

Chairman Vincent C. Gray
at the request of the Mayor

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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

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 create a civil action to enjoin criminal street gangs and their members from engaging in activities which create a public nuisance and to amend the Omnibus Public Safety Amendment Act of 2006 to amend the definition of criminal street gang; 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 close to public inspection the names and addresses of the alleged victims of crimes of violence, obstruction of justice, stalking, assault, assault with significant injury, threats and an attempt or conspiracy to commit any of these offenses unless the Chief of Police determines that release of such information is not likely to result in harm to the investigation of the alleged crime, the victim or witness, or a member of the victim's or witness' family; 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 1
of the crime for assault with intent, to make unlawful entry a non-jury demandable offense 2
and to increase the penalty for criminal conspiracies to commit violent crimes from 5 years 3
for all conspiracies to the maximum punishment prescribed for the offense, the 4
commission of which was the object of the conspiracy; to amend the Anti-Sexual Abuse 5
Act of 1994 so that the defendant is not required to prove by a preponderance of the 6
evidence that the alleged victim of sexual abuse consented; to amend the District of 7
Columbia Theft and White Collar Crimes Act of 1982 to expand the definition of the 8
terms “property,” “person” and “value” and to make related conforming amendments so 9
that the terms more broadly encompass conduct associated with theft and identity theft, to 10
permit a person to be convicted of any combination of theft, fraud and other property 11
offenses arising out of the same course of conduct, to expand the jurisdiction of the 12
District of Columbia to prosecute fraud and insurance fraud, and to include in the 13
definition of the crime of identity theft the use of personal identifying information 14
belonging to or pertaining to another person to identify him/herself at the time of an arrest 15
or to facilitate or conceal the commission of a crime; to provide for increased penalties if a 16
person uses a stolen motor vehicle to commit a crime of violence and to add threats to 17
injure to the obstruction of justice statute; to amend the DNA Sample Collection Act of 18
2001 to expand the qualifying offenses for the purposes of DNA collection under the DNA 19
Analysis Backlog Elimination Act of 2000 to include all felonies; to amend An Act To 20
control the possession, sale, transfer and use of pistols and other dangerous weapons in the 21
District of Columbia, to provide penalties, to prescribe rules of evidence, and for other 22
purposes so that offenses committed in other jurisdictions that would constitute a crime of 23
violence or dangerous crime if committed in the District of Columbia or conduct that is 24
substantially similar to that prosecuted as a crime of violence or dangerous crime under the 25
D.C. Official Code are considered prior offenses for the purpose of sentencing for 26
committing a crime of violence or dangerous crime while armed, and to increase the 27
penalty for the crime of felon in possession of a firearm to imprisonment for not more than 28
15 years and a mandatory-minimum term of 5 years, if the prior felony is a crime of 29
violence; to amend D.C. Official Code section 23-110(b) to allow a motion for post- 30
conviction relief to be dismissed if the government has been prejudiced in its ability to 31
respond to the motion by the delay in its filing; to amend D.C. Official Code section 23- 32
523(b) to define daylight as the hours between 6 a.m. and 11 p.m.; to amend D.C. Official 33
Code section 23-581 by adding destruction of property and voyeurism to the list of 34
misdemeanors for which an arrest can be made without a warrant; to amend D.C. Official 35
Code section 23-1322(c) so that probable cause for the arrest of certain dangerous and 36
violent offenses will support a finding of dangerousness for pre-trial detention, and to add 37
possession of a firearm during a crime of violence, and felon-in-possession of a firearm to 38
the list of offenses where there is a rebuttable presumption of dangerousness; to amend the 39
District of Columbia Implied Consent Act, approved October 21, 1972, to require medical 40
personnel to collect blood or urine at the direction of a police officer for the purpose of 41
determining alcohol or drug content and to protect such medical personnel from liability 42

for doing so; to amend the Protection of Children from Exposure to Drug-Related Activity 1
Amendment Act of 1989 to provide penalties for the crime of making a false report of 2
child abuse or neglect; to amend D.C. Official Code section 16-2312 to allow 3
postponement of detention hearings on New Year’s Day, Thanksgiving Day and Christmas 4
Day; to amend the HIV Testing of Certain Criminal Offenders Act of 1995 to require the 5
court to order the defendant to furnish a blood sample to be tested for the presence of HIV, 6
upon the request of the victim or an eyewitness to the offense who may be at risk of 7
contracting the HIV/AIDS virus at any time after a preliminary hearing; to amend the 8
District of Columbia Uniform Controlled Substances Act of 1981 to schedule fresh khat as 9
a Schedule I drug; to amend the District of Columbia Traffic Act, 1925 to provide that 10
enhanced sentencing penalties for operating a vehicle while intoxicated, under the 11
influence or impaired shall be calculated from the date of the prior conviction to the date 12
of the subsequent offense; to amend the Firearms Control Registration Act of 1975 to 13
establish a registry requiring gun law offenders to register with the Metropolitan Police 14
Department and verify their information, providing penalties for non-compliance; and to 15
create the offense of illegally possessing a firearm in a motor vehicle. 16
17

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this 18
act may be cited as the “Omnibus Anti-Crime Amendment Act of 2009”. 19

TITLE I. 20
21

Sec. 101. Anti-Stalking. 22
23

(a) Section 806(b)-(e) of An Act To establish a code of law for the District of Columbia, 24
approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22-404(b)-(e)) is repealed. 25

