

"Sec. 217. Carrying an air or spring gun.

"(a) *Offense.* An actor commits carrying an air or spring gun when the actor:

"(1) Knowingly possesses any instrument or weapon of the kind commonly called an air rifle, air gun, air pistol, B-B gun, spring gun, blowgun, or bowgun;

"(2) While outside a building; and

"(3) The instrument or weapon is conveniently accessible and within reach.

"(b) *Exclusions from liability.*

"(1) An actor does not commit an offense under this section if, in fact, the conduct occurs:

"(A) As part of a lawful theatrical performance, athletic contest, or educational or cultural presentation;

"(B) In a licensed firing range; or

"(C) With the permission of the Metropolitan Police Department.

"(2) An actor does not commit an offense under this section if, in fact, the actor:

"(A) Is 18 years of age or older; and

"(B) Transports the instrument or weapon while it is unloaded and securely wrapped.

"(3) An actor does not commit an offense under this section when, in fact, the actor satisfies the criteria in D.C. Official Code § 22A-5102.

"(c) *Prosecutorial authority.* The Attorney General for the District of Columbia shall prosecute violations of this section.

"(d) *Penalties.* Carrying an air or spring gun is a Class D misdemeanor.

"(e) *Interpretation of statute.* Chapter 1 of Title 22A of the District of Columbia Official Code shall apply to this offense.".

(g) Section 601 (D.C. Official Code § 7-2506.01) is repealed.

(h) Section 702 (D.C. Official Code § 7-2507.02) is amended to read as follows:

"Sec. 702. Unlawful storage of a firearm.

"(a) *Offense.* An actor commits unlawful storage of a firearm when the actor:

"(1) Knowingly possesses a firearm that is:

"(A) Not conveniently accessible and within reach;

"(B) Not in a securely locked container; and

"(C) Not in another location that, in fact, a reasonable person would believe to be secure; and

"(2) Is negligent as to the fact that:

"(A) A person other than the actor who is under 18 years of age is able to access the firearm without the permission of their parent or guardian; or

"(B) A person other than the actor who is prohibited from possessing a firearm under District law is able to access the firearm.

"(b) *Prosecutorial authority.* The Attorney General for the District of Columbia shall prosecute violations of this section.

"(c) *Penalties.*

"(1) Unlawful storage of a firearm is a Class A misdemeanor.

"(2) *Penalty enhancements.* The penalty classification of unlawful storage of a firearm shall be increased by one class when, in fact, a person under 18 years of age accesses and uses the firearm to cause either:

"(A) A criminal bodily injury; or

"(B) A bodily injury to themselves.

"(d) *Interpretation of statute.* Chapter 1 of Title 22A of the District of Columbia Official Code shall apply to this offense.".

(i) Section 706 (D.C. Official Code § 7-2507.06) is amended to read as follows:

"Sec. 706. Penalties.

"(a) Any person convicted of a violation of any provision of this act shall be fined no more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or incarcerated for no more than one year, or both, except as provided in:

"(1) Subsection (b) of this section;

"(2) Section 201a;

"(3) Section 205;

"(4) Section 208;

"(5) Section 215;
"(6) Section 217;
"(7) Section 301;
"(8) Section 702;
"(9) Section 807;
"(10) Title IX; and
"(11) Section 1011.

"(b) A person who knowingly or intentionally sells, transfers, or distributes a firearm, destructive device, or ammunition to a person under 18 years of age shall be fined no more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or incarcerated for no more than 10 years, or both.".

(j) A new section 906a is added to read as follows:

"Sec. 906a. Carrying a pistol in an unlawful manner.

"(a) *Offense.* An actor commits carrying a pistol in an unlawful manner when the actor:

"(1) Knowingly possesses a pistol;
"(2) While outside the actor's home or place of business;
"(3) The pistol is conveniently accessible and within reach; and
"(4) In addition:
"(A) The actor possesses ammunition that is conveniently accessible and within reach and is either:
"(i) More than is required to fully load the pistol twice; or
"(ii) More than 20 rounds;
"(B) The pistol is not entirely hidden from public view; or
"(C) The pistol is not in a holster on the actor's person in a firmly secure manner that is reasonably designed to prevent loss, theft, and accidental discharge of the pistol.

"(b) *Exclusions from liability.* An actor does not commit an offense under this section when, in fact, the actor satisfies the criteria in D.C. Official Code § 22A-5102.

"(c) *Prosecutorial authority.* The Attorney General for the District of Columbia shall prosecute violations of this section.

"(d) *Penalties.* Carrying a pistol in an unlawful manner is a Class D misdemeanor.

"(e) *Interpretation of statute.* Chapter 1 of Title 22A of the District of Columbia Official Code shall apply to this offense.".

Sec. 202. Title 16 of the District of Columbia Official Code is amended as follows:

(a) Section 16-705 is amended to read as follows:

"§ 16-705. Jury trial; trial by court.

"(a) A trial in a criminal case in Superior Court shall be by jury when:

"(1) According to the Constitution of the United States, the defendant is entitled to a jury trial; or

"(2) The defendant is charged with:

"(A) An offense which is punishable by a fine or penalty of more than $1,000 or by imprisonment for more than 180 days (or for more than 6 months, in the case of the offense of contempt of court);

"(B) Trespass under § 22A-3701 or attempted trespass, where the trespass is to public property;

"(C) Two or more offenses which are punishable by a cumulative fine or penalty of more than $4,000 or a cumulative term of imprisonment of more than 2 years; or

"(D) One of the following offenses, when the person who is alleged to have been subjected to the offense is a law enforcement officer, as that term is defined in § 22A-101 or former § 22-405(a):

"(i) Assault under § 22A-2203 or former § 22-404(a)(1);

"(ii) Resisting arrest or interfering with the arrest of another person under § 22A-4404 or former § 22-405.01;

"(iii) Criminal threats under § 22A-2205 or former § 22-407; or

"(iv) Offensive physical contact under § 22A-2206.

"(b) In addition to the circumstances described in subsection (a) of this section, beginning 2 years after the applicability date of the Revised Criminal Code Reform Act of 2022, passed on 2nd reading on November 15, 2022 (Enrolled version of Bill 24-416), a trial in a criminal case in Superior Court shall be by jury when:

"(1) The defendant is charged with:

"(A) An offense that is punishable by a fine of more than $1,000 or imprisonment for more than 60 days;

"(B) A lifetime registration offense or registration offense, as those terms are defined in § 22-4001; or

"(C) Two or more offenses which are punishable by a cumulative fine or penalty of more than $1,000 or a cumulative term of imprisonment of more than 60 days; or

"(2) The person who is alleged to have been subjected to an offense is a law enforcement officer, as that term is defined in § 22A-101 or former § 22-405(a).

"(c) In addition to the circumstances described in subsections (a) and (b) of this section, beginning 4 years after the applicability date of the Revised Criminal Code Reform Act of 2022, passed on 2nd reading on November 15, 2022 (Enrolled version of Bill 24-416), a trial in a criminal case in Superior Court shall be by jury when the defendant is charged with:

"(1) An offense that is punishable by a fine of more than $500 or imprisonment for more than 10 days; or

"(2) Two or more offenses which are punishable by a cumulative fine or penalty of more than $500 or a cumulative term of imprisonment of more than 10 days.

"(d) In addition to the circumstances described in subsections (a), (b), and (c) of this section, beginning 5 years after the applicability date of the Revised Criminal Code Reform Act

of 2022, passed on 2nd reading on November 15, 2022 (Enrolled version of Bill 24-416), a trial in a criminal case in Superior Court shall be by jury when the defendant is charged with:

"(1) An offense that is punishable by a fine of more than $250 or by any imprisonment;

"(2) An offense that, if the defendant were a non-citizen and were convicted of the offense, could result in the defendant's deportation from the United States under federal immigration law, or denial of naturalization under federal immigration law; or

"(3) Two or more offenses which are punishable by a cumulative fine of more than $250 or by any imprisonment.

"(e) A trial in a criminal case in Superior Court shall be by a single judge whose verdict shall have the same force and effect as that of a jury in any case:

"(1) Not specified in subsection (a), (b), (c), or (d) of this section; or

"(2) Specified in subsection (a), (b), (c), or (d) of this section, if the defendant, in open court, expressly waives trial by jury and requests trial by the court more than 10 days before the scheduled trial or, with the consent of the court, within 10 days of the scheduled trial.

"(f) If a defendant in a criminal case is charged with 2 or more offenses, and the offenses include at least one jury demandable offense and one non-jury demandable offense, the trial for all offenses charged against that defendant shall be by jury, unless the defendant, in open court, expressly waives trial by jury and requests trial by the court, in which case, the trial shall be by a single judge, whose verdict shall have the same force and effect as that of a jury.

"(g) The jury shall consist of 12 persons, unless the parties, with the approval of the court and in the manner provided by rules of the court, agree to a number less than 12. Even absent such agreement, if, due to extraordinary circumstances, the court finds it necessary to excuse a juror for just cause after the jury has retired to consider its verdict, in the discretion of the court, a valid verdict may be returned by the remaining 11 jurors.".

(b) A new section 16-1005a is added to read as follows:

"§ 16-1005a. Criminal contempt for violation of a civil protection order.

"(a) *Offense*. An actor commits criminal contempt for violation of a civil protection order when the actor:

"(1) Knows they are subject to a protection order that, in fact:

"(A) Is one of the following:

"(i) A temporary civil protection order issued under § 16-1004;

"(ii) A final civil protection order issued under § 16-1005; or

"(iii) A valid foreign protection order;

"(B) Is in writing;

"(C) Advises the actor of the consequences for violating the order, including immediate arrest, the issuance of a warrant for the person's arrest, and the criminal penalties under this section; and

"(D) Is sufficiently clear and specific to serve as a guide for the actor's conduct; and

"(2) Knowingly fails to comply with the order.

"(b) *Defense*. It is a defense to liability under this section that, in fact, a judicial officer gives effective consent to the conduct constituting the offense.

"(c) *Jurisdiction*. An oral or written statement made by an actor located outside the District of Columbia to a person located in the District of Columbia by means of telecommunication, mail, or any other method of communication shall be deemed to be made in the District of Columbia.

"(d) *Penalties*. Criminal contempt for violation of a civil protection order is a Class B misdemeanor.

"(e) *Definitions*. For the purposes of this section, the term:

"(1) "Foreign protection order" shall have the same meaning as provided in § 16-1041(2).

"(2) "Judicial officer" shall have the same meaning as provided in § 16-1001(10).

"(f) *Interpretation of statute*. Chapter 1 of Title 22A shall apply to this offense.".

(c) Section 16-1021 is amended as follows:

(1) Paragraph (2) is repealed.

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

"(3) "Lawful custodian" means a person who is authorized to have custody under District law, or by an order of the Superior Court of the District of Columbia or a court of competent jurisdiction of any state, or a person designated by the lawful custodian temporarily to care for the child.".

(d) Section 16-1022 is amended to read as follows:

"§ 16-1022. Parental kidnapping.

"(a) *First degree*. An actor commits the offense of first degree parental kidnapping when the actor:

"(1) Commits fourth degree parental kidnapping;

"(2) Knowingly takes, conceals, or detains the child outside of the District for more than 24 hours; and

"(3) The child is, in fact, outside the custody of the lawful custodian for more than 30 days.

"(b) *Second degree*. An actor commits the offense of second degree parental kidnapping when the actor:

"(1) Commits fourth degree parental kidnapping;

"(2) Knowingly takes, conceals, or detains the child outside of the District for more than 24 hours; and

"(3) Fails to release the child without injury in a safe place prior to arrest.

"(c) *Third degree*. An actor commits the offense of third degree parental kidnapping when the actor:

"(1) Commits fourth degree parental kidnapping; and

"(2) Knowingly takes, conceals, or detains the child outside of the District for more than 24 hours.

"(d) *Fourth degree.* An actor commits the offense of fourth degree parental kidnapping when the actor:

"(1) Knowingly takes, conceals, or detains a person who has another lawful custodian;

"(2) With intent to prevent a lawful custodian from exercising rights to custody of the person;

"(3) The person taken, concealed, or detained is, in fact, under 16 years of age; and

"(4) The actor is a relative of the complainant, or a person who believes they are acting pursuant to the direction of a relative of the complainant.

"(e) *Exclusion from liability.* An actor does not commit an offense under this section when, in fact:

"(1) The actor is a parent who reasonably believes they are fleeing from imminent physical harm to the parent;

"(2) The actor has the effective consent of the other parent; or

"(3) The actor has intent to protect the child from imminent physical harm.

"(f) *Defense.*

"(1) If a person engages in conduct constituting a violation of this section, the person may file a petition in the Superior Court of the District of Columbia that:

"(A) States that at the time the act was done, a failure to do the act would have resulted in a clear and present danger to the health, safety, or welfare of the child; and

"(B) Seeks to establish custody, to transfer custody, or to revise or to clarify the existing custody order; except that if the Superior Court of the District of Columbia does not have jurisdiction over the custody issue, the person shall seek to establish, transfer, revise, or clarify custody in a court of competent jurisdiction.

"(2) It is a defense to liability under this section that the actor filed a petition as provided in paragraph (1) of this subsection within 5 business days of the action taken, and that the court finds that at the time the act was done, a failure to do the act would have resulted in a clear and present danger to the health, safety, or welfare of the child.

"(g) *Continuous offense.* The offense prohibited by this section is continuous in nature and continues for so long as the child is concealed, detained, or otherwise unlawfully physically removed from the lawful custodian.

"(h) *Prosecutorial authority.* The Attorney General for the District of Columbia shall prosecute violations of this section.

"(i) *Penalties.*

"(1) First degree parental kidnapping is a Class A misdemeanor.

"(2) Second degree parental kidnapping is a Class B misdemeanor.

"(3) Third degree parental kidnapping is a Class D misdemeanor.

"(4) Fourth degree parental kidnapping is a Class E misdemeanor.

"(5) *Reimbursement of expenses*. Any expenses incurred by the District in returning the child shall be assessed by the court against any person convicted of the violation and reimbursed to the District. Those expenses reasonably incurred by the lawful custodian and child victim as a result of a violation of this section shall be assessed by the court against any person convicted of the violation and reimbursed to the lawful custodian.

"(6) *First and second degree parental kidnapping designated as felonies*. Notwithstanding the maximum authorized penalties, first and second degree parental kidnapping shall be deemed felonies under § 23-563.

"(j) *Interpretation of statute*. Chapter 1of Title 22A shall apply to this offense.".

(e) Section 16-1023 is repealed.

(f) A new section 16-1023a is added to read as follows:

"§ 16-1023a. Protective custody and return of child.

"(a) A law enforcement officer may take a child into protective custody if it reasonably appears to the officer that any person is in violation of this subchapter and unlawfully will flee the District with the child.

"(b) A child who has been detained or concealed shall be returned by a law enforcement officer to the lawful custodian or placed in the custody of another entity authorized by law.

"(c) *Definitions*. For the purposes of this section, the term "law enforcement officer" shall have the same meaning as provided in § 22A-101.".

(g) Section 16-1024 is repealed.

(h) Section 16-1025 is repealed.

(i) Section 16-1026 is amended to read as follows:

"§ 16-1026. Expungement of parental kidnapping conviction.

"Any parent convicted in the Superior Court of the District of Columbia of violating any provision of this subchapter with respect to their child may apply to the court for an order to expunge from all official records all records relating to the conviction at such time that the parent's youngest child has reached the age of 18 years; provided, that the parent has no more than one conviction for a violation of this subchapter at the time that the application for expungement is made. Any other person convicted of violating the provisions of this subchapter may apply to the court for an order to expunge all records relating to the conviction 5 years after the conviction, or at such time as the child has reached the age of 18 years, whichever shall later occur; provided, further that the person has no more than one conviction for violating any provision of this subchapter at the time that the application for expungement is made.".

Sec. 203. Title 23 of the District of Columbia Official Code is amended as follows:

(a) Section 23-585(b) is repealed.

(b) A new section 23-586 is added to read as follows:

"§ 23-586. Failure to appear after release on citation or bench warrant bond.

"(a) *First degree*. An actor commits first degree failure to appear after release on citation or bench warrant bond when the actor:

"(1) Knows that they are released on a condition to appear before a judicial officer on a specified date and time either:

"(A) By a citation that, in fact, is issued under § 23-584 for a felony; or

"(B) After knowingly posting a bond that is, in fact, for a bench warrant issued from the Superior Court of the District of Columbia in a felony case; and

"(2) Knowingly fails to appear or remain for the hearing.

"(b) *Second degree*. An actor commits second degree failure to appear after release on citation or bench warrant bond when the actor:

"(1) Knows that they are released on a condition to appear before a judicial officer on a specified date and time either:

"(A) By a citation that, in fact, is issued under § 23-584 for a felony or misdemeanor; or

"(B) After knowingly posting a bond that is, in fact, for a bench warrant issued from the Superior Court of the District of Columbia in a felony or misdemeanor case; and

"(2) Knowingly fails to appear or remain for the hearing.

"(c) *Defenses*.

"(1) It is a defense to liability under this section that, in fact, a releasing official, prosecutor, or judicial officer gives effective consent to the conduct constituting the offense.

"(2) It is a defense to liability under this section that, in fact, the actor makes good faith, reasonable efforts to appear or remain for the hearing.

"(d) *Penalties*.

"(1) First degree failure to appear after release on citation or bench warrant bond is a Class B misdemeanor.

"(2) Second degree failure to appear after release on citation or bench warrant bond is a Class D misdemeanor.

"(e) *Definitions*. For the purposes of this section, the term:

"(1) "Judicial officer" shall have the same meaning as provided in § 23-501(1).

"(2) "Releasing official" shall have the same meaning as provided in § 23-1110(1).

"(f) *Interpretation of statute*. Chapter 1 of Title 22A shall apply to this offense.".

(c) Section 23-1327 is amended to read as follows:

"§ 23-1327. Failure to appear in violation of a court order.

"(a) *First degree*. An actor commits first degree failure to appear in violation of a court order when the actor:

"(1) Knows that they are required to appear before a judicial officer on a specified date and time by a court order for what is, in fact, a hearing:

"(A) In a case in which the actor is charged with a felony; or

"(B) In which the actor is scheduled to be sentenced; and

"(2) Knowingly fails to appear or remain for the hearing.

"(b) *Second degree*. An actor commits second degree failure to appear in violation of a court order when the actor:

"(1) Knows that they are required to appear before a judicial officer on a specified date and time by a court order for what is, in fact, a hearing:

"(A) In a case in which the actor is charged with a felony or misdemeanor; or

"(B) In which the actor is scheduled to appear as a material witness in a criminal case; and

"(2) Knowingly fails to appear or remain for the hearing.

"(c) *Defenses*.

"(1) It is a defense to liability under this section that, in fact, a judicial officer gives effective consent to the conduct constituting the offense.

"(2) It is a defense to liability under this section that, in fact, the actor makes good faith, reasonable efforts to appear or remain for the hearing.

"(d) *Penalties*.

"(1) First degree failure to appear in violation of a court order is a Class A misdemeanor.

"(2) Second degree failure to appear in violation of a court order is a Class C misdemeanor.

"(3) *Forfeiture*. Upon conviction under this section, the court may, subject to the provisions of the Federal Rules of Criminal Procedure, order the forfeiture of any security which was given or pledged for the actor's release.

"(e) *Definitions*. For the purposes of this section, the term "judicial officer" shall have the same meaning as provided in § 23-1331(1).

"(f) *Interpretation of statute*. Chapter 1of Title 22A shall apply to this offense.".

(d) Section 23-1329 is amended as follows:

(1) Subsection (a-1) is repealed.

(2) Subsection (c) is repealed.

(e) A new section 23-1329a is added to read as follows:

"§ 23-1329a. Criminal contempt for violation of a pretrial release condition.

"(a) *Offense*. An actor commits criminal contempt for violation of a pretrial release condition when the actor:

"(1) Knows they are subject to a conditional release order that, in fact:

"(A) Is issued under § 23-1321;

"(B) Is in writing;

"(C) Advises the actor of the consequences for violating the order, including immediate arrest or the issuance of a warrant for the actor's arrest, the criminal penalties under this section, the pretrial release penalty enhancements under § 22A-607, and the criminal penalties for obstruction of justice under § 22-722; and

"(D) Is sufficiently clear and specific to serve as a guide for the actor's conduct; and

"(2) Knowingly fails to comply with the conditional release order.

"(b) *Defense*. It is a defense to liability under this section that, in fact, a judicial officer gives effective consent to the conduct constituting the offense.

"(c) *Prosecutorial authority*. A judicial officer or a prosecutor may initiate a proceeding for contempt under this section.

"(d) *Non-jury hearing*. A proceeding determining a violation of this section shall be by a single judge, whose verdict shall have the same force and effect as that of a jury.

"(e) *Penalties*. Criminal contempt for violation of a pretrial release condition is a Class B misdemeanor.

"(f) *Definitions*. For the purposes of this section, the term "judicial officer" shall have the same meaning as provided in § 23-1331(1).

"(g) *Interpretation of statute*. Chapter 1 of Title 22A shall apply to this offense.".

(f) A new section 23-1329b is added to read as follows:

"§ 23-1329b. Criminal contempt for violation of a post-conviction no contact order.

"(a) *Offense*. An actor commits criminal contempt for violation of a post-conviction no contact order when the actor:

"(1) Knows they are subject to a condition of release that, in fact:

"(A) Was issued as a release condition of supervised release, probation, or parole;

"(B) Requires that the actor stay away from, or have no contact with, specific individuals or locations;

"(C) Is in writing;

"(D) Advises the actor of the consequences for violating the order, including immediate arrest or the issuance of a warrant for the actor's arrest, and the criminal penalties under this section; and

"(E) Is sufficiently clear and specific to serve as a guide for the actor's conduct; and

"(2) Knowingly fails to comply with the post-conviction conditional release order.

"(b) *Defense*. It is a defense to liability under this section that, in fact, a judicial officer gives effective consent to the conduct constituting the offense.

"(c) *Prosecutorial authority*. A judicial officer or a prosecutor may initiate a proceeding for contempt under this section.

"(d) *Non-jury hearing*. A proceeding determining a violation of this section shall be by a single judge, whose verdict shall have the same force and effect as that of a jury.

"(e) *Penalties*. Criminal contempt for violation of a post-conviction no contact order is a Class B misdemeanor.

"(f) *Definitions*. For the purposes of this section, the term "judicial officer" shall have the same meaning as provided in § 23-1331(1).

"(g) *Interpretation of statute*. Chapter 1 of Title 22A shall apply to this offense.".

Sec. 204. The District of Columbia Work Release Act, approved November 10, 1966 (80 Stat. 1519; D.C. Official Code § 24-241.01 *et seq.*), is amended as follows:

(a) Section 6(b) (D.C. Official Code § 24-241.05(b)) is repealed.

(b) A new section 6a is added to read as follows:

"Sec. 6a. Violation of work release.

"(a) *Offense*. An actor commits violation of work release when the actor:

"(1) In fact, is granted a work release privilege under section 3; and

"(2) Knowingly fails to return at the time and to the place of confinement designated in their work release plan.

"(b) *Defense*. It is a defense to liability under this section that, in fact, a judicial officer, the Director of the Department of Corrections, or the Chairman of the United States Parole Commission gives effective consent to the conduct constituting the offense.

"(c) *Prosecutorial authority*. The Attorney General for the District of Columbia shall prosecute violations of this section.

"(d) *Penalties*. Violation of work release is a Class C misdemeanor.

"(e) *Definitions*. For the purposes of this section, the term "judicial officer" shall have the same meaning as provided in D.C. Official Code § 23-1331(1).

"(f) *Interpretation of statute*. Chapter 1 of Title 22A of the District of Columbia Official Code shall apply to this offense.".

Sec. 205. An Act to Establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes, approved July 15, 1932 (47 Stat. 697; D.C. Official Code § 24-403 *et seq.*), is amended as follows:

(a) Section 3a (D.C. Official Code § 24-403.01) is amended to read as follows:

"Sec. 3a. Sentencing, supervised release, and good time credit for felonies committed on or after August 5, 2000.

"(a) For any felony committed on or after August 5, 2000, the court shall impose a sentence that:

"(1) Reflects the seriousness of the offense and the criminal history of the person found guilty;

"(2) Provides for just punishment and affords adequate deterrence to potential criminal conduct of the person found guilty and others; and

"(3) Provides the person found guilty with needed educational or vocational training, medical care, and other correctional treatment.

"(b)(1) If a person found guilty is sentenced to imprisonment, or to commitment pursuant to section 4 of the Youth Rehabilitation Amendment Act of 1985, effective December 7, 1985 (D.C. Law 6-69; D.C. Official Code § 24-903), under this section, the court shall impose an

adequate period of supervision ("supervised release") to follow release from the imprisonment or commitment.

"(2) If the court imposes a sentence of more than one year, the court shall impose a term of supervised release of:

"(A) Not more than 5 years, if the maximum term of imprisonment authorized for the offense is 24 years or more;

"(B) Not more than 3 years, if the maximum term of imprisonment authorized for the offense is 8 years or more, but less than 24 years; or

"(C) Not more than one year, if the maximum term of imprisonment authorized for the offense is less than 8 years.

"(3) In the case of a person sentenced for an offense for which registration is required by the Sex Offender Registration Act of 1999, effective July 11, 2000 (D.C. Law 13-137; D.C. Official Code § 22-4001 *et seq.*), the court may, in its discretion, impose a longer term of supervised release than that required or authorized by paragraph (2) of this subsection, of:

"(A) Not more than 10 years; or

"(B) Not more than life if the person is required to register for life.

"(4) The term of supervised release commences on the day the incarcerated person is released from imprisonment, and runs concurrently with any federal, state, or local term of probation, parole, or supervised release for another offense to which the person is subject or becomes subject during the term of supervised release. A term of supervised release does not run during any period in which the person is imprisoned in connection with a conviction for a federal, state, or local crime unless the period of imprisonment is less than 30 days.

"(5) Persons on supervised release shall be subject to the authority of the United States Parole Commission until completion of the term of supervised release. The Parole Commission shall have and exercise the same authority as is vested in the United States District Courts by 18 U.S.C. § 3583(d)-(i), except that:

"(A) The procedures followed by the Parole Commission in exercising such authority shall be those set forth in Chapter 311 of Title 18 of the United States Code; and

"(B) An extension of a term of supervised release under 18 U.S.C. § 3583(e)(2) may be ordered only by the court upon motion from the Parole Commission.

"(6) A person whose term of supervised release is revoked may be imprisoned for a period of:

"(A) Not more than 5 years, if the maximum term of imprisonment authorized for the offense is 40 years or more;

"(B) Not more than 3 years, if the maximum term of imprisonment authorized for the offense is 24 years or more, but less than 40 years;

"(C) Not more than 2 years, if the maximum term of imprisonment authorized for the offense is 8 years or more, but less than 24 years; or

"(D) Not more than one year, if the maximum term of imprisonment authorized for the offense is less than 8 years.

"(c) The maximum term of imprisonment authorized upon revocation of supervised release pursuant to subsection (b)(6) of this section shall not be deducted from the maximum term of imprisonment or commitment authorized for such offense.

"(d)(1) Except as provided under paragraph (2) of this subsection, a sentence under this section of imprisonment, or of commitment pursuant to section 4 of the Youth Rehabilitation Amendment Act of 1985, effective December 7, 1985 (D.C. Law 6-69; D.C. Official Code § 24-903), shall be for a definite term, which shall not exceed the maximum term allowed by law or be less than any minimum term required by law.

"(2) Notwithstanding any other provision of law, if the person committed the offense for which they are being sentenced under this section while under 18 years of age:

"(A) The court may issue a sentence less than the minimum term otherwise required by law; and

"(B) The court shall not impose a sentence of life imprisonment without the possibility of parole or release.

"(e) A person sentenced under this section to imprisonment, or to commitment pursuant to section 4 of the Youth Rehabilitation Amendment Act of 1985, effective December 7, 1985 (D.C. Law 6-69; D.C. Official Code § 24-903), shall serve the term of imprisonment or commitment specified in the sentence, less any time credited toward service of the sentence under subsection (f) of this section and subject to section 3c, if applicable.

"(f) Notwithstanding any other law, a person sentenced to imprisonment, or to commitment pursuant to section 4 of the Youth Rehabilitation Amendment Act of 1985, effective December 7, 1985 (D.C. Law 6-69; D.C. Official Code § 24-903), under this section for any offense may receive good time credit toward service of the sentence only as provided in 18 U.S.C. § 3624(b).

