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Chairman Vincent C. Gray  
at the request of the Mayor

A BILL

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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Chairman Vincent C. Gray, at the request of the Mayor, introduced the following bill, which was referred to the Committee on \_\_\_\_\_.

To make the discharging of a weapon without a permit from the Chief of Police a felony offense; to repeal the Anti-Stalking Amendment Act of 1993; to enact a new anti-stalking law that more clearly defines stalking, more broadly encompasses all modern forms of stalking, assigns commensurate penalties and establishes jurisdiction to prosecute; to amend An Act to provide for the more effective prevention, detection and punishment of crime in the District of Columbia, approved June 29, 1953 to exempt reports of crimes of violence, stalking, domestic violence, threats and other crimes from the requirement that police reports be made publicly available; to amend the Act codifying the District of Columbia Code, 56th Congress, Session II, Chapter 854, Subchapter 25 to suspend the marital privilege under certain circumstances, including where a spouse or domestic partner is accused of intra-family offenses or committing a crime prior to the marriage, or is testifying in a civil proceeding involving child abuse and neglect; to amend An Act to enact Part II of the District of Columbia Code, entitled "Judiciary and Judicial Procedures," effective December 23, 1963, to suspend the physician-patient privilege in certain proceedings where a person is suspected or charged with causing the death of, or injuring a human being, or with attempting or threatening to kill or injure a human being, or where a person is suspected of defrauding a health care benefit program; to amend An Act To establish a code of law for the District of Columbia, approved March 3, 1901, to revise the elements of the crime for assault with intent, to make unlawful entry a non-jury demandable offense and to increase the penalty for criminal conspiracies to commit violent crimes from 5 years for all conspiracies to the maximum punishment prescribed for the offense, the commission of which was the object of the conspiracy; to amend the Anti-Sexual Abuse Act of 1994 so that the defendant is not required to prove by a

preponderance of the evidence that the alleged victim of sexual abuse consented; to amend 1  
the District of Columbia Theft and White Collar Crimes Act of 1982 to expand the 2  
definition of the terms “property,” “person” and “value” and to make related conforming 3  
amendments so that the terms more broadly encompass conduct associated with theft and 4  
identity theft, to permit a person to be convicted of any combination of theft, fraud and 5  
other property offenses arising out of the same course of conduct, to expand the 6  
jurisdiction of the District of Columbia to prosecute fraud and insurance fraud, and to 7  
include in the definition of the crime of identity theft the use of personal identifying 8  
information belonging to or pertaining to another person to identify him/herself at the time 9  
of an arrest or to facilitate or conceal the commission of a crime; to provide for increased 10  
penalties if a person uses a stolen motor vehicle to commit a crime of violence and to add 11  
threats to injure to the obstruction of justice statute; to amend the DNA Sample Collection 12  
Act of 2001 to expand the qualifying offenses for the purposes of DNA collection under 13  
the DNA Analysis Backlog Elimination Act of 2000 to include all felonies; to amend An 14  
Act To control the possession, sale, transfer and use of pistols and other dangerous 15  
weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, 16  
and for other purposes so that offenses committed in other jurisdictions that would 17  
constitute a crime of violence or dangerous crime if committed in the District of Columbia 18  
are considered prior offenses for the purpose of sentencing for committing a crime of 19  
violence or dangerous crime while armed, and to increase the penalty for the crime of 20  
felon in possession of a firearm to imprisonment for not more than 10 years and a 21  
mandatory-minimum term of 2 years, or if the prior felony is a crime of violence to 22  
imprisonment for not more than 15 years and a mandatory-minimum of 5 years; to amend 23  
D.C. Official Code section 23-110(b) to allow a motion for post-conviction relief to be 24  
dismissed if the government has been prejudiced in its ability to respond to the motion by 25  
the delay in its filing; to amend D.C. Official Code section 23-523(b) to define daylight as 26  
the hours between 6 a.m. and 11 p.m.; to amend D.C. Official Code section 23-581 by 27  
adding destruction of property and voyeurism to the list of misdemeanors for which an 28  
arrest can be made without a warrant; to amend D.C. Official Code section 23-1322(c) so 29  
that probable cause for the arrest of certain dangerous and violent offenses will support a 30  
finding of dangerousness for pre-trial detention, and to add possession of a firearm during 31  
a crime of violence, and felon-in-possession of a firearm to the list of offenses where there 32  
is a rebuttable presumption of dangerousness; to amend the District of Columbia Implied 33  
Consent Act, approved October 21, 1972, to require medical personnel to collect blood or 34  
urine at the direction of a police officer for the purpose of determining alcohol or drug 35  
content and to protect such medical personnel from liability for doing so; to amend the 36  
Protection of Children from Exposure to Drug-Related Activity Amendment Act of 1989 37  
to provide penalties for the crime of making a false report of child abuse or neglect; to 38  
amend D.C. Official Code section 16-2312 to allow postponement of detention hearings 39  
on New Year’s Day, Thanksgiving Day and Christmas Day; to amend the HIV Testing of 40  
Certain Criminal Offenders Act of 1995 to require the court to order the defendant to 41  
furnish a blood sample to be tested for the presence of HIV, upon the request of the victim 42  
or an eyewitness to the offense who may be at risk of contracting the HIV/AIDS virus at 43  
any time after a preliminary hearing; to amend the Omnibus Public Safety Amendment 44  
Act of 2006 to change the definition of a gang; and to amend the District of Columbia 45

Uniform Controlled Substances Act of 1981 to schedule fresh khat as a Schedule I drug. 1  
2

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this 3  
act may be cited as the “Omnibus Anti-Crime Amendment Act of 2008”. 4

TITLE I. 5  
6

Sec. 101. Unlawful discharge of a firearm. 7  
8

(a) “Firearm,” as used in this section, has the same definition as used in section 1(a) of an 9  
Act To control the possession, sale, transfer and use of pistols and other dangerous weapons in 10  
the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other 11  
purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4501). 12

(b) Except as otherwise permitted by law, no firearm shall be discharged or set off in the 13  
District of Columbia without a special written permit from the Chief of Police issued pursuant to 14  
Section 1 of Article 9 of the Police Regulations of the District of Columbia, effective September 15  
29, 1964 (C.O. 64-1397F; 24 DCMR § 2300.1). 16

(c) Any person convicted of a violation of subsection (b) shall be fined not more than 17  
\$5,000, imprisoned for not more than 5 years, or both. 18

Sec. 102. Anti-Stalking. 19  
20

(a) The Anti-Stalking Amendment Act of 1993 (D.C. Official Code § 22-404(b)-(e)) is 21  
repealed. 22

(b) Legislative Intent. 23

The Council finds that stalking is a serious problem in this city and nationwide. Stalking 24  
involves severe intrusions on the victim’s personal privacy and autonomy. It is a crime that can 25

have a long-lasting impact on the victim’s quality of life, and creates risks to the security and safety of the victim and others, even in the absence of express threats of physical harm. Stalking conduct often becomes increasingly violent over time. The Council recognizes the dangerous nature of stalking as well as the strong connections between stalking and domestic violence and between stalking and sexual assault. Therefore, the Council enacts this law to encourage effective intervention by the criminal justice system before stalking escalates into behavior that has even more serious or lethal consequences.