(b) Legislative Intent. 26

The Council finds that stalking is a serious problem in this city and nationwide. Stalking 27
involves severe intrusions on the victim’s personal privacy and autonomy. It is a crime that can 28
have a long-lasting impact on the victim’s quality of life, and creates risks to the security and 29
safety of the victim and others, even in the absence of express threats of physical harm. Stalking 30
conduct often becomes increasingly violent over time. The Council recognizes the dangerous 31

nature of stalking as well as the strong connections between stalking and domestic violence and 1
between stalking and sexual assault. Therefore, the Council enacts this law to encourage effective 2
intervention by the criminal justice system before stalking escalates into behavior that has even 3
more serious or lethal consequences. 4

The Council enacts this stalking statute to permit the criminal justice system to hold 5
stalkers accountable for a wide range of acts, communications, and conduct. The 6
Council recognizes that stalking includes, but is not limited to, a pattern of following, observing, 7
monitoring, the victim, or committing violent or intimidating acts against the victim, regardless of 8
the means. 9

(c) Definitions. 10

As used in this section: 11

(1) “Communicating” means using oral or written language, photographs, pictures, signs, 12
symbols, gestures or other acts or objects that convey a message. 13

(2) “Engaging in a course of conduct” includes, but is not limited to, on two or more 14
occasions, directly or indirectly, in person or by any means following, monitoring, observing, 15
placing under surveillance, threatening, communicating to or about a person; using another 16
person’s personal identifying information as defined in the District of Columbia Theft and White 17
Collar Crimes Act of 1982, effective March 27, 2004 (D.C. Law 15-106; D.C. Official Code § 22-18
3227.01(3)); or interfering with, damaging, taking, unlawfully entering a person’s real or personal 19
property or threatening or attempting to do so. Where a single act is of a continuing nature, each 20
24-hour period constitutes a separate occasion. 21

(3) “Any means” includes, but is not limited to, the use of a telephone, mail, delivery service, e-mail, website, or other method of communication or any device, or otherwise;

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

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

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

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

(C) medical bills;

(D) relocation expenses;

(E) lost employment or wages; and

(F) attorney’s fees.

(6) “Indirectly” means using a third person or causing a third person or persons to engage in.

(d) Stalking.

(1) A person shall not purposefully engage in a course of conduct:

(A) With the intent to cause another person to:

(i) Fear for his or her safety or the safety of another person; or	1
(ii) Feel seriously alarmed, annoyed, frightened, or tormented; or	2
(B) That he or she knows or has reason to know would cause a person	3
reasonably to:	4
(i) Fear for his or her safety or the safety of another person; or	5
(ii) Feel seriously alarmed, annoyed, frightened or tormented.	6
(2) The factfinder shall consider the victim’s circumstances or prior relationship or	7
lack of relationship with the accused in determining whether a person’s fear or feelings were	8
reasonable.	9
(3) This section does not apply to constitutionally protected activity.	10
(4) It is not a defense to stalking that the accused was not given actual notice that	11
his or her acts were unwanted.	12
(5) The conduct on each of the occasions need not be the same as it is on the	13
other(s).	14
(e) Penalties.	15
(1) A person who violates subsection (d) of this Act shall be fined not more than	16
\$1,000 or imprisoned for not more than 180 days, or both.	17
(2) A person who violates subsection (d) of this Act and who	18
(A) at the time, was subject to a court, parole or supervised release order	19
prohibiting contact with the victim;	20
(B) previously had been convicted of stalking any person;	21

(C) at the time, was at least four years older than the victim and the victim was less than 18 years of age; or

(D) caused more than \$500 in financial injury shall be fined not more than \$10,000 or imprisoned for not more than five years, or both.

(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.

(f) Jurisdiction.

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.

Section 102. Anti-Gang Civil Enforcement.

(a) Findings and Declaration of Necessity.

The purpose of this section 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 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, operating as

organizations, are establishing themselves within distinct geographic areas and are committing 1
crimes within those areas. Citizens have noted an increase in gang-related tagging and graffiti as 2
well as gang members displaying gang colors and using gang-related hand signs. Gangs are also 3
responsible for quality of life crimes, such as drinking and using controlled substances in public, 4
and disturbing the peace. Such gang activity injures the health, safety and security of the 5
District’s citizens, frightens or intimidates them, obstructs the free use of both private and public 6
property, and interferes with the comfortable enjoyment of the lives and property of the District’s 7
residents, and is therefore a nuisance. The enactment of this section is hereby declared to be a 8
public necessity. 9

(b) Definitions. 10

As used in this section: 11

(1) “Child” shall have the same meaning as provided in D.C. Official Code § 16- 12
2301(13).” 13

(2) “Criminal street gang” means an ongoing organization, association, or group of 14
four or more persons, whether formal or informal, nationally affiliated or neighborhood based, 15
which has as one of its primary purposes or frequent activities, the violation of the criminal laws 16
of the District or any other jurisdiction, except for acts of civil disobedience, and whose members 17
engage in a pattern of gang activity or nuisance activity. A criminal street gang may, but is not 18
required to have one or more of the following attributes: a common name, identifying sign, 19
neighborhood, symbol colors or an identifiable leadership. 20

(3) “Defined geographic area” means an area within the District, the boundaries of 21

which are described by streets, street addresses, landmarks or other identifying information, and used to denote a specific area where criminal street gang activity has an adverse impact upon the community or neighborhood or any considerable number of persons.