"(g)(1) A person sentenced to imprisonment under this section for a nonviolent offense may receive up to a one-year reduction in the term the person must otherwise serve if the person successfully completes a substance abuse treatment program in accordance with 18 U.S.C. § 3621(e)(2).

"(2) For the purposes of this subsection, the term "nonviolent offense" means any crime other than those included within the definition of the term "crime of violence" in D.C. Official Code § 23-1331(4).".

(b) Section 3c (D.C. Official Code § 24-403.03) is amended as follows:

(1) The section heading is amended by striking the phrase "imprisonment for violations of law committed before 25 years of age." and inserting the phrase "imprisonment." in its place.

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

"(a) Notwithstanding any other provision of law, the court shall reduce a term of imprisonment imposed upon a defendant for an offense if:

"(1) The defendant:

"(A) Was under 25 years of age at the time the offense was committed, was sentenced pursuant to section 3 or 3a or committed pursuant to section 4 of the Youth Rehabilitation Amendment Act of 1985, effective December 7, 1985 (D.C. Law 6-69; D.C. Official Code § 24-903), and has served at least 15 years in prison; or

"(B) Was 25 years of age or older at the time the offense was committed, was sentenced pursuant to section 3 or 3a, and has served at least 20 years in prison; and

"(2) The court finds, after considering the factors set forth in subsection (c) of this section, that the defendant is not a danger to the safety of any person or the community and that the interests of justice warrant a sentence modification.".

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

(A) Paragraph (1) is amended by striking the phrase "offense committed before the defendant's 25th birthday may" and inserting the phrase "offense may" in its place.

(B) Paragraph (3)(B) is amended by striking the phrase "after the defendant's 18th birthday but before the defendant's 25th birthday may" and inserting the phrase "after the defendant's 18th birthday may" in its place.

(4) Subsection (g) is amended by striking the phrase "after the defendant's" and inserting the phrase "on or after the defendant's" in its place.

Sec. 206. Section 25-1001 of the District of Columbia Official Code is amended to read as follows:

"§ 25-1001. Possession of an open container of alcohol.

"(a) *First degree*. An actor commits first degree possession of an open container of alcohol when the actor:

"(1) Knowingly:

"(A) Consumes an alcoholic beverage; or

"(B) Possesses an alcoholic beverage in an open container;

"(2) In the passenger area of a motor vehicle on a public highway, or the right-of-way of a public highway.

"(b) *Second degree.* An actor commits second degree possession of an open container of alcohol when the actor:

"(1) Knowingly consumes an alcoholic beverage or possesses an alcoholic beverage in an open container in or upon any of the following places:

"(A) A street, alley, park, or sidewalk;

"(B) A vehicle in or upon any street, alley, or park;

"(C) A premises not licensed under this title where food or nonalcoholic beverages are sold or entertainment is provided for compensation;

"(D) Any place to which the public is invited and for which a license to sell alcoholic beverages has not been issued under this title;

"(E) Any place to which the public is invited for which a license to sell alcoholic beverages has been issued under this title at a time when the sale of alcoholic

beverages on the premises is prohibited by this title or by the regulations promulgated under this title; or

"(F) Any place licensed under a club license at a time when the consumption of the alcoholic beverages on the premises is prohibited by this title or by regulations promulgated under this title.

"(c) *Exclusion from liability.*

"(1) An actor does not commit an offense under subsection (a) of this section when, in fact, the actor is:

"(A) Located in:

"(i) The passenger area of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation; or

"(ii) The living quarters of a house coach or house trailer; and

"(B) Not operating the motor vehicle.

"(2) An actor does not commit an offense under subsection (b) of this section when, in fact, the possession of the open container of alcohol occurs at an event licensed by the Board.

"(d) *No attempt liability.* The criminal attempt provision in § 22A-301 shall not apply to this section.

"(e) *Penalties.*

"(1) First degree possession of an open container of alcohol is a Class C misdemeanor.

"(2) Second degree possession of an open container of alcohol is a Class E misdemeanor.

"(f) *Definitions.* For the purposes of this section, the term "highway" shall have the same meaning as provided in section 3a(7) of the Anti-Drunk Driving Act of 1982, effective April 27, 2013 (D.C. Law 19-266; D.C. Official Code § 50-2206.01(7)).

"(g) *Interpretation of statute.* Chapter 1 of Title 22A shall apply to this offense.".

Sec. 207. Section 1 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1189; D.C. Official Code § 45-401), is amended as follows:

(a) Subsection (a) is amended by striking the phrase "some provision of the 1901 Code" and inserting the phrase "some provision of the 1901 Code, or an Act of the Council" in its place.

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

"(b) Common law offenses are abolished and no act or omission shall constitute an offense unless made so by an Act of Congress, an act of the Council, or the District of Columbia Municipal Regulations. This subsection shall not affect the power to punish for contempt, or to employ any sanction authorized by law for the enforcement of an order or a civil judgment or decree. This subsection shall not be construed to repeal any common law defenses or any legal precedent other than that which recognizes common law offenses.".

Sec. 208. The District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-901.01 *et seq.*), is amended by adding new sections 412, 413, and 414 to read as follows:

"Sec. 412. Possession of drug manufacturing paraphernalia.

"(a) *Offense*. An actor commits possession of drug manufacturing paraphernalia when the actor knowingly possesses an object with intent to use the object to manufacture a controlled substance.

"(b) *Exclusions from liability*. An actor does not commit an offense under this section:

"(1) If the object possessed is, in fact, 50 years of age or older;

"(2) If the actor possesses an object with intent solely to use the object to package or repackage a controlled substance for the actor's own use; or

"(3) If the actor, in fact, satisfies the requirements specified under section 3 of An Act To relieve physicians of liability for negligent medical treatment at the scene of an accident in the District of Columbia, effective March 19, 2013 (D.C. Law 19-243; D.C. Official Code § 7-403).

"(c) *Penalties*. Possession of drug manufacturing paraphernalia is a Class D misdemeanor.

"(d) *Interpretation of statute*. The general provisions of Chapter 1of Title 22A of the District of Columbia Official Code shall apply to this offense.

"Sec. 413. Trafficking of drug paraphernalia.

"(a) *Offense*. An actor commits trafficking of drug paraphernalia when the actor:

"(1) Knowingly sells or delivers, or possesses with intent to sell or deliver, an object;

"(2) With intent that another person will use the object to introduce into the human body, produce, process, prepare, test, analyze, pack, store, conceal, manufacture, or measure a controlled substance.

"(b) *Defenses*. It is a defense to liability under this section that the object specified in subsection (a)(1) of this section is, in fact:

"(1) Testing equipment or other objects used, planned for use, or designed for use in identifying or analyzing the strength, effectiveness, or purity of a controlled substance or for ingestion or inhalation of a controlled substance; provided, that the actor is a community-based organization, an employee of the District government acting within the scope of their official duties, or a contractor or grantee of the District government engaged to combat opioid overdoses;

"(2) An unused hypodermic syringe or needle;

"(3) An item planned for use in a medical procedure or treatment permitted under District or federal civil law, to be performed by a licensed health professional or by a person acting at the direction of a licensed health professional; or

"(4) An object that is 50 years of age or older.

"(c) *Penalties*. Trafficking of drug paraphernalia is a Class D misdemeanor.

"(d) *Definitions*. For the purposes of this section, the term "community-based organization" shall have the same meaning as provided in section 4(a)(1) of An Act To relieve physicians of liability for negligent treatment at the scene of an accident in the District of Columbia, approved November 8, 1965 (79 Stat. 1302; D.C. Official Code § 7-404(a)(1)).

"(e) *Interpretation of statute*. The general provisions of Chapter 1 of Title 22A of the District of Columbia Official Code shall apply to this offense.

"Sec. 414. Maintaining methamphetamine production.

"(a) *Offense*. An actor commits the offense of maintaining methamphetamine production when the actor knowingly maintains or opens any location with intent that the location will be used to manufacture, other than by mere packaging, repackaging, labeling, or relabeling, methamphetamine, its salts, isomers, or salts of its isomers.

"(b) *Penalties*. Maintaining methamphetamine production is a Class A misdemeanor.

"(c) *Interpretation of statute*. The general provisions of Chapter 1 of Title 22A of the District of Columbia Official Code shall apply to this offense.".

Sec. 209. The Drug Paraphernalia Act of 1982, effective September 17, 1982 (D.C. Law 4-149; D.C. Official Code § 48-1101 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 48-1101) is repealed.

(b) Section 3 (D.C. Official Code § 48-1102) is repealed.

(c) Section 4 (D.C. Official Code § 48-1103) is repealed.

(d) Section 5(a) (D.C. Official Code § 48-1104(a)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase "of this subchapter" and inserting the phrase "of section 412 or 413 of the District of Columbia Uniform Controlled Substances Act of 1981, passed on 2nd reading on November 15, 2022 (Enrolled version of Bill 24-416)" in its place.

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

"(2) All money or currency which shall be found in close proximity to drug paraphernalia or which otherwise has been used or intended for use in connection with the manufacture, distribution, delivery, or sale, dispensing, or possession of drug paraphernalia in violation of section 412 or 413 of the District of Columbia Uniform Controlled Substances Act of 1981, passed on 2nd reading on November 15, 2022 (Enrolled version of Bill 24-416).".

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

"(3) All items possessed in violation of section 412 or 413 of the District of Columbia Uniform Controlled Substances Act of 1981, passed on 2nd reading on November 15, 2022 (Enrolled version of Bill 24-416).".

TITLE III. REPEALERS.

Sec. 301. Section 2 of An Act To give additional powers to the Board of Public Welfare of the District of Columbia, and for other purposes, approved January 12, 1942 (55 Stat. 883; D.C. Official Code § 4-125), is repealed.

Sec. 302. Section 304 of District of Columbia Law Enforcement Act of 1953, approved June 29, 1953 (67 Stat. 100; D.C. Official Code § 5-113.05), is repealed.

Sec. 303. Section 10 of An Act To regulate the importation of nursery stock and other plants and plant products; to enable the Secretary of Agriculture to establish and maintain quarantine districts for plant diseases and insect pests; to permit and regulate the movement of fruits, plants, and vegetables therefrom, and for other purposes, approved August 20, 1912 (37 Stat. 318; D.C. Official Code § 8-305), is repealed.

Sec. 304. An Act To regulate plumbing and gas fitting in the District of Columbia, approved June 18, 1898 (30 Stat. 477; D.C. Official Code § 9-431.01 *et seq.*), is amended as follows:

(a) Section 7 (D.C. Official Code § 9-431.01) is repealed.

(b) Section 8 (D.C. Official Code § 9-431.02) is repealed.

Sec. 305. The Permit Restoration Act of 1999, effective April 12, 2000 (D.C. Law 13-91; D.C. Official Code § 9-433.01 *et seq.*), is amended as follows:

(a) Section 202 (D.C. Official Code § 9-433.01) is repealed.

(b) Section 203 (D.C. Official Code § 9-433.02) is repealed.

Sec. 306. The Revised Statutes of the District of Columbia (D.C. Official Code *passim*), is amended as follows:

(a) Sections 1, 2, 96, and 270 (D.C. Official Code § 22-3322) are repealed.

(b) Section 268 (D.C. Official Code § 22-3320) is repealed.

(c) Section 269 (D.C. Official Code § 22-3321) is repealed.

(d) Section 432 (D.C. Official Code § 22-405) is repealed.

(e) Section 432a (D.C. Official Code § 22-405.01) is repealed.

(f) Section 1806 (D.C. Official Code § 22-3318) is repealed.

Sec. 307. An Act To confer concurrent jurisdiction on the police court of the District of Columbia in certain jurisdictions, approved July 16, 1912 (37 Stat. 192; D.C. Official Code *passim*), is amended as follows:

(a) Section 1 (D.C. Official Code § 22-1301) is repealed.

(b) Section 2 (D.C. Official Code § 22-407) is repealed.

(c) Section 433 (D.C. Official Code § 22-1406) is repealed.

Sec. 308. Section 203 of An Act To reorganize the courts of the District of Columbia, to revise the procedures for handling juveniles in the District of Columbia, to codify title 23 of the

District of Columbia Code, and for other purposes, approved July 29, 1970 (84 Stat. 600; D.C. Official Code § 22-601), is repealed.

Sec. 309. The District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code *passim*), is amended as follows:

(a) Section 102 (D.C. Official Code § 22-3202) is repealed.
(b) Section 103 (D.C. Official Code § 22-3203) is repealed.
(c) Section 104 (D.C. Official Code § 22-3204) is repealed.
(d) Section 111 (D.C. Official Code § 22-3211) is repealed.
(e) Section 112 (D.C. Official Code § 22-3212) is repealed.
(f) Section 113 (D.C. Official Code § 22-3213) is repealed.
(g) Section 114 (D.C. Official Code § 22-3214) is repealed.
(h) Section 114a (D.C. Official Code § 22-3214.01) is repealed.
(i) Section 114b (D.C. Official Code § 22-3214.02) is repealed.
(j) Section 115 (D.C. Official Code § 22-3215) is repealed.
(k) Section 116 (D.C. Official Code § 22-3216) is repealed.
(l) Section 121 (D.C. Official Code § 22-3221) is repealed.
(m) Section 122 (D.C. Official Code § 22-3222) is repealed.
(n) Section 123 (D.C. Official Code § 22-3223) is repealed.
(o) Section 124 (D.C. Official Code § 22-3224) is repealed.
(p) Section 124a (D.C. Official Code § 22-3224.01) is repealed.
(q) Section 127a (D.C. Official Code § 22-3227.01) is repealed.
(r) Section 127b (D.C. Official Code § 22-3227.02) is repealed.
(s) Section 127c (D.C. Official Code § 22-3227.03) is repealed.
(t) Section 127d (D.C. Official Code § 22-3227.04) is repealed.
(u) Section 127e (D.C. Official Code § 22-3227.05) is repealed.
(v) Section 127f (D.C. Official Code § 22-3227.06) is repealed.
(w) Section 127g (D.C. Official Code § 22-3227.07) is repealed.
(x) Section 127h (D.C. Official Code § 22-3227.08) is repealed.
(y) Section 131 (D.C. Official Code § 22-3231) is repealed.
(z) Section 132 (D.C. Official Code § 22-3232) is repealed.
(aa) Section 133 (D.C. Official Code § 22-3233) is repealed.
(bb) Section 134 (D.C. Official Code § 22-3234) is repealed.
(cc) Section 141 (D.C. Official Code § 22-3241) is repealed.
(dd) Section 142 (D.C. Official Code § 22-3242) is repealed.
(ee) Section 151 (D.C. Official Code § 22-3251) is repealed.
(ff) Section 152 (D.C. Official Code § 22-3252) is repealed.
(gg) Section 201 (D.C. Official Code § 22-3601) is repealed.
(hh) Section 202 (D.C. Official Code § 22-3602) is repealed.
(ii) Section 401 (D.C. Official Code § 22-2402) is repealed.

(jj) Section 402 (D.C. Official Code § 22-2403) is repealed.
(kk) Section 403 (D.C. Official Code § 22-2404) is repealed.
(ll) Section 404 (D.C. Official Code § 22-2405) is repealed.
(mm) Section 501 (D.C. Official Code § 22-721) is repealed.
(nn) Section 502 (D.C. Official Code § 22-722) is repealed.
(oo) Section 503 (D.C. Official Code § 22-723) is repealed.

Sec. 310. The Omnibus Public Safety Amendment Act of 2006, effective April 24, 2007 (D.C. Law 16-306; D.C. Official Code *passim*), is amended as follows:
(a) Section 103 (D.C. Official Code § 22-811) is repealed.
(b) Section 105 (D.C. Official Code § 22-3531) is repealed.
(c) Section 106 (D.C. Official Code § 22-851) is repealed.

Sec. 311. The Commercial Counterfeiting Criminalization Act of 1996, effective June 3, 1997 (D.C. Law 11-271; D.C. Official Code § 22-901 *et seq.*), is amended as follows:
(a) Section 2 (D.C. Official Code § 22-901) is repealed.
(b) Section 3 (D.C. Official Code § 22-902) is repealed.

Sec. 312. Title II of the Senior Protection Amendment Act of 2000, effective June 8, 2001 (D.C. Law 13-301; D.C. Official Code § 22-931 *et seq.*), is amended as follows:
(a) Section 201 (D.C. Official Code § 22-931) is repealed.
(b) Section 202 (D.C. Official Code § 22-932) is repealed.
(c) Section 203 (D.C. Official Code § 22-933) is repealed.
(d) Section 203a (D.C. Official Code § 22-933.01) is repealed.
(e) Section 204 (D.C. Official Code § 22-934) is repealed.
(f) Section 205 (D.C. Official Code § 22-935) is repealed.
(g) Section 206 (D.C. Official Code § 22-936) is repealed.
(h) Section 206a (D.C. Official Code § 22-936.01) is repealed.
(i) Section 207 (D.C. Official Code § 22-937) is repealed.
(j) Section 208 (D.C. Official Code § 22-938) is repealed.

Sec. 313. Section 3 of An act for the protection of children in the District of Columbia and for other purposes, approved February 13, 1885 (23 Stat. 303; D.C. Official Code § 22-1101), is repealed.

Sec. 314. Section 4 of An Act To enlarge the power of the courts in the District of Columbia in cases involving delinquent children, and for other purposes, approved March 3, 1901 (31 Stat. 1095; D.C. Official Code § 22-1102), is repealed.

Sec. 315. The Omnibus Public Safety and Justice Amendment Act of 2009, effective December 10, 2009 (D.C. Law 18-88; D.C. Official Code *passim*), is repealed.

(a) Section 102 (D.C. Official Code § 22-1341) is repealed.
(b) Section 103 (D.C. Official Code § 22-1211) is repealed.
(c) Section 501 (D.C. Official Code § 22-3131) is repealed.
(d) Section 502 (D.C. Official Code § 22-3132) is repealed.
(e) Section 503 (D.C. Official Code § 22-3133) is repealed.
(f) Section 504 (D.C. Official Code § 22-3134) is repealed.
(g) Section 505 (D.C. Official Code § 22-3135) is repealed.

Sec. 316. An act for the preservation of the public peace and protection of property within the District of Columbia, approved July 29, 1892 (27 Stat. 322; D.C. Official Code *passim*), is amended as follows:

(a) Section 2 (D.C. Official Code § 22-3313) is repealed.
(b) Section 3 (D.C. Official Code § 22-1309) is repealed.
(c) Section 4 (D.C. Official Code § 22-1317) is repealed.
(d) Section 6 (D.C. Official Code § 22-1307) is repealed.
(e) Section 9 (D.C. Official Code § 22-1312) is repealed.
(f) Section 13 (D.C. Official Code § 22-3310) is repealed.
(g) Section 14 (D.C. Official Code § 22-1313) is repealed.
(h) Section 16 (D.C. Official Code § 22-1318) is repealed.
(i) Section 17 (D.C. Official Code § 22-1308) is repealed.

Sec. 317. Section 9 of An act to create a revenue in the District of Columbia by levying a tax upon all dogs therein, to make such dogs personal property, and for other purposes, approved June 19, 1878 (20 Stat. 174; D.C. Official Code § 22-1311), is repealed.

Sec. 318. The District of Columbia Law Enforcement Act of 1953, approved June 29, 1953 (67 Stat. 95; D.C. Official Code § 22-1321), is amended as follows:

(a) Section 209(a) (D.C. Official Code § 22-2501) is repealed.
(b) Section 211 (D.C. Official Code § 22-1321) is repealed.

Sec. 319. An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1189; D.C. Official Code *passim*), is amended as follows:

(a) Section 798 (D.C. Official Code § 22-2101) is repealed.
(b) Section 799 (D.C. Official Code § 22-2102) is repealed.
(c) Section 800 (D.C. Official Code § 22-2103) is repealed.
(d) Section 801 (D.C. Official Code § 22-2104) is repealed.
(e) Section 801a (D.C. Official Code § 22-2104.01) is repealed.
(f) Section 802 (D.C. Official Code § 22-2105) is repealed.

(g) Section 802(a) (D.C. Official Code § 50-2203.01) is repealed.
(h) Section 802(b) (D.C. Official Code § 50-2203.02) is repealed.
(i) Section 802(c) (D.C. Official Code § 50-2203.03 is repealed.
(j) Section 802a (D.C. Official Code § 22-2106) is repealed.
(k) Section 802b (D.C. Official Code § 22-2107) is repealed.
(l) Section 803 (D.C. Official Code § 22-401) is repealed.
(m) Section 804 (D.C. Official Code § 22-402) is repealed.
(n) Section 805 (D.C. Official Code § 22-403) is repealed.
(o) Section 806 (D.C. Official Code § 22-404) is repealed.
(p) Section 806a (D.C. Official Code § 22-404.01) is repealed.
(q) Section 806b (D.C. Official Code § 22-404.02) is repealed.
(r) Section 806c (D.C. Official Code § 22-404.03) is repealed.
(s) Section 807 (D.C. Official Code § 22-406) is repealed.
(t) Section 810 (D.C. Official Code § 22-2801) is repealed.
(u) Section 811 (D.C. Official Code § 22-2802) is repealed.
(v) Section 811a (D.C. Official Code § 22-2803) is repealed.
(w) Section 812 (D.C. Official Code § 22-2001) is repealed.
(x) Section 813 (D.C. Official Code § 22-2704) is repealed.
(y) Section 820 (D.C. Official Code § 22-301) is repealed.
(z) Section 821 (D.C. Official Code § 22-302) is repealed.
(aa) Section 823 (D.C. Official Code § 22-801) is repealed.
(bb) Section 824 (D.C. Official Code § 22-3302) is repealed.
(cc) Section 825a (D.C. Official Code § 22-3305) is repealed.
(dd) Section 836a (D.C. Official Code § 22-1808) is repealed.
(ee) Section 844 (D.C. Official Code § 22-3307) is repealed.
(ff) Section 845a (D.C. Official Code § 22-1402) is repealed.
(gg) Section 846 (D.C. Official Code § 22-3319) is repealed.
(hh) Section 848 (D.C. Official Code § 22-303) is repealed.
(ii) Section 849 (D.C. Official Code § 22-3306) is repealed.
(jj) Section 850 (D.C. Official Code § 22-3314) is repealed.
(kk) Section 851 (D.C. Official Code § 22-3301) is repealed.
(ll) Section 859 (D.C. Official Code § 22-1403) is repealed.
(mm) Section 860 (D.C. Official Code § 22-1404) is repealed.
(nn) Section 863 (D.C. Official Code § 22-1701) is repealed.
(oo) Section 863a (D.C. Official Code § 22-1702) is repealed.
(pp) Section 864 (D.C. Official Code § 22-1703) is repealed.
(qq) Section 865 (D.C. Official Code § 22-1704) is repealed.
(rr) Section 866 (D.C. Official Code § 22-1705) is repealed.
(ss) Section 867 (D.C. Official Code § 22-1706) is repealed.
(tt) Section 868 (D.C. Official Code § 22-1707) is repealed.

(uu) Section 869 (D.C. Official Code § 22-1708) is repealed.
(vv) Section 869e (D.C. Official Code § 22-1713) is repealed.
(ww) Section 869f (D.C. Official Code § 22-1714) is repealed.
(xx) Section 870 (D.C. Official Code § 22-501) is repealed.
(yy) Section 872 (D.C. Official Code § 22-2201) is repealed.
(zz) Section 875 (D.C. Official Code § 22-1901) is repealed.
(aaa) Section 878c (D.C. Official Code § 36-153) is repealed.
(bbb) Section 879 (D.C. Official Code § 22-1502) is repealed.
(ccc) Section 880 (D.C. Official Code § 22-3309) is repealed.
(ddd) Section 891 (D.C. Official Code § 22-3303) is repealed.
(eee) Section 901 (D.C. Official Code § 22-4403) is repealed.
(fff) Section 902 (D.C. Official Code § 22-4404) is repealed.
(ggg) Section 910 (D.C. Official Code § 22-1807) is repealed.

Sec. 320. An Act To punish the impersonation of inspectors of the health and other departments of the District of Columbia, approved March 2, 1897 (29 Stat. 619; D.C. Official Code § 22-1405), is repealed.

Sec. 321. The Badge Protection Act of 2002, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 22-1409), is repealed.

Sec. 322. An Act Regulating the issuance of checks, drafts, and orders for the payment of money within the District of Columbia, approved July 1, 1922 (42 Stat. 820; D.C. Official Code § 22-1510), is repealed.

Sec. 323. An Act To prevent fraudulent advertising in the District of Columbia, approved May 29, 1916 (39 Stat. 165; D.C. Official Code § 22-1511 *et seq.*), is repealed.

Sec. 324. Section 3 of the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; Official Code § 22-1716 *et seq.*), is repealed.

Sec. 325. Section 211a of An act for the preservation of the public peace and the protection of property within the District of Columbia, approved July 29, 1892 (27 Stat. 325; D.C. Official Code § 22-1809), is repealed.

Sec. 326. Section 1502 of the Omnibus Crime Control and Safe Streets Act of 1968, approved June 19, 1968 (82 Stat. 238; D.C. Official Code § 22-1810), is repealed.

Sec. 327. Title I of the Prohibition Against Human Trafficking Amendment Act of 2010, effective October 23, 2010 (D.C. Law 18-239; D.C. Official Code § 22-1831 *et seq.*), is amended as follows:

(a) Section 102 (D.C. Code § 22-1832) is repealed.
(b) Section 103 (D.C. Code § 22-1833) is repealed.
(c) Section 104 (D.C. Code § 22-1834) is repealed.
(d) Section 105 (D.C. Code § 22-1835) is repealed.
(e) Section 106 (D.C. Code § 22-1836) is repealed.
(f) Section 107 (D.C. Code § 22-1837) is repealed.
(g) Section 108 (D.C. Code § 22-1838) is repealed.
(h) Section 109 (D.C. Code § 22-1839) is repealed.
(i) Section 110 (D.C. Code § 22-1840) is repealed.

Sec. 328. The Panhandling Control Act of 1993, effective November 17, 1993 (D.C. Law 10-54; D.C. Official Code § 22-2301 *et seq.*), is repealed.

Sec. 329. Section 8 of An Act To establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes, approved July 15, 1932 (47 Stat. 698; D.C. Official Code § 22-2601), is repealed.

Sec. 330. An Act To prohibit the introduction of contraband into the District of Columbia penal institutions, approved December 15, 1941 (55 Stat. 800; D.C. Official Code § 22-2603.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 22-2603.01) is repealed.
(b) Section 3 (D.C. Official Code § 22-2603.02) is repealed.
(c) Section 4 (D.C. Official Code § 22-2603.03) is repealed.
(d) Section 5 (D.C. Official Code § 22-2603.04) is repealed.

Sec. 331. Chapter 546 of An Act For the suppression of prostitution in the District of Columbia, approved August 15, 1935 (49 Stat. 651; D.C. Official Code § 22-2701 *et seq.*), is amended as follows:

(a) Section 1 (D.C. Official Code § 22-2701) is repealed.
(b) Section 3 (D.C. Official Code § 22-2703) is repealed.
(c) Section 5 (D.C. Official Code § 22-2723) is repealed.
(d) Section 6 (D.C. Official Code § 22-2724) is repealed.
(e) Section 7 (D.C. Official Code § 22-2725) is repealed.

Sec. 332. Section 2 of the Control of Prostitution and Sale of Controlled Substances in Public Places Criminal Control Act of 1981, effective December 10, 1981 (D.C. Law 4-57; D.C. Official Code § 22-2701.01), is repealed.

Sec. 333. An Act In relation to pandering, to define and prohibit the same and to provide for the punishment thereof, approved June 25, 1910 (36 Stat. 833; D.C. Official Code § 22-2705 *et seq.*), is amended as follows:

(a) Section 1 (D.C. Official Code § 22-2705) is repealed.
(b) Section 2 (D.C. Official Code § 22-2706) is repealed.
(c) Section 3 (D.C. Official Code § 22-2707) is repealed.
(d) Section 4 (D.C. Official Code § 22-2708) is repealed.
(e) Section 5 (D.C. Official Code § 22-2709) is repealed.
(f) Section 6 (D.C. Official Code § 22-2710) is repealed.
(g) Section 7 (D.C. Official Code § 22-2711) is repealed.
(h) Section 8 (D.C. Official Code § 22-2712) is repealed.