The Council enacts this stalking statute to permit the criminal justice system to hold stalkers accountable for a wide range of acts, communications, and conduct. The Council recognizes that stalking includes, but is not limited to, a pattern of following, observing, monitoring, the victim, or committing violent or intimidating acts against the victim, regardless of the means.

(c) Definitions.

As used in this section:

(1) “Course of conduct” means two or more acts, including, but not limited to, acts in which the actor, directly, indirectly, or through another person, in person or by means of mail, telephone, e-mail, website, or other method of communication or any device or otherwise, follows, monitors, observes, places under surveillance, threatens, or communicates to or about a person, uses another person’s personal identifying information as defined in the District of Columbia Theft and White Collar Crimes Act of 1982, effective March 27, 2004 (D.C. Law 15-106; D.C. Official Code § 22-3227.01(3)), or interferes with a person’s property. Where an act is of a continuing nature, each 24-hour period constitutes a separate act.

(2) “Device” means electronic, mechanical, digital or any other equipment, 1  
including but not limited to: a camera, computer, microphone, audio or video recorder, cellular 2  
telephone, global positioning system, listening device, night vision goggles, binoculars, telescope, 3  
or spyglass. 4

(3) “Financial injury” means the monetary costs, debts or obligations incurred by 5  
the victim or another person as a result of the stalking, including, but not limited to: 6

(A) the costs of replacing or repairing any property that was taken or 7  
damaged; 8

(B) the costs of clearing the victim’s name or his/her credit, criminal, or 9  
any other official record; 10

(C) medical bills; 11

(D) relocation expenses; 12

(E) lost wages; and 13

(F) attorney’s fees. 14

(d) Stalking. 15

(1) It is unlawful to purposefully engage in a course of conduct that intentionally 16  
or recklessly causes another person to reasonably: 17

(A) Fear for his or her safety or the safety of another person; or 18

(B) Feel seriously alarmed, annoyed, frightened, or tormented. 19

(2) The factfinder shall consider the victim’s circumstances in determining 20  
whether his or her fear or feelings were reasonable. 21

(3) This section does not apply to constitutionally protected activity. 22

(e) Penalties.	1
(1) A person who violates subsection (d) of this Act shall be fined not more than \$1,000 or imprisoned for not more than 180 days, or both.	2 3
(2) A person who violates subsection (d) of this Act and who	4
(A) at the time, was subject to a court, parole or supervised release order prohibiting contact with the victim;	5 6
(B) previously had been convicted of stalking any person;	7
(C) at the time, was at least four years older than the victim and the victim was less than 18 years of age; or	8 9
(D) caused more than \$500 in financial injury	10
shall be fined not more than \$10,000 or imprisoned for not more than five years, or both.	11
(3) A person who violates section 106 of this Act and who previously had been convicted more than once of stalking any person shall be fined not more than \$25,000 or imprisoned for not more than ten years, or both.	12 13 14
(f) Jurisdiction.	15
An offense shall be deemed to be committed in the District of Columbia if at least one of the acts occurred in whole or in part in the District of Columbia. A communication occurs in the District of Columbia if it is made or received in the District of Columbia, or if the victim lives in the District of Columbia and the communication can be electronically accessed in the District of Columbia.	16 17 18 19 20
Section 103. Anti-Gang Civil Enforcement.	21
(a) Findings and Declaration of Necessity.	22

The purpose of this subchapter is to create a mechanism so that civil actions may be brought to enjoin gangs and gang members from engaging in activities which create a public nuisance. In furtherance of this purpose, it is hereby declared that the continued growth of gangs and crews has contributed to the increase in the incidence of violent crime in the District of Columbia. Gang members intimidate the law-abiding residents of the area with their presence and threaten retaliation against persons who cooperate with law enforcement efforts. Gangs and crews operating as organizations are establishing themselves within distinct geographic areas and are committing crimes within those areas. Citizens have noted an increase in gang-related tagging and graffiti as well as gang members displaying gang colors and using gang-related hand signs. Gangs and crews are also responsible for quality of life crimes, such as drinking and using controlled substances in public, and disturbing the peace. Such gang activity injures the health, safety and security of the District's citizens, frightens or intimidates them, obstructs the free use of both private and public property, and interferes with the comfortable enjoyment of the lives and property of the District's residents, and is therefore a nuisance. The enactment of this subchapter is hereby declared to be a public necessity.

(b) Definitions.

As used in this section:

(1) "Crew" means a formal or informal group of three or more persons whose members individually or in any combination engage in gang activity.

(2) "Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, who have a common name, identifying sign, symbol or colors or an identifiable leadership, whose members individually or in

any combination engage in gang activity. 1

(3) “Gang activity” means the violation of two or more criminal laws of 2  
the District, or any other jurisdiction, except for acts of civil disobedience that are committed by 3  
two or more members of the crew or criminal street gang or that are committed for the benefit of 4  
the organization, association or group or any of its members. 5

(4) “Public space” means a street, alley, sidewalk, bridge, path or other 6  
vehicular or pedestrian right-of-way, a park, a public building, a private building that is open to 7  
the public, public housing, or the exterior of any public or private building, including but not 8  
limited to yards, stairs, stoops, and porches. 9

(c) Public Nuisance; Gang Activity. 10

It is a public nuisance for a crew or criminal street gang to engage in gang activity in any 11  
private place or public space in the District of Columbia or to use any private place or public 12  
space in the District of Columbia as a base for engaging in gang activity in another jurisdiction. 13