(4) “Gang activity” means the following types of conduct:

(A) The violation of, attempted violation of, or conspiracy to violate a violation of section 101 of the Omnibus Public Safety Amendment Act of 2006, effective April 24, 2007 (D.C. Law 16-306; D.C. Official Code § 22-951 (2008 Supp.));

(B) The commission, attempted commission, or conspiracy to commit a dangerous crime, as defined in D.C. Official Code § 23-1331(3) (2008 Supp.);

(C) The commission, attempted commission, or conspiracy to commit a crime of violence, as defined in D.C. Official Code § 23-1331(4) (2008 Supp.);

(D) The commission, attempted commission, or conspiracy to commit any of the following “violent misdemeanors”:

i. Destruction of property in violation 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 § 22-303);

ii. Simple assault in violation 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 § 22-404(a));

iii.	Stalking in violation of An Act To establish a code of law for the	1
	District of Columbia, approved March 3, 1901 (31 Stat. 1189; D.C.	2
	Official Code § 22-404(b));	3
iv.	Threats to do bodily harm in violation of the Act of July 16, 1912,	4
	approved July 16, 1912 (37 Stat. 193; D.C. Official Code § 22-407);	5
v.	Criminal abuse or criminal neglect of a vulnerable adult in violation	6
	of the Criminal Abuse and Neglect of Vulnerable Adults Act of	7
	2000, effective June 8, 2001 (D.C. Law 13-301; D.C. Official Code	8
	§ 22-936(a));	9
vi.	Cruelty to animals in violation of the Acts of the Legislative	10
	Assembly, approved August 23, 1871 (Leg. Assem., p. 135, ch. 106;11	
	D.C. Official Code § 22-1001(a); or	12
vii.	Possession of a prohibited weapon in violation of An Act To control	13
	the possession, sale, transfer, and use of pistols and other dangerous	14
	weapons in the District of Columbia, to provide penalties, to	15
	prescribe rules of evidence, and for other purposes, approved July 8,	16
	1932 (47 Stat 654; D.C. Official Code § 22-4514).	17
(E)	Possession of a destructive device or unregistered firearm without a	18
	registration in violation of the Firearms Control Regulations Act of 1975, effective September 24,	19
	1976 (D.C. Law 1-85; D.C. Official Code § 7-2502.01 (a));	20

(F) Unlawfully discharging a firearm in violation 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 § 22-4503a) and 24 DCMR § 2300.1;

(G) The use of “graffiti” as that term is defined by section 1a of the Anti-Intimidation and Defacing of Public or Private Property Criminal Penalty Act of 1982, effective June 12, 2001 (D.C. Law 13-309; D.C. Official Code § 22-3312.05(4)) to “mark” or “tag” a public space as belonging to or under the control of the criminal street gang;

(H) Possession of “Graffiti Material” as defined by section 1a of the Anti-Intimidation and Defacing of Public or Private Property Criminal Penalty Act of 1982, effective June 12, 2001 (D.C. Law 13-309; D.C. Official Code § 22-3312.05(5)); or

(I) The creation of a public nuisance as defined by subsection (d) of this section.

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

(c) Public Nuisance; Gang Activity.

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

(d) Public Nuisance; Use of Public Space.	1
It is a public nuisance for a criminal street gang to engage in a pattern of behavior on	2
public space which has an adverse impact upon the community or neighborhood or any	3
considerable number of persons. An adverse impact means the presence of any one or more of the	4
following conditions relating to criminal street gang activity:	5
(1) The existence of a reasonable fear of residents and other people to walk through	6
or in the defined geographic areas;	7
(2) The existence of a high number of ambulance or police calls to the defined	8
geographic area;	9
(3) The display of dangerous weapons or the hiding of dangerous weapons in or	10
near the defined geographic area;	11
(4) The sale or use of controlled substances or the hiding of controlled substances	12
in or near the defined geographic area;	13
(5) Arrests of gang members in or near the defined geographic area;	14
(6) A substantial number of complaints made to law enforcement and other	15
government officials about activities in the defined geographic area; and	16
(7) The discharge of a firearm in or near the defined geographic area.	17
(e) Suit to Abate Nuisance.	18
(1) The Attorney General for the District of Columbia may file a Complaint in the	19
Civil Division of the Superior Court of the District of Columbia against a criminal street gang and	20

its members to enjoin a public nuisance under this section. 1

(2) The Complaint must identify the criminal street gang and allege that there is an 2
adverse impact of the criminal street gang’s activities within a defined geographic area such that 3
there exists a public nuisance. The Complaint must list at least three criminal street gang 4
members whom the Attorney General alleges should be designated to receive service on behalf of 5
the entity. 6

(3) In addition to the criminal street gang, any person who associates with others to 7
engage in gang activity as a member of a criminal street gang may be made a defendant in the suit. 8
Any person who owns or is responsible for maintaining a place that is used for engaging in gang 9
activity also may be made a defendant in the suit. 10

(4) The Attorney General shall not be required to furnish bond or security. 11

(5) Such actions shall be in equity and shall be tried without a jury. 12

(6) The Attorney General must establish the existence of the public nuisance by 13
clear and convincing evidence. 14

(f) Confidentiality of Identities; Protection of Witnesses. 15

(1) (A) If proof of the existence of the public nuisance depends, in whole or in part, 16
upon evidence of delinquent conduct or information contained in juvenile case records, as that 17
term is defined in D.C. Official Code § 16-2331, juvenile social file records, as that term is 18
defined in D.C. Official Code § 16-2332, law enforcement records, as that term is defined in D.C. 19
Official Code § 16-2333, or Department of Youth Rehabilitation Services records, as that term is 20
defined in the Department of Youth Rehabilitation Services Establishment Act of 2004, effective 21