Sec. 334. An Act To enjoin and abate houses of lewdness, assignation, and prostitution; to declare the same to be nuisances; to enjoin the person or persons who conduct or maintain the same and the owner or agent of any building used for such purpose; and to assess a tax against the person maintaining said nuisance and against the building and owner thereof, approved February 7, 1914 (38 Stat. 280; D.C. Official Code § 22-2713 *et seq.*), is amended as follows:

(a) Section 1 (D.C. Official Code § 22-2713) is repealed.
(b) Section 2 (D.C. Official Code § 22-2714) is repealed.
(c) Section 3 (D.C. Official Code § 22-2715) is repealed.
(d) Section 4 (D.C. Official Code § 22-2716) is repealed.
(e) Section 5 (D.C. Official Code § 22-2717) is repealed.
(f) Section 6 (D.C. Official Code § 22-2718) is repealed.
(g) Section 7 (D.C. Official Code § 22-2719) is repealed.
(h) Section 8 (D.C. Official Code § 22-2720) is repealed.

Sec. 335. Section 1 of An Act To confer concurrent jurisdiction on the police court of the District of Columbia in certain cases, approved July 16, 1912 (37 Stat. 192; D.C. Official Code § 22-2722), is repealed.

Sec. 336. The Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3001 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 22-3001) is repealed.
(b) Section 201 (D.C. Official Code § 22-3002) is repealed.
(c) Section 202 (D.C. Official Code § 22-3003) is repealed.
(d) Section 203 (D.C. Official Code § 22-3004) is repealed.
(e) Section 204 (D.C. Official Code § 22-3005) is repealed.
(f) Section 205 (D.C. Official Code § 22-3006) is repealed.
(g) Section 206 (D.C. Official Code § 22-3007) is repealed.

(h) Section 207 (D.C. Official Code § 22-3008) is repealed.
(i) Section 208 (D.C. Official Code § 22-3009) is repealed.
(j) Section 208a (D.C. Official Code § 22-3009.01) is repealed.
(k) Section 208b (D.C. Official Code § 22-3009.02) is repealed.
(l) Section 208c (D.C. Official Code § 22-3009.03) is repealed.
(m) Section 208d (D.C. Official Code § 22-3009.04) is repealed.
(n) Section 209 (D.C. Official Code § 22-3010) is repealed.
(o) Section 209a (D.C. Official Code § 22-3010.01) is repealed.
(p) Section 209b (D.C. Official Code § 22-3010.02) is repealed.
(q) Section 210 (D.C. Official Code § 22-3011) is repealed.
(r) Section 211 (D.C. Official Code § 22-3012) is repealed.
(s) Section 212 (D.C. Official Code § 22-3013) is repealed.
(t) Section 213 (D.C. Official Code § 22-3014) is repealed.
(u) Section 214 (D.C. Official Code § 22-3015) is repealed.
(v) Section 215 (D.C. Official Code § 22-3016) is repealed.
(w) Section 216 (D.C. Official Code § 22-3017) is repealed.
(x) Section 217 (D.C. Official Code § 22-3018) is repealed.
(y) Section 218 (D.C. Official Code § 22-3019) is repealed.
(z) Section 219 (D.C. Official Code § 22-3020) is repealed.
(aa) Section 251 (D.C. Official Code § 22-3020.51) is repealed.
(bb) Section 252 (D.C. Official Code § 22-3020.52) is repealed.
(cc) Section 253 (D.C. Official Code § 22-3020.53) is repealed.
(dd) Section 254 (D.C. Official Code § 22-3020.54) is repealed.
(ee) Section 255 (D.C. Official Code § 22-3020.55) is repealed.
(ff) Section 301 (D.C. Official Code § 22-3021) is repealed.
(gg) Section 302 (D.C. Official Code § 22-3022) is repealed.
(hh) Section 303 (D.C. Official Code § 22-3023) is repealed.
(ii) Section 304 (D.C. Official Code § 22-3024) is repealed.

Sec. 337. The Criminalization of Non-Consensual Pornography Act of 2014, effective May 7, 2015 (D.C. Law 20-275; D.C. Official Code § 22-3051 *et seq.*), is amended as follows:
(a) Section 2 (D.C. Official Code § 22-3051) is repealed.
(b) Section 3 (D.C. Official Code § 22-3052) is repealed.
(c) Section 4 (D.C. Official Code § 22-3053) is repealed.
(d) Section 5 (D.C. Official Code § 22-3054) is repealed.
(e) Section 6 (D.C. Official Code § 22-3055) is repealed.
(f) Section 7 (D.C. Official Code § 22-3056) is repealed.
(g) Section 8 (D.C. Official Code § 22-3057) is repealed.

Sec. 338. The District of Columbia Protection of Minors Act of 1982, effective March 9, 1983 (D.C. Law 4-173; D.C. Official Code § 22-3101 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 22-3101) is repealed.
(b) Section 3 (D.C. Official Code § 22-3102) is repealed.
(c) Section 4 (D.C. Official Code § 22-3103) is repealed.
(d) Section 5 (D.C. Official Code § 22-3104) is repealed.

Sec. 339. The Anti-Terrorism Act of 2002, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 22-3151 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 22-3151) is repealed.
(b) Section 102 (D.C. Official Code § 22-3152) is repealed.
(c) Section 103 (D.C. Official Code § 22-3153) is repealed.
(d) Section 104 (D.C. Official Code § 22-3154) is repealed.
(e) Section 105 (D.C. Official Code § 22-3155) is repealed.
(f) Section 106 (D.C. Official Code § 22-3156) is repealed.

Sec. 340. The Anti-Intimidation and Defacing of Public or Private Property Criminal Penalty Act of 1982, effective March 10, 1983 (D.C. Law 4-203; D.C. Official Code § 22-3312.01 *et seq.*), is amended as follows:

(a) Section 1a (D.C. Official Code § 22-3312.05) is repealed.
(b) Section 2 (D.C. Official Code § 22-3312.01) is repealed.
(c) Section 5 (D.C. Official Code § 22-3312.04) is amended as follows:
    (1) Subsection (a) is repealed.
    (2) Subsection (c) is repealed.
    (3) Subsection (d) is repealed.
    (4) Subsection (e) is repealed.

Sec. 341. An Act to prohibit the use by collecting agencies and private detective agencies of any name, emblem, or insignia which reasonably tends to convey the impression that any such agency is an agency of the government of the District of Columbia, approved October 16, 1962 (76 Stat. 1071; D.C. Official Code § 22-3401 *et seq.*), is amended as follows:

(a) Section 1 (D.C. Official Code § 22-3401) is repealed.
(b) Section 2 (D.C. Official Code § 22-3402) is repealed.
(c) Section 3 (D.C. Official Code § 22-3403) is repealed.

Sec. 342. The Taxicab Drivers Protection Act of 2000, effective June 9, 2001 (D.C. Law 13-307; D.C. Official Code § 22-3751 *et seq.*), is amended as follows;

(a) Section 2 (D.C. Official Code § 22-3751) is repealed.
(b) Section 2a (D.C. Official Code § 22-3751.01) is repealed.
(c) Section 3 (D.C. Official Code § 22-3752) is repealed.

Sec. 343. Section 11712(e) of the National Capital Revitalization and Self-Government Improvement Act of 1997, approved August 5, 1997 (111 Stat. 782; D.C. Official Code § 22-1323), is repealed.

Sec. 344. An Act To amend section eight hundred and ninety-five of the Code of Law for the District of Columbia, approved February 3, 1913 (37 Stat. 656; D.C. Official Code § 22-4402), is repealed.

Sec. 345. An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4501 *et seq.*), is amended as follows:

(a) Section 1 (D.C. Official Code § 22-4501) is repealed.
(b) Section 2 (D.C. Official Code § 22-4502) is repealed.
(c) Section 2a (D.C. Official Code § 22-4502.01) is repealed.
(d) Section 3 (D.C. Official Code § 22-4503) is repealed.
(e) Section 3a (D.C. Official Code § 22-4503.01) is repealed.
(f) Section 3b (D.C. Official Code § 22-4503.02) is repealed.
(g) Section 4 (D.C. Official Code § 22-4504) is repealed.
(h) Section 4a (D.C. Official Code § 22-4504.01) is repealed.
(i) Section 4b (D.C. Official Code § 22-4504.02) is repealed.
(j) Section 5 (D.C. Official Code § 22-4505) is repealed.
(k) Section 6 (D.C. Official Code § 22-4506) is repealed.
(l) Section 7 (D.C. Official Code § 22-4507) is repealed.
(m) Section 8 (D.C. Official Code § 22-4508) is repealed.
(n) Section 9 (D.C. Official Code § 22-4509) is repealed.
(o) Section 10 (D.C. Official Code § 22-4510) is repealed.
(p) Section 11 (D.C. Official Code § 22-4511) is repealed.
(q) Section 12 (D.C. Official Code § 22-4512) is repealed.
(r) Section 13 (D.C. Official Code § 22-4513) is repealed.
(s) Section 14 (D.C. Official Code § 22-4514) is repealed.
(t) Section 15 (D.C. Official Code § 22-4515) is repealed.
(u) Section 15A (D.C. Official Code § 22-4515a) is repealed.
(v) Section 16 (D.C. Official Code § 22-4516) is repealed.
(w) Section 18 (D.C. Official Code § 22-4517) is repealed.

Sec. 346. Section 8 of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen

hundred and fourteen, and for other purposes, approved March 4, 1913 (37 Stat. 974; D.C. Official Code § 34-101 *et seq.*), is amended as follows:

(a) Paragraph 80 (D.C. Official Code § 34-701) is repealed.

(b) Paragraph 86 (D.C. Official Code § 34-707) is repealed.

Sec. 347. Section 9(b) of the Vending Regulation Act of 2009, effective October 22, 2009 (D.C. Law 18-71; D.C. Official Code § 37-131.08(b)), is repealed.

Sec. 348. Section 47-102 of the District of Columbia Official Code is repealed.

Sec. 349. Section 202(3) of the District of Columbia Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2–104; D.C. Official Code § 50–2302.02(3)), is repealed.

TITLE IV. CONFORMING AND TECHNICAL AMENDMENTS.

Sec. 401. Section 2(2A) of the District of Columbia Medical Liability Captive Insurance Agency Establishment Act of 2008, effective July 18, 2008 (D.C. Law 17-196; D.C. Official Code § 1-307.81(2A)), is amended by striking the phrase "shall have the same meaning as provided in section (102)(1) of the Anti-Terrorism Act of 2002, passed on 2nd reading on May 7, 2002 (Enrolled version of Bill 14-373)" and inserting the phrase "means an act that constitutes an offense under D.C. Official Code § 22A-2701" in its place.

Sec. 402. Section 821 of the District of Columbia Procurement Practices Act of 1985, effective May 8, 1998 (D.C. Law 12-104; D.C. Official Code § 2-381.09), is amended by striking the phrase "The Attorney General for the District of Columbia shall prosecute violations of this section. The fine" and inserting the phrase "The fine" in its place.

Sec. 403. Section 204(a) of the Freedom of Information Act of 1976, effective March 29, 1977 (D.C. Law 1-96; D.C. Official Code § 2-534(a)), is amended as follows:

(a) Paragraph (2A)(B) is amended by striking the phrase "stalking as defined in section 503 of the Omnibus Public Safety and Justice Amendment Act of 2009, effective December 10, 2009 (D.C. Law 18-88; D.C. Official Code § 22-3133), or sexual assault as defined in D.C. Official Code § 23-1907(a)(7)" and inserting the phrase "stalking, as proscribed by D.C. Official Code § 22A-2801, electronic stalking, as proscribed by D.C. Official Code § 22A-2802, or sexual assault as defined in D.C. Official Code § 23-1907(9)" in its place.

(b) Paragraph (10) is amended by striking the phrase "an act of terrorism, as that term is defined in section (102)(1) of the Anti-Terrorism Act of 2002, passed on 2nd reading on May 7, 2002 (Enrolled version of Bill 14-373)" and inserting the phrase "an act of terrorism, as proscribed by D.C. Official Code § 22A-2701 or material support for an act of terrorism, as proscribed by D.C. Official Code § 22A-2702" in its place.

Sec. 404. Section 102(29A) of The Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.02(29A)), is amended by striking the phrase "section 503 of the Omnibus Public Safety and Justice Amendment Act of 2009, effective December 10, 2009 (D.C. Law 18-88; D.C. Official Code § 22-3133)" and inserting the phrase "D.C. Official Code § 22A-2801 or § 22A-2802" in its place.

Sec. 405. Section 151(7) of the Department of Youth Rehabilitation Services Establishment Act of 2004, effective July 25, 2015 (D.C. Law 20-280; D.C. Official Code § 2-1515.51(7)), is amended by striking the phrase "shall have the same meaning as provided in section 2(7) of An Act To prohibit the introduction of contraband into the District of Columbia penal institutions, effective December 10, 2009 (55 Stat. 800; D.C. Official Code § 22-2603.01(7))" and inserting the phrase "means a locked residential facility providing custody, supervision, and care for one or more juveniles that is owned, operated, or under the control of the Department of Youth Rehabilitation Services, excluding residential treatment facilities and accredited hospitals" in its place.

Sec. 406. The Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.01 *et seq.*), is amended as follows:

(a) Section 6(b-6) (D.C. Official Code § 2-1831.03(b-6)) is amended by striking the phrase "Title II-A of the Anti-Sexual Abuse Act of 1994, passed on 2nd reading on December 4, 2012 (Enrolled version of Bill 19-647)" and inserting the phrase "D.C. Official Code § 22A-2309 or former Title II-A of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3020.51 *et seq.*)" in its place.

(b) Section 16(h)(2) (D.C. Official Code § 2-1831.13(h)(2)) is amended by striking the phrase "for purposes of sections 401 and 403 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code §§ 22-2402 and 22-2404)." and inserting the phrase "for purposes of D.C. Official Code §§ 22A-4203, 22A-4204, and 22A-4206." in its place.

Sec. 407. Title XVIII of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-218.01 *et seq.*), is amended as follows:

(a) Section 1801 (D.C. Official Code § 4-218.01) is amended as follows:

(1) Subsection (a) is amended by striking the phrase "public assistance to which he is not entitled" and inserting the phrase "public assistance to which they are not entitled" in its place.

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

(A) Strike the phrase "he is" both times it appears and insert the phrase "they are" in its place.

(B) Strike the word "his" and insert the word "their" in its place.

(b) Section 1805(c) (D.C. Official Code § 4-218.05(c)) is amended by striking the phrase "Corporation Counsel" and inserting the phrase "Attorney General for the District of Columbia" in its place.

Sec. 408. Section 103(f) of the Grandparent Caregivers Pilot Program Establishment Act of 2005, effective March 8, 2006 (D.C. Law 16-69; D.C. Official Code § 4-251.03(f)), is amended by striking the phrase "a false statement under section 404(a) of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-2405(a))." and inserting the phrase "a false statement under D.C. Official Code § 22A-4207." in its place.

Sec. 409. Section 103a(h) of the Grandparent Caregivers Pilot Program Establishment Act of 2005, effective December 15, 2015 (D.C. Law 21-40; D.C. Official Code § 4–251.03a(h)), is amended by striking the phrase "section 404(a) of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-2405(a)" and inserting the phrase "D.C. Official Code § 22A-4207" in its place.

Sec. 410. Section 103(g) of the Close Relative Caregiver Subsidy Pilot Program Establishment Amendment Act of 2019, effective November 26, 2019 (D.C. Law 23–32; D.C. Official Code § 4–251.23(g)), is amended by striking the phrase "section 404(a) of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-2405(a)" and inserting the phrase "D.C. Official Code § 22A-4207" in its place.

Sec. 411. Section 2(6) of the Victims of Violent Crime Compensation Act of 1996, effective April 9, 1997 (D.C. Law 11–243; D.C. Official Code § 4–501(6)), is amended to read as follows:

"(6) "Crime" means the following offenses, whether prosecuted under the District of Columbia Official Code or substantially similar offense defined in the United States Code, and whether committed in the District against any person or outside of the United States against a resident of the District:

"(A)(i) Rioting, as described in section 901 of An Act Relating to crime and criminal procedure in the District of Columbia, approved December 27, 1967 (81 Stat. 742; D.C. Official Code § 22-1322), and cruelty to animals, as described in section 1 of Chapter 106 of the Acts of the Legislative Assembly, approved August 23, 1871, (D.C. Official Code § 22-1001), when committed against the victim's animal, or an attempt to commit either offense;

"(ii) Any of the following offenses, or an attempt, under D.C. Official Code § 22A-301, to commit any of the following offenses: murder (D.C. Official Code § 22A-2101); manslaughter (D.C. Official Code § 22A-2102); negligent homicide (D.C. Official

Code § 22A-2103); robbery (D.C. Official Code § 22A-2201); carjacking (D.C. Official Code § 22A-2202); assault (D.C. Official Code § 22A-2203); assault on a law enforcement officer (D.C. Official Code § 22A-2204); criminal threats (D.C. Official Code § 22A-2205); offensive physical contact (D.C. Official Code § 22A-2206); sexual assault (D.C. Official Code § 22A-2301); sexual abuse of a minor (D.C. Official Code § 22A-2302); sexual abuse by exploitation (D.C. Official Code § 22A-2303); sexually suggestive conduct with a minor (D.C. Official Code § 22A-2304); nonconsensual sexual conduct (D.C. Official Code § 22A-2307); kidnapping (D.C. Official Code § 22A-2401); criminal abuse of a minor (D.C. Official Code § 22A-2501); criminal neglect of a minor (D.C. Official Code § 22A-2502); act of terrorism (D.C. Official Code § 22A-2701); material support for an act of terrorism (D.C. Official Code § 22A-2702); manufacture or possession of a weapon of mass destruction (D.C. Official Code § 22A-2703); use, dissemination, or detonation of a weapon of mass destruction (D.C. Official Code § 22A-2704); forced labor (D.C. Official Code § 22A-2601); forced commercial sex (D.C. Official Code § 22A-2602); trafficking in labor (D.C. Official Code § 22A-2603); trafficking in forced commercial sex (D.C. Official Code § 22A- 2604); sex trafficking of a minor or adult incapable of consenting (D.C. Official Code § 22A-2605); benefiting from human trafficking (D.C. Official Code § 22A-2606); stalking (D.C. Official Code § 22A-2801); electronic stalking (D.C. Official Code § 22A-2802); creating or trafficking an obscene image of a minor (D.C. Official Code § 22A-2807); possession of an obscene image of a minor (D.C. Official Code § 22A-2808); arranging a live sexual performance of a minor (D.C. Official Code § 22A-2809); attending or viewing a live sexual performance of a minor (D.C. Official Code § 22A-2810); arson (D.C. Official Code § 22A-3601); burglary (D.C. Official Code § 22A-3801); possession of a prohibited firearm by possessing an explosive (D.C. Official Code § 22A-5103(a)(1)); or a violation of trafficking in commercial sex (D.C. Official Code § 22A-5403), where a person was compelled to engage in prostitution or was a minor; or

"(iii) The following offenses, or an attempt to commit any of the following offenses, that resulted in death or bodily injury to a person, notwithstanding that the offender lacked the capacity to commit the offense by reason of infancy, insanity, intoxication, or otherwise:

"(I) Speeding and reckless driving, as described in section 9 of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1123; D.C. Official Code § 50-2201.04);

"(II) Fleeing from a law enforcement officer in a motor vehicle, as described in section 10b of District of Columbia Traffic Act, 1925, effective March 16, 2005 (D.C. Law 15-239; D.C. Official Code § 50-2201.05b);

"(III) Leaving after colliding, as described in section 10c of District of Columbia Traffic Act, 1925, effective April 27, 2013 (D.C. Law 19-266; D.C. Official Code § 50-2201.05c);

"(IV) Object falling or flying from vehicle, as described in section 10d of District of Columbia Traffic Act, 1925, effective April 27, 2013 (D.C. Law 19-266; D.C. Official Code § 50-2201.05d);

"(V) Driving under the influence (DUI) of alcohol or a drug, as described in section 3b of the Anti-Drunk Driving Act of 1982, effective April 27, 2013 (D.C. Law 19-266; D.C. Official Code § 50-2206.11);

"(VI) Driving under the influence of alcohol or a drug; commercial vehicle, as described in section 3c of the Anti-Drunk Driving Act of 1982, effective April 27, 2013 (D.C. Law 19-266; D.C. Official Code § 50-2206.12);

"(VII) Operating a vehicle while impaired, as described in section 3e of the Anti-Drunk Driving Act of 1982, effective April 27, 2013 (D.C. Law 19-266; D.C. Official Code § 50-2206.14);

"(VIII) Operating under the influence of alcohol or a drug (horse-drawn vehicle), as described in section 3g of the Anti-Drunk Driving Act of 1982, effective April 27, 2013 (D.C. Law 19-266; D.C. Official Code § 50-2206.16);

"(IX) Operating under the influence of alcohol or a drug (watercraft), as described in section 3j of the Anti-Drunk Driving Act of 1982, effective April 27, 2013 (D.C. Law 19-266; D.C. Official Code § 50-2206.31); and

"(X) Operating a watercraft while impaired, as described in section 3l of the Anti-Drunk Driving Act of 1982, effective April 27, 2013 (D.C. Law 19-266; D.C. Official Code § 50-2206.33);

"(B) Any of the following former offenses, or an attempt to commit any of the following former offenses:

"(i) An act of terrorism, as described in section 103 of the Omnibus Anti-Terrorism Act of 2002, effective October 17, 2002 (D.C. Law 14-194; D.C Official Code § 22-3153);

"(ii) Arson, as described in section 820 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1323; D.C. Official Code § 22-301);

"(iii) Assault with intent to kill, rob, or poison, or to commit first degree sexual abuse, second degree sexual abuse or child sexual abuse, as described in section 803 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22-401);

"(iv) Assault with intent to commit mayhem or with a dangerous weapon, as described in section 804 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22-402);

"(v) Assault with intent to commit any offense, as described in section 805 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22-403);

"(vi) Assault or threatened assault in a menacing manner; stalking, as described in section 806 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22-404);

"(vii) Aggravated assault, as described in section 806a of An Act To establish a code of law for the District of Columbia, effective August 20, 1994 (D.C. Law 10-151; D.C. Official Code § 22-404.01);

"(viii) Assault on member of police force, campus or university special police, or fire department, as described in section 432 of the Revised Statutes of the District of Columbia (D.C. Official Code § 22-405)

"(ix) Burglary, as described in section 823 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1323; D.C. Official Code § 22-801);

"(x) Carjacking, as described in section 811a(a)(1) of An Act To establish a code of law for the District of Columbia, effective May 8, 1993 (D.C. Law 9-270; D.C. Official Code § 22-2803(a)(1)); or

"(xi) Armed carjacking, as described in section 811a(b)(1) of An Act To establish a code of law for the District of Columbia, effective May 8, 1993 (D.C. Law 9-270; D.C. Official Code § 22-2803(b)(1));

"(xii) Criminal abuse of a vulnerable adult or elderly person, as described in section 203 of the Senior Protection Amendment Act of 2000, effective June 8, 2001 (D.C. Law 13-301; D.C. Official Code § 22-933);

"(xiii) Financial exploitation of a vulnerable adult or elderly person, as described in section 203a of the Senior Protection Amendment Act of 2000, effective November 23, 2016 (D.C. Law 21-166; D.C. Official Code § 22-933.01);

"(xiv) Criminal negligence, as described in section 204 of the Senior Protection Amendment Act of 2000, effective June 8, 2001 (D.C. Law 13-301; D.C. Official Code § 22-934);

"(xv) Cruelty to children, as described in section 3 of An act for the protection of children in the District of Columbia and for other purposes, approved February 13, 1885 (23 Stat. 303; D.C. Official Code § 22-1101);

"(xvi) Manufacture, transfer, use, possession, or transportation of Molotov cocktails, or other explosives for unlawful purposes, as described in section 15A of An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 654; D.C. Official Code § 22-4515a);

"(xvii) Forced labor, as described in section 102 of the Prohibition Against Human Trafficking Amendment Act of 2010, effective October 23, 2010 (D.C. Law 18-239; D.C. Official Code § 22-1832);

"(xviii) Trafficking in labor or commercial sex acts, as described in section 103 of the Prohibition Against Human Trafficking Amendment Act of 2010, effective October 23, 2010 (D.C. Law 18-239; D.C. Official Code § 22-1833);

"(xix) Sex trafficking of children, as described in section 104 of the Prohibition Against Human Trafficking Amendment Act of 2010, effective October 23, 2010 (D.C. Law 18-239; D.C. Official Code § 22-1834);

"(xx) Unlawful conduct with respect to documents in furtherance of human trafficking, as described in section 105 of the Prohibition Against Human Trafficking Amendment Act of 2010, effective October 23, 2010 (D.C. Law 18-239; D.C. Official Code § 22-1835);

"(xxi) Benefitting financially from human trafficking, as described in section 106 of the Prohibition Against Human Trafficking Amendment Act of 2010, effective October 23, 2010 (D.C. Law 18-239; D.C. Official Code § 22-1836);

"(xxii) Kidnapping, as described in section 812 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22-2001);

"(xxiii) Malicious burning, destruction, or injury of another's property, as described in section 848 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1327; D.C. Official Code § 22–303), that:

"(I) Resulted from the discharge of a firearm into the victim's residence or vehicle; or

"(II) Was committed by an intimate partner;

"(xxiv) Mayhem or maliciously disfiguring, as described in section 807 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22–406);

"(xxv) Manslaughter, as described in section 802 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22-2105);

"(xxvi) Murder in the first degree (purposeful killing; killing while perpetrating certain crimes), as described in section 798 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22-2101);

"(xxvii) Murder in the first degree (placing obstructions upon or displacement of railroads), as described in section 799 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22-2102);

"(xxviii) Murder in the second degree, as described in section 800 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22–2103);

"(xxix) Murder of law enforcement officer, as described in section 802a of An Act To establish a code of law for the District of Columbia, effective May 23, 1995 (D.C. Law 10-256; D.C. Official Code § 22–2106);

"(xxx) Negligent homicide, as described in section 802(a) of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22-2203.01);

"(xxxi) Where a person was compelled to engage in prostitution:

"(I) Engaging in prostitution or soliciting for prostitution, as described in section 1 of An Act For the Suppression of prostitution in the District of Columbia, approved August 15, 1935 (49 Stat. 651; D.C. Official Code § 22-2701);

"(II) Abducting or enticing child from the child's home for purposes of prostitution; harboring such child, as described in section 813 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22-2704);

"(III) Pandering; inducing or compelling an individual to engage in prostitution, as described in section 1 of an Act In relation to pandering, to define and prohibit the same and to provide for the punishment thereof, approved June 25, 1910 (36 Stat. 833; D.C. Official Code § 22-2705);

"(IV) Compelling an individual to live life of prostitution against the individual's will, as described in section 2 of an Act In relation to pandering, to define and prohibit the same and to provide for the punishment thereof, approved June 25, 1910 (36 Stat. 833; D.C. Official Code § 22-2706);

"(V) Procuring; receiving money or other valuable thing for arranging assignation, as described in section 3 of an Act In relation to pandering, to define and prohibit the same and to provide for the punishment thereof, approved June 25, 1910 (36 Stat. 833; D.C. Official Code § 22-2707);

"(VI) Causing spouse or domestic partner to live in prostitution, as described in section 4 of an Act In relation to pandering, to define and prohibit the same and to provide for the punishment thereof, approved June 25, 1910 (36 Stat. 833; D.C. Official Code § 22-2708);

"(VII) Detaining an individual in disorderly house for debt there contracted, as described in section 5 of an Act In relation to pandering, to define and prohibit the same and to provide for the punishment thereof, approved June 25, 1910 (36 Stat. 833; D.C. Official Code § 22-2709);

"(VIII) Procuring for house of prostitution, as described in section 6 of an Act In relation to pandering, to define and prohibit the same and to provide for the punishment thereof, approved January 3, 1941 (54 Stat. 1226; D.C. Official Code § 22-2710);

"(IX) Procuring for third persons, as described in section 7 of an Act In relation to pandering, to define and prohibit the same and to provide for the

punishment thereof, approved January 3, 1941 (54 Stat. 1226; D.C. Official Code § 22-2711); and

"(X) Operating house of prostitution, as described in section 8 of an Act In relation to pandering, to define and prohibit the same and to provide for the punishment thereof, approved January 3, 1941 (54 Stat. 1226; D.C. Official Code § 22-2712);

"(xxxii) Robbery, as described in section 810 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22-2801);

"(xxxiii) Attempt to commit robbery, as described in section 811 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22-2802);

"(xxxiv) First degree sexual abuse, as described in section 201 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3002);

"(xxxv) Second degree sexual abuse, as described in section 202 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3003);

"(xxxvi) Third degree sexual abuse, as described in section 203 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3004);

"(xxxvii) Fourth degree sexual abuse, as described in section 204 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3005);

"(xxxviii) Misdemeanor sexual abuse, as described in section 205 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3006);

"(xxxix) First degree child sexual abuse, as described in section 207 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3008);

"(xl) Second degree child sexual abuse, as described in section 208 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3009);

"(xli) First degree sexual abuse of a minor, as described in section 208a of the Anti-Sexual Abuse Act of 1994, effective April 24, 2007 (D.C. Law 16-306; D.C. Official Code § 22-3009.01);

"(xlii) Second degree sexual abuse of a minor, as described in section 208b of the Anti-Sexual Abuse Act of 1994, effective April 24, 2007 (D.C. Law 16-306; D.C. Official Code § 22-3009.02);

"(xliii) First degree sexual abuse of a secondary education student, as described in section 208c of the Anti-Sexual Abuse Act of 1994, effective October 23, 2010 (D.C. Law 18-239; D.C. Official Code § 22-3009.03);

"(xliv) Second degree sexual abuse of a secondary education student, as described in section 208d of the Anti-Sexual Abuse Act of 1994, effective October 23, 2010 (D.C. Law 18-239; D.C. Official Code § 22-3009.04);

"(xlv) Enticing a child or minor, as described in section 209 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3010);

"(xlvi) Misdemeanor sexual abuse of a child or minor, as described in section 209a of the Anti-Sexual Abuse Act of 1994, effective April 24, 2007 (D.C. Law 16-306; D.C. Official Code § 22-3010.01);

"(xlvii) Arranging for a sexual contact with a real or fictitious child, as described in section 209b of the Anti-Sexual Abuse Act of 1994, effective June 3, 2011 (D.C. Law 18-377; D.C. Official Code § 22-3010.02);

"(xlviii) First degree sexual abuse of a ward, patient, client, arrestee, detainee, or prisoner, as described in section 212 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3013);

"(xlix) Second degree sexual abuse of a ward, patient, client, arrestee, detainee, or prisoner, as described in section 213 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3014);

"(l) First degree sexual abuse of a patient or client, as described in section 214 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3015);

"(li) Second degree sexual abuse of a patient or client, as described in section 215 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3016);

"(lii) Sexual performances using minors, as described in section 3 of the District of Columbia Protection of Minors Act of 1982, effective March 9, 1983 (D.C. Law 4-173; D.C. Official Code § 22-3102);

"(liii) Stalking, as described in section 503 of the Omnibus Public Safety and Justice Amendment Act of 2009, effective December 10, 2009 (D.C. Law 18-88; D.C. Official Code § 22-3133);

"(liv) Threats to do bodily harm, as described in section 2 of An Act To confer concurrent jurisdiction on the police court of the District of Columbia in certain cases, approved July 16, 1912 (37 Stat. 193; D.C. Official Code § 22-407);

"(lv) Voyeurism, as described in section 105 of the Omnibus Public Safety Amendment Act of 2006, effective April 24, 2007 (D.C. Law 16-306; D.C. Official Code § 22-3531); and

"(lvi) Use, dissemination, or detonation of a weapon of mass destruction, as described in section 105 of the Omnibus Anti-Terrorism Act of 2002, effective October 17, 2002 (D.C. Law 14-194; D.C. Official Code § 22-3155).".