(d) Public Nuisance; Use of Public Space. 14

It is a public nuisance for any member of a crew or criminal street gang to 15  
congregate in or on a public space with any other member of that crew or criminal street 16  
gang if such congregating causes, in whole or in part, another person to reasonably feel 17  
intimidated, harassed, threatened, or afraid to use the public space in or near the place 18  
where the members of a crew or criminal street gang congregate. 19

(e) Suit to Abate Nuisance. 20

(1) The Attorney General for the District of Columbia may file a complaint 21  
in the Civil Division of the Superior Court of the District of Columbia to enjoin a public nuisance 22



under this section. 1

(2) The complaint must identify at least three crew or criminal street gang 2  
members upon whom service will be made on behalf of the entity. 3

(3) In addition to the crew or street gang entity, any person who associates 4  
with others to engage in gang activity as a member of a crew or criminal street 5  
gang may be made a defendant in the suit. Any person who owns or is responsible 6  
for maintaining a place that is used for engaging in gang activity also may be made 7  
a defendant in the suit. 8

(4) The Attorney General shall not be required to furnish bond or security. 9

(5) Such actions shall be in equity and shall be tried without a jury. 10

(6) The Attorney General must establish the existence of the public 11  
nuisance by a preponderance of the evidence. 12

(f) Service of Process. 13

(1) Prior to filing the complaint, the Attorney General shall send letters via 14  
first-class mail, postage prepaid, to the last known address of at least three crew or street gang 15  
members advising them that a complaint will be filed against the crew or street gang and that a 16  
motion will be filed with the court to designate those crew or criminal street gang members as 17  
persons to be served on behalf of the entity. 18

(2) The Attorney General shall file the complaint and a motion to designate 19  
persons to receive service on behalf of the entity. 20

(3) Each named member of the crew or gang shall be served with the 21  
complaint. 22

(4) Notice of the hearing shall be hand delivered or sent to each named member via first-class mail, postage prepaid, to the individual's last known address.

(5) At the hearing, the Attorney General shall submit documentation or other evidence showing that each of the persons named in the letters is a member of the crew or criminal street gang. The Attorney General may supplement the documentation with evidence presented at the hearing. Evidence which is material and relevant shall be admissible at the hearing.

(6) If the Attorney General proves by a preponderance of the evidence that one or more of the persons to whom letters of designation were sent are members of the crew or criminal street gang, the court shall designate those individuals to receive service of process on behalf of that entity. Service of process may be made in court on any named individual who appears at the hearing and is designated as an individual who may be served on behalf of the combination or criminal street gang.

(g) Protection of Witnesses.

If proof of the existence of the public nuisance depends, in whole or in part, upon information from one or more witnesses who are not law enforcement officers, the court in its discretion may issue an order to protect those witnesses, including, but not limited to, placing under seal the supporting affidavits or the portions thereof that would identify, directly or indirectly, the witness or witnesses and the information the witness or witnesses provided. The court shall issue such other orders as are necessary to protect a witness who is not a law enforcement officer, including an order that the name, address, identifying features, and other information that, directly or indirectly, may identify a witness responding to interrogatories or

depositions or testifying at trial shall not be disclosed to respondents or any other person. Upon 1  
the motion of a respondent or his/her attorney, the court may conduct an in camera, ex parte 2  
hearing, under seal, attended only by the witness and the Attorney General or his/her designee, 3  
and the attorney(s) for the respondent(s) to verify that the witness or witnesses live in the 4  
neighborhood that is affected by the gang activity. If the Attorney General establishes probable 5  
cause to believe that one or more members of the crew or criminal street gang have committed a 6  
crime of violence as defined in D.C. Official Code § 23-1331 or have violated chapter 45 of Title 7  
22, or if the Attorney General establishes probable cause to believe that there is any other reason 8  
not to disclose the name, address, identifying features, and other information that, directly or 9  
indirectly, may identify a witness who is not a law enforcement officer, the Court shall order that 10  
such information not be disclosed to any other person, including, but not limited to the attorney's 11  
client or any other respondent, unless the attorney for the respondent establishes by clear and 12  
convincing evidence that such disclosure would not put the witness at risk. 13

(h) Preliminary Injunction. 14

(1) The Attorney General may file a motion for preliminary injunction. The 15  
hearing shall be held within 10 business days of the filing of the motion. If it appears, by 16  
affidavit or otherwise, that there is a substantial likelihood that the government will be able to 17  
prove that the public nuisance exists, the court may enter an order preliminarily enjoining the 18  
nuisance and granting such other relief as the court may deem appropriate, including those 19  
remedies provided in Section 209. The government need not prove irreparable harm to obtain a 20  
preliminary injunction. Where appropriate, the court may order a trial of the action on the merits 21  
to be advanced and consolidated with the hearing on the motion for preliminary injunction. 22

(2) Nothing in this section shall be construed to prohibit the application for 1  
or the granting of a temporary restraining order, or other equitable relief provided by law. 2

(i) Permanent Injunction. 3

(1) A hearing shall be held on the complaint. 4

(2) If the court finds that the actions of a crew or criminal street gang 5  
constitutes a public nuisance, the court shall enter an order permanently enjoining, abating, and 6  
preventing the continuance or recurrence of the nuisance. The court order shall be directed 7  
against the crew or criminal street gang and its respective members prohibiting specified activities 8  
in a defined geographic area. 9

(A) The order shall enjoin: 10

(i) the crew or criminal street gang and its respective 11  
members from engaging in gang activities; and 12

(ii) the crew or criminal street gang members from 13  
associating or congregating with one or more other enjoined crew or criminal street gang 14  
members in public space within a defined geographic area; 15

(B) The order also may impose other reasonable requirements to 16  
prevent the crew or criminal street gang from engaging in future gang activities. These 17  
requirements may include, but are not limited to, prohibiting crew or criminal street gang 18  
members from: 19

(i) Using private property for gang activities; 20

(ii) Confronting, intimidating, annoying, harassing, 21  
threatening, challenging, provoking, or assaulting any person; 22

(iii) Possessing or knowingly remaining in the presence of anyone who is in possession of any firearm, ammunition, or other weapon;

(iv) Possessing or knowingly remaining in the presence of anyone who is in possession of any controlled substance or drug paraphernalia;

(v) Being present on any private property within a defined geographic area without the written consent of the owner;

(vi) Defacing any public or private property;

(vii) Possessing graffiti material, as that term is defined in the Anti-Intimidation and Defacing of Public or Private Property Criminal Penalty Act of 1982, effective June 12, 2001 (D.C. Law 4-203; D.C. Official Code § 22-3312.05(5)); and

(viii) Violating a court-defined curfew.