April 12, 2005 (D.C. Law 15-335; D.C. Official Code § 2-1515.06), the court in its discretion may 1
issue an order to protect the child by prohibiting the release of identifying information about the 2
child. Such order may include, but not be limited to, placing under seal the supporting affidavits 3
or the portions thereof that would identify, directly or indirectly, the child, and closing the 4
courtroom to all persons other than the parties when matters before the court pertain to a child. 5

(B) Unless the court orders otherwise, in all filings with the court that 6
contain a child's name, birth date, home address or other identifying information, the party 7
making the filing may only include the year of the child's birth, the child's initials, and the ward 8
where the child lives, or if the child does not live in the District, the city and state of the child's 9
home address. A person making a redacted filing may also file an unredacted copy under seal. 10
The court must retain the unredacted copy as part of the record. A child waives the protection of 11
this paragraph as to the child's own information by filing it without redaction and not under seal. 12

(2) If proof of the existence of the public nuisance depends, in whole or in part, 13
upon information from one or more witnesses who are not law enforcement officers, the court in 14
its discretion may issue an order to protect those witnesses, including, but not limited to, placing 15
under seal the supporting affidavits or the portions thereof that would identify, directly or 16
indirectly, the witness or witnesses and the information the witness or witnesses provided. The 17
court shall issue such other orders as are necessary to protect a witness who is not a law 18
enforcement officer, including an order that the name, address, identifying features, and other 19
information that, directly or indirectly, may identify a witness responding to interrogatories or 20
depositions or testifying at trial shall not be disclosed to respondents or any other person. Upon 21

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

(3) For the purposes of this subsection, the term "law enforcement officer" does 13
not include a law enforcement officer who (A) is acting in an undercover capacity or (B) resides in 14
the defined geographic area. 15

(g) Service of Process; Preliminary Injunction. 16

(1) The Attorney General shall file the Complaint, a motion to designate persons to 17
receive service on behalf of the criminal street gang, and a motion for a preliminary injunction. 18

(2) Upon the filing of the Complaint the court shall issue a hearing date for the 19
motion to designate persons to receive service on behalf of the criminal street gang and the motion 20
for a preliminary injunction. 21

(3) Notice of the hearing shall be served together with a copy of the complaint, 1
motion to designate persons to receive service on behalf of the criminal street gang, and motion 2
for a preliminary injunction upon one or more persons who have been identified as criminal street 3
gang members in section (e)(2). 4

(4) At the hearing, the Attorney General shall submit documentation or other 5
evidence showing that the persons named in the motion are members of the criminal street gang. 6
The Attorney General may supplement the documentation with evidence presented at the hearing. 7
Evidence which is material and relevant shall be admissible at the hearing. 8

(5) If the Attorney General proves by clear and convincing evidence that one or 9
more of the persons served with the motion to designate are members of the criminal street gang, 10
the court shall designate such individuals as representatives of the criminal street gang. Service of 11
process may also be made in court on any named members of the criminal street gang who appear 12
at the hearing. 13

(6) If it appears at the hearing, by affidavit or otherwise, that there is a substantial 14
likelihood that the government will be able to prove that the public nuisance exists, the court may 15
enter an order preliminarily enjoining the nuisance and granting such other relief as the court may 16
deem appropriate, including those remedies provided in subsection (h). 17

(7) The government need not prove irreparable harm to obtain a preliminary 18
injunction. 19

(8) Where appropriate, the court may order a trial of the action on the merits to be 20
advanced and consolidated with the hearing on the motion for preliminary injunction. 21

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

(h) Permanent Injunction.

(1) A hearing shall be held on the Complaint.

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

(A) The order shall enjoin:

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

(ii) the criminal street gang members from associating or congregating with one or more other criminal street gang members in public space within a defined geographic area.

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

(i) Confronting, intimidating, annoying, harassing, threatening, challenging, provoking, or assaulting any person;

(ii) Possessing or knowingly remaining in the presence of anyone

who is in possession of any firearm, ammunition, or other weapon; 1

(iii) Possessing or knowingly remaining in the presence of anyone 2

who is in possession of any controlled substance or drug paraphernalia; 3

(iv) Being present on any private property within a defined 4

geographic area without the written consent of the owner; 5

(v) Defacing any public or private property; 6

(vi) Possessing graffiti material, as that term is defined in the Anti- 7

Intimidation and Defacing of Public or Private Property Criminal Penalty Act of 1982, effective 8

June 12, 2001 (D.C. Law 4-203; D.C. Official Code § 22-3312.05(5)); and 9

(vii) Violating a court-defined curfew. 10

(C) The Order may also require that any person who is served with a copy 11

of the order shall not disclose any identifying information about a child who is also subject to the 12

order or who had been subject to the order previously. 13

(3) The order may be issued against all members of the criminal street gang who 14

have been served pursuant to subsection (g)(3) or a person who comes under the terms of the court 15

order pursuant to paragraph (h)(5) without the necessity of proving that each of them personally 16

participated in the gang activity that supports the granting of the injunction. 17

(4) A member of the criminal street gang or a person who comes under the terms of 18

the court order pursuant to paragraph (5) will not be subject to enforcement of the Gang 19

injunction, unless he or she has been personally served with the injunction. 20

(5) In addition to the criminal street gang, and their members listed in an 21

attachment to the order, any court order issued pursuant to paragraph (1) shall also be effective as to other criminal street gang members, if:

(A) The Office of the Attorney General files a motion to add other criminal street gang members to the injunction and that motion is served upon those individuals;

(B) At a hearing, the Office of the Attorney General presents information to the court that the person was a member of the criminal street gang at the time that the suit was filed but that the person was not served pursuant to section (g)(3), or that the person has joined a criminal street gang after the filing of the suit;

(C) The court, after reviewing the information, determines by clear and convincing evidence that the person was a member of the criminal street gang at the time that the suit was filed but was not made a party to that suit or has joined the criminal street gang after the filing of the suit, and therefore should be added to the list of persons subject to the injunctive relief;

(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.