Sec. 412. Section 101 of the Address Confidentiality Act of 2018, effective July 3, 2018 (D.C. Law 22-118; D.C. Official Code § 4-555.01), is amended as follows:

(a) Paragraph (9) is amended by striking the phrase "section 103 or section 104 of the Prohibition Against Human Trafficking Amendment Act of 2010, effective October 23, 2010 (D.C. Law 18-239; D.C. Official Code § 22-1833 or § 22-1834)" and inserting the phrase "D.C. Official Code §§ 22A-1603, 22A-1604, and 22A-1605, or former section 103 or former section 104 of the Prohibition Against Human Trafficking Amendment Act of 2010, effective October 23, 2010 (D.C. Law 18-239; D.C. Official Code § 22-1833 or § 22-1834)" in its place.

(b) Paragraph (15) is amended to read as follows:

"(15) "Sexual offense" means any of the following offenses:

"(A) Incest, as described in D.C. Official Code § 22A-2308;

"(B) Sexual assault, as described in D.C. Official Code § 22A-2301;

"(C) Sexual abuse by exploitation, as described in D.C. Official Code § 22A-2303;

"(D) Nonconsensual sexual conduct, as described in D.C. Official Code § 22A-2307;

"(E) An attempt to commit any offense listed in subparagraphs (A)-(D) of this paragraph under D.C. Official Code § 22A-301; or

"(F) Any of the following offenses:

"(i) Incest, as described in former section 875 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1332; D.C. Official Code § 22–1901);

"(ii) First degree sexual abuse, as described in former section 201 of the Anti–Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10–257; D.C. Official Code § 22–3002) ("Act");

"(iii) Second degree sexual abuse, as described in former section 202 of the Act;

"(iv) Third degree sexual abuse, as described in former section 203 of the Act;

"(v) Fourth degree sexual abuse, as described in former section 204 of the Act;

"(vi) Misdemeanor sexual abuse, as described in former section 205 of the Act;

"(vii) First degree sexual abuse of a secondary education student, as described in former section 208c of the Act;

"(viii) Second degree sexual abuse of a secondary education student, as described in former section 208d of the Act;

"(ix) First degree sexual abuse of a ward, patient, client, or prisoner, as described in former section 212 of the Act;

"(x) Second degree sexual abuse of a ward, patient, client, or prisoner, as described in former section 213 of the Act;

"(xi) First degree sexual abuse of a patient or client, as described in former section 214 of the Act;

"(xii) Second degree sexual abuse of a patient or client, as described in former section 215 of the Act; or

"(xiii) An attempt to commit a sexual offense specified in sub-subparagraphs (ii) through (xii) of this subparagraph, as described in former section 217 of the Act.".

(c) Paragraph (16) is amended by striking the phrase "section 503" and inserting the phrase "D.C. Official Code § 22A-2801 or § 22A-2802, or former section 503" in its place.

Sec. 413. Section 2(42) of the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-751.01(42)), is amended by striking the phrase "false knuckles, as referenced in section 2 of An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 560; D.C. Official Code § 22-4502)," and inserting the phrase "false knuckles," in its place.

Sec. 414. Section 5(d) of the Medicaid Provider Fraud Prevention Amendments Act of 1984, effective March 16, 1985 (D.C. Law 5-193; D.C. Official Code § 4-804(d)), is amended by striking the phrase "prosecution pursuant to section 401 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Code, sec. 22-2511)." and inserting the phrase "prosecution pursuant to D.C. Official Code § 22A-4203." in its place.

Sec. 415. Section 102 of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2–22; D.C. Official Code § 4–1301.02), is amended as follows:

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

(1) Subparagraph (A)(ii)(I) is amended by striking the phrase "section 103(9) or (10) of the Trafficking Victims Protection Act of 2000, approved October 28, 2000 (114 Stat. 1469; 22 U.S.C. § 7102(9) or (10))" and inserting the phrase "section 103 (11) and (12) of the Trafficking Victims Protection Act of 2000, approved October 28, 2000 (114 Stat. 1469; 22 U.S.C. § 7102 (11) and (12)" in its place.

(2) Subparagraph (A)(ii)(III) is amended by striking the phrase "section 104 of the Prohibition Against Human Trafficking Amendment Act of 2010, effective October 23, 2010 (D.C. Law 18–239; D.C. Official Code § 22–1834))" and inserting the phrase "D.C. Official Code § 22A-2605" in its place.

(b) Paragraph (15A)(D) is amended by striking the phase "section 104 of the Prohibition Against Human Trafficking Amendment Act of 2010, effective October 23, 2010 (D.C. Law 18-239; D.C. Official Code § 22-1834)" and inserting the phrase "D.C. Official Code § 22A-2605" in its place.

Sec. 416. Section 2 of An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children, approved November 6, 1966 (80 Stat. 1354; D.C. Official Code § 4-1321.02), is amended as follows:

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

"(C) Child they know in their professional capacity for which they have been designated as a mandatory reporter has been, or is in immediate danger of being the victim of a "predicate crime" as defined in D.C. Official Code § 22A-2309, the victim of sexual abuse or attempted sexual abuse prohibited by the former Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3001 *et seq.*), or assisted, supported, caused, encouraged, commanded, enabled, induced, facilitated, or permitted to engage in a sexual act or sexual contact, as those terms are defined in D.C. Official Code § 22A-101 with another person in return for giving or receiving anything of value or to become a prostitute, as that term is defined in former section 2 of the Control of Prostitution and Sale of Controlled Substances in Public Places Criminal Control Act of 1981, effective December 10, 1981 (D.C. Law 4-57; D.C. Official Code § 22-2701.01(3)), make a report to the Child and Family Services Agency or the Metropolitan Police Department as described in section 3; or".

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

"(e) A person who violates this section shall not be prosecuted under D.C. Official Code § 22A-2309 or under provisions in former Title II-A of the Anti-Sexual Abuse Act of 1994, effective June 8, 2013 (D.C. Law 19-315; D.C. Official Code § 22-3020.51 *et seq.*).".

(c) Subsection (f) is amended to read as follows:

"(f) The Metropolitan Police Department shall immediately report or have a report made to the Child and Family Services Agency of any knowledge, information, or suspicion of a child engaging in or offering to engage in a sexual act or sexual contact, as those terms are defined in D.C. Official Code § 22A-101, in return for receiving anything of value.".

Sec. 417. Section 209 of the Child and Youth, Safety and Health Omnibus Amendment Act of 2004, effective April 13, 2005 (D.C. Law 15-353; D.C. Official Code § 4-1501.09), is amended by striking the phrase "subject to prosecution pursuant to section 404 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-

164; D.C. Official Code § 22-2405)." and inserting the phrase "subject to prosecution pursuant to D.C. Official Code § 22A-4207." in its place.

Sec. 418. Section 102 of the Millicent Allewelt Amendment Act of 2004, effective July 15, 2004 (D.C. Law 15-174; D.C. Official Code § 5-113.32), is amended as follows:

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

"(b) In open investigations of the following crimes, law enforcement agencies shall retain case jackets, crime scene examination case files, and any evidence collected during the course of the investigation for the length of each crime's statute of limitations:

"(1) Attempt, under D.C. Official Code § 22A-301, to commit either murder, under D.C. Official Code § 22A-2101, or manslaughter, under D.C. Official Code § 22A-2102;

"(2) First or second degree assault under D.C. Official Code § 22A-2203;

"(3) Third degree assault under D.C. Official Code § 22A-2203(h)(6)(B);

"(4) Assault on a law enforcement officer under D.C. Official Code § 22A-2204 that is committed by displaying or using what, in fact, is a dangerous weapon or imitation dangerous weapon, as those terms are defined in D.C. Official Code § 22A-101;

"(5) Burglary under D.C. Official Code § 22A-3801;

"(6) Sexual assault and sex offenses in Subchapter III of Chapter 2 of Title 22A of the District of Columbia Official Code, except for the crimes listed in D.C. Official Code § 23-113(a)(1)(B) through (E);

"(7) Any crime of violence, as that term is defined in D.C. Official Code § 23-1331(4), that is committed by displaying or using what, in fact, is a dangerous weapon or imitation dangerous weapon, as those terms are defined in § 22A-101;

"(8) Offenses formerly known as:

"(A) Assault with intent to kill;

"(B) Aggravated assault;

"(C) Assault on a police officer with a dangerous weapon;

"(D) Burglary;

"(E) Mayhem;

"(F) Malicious disfigurement;

"(G) Sexual abuse and sex offenses, except for the crimes listed in § 23-113(a)(1)(G) through (U); and

"(H) Any crime of violence, as that term was defined in former section 1 of An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe the rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22–4501) ("Act"), that is committed while armed, as described in former section 2 of the Act.".

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

"(f) In closed investigations of the following crimes, law enforcement agencies shall retain case jackets and crime scene examination case files for as long as evidence is preserved for

those investigations pursuant to the Innocence Protection Act of 2011, effective May 17, 2002 (D.C. Law 14-134; D.C. Official Code § 22-4131 *et seq.*):

"(1) Murder, under D.C. Official Code § 22A-2101, manslaughter, under D.C. Official Code § 22A-2102, or an attempt, under D.C. Official Code § 22A-301, to commit either offense;

"(2) Negligent homicide, under D.C. Official Code § 22A-2103;

"(3) First or second degree assault under D.C. Official Code § 22A-2203;

"(4) Third degree assault under D.C. Official Code § 22A-2203(h)(6)(B);

"(5) Assault on a law enforcement officer under D.C. Official Code § 22A-2204 that is committed by displaying or using what, in fact, is a dangerous weapon or imitation dangerous weapon, as those terms are defined in D.C. Official Code § 22A-101;

"(6) Burglary under D.C. Official Code § 22A-3801;

"(7) Sexual assault and sex offenses in Subchapter III of Chapter 2 of Title 22A of the District of Columbia Official Code;

"(8) Any crime of violence, as that term is defined in D.C. Official Code § 23-1331(4), that is committed by displaying or using what, in fact, is a dangerous weapon or imitation dangerous weapon, as those terms are defined in § 22A-101;

"(9) Offenses formerly known as:

"(A) Homicides;

"(B) Assault with intent to kill;

"(C) Aggravated assault;

"(D) Burglary;

"(E) Assault on a police officer with a dangerous weapon;

"(F) Mayhem;

"(G) Malicious disfigurement;

"(H) Sexual abuse and sex offenses; and

"(I) Any crime of violence, as that term was defined in former section 1 of An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe the rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22–4501) ("Act"), that is committed while armed, as described in former section 2 of the Act.".

Sec. 419. Section 101(a) of the School Safe Passage Emergency Zone Amendment Act of 2010, effective October 2, 2010 (D.C. Law 18-232; D.C. Official Code § 5-132.21(a)), is amended as follows:

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

"(1)(A) "Assault-related offense" means:

"(i) Assault or attempted assault under D.C. Official Code § 22A-2203 and § 22A-301;

"(ii) First or second degree criminal threats under D.C. Official Code § 22A-2205;

"(iii) Offensive physical contact under D.C. Official Code § 22A-2206; or

"(iv) Attempt, under D.C. Official Code § 22A-301, to commit any offense where the attempt includes an assault, attempted assault, or act threatening immediate bodily injury; or

"(v) A predicate offense, as that term is defined in D.C. Official Code § 22A-4304, criminal threats under D.C. Official Code § 22A-2205, the offense of stalking under D.C. Official Code § 22A-2802, or the offense of electronic stalking under D.C. Official Code § 22A-2802, when any such offense is committed against an official or employee while the official or employee is engaged in the performance of their duties or on account of the performance of those duties or against a family member of an official or employee on account of the performance of the official or employee's duties.

"(B) For the purposes of this paragraph, the term:

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

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

(b) Paragraph (6) is amended by striking the phrase "an assault-related offense, a crime of violence, or a dangerous crime" an inserting the phrase "an assault-related offense, a crime of violence, a dangerous crime, or an offense established in former section 803 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22-401), former section 804 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22-402), former section 805 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22-403), former section 806 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22-404), former section 806a of An Act To establish a code of law for the District of Columbia, effective August 20, 1994 (D.C. Law 10-151; D.C. Official Code § 22-404.01), former section 807 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22-406), former section 2 of An Act To confer concurrent jurisdiction on the police court of the District of Columbia in certain cases, approved July 16, 1912 (37 Stat. 193; D.C. Official Code § 22-407), or former section 106 of the Omnibus Public Safety Amendment Act of 2006, effective April 24, 2007 (D.C. Law 16-306; D.C. Official Code § 22-851)" in its place.

Sec. 420. Section 2 of the Prohibition on the Transfer of Firearms Act of 1995, effective September 22, 1995 (D.C. Law 11-50; D.C. Official Code § 5-133.16), is amended by striking the phrase "and section 18 of An Act to control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved February 20, 1952 (66 Stat. 8; D.C. Code § 22-3217)" and inserting the phrase "and D.C. Official Code § 22A-5119" in its place.

Sec. 421. Section 11712(a) of The National Capital Revitalization and Self-Government Improvement Act of 1997, approved August 5, 1997 (111 Stat. 782; D.C. Official Code § 5-133.17(a)), is amended as by striking the phrase "subsection (e) of this section (except that nothing in such an agreement may be construed to grant authority to the United States to prosecute violations of subsection (e))." and inserting the phrase "D.C. Official Code § 22A-5203 (except that nothing in such an agreement may be construed to grant authority to the United States to prosecute violations of D.C. Official Code § 22A-5203." in its place.

Sec. 422. Section 24(c) of the District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-223(c)), is amended by striking the phrase "in accordance with section 5 of An Act to control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Code § 22-3205)" and inserting the phrase "in accordance with D.C. Official Code § 22A-5102" in its place.

Sec. 423. Section 10(a) of An Act Providing for the zoning of the District of Columbia and the regulation of the location, height, bulk, and used of buildings and other structures and of the uses of land in the District of Columbia, and for other purposes, approved June 20, 1938 (52 Stat. 800; D.C. Official Code § 6–641.09(a)), is amended by striking the phrase "his assistants" and inserting the phrase "their assistants" in its place.

Sec. 424. Section 3(b) of An Act To relieve physicians of liability for negligent medical treatment at the scene of an accident in the District of Columbia, effective March 19, 2013 (D.C. Law 19-243; D.C. Official Code § 7-403(b)), is amended to read as follows:

"(b) The following offenses apply to subsection (a) of this section:

"(1) Unlawful possession of a controlled substance prohibited by section 401(d) of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48–904.01(d));

"(2) Possession of alcohol by persons under 21 years of age as prohibited by D.C. Official Code § 25-1002; and

"(3) Provided that the minor is at least 16 years of age and the provider is 25 years of age or younger:

"(A) Purchasing an alcoholic beverage for the purpose of delivering it to a person under 21 years of age as prohibited by D.C. Official Code § 25-785(a);

"(B) Contributing to the delinquency of a minor with regard to possessing or consuming alcohol or, without a prescription, a controlled substance as prohibited by D.C. Official Code § 22A-5601; and

"(C) The sale or delivery of an alcoholic beverage to a person under 21 years of age as prohibited by D.C. Official Code § 25-781(a)(1).".

Sec. 425. Section 8(d) of the Natural Death Act of 1981, effective February 25, 1982 (D.C. Law 4-69; D.C. Official Code § 7-627(d)), is amended by striking the phrase "pursuant to section 798" and inserting the phrase "pursuant to D.C. Official Code § 22A-2101 or former section 798" in its place.

Sec. 426. Section 103(24B) of the Citizens with Intellectual Disabilities Constitutional Rights and Dignity Act of 1978, effective March 3, 1979 (D.C. Law 2-137; D.C. Official Code § 7-1301.03(24B)), is amended to read as follows:

"(24B) "Sex offenses" means offenses proscribed in Subchapter III of Chapter 2 of Title 22A of the District of Columbia Official Code or offenses proscribed in the former Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10–257; D.C. Official Code § 22–3001 *et seq.*), but does not include any offense described in section 17(b) of the Sex Offender Registration Act of 1999, effective July 11, 2000 (D.C. Law 13–137; D.C. Official Code § 22–4016(b)).".

Sec. 427. Section 2 of the Adult Protective Services Act of 1984, effective March 14, 1985 (D.C. Law 5-156; D.C. Official Code § 7-1901), is amended as follows:

(a) Paragraph (1)(A)(ii) is amended by striking the phrase ""sexual conduct," defined in D.C. Code, sec. 22-2011(5)" and inserting the phrase "an actual or simulated sexual act, as those terms are defined in D.C. Official Code § 22A-101, a sexual or sexualized display of the genitals, pubic area, or anus, when there is less than a full opaque covering, as prohibited in D.C. Official Code §§ 22A-2805 through 22A-2810, sadomasochistic abuse, as that term is defined in D.C. Official Code § 22A-101, or masturbation" in its place.

(b) Paragraph (8) is amended by striking the phrase ""property," defined in D.C. Code, sec. 22-3801" and inserting the phrase "property, as defined in D.C. Official Code § 22A-101" in its place.

Sec. 428. Section 302(b)(1)(B) of the Disability Services Reform Amendment Act of 2018, effective May 5, 2018 (D.C. Law 22-93; D.C. Official Code § 7-2132(b)(1)(B)), is amended to read as follows:

"(B) The individual is or has been convicted of any of the following criminal offenses, or their equivalent in any other state or territory, within 7 years before entering the supported decision-making agreement:

"(i) Any sexual offense prohibited in Subchapter III of Chapter 2 of Title 22A of the District of Columbia Official Code, where the victim was a child, elderly individual, or a person with a disability, or former Title II of the Anti–Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10–257; D.C. Official Code § 22–3002 *et seq.*), where the victim was a child, elderly individual, or person with a disability;

"(ii) Assault in the first or second degree as described in D.C. Official Code § 22A-2203, where the victim was a child, elderly individual, or a person with a disability, or aggravated assault, as described in former section 806a of An Act To establish a code of law for the District of Columbia, effective August 20, 1994 (D.C. Law 10–151; D.C. Official Code § 22–404.01), where the victim was a child, elderly individual, or person with a disability;

"(iii) Fraud, as described in D.C. Official Code § 22A-3301 or former section 121 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-3221);

"(iv) Theft in the first, second, or third degree as described in D.C. Official Code § 22A-3201 or theft in the first degree, as described in former section 112(a) of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4–164; D.C. Official Code § 22–3212(a));

"(v) Forgery, as described in D.C. Official Code § 22A-3304 or former section 141 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4–164; D.C. Official Code § 22–3241); or

"(vi) Extortion, as described in D.C. Official Code § 22A-3401 or former section 151 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4–164; D.C. Official Code § 22–3251).".

Sec. 429. Section 3(c) of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2302(c)), is amended by striking the phrase "an act of terrorism, as that term is defined in 102(1) of the Anti-Terrorism Act of 2002, passed on 2nd reading on May 7, 2002 (Enrolled version of Bill 14-373)" and inserting the phrase "conduct that constitutes an offense under D.C. Official Code § 22A-2701 or D.C. Official Code § 22A-2702" in its place.

Sec. 430. The Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01 *et seq.*), is amended as follows:

(a) Section 203(a) (D.C. Official Code § 7-2502.03(a)) is amended as follows:

(1) Paragraph (4) is amended to read as follows:

"(4) Has not been convicted within 5 years prior to the application of any:

"(A) Violation in any jurisdiction of any law restricting the use, possession, or sale of any narcotic or dangerous drug;

"(B) Violation of assault under D.C. Official Code § 22A-2203, criminal threats under § 22A-2205 involving threats to do bodily harm, offensive physical contact under D.C. Official Code § 22A-2206, violation of former § 22-404 regarding assault and threats or former § 22-407 regarding threats to do bodily harm, or violation of any similar provision of the law of another jurisdiction;

"(C) Two or more violations of D.C. Official Code § 50-2201.05(b), or, in this or any other jurisdiction, any law restricting driving under the influence of alcohol or drugs;

"(D) Intrafamily offense punishable as a misdemeanor, including any similar provision in the law of another jurisdiction;

"(E) Misdemeanor violation pursuant to section 702 or section 706;

"(F) Violation of D.C. Official Code § 22A-2801 or former section 503 of the Omnibus Public Safety and Justice Amendment Act of 2000, effective December 10, 2009 (D.C. Law 18-88; D.C. Official Code § 22-3133); or

"(G) Violation of an extreme risk protection order pursuant to section 1011;".

(2) Paragraph (9) is amended to read as follows:

"(9) Is not otherwise ineligible to possess a firearm under D.C. Official Code § 22A-5107;".

(b) Section 204(c) (D.C. Official Code § 7-2502.04(c)) is amended by striking the phrase "in accordance with section 4b of An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, passed on 2nd reading on December 16, 2008 (Enrolled version of Bill 17-843)" and inserting the phrase "in accordance with D.C. Official Code § 22A-5111" in its place.

(c) Section 205(c) (D.C. Official Code § 7-2502.05(c)) is amended by striking the phrase "penalty of perjury pursuant to section 401 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-2402)." and inserting the phrase "penalty of perjury pursuant to D.C. Official Code § 22A-4203." in its place.

(d) Section 211 (D.C. Official Code § 7-2502.11) is amended by striking the phrase "section 401 of the District of Columbia Theft and White Collar Crimes Act of 1982 (D.C. Code, sec. 22-2511)" and inserting the phrase "D.C. Official Code § 22A-4203" in its place.

(e) Section 409 (D.C. Official Code § 7-2504.09) is amended by striking the phrase "section 401 of the District of Columbia Theft and White Collar Crimes Act of 1982 (D.C. Code, sec. 22-2511)" and inserting the phrase "D.C. Official Code § 22A-4203" in its place.

(f) Section 504(e)(7) (D.C. Official Code § 7-2505.04(e)(7)) is amended by striking the phrase "in accordance with section 4b of An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to

prescribe rules of evidence, and for other purposes, passed on 2nd reading on December 16, 2008 (Enrolled version of Bill 17-843)" and inserting the phrase "in accordance with D.C. Official Code § 22A-5111" in its place.

(g) Section 705(a)(3) (D.C. Official Code § 7-2507.05(a)(3)) is amended by striking the phrase "in accordance with section 4b of An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, passed on 2nd reading on December 16, 2008 (Enrolled version of Bill 17-843)" and inserting the phrase "in accordance with D.C. Official Code § 22A-5111" in its place.

(h) Section 706a (D.C. Official Code § 7-2507.06a) is amended to read as follows:

"Sec. 706a. Seizure and forfeiture of conveyances.

"Any conveyance in which a person or persons transport, possess, or conceal any firearm, or in any manner use to facilitate a violation of section 202 or D.C. Official Code § 22A-5107, § 22A-5104, or § 22A-5106, is subject to forfeiture pursuant to the standards and procedures set forth in the Civil Asset Forfeiture Amendment Act of 2014, effective June 15, 2015 (D.C. Law 20-278; D.C. Official Code § 41-301 *et seq.*).".

(i) Section 801(3) (D.C. Official Code § 7-2508.01(3)) is amended to read as follows:

"(3) "Gun offense" means:

"(A) A conviction for the sale, purchase, transfer, receipt, acquisition, possession, use, manufacture, carrying, transportation, registration, or licensing of a firearm under Subchapter I of Chapter 5 of Title 22A of the District of Columbia Official Code or the former An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4501 *et seq.*), or an attempt or conspiracy to commit any of the foregoing offenses;

"(B) A conviction for violating section 201a, section 401, section 501, former section 201, or former section 601, or an attempt or conspiracy to commit any of the foregoing offenses;

"(C) A conviction for a firearms-related violation of the provisions in assault (D.C. Official Code § 22A-2203), first degree or second degree criminal threats (D.C. Official Code § 22A-2205), correctional facility contraband (D.C. Official Code § 22A-4403), carjacking (D.C. Official Code § 22A-2202 or former section 811a(b) of An Act To establish a code of law for the District of Columbia, effective May 8, 1993 (D.C. Law 9-270; D.C. Official Code § 22-2803(b))), former section 804 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22-402) (assault with a dangerous weapon), or former section 3 of An Act To prohibit the introduction of contraband into the District of Columbia penal institutions, approved December 15, 1941 (55 Stat. 800; D.C. Official Code § 22-2603.02) (unlawful possession of contraband); or

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

(j) Section 902(e) (D.C. Official Code § 7-2509.02(e)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase "section 6 of the Pistols and Other Dangerous Weapons Act" and inserting the phrase "D.C. Official Code § 22A-5112" in its place.

(2) Paragraph (2) is amended by striking the phrase "section 401 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-2402)" and inserting the phrase "D.C. Official Code § 22A-4203" in its place.

Sec. 431. Section 15(b) of An Act To regulate the importation of nursery stock and other plants and plant products; to enable the Secretary of Agriculture to establish and maintain quarantine districts for plant diseases and insect pests; to permit and regulate the movement of fruits, plants, and vegetables therefrom, and for other purposes, approved August 20, 1912 (37 Stat. 318; D.C. Official Code § 8-304(b)), is amended to read as follows:

"(b) It shall be the duty of the Secretary of Agriculture, and he is hereby required, from time to time, to make and promulgate such rules and regulations as shall be necessary to carry out the purposes of this section.".