(3) The order may be issued against all members of the crew or criminal street gang or a person who comes under the terms of the court order pursuant to paragraph (4) without the necessity of proving that each of them personally participated in the gang activity that supports the granting of the injunction.

(4) Any court order issued pursuant to paragraph (1) shall also be effective as to a non-defendant in the suit, if:

(A) The Metropolitan Police Department presents to the Office of the Attorney General information that the person was a member of a crew or criminal street gang at the time that the suit was filed but was not made a defendant in that suit, or has joined a crew or criminal street gang after the filing of the suit;

(B) The Office of the Attorney General reviews the information and

determines that the person was a member of the crew or criminal street gang at the time that the suit was filed but was not made a defendant in that suit or has joined the crew or criminal street after the filing of the suit;

(C) The Office of the Attorney General approves serving the person with a copy of the court order and a list of the persons who are subject to the order;

(D) A copy of the court order and list of the persons who are subject to the order is served upon the person; and

(E) A copy of the return of service on the person is filed in the Superior Court.

(5) If the court finds that a place is used in a manner that constitutes a public nuisance, the court may include in its order reasonable requirements to prevent the use of the place for gang activity.

(j) Violation of Court Order.

A person who violates a temporary or permanent injunctive order under this subchapter is subject to the following sentences for contempt:

(1) a fine of not less than \$1,000 nor more than \$10,000;

(2) imprisonment for not less than 30 days nor more than 1 year; or

(3) both.

(k) Continuation of Activities Pending Trial or Appeal; Appeal

If an appeal is not taken by a person temporarily enjoined under this subchapter, the person is entitled to a trial on the merits not later than 90 days after the date on which the preliminary injunction was ordered.

(l) Injunction for Specified Period 1

In addition to any other order that may be issued under this section or other law, a court of 2  
appeals or a trial court acting under subsection (h)(2) may issue an order under this subsection 3  
stating that the injunction remains in effect during the course of the trial or until lifted by the 4  
court. 5

(m) Injunction Review and Termination of Gang Affiliation. 6

The Office of the Attorney General, in consultation with the Metropolitan Police 7  
Department, will promulgate regulations within 120 day detailing the process to provide relief to 8  
enjoined gang members who disaffiliate with the enjoined gang. Upon the submission, review 9  
and corroboration of new evidence, the Office of the Attorney General may petition the court to 10  
release an enjoined member from the court order. 11

(n) Interpretation. 12

This section shall be construed liberally in accordance with its remedial purposes. The 13  
definition of a public nuisance shall not be subject to any restrictions or limitations upon public or 14  
private nuisance actions at common law. This action is civil in nature and none of its provisions 15  
should be interpreted as punishment. 16

17

TITLE II. 18

Sec. 201. Section 389 of An Act To provide for the more effective prevention, detection 19  
and punishment of crime in the District of Columbia, approved June 29, 1953 (67 Stat. 99; D.C. 20  
Official Code § 5-113.06), is amended as follows: 21

(a) Subsection (a) is amended by striking the phrase "Except as provided in subsection (c) 1  
of this section," and inserting the phrase "Except as provided in subsections (c) and (d) of this 2  
section," in its place. 3

(b) A new subsection (d) is added to read as follows: 4

“(d) The name and residence of a person that are part of the records to be kept pursuant to 5  
section 6 of An Act To provide for the more effective prevention, detection and punishment of 6  
crime in the District of Columbia, approved June 29, 1953 (67 Stat. 99; D.C. Official Code § 5- 7  
113.01(1)), shall not be open to public inspection if it is alleged that the complainant is a victim 8  
of: 9

“(1) a crime of violence as defined in D.C. Official Code § 23-1331; 10

“(2) a violation of section 1502 of the Omnibus Crime Control and Safe Streets Act of 11  
1968, effective June 19, 1968 (82 Stat. 238, D. C. Official Code § 22-1810); 12

“(3) a violation of The Anti-Stalking Amendment Act of 1993 (D.C. Official Code § 22- 13  
404(b)-(e)) or Section 105 of this Act; 14

“(4) a violation of Section 806(a) of An Act To establish a code of law for the District of 15  
Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22-404(a)(1)), as 16  
amended; 17

“(5) a violation of Section 207 of the Omnibus Public Safety Amendment Act of 2006 18  
(D.C. Law 16-306; D.C. Official Code § 22-404(a)(2)), or a violation of ch. 235, sec. 2 of an Act 19  
to confer concurrent jurisdiction on the police court of the District of Columbia in certain cases, 20  
effective July 16, 1912 (37 Stat. 193; D.C. Official Code § 22-407); or 21

“(6) an attempt or conspiracy to commit any of the foregoing offenses.”. 22



Sec. 202. Section 1068 and 1069 of the Act codifying the District of Columbia Code, 56th Congress, Session II, Chapter 854, Subchapter 25 (1901), approved December 23, 1963, 77 Stat. 519, (D.C. Official Code § 14-306), are amended as follows:

(a) Subsection (c) is renumbered subsection (e).

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

“(c) Notwithstanding subsections (a) and (b), a spouse or domestic partner is both competent and compellable to testify against his or her spouse or domestic partner as to both confidential communications made by one to the other during the marriage or domestic partnership and any other matter in:

“(1) A criminal or delinquency proceeding where one spouse or domestic partner is suspected of or charged with:

“(A) an intrafamily offense as defined in D.C. Official Code § 16-1001(5);

“(B) an offense against a child, minor, or vulnerable adult who resides temporarily or permanently in the household of one of the spouses or domestic partners, or who is related by blood, marriage, domestic partnership or adoption to one of the spouses or domestic partners, or whose health, welfare, or supervision is entrusted to one of the spouses or domestic partners at the time of the alleged offense; or

“(C) the violation of a temporary protection order, a civil protection order, a stay away order or a no contact order;

“(2) a civil proceeding involving the abuse, neglect, abandonment, custody, or dependency of a child, minor or vulnerable adult, who is in the custody of or resides temporarily or permanently in the household of one of the spouses or domestic partners, or who is related by

blood, marriage, domestic partnership or adoption to one of the spouses or domestic partners, or 1  
whose health, welfare, or supervision is entrusted to one of the spouses or domestic partners at the 2  
time of the alleged offense; 3