(6) After a copy of the return of service is filed with the court, pursuant to paragraph (h)(5)(E), the court shall add each new person to the list attached to the order of gang members. The court shall then send a copy of the order including the updated list to the last known address of all persons on the list.

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

(i) Violation of Court Order.

A person who violates a temporary or permanent injunctive order under this section 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 180 days; or

(3) both.

(j) 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.

(k) Injunction for Specified Period.

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

(l) Injunction Review and Termination of Gang Affiliation.

(1) Any person who is the subject of a gang injunction may petition the court at any time to have the injunction lifted as to that individual because that person has both dissociated him or herself from the gang and is no longer involved in criminal activity. In addition to any

other factors, which the court sitting as a court of equity may use, the court shall consider the 1
following factors in determining if the injunction should be lifted: 2

- (A) length of time that the person has been disassociated with the gang and 3
gang activity; 4
- (B) length of time that the person has been disassociated with criminal 5
activity; 6
- (C) length of time since that person has been incarcerated, on probation or 7
parole, or otherwise subject to court supervision; 8
- (D) establishment of residency outside the enjoined area; 9
- (E) obtaining of a high school or general equivalency diploma ("GED") or 10
other educational or vocational certificate after the imposition of the injunction, 11
- (F) establishment and maintenance of gainful employment; and 12
- (G) completion of a court approved program which promotes a gang free 13
lifestyle, identifies gang issues and options to participation, makes the person aware of the 14
consequences of their own behavior and the gang's behavior on self and others, or otherwise is 15
designed to reduce the likelihood of continued participation in a gang. 16

(2) The Office of the Attorney General, in consultation with the 17
Metropolitan Police Department, will promulgate regulations within 120 days of the effective date 18
of this act detailing the process a person may utilize to obtain the government's assistance in 19
lifting the injunction. Prior to filing a motion to lift the injunction, a person may follow the 20
procedures outlined in the regulations. Upon the submission, review, and corroboration of the 21

materials submitted pursuant to these regulations, the Office of the Attorney General may agree 1
not to oppose a petition filed by a gang member to be released from the court order. 2

(m) Whenever service of process is required under this section, members of the 3
Metropolitan Police Department are authorized to effect such service. 4

(n) Interpretation. 5

This section shall be construed liberally in accordance with its remedial purposes. The 6
definition of a public nuisance shall not be subject to any restrictions or limitations upon public or 7
private nuisance actions at common law. This action is civil in nature and none of its provisions 8
should be interpreted as punishment. 9

(o) Section 101(e)(1) of the Omnibus Public Safety Amendment Act of 2006, effective 10
April 24, 2007 (D.C. Law 16-306; D.C. Official Code § 22-951(e)(1) (2008 Supp.)), is amended to 11
read as follows: 12

“(1) “Criminal street gang” means an ongoing organization, association, or group of four 13
or more persons, whether formal or informal, nationally affiliated or neighborhood based, which 14
has as one of its primary purposes or activities, the violation of the criminal laws of the District or 15
any other jurisdiction, except for acts of civil disobedience, and whose members engage in a 16
pattern of gang activity or nuisance activity. A criminal street gang may, but is not required to 17
have one or more of the following attributes: a common name, identifying sign, neighborhood, 18
symbol colors or an identifiable leadership.”. 19

(p) (1) D.C. Official Code § 16-2331 is amended by adding a new paragraph (b) (14) to 20
read as follows: 21

“(14) any court for the purpose of litigating a matter brought pursuant to section 102 of the Omnibus Anti-Crime Amendment Act of 2009 and all parties to that litigation.”

(2) D.C. Official Code § 16-2332 is amended by adding a new paragraph (b)(1)(K) to read as follows:

“(K) any court for the purpose of litigating a matter brought pursuant to section 102 of the Omnibus Anti-Crime Amendment Act of 2009 and all parties to that litigation.”

(3) D.C. Official Code § 16-2333 is amended by adding a new paragraph (b)(13) to read as follows:

“(13) any court for the purpose of litigating a matter brought pursuant to section 102 of the Omnibus Anti-Crime Amendment Act of 2009 and all parties to that litigation.”

TITLE II.

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

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

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

“(d)(1) The name and address or residence of a complainant who is alleged to be the victim of or witness to a crime of violence as defined in D.C. Official Code § 23-1331,

obstruction of justice in violation of D.C. Official Code § 22-722, threats in violation of D.C. Official Code § 22-1810 or § 22-407, stalking, assault, or assault with significant injury in violation of D.C. Official Code § 22-404, or an attempt or conspiracy to commit any of the foregoing offenses, shall not be open to public inspection.”.