Sec. 432. An Act To revise and modernize the fish and game laws of the District of Columbia, and for other purposes, approved August 23, 1958 (72 Stat. 814; D.C. Official Code § 8-2221.28 *et seq.*), is amended as follows:

(a) Section 3(a) (D.C. Official Code § 8-2221.30(a)) is amended by striking the phrase "District of Columbia Council" and inserting the phrase "Council of the District of Columbia" in its place.

(b) Section 4(b) (D.C. Official Code § 8-221.31(b)) is amended by striking the phrase "Corporation Counsel or any Assistant Corporation Counsel" and inserting the phrase "Attorney General for the District of Columbia or any Assistant Attorney General for the District of Columbia" in its place.

Sec. 433. An Act To define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes, approved July 31, 1946 (60 Stat. 721; D.C. Official Code § 10-503.11 *et seq.*), is amended as follows:

(a) Section 6(c) (D.C. Official Code § 10-503.16(c)) is amended by striking the word "his" and inserting the word "their" in its place.

(b) Section 16(a)(3) (D.C. Official Code § 10-503.26(3)) is amended by striking the phrase "enumerated in section 14(a) of the Act of July 8, 1932 (47 Stat. 654, as amended; D.C. Code 22-3214(a))" and inserting the phrase "enumerated in the definition of "dangerous weapon" in D.C. Official Code § 22A-101" in its place.

Sec. 434. Chapter 3 of Title 14 of the District of Columbia Official Code is amended to read as follows:

(a) Section 14-307 is amended as follows:

(1) Subsection (b)(4) is amended by striking the phrase "section 203a" and inserting the phrase "D.C. Official Code § 22A-3308 or former section 203a" in its place.

(2) Subsection (c)(2) is amended by striking the phrase "Chapter 30 of Title 22 and inserting the phrase "Subchapter III of Chapter 2 of Title 22A" in its place.

(b) Section 14-311(a)(3) is amended to read as follows:

"(3) "Human trafficking offense" means:

"(A) First degree kidnapping (§ 22A-2401(a)(3)(E)); forced labor (§ 22A-2601); forced commercial sex (§ 22A-2602); trafficking in labor (§ 22A-2603); trafficking in forced commercial sex (§ 22A-2604); trafficking in commercial sex (§ 22A-5403); sex trafficking of a minor or adult incapable of consenting (§ 22A-2605); benefiting from human trafficking (§ 22A-2606); misuse of documents in furtherance of human trafficking (§ 22A-2607); commercial sex with a trafficked person (§ 22A-2608); creating or trafficking an obscene image of a minor (§ 22A-2807); possession of obscene image of a minor (§ 22A-2808); arranging a live sexual performance of a minor (§ 22A-2809); attending or viewing a live sexual performance of a minor (§ 22A-2810); or trafficking in commercial sex (§ 22A-5403); or

"(B) Abducting or enticing a child from his or her home for purposes of prostitution (former § 22-2704); harboring such child (former § 22-2704); pandering (former § 22-2705); inducing or compelling an individual to engage in prostitution (former § 22-2705); compelling an individual to live life of prostitution against his or her will (former § 22-2706); causing spouse to live in prostitution (former § 22-2708); sexual performance using minors (former § 22-3102); forced labor (former § 22-1832); trafficking in labor or commercial sex (former § 22-1833); sex trafficking of children (former § 22-1834); unlawful conduct with respect to documents in furtherance of human trafficking (former § 22-1835; or benefiting financially from human trafficking(former § 22-1836).".

(c) Section 14-312 is amended as follows:

(1) Subsection (a)(5) is amended to read as follows:

"(5) "Sexual assault" shall have the same meaning as provided in § 23-1907(9).".

(2) Subsection (b)(5)(B) is amended to read as follows:

"(B) A perpetrator or alleged perpetrator who is in a position of trust with or authority over, as defined in D.C. Official Code § 22A-101, the sexual assault victim, or, if the confidential communication was made prior to the applicability date of the Revised Criminal Code Reform Act of 2022, passed on 2nd reading on November 15, 2022 (Enrolled version of Bill 24-416), in a significant relationship, as that term was defined in former § 22-3001(10), with the sexual assault victim; or".

Sec. 435. Title 16 of the District of Columbia Official Code is amended as follows:

(a) Section 16-710(c) is amended by striking the phrase "the provisions of section 907A of An Act To establish a code of law for the District of Columbia, approved July 29, 1970 (84 Stat. 599; D.C. Code, sec. 22-104a)" and inserting the phrase "the provisions of D.C. Official Code § 22A-606 or section 907a of An Act To establish a code of law for the District of Columbia, approved July 29, 1970 (84 Stat. 599; D.C. Official Code § 22-1804a)" in its place.

(b) Section 16-801(9) is amended as follows:

"(9) "Ineligible misdemeanor" means:

"(A) An intrafamily offense, as that term is defined in § 16-1001(8);

"(B) Driving while intoxicated, driving under the influence, and operating while impaired (§ 50-2201.05);

"(C) A misdemeanor offense for which sex offender registration is required pursuant to Chapter 40 of Title 22, whether or not the registration period has expired;

"(D) Second or third degree criminal neglect of a vulnerable adult or elderly person (§ 22A-2504), or criminal abuse of a vulnerable adult (former § 22-936(a));

"(E) Interfering with access to a medical facility (§ 22-1314.02);

"(F) Second degree possession of a firearm by an unauthorized person (§ 22A-5107) or possession of a pistol by a convicted felon (former § 22-4503(a)(2));

"(G) Failure to report child abuse (§ 4-1321.07);

"(H) Second or third degree criminal neglect of a minor (§ 22A-2502) or refusal or neglect of guardian to provide for child under 14 years of age (former § 22-1102);

"(I) Breach of home privacy (§ 22A-5205);

"(J) Nonconsensual sexual conduct (§ 22A-2307) or misdemeanor sexual abuse (former § 22-3006);

"(K) Violating the Sex Offender Registration Act (§ 22-4015);

"(L) Violating child labor laws (§§ 32-201 through 32-224);

"(M) Election/Petition fraud (§ 1-1001.08);

"(N) Public assistance fraud (§§ 4-218.01 through 4-218.05);

"(O) Trademark counterfeiting (§ 22A-3310) or trademark counterfeiting (former § 22-902(b)(1));

"(P) Fourth or fifth degree fraud (§§ 22A-3301(d), 22A-3301(e)) or fraud in the second degree (former § 22-3222(b)(2));

"(Q) Fourth or fifth degree payment card fraud (§ 22A-3302(d), 22A-3302(e)) or credit card fraud (former § 22-3223(d)(2));

"(R) Misdemeanor insurance fraud (§ 22-3225.03a);

"(S) Attempted insurance fraud (§§ 22-1803, 22-3225.02, 22-3225.03);

"(T) Telephone fraud (§§ 22-3226.06, 22-3226.10(3));

"(U) Attempted telephone fraud (§§ 22-1803, 22-3226.06, 22-3226.10);

"(V) Fourth or fifth degree identity theft (§ 22A-3305) or second degree identity theft (former §§ 22-3227.02 and 22-3227.03(b));

"(W) Fraudulent statements or failure to make statements to employee (§ 47-4104);

"(X) Fraudulent withholding information or failure to supply information to employer (§ 47-4105);

"(Y) Fraud and false statements (§ 47-4106);

"(Z) False statement/dealer certificate (§ 50-1501.04(a)(3));

"(AA) False information/registration (§ 50-1501.04(a)(3));

"(BB) No school bus driver's license (18 DCMR § 1305.1);

"(CC) False statement on Department of Motor Vehicles document (18 DCMR § 1104.1);

"(DD) No permit--2nd or greater offense (§ 50-1401.01(d));

"(EE) Altered title (18 DCMR § 1104.3);

"(FF) Altered registration (18 DCMR § 1104.4);

"(GG) No commercial driver's license (§ 50-405);

"(HH) A violation of building and housing code regulations;

"(II) A violation of the Public Utility Commission regulations; and

"(JJ) Attempt or conspiracy to commit any of the foregoing offenses (§§ 22-1803, 22-1805a, 22A-301, 22A-303).".

(c) Section 16-1003 is amended as follows:

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

(A) Paragraph (3) is amended by striking the phrase "§ 22–1833" and inserting the phrase "§§ 22A-2603 and 22A-2604" in its place.

(B) Paragraph (4) is amended by striking the phrase "§ 22–1834" and inserting the phrase "§ 22A-2605" in its place.

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

(A) Paragraph (2) is amended by striking the phrase "does not have a significant relationship, as that term is defined in § 22-3001(10),"and inserting the phrase "is not in a position of trust with or authority over, as that term is defined in § 22A-101," in its place.

(B) Paragraph (3) is amended by striking the phrase "§ 22–1834" and inserting the phrase "§ 22A-2605" in its place.

(d) Section 16-1005 is amended as follows:

(1) Subsection (f) is repealed.

(2) Subsection (g) is repealed.

(e) Section 16-1042(b) is amended by striking the phrase "under § 16-1005(f) or (g)" and inserting the phrase "under § 16-1005a or former § 16-1005(f) of (g)" in its place.

(f) Section 16-1061(7) is amended by striking the phrase "§ 22-3133" and inserting the phrase "§§ 22A-2801 and § 22A-2802" in its place.

(g) Section 16-2301 is amended as follows:

(1) Paragraph (3)(A) is amended by striking the phrase "murder, first degree sexual abuse, burglary in the first degree, robbery while armed, or assault with intent to commit

any such offense" and inserting the phrase "murder under 22A-2101, first degree sexual assault under 22A-2301, burglary in the first degree under 22A-2801, robbery under 22A-2201 committed by displaying or using, what, in fact, is a dangerous weapon or imitation dangerous weapon, as defined in 22A-101, an attempt, under 22A-301, to commit any such offense where the attempt includes an assault, attempted assault, or act threatening immediate bodily injury, or the offenses formerly known as assault with intent to kill, first degree sexual abuse, or robbery while armed;" in its place.

(2) Paragraph (23)(B)(i)(VI) is amended by striking the phrase "means a firearm, a knife, or any of the prohibited weapons described in § 22-4514" and inserting the phrase "shall have the same meaning as provided in § 22A-101" in its place.

(3) Paragraph (25) is amended to read as follows:

"(25) The term "sexual exploitation" means a parent, guardian, or other custodian:

"(A) Allows a child to engage in conduct constituting prostitution as described in § 22A-5401; or

"(B) Engages a child in or allows a child to engage in conduct constituting:

"(i) Creating or trafficking an obscene image of a minor (§ 22A-2807);

"(ii) Possession of an obscene image of a minor (§ 22A-2808);

"(iii) Arranging a live sexual performance of a minor (§ 22A-2809); or

"(iv) Attending or viewing a live sexual performance of a minor (§ 22A-2810).".

(4) Paragraph (34) is amended by striking the phrase "section 101(8) of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3001(8))" and inserting the phrase "§ 22A-101" in its place.

(5) Paragraph (35) is amended by striking the phrase "section 101(9) of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3001(9))" and inserting the phrase "§ 22A-101" in its place.

(6) Paragraph (46) is amended by striking the phrase "shall have the same meaning as provided in § 22-2603.01(6)" and inserting the phrase "means any penitentiary, prison, jail, or secure facility owned, operated, or under the control of the Department of Corrections, whether located within the District of Columbia or elsewhere" in its place.

(h) Section 16-2305.02(a)(2) is amended by striking the phrase "as defined in section 1(f) of An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Code § 22-3201(f))," and inserting the phrase ", as defined in § 23-1331(4)," in its place.

(i) Section 16-2307(e-2)(1) is amended by striking the phrase "murder, first degree sexual abuse, burglary in the first degree, robbery while armed, or assault with intent to commit any

such offense" and inserting the phrase "murder under 22A-2101, first degree sexual assault under 22A-2301, burglary in the first degree under 22A-2801, robbery under 22A-2201 committed by displaying or using, what, in fact, is a dangerous weapon or imitation dangerous weapon, as defined in 22A-101, an attempt, under 22A-301, to commit any such offense where the attempt includes an assault, attempted assault, or act threatening immediate bodily injury, or the offenses formerly known as assault with intent to kill, first degree sexual abuse, or robbery while armed" in its place.

(j) Section 16-2309(a)(3) is amended by striking the phrase ", as defined in section 101(8) of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3001(8)), or sexual contact, as defined in section 101(9) of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3001(9))" and inserting the phrase "or sexual contact, as those terms are defined in § 22A-101" in its place.

(k) Section 16-2310 is amended as follows:

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

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

(i) Subparagraph (A) is amended by striking the phrase "while armed with or having readily available a pistol, firearm, or imitation firearm" and inserting the phrase "by using or displaying what is, in fact, a pistol, firearm, or imitation firearm as defined in § 22A-101" in its place.

(ii) Paragraph (B) is amended by striking the phrase "CPWL, carrying a pistol without a license" and inserting the phrase "first or second degree carrying a dangerous weapon under § 22A-5104 or carrying a pistol without a license under former § 22-4504" in its place.

(B) Paragraph (2)(A) is amended by striking the phrase "Chapter 27 of Title 22 (Prostitution, Pandering)" and inserting the phrase "Subchapter IV of Chapter 5 of Title 22A, § 22A-2401(a)(3)(E)); § 22A-2602, § 22A-2605, § 22A-5403, or former Chapter 27 of Title 22" in its place.

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

(A) Paragraph (1)(B) is amended by striking the phrase "murder, assault with intent to kill, first degree sexual abuse, burglary in the first degree, or robbery while armed" and inserting the phrase "murder under 22A-2101, an attempt, under 22A-301, to commit either murder under 22A-2101 or voluntary manslaughter under 22A-2102, first degree sexual assault under 22A-2301, burglary in the first degree under 22A-2801, or robbery under 22A-2201 committed by displaying or using, what, in fact, is a dangerous weapon or imitation dangerous weapon, as defined in 22A-101, or the offenses formerly known as assault with intent to kill, first degree sexual abuse, or robbery while armed;" in its place.

(B) Paragraph (2)(B)(i) is amended by striking the phrase "murder, assault with intent to kill, or first degree sexual abuse" and inserting the phrase "murder, attempted

voluntary manslaughter, first degree sexual assault, assault with intent to kill under former D.C. Code § 22-401, or first degree sexual abuse under former Chapter 30 of Title 22" in its place.

(l) Section 16-2311(a)(4) is amended by striking the phrase ", as defined in section 101(8) of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3001(8)), or sexual contact, as defined in section 101(9) of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3001(9))" and inserting the phrase "or sexual contact, as those terms are defined in § 22A-101" in its place.

(m) Section 16-2320(d)(1) is amended by striking the phrase "as defined in § 22-2603.01(7)" and inserting the phrase "which means a locked residential facility providing custody, supervision, and care for one or more juveniles that is owned, operated, or under the control of the Department of Youth Rehabilitation Services, excluding residential treatment facilities and accredited hospitals" in its place.

(n) Section 16-2331(h)(1)(D) is amended to read as follows:

"(D) Theft in the first, second, or third degree under § 22A-3202 where the property obtained or used is a motor vehicle (as defined in § 22A-101), or theft in the first degree under former § 22-3211 where the property obtained or used is a motor vehicle (as defined in former § 22-3215(a));".

(o) Section 16-2332(g)(1)(D) is amended to read as follows:

"(D) Theft in the first, second, or third degree under § 22A-3202, where the property obtained or used is a motor vehicle (as defined in § 22A-101), or theft in the first degree under former section 22-3211, where the property obtained or used is a motor vehicle (as defined in former § 22-3215(a));".

(p) Section 16-2333(e)(3) is amended to read as follows:

"(3) The information shall be available only regarding:

"(A) A juvenile who has been adjudicated delinquent of a crime of violence (as defined in section 23-1331(4)), any felony offense under Subchapter I of Chapter 5 of Title 22A (weapons offenses and related provisions), any felony offense under former Chapter 45 of Title 22 (weapons), or any felony offense under Chapter 25 of Title 7 (Firearms Control);

"(B) A juvenile who has been adjudicated delinquent 2 or more times of:

"(i) A dangerous crime (as defined in section 23-1331(3)) that is not included in subparagraph (A) of this paragraph;

"(ii) Unauthorized use of a vehicle;

"(iii) Theft in the first, second, or third degree (as proscribed in § 22A-3201(a)-(c)), where the property obtained or used is a motor vehicle, or theft in the first degree (as proscribed in former § 22–3212(a)), where the property obtained or used is a motor vehicle (as defined in § 22A-101);

"(iv) Third degree assault (as proscribed in § 22A-2203) or assault as proscribed in former § 22–404(a)(2)); or

"(v) Any combination thereof; and

"(C) An adult offender (including a juvenile tried as an adult under this chapter) convicted of a felony, or of misdemeanor assault, offensive physical contact, or first degree or second degree criminal threats; provided, that no more than 3 years have lapsed between the completion of his or her juvenile sentence and the adult conviction.".

(q) Section 16-2333.02 is amended as follows:

(1) Subsection (b)(2)(A) is amended by striking the phrase "assault with intent to kill, or assault with a deadly weapon (firearm)" and inserting the phrase "attempted murder or voluntary manslaughter, assault with intent to kill, criminal threats committed by using or displaying a firearm, or assault with a deadly weapon (firearm)" in its place.

(2) Subsection (b)(2)(C) is amended by striking the phrase "assault with intent to kill, or assault with a deadly weapon" and inserting the phrase "attempted murder or voluntary manslaughter, assault with intent to kill, criminal threats committed by using or displaying a firearm, or assault with a deadly weapon (firearm)" in its place.

(3) Subsection (d)(3)(A) is amended by striking the phrase "assault with intent to kill, or assault with a deadly weapon" and inserting the phrase "attempted murder or voluntary manslaughter, assault with intent to kill, criminal threats committed by using or displaying a firearm, or assault with a deadly weapon (firearm)" in its place.

(r) Section 16-4205(a)(3) is amended to read as follows:

"(3) A threat or statement of a plan to inflict bodily injury as defined by § 22A-2205(a)-(b), or commit a crime of violence as defined by § 23-1331(4).".

(s) Section 16-4901(b) is amended by striking the phrase "§§ 22-3241 and 22-3242" and inserting the phrase "§ 22A-3304" in its place.

(t) Section 16-5501(4) is amended by striking the phrase "§ 22-3227.01(3)" and inserting the phrase "§ 22A-101" in its place.

Sec. 436. Section 20-108.01(c) of the District of Columbia Official Code is amended by striking the phrase "section 122 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; § 22-3822)" and inserting the phrase "D.C. Official Code § 22A-3301" in its place.

Sec. 437. Title I of the Omnibus Public Safety Amendment Act of 2006, effective April 24, 2007 (D.C. Law 16-306; D.C. Official Code *passim*), is amended as follows:

(a) Section 101(e)(2) (D.C. Official Code § 22-951(e)(2)) is amended to read as follows:

"(2) "Violent misdemeanor" means:

"(A) Fourth degree assault (D.C. Official Code § 22A-2203(d));

"(B) Second degree criminal threats (D.C. Official Code § 22A-2205(b));

"(C) Offensive physical contact (D.C. Official Code § 22A-2206);

"(D) Second degree or third degree criminal neglect of a vulnerable adult or elderly person (D.C. Official Code § 22A-2504(b)-(c));

"(E) Stalking or electronic stalking (D.C. Official Code § 22A-2801 or § 22A-2802);

"(F) Fourth degree or fifth degree criminal damage to property (D.C. Official Code § 22A-3603(d)-(e));

"(G) Second degree possession of a dangerous weapon with intent to commit a crime (D.C. Official Code § 22A-5105(b)); and

"(H) Cruelty to animals (section 1(a) of Chapter 106 of the Acts of the Legislative Assembly, adopted August 23, 1871 (D.C. Official Code § 22-1001(a)).".

(b) Section 102 (D.C. Official Code § 22-3611) is amended as follows:

(1) Subsection (a) is amended by striking the phrase "a crime of violence" and inserting the phrase "gang recruitment, participation, or retention by the use or threatened use of force, coercion, or intimidation in violation of section 101" in its place.

(2) Subsection (c)(2) is repealed.

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

"(d) The penalty provisions under this section shall not apply to any offense classified under D.C. Official Code § 22A-601.".

Sec. 438. Section 11(b) of Chapter 106 of the Acts of the Legislative Assembly, adopted August 23, 1871 (D.C. Official Code § 22-1012(b)), is amended by striking the phrase "and section 3 of An act for the preservation of the public peace and protection of property within the District of Columbia, approved July 29, 1892 (27 Stat. 322; D.C. Official Code § 22-1309), shall" and inserting the word "shall" in its place.

Sec. 439. Section 1 of An Act To prevent the giving of false alarms of fires in the District of Columbia, approved June 8, 1906 (34 Stat. 220; D.C. Official Code § 22–1319), is amended as follows:

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

(1) Paragraph (1) is amended by striking the phrase "section 102(12) of the Anti-Terrorism Act of 2002, passed on 2nd reading on May 7, 2002 (Enrolled version of Bill 14-373)" and inserting the phrase "D.C. Official Code § 22A-101" in its place.

(2) Paragraph (2) is amended is by striking the phrase "section 102(3) of the Anti-Terrorism Act of 2002, passed on 2nd reading on May 7, 2002 (Enrolled version of Bill 14-373)" and inserting the phrase "D.C. Official Code § 22A-101" in its place.

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

(1) Paragraph (1) is amended by striking the phrase "section 102(12) of the Anti-Terrorism Act of 2002, passed on 2nd reading on May 7, 2002 (Enrolled version of Bill 14-373)" and inserting the phrase "D.C. Official Code § 22A-101" in its place.

(2) Paragraph (2) is amended by striking the phrase "section 102(3) of the Anti-Terrorism Act of 2002, passed on 2nd reading on May 7, 2002 (Enrolled version of Bill 14-373)" and inserting the phrase "D.C. Official Code § 22A-101" in its place.

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

(1) Paragraph (1) is amended by striking the phrase "section 102(12) of the Anti-Terrorism Act of 2002, passed on 2nd reading on May 7, 2002 (Enrolled version of Bill 14-373)" and inserting the phrase "D.C. Official Code § 22A-101" in its place.

(2) Paragraph (2) is amended by striking the phrase "section 102(3) of the Anti-Terrorism Act of 2002, passed on 2nd reading on May 7, 2002 (Enrolled version of Bill 14-373)" and inserting the phrase "D.C. Official Code § 22A-101" in its place.

Sec. 440. An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1189; D.C. Official Code *passim*), is amended as follows:

(a) Section 906 (D.C. Official Code § 22-1803) is amended by striking the phrase "or both." and inserting the phrase "or both. This section shall not apply to any offense classified under D.C. Official Code § 22A-601." in its place.

(b) Section 907 (D.C. Official Code § 22-1804) is amended by adding a new subsection (c) to read as follows:

"(c) This section shall not apply to any offense classified under D.C. Official Code § 22A-601.".

(c) Section 907a (D.C. Official Code § 22-1804a) is amended as follows:

(1) Subsection (a)(2) is amended by striking the phrase "section 1 of An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4501)" and inserting the phrase "D.C. Official Code § 22-1331(4)" in its place.

(2) Subsection (b)(2) is amended by striking the phrase "section 1 of An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4501)" and inserting the phrase "D.C. Official Code § 22-1331(4)" in its place.

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

"(f) This section shall not apply to any offense classified under D.C. Official Code § 22A-601.".

(d) Section 908 (D.C. Official Code § 22-1805) is amended by striking the phrase "punishment may be." and inserting the phrase "punishment may be. This section shall not apply to any offense classified under D.C. Official Code § 22A-601." in its place.

(e) Section 908A (D.C. Official Code § 22-1805a) is amended by adding a new subsection (e) to read as follows:

"(e) This section shall not apply to any offense classified under D.C. Official Code § 22A-601.".

Sec. 441. Title I the Prohibition Against Human Trafficking Amendment Act of 2010, effective October 23, 2010 (D.C. Law 18-239; D.C. Official Code § 22-1831 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 22-1831) is amended as follows:

(1) Paragraph (4) is amended to read as follows:

"(4) "Commercial sex act" means any sexual act or sexual contact on account of which or for which anything of value is given to, promised to, or received by any person. The term "commercial sex act" includes a violation of D.C. Official Code §§ 22A-2402(a)(3)(E), 22A-2602, 22A-2605, 22A-2613, 22A-5401, 22A-5402, and 22A-5403, the Drug-Related Nuisance Abatement Act of 1998, effective March 26, 1999 (D.C. Law 12-194; D.C. Official Code § 42-3101 *et seq.*), former section 1 of An Act For the suppression of prostitution in the District of Columbia, approved August 15, 1935 (49 Stat. 651; D.C. Official Code § 22–2701 *et seq.*), former section 813 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22–2704), former An Act In relation to pandering, to define and prohibit the same and to provide for the punishment thereof, approved June 25, 1910 (36 Stat. 833; D.C. Official Code § 22–2705 *et seq.*), former An Act To enjoin and abate houses of lewdness, assignation, and prostitution; to declare the same to be nuisances; to enjoin the person or persons who conduct or maintain the same and the owner or agent of any building used for such purpose; and to assess a tax against the person maintaining said nuisance and against the building and owner thereof, approved February 7, 1914 (38 Stat. 280; D.C. Official Code § 22–2713 *et seq.*), and former section 1 of An Act To confer concurrent jurisdiction on the police court of the District of Columbia in certain cases, approved July 16, 1912 (37 Stat. 192; D.C. Official Code § 22–2722).".

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

"(5B) "Ineligible offense" means:

"(A) Murder under D.C. Official Code § 22A-2101, criminal solicitation to commit murder under D.C. Official Code § 22A-302, murder in the first degree under former section 798 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22–2101), murder in the first degree —Placing obstructions upon or displacement of railroads under former section 799 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22–2102), murder in the second degree under former section 800 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22–2103), murder of law enforcement officer under former section 802a of An Act To establish a code of law for the District of Columbia, effective May 23, 1995 (D.C. Law 10–256; D.C. Official Code § 22–2106), or solicitation of murder under former section 802b(a) of An Act To establish a code of law for the District of Columbia, effective April 24, 2007 (D.C. Law 16–306; D.C. Official Code § 22–2107(a));

"(B) Carjacking under D.C. Official Code § 22A-2202 that is committed by displaying or using what, in fact, is a dangerous weapon or imitation dangerous weapon or

armed carjacking under former section 854(b)(1) of An Act To establish a code of law for the District of Columbia, effective May 8, 1993 (D.C. Law 9–270; D.C. Official Code 22–2803(b)(1));

"(C) First degree sexual assault under D.C. Official Code § 22A-2301 or first degree sexual abuse under former section 201 of the Anti–Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10–257; D.C. Official Code § 22–3002);

"(D) First, second, or third degree sexual abuse of a minor under D.C. Official Code § 22A-2302, first degree child sexual abuse under former section 207 of the Anti–Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10–257; D.C. Official Code § 22–3008), or first degree sexual abuse of a minor under former section 208a of the Anti–Sexual Abuse Act of 1994, effective April 24, 2007 (D.C. Law 16–306; D.C. Official Code § 22–3009.01);

"(E) First degree sexual abuse by exploitation under D.C. Official Code § 22A-2303, first degree sexual abuse of a secondary education student under former section 208c of the Anti–Sexual Abuse Act of 1994, effective October 23, 2010 (D.C. Law 18–239; D.C. Official Code § 22–3009.03), first degree sexual abuse of a ward, patient, client, or prisoner under former section 212 of the Anti–Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10–257; D.C. Official Code § 22–3013), first degree sexual abuse of a patient or client under former section 214 of the Anti–Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10–257; D.C. Official Code § 22–3015);

"(F) Sex trafficking of a minor or adult incapable of consenting under D.C. Official Code § 22A-2605 or sex trafficking of children under former section 104;

"(G) An act of terrorism under D.C. Official Code § 22A-2707 or former section 103 of the Omnibus Anti–Terrorism Act of 2002, effective October 17, 2002 (D.C. Law 14–194; D.C. Official Code § 22–3153);

"(H) Material support for an act of terrorism under D.C. Official Code § 22A-2702, provision of material support or resources for an act of terrorism under former section 103(m) of the Omnibus Anti–Terrorism Act of 2002, effective October 17, 2002 (D.C. Law 14–194; D.C. Official Code § 22–3153(m)); or solicitation of material support or resources to commit an act of terrorism under former section 103(n) of the Omnibus Anti–Terrorism Act of 2002, effective October 17, 2002 (D.C. Law 14–194; D.C. Official Code § 22–3153(n));

"(I) Manufacture or possession of a weapon of mass destruction under D.C. Official Code § 22A-2703, or manufacture or possession of a weapon of mass destruction under former section 104 of the Omnibus Anti–Terrorism Act of 2002, effective October 17, 2002 (D.C. Law 14–194; D.C. Official Code § 22–3154);

"(J) Use, dissemination, or detonation of a weapon of mass destruction under D.C. Official Code § 22A-2704, or use, dissemination, or detonation of a weapon of mass destruction under former section 105 of the Omnibus Anti–Terrorism Act of 2002, effective October 17, 2002 (D.C. Law 14–194; D.C. Official Code § 22–3155);

"(K) Former assault with intent to kill or poison, or to commit first degree sexual abuse, second degree sexual abuse, or child sexual abuse, under former section 803 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22–401) ("former Section 803"); provided, that assault with intent to rob under former Section 803 shall constitute an eligible offense;

"(L) Attempted manslaughter under D.C. Official Code §§ 22A-301 and 22A-2102, attempted second degree sexual assault under D.C. Official Code §§ 22A-301 and 22A-2301, or attempted fourth degree or fifth degree sexual abuse of a minor under D.C. Official Code §§ 22A-301 and 22A-2302; or

"(M) Attempt or conspiracy to commit any of the offenses listed in subparagraphs (A) – (K) of this paragraph, except conspiracy to commit sex trafficking of a minor or adult incapable of consenting under D.C. Official Code § 22A-2605 or sex trafficking of children under former section 104.".