“(3) a criminal or delinquency proceeding where one spouse or domestic partner is 4  
suspected of or charged with committing a crime jointly with the other spouse or domestic 5  
partner; or 6

“(4) a criminal or delinquency proceeding where the crime occurred prior to the marriage 7  
of the spouses or prior to the filing of a domestic partnership agreement, and one spouse or 8  
domestic partner is suspected of or charged with committing the crime. 9

“(d) The burden is upon the person asserting a privilege to establish that it exists.”. 10

Sec. 203. Section 1 of an Act to enact Part II of the District of Columbia Code, entitled 11  
“Judiciary and Judicial Procedures,” effective December 23, 1963 (79 Stat. 519; D.C. Official 12  
Code 14-307), is amended as follows: 13

(a) D.C. Official Code § 14-307(b)(1) is amended by striking the phrase “evidence in 14  
criminal cases where the accused is charged with causing the death of, or inflicting injuries upon, 15  
a human being,” and inserting the phrase, “evidence in a grand jury, criminal, delinquency, family 16  
or domestic violence proceeding where a person is suspected of or charged with causing the death 17  
of or injuring a human being, or with attempting or threatening to kill or injure a human being, or 18  
with a violation of D.C. Official Code §§ 50-2201.05, 50-2201.05b, or 50-2203.01, or a report has 19  
been filed with the police pursuant to D.C. Official Code § 7-2601.”. 20

(b) (D.C. Official Code § 14-307(b)(4)) is amended as follows: 21

(1) by striking the phrase “in criminal or civil cases” and inserting “in a grand jury, criminal, delinquency or civil proceeding”; and

(2) by striking the phrase “approved July 30, 1965 (79 Stat. 343; 42 U.S.C. § 1396 et seq.)” and inserting in its place “approved July 30, 1965 (79 Stat. 343; 42 U.S.C. § 1396 et seq.), or where a person is suspected of or charged with having defrauded a health care benefit program. For purposes of this section, “health care benefit program” means any public or private plan or contract under which a medical benefit, item, or service is or may be provided to an individual, and includes an individual or entity who provides a medical benefit, item, or service for which payment may be made under the plan or contract.”.

(3) by adding a new subsection (c) to read as follows:

“(c) For purposes of this section, “injury” includes, in addition to physical damage to the body, a sexual act or sexual contact prohibited by the Anti-Sexual Abuse Act of 1994, as amended (D.C. Official Code Title 22, Chapter 30).”.

Sec. 204. An Act To establish a code of law for the District of Columbia, approved March 14 3, 1901 (31 Stat. 1321, ch. 854; D.C. Official Code §§ 22-401, 22-1805a, and 22-3302), is amended as follows:

(a) Section 803 is amended to read as follows:

“Assault with intent to kill, to steal or to engage in or cause another person to engage in or submit to a sexual act, and poisoning.

“A person convicted of an assault with intent to kill, to steal, or to engage in or cause another person to engage in or submit to a sexual act, or, being at least four years older than a child or being in a significant relationship with a minor, to engage in or cause the child or minor

to engage in or submit to a sexual act or contact, or a person convicted of mingling poison with 1  
food, drink, or medicine with intent to kill, or wilfully poisoning any well, spring, or cistern of 2  
water, shall be sentenced to imprisonment for not less than 2 years or more than 15 years.”. 3

(b) Section 824 is amended as follows: 4

(1) The existing language is renumbered as subsection (a). 5

(2) The phrase “public or” in new subsection (a) is struck. 6

(3) The phrase “a fine not exceeding \$100 or imprisonment in the Jail for not more 7  
than 6 months, or both, in the discretion of the court.” in new subsection (a) is struck and the 8  
phrase “a fine of not more than \$1,000 or imprisonment for not more than 180 days, or both.” is 9  
inserted in its place. 10

(4) The following sentence is added to the end of new subsection (a): “For 11  
purposes of this section, “private dwelling” includes but is not limited to, a privately owned 12  
house, apartment, condominium, or any building used as living quarters, or cooperative or public 13  
housing, as defined in section 3(1) of the United States Housing Act of 1937, approved August 14  
22, 1974 (88 Stat. 654; 42 U.S.C. § 1437a(b)), the development or administration of which is 15  
assisted by Department of Housing and Urban Development, or in or around housing that is 16  
owned, operated, or financially assisted by the District of Columbia Housing Authority.”. 17

(5) A new subsection (b) is added to read as follows: 18

“(b) Any person who, without lawful authority, shall enter, or attempt to enter, any 19  
public building, or other property, or part of such building, or other property, against the will of 20  
the lawful occupant or of the person lawfully in charge thereof or his/her agent, or being therein 21  
or thereon, without lawful authority to remain therein or thereon shall refuse to quit the same on 22

the demand of the lawful occupant, or of the person lawfully in charge thereof or his/her agent, 1  
shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of 2  
not more than \$1,000 or imprisonment for not more than 6 months, or both.”. 3

(c) Section 908A is amended as follows: 4

(1) The existing language in subsection (a) is designated as paragraph (1). 5

(2) A new subsection (a)(2) is added to read as follows: 6

“(a)(2) If 2 or more persons conspire to commit a crime of violence as defined in D.C. 7  
Official Code § 23-1331, each is punishable by imprisonment or fine or both that may not exceed 8  
the maximum punishment prescribed for the offense, the commission of which was the object of 9  
the conspiracy.”. 10

Section 205. Section 206 of the Anti-Sexual Abuse Act of 1994, effective May 25, 1995 11  
(D.C. Law 10-257; D.C. Official Code § 22-3007), is amended by striking the phrase “, which the 12  
defendant must establish by a preponderance of the evidence,”. 13

Section 206. The District of Columbia Theft and White Collar Crimes Act of 1982, 14  
effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-3201 *et seq.*), is amended 15  
as follows: 16

(a) Section 101 (D.C. Official Code § 22-3201) is amended by 17

(1) Striking the “and” at the end of paragraph (3)(B). 18

(2) Striking the period at the end of paragraph (3)(C) and inserting a semicolon in 19  
its place. 20