“(2) A member of the public may submit a request to the Chief of the Metropolitan Police Department to inspect information that is not open to public inspection pursuant to paragraph (1). The Chief may deny such a request upon a determination that the release of information may result in harm to the investigation of the alleged crime, the victim or witness, a member of the victim’s or witness’ family, or a friend or associate of the victim or witness.”.

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(8);

“(B) an offense against a child, minor, or vulnerable adult who is in the custody of 1
or resides temporarily or permanently in the household of one of the spouses or domestic 2
partners, or is related by blood, marriage, domestic partnership or adoption to one of the spouses 3
or domestic partners, or whose health, welfare, or supervision is entrusted to one of the spouses or 4
domestic partners at the time of the alleged offense; or 5

“(C) the violation of a temporary protection order, a civil protection order, a stay 6
away order or a no contact order; 7

“(2) a civil proceeding involving the abuse, neglect, abandonment, custody, or dependency 8
of a child, minor or vulnerable adult, who is in the custody of or resides temporarily or 9
permanently in the household of one of the spouses or domestic partners, or who is related by 10
blood, marriage, domestic partnership or adoption to one of the spouses or domestic partners, or 11
whose health, welfare, or supervision is entrusted to one of the spouses or domestic partners at the 12
time of the alleged offense; 13

“(3) a criminal or delinquency proceeding where one spouse or domestic partner is 14
suspected of or charged with committing a crime jointly with the other spouse or domestic 15
partner; or 16

“(4) a criminal or delinquency proceeding where the crime occurred prior to the marriage 17
of the spouses or prior to the filing of a domestic partnership agreement, and one spouse or 18
domestic partner is suspected of or charged with committing the crime. 19

“(d) The burden is upon the person asserting a privilege to establish that it exists.”. 20

Sec. 203. Chapter 3 of Title 14 of the District of Columbia Official Code, is amended as follows:

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

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

(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 1
to the body, a sexual act or sexual contact prohibited by the Anti-Sexual Abuse Act of 1994, as 2
amended (D.C. Official Code Title 22, Chapter 30).” 3

Sec. 204. An Act To establish a code of law for the District of Columbia, approved March 4
3, 1901 (31 Stat. 1321, ch. 854; D.C. Official Code §§ 22-401, 22-1805a, and 22-3302), is 5
amended as follows: 6

(a) Section 803 is amended to read as follows: 7

“Assault with intent to kill, to steal or to engage in or cause another person to engage in or 8
submit to a sexual act, and poisoning. 9

“A person convicted of an assault with intent to kill, to steal, or to engage in or cause 10
another person to engage in or submit to a sexual act, or, being at least four years older than a 11
child or being in a significant relationship with a minor, to engage in or cause the child or minor 12
to engage in or submit to a sexual act or contact, or a person convicted of mingling poison with 13
food, drink, or medicine with intent to kill, or willfully poisoning any well, spring, or cistern of 14
water, shall be sentenced to imprisonment for not less than 2 years or more than 15 years.”. 15

(b) Section 824 is amended as follows: 16

(1) The existing language is renumbered as subsection (a); 17

(2) The phrase “public or” in new subsection (a) is struck; 18

(3) The phrase “a fine not exceeding \$100 or imprisonment in the Jail for not more 19
than 6 months, or both, in the discretion of the court.” in new subsection (a) is struck and the 20

phrase “a fine of not more than \$1,000 or imprisonment for not more than 180 days, or both.” is 1
inserted in its place. 2

(4) The following sentence is added to the end of new subsection (a): “For 3
purposes of this section, “private dwelling” includes but is not limited to, a privately owned 4
house, apartment, condominium, or any building used as living quarters, or cooperative or public 5
housing, as defined in section 3(1) of the United States Housing Act of 1937, approved August 6
22, 1974 (88 Stat. 654; 42 U.S.C. § 1437a(b)), the development or administration of which is 7
assisted by Department of Housing and Urban Development, or housing that is owned, operated, 8
or financially assisted by the District of Columbia Housing Authority.”. 9

(5) A new subsection (b) is added to read as follows: 10

“(b) Any person who, without lawful authority, shall enter, or attempt to enter, any 11
public building, or other property, or part of such building, or other property, against the will of 12
the lawful occupant or of the person lawfully in charge thereof or his/her agent, or being therein or 13
thereon, without lawful authority to remain therein or thereon shall refuse to quit the same on the 14
demand of the lawful occupant, or of the person lawfully in charge thereof or his/her agent, shall 15
be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not 16
more than \$1,000 or imprisonment for not more than 6 months, or both.”. 17

(c) Section 908A is amended as follows: 18

(1) The existing language in subsection (a) is designated as paragraph (1). 19

(2) A new subsection (a)(2) is added to read as follows: 20

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

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

Section 206. 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 § 22-3201 *et seq.*), is amended as follows:

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

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

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

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

“(D) credit;

“(E) debt; and

“(F) a government-issued license, permit, or benefit.”.

(4) Adding new paragraphs (7) and (8) to read as follows:

“(7) “Person” means an individual (whether living or dead), trust, estate, 1
fiduciary, partnership, company, corporation, association, organization, union, government 2
department, agency, or instrumentality, or any other legal entity. 3

“(8) “Value” with respect to a credit card, check or other written instrument 4
means the amount of money, credit, debt or other tangible or intangible property or services that 5
has been or can be obtained through its use, or the amount promised or paid for anything of 6
value.”. 7

(b) Section 103 (D.C. Official Code § 22-3203) is amended as follows: 8

(1) The existing language is renumbered as subsection (a). 9

(2) Paragraph (4) is amended by striking the “or” at the end. 10

(3) Paragraph (5) is amended by striking the period at the end and inserting “;” in 11
its place. 12

(4) New paragraphs (6) and (7) are added to read as follows: 13

“(6) Theft and receiving or possessing stolen property; or 14

“(7) Receiving or possessing stolen property and unauthorized use of a vehicle.”. 15

(5) A new subsection (b) is added to read as follows: 16

“(b) A person may be convicted of any combination of theft, identity theft, fraud, 17
credit card fraud, unauthorized use of a vehicle and possessing stolen property for the same act or 18
course of conduct.”. 19

(c) A new section 104 is added to read as follows: 20

“Case Referral. 21

“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.”.