(3) Paragraph (9) is amended by striking the phrase "section 101(8)" and inserting the phrase "D.C. Official Code § 22A-101)" in its place.

(4) Paragraph (10) is amended by striking the phrase "section 101(9)" and inserting the phrase "D.C. Official Code § 22A-101" in its place.

(5) Paragraph (12) is amended to read as follows:

"(12) "Victim of trafficking" means:

"(A) A person against whom the following offenses were committed:

"(i) Forced labor under D.C. Official Code § 22A-2601, or under former section 102;

"(ii) Forced commercial sex under D.C. Official Code § 22A-2602;

"(iii) Trafficking in labor under D.C. Official Code § 22A-2603, trafficking in forced commercial sex under D.C. Official Code § 22A-2604, or trafficking in labor or commercial sex acts under former section 103; or

"(iv) Sex trafficking of a minor or adult of incapable of consenting under D.C. Official Code § 22A-2605, or sex trafficking of children under former section 104; or

"(B) A person who has been subject to an act or practice described in section 103(11) or (12) of the Trafficking Victims Protection Act of 2000, approved October 28, 2000 (114 Stat. 1469; 22 U.S.C. § 7102(11) or (12)).".

(b) Section 111(a) (D.C. Official Code § 22-1841(a)) is amended as follows:

(1) Paragraph (1)(A) is amended to read as follows:

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

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

"(2) "Human trafficking-related crimes" means any violation of Subchapter VI of Chapter 2 of Title 22A of the District of Columbia Official Code; trafficking in commercial sex

under D.C. Official Code § 22A-5403; creating or trafficking an obscene image of a minor under D.C. Official Code § 22A-2807; possession of an obscene image of a minor under D.C. Official Code § 22A-2808; arranging a live sexual performance of a minor under D.C. Official Code § 22A-2809; attending or viewing a live sexual performance of a minor under D.C. Official Code § 22A-2810; former offenses of pimping, pandering, procuring, operating a house of prostitution, keeping a bawdy or disorderly house, and possessing a sexual performance by a minor; visa fraud; document fraud; assisting in unlawful entry into the United States; and any violation of former sections 102, 103, 104, 105, and 106 of the Prohibition Against Human Trafficking Amendment Act of 2010, effective October 23, 2010 (D.C. Law 18-239; D.C. Official Code §§ 22-1832, 22-1833, 22-1834, 22-1835, and 22-1836).".

(c) Section 113(a)(4) (D.C. Official Code § 22-1843(a)(4)) is amended by striking the phrase "the Prohibition Against Human Trafficking Amendment Act of 2010, effective October 23, 2010 (D.C. Law 18–239; D.C. Official Code § 22–1831 *et seq.*)," and inserting the phrase "Subchapter VI of Chapter II or Title 22A of the District of Columbia Official Code or former the Prohibition Against Human Trafficking Amendment Act of 2010, effective October 23, 2010 (D.C. Law 18–239; D.C. Official Code § 22–1831 *et seq.*)," in its place.

Sec. 442. Title I of the District of Columbia Theft and White Collar Crimes Act of 1982, effective April 27, 1999 (D.C. Law 12–273; D.C. Code § 22–3201 *et seq.*), is amended as follows:

(a) Section 125e(c) (D.C. Official Code § 22-3225.05(c)) is amended by striking the phrase "Corporation Counsel" and inserting the phrase "Attorney General for the District of Columbia" in its place.

(b) Section 126a(8) (D.C. Official Code § 22-3226.01(8)) is amended by striking the word "himself" and inserting the word "themselves" in its place.

Sec. 443. Section 102(c) of The Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.02(c)), is amended to read as follows:

"(c) This act shall not apply to any provisions of Title 11 of the District of Columbia Official Code or to any offenses classified under D.C. Official Code § 22A-601.".

Sec. 444. The Bias-Related Crime Act of 1989, effective May 8, 1990 (D.C. Law 8-121; D.C. Official Code § 22-3701 *et seq.*), is amended as follows:

(a) Section 2(2) (D.C. Official Code § 22-3701(2)) is amended by striking the phrase "criminal act, including arson, assault, burglary, injury to property, kidnapping, manslaughter, murder, rape, robbery, theft, or unlawful entry, and attempting, aiding, abetting, advising, inciting, conniving, or conspiring to commit arson, assault, burglary, injury to property, kidnapping, manslaughter, murder, rape, robbery, theft, or unlawful entry" and inserting the phrase "criminal act" in its place.

(b) Section 4 (D.C. Official Code § 22-3703) is amended as follows:

(1) The existing text is designated as subsection (a).

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

"(b) This section shall not apply to any offense classified under D.C. Official Code 22A-601.".

Sec. 445. An Act To provide for the treatment of sexual psychopaths in the District of Columbia, and for other purposes, approved June 9, 1948 (62 Stat. 347; D.C. Official Code § 22–3803 *et seq.*), is repealed.

Sec. 446. The Sex Offender Registration Act of 1999, effective July 11, 2000 (D.C. Law 13–137; D.C. Official Code § 22–4001 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 22–4001) is amended as follows:

(1) Paragraph (6) is amended to read as follows:

"(6) "Lifetime registration offense" means:

"(A) First degree or second degree sexual assault as proscribed by D.C. Official Code § 22A-2301; first or second degree sexual abuse as those offenses were proscribed by former section 201 or 202 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10–257; D.C. Official Code § 22–3002 or § 22–3003); forcible rape as that offense was proscribed by former section 808 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22–4801); or sodomy, as that offense was proscribed by former section 104(a) of An Act To provide for the treatment of sexual psychopaths in the District of Columbia, and for other purposes, approved June 9, 1948 (62 Stat. 347; D.C. Official Code § 22–3802(a)), where the offense was forcible;

"(B) First degree sexual abuse of a minor or second degree sexual abuse of a minor committed against a person under the age of 12 years as proscribed by D.C. Official Code § 22A-2302; first degree child sexual abuse as this offense was proscribed by former section 207 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10–257; D.C. Official Code § 22–3008), committed against a person under the age of 12 years; carnal knowledge or statutory rape as these offenses were proscribed by former section 808 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22–4801), committed against a person under the age of 12 years; or sodomy as this offense was proscribed by former section 104(a) of An Act To provide for the treatment of sexual psychopaths in the District of Columbia, and for other purposes, approved June 9, 1948 (62 Stat. 347; D.C. Official Code § 22–3802(a)), committed against a person under the age of 12 years;

"(C) Murder or manslaughter as proscribed by D.C. Official Code §§ 22A-2101 and 22A-2102, or murder or manslaughter as those offenses were proscribed by former section 798 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code §§ 22-2101 to 2105), if the offense was committed

before, during, or after engaging in, or attempting to engage in, a sexual act, a sexual contact, rape as this offense was proscribed until May 23, 1995 by former section 808 of An Act To establish a code of law for the District of Columbia, approved March 1, 1901 (31 Stat. 1322; D.C. Official Code § 22–4801), or first degree or second degree sexual assault as proscribed by D.C. Official Code § 22A-2301;

"(D) An attempt or conspiracy to commit an offense described in subparagraphs (A) – (C) of this paragraph as proscribed by section 906 or 908A of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1337; D.C. Official Code § 22–1803 or § 22–1805a), former section 217 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10–257; D.C. Official Code § 22–4118), or D.C. Official Code § 22A-301 or § 22A-303;

"(E) An assault with intent to commit rape, carnal knowledge, statutory rape, first degree sexual abuse, second degree sexual abuse, or child sexual abuse as proscribed by former section 803 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22–401), which involved intent to commit an offense described in subparagraphs (A)-(B) of this paragraph; and

"(F) An offense under the law of any state, under federal law, or under the law of any other jurisdiction, which involved conduct that would constitute an offense described in subparagraphs (A) through (E) of this paragraph if committed in the District of Columbia or prosecuted under the District of Columbia Official Code, or conduct which is substantially similar to that described in subparagraphs (A) through (E) of this paragraph.".

(2) Paragraph (8) is amended to read as follows:

"(8) "Registration offense" means:

"(A) An offense under Subchapter III of Chapter 2 of Title 22A of the District of Columbia Official Code, other than incest, as proscribed by D.C. Official Code § 22A-2308;

"(B) An offense under the former Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10–257; D.C. Official Code § 22–3001 *et seq.*);

"(C) Forcible rape, carnal knowledge or statutory rape as these offenses were proscribed by former section 808 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22–4801); indecent acts with children as this offense was proscribed by former section 103(a) of An Act To provide for the treatment of sexual psychopaths in the District of Columbia, and for other purposes, approved June 9, 1948 (62 Stat. 347; D.C. Official Code § 22–3801(a)); enticing a child as that offense was proscribed by former section 103(b) of An Act To provide for the treatment of sexual psychopaths in the District of Columbia, and for other purposes, approved June 9, 1948 (62 Stat. 347; D.C. Official Code § 22–3801(b)); or sodomy as this offense was proscribed by former section 104(a) of An Act To provide for the treatment of sexual psychopaths in the District of Columbia, and for other purposes, approved June 9, 1948 (62 Stat. 347; D.C. Official Code § 22–3802(a)), where the offense was forcible or committed against a minor;

"(D) Any of the following offenses where the victim is a minor:

"(i) Incest as proscribed by D.C. Official Code § 22A-2308; kidnapping as proscribed by D.C. Official Code § 22A-2401; distribution of an obscene image as proscribed by D.C. Official Code § 22A-2805; distribution of an obscene image to a minor as proscribed by D.C. Official Code § 22A-2806; creating or trafficking an obscene image of a minor as proscribed by D.C. Official Code § 22A-2807; possession of obscene image of a minor as proscribed by D.C. Official Code § 22A-2808; arranging a live sexual performance of a minor as proscribed by D.C. Official Code § 22A-2809; attending or viewing a live sexual performance of a minor as proscribed by D.C. Official Code § 22A-2810; indecent exposure as proscribed by D.C. Official Code § 22A-5206; prostitution as proscribed by D.C. Official Code § 22A-5401; patronizing prostitution as proscribed by D.C. Official Code § 22A-5402; or

"(ii) Acts proscribed by former section 9 of An Act for the preservation of the public peace and the protection of property within the District of Columbia, approved July 29, 1892 (27 Stat. 324; D.C. Official Code § 22–1312) (lewd, indecent, or obscene acts); acts proscribed by former section 872 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1332; D.C. Official Code § 22–2201) (obscenity); acts proscribed by former section 3 of the District of Columbia Protection of Minors Act of 1982, effective March 9, 1983 (D.C. Law 4–173; D.C. Official Code § 22–3102) (sexual performances using minors); acts proscribed by former section 875 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1332; D.C. Official Code § 22–1901) (incest); acts proscribed by former section 812 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22-2001) (kidnapping); and acts proscribed by former section 2 of the Control of Prostitution and Sale of Controlled Substances in Public Places Criminal Control Act of 1981, effective December 10, 1981 (D.C. Law 4-57; D.C. Official Code § 22-2701.01), section 813 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22-2704), An Act In relation to pandering, to define and prohibit the same and to provide for the punishment thereof, approved June 25, 1910 (36 Stat. 833; D.C. Official Code § 22-2705 *et seq.*), An Act To enjoin and abate houses of lewdness, assignation, and prostitution; to declare the same to be nuisances; to enjoin the person or persons who conduct or maintain the same and the owner or agent of any building used for such purpose; and to assess a tax against the person maintaining said nuisance and against the building and owner thereof, approved February 7, 1914 (38 Stat. 280; D.C. Official Code § 22- 2713 *et seq.*), and section 1 of An Act To confer concurrent jurisdiction on the police court of the District of Columbia in certain cases, approved July 16, 1912 (37 Stat. 192; D.C. Official Code § 22-2722) (prostitution; pandering);

"(E) Any offense under the District of Columbia Official Code that involved a sexual act or sexual contact without consent or with a minor; that involved assaulting or threatening another with the intent to engage in a sexual act or sexual contact or with the

intent to commit rape; or that involved causing the death of another in the course of, before, or after engaging or attempting to engage in a sexual act or sexual contact or rape;

"(F) An attempt or a conspiracy to commit an offense described in subparagraphs (A) through (E) of this paragraph as proscribed by sections 906 or 908A of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1337; D.C. Official Code § 22–1803 or § 22–1805a), or assault with intent to commit rape, carnal knowledge, statutory rape, first degree sexual abuse, second degree sexual abuse, or child sexual abuse, as proscribed by former section 803 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22–401);

"(G) Assault with intent to commit any other crime, as proscribed by former section 805 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22–403), where the offense involved an intent, attempt, or conspiracy to commit an offense described in subparagraphs (A) through (E) of this paragraph, or kidnapping, as proscribed by former section 812 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22-2001), or burglary as proscribed by former section 823 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1323; D.C. Official Code § 22-801), where the offense involved an intent, attempt or conspiracy to commit an offense described in subparagraphs (A) through (E) of this paragraph;

"(H) An offense under the law of any state, under federal law, or under the law of any other jurisdiction, which involved conduct that would constitute an offense described in subparagraphs (A) through (G) of this paragraph if committed in the District of Columbia or prosecuted under the District of Columbia Official Code, or conduct which is substantially similar to that described in subparagraphs (A) through (G) of this paragraph; and

"(I) Any other offense where the offender agrees in a plea agreement to be subject to sex offender registration requirements.".

(3) Paragraph (10) is amended to read as follows:

"(10) "Sexual act" shall have the same meaning as provided in D.C. Official Code § 22A-101; except, that for conduct committed prior to the applicability date of the Revised Criminal Code Reform Act of 2022, passed on 2nd reading on November 15, 2022 (Enrolled version of Bill 24-416), the term "sexual act" shall have the same meaning as provided in former section 101(8) of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10–257; D.C. Official Code § 22–4101(8)).".

(4) Paragraph (11) is amended to read as follows:

"(11) "Sexual contact" shall have the same meaning as provided in D.C. Official Code § 22A-101; except, that for conduct committed prior to the applicability date of the Revised Criminal Code Reform Act of 2022, passed on 2nd reading on November 15, 2022 (Enrolled version of Bill 24-416), the term "sexual contact" shall have the same meaning as provided in former section 101(9) of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10–257; D.C. Official Code § 22–4101(9)).".

(b) Section 12(b)(2)(B) (D.C. Official Code § 22–4011(b)(2)(B)) is amended by striking the phrase "sexual abuse of a ward or sexual abuse of a patient or client under the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3001 *et seq.*)" and inserting the phrase "sexual abuse by exploitation under D.C. Official Code § 22A-2303 (a)(2)(C)-(E) or (b)(2)(C)-(E), or sexual abuse of a ward or sexual abuse of a patient or client under the former Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10–257; D.C. Official Code §§ 22–3001 *et seq.*)" in its place.

(c) Section 17(b)(1) (D.C. Official Code § 22-4016(b)(1)) is amended to read as follows: "Other than sexual offenses classified under D.C. Official Code § 22A-601, any sexual offense between consenting adults, or an attempt, conspiracy or solicitation to commit such an offense, except for offenses to which consent was not a defense as provided in former 216 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10–257; D.C. Official Code § 22–3017).".

Sec. 447. Section 2(a) of the DNA Sample Collection Act of 2001, effective November 3, 2001 (D.C. Law 14–52; D.C. Official Code § 22-4151(a)), is amended to read as follows:

"(a) The following criminal offenses shall be qualifying offenses for the purposes of DNA collection under the DNA Analysis Backlog Elimination Act of 2000, approved December 19, 2000 (114 Stat. 2726; 42 U.S.C. §§ 14135-14135e):

"(1) Any felony;

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

"(3) D.C. Official Code § 22A-5206 (indecent exposure (knowingly in the presence of a minor under the age of 16 years of age)) and former section 9(b) of An act for the preservation of the public peace and the protection of property within the District of Columbia, approved July 29, 1892 (27 Stat. 324; D.C. Official Code § 22–1312(b)) (lewd, indecent, or obscene acts (knowingly in the presence of a child under the age of 16 years));

"(4) D.C. Official Code § 22A-2806 (distribution of an obscene image to a minor) and former section 872 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1189; D.C. Official Code § 22–2201) (certain obscene activities involving minors);

"(5) D.C. Official Code §§ 22A-2807 (creating or trafficking an obscene image of a minor), 22A-2808 (possession of an obscene image of a minor), 22A-2809 (arranging a live sexual performance of a minor), 22A-2810 (attending or viewing a live sexual performance of a minor), and former section 3 of the District of Columbia Protection of Minors Act of 1982, effective March 9, 1983 (D.C. Law 4–173; D.C. Official Code § 22–3102) (sexual performances using minors);

"(6) D.C. Official Code § 22A-2307 (nonconsensual sexual conduct) and former section 205 of the Anti–Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10–257; D.C. Official Code § 22–3006) (misdemeanor sexual abuse);

"(7) D.C. Official Code § 22A-2304 (sexually suggestive conduct with a minor) and former section 209a of the Anti–Sexual Abuse Act of 1994, effective April 24, 2007 (D.C. Law 16–306; D.C. Official Code § 22–3010.01) (misdemeanor sexual abuse of a child or minor); and

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

Sec. 448. Section 1505 of the Criminal Justice Coordinating Council for the District of Columbia Establishment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 22-4234), is amended by adding a new subsection (b-5) to read as follows:

"(b-5)(1) The CJCC shall submit reports to the Mayor and Council that analyze the impact of the right to a jury trial on the criminal justice system for the offenses described in:

"(A) D.C. Official Code § 16-705(b), by 4 years after the applicability date of the Revised Criminal Code Reform Act of 2022, passed on 2nd reading on November 15, 2022 (Enrolled version of Bill 24-416);

"(B) D.C. Official Code § 16-705(c), by 6 years after the applicability date of the Revised Criminal Code Reform Act of 2022, passed on 2nd reading on November 15, 2022 (Enrolled version of Bill 24-416); and

"(C) D.C. Official Code § 16-705(d), by 7 years after the applicability date of the Revised Criminal Code Reform Act of 2022, passed on 2nd reading on November 15, 2022 (Enrolled version of Bill 24-416).

"(2) The reports required in paragraph (1) of this subsection shall include an analysis of the following:

"(A) The total number of arrests, including whether the arrest was for an offense eligible for a jury trial under D.C. Official Code § 16-705;

"(B) The total number of prosecutions, including whether the prosecution was for an offense eligible for a jury trial under D.C. Official Code § 16-705;

"(C) The final disposition in cases, including whether the case was resolved through a nolle prosequi, nolle prosequi as part of a plea agreement, nolle prosequi as part of a diversion agreement, court dismissal, guilty plea, bench trial, or jury trial;

"(D) The length of time, excluding periods where prosecution or sentencing is deferred by a diversion program, between an arrest, initial charging decision, detention or preliminary hearing (if applicable), indictment (if applicable), amendment of charges (if applicable), trial (if applicable) and final disposition for cases, including whether the cases involved an offense eligible for a jury trial under D.C. Official Code § 16-705;

"(E) The total number of jury trials and bench trials after a waiver of jury trials under D.C. Official Code § 16-705;

"(F) Costs associated with the availability of jury trials;

"(G) Impact on jury service;

"(H) Recommendations on the size of criminal juries;

"(I) Any issues related to the availability of jury trials and recommendations for addressing those issues; and

"(J) The feasibility of a post-conviction judicial deferral program for misdemeanor offenses that permits judges to, after a finding of guilty, defer further proceedings and place the defendant on probation not to exceed one year where:

"(i) Upon on violation of a condition of the probation, the court may enter an adjudication of guilt and proceed as otherwise provided; or

"(ii) Upon expiration of the period of probation, or in the court's discretion, the court may discharge the person from probation and dismiss the proceedings against them.".

Sec. 449. Title 23 of the District of Columbia Official Code is amended as follows:

(a) Section 23-101(b) is amended to read as follows:

"(b) Prosecutions for violations of §§ 22A-5203 and 22A-5204, relating to disorderly conduct, and for violations of § 22A-5206, relating to lewd, indecent, or obscene acts, shall be conducted in the name of the District of Columbia by the Attorney General for the District of Columbia or their assistants.".

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

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

(A) Paragraph (1) is amended to read as follows:

"(1) A prosecution for the following crimes may be commenced at any time:

"(A) Murder (§ 22A-2101); murder in the first or second degree (former §§ 22-2101, 22-2102, and 22-2103); murder of a law enforcement officer or public safety employee (former § 22-2106); first degree murder that constitutes an act of terrorism (former § 22-3153(a)); second degree murder that constitutes an act of terrorism (former § 22-3153(c)); murder of a law enforcement officer or public safety employee that constitutes an act of terrorism (former § 22-3153(b));

"(B) Sexual assault (§ 22A-2301); first degree sexual abuse (former § 22-3002); second degree sexual abuse (former § 22-3003); third degree sexual abuse (former § 22-3004); fourth degree sexual abuse (former § 22-3005);

"(C) Sexual abuse of a minor (§ 22A-2302); first degree child sexual abuse (former § 22-3008); second degree child sexual abuse (former § 22-3009); first degree sexual abuse of a minor (former § 22-3009.01); second degree sexual abuse of a minor (former § 22-3009.02);

"(D) Sexual abuse by exploitation (§ 22A-2303); first degree sexual abuse of a secondary education student (former § 22-3009.03); second degree sexual abuse of a secondary education student (former § 22-3009.04); first degree sexual abuse of a ward, patient, client, or prisoner (former § 22-3013); second degree sexual abuse of a ward, patient, client, or prisoner (former § 22-3014); first degree sexual abuse of a patient or client (former § 22-3015); and second degree sexual abuse of a patient or client (former § 22-3016); and

"(E) Incest (§ 22A-2308 or former § 22-1901).".

(B) Paragraph (3) is amended to read:

"(3) A prosecution for the following crimes and any offense that is properly joinable with any of the following crimes is barred if not commenced within 10 years after it is committed:

"(A) Enticing a minor into sexual conduct (§ 22A-2305) or enticing a child for the purpose of committing felony sexual abuse (former § 22-3010);

"(B) Creating or trafficking an obscene image of a minor (§ 22A-2807); possession of an obscene image of a minor under (§ 22A-2808); arranging a live sexual performance of a minor (§ 22A-2809); attending or viewing a live sexual performance of a minor (§ 22A-2810); or, using a minor in a sexual performance or promoting a sexual performance by a minor (former § 22-3102);

"(C) Trafficking in labor (§ 22A-2603); trafficking in forced commercial sex (§ 22A-2604); sex trafficking of a minor or adult incapable of consenting (§ 22A-2605); trafficking in labor or commercial sex (former § 22-1833) or sex trafficking of children (former § 22-1834);

"(D) First degree kidnapping (§ 22A-2401(a)(3)(E)) or abducting or enticing child from his or her home for purposes of prostitution, or harboring such child (former § 22-2704);

"(E) Forced commercial sex (§ 22A-2602); trafficking in commercial sex (§ 22A-5403); or, pandering, or inducing or compelling an individual to engage in prostitution (former § 22-2705);

"(F) Compelling an individual to live life of prostitution against his or her will (former § 22-2706); and

"(G) Causing spouse or domestic partner to live in prostitution (former § 22-2708).".

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

"(2) The period of limitation shall not begin to run until the victim reaches 21 years of age for the following offenses:

"(A) Enticing a minor into sexual conduct (§ 22A-2305) and enticing a child for the purpose of committing felony sexual abuse (former § 22-3010);

"(B) Creating or trafficking an obscene image of a minor (§ 22A-2807); possession of an obscene image of a minor under (§ 22A-2808); arranging a live sexual performance of a minor (§ 22A-2809); attending or viewing a live sexual performance of a minor (§ 22A-2810); or, using a minor in a sexual performance or promoting a sexual performance by a minor (former § 22-3102);

"(C) First degree kidnapping (§ 22A-2401(a)(3)(E)) or former § 22-2704;

"(D) Former § 22-2705;

"(E) Former § 22-2706, where the victim is a minor; and

"(F) Forced labor, forced commercial sex, trafficking in labor, trafficking in forced commercial sex, sex trafficking of a minor or adult incapable of consenting, benefiting financially from human trafficking, and trafficking in commercial sex, as prohibited by §§ 22A-2601, 22A-2602, 22A-2603, 22A-2604, 22A-2605, 22A-2606, and 22A-5403, where the victim is a minor, or forced labor, trafficking in labor or commercial sex, sex trafficking of children, and benefiting financially from human trafficking, as prohibited by the former Human Trafficking Amendment Act of 2010, effective October 23, 2010 (D.C. Law 18-239; D.C. Official Code § 22-1831 *et seq.*), where the victim is a minor.".

(c) Section 23-114 is amended by striking the phrase "title 22 of the D.C. Code" and inserting the phrase "Title 22 or Title 22A of the District of Columbia Official Code" in its place.

(d) Section 23-524(b) is amended to read as follows:

"(b) An officer executing a warrant directing a search of a person shall give, or make reasonable effort to give, notice of his identity and purpose to the person, and, if such person thereafter resists or refuses to permit the search, such person shall be subject to arrest by such officer pursuant to any applicable provision of law.".

(e) Section 23-546(c) is amended to read as follows:

"(c) An application for an order of authorization (as provided in subsection (a) of this section) or of approval (as provided in subsection (b)(2) of this section) may be authorized only when the interception of wire or oral communications may provide or has provided evidence of the commission of or a conspiracy to commit any of the following offenses:

"(1) Murder under § 22A-2101 or former § 22-2101 or § 22-2103;

"(2) Robbery under § 22A-2201 or former § 22-2801;

"(3) Criminal threats under § 22A-2205 or former § 22-1810;

"(4) Kidnapping under § 22A-2401 or former § 22-2001;

"(5) Criminal restraint under § 22A-2402(d)(2);

"(6) Blackmail under § 22A-2403 or former § 22-3252;

"(7) First, second, or third degree theft under § 22A-3201 or theft in excess of $1,000 under former § 22-3211; or

"(8) Extortion under § 22A-3401 or former § 22-3251;

"(9) First, second, or third degree possession of stolen property under § 22A-3501 or receiving stolen property of value in excess of $1000 under former § 22-3232;

"(10) Trafficking of stolen property under § 22A-3502 or former § 22-3231;

"(11) Arson under § 22A-3601 or former § 22-301 or § 22-302;

"(12) Reckless burning under § 22A-3602 or former § 22-302;

"(13) First, second, or third degree criminal damage to property under § 22A-3603 or destruction of property in excess of $1,000 under former § 22-303;

"(14) Burglary under § 22A-3801 or former § 22-801;

"(15) Obstruction of justice and related provisions under § 22A-4301, § 22A-4302, § 22A-4303, § 22A-4304, or former § 22-722;

"(16) Promoting gambling under § 22A-5701 or former § 22-1701 or § 22-1705;

"(17) Rigging a publicly exhibited contest under § 22A-5702 or former § 22-1713;

"(18) Bribery under § 22-704 or § 22-712; or

"(19) Offenses involving the manufacture, distribution, or possession with intent to manufacture or distribute controlled substances as specified in sections 401 through 403 of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Code, secs. 48-904.01 through 48-904.03).".