(3) Adding new paragraphs (3)(D), (3)(E) and (3)(F) to read as follows: 21

“(D) credit; 22

“(E) debt; and	1
“(F) a government-issued license, permit, or benefit.”.	2
(4) Adding new paragraphs (7) and (8) to read as follows:	3
“(7) “Person” means an individual (whether living or dead), trust, estate,	4
fiduciary, partnership, company, corporation, association, organization, union, government	5
department, agency, or instrumentality, or any other legal entity.	6
“(8) “Value” with respect to a credit card, check or other written instrument	7
means the amount of money, credit, debt or other tangible or intangible property that has been or	8
can be obtained through its use, or the amount promised or paid for anything of value.”.	9
(b) Section 103 (D.C. Official Code § 22-3203) is amended as follows:	10
(1) The existing language is renumbered as subsection (a).	11
(2) Paragraph (4) is amended by striking the “or” at the end.	12
(3) Paragraph (5) is amended by striking the period at the end and inserting “; or” in its	13
place.	14
(4) A new paragraph (6) is added to read as follows:	15
“(6) Theft and receiving or possessing stolen property.”.	16
(5) A new subsection (b) is added to read a follows:	17
“(b) A person may be convicted of any combination of theft, identity theft, fraud, credit	18
card fraud, unauthorized use of a vehicle and possessing stolen property for the same act or	19
course of conduct.”.	20
(c) A new section 104 is added to read as follows:	21

“Case Referral.	1
“For purposes of this chapter, in cases involving more than one jurisdiction, or in cases where more than one District of Columbia agency is responsible for investigating an alleged violation, the investigating agency to which the report was initially made may refer the matter to another investigating or law enforcement agency with proper jurisdiction.”.	2 3 4 5
(d) Section 115 (D.C. Official Code § 22-3215) is amended as follows:	6
(1) Subsection (b) is amended to read as follows:	7
“(b) A person commits the offense of unauthorized use of a motor vehicle under this subsection if, without the consent of the owner, the person takes, uses, or operates a motor vehicle, or causes a motor vehicle to be taken, used, operated, for his or her own profit, use, or purpose, or during the course of or to facilitate a crime of violence.”.	8 9 10 11
(2) Subsection (d) is amended as follows:	12
(A) Paragraph (1) is amended by striking the period at the end and inserting “if the person takes, uses, or operates the motor vehicle, or causes the motor vehicle to be taken, used, or operated, for his or her own profit, use, or purpose.”.	13 14 15
(B) Paragraph (2) is renumbered as paragraph (3).	16
(C) A new paragraph (2) is added to read as follows:	17

“(2) A person convicted of unauthorized use of a motor vehicle under subsection (b) of 1  
this section shall, in addition to the penalty provided for such crime, be fined not more than 2  
\$50,000 or imprisoned for not more than fifteen years, or both, if the person takes, uses, or 3  
operates the motor vehicle, or causes the motor vehicle to be taken, used, or operated, during the 4  
course of or to facilitate a crime of violence, and shall, if serious bodily injury results, be 5  
imprisoned for not less than 5 years.”. 6

(e) Section 123 (D.C. Official Code § 22-3223) is amended as follows: 7

(1) Subsection (a) is amended to read as follows: 8

“(a) For the purpose of this section, the term “credit card” means an instrument or device, 9  
whether known as a credit card, debit card, or by any other name, issued for use of the cardholder 10  
in obtaining or paying for property.”. 11

(2) Subsection (b) is amended as follows: 12

(A) The lead-in language is amended to read as follows: 13

“(b) A person commits the offense of credit card fraud if, with intent to defraud, 14  
that person obtains or pays for property by:” 15

(B) Paragraph (3) is amended by striking the "or" at the end. 16

(C) Paragraph (4) is amended by striking the period at the end and inserting "; or" in its 17  
place. 18

(D) A new paragraph (5) is added to read as follows: 19



“(5) Knowingly using for the employee’s or contractor’s own purposes, a credit card, or the number or description thereof, issued to or provided to an employee or contractor by or at the request of an employer for the employer’s purposes.”.

(3) Subsection (d) is amended to read as follows:

“(1) Except as set forth in paragraph (2) of this subsection, any person convicted of credit card fraud shall be fined not more than \$1,000 or imprisoned for not more than 180 days, or both.

“(2) Any person convicted of credit card fraud shall be fined not more than \$5,000 or imprisoned for not more than 10 years, or both, if the value of the property obtained or paid for is \$250 or more.”.

(f) A new section 124a (new D.C. Official Code § 22-3224.01) is added to read as follows:

“Section 124a. Jurisdiction.

“An offense under this subchapter shall be deemed to be committed in the District of Columbia, regardless of whether the offender is physically present in the District of Columbia, if:

“(1) The person to whom a credit card was issued or in whose name the credit card was issued is a resident of, or located, in the District of Columbia;

“(2) The person who was defrauded is a resident of, or located in, the District of Columbia; or

“(3) The loss occurred in the District of Columbia; or

“(4) Any part of the offense takes place in the District of Columbia.”.

(g) A new section 125o (new D.C. Official Code § 22-3225.15) is added to read as follows:

“Section 125o. Jurisdiction. 1

“An offense under this subchapter shall be deemed to be committed in the District 2  
of Columbia, regardless of whether the offender is physically present in the District of Columbia, 3  
if: 4

“(1) The insured, insurer, claimant or applicant is a resident of, or located in, the 5  
District of Columbia; 6

“(2) A District of Columbia address is used on an application, policy, or claim for 7  
payment or benefit; 8

“(3) The services for which a claim is made were provided or alleged to have been 9  
provided in the District of Columbia; 10

“(4) Payment of a claim or benefit was made or was to be made to an address in 11  
the District of Columbia; 12

“(5) The loss occurred or is alleged to have occurred in the District of Columbia; 13  
or 14

“(6) Any part of the offense takes place in the District of Columbia.”. 15

(h) Section 127a (D.C. Official Code § 22-3227.01) is amended as follows: 16

(1) Paragraph (1)(C) is amended by striking the “and” at the end. 17

(2) Paragraph (1)(D) is amended by striking the period at the end and inserting “; and” in 18  
its place. 19

(3) A new paragraph (1)(E) is added to read as follows: 20

“(E) Lost time or wages, legal fees, and other expenses incurred as a result of a false accusation of, or arrest for, committing a crime because of the use, without permission, of one’s personal identifying information by another.”.