(d) Section 115 (D.C. Official Code § 22-3215) is amended as follows:

(1) Subsection (b) is amended to read as follows:

“(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.”.

(2) Subsection (d) is amended as follows:

(A) Paragraph (1) is amended to read as follows:

“(1) Any person who violates subsection (b) of this section shall be fined not more than \$1000, or imprisoned for not more than 5 years, or both, 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 profit.”.

(B) Paragraph (2) is renumbered as paragraph (3).

(C) A new paragraph (2) is added to read as follows:

“(2) Any person who violates subsection (b) of this section shall, if the person
takes, uses, or operates the motor vehicle, or causes the motor vehicle to be taken, used or
operated, during the course of or to facilitate a crime of violence, be fined not more than \$50,000
or imprisoned for not more than 15 years, or both, in addition to the penalty provided for such
crime of violence, and shall, if serious injury results, be imprisoned for not less than five years.”.

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

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

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

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

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

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

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

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

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

“(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), paragraphs (1) and (2) are amended to read as follows: 1

“(1) Except as set forth in paragraph (2) of this subsection, any person convicted of 2
credit card fraud shall be fined not more than \$1,000 or imprisoned for not more than 180 days, or 3
both. 4

“(2) Any person convicted of credit card fraud shall be fined not more than \$5,000 5
or imprisoned for not more than 10 years, or both, if the value of the property or services obtained 6
or paid for is \$250 or more.”. 7

(f) A new section 124a (new D.C. Official Code § 22-3224.01) is added to read as follows: 8

“Section 124a. Jurisdiction. 9

“An offense under this subchapter shall be deemed to be committed in the District of 10
Columbia, regardless of whether the offender is physically present in the District of Columbia, 11
if: 12

“(1) The person to whom a credit card was issued or in whose name the credit card 13
was issued is a resident of, or located, in the District of Columbia; 14

“(2) The person who was defrauded is a resident of, or located in, the District of 15
Columbia; or 16

“(3) The loss occurred in the District of Columbia; or 17

“(4) Any part of the offense takes place in the District of Columbia.”. 18

(g) A new section 125o (new D.C. Official Code § 22-3225.15) is added to read as 19
follows: 20

“Section 125o. Jurisdiction. 21

“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 insured, insurer, claimant or applicant is a resident of, or located in, the District of Columbia;

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

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

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

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

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

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

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

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

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

“(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. 1

(i) Section 127b (D.C. Official Code § 22-3227.02) is amended by adding a new 2
paragraph (3) to read as follows: 3

“(3) Uses personal identifying information belonging to or pertaining to another person to 4
identify him/herself at the time of his/her arrest, to facilitate or conceal his/her commission of a 5
crime, or to avoid detection, apprehension, or prosecution for a crime.”. 6

(j) Section 127f (D.C. Official Code § 22-3227.06) is amended by adding the phrase “or 7
located in” after the word “resident”. 8

(k) Sections 502(a)(4) and (a)(5) (D.C. Official Code § 22-722(a)(4) and (5)) are 9
amended by adding the phrase “or threatens to injure” after the word “Injures”. 10

Sec. 207. Section 3 of The DNA Sample Collection Act of 2001, effective October 26, 11
2001 (D.C. Law 14-52; D.C. Official Code § 22-4151(1)), is amended to read as follows: 12

“Sec. 3. The following criminal offenses shall be qualifying offenses for the purposes of 13
DNA collection under the DNA Analysis Backlog Elimination Act of 2000, approved December 14
19, 2000 (Pub. L. No. 106-546; 114 Stat. 2726): 15

“(1) Any felony; 16

“(2) Any offense for which the penalty is greater than one year imprisonment; 17

“(3) An act for the preservation of the public peace and the protection of property within 18
the District of Columbia, approved July 29, 1892 (27 Stat. 324; D.C. Official Code § 22-1312(b)) 19
(lewd, indecent, or obscene acts (knowingly in the presence of a child under the age of 16 years)); 20

“(4) 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) 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) 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) The Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; 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 section.”.

Section 208. 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 2 (D.C. Official Code § 22-4502(a)(2)) is amended by inserting after the term “Columbia,” the phrase “or an offense in any other jurisdiction that would constitute a crime of violence or dangerous crime if committed in the District of Columbia, or conduct that is substantially similar to that prosecuted as a crime of violence or dangerous crime under the District of Columbia Official Code.”.