(f) Section 23-581 is amended as follows:

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

"(2) The offenses referred to in paragraph (1)(C) of this subsection are the following:

"(A) Assault (§ 22A-2203 or former § 22-404);

"(B) First degree or second degree criminal threats (§ 22A-2205 or former § 22-404);

"(C) Offensive physical contact (§ 22A-2206 or former § 22-404);

"(D) Trespass (§ 22A-3701) or unlawful entry (former § 22-3302);

"(E) Criminal damage to property (§ 22A-3603) or malicious burning, destruction, or injury of another's property (former § 22-303);

"(F) Reckless burning (§ 22A-3602);

"(G) Breach of home privacy (§ 22A-5205) or voyeurism (former § 22-3531);

"(H) Theft of property less than $250 (§ 22A-3201 or former § 22-3211);

"(I) Possession of stolen property (§ 22A-3501) or receiving stolen property (former § 22-3232);

"(J) Shoplifting (§ 22A-3204 or former § 22-3213);

"(K) Attempt theft in excess of $250 (§§ 22A-3201 and 22A-301 or former §§ 22-3211 and 22-1803);

"(L) Attempt unauthorized use of motor vehicle (§§ 22A-3203 and 22A-301 or former § 22-3215 and § 22-1803);

"(M) Unauthorized disposal of solid waste (§ 8-902);

"(N) Illegal construction (12A DCMR § 113.7).".

(2) Subsection (a-2) is repealed.

(3) Subsection (a-3) is amended by striking the phrase "sections 22–3112.01 and 22–3112.02" and inserting the phrase "§§ 22A-3603 and 22A-3604 or former §§ 22-3312.01 and 22-3312.02" in its place.

(4) Subsection (a-4) is repealed.

(5) Subsection (a-5) is amended by striking the phrase "section 103 of the Omnibus Public Safety and Justice Amendment Act of 2009, passed on 3rd reading on July 31, 2009 (Enrolled version of Bill 18-151)" and inserting the phrase "§ 22A-4402 or former § 22-1211" in its place.

(6) Subsection (a-7) is amended to read:

"(a-7) A law enforcement officer may arrest a person without a warrant if the officer has probable cause to believe the person has committed the offense of sexually suggestive conduct with a minor, enticing a minor into sexual conduct, nonconsensual sexual conduct, or indecent exposure as provided in § 22A-2304, § 22A-2305, § 22A-2307, and § 22A-5206, or misdemeanor sexual abuse, misdemeanor sexual abuse of a child or minor, or lewd, indecent, or obscene acts, or sexual proposal to a minor, as provided in former § 22-3006, § 22-3010.01, or § 22-1312.".

(7) Subsection (a-8) is amended by striking the phrase "§ 22–3133" and inserting the phrase "§ 22A-2801 or § 22A-2802, or former § 22-3122" in its place.

(g) Section 23-1303(d) is amended by striking the phrase "sections 23-1327, 23-1328, and 23-1329" and inserting the phrase "§§ 23-1327, 23-1328, 23-1329, and § 23-1329a" in its place.

(h) Section 23-1322 is amended as follows:

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

"(B) First degree obstruction of justice or related felony offenses under § 22A-4301(a), § 22A-4302(a)-(b), § 22A-4303(a)-(b), § 22A-4304(a), or former § 22-722;".

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

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

"(7) Violated § 22A-5104 (a)-(b) (carrying a dangerous weapon), § 22A-5106(a) (possession of a dangerous weapon during a crime when the crime constitutes a crime of violence or dangerous crime as those terms are defined in § 23-1331, § 22A-5107 (possession of a firearm by an unauthorized person); former § 22-4504(a) (carrying a pistol without a license), former § 22-4504(a-1) (carrying a rifle or shotgun), former § 22-4504(b) (possession of a firearm during the commission of a crime of violence or dangerous crime), or former § 22-4503 (unlawful possession of a firearm); or".

(B) Paragraph (8) is amended to read as follows:

"(8) Violated Subchapter VIII of Chapter 25 of Title 7 while on probation, parole, or supervised release for committing a dangerous crime or a crime of violence, as those terms are defined in § 23-1331, by displaying or using what is, in fact, a dangerous weapon or while armed with or having readily available a firearm, imitation firearm, or other deadly or dangerous weapon as described in § 22A-101 or former § 22-4502(a).".

(3) Subsection (d)(3) is amended by striking the phrase "§§ 23-1327, 23-1328, and 23-1329" and inserting the phrase "§§ 23-1327, 23-1328, 23-1329, and 23-1329a" in its place.

(4) Subsection (e)(1) is amended to read as follows:

"(1) The nature and circumstances of the offense charged, including whether the offense is a crime of violence or dangerous crime as those terms are defined in § 23-1331, or involves obstruction of justice or related offenses under §§ 22A-4301, 22A-4302, 22A-4303, and 22A-4304;".

(5) Subsection (f)(2)(C) is amended to read as follows

"(C) The provisions of §§ 22A-4301, 22A-4302, 22A-4303, and 22A-4204 for obstruction of justice, tampering with a witness or informant, tampering with a juror or court official, and retaliation against a witness, informant, juror, or court official.".

(i) Section 23-1325(a) is amended by striking the phrase "or assault with intent to kill while armed" and inserting the phrase "attempted murder, voluntary manslaughter, or assault with intent to kill while armed" in its place.

(j) Section 23-1329 is amended as follows:

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

(A) The lead-in language is amended as follows:

(i) Strike the phrase "he shall" and insert the phrase "they shall" in its place.

(ii) Strike the phrase "he is" and insert the phrase "they are" in its place.

(B) Subparagraph (A)(ii) is amended by striking the word "his" and inserting the word "their" in its place.

(2) Subsection (c) is amended by striking the word "his" and inserting the word "their" in its place.

(k) Section 23-1907(9) is amended to read as follows:

"(9) "Sexual assault" means:

"(A) Any of the following offenses, or an attempt, under § 22A-301, to commit any of the following offenses:

"(i) Sexual assault under § 22A-2301;

"(ii) Sexual abuse of a minor under § 22A-2302;

"(iii) Sexual abuse by exploitation under § 22A-2303;

"(iv) Sexually suggestive conduct with a minor under § 22A-2304;

"(v) Enticing a minor into sexual conduct under § 22A-2305;

"(vi) Arranging for sexual conduct with a minor or person incapable of consenting under § 22A-2306;

"(vii) Nonconsensual sexual conduct under § 22A-2307;

"(viii) Incest under § 22A-2308;

"(ix) First degree kidnapping under § 22A-2401(a)(3)(E);

"(x) Forced commercial sex under § 22A-2602;

"(xi) Trafficking in forced commercial sex under § 22A-2604;

"(xii) Sex trafficking of a minor or adult incapable of consenting under § 22A-2605;

"(xiii) Creating or trafficking an obscene image of a minor under § 22A-2807;

"(xiv) Possession of an obscene image of a minor under § 22A-2808;

"(xv) Arranging a live sexual performance of a minor under § 22A-2809;

"(xvi) Attending or viewing a live sexual performance of a minor under § 22A-2810; or

"(xvii) Trafficking in commercial sex under § 22A-5403; or

"(B) Any of the following offenses:

"(i) Sex trafficking of children under former § 22-1834;

"(ii) Incest under former § 22-1901;

"(iii) Abducting or enticing child from his or her home for the purposes of prostitution or harboring such child under former § 22-2704;

"(iv) Pandering; inducing or compelling an individual to engage in prostitution under former § 22-2705;

"(v) Compelling an individual to live life of prostitution against his or her will under former § 22-2706;

"(vi) Causing spouse or domestic partner to live in prostitution under former § 22-2708;

"(vii) Detaining an individual in disorderly house for debt there contracted under former § 22-2709;

"(viii) Knowingly using a minor in a sexual performance or promoting a sexual performance by a minor under § 22-3102; or

"(ix) Any of the following offenses, or an attempt, under former § 22-3018, to commit any of the following offenses:

"(I) First degree sexual abuse under former § 22-3002;

"(II) Second degree sexual abuse under former § 22-3003;

"(III) Third degree sexual abuse under former § 22-3004;

"(IV) Fourth degree sexual abuse under former § 22-3005;

"(V) Misdemeanor sexual abuse under former § 22-3006;

"(VI) First degree child sexual abuse under former § 22-3008;

"(VII) Second degree child sexual abuse under former § 22-3009;

"(VIII) First degree sexual abuse of a minor under former § 22-3009.01;

"(IX) Second degree sexual abuse of a minor under former § 22-3009.02;

"(X) First degree sexual abuse of a secondary education student under former § 22-3009.03;

"(XI) Second degree sexual abuse of a secondary education student under former § 22-3009.04;

"(XII) Enticing a child or minor under former § 22-3010;

"(XIII) Misdemeanor sexual abuse of a child or minor under former § 22-3010.01;

"(XIV) Arranging for sexual contact with a real or fictitious child under former § 22-3010.02;

"(XV) First degree sexual abuse of a ward, patient, client, or prisoner under former § 22-3013;

"(XVI) Second degree sexual abuse of a ward, patient, client, or prisoner under former § 22-3014;

"(XVII) First degree sexual abuse of a patient or client under former § 22-3015; or

"(XVIII) Second degree sexual abuse of a patient or client under former § 22-3016.".

(l) Section 23-1331 is amended as follows:

(1) Paragraph (3) is amended to read as follows:

"(3) The term "dangerous crime" means:

"(A) Any felony offense under Subchapter I of Chapter 5 of Title 22A, former Chapter 45 of Title 22 (Weapons), or Unit A of Chapter 25 of Title 7 (Firearms control);

"(B) Trafficking in commercial sex under § 22A-5403, or any felony offense under former Chapter 27 of Title 22 (Prostitution, Pandering);

"(C) Any felony offense under Unit A of Chapter 9 of Title 48 (Controlled Substances);

"(D) When the premises are adaptable for overnight accommodation of persons or for carrying on business, arson under § 22A-3601, an attempt to commit arson under § 22A-301, former arson, or former attempted arson;

"(E) Burglary under § 22A-3801, an attempt to commit burglary under § 22A-301, former burglary, or former attempted burglary;

"(F) Criminal abuse of a minor under § 22A-2501, criminal neglect of a minor under § 22A-2502, or former cruelty to children;

"(G) Robbery under § 22A-2201, an attempt to commit robbery under § 22A-301, former robbery, or former attempted robbery;

"(H) First degree sexual assault under § 22A-2301, attempt to commit first degree sexual assault under § 22A-301 where the attempt includes an assault, attempted assault, or act threatening immediate bodily injury, former sexual abuse in the first degree, or former assault with intent to commit first degree sexual abuse;

"(I) Any felony offense under subchapter VI of Chapter 2 of Title 22A or conspiracy under § 22A-303 to commit such a felony offense, or a former offense established by the Chapter 18A of Title 22, or any conspiracy to commit such an offense under § 22-1805; or

"(J) Fleeing from an officer in a motor vehicle (felony).".

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

"(4) The term "crime of violence" means:

"(A) One of the following offenses:

"(i) Murder under § 22A-2101 or manslaughter under § 22A-2102;

"(ii) Robbery under § 22A-2201;

"(iii) Carjacking under § 22A-2202;

"(iv) First degree, second degree, or third degree assault under § 22A-2203, or fourth degree assault under the weapons enhancement in § 22A-2203(h)(7)(B);

"(v) First degree, second degree, or third degree assault on a law enforcement officer under § 22A-2204;

"(vi) First degree criminal threats under the weapons enhancement in § 22A-2205(d)(4)(B);

"(vii) First degree, second degree, or third degree sexual assault under § 22A-2301;

"(viii) First degree, second degree, fourth degree, or fifth degree sexual abuse of a minor under § 22A-2302;

"(ix) Kidnapping under § 22A-2401;

"(x) Blackmail under § 22A-2403 accompanied by threats of violence;

"(xi) Criminal abuse of a minor under § 22A-2501;

"(xii) An act of terrorism under § 22A-2701, manufacture or possession of a weapon of mass destruction under § 22A-2703, or use, dissemination, or detonation of a weapon of mass destruction under § 22A-2704;

"(xiii) Extortion under § 22A-3401 accompanied by threats of violence;

"(xiv) Arson under § 22A-3601;

"(xv) Burglary under § 22A-3801;

"(xvi) An attempt, under § 22A-301, a solicitation, under § 22A-302, or a conspiracy, under § 22A-303, to commit one of the offenses in sub-subparagraphs (i) through (xiv) of this subparagraph;

"(xvii) Gang recruitment, participation, or retention by the use or threatened use of force, coercion, or intimidation, or an attempt to commit this offense under § 22-1803, a solicitation to commit this offense under § 22-2107, or a conspiracy to commit this offense under § 22-1805a; or

"(B) The following former offenses: aggravated assault; act of terrorism; arson; assault on a police officer (felony); assault with a dangerous weapon; assault with intent to kill, commit first degree sexual abuse, commit second degree sexual abuse, or commit child sexual abuse; assault with significant bodily injury; assault with intent to commit any other offense; burglary; carjacking; armed carjacking; child sexual abuse; cruelty to children in the first degree; extortion or blackmail accompanied by threats of violence; kidnapping; malicious disfigurement; manslaughter; manufacture or possession of a weapon of mass destruction; mayhem; murder; robbery; sexual abuse in the first, second, or third degrees; use, dissemination,

or detonation of a weapon of mass destruction; or an attempt, solicitation, or conspiracy to commit any of the foregoing offenses in this subparagraph.".

Sec. 450 Section 3b of The District of Columbia Good Time Credits Act of 1986, effective August 20, 1994 (D.C. Law 10-151; D.C. Official Code § 24-221.01b), is amended by striking the phrase "section 1 of An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4501)," and inserting the phrase "D.C. Official Code § 23-1331(4)" in its place.

Sec. 451. The Correction Treatment Facility Act of 1996, effective June 3, 1997 (D.C. Law 11-276; D.C. Official Code § 24-261.01 *et seq.*), is amended as follows:

(a) Section 3(b) (D.C. Official Code § 24-261.02(b)) is amended by striking the phrase "Notwithstanding the provisions of section 4 of An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Code § 22-3204)" and inserting the phrase "Notwithstanding the provisions of D.C. Official Code § 22A-5104" in its place.

(b) Section (4)(a) (D.C. Official Code § 24-261.03(a)) is amended to read as follows:

"(a) An inmate confined in the CTF shall be deemed to be at all times in the legal custody of the Department of Corrections. Only the Department of Corrections shall have authority to transfer or assign inmates into or out of the CTF. All laws and regulations governing conduct of inmates, including, without limitation, Title 22A of the District of Columbia Official Code, shall apply to inmates confined to the CTF during such time as the CTF is operated by a private operator. All laws and regulations establishing penalties for offenses committed against correctional officers or other correctional employees shall apply mutatis mutandis to offenses committed against any private correctional officer or other employee of the private operator.".

Sec. 452. Section 3(c) of the Resocialization Furlough Act of 1976, effective April 23, 1977 (D.C. Law 1-130; D.C. Official Code § 24-251.02(c)), is amended to read as follows:

"(c) Any individual who is incarcerated in any institution or facility operated by the Department after being convicted of either D.C. Official Code § 22A-2101 (relating to first or second degree murder), D.C. Official Code § 22A-2301 (relating to first degree sexual assault), D.C. Official Code § 22A-2302 (relating to first degree, second degree, fourth degree, or fifth degree of sexual abuse of a minor), former section 798 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22-2101) (relating to first degree murder), former section 799 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22-2102) (relating to first degree murder), former section 800 of An Act To establish a code of law for the

District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22-2103) (relating to second degree murder), former section 808 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22-4801) (relating to rape), or former section 103 of An Act To provide for the treatment of sexual psychopaths in the District of Columbia, and for other purposes, approved June 9, 1948 (62 Stat. 348; D. C. Official Code § 22–3801) (relating to indecent acts with a minor) shall not be eligible for any furlough under the provisions of this act, except where such individual is within 12 months of a firm release date.".

Sec. 453. Section 201(5) of the Limitations on the Use of Restraints Amendment Act of 2014, effective July 25, 2015 (D.C. Law 20-280; D.C. Official Code § 24-276.01(5)), is amended by striking the phrase "shall have the same meaning as provided in section 2(6) of An Act To prohibit the introduction of contraband into the District of Columbia penal institutions, approved December 1 0, 2009 (55 Stat. 800; D.C. Official Code § 22-2603.01(6))" and inserting the phrase "means any penitentiary, prison, jail, or secure facility owned, operated, or under the control of the Department of Corrections, whether located within the District of Columbia or elsewhere" in its place.

Sec. 454. Section 9(b) of An Act to Establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes, approved July 15, 1932 (47 Stat. 697; D.C. Official Code § 24-403(b)), is amended by striking the phrase "section 1 of An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4501)" and inserting the phrase "former section 1 of An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4501)" in its place.

Sec. 455. Section 8 of the Medical and Geriatric Parole Act of 1992, effective May 15, 1993 (D.C. Law 9-271; D.C. Official Code § 24-467), is amended to read as follows:

"Sec. 8. Exceptions.

"Persons convicted of first degree murder, or persons sentenced for a crime of violence, as defined in D.C. Official Code § 23-1331(4), committed by displaying or using, what is in fact, a dangerous weapon or imitation dangerous weapon as those terms are defined in D.C. Official Code § 22A-101, or persons sentenced for a dangerous crime, as defined in D.C. Official Code § 23-1331(3), committed by displaying or using, what is in fact, a dangerous weapon or imitation dangerous weapon shall not be eligible for geriatric parole or geriatric suspension of sentence.".

Sec. 456. The Youth Rehabilitation Amendment Act of 1985, effective December 7, 1985 (D.C. Law 6-69; D.C. Official Code § 24-901 *et seq.*), is amended as follows:

(a) Section 2(6) (D.C. Official Code § 24–901(6)) is amended by striking the phrase "murder, first degree murder that constitutes an act of terrorism, second degree murder that constitutes an act of terrorism, first degree sexual abuse, second degree sexual abuse, and first degree child sexual abuse" and inserting the phrase "murder under D.C. Official Code § 22A-2101; first degree act of terrorism under D.C. Official Code § 22A-2701; first or second degree sexual assault under D.C. Official Code § 22A-2301; first or second degree sexual abuse of a minor under D.C Official Code § 22A-2302; or offenses formerly known as murder, first degree murder that constitutes an act of terrorism; second degree murder that constitutes an act of terrorism; first degree sexual abuse; second degree sexual abuse; and first degree child sexual abuse" in its place.

(b) Section 7(f)(8) (D.C. Official Code § 24-906(f)(8)) is amended by striking the phrase "of An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4503)" and inserting the phrase "D.C. Official Code § 22A-5107" in its place.

Sec. 457. Section 202(2) of Improving the Conditions of Confinement of Juveniles Act of 2016, effective April 4, 2017 (D.C. Law 21-238; D.C. Official Code § 24-911(2)), is amended by striking the phrase "shall have the same meaning as provided in section 2(6) of An Act To prohibit the introduction of contraband into the District of Columbia penal institutions, approved December 15, 1941 (55 Stat. 800; D.C. Official Code § 22-2603.01(6))" and inserting the phrase "means any penitentiary, prison, jail, or secure facility owned, operated, or under the control of the Department of Corrections, whether located within the District of Columbia or elsewhere" in its place.

Sec. 458. Section 101(2)(A) of the Basic Operations Options Training Children to Adults Maturity Program Establishment Act of 1993, effective January 27, 1994 (D.C. Law 10-67; D.C. Official Code § 24-921(2)(A)), is amended by striking the phrase "crime of violence, as defined in section 1 of An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4501)," and inserting the phrase "crime of violence, as defined in D.C. Official Code § 23-1331(4)," in its place.

Sec. 459. Title 25 of the District of Columbia Official Code is amended as follows:

(a) Section 25-335(a)(2) is amended by striking the phrase "CSA, or Chapter 6 of Title 33" and inserting the acronym "CSA" in its place.

(b) Section 25-822(a)(2) is amended by striking the phrase "CSA or Chapter 6 of Title 33" and inserting the acronym "CSA" in its place.

(c) Section 25-823(a)(4) is amended to read as follows:

"(4) The licensee allows its employees or agents to engage in prostitution under § 22A-5401, patronizing prostitution under § 22A-5402, or in sexual acts or sexual contact, as those terms are defined in § 22A-101, at the licensed establishment;".

(d) Section 25-1002 is amended as follows:

(1) Subsection (b)(1) is amended by striking the phrase "his or her" and inserting the word "their" in its place.

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

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

(i) Strike the phrase "he or she may" and insert the phrase "they may" in its place.

(ii) Strike the phrase "The Mayor, may, at his discretion," and insert the phrase "The Mayor, may, at their discretion," in its place.

(B) Paragraph (4)(C) is amended by striking the phrase "he or she" and inserting the word "they" in its place.

Sec. 460. Section 101 of the Title 25, D.C. Code Enactment and Related Amendments Act of 2000, effective May 3, 2001 (D.C. Law 13-298; 48 DCR 2959), is amended as follows:

(a) The amendatory § 25-335(a)(2) is amended by striking the phrase "CSA, or Chapter 6 of Title 33" and inserting the acronym "CSA" in its place.

(b) The amendatory § 25-822(a)(2) is amended by striking the phrase "CSA or Chapter 6 of Title 33" and inserting the acronym "CSA" in its place.

Sec. 461. Section 2 of the Merchant's Civil Recovery for Criminal Conduct Act of 1992, effective May 16, 1992 (D.C. Law 9-98; D.C. Official Code § 27-101), is amended as follows:

(a) Paragraph (1) is amended by striking the phrase "shall have the meaning as that term is used in section 121 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Code §22-3821)" and inserting the phrase "means conduct constituting fraud under D.C. Official Code § 22A-3301" in its place.

(b) Paragraph (4) is amended by striking the phrase "shall have the meaning as that term is used in section 113(a) of the District of Columbia Theft and White Collar Crime Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Code §22-3813(a))" and inserting the phrase "means conduct constituting shoplifting under D.C. Official Code § 22A-3204" in its place.

(c) Paragraph (5) is amended by striking the phrase "shall have the meaning as that term is used in section 111 of the District of Columbia Theft and White Collar Crime Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Code §22-3811)" and inserting the phrase "means conduct constituting theft under D.C. Official Code § 22A-3201" in its place

Sec. 462. Section 3 of the Dishonored Check Act of 2006, effective May 12, 2006 (D.C. Law 16-93; D.C. Official Code § 28-3152), is amended as follows:

(a) Subsection (i) is amended by striking the phrase "§ 22-1510" and inserting the phrase "§ 22A-3303" in its place.

(b) Subsection (k) is amended by striking the phrase "of making, drawing, or uttering a check, draft, order, or other instrument for payment of money with the intent to defraud under § 22-1510" and inserting the phrase "of check fraud under § 22A-3303" in its place.

Sec. 463. Section 604 of the Securities Act of 2000, effective October 26, 2000 (D.C. Law 13-203; D.C. Official Code § 31-5606.04), is amended as follows:

(a) Subsection (b) is amended by striking the phrase "shall be guilty of fraud in the second degree, as defined in section 121(b) of the District of Columbia Theft and White Collar Crimes Act of 1982" and inserting the phrase "shall be guilty of an offense, and shall be fined no more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or incarcerated for no more than 180 days, or both, if the property that was the object of the scheme or systematic course of conduct has some value, or shall be fined no more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or twice the value of the property which was the object of the scheme or systematic course of conduct, whichever is greater, or incarcerated for no more than 3 years, or both, if the value of the property which was the object of the scheme or systematic course of conduct is $1,000 or more" in its place.

(b) Subsection (c) is amended by striking the phrase "shall be guilty of fraud in the first degree, as defined in section 121(a) of the District of Columbia Theft and White Collar Crimes Act of 1982" and inserting the phrase "shall be guilty of an offense, and shall be fined no more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or incarcerated for no more than 180 days, or both, if the property obtained or lost has some value, or shall be fined no more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or twice the value of the property obtained or lost, whichever is greater, or incarcerated for not more than 10 years, or both, if the value of the property obtained or lost is $1,000 or more" in its place.

Sec. 464. Section 2(7) of the Accrued Sick and Safe Leave Act of 2008, effective May 13, 2008 (D.C. Law 17-152; D.C. Official Code § 32-531.01(7)), is amended by striking the phrase "the Anti-Sexual Abuse" and inserting the phrase "Subchapter III of Chapter 2 of Title 22A of the District of Columbia Official Code or the former Anti-Sexual Abuse" in its place.

Sec. 465. Section 6(c) of the Underground Facilities Protection Act of 1980, effective March 4, 1981 (D.C. Law 3–129; D.C. Official Code § 34–2705(c)), is repealed.

Sec. 466. Section 4 of the Transit Operator Protection and Enhanced Penalty Amendment Act of 2008, effective July 23, 2008 (D.C. Law 17-206; D.C. Official Code § 35-261), is amended as follows:

(a) Subsection (a)(1) is amended by striking the phrase "for the commission of certain offenses against transit operators and Metrorail station managers in the District of Columbia pursuant to section 2a of the Taxicab Drivers Protection Act of 2000, passed on 2nd reading on April 1, 2008 (Enrolled version of Bill 17-233) ("Act")" and inserting the phrase "for the commission of any of the following offenses, or an attempt (D.C. Official Code § 22A-301) or conspiracy (D.C. Official Code § 22A-303), to commit any of the following offenses, against transportation workers in the District of Columbia: murder (D.C. Official Code § 22A-2101), manslaughter (D.C. Official Code § 22A-2102), robbery (D.C. Official Code § 22A-2201), carjacking (D.C. Official Code § 22A-2202), assault (D.C. Official Code § 22A-2203), first degree or second degree criminal threats (D.C. Official Code § 22A-2205), kidnapping (D.C. Official Code § 22A-2401), or criminal restraint (D.C. Official Code § 22A-2402)" in its place.

(b) Subsection (b) is amended by striking the phrase "the enhanced penalties provided in section 2a of the Act" and inserting the phrase "the enhanced penalties for the offenses enumerated in subsection (a)(1) of this section" in its place.

Sec. 467. Section 878d of An Act To establish a code of law for the District of Columbia, approved February 27, 1907 (34 Stat. 1007; D.C. Official Code § 36-154), is amended to read as follows:

"Sec. 878d. Use or possession of vessel without purchase of contents prima facie evidence of unlawful use.

"The use or possession by any person not engaged in the production or sale of beverage as aforesaid, except the person who shall have filed and published a description of the same as aforesaid, of any vessel marked or distinguished as aforesaid, the description of which shall have been filed and published as aforesaid, without purchase of the contents thereof from, or the written consent of, the person who shall so have filed and published the said description, shall be prima facie evidence of the unlawful use, possession of, or traffic in, such vessel, and the person so using or in possession of the same, except the person who shall so have filed and published the said description as aforesaid shall:

"(1) For the 1st offense, be punished by a fine of not less than $.50 for each such vessel, or by imprisonment for not less than 10 days nor more than one year, or by both such fine and imprisonment; and

"(2) For each subsequent offense, by a fine of not less than $1 nor more than $5 for each such vessel, or by imprisonment for not less than 20 days nor more than one year, or by both such fine and imprisonment.".

Sec. 468. Section 22 ½ of An Act To establish standard weights and measures for the District of Columbia; to define the duties of the Superintendent of Weights, Measures, and Markets of the District of Columbia; and for other purposes, approved April 27, 1945 (59 Stat. 99; D.C. Official Code § 37-201.22a), is amended by striking the phrase "in violation of the Act entitled 'An Act to prevent fraudulent advertising in the District of Columbia', approved May 29, 1916" and inserting the phrase "in violation of D.C. Official Code § 22A-3301" in its place.