(4) Paragraph (2) is deleted.

(i) Section 127b (D.C. Official Code § 22-3227.02) is amended by adding a new paragraph (3) to read as follows:

“(3) Uses personal identifying information belonging to or pertaining to another person to identify him/herself at the time of his/her arrest, to facilitate or conceal his/her commission of a crime, or to avoid detection, apprehension, or prosecution for a crime.”.

(j) Section 127f (D.C. Official Code § 22-3227.06) is amended by adding the phrase “or located in” after the word “resident”.

(k) Sections 502(a)(4) and (a)(5) (D.C. Official Code § 22-722(a)(4) and (5)) are amended by adding the phrase “or threatens to injure” after the word “Injures”.

Sec. 207. Section 3 of The DNA Sample Collection Act of 2001, effective October 26, 2001 (D.C. Law 14-52; D.C. Official Code § 22-4151(1)), is amended to read as follows:

“Sec. 3. 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 (Pub. L. No. 106-546; 114 Stat. 2726):

“(1) Any felony;

“(2) Any offense for which the penalty is greater than one year imprisonment;

“(3) § 22-1312(b) (lewd, indecent, or obscene acts (knowingly in the presence of a child under the age of 16 years));

“(4) § 22-2201 (certain obscene activities involving minors); 1

“(5) § 22-3102 (sexual performances using minors); 2

“(6) § 22-3006 (misdemeanor sexual abuse) where the offense is committed against a 3  
minor; 4

“(7) § 22-3010.01 (misdemeanor sexual abuse of a child or minor); and 5

“(8) Attempt or conspiracy to commit any of the offenses listed in paragraphs (1) through 6  
(7) of this section.”. 7

Section 208. Act To control the possession, sale, transfer and use of pistols and other 8  
dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of 9  
evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22- 10  
4501, et seq.), is amended as follows: 11

(a) Section 2 (D.C. Official Code § 22-4502(a)(2)) is amended by inserting after the term 12  
“Columbia,” the phrase “or an offense in any other jurisdiction that would constitute a crime of 13  
violence or dangerous crime if committed in the District of Columbia,”. 14

(b) Section 3 (D.C. Official Code § 22-4503) is amended as follows: 15

(1) By striking the second sentence in subsection (b); and 16

(2) By adding new subsections (c) and (d) to read as follows: 17

“(c) (1) Whoever violates subsection (a)(1), (3), or (4) or subsection (b) of this 18  
section shall be sentenced to not less than one year nor more than 10 years or fined not more than 19  
\$10,000, or both. 20

“(2) Whoever violates subsection (a)(2) of this section shall be sentenced to 21  
imprisonment for not more than 10 years and shall be sentenced to imprisonment for a 22

mandatory-minimum term of not less than 2 years, unless she or he has been convicted of having 1  
committed a crime of violence, in which case she or he shall be sentenced to imprisonment for not 2  
more than 15 years and for a mandatory-minimum of not less than 5 years. A person sentenced to 3  
a mandatory-minimum term shall not be released from prison or granted probation or suspension 4  
of sentence prior to serving the mandatory-minimum sentence. 5

“(d) The term “crime of violence” as used in this section means a crime of violence 6  
as defined by D.C. Official Code § 23-1331, or a crime under the laws of any other jurisdiction 7  
that is defined as a crime of violence in that jurisdiction, or that involved conduct that would 8  
constitute a crime of violence if committed in the District of Columbia or prosecuted under the 9  
District of Columbia Official Code, or conduct that is substantially similar to that prosecuted as a 10  
crime of violence under the District of Columbia Official Code.”. 11

(c) Section 13 (D.C. Official Code § 22-4513) is amended by inserting after the phrase 12  
“§22-4502,” the phrase “§ 22-4504(b),”. 13

Section 209. D.C. Official Code § 23-110(b) is amended by numbering the existing 14  
language as paragraph (1) and adding a new paragraph (2) to read as follows: 15

“(2) A motion for such relief may be dismissed if it appears that the government has been 16  
prejudiced in its ability to respond to the motion by the delay in its filing, unless the movant 17  
shows that the motion is based on grounds which the movant could not have raised by the 18  
exercise of reasonable diligence before the circumstances prejudicial to the government 19  
occurred.”. 20

Sec. 210. D.C. Official Code § 23-523(b) is amended adding the following sentence at the 21  
end: “Daylight means the hours between 6:00 a.m. and 11:00 p.m.”. 22

Sec. 211. D.C. Official Code § 23-581 is amended as follows: 1

(a) Subsection (a)(2)(A) is amended by inserting 2

“Malicious burning, destruction or injury of another’s property.....Section 848 3

(D.C. Official Code § 22-303).” before “Unlawful entry”. 4

(b) Subsection (a)(2)(B) is amended to read as follows: 5

“(B) The following offense specified in the Omnibus Public Safety Amendment Act of 6

2006: 7

“Offense	Specified in	8
“Voyeurism.....	Section 105 (D.C. Official Code § 22- 9	
	3531).”.	10

Sec. 212. D.C. Official Code § 23-1322(c) is amended as follows: 11

(a) By striking the phrase “substantial probability” and inserting the phrase “probable 12

cause” in its place; and 13

(b) By amending Paragraph (7) to read as follows: 14

“(7) Violated D.C. Official Code § 22-4504 (carrying a pistol without a license 15

or possession of a firearm during a crime of violence) or D.C. Official Code § 22-4503 (unlawful 16

possession of a firearm).”.

17

Sec. 213. Section 3 of the District of Columbia Implied Consent Act, approved October 18

21, 1972 (86 Stat. 1016, D.C. Official Code § 50-1903 et seq.), is amended as follows: 19

(a) The existing language is renumbered as subsection (a). 20

(b) The first sentence of subsection (a) is deleted and the following is inserted in its place: 21

“At the direction of a police officer, medical personnel (physician, physician's assistant, nurse practitioner, registered nurse, licensed practical nurse, phlebotomist or other person who is qualified to administer such tests) shall collect blood or urine for the purpose of determining the alcohol content or the drug content thereof and for the purposes of determining whether there has been a violation of law for driving while impaired. Medical personnel must take specimens even if the person has not given express consent. Blood specimens may be taken only by medical personnel.”.

(c) new subsections (b) and (c) are added to read as follows:

“(b) Any person, hospital, or institution participating in good faith in collecting a blood, urine or breath sample pursuant to this chapter shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed with respect to taking of such sample. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from such report.

“(c) (1) Civil fines, penalties and costs may be imposed against a hospital, institution, physician, physician's assistant, nurse practitioner, registered nurse, licensed practical nurse, phlebotomist or other person who is qualified to collect a blood sample who refuses to do so at the direction of a police officer.

“(2) Procedures for adjudication and enforcement and applicable civil fines, penalties, or costs shall be those prescribed for a Class 1 civil infraction, pursuant to Chapter 18 of Title 2.”.

Sec. 214. Section 106 of the Protection of Children from Exposure to Drug-Related Activity Amendment Act of 1989, effective March 15, 1990, as amended (D.C. Law 8-87; D.C. Official Code § 4-1301.06(d)), is amended to read as follows:

(a) Section (d) is amended to read as follows: 1

“(d)(1) The Agency, or any employee or contractor thereof, or the police shall inform the 2  
Office of the Attorney General if it suspects that a person has violated paragraph (2) of this 3  
subsection. 4

“(2) It is unlawful to: 5

“(A) make or cause to be made to the Agency, or any employee or contractor 6  
thereof, or to the police, a false or fictitious report of the abuse or neglect of a child within the 7  
District of Columbia, or a false or fictitious report of any other matter or occurrence of which the 8  
Agency or the police are required under Subchapter I Part A to receive reports, or in connection 9  
with which the Agency or the police are required under Subchapter I Part A to conduct an 10  
investigation, knowing such report to be false or fictitious; or 11

“(B) communicate or cause to be communicated to the Agency, or any employee 12  
or contractor thereof, or to the police any false information concerning the abuse or neglect of a 13  
child within the District of Columbia or concerning any other matter or occurrence of which the 14  
Agency or the police are required under Subchapter I Part A to receive reports, or in connection 15  
with which the Agency or the police are required under Subchapter I Part A to conduct an 16  
investigation, knowing such information to be false.”. 17

(b) New subsections (f) and (g) are added to read as follows: 18

“(f) A violation of subsection (d)(2) of this section shall be punished by a fine not 19  
exceeding \$300 or by imprisonment not exceeding 30 days. 20

“(g) A violation of subsection (d)(2) of this section shall be prosecuted by the Attorney 21  
General for the District of Columbia.”. 22



Sec. 215. D.C. Official Code §§ 16-2312 (a)(1)(A) and (a)(2)(A) are amended by striking 1  
the phrase “(excluding Sundays)” and inserting in its place the phrase “(excluding Sundays, and 2  
New Year's Day, Thanksgiving Day, and Christmas Day, when those holidays are observed on a 3  
day other than a Monday)”. 4

Sec. 216. The HIV Testing of Certain Criminal Offenders Act of 1995, effective 5  
November 11, 1995 (D.C. Official Code § 22-3901 et seq.), is amended as follows: 6

(a) Section 2(1) is amended to read as follows: 7

“(1) “Defendant” means the defendant in a criminal case.”. 8

(b) Section (2)(4) is amended to read as follows: 9

“(4) “Offense” means a violation of D.C. Official Code Title 22, Chapter 30, and any 10  
offense where there is a possible transmission of bodily fluids.”. 11

(c) Section (2)(5) is amended to read as follows: 12

“(5) “Victim” means a person who alleges that an offense defined in paragraph (4) has 13  
been committed against him or her and the parent or legal guardian of such a person, if the person 14  
is a minor, or the spouse, domestic partner, parent, child, or legal representative of the person, if 15  
the person is deceased, incompetent, or incapacitated.”. 16

(d) Section (3)(a) is amended to read as follows: 17

“(a)(1) Upon the request of the prosecutor or the victim, or an eyewitness to the offense 18  
who may have been put at risk for the HIV/AIDS virus, at any time after a finding of probable 19  
cause to believe a defendant has committed an offense defined in D.C. Official Code § 22- 20  
3901(4), the court shall order the defendant to furnish a blood sample to be tested for the presence 21  
of HIV. A finding of probable cause may be satisfied by the filing of an indictment, or finding of 22

probable cause at a preliminary hearing in a criminal case, or by the waiver by the defendant of a preliminary hearing or indictment in a criminal case. If the initial test is negative, the court shall order follow-up testing as appropriate.

“(2) When the defendant has been placed at the Department of Corrections within one month prior to the finding of probable cause and has previously furnished a blood sample to be tested for the presence of HIV, the Court may order the Department of Corrections to provide the results of any HIV test it has conducted in lieu of collecting and analyzing a new blood sample under this subsection.”.

(e) Sections 3(c) and 3(d) are amended by striking the phrase “convicted individual” wherever it appears and inserting “defendant” in its place.

Sec. 217. Section 101(e)(1) of the Omnibus Public Safety Amendment Act of 2006, effective April 24, 2007 (D.C. Official Code § 22-951(e)(1)), is amended as follows:

(a) by striking the numeral “6” and inserting the numeral “3” in the lead-in language;

(b) by amending subparagraph (A) to read as follows:

“(A) Has as a condition of membership or continued membership, the committing or submitting to a beating or a sexual act or contact, or the violation of any criminal law.”;

(c) by adding the phrase “any other state” after the word “District,” in subparagraph (B);  
and

(d) by adding a new subparagraph (C) to read as follows:

“(C) Without a legal right to do so, excludes or attempts to exclude any person or persons from a specific geographic area by violence, physical force, threats, coercion, or intimidation.”.

Sec. 218. Section 204 of the District of Columbia Uniform Controlled Substances Act of 1  
1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-902.04); is amended as 2  
follows: 3

(1) Strike the word “and” at the end of subparagraph (5)(A). 4

(2) Strike the period at the end of subparagraph (5)(B) and insert the phrase “; and” 5  
in its place. 6

(3) Add a new subparagraph (5)(C) to read as follows: 7

“(C) Cathinone.”. 8

### TITLE III. 9

#### Sec. 301. Fiscal impact statement. 10

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal 11  
impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, 12  
approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)). 13

### TITLE IV. 14

#### Sec. 401. Effective date. 15

This act shall take effect following approval by the Mayor (or in the event of veto by the 16  
Mayor, action by the Council to override the veto), a 60-day period of Congressional review as 17  
provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 18  
24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of 19  
Columbia Register. 20

21