Sec. 469. The School Safety Omnibus Amendment Act of 2018, effective April 11, 2019 (D.C. Law 22-294; D.C. Official Code § 38-951.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 38-951.01) is amended as follows:

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

"(1) "Child abuse" means:

"(A) The infliction of physical or mental injury upon a child;

"(B) A predicate crime, as that term is defined in D.C. Official Code § 22A-2309(i), or sexual abuse, as that term was defined in former section 251(4) of the Anti-Sexual Abuse Act of 1994, effective June 8, 2013 (D.C. Law 19-315; D.C. Official Code § 22-3020.51(4));

"(C) Exploitation of a child; or

"(D) The negligent treatment or maltreatment of a child.".

(2) Paragraph (6) is amended by striking the phrase "means sexual abuse, as that term is defined in section 251(4)" and inserting the phrase "means a predicate crime, as that term is defined in D.C. Official Code § 22A-2309(i), or sexual abuse, as that term was defined in former section 251(4)" in its place.

(b) Section 102(a)(1) (D.C. Official Code § 38-951.02(a)(1)) is amended by striking the phrase "section 252 of Title II-A of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3020.52)" and inserting the phrase "D.C. Official Code § 22A-2309" in its place.

(c) Section 201(6) (D.C. Official Code § 32-1131.01(6)) is amended by striking the phrase "shall have the same meaning as provided in section 251(4)" and inserting the phrase "shall have the same meaning as the term "predicate crime", as that term is defined in D.C. Official Code § 22A-2309(i), or the term "sexual abuse", as that term was defined in former section 251(4)" in its place.

(d) Section 301(4) (D.C. Official Code § 38-952.01(4)) is amended to read as follows:

"(4) "Sexual assault" means sexual assault under D.C. Official Code § 22A-2301, nonconsensual sexual conduct under D.C. Official Code § 22A-2307, or an attempt to commit either offense under D.C. Official Code § 22A-301.".

Sec. 470. Section 101(4) of the Civil Asset Forfeiture Amendment Act of 2014, effective June 16, 2015 (D.C. Law 20-278; D.C. Official Code § 41-301(4)), is amended as follows:

(a) Strike the phrase "section 3 of the Commercial Counterfeiting Criminalization Act of 1996, effective June 3, 1997 (D.C. Law 11-271; D.C. Official Code § 22- 902)" and insert the phrase "D.C. Official Code § 22A-3310" in its place.

(b) Strike the phrase "section 866 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 13 31; D. C. Official Code § 22-1705)" and insert the phrase "D.C. Official Code § 22A-5701" in its place.

(c) Strike the phrase ", section 5 of An Act For the suppression of prostitution in the District of Columbia, effective May 7, 1993 (D.C. Law 9-267; D.C. Official Code § 22-2723)" and insert a comma in its place.

Sec. 471. Section 499c(d) of An Act To establish a code of law for the District of Columbia, effective April 27, 1994 (D.C. Law 10-110; D.C. Official Code § 42-404(d)), is amended by striking the phrase "section 122 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Code § 22-3222)" and inserting the phrase "D.C. Official Code § 22A-3301" in its place.

Sec. 472. Section 302(21) of the District of Columbia Deed Recordation Tax Act, approved March 2, 1962 (76 Stat. 11; D.C. Official Code § 42-1102(21)), is amended by striking the phrase "making false statements pursuant to § 22-2405 of the District of Columbia Code" and inserting the phrase "making false statements pursuant to D.C. Official Code § 22A-4207" in its place.

Sec. 473. Section 2 of the Drug-Related Nuisance Abatement Act of 1998, effective March 26, 1999 (D.C. Law 12-194; D.C. Official Code § 42-3101), is amended as follows:

(a) Paragraph (4) is amended by striking the phrase "means drug paraphernalia, as defined in section 2(3) of the Drug Paraphernalia Act of 1982, effective September 17, 1982 (D.C. Law 4-149; D.C. Code § 33-601(3))" and inserting the phrase "means an object used or intended to be used to manufacture a controlled substance in violation of section 412 of the District of Columbia Uniform Controlled Substances Act of 1981, passed on 2nd reading on November 15, 2022 (Enrolled version of Bill 24-416)" in its place.

(b) Paragraph (5)(C) is amended by striking the phrase "AN ACT For the suppression of prostitution in the District of Columbia, approved August 15, 1935 (49 Stat. 651; D.C. Official Code § 22-2701 *et seq.*); section 2 of the Control of Prostitution and Sale of Controlled Substances in Public Places Criminal Control Act of 1981, effective December 10, 1981 (D.C. Law 4-57; D.C. Official Code § 22-2701.01); section 813 of AN ACT To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22-2704); AN ACT In relation to pandering, to define and prohibit the same, and to provide for the punishment thereof, approved June 2, 1910 (36 Stat. 833; D.C. Official Code § 22-2705 *et seq.*); and section 1 of AN ACT To confer concurrent jurisdiction on the police court of the District of Columbia in certain cases, approved July 16, 1912 (37 Stat.192; D.C. Official Code § 22-2722)"

and inserting the phrase "D.C. Official Code §§ 22A-2401(a)(3)(E), 22A-5401, 22A-5402, 22A-5403, 22A-5404, 22A-2602, 22A-2605, and 22A-2613" in its place.

(c) Paragraph (8A) is amended by striking the phrase "prostitution as defined in section 2(1) of the Control of Prostitution and Sale of Controlled Substances in Public Places Criminal Control Act of 1981, effective December 10, 1981 (D.C. Law 4-57; D.C. Official Code § 22-2701.01(1)), or any act that violates any provision of AN ACT For the suppression of prostitution in the District of Columbia, approved August 15, 1935 (49 Stat. 651; D.C. Official Code § 22-2701 *et seq.*); section 813 of AN ACT To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22-2704); AN ACT In relation to pandering, to define and prohibit the same and to provide for the punishment thereof, approved June 2, 1910 (36 Stat. 833; D.C. Official Code § 22-2705 *et seq.*); and section 1 of AN ACT To confer concurrent jurisdiction on the police court of the District of Columbia in certain cases, approved July 16, 1912 (37 Stat.192; D.C. Official Code § 22-2722)" and inserting the phrase "any act that violates any provision of D.C. Official Code §§ 22A-2401(a)(3)(E), 22A-5401, 22A-5402, 22A-5403, 22A-5404, 22A-2602, 22A-2605, or 22A-2613" in its place.

Sec. 474. Section 9(a)(1)(C) of the Anti-Graffiti Act of 2010, effective September 18, 2010 (D.C. Law 18-219; D.C. Official Code § 42-3141.08(a)(1)(C)), is repealed.

Sec. 475. Section 3(d) of the Fair Criminal Record Screening for Housing Act of 2016, effective April 7, 2017 (D.C. Law 21-259; D.C. Official Code § 42-3541.02(d)), is amended to read as follows:

"(d) After making a conditional offer, a housing provider may only consider a pending criminal accusation or criminal conviction that has occurred within the past 7 years when the pending criminal accusation or criminal conviction is for one or more of the following crimes, whether committed in the District of Columbia or any other state, or the United States:

"(1) Arson under D.C. Official Code § 22A-3601 or former section 820 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1323; D.C. Official Code § 22-301), or burning one's own property with intent to defraud or injure another under former section 821 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1323; D.C. Official Code § 22-302);

"(2) Reckless burning under D.C. Official Code § 22A-3602;

"(3) Criminal damage to property under D.C. Official Code § 22A-3603, or malicious burning, destruction, or injury of another's property under former section 848 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1327; D.C. Official Code § 22-303);

"(4) Burglary under D.C. Official Code § 22A-3801 or former section 823 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1323; D.C. Official Code § 22–801);

"(5) First degree, second degree, or third degree assault under D.C. Official Code § 22A-2203, including under the weapons enhancements in D.C. Official Code § 22A-2203(h)(7), fourth degree assault under the weapons enhancement in D.C. Official Code § 22A-2203(h)(7)(B), aggravated assault under former section 806a of An Act To establish a code of law for the District of Columbia, effective August 20, 1994 (D.C. Law 10–151; D.C. Official Code § 22–404.01), assault with intent to kill, rob, or poison, or to commit first degree sexual abuse, second degree sexual abuse, or child sexual abuse under former section 803 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22–401), or assault with intent to commit mayhem or with dangerous weapon under former section 804 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22–402);

"(6) First degree criminal threats under the weapons enhancement in D.C. Official Code § 22A-2205(4)(B);

"(7) Check fraud under D.C. Official Code § 22A-3303 or making, drawing, or uttering check, draft, or order with intent to defraud under former An Act Regulating the issuance of checks, drafts, and orders for the payment of money within the District of Columbia, approved July 1, 1922 (42 Stat. 820; D.C. Official Code § 22–1510);

"(8) Criminal attempt under D.C. Official Code § 22A-301, if the attempt is to commit a crime listed in this subsection, or attempt under section 906 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1337; D.C. Official Code § 22–1803), if the attempt is to commit a crime listed in this subsection;

"(9) Criminal conspiracy under D.C. Official Code § 22A-303, if the conspiracy is to commit a crime listed in this subsection, or conspiracy under section 908A of An Act To establish a code of law for the District of Columbia, approved July 29, 1970 (84 Stat. 599; D.C. Official Code § 22–1805a), if the conspiracy is to commit a crime listed in this subsection;

"(10) Trafficking in labor under D.C. Official Code § 22A-2603, trafficking in forced commercial sex under D.C. Official Code § 22A-2604, or trafficking in labor or commercial sex acts under former section 103 of the Prohibition Against Human Trafficking Amendment Act of 2010, effective October 23, 2010 (D.C. Law 18–239; D.C. Official Code § 22–1833);

"(11) Sex trafficking of a minor or adult incapable of consenting under D.C. Official Code § 22A-2605, or sex trafficking of children under former section 104 of the Prohibition Against Human Trafficking Amendment Act of 2010, effective October 23, 2010 (D.C. Law 18–239; D.C. Official Code § 22–1834);

"(12) Kidnapping under D.C. Official Code § 22A-2401 or former section 812 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22–2001);

"(13) First degree murder or second degree murder under D.C. Official Code § 22A-2101; murder in the first degree under former section 798 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code §

22–2101); murder in the first degree under former section 799 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22–2102); murder in the second degree under former section 800 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22–2103); or murder of law enforcement officer under former section 802a of An Act To establish a code of law for the District of Columbia, effective May 23, 1995 (D.C. Law 10–256; D.C. Official Code § 22–2106);

"(14) Voluntary manslaughter or involuntary manslaughter under D.C. Official Code § 22A-2102 or manslaughter under former section 802 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22–2105);

"(15) Criminal solicitation under D.C. Official Code § 22A-302 of a crime of violence as defined in § 22A-101, or solicitation of murder or other crime of violence as penalized under former section 802b of An Act To establish a code of law for the District of Columbia, effective April 24, 2007 (D.C. Law 16–306; D.C. Official Code § 22–2107);

"(16) Robbery under D.C. Official Code § 22A-2201, or robbery or attempt to commit robbery under former sections 810 and 811 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code §§ 22–2801 and 22-2802);

"(17) First degree sexual assault under D.C. Official Code § 22A-2301(a) or first degree sexual abuse under former section 201 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3002);

"(18) Second degree sexual assault under D.C. Official Code § 22A-2301(b) or second degree sexual abuse under former section 202 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3003);

"(19) Sexual abuse of a minor under D.C. Official Code § 22A-2302, first degree child sexual abuse under former section 207 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3008), second degree child sexual abuse under former section 208 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3009), first degree sexual abuse of a minor under former section 208a of the Anti-Sexual Abuse Act of 1994, effective April 24, 2007 (D.C. Law 16-306; D.C. Official Code § 22-3009.01), or second degree sexual abuse of a minor under former section 208b of the Anti-Sexual Abuse Act of 1994, effective April 24, 2007 (D.C. Law 16-306; D.C. Official Code § 22-3009.02);

"(20) Sexual abuse by exploitation under D.C. Official Code § 22A-2303, first degree sexual abuse of a ward, patient, client, or prisoner under former section 212 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3013), second degree sexual abuse of a ward, patient, client, or prisoner under former section 213 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3014), first degree sexual abuse of a patient or client under former section

214 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3015), or second degree sexual abuse of a patient or client under former section 215 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3016);

"(21) Act of terrorism under D.C. Official Code § 22A-2701, material support for an act of terrorism under D.C. Official Code § 22A-2702, or former acts of terrorism under former section 103 of the Omnibus Anti–Terrorism Act of 2002, effective October 17, 2002 (D.C. Law 14–194; D.C. Official Code § 22–3153);

"(22) Manufacture or possession of a weapon of mass destruction under D.C. Official Code § 22A-2703 or former section 104 of the Omnibus Anti–Terrorism Act of 2002, effective October 17, 2002 (D.C. Law 14–194; D.C. Official Code § 22–3154);

"(23) Use, dissemination, or detonation of a weapon of mass destruction under D.C. Official Code § 22A-2704 or former section 105 of the Omnibus Anti–Terrorism Act of 2002, effective October 17, 2002 (D.C. Law 14–194; D.C. Official Code § 22–3155);

"(24) Fraud under D.C. Official Code § 22A-3301 or former section 121 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4–164; D.C. Official Code § 22–3221);

"(25) Payment card fraud under D.C. Official Code § 22A-3302 or credit card fraud under former section 123 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4–164; D.C. Official Code § 22–3223);

"(26) Insurance fraud in the first degree under section 125b of the District of Columbia Theft and White Collar Crimes Act of 1982, effective April 27, 1999 (D.C. Law 12–273; D.C. Official Code § 22–3225.02);

"(27) Insurance fraud in the second degree under section 125c of the District of Columbia Theft and White Collar Crimes Act of 1982, effective April 27, 1999 (D.C. Law 12–273; D.C. Official Code § 22–3225.03);

"(28) Forgery under D.C. Official Code § 22A-3304 or former section 141 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4–164; D.C. Official Code § 22–3241);

"(29) Prohibited acts A under section 401 of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 2001 (D.C. Law 4–29; D.C. Official Code § 48–904.01), excluding subsection (d)(1) of this section;

"(30) Prohibited acts B under section 402 of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 2001 (D.C. Law 4–29; D.C. Official Code § 48–904.02);

"(31) Prohibited acts C under section 403 of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 2001 (D.C. Law 4–29; D.C. Official Code § 48–904.03);

"(32) Maintaining methamphetamine production under section 412 of the District of Columbia Uniform Controlled Substances Act of 1981, passed on 2nd reading on November

15, 2022 (Enrolled version of Bill 24-416), or prohibited acts D under former section 411 of the District of Columbia Uniform Controlled Substances Act of 1981, effective June 13, 1990 (D.C. Law 8–138; D.C. Official Code § 48–904.03a);

"(33) Distribution to minors under section 406 of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 2001 (D.C. Law 4–29; D.C. Official Code § 48–904.06);

"(34) Enlistment of minors to distribute under section 407 of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 2001 (D.C. Law 4–29; D.C. Official Code § 48–904.07); and

"(35) Attempt or conspiracy to commit a crime under section 409 of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 2001 (D.C. Law 4–29; D.C. Official Code § 48–904.09), if the attempt or conspiracy is to commit a crime listed in this subsection.".

Sec. 476. Section 1302(15) of the Residential Drug-Related Evictions Re-enactment Act of 2000, effective October 19, 2000 (D.C. Law 13–172; D.C. Official Code § 42–3601(15)), is amended as follows:

(a) Subparagraph (B)(ii) is amended to read as follows:

"(ii) An object used or intended to be used to manufacture a controlled substance in violation of section 412 of the District of Columbia Uniform Controlled Substances Act of 1981, passed on 2nd reading on November 15, 2022 (Enrolled version of Bill 24-416); or".

(b) Subparagraph (C)(ii) is amended to read as follows:

"(ii) An object used or intended to be used to manufacture a controlled substance in violation of section 412 of the District of Columbia Uniform Controlled Substances Act of 1981, passed on 2nd reading on November 15, 2022 (Enrolled version of Bill 24-416).".

Sec. 477. Section 115 of the Continuing Care Retirement Communities Act of 2004, effective April 5, 2005 (D.C. Law 15-270; D.C. Official Code § 44-151.15), is amended as follows:

(a) The lead-in language of subsection (b) is amended by striking the phrase "guilty of fraud in the second degree, as defined in section 121(b) of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-3221(b))" and inserting the phrase "guilty of an offense" in its place.

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

"(b-1) A person who commits an offense under subsection (b) of this section shall be fined no more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or incarcerated for no more than 180 days, or both, if the property that was the object

of the scheme or systematic course of conduct has some value, or shall be fined no more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or twice the value of the property which was the object of the scheme or systematic course of conduct, whichever is greater, or incarcerated for no more than 3 years, or both, if the value of the property which was the object of the scheme or systematic course of conduct is $1,000 or more.".

(c) The lead-in language of subsection (c) is amended by striking the phrase "guilty of fraud in the first degree, as defined in section 121(b) of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-3221(a)" and inserting the phrase "guilty of an offense" in its place.

(d) A new subsection (c-1) is added to read as follows:

"(c-1) A person who commits an offense under subsection (c) of this section shall be fined no more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or incarcerated for no more than 180 days, or both, if the property obtained or lost has some value, or shall be fined no more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or twice the value of the property obtained or lost, whichever is greater, or incarcerated for no more than 10 years, or both, if the value of the property obtained or lost is $1,000 or more.".

Sec. 478. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-2828(a) is amended by striking the phrase "in his judgment" and inserting the phrase "in their judgment" in its place.

(b) Section 47-2829 is amended as follows:

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

(A) Strike the phrase "Collector of Taxes" and insert the phrase "Office of Tax and Revenue" in its place.

(B) Strike the phrase "his designated agent" and insert the phrase "their designated agent" in its place.

(2) Subsection (d) is amended by striking the phrase "he or she" and inserting the word "they" in its place.

(3) Subsection (i) is amended by striking the word "his" wherever it appears and inserting the word "their" in its place.

(c) Section 47-2844(a-1)(1) is amended as follows:

(1) Subparagraph (B) is amended by striking the phrase "the Drug Paraphernalia Act" and inserting the phrase "section 413 of the District of Columbia Uniform Controlled Substances Act of 1981, passed on 2nd reading on November 15, 2022 (Enrolled version of Bill 24-416), or, until the applicability date of this act, the Drug Paraphernalia Act" in its place.

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

"(C) Any act that violates any provision of § 22A-2401(a)(3)(E), § 22A-2602, § 22A-2604, § 22A-2605, § 22A-2608, § 22A-5401, § 22A-5402, or § 22-5403, or, until the applicability date of this act, an act of prostitution as defined in former § 22-2701.01(1), or any act that violates any provision of former §§ 22-2701 through 22-2712 or former 22-2722; or".

(d) Section 47-3504(f) is amended by striking the phrase "shall be deemed guilty of the offense of making false statements and, upon conviction thereof, shall be subject to the penalties for that offense provided for by § 22-2405(b)." and inserting the phrase "shall be subject to prosecution for the offense of false statements under § 22A-4207." in its place.

(e) Section 47-3506(b) is amended by striking the phrase "shall be deemed guilty of the offense of making false statements and, upon conviction, shall be subject to the penalty for that offense provided in § 22-2405(b)." and inserting the phrase "shall be subject to prosecution for the offense of false statements under § 22A-4207." in its place.

Sec. 479. The Drug Paraphernalia Act of 1982, effective September 17, 1982 (D.C. Law 4–149; D.C. Official Code § 48-1101 *et seq.*), is amended as follows:

(a) Section 4a(d) (D.C. Official Code § 48-1103.01(d)) is amended by striking the phrase "Notwithstanding the provisions of section 4 of this act" and inserting the phrase "Notwithstanding the provisions of sections 412 and 413 of the District of Columbia Uniform Controlled Substances Act of 1981, passed on 2nd reading on November 15, 2022 (Enrolled version of Bill 24-416)" in its place.

(b) Section 5(a) (D.C. Official Code § 48-1104(a)) is amended as follows:

(1) Paragraph (2) is amended by striking the phrase "section 4" and inserting the phrase "sections 412 and 413 of the District of Columbia Uniform Controlled Substances Act of 1981, passed on 2nd reading on November 15, 2022 (Enrolled version of Bill 24-416)" in its place.

(2) Paragraph (3) is amended by striking the phrase "as defined in sections 2 and 3 and prohibited in section 4" and inserting the phrase "possessed or trafficked in violation of sections 412 and 413 of the District of Columbia Uniform Controlled Substances Act of 1981, passed on 2nd reading on November 15, 2022 (Enrolled version of Bill 24-416)" in its place.

Sec. 480. Section 103(c) (D.C. Official Code § 48-1203(c)) of the Marijuana Possession Decriminalization Amendment Act of 2014, effective July 17, 2014 (D.C. Law 20-126; D.C. Official Code § 48-1201 *et seq.*), is amended by striking the phrase "and An Act To" and inserting the phrase "Subchapter I of Chapter 5 of Title 22A of the District of Columbia Official Code, and former An Act To" in its place.

Sec. 481. Section 20j-2(c) of the Department of For-Hire Vehicles Establishment Act of 1985, effective March 10, 2015 (D.C. Law 20-187; D.C. Official Code § 50-301.29b(c)), is amended as follows:

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

"(1) As shown in the local or national criminal background check conducted in accordance with subsection (b)(1) of this section, has been convicted within the past 7 years of:

"(A) An offense defined as a crime of violence under D.C. Official Code § 23-1331(4);

"(B) An offense under Subchapter III of Chapter 2 of Title 22A of the District of Columbia Official Code or former Title II of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10–257; D.C. Official Code § 22–3002 *et seq.*);

"(C) An offense under D.C. Official Code § 22A-2807, § 22A-2808, § 22A-2809, § 22-2810, or former § 22-3102;

"(D) Theft in the first, second, or third degree under D.C. Official Code § 22A-3201 or former theft in the first degree under former section 112 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4–164; D.C. Official Code § 22–3212);

"(E) First, second, or third degree fraud under D.C. Official Code § 22A-3301 or former section 121 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-3221);

"(F) First, second, or third degree identity theft under D.C. Official Code § 22A-3305 or former section 127b of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-3227.02); or

"(G) An offense under any state or federal law or under the law of any other jurisdiction in the United States involving conduct that would constitute an offense described in subparagraph (A), (B), (C), (D), (E) or (F) of this paragraph if committed in the District.".

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

(1) Subparagraph (D) is amended by striking the phrase "section 802(a)" and inserting the phrase "D.C. Official Code § 22A-2103 where the death of another is caused by the negligent operation of any vehicle or former section 802(a)" in its place.

(2) Subparagraph (F) is amended by striking the phrase "section 115" and inserting the phrase "D.C. Official Code § 22A-3203 or former section 115" in its place.

Sec. 482. Section 6(b)(2) of the Uniform Classification and Commercial Driver's License Act of 1990, effective September 20, 1990 (D.C. Law 8–161; D.C. Official Code § 50–405(b)(2)), is amended by striking the phrase "Corporation Counsel" and inserting "Attorney General for the District of Columbia" in its place.

Sec. 483. The District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code *passim*), is amended as follows:

(a) Section 7(a) (D.C. Official Code § 50-1401.01(a)) is amended as follows:

(1) Paragraph (1)(B) is amended by striking the phrase "he or she is" and inserting the phrase "they are" in its place.

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

(A) Strike the word "his" wherever it appears and insert the word "their" in its place.

(B) Strike the phrase "he is" and insert the phrase "they are" in its place.

(C) Strike the word "him" and insert the word "them" in its place.

(3) Paragraph (6) is amended by striking the word "his" and inserting the word "their" in its place.

(b) Section 7(c) (D.C. Official Code § 50-1401.01(c)) is amended by striking the phrase "his or her" and inserting the word "their" in its place.

(c) Section 13a(b)(2) (D.C. Official Code § 50-1403.02(b)(2)) is amended as follows:

(1) Subparagraph (A) is amended by striking the phrase "of section" and inserting the phrase "of D.C. Official Code § 22A-3201 or former section" in its place.

(2) Subparagraph (B) is amended by striking the phrase "of section" and inserting the phrase "of D.C. Official Code § 22A-3203 or former section" in its place.

(3) Subparagraph (C) is amended by striking the phrase "of sections" and inserting the phrase "of D.C. Official Code § 22A-3501, D.C. Official Code § 22A-3502, or former sections" in its place.

(d) Section 10b (D.C. Official Code § 50–2201.05b) is amended as follows:

(1) Subsection (d)(1) is amended by striking the word "his" and inserting the word "their" in its place.

(2) Subsection (e) is repealed.

Sec. 484. Section 3p(a) of The Anti-Drunk Driving Act of 1982, effective April 27, 2013 (D.C. Law 19-266; D.C. Official Code § 50-2206.51(a)), is amended by striking the phrase "negligent homicide in violation of section 802(a) of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 50-2203.01), or manslaughter committed in the operation of a vehicle in violation of section 802 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22-2105)," and inserting the phrase "negligent homicide committed in the operation of a motor vehicle in violation of D.C. Official Code § 22A-2103, or manslaughter committed in the operation of a vehicle in violation of D.C. Official Code § 22A-2102," in its place.

TITLE V. APPLICABILITY; FISCAL IMPACT STATEMENT; EFFECTIVE DATE.

Sec. 501. Applicability.

(a)(1) Except as otherwise provided in this act, this act shall apply as of October 1, 2025, or upon the date of inclusion of its fiscal effect in an approved budget and financial plan, whichever is later.

(2) Offenses committed prior to the applicability date of this act are subject to laws in effect at that time. An offense is committed prior to the applicability date of this act if any one of the elements of the offense is satisfied prior to the applicability date of this act.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

Sec. 502. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 503. Effective date.

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

Chairman
Council of the District of Columbia

VETOED

Mayor
District of Columbia
JANUARY 3, 2023

COUNCIL OF THE DISTRICT OF COLUMBIA

WASHINGTON, DC, 20004

Docket No. **B24-0416**

[ ] ITEM ON CONSENT CALENDAR

[X] ACTION **First Reading, CC**

[X] VOTE DATE **November 1, 2022**

[ ] VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT **Gray**

[X] ROLL CALL VOTE – Result **Approved**

Council Member	Aye	Nay	NV	AB	Rec	Council Member	Aye	Nay	NV	AB	Rec	Council Member	Aye	Nay	NV	AB	Rec
Chairman Mendelson	X					Henderson	X					R. White	X				
Allen	X					Lewis George	X					Silverman	X				
Bonds	X					McDuffie	X					T. White	X				
Cheh	X					Nadeau	X										
Gray				X		Pinto	X										
X - Indicate Vote				**AB – Absent**					**NV - Present, Not Voting**							**Rec - Recused**	

CERTIFICATION RECORD

Secretary to the Council

1-25-23
Date

Docket No. **B24-0416**

[X] ITEM ON CONSENT CALENDAR

[X] ACTION **Final Reading**

[X] VOTE DATE **November 15, 2022**

[ ] VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT

[X] ROLL CALL VOTE – Result **Approved**

Council Member	Aye	Nay	NV	AB	Rec	Council Member	Aye	Nay	NV	AB	Rec	Council Member	Aye	Nay	NV	AB	Rec
Chairman Mendelson	X					Henderson	X					R. White	X				
Allen	X					Lewis George	X					Silverman	X				
Bonds	X					McDuffie	X					T. White	X				
Cheh	X					Nadeau	X										
Gray	X					Pinto	X										
X - Indicate Vote				**AB – Absent**					**NV - Present, Not Voting**							**Rec - Recused**	

CERTIFICATION RECORD

Secretary to the Council

1-25-23
Date

COUNCIL OF THE DISTRICT OF COLUMBIA

WASHINGTON, DC, 20004

Docket No. **B24-0416**

[ ] ITEM ON CONSENT CALENDAR

[X] ACTION — **Final Reading**

[X] VOTE DATE — **January 17, 2023**

[ ] VOICE VOTE

RECORDED VOTE ON REQUEST — **MOTION TO OVERRIDE MAYORAL VETO; CM T. White – Voted No**

ABSENT

[X] ROLL CALL VOTE – Result — **Approved**

Council Member	Aye	Nay	NV	AB	Rec	Council Member	Aye	Nay	NV	AB	Rec	Council Member	Aye	Nay	NV	AB	Rec
Chairman Mendelson	X					Henderson	X					Pinto	X				
Allen	X					Lewis George	X					R. White	X				
Bonds	X					McDuffie	X					T. White		X			
Frumin	X					Nadeau	X										
Gray	X					Parker	X										
X - Indicate Vote				**AB – Absent**					**NV - Present, Not Voting**								**Rec - Recused**

CERTIFICATION RECORD

Secretary to the Council

1-25-23
Date