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

“(a) No person shall own or keep a firearm, or have a firearm in his or her possession or

under his or her control, within the District of Columbia, if: 1

“(1) Such person has a prior conviction for a felony in the District of Columbia or 2
elsewhere; or 3

“(2) Such person is not licensed under § 22-4510 to sell weapons, and such person 4
has been convicted of violating this chapter. 5

“(b) A person who violates subsection (a)(1) of this section shall be sentenced to a term of 6
imprisonment of not more than 10 years and shall be sentenced to a mandatory minimum term of 7
1 year, unless she or he has a prior conviction for a crime of violence other than conspiracy, in 8
which case she or he shall be sentenced to a term of imprisonment of not more than 15 years and 9
shall be sentenced to a mandatory minimum term of imprisonment of 5 years. A person sentenced 10
to a mandatory minimum term of imprisonment shall not be released from prison or granted 11
probation or suspension of sentence prior to serving the mandatory minimum sentence. 12

“(c) A person who violates subsection (a)(2) of this section shall be sentenced to not less 13
than one year nor more than 10 years or fined not more than \$10,000, or both. 14

“(d) The term “crime of violence” as used in this section means a crime of violence as 15
defined by D.C. Official Code § 23-1331, or a crime under the laws of any other jurisdiction that 16
is defined as a crime of violence in that jurisdiction, or that involved conduct that would constitute 17
a crime of violence if committed in the District of Columbia or prosecuted under the District of 18
Columbia Official Code, or conduct that is substantially similar to that prosecuted as a crime of 19
violence under the District of Columbia Official Code.”. 20

Section 209. D.C. Official Code § 23-110(b) is amended by numbering the existing 21

language as paragraph (1) and adding a new paragraph (2) to read as follows: 1

“(2) A motion for such relief may be dismissed if it appears that the government has been 2
prejudiced in its ability to respond to the motion by the delay in its filing, unless the movant 3
shows that the motion is based on grounds which the movant could not have raised by the exercise 4
of reasonable diligence before the circumstances prejudicial to the government occurred.”. 5

Sec. 210. D.C. Official Code § 23-523(b) is amended by adding the following sentence at 6
the end: “Daylight means the hours between 6:00 a.m. and 11:00 p.m.”. 7

Sec. 211. D.C. Official Code § 23-581 is amended as follows: 8

(a) Subsection (a)(2)(A) is amended by inserting the phrase 9

“Malicious burning, destruction or injury of another’s property.....Section 848 10
(D.C. Official Code § 22-303).” before the phrase “Unlawful entry”. 11

(b) Subsection (a)(2)(B) is amended to read as follows: 12

“(B) The following offense specified in the Omnibus Public Safety Amendment Act of 13
2006: 14

“Offense	Specified in	15
“Voyeurism.....	Section 105 (D.C. Official Code § 22-	16
	3531).”.	17

Sec. 212. D.C. Official Code § 23-1322(c) is amended as follows: 18

(a) By striking the phrase “substantial probability” and inserting the phrase “probable 19
cause” in its place; and 20

(b) By amending paragraph (7) to read as follows: 21

“(7) Violated D.C. Official Code § 22-4504(a) (carrying a pistol without a license); D.C. 1
Official Code § 22-4504(a-1) (carrying a rifle or shotgun); D.C. Official Code § 22-4504(b) 2
(possession of a firearm during a crime of violence); or D.C. Official Code § 22-4503 (unlawful 3
possession of a firearm); ”. 4

Sec. 213. Section 3 of the District of Columbia Implied Consent Act, approved October 5
21, 1972 (86 Stat. 1016, D.C. Official Code § 50-1903 et seq.), is amended as follows: 6

(a) The existing language is renumbered as subsection (a). 7

(b) The first sentence of subsection (a) is deleted and the following is inserted in its place: 8

“At the direction of a police officer, medical personnel (physician, physician's assistant, 9
nurse practitioner, registered nurse, licensed practical nurse, phlebotomist or other person who is 10
qualified to administer such tests) shall collect blood or urine for the purpose of determining the 11
alcohol content or the drug content thereof and for the purposes of determining whether there has 12
been a violation of law for driving while impaired. Medical personnel must take specimens even 13
if the person has not given express consent. Blood specimens may be taken only by medical 14
personnel.”. 15

(c) New subsections (b) and (c) are added to read as follows: 16

“(b) Any person, hospital, or institution participating in good faith in collecting a blood, 17
urine or breath sample pursuant to this chapter shall have immunity from any liability, civil or 18
criminal, that might otherwise be incurred or imposed with respect to taking of such sample. Any 19
such participant shall have the same immunity with respect to participation in any judicial 20
proceeding resulting from such report. 21

“(c) (1) Civil fines, penalties and costs may be imposed against a hospital, institution, 1
physician, physician's assistant, nurse practitioner, registered nurse, licensed practical nurse, 2
phlebotomist or other person who is qualified to collect a blood sample who refuses to do so at the 3
direction of a police officer. 4

“(2) Procedures for adjudication and enforcement and applicable civil fines, penalties, or 5
costs shall be those prescribed for a Class 1 civil infraction, pursuant to Chapter 18 of Title 2.”. 6

Sec. 214. Section 106 of the Protection of Children from Exposure to Drug-Related 7
Activity Amendment Act of 1989, effective March 15, 1990, as amended (D.C. Law 8-87; D.C. 8
Official Code § 4-1301.06(d)), is amended to read as follows: 9

(a) Section (d) is amended to read as follows: 10

“(d)(1) The Agency, or any employee or contractor thereof, or the police shall inform the 11
Office of the Attorney General if it suspects that a person has violated paragraph (2) of this 12
subsection. 13

“(2) It is unlawful to: 14

“(A) make or cause to be made to the Agency, or any employee or contractor thereof, or to 15
the police, a false or fictitious report of the abuse or neglect of a child within the District of 16
Columbia, or a false or fictitious report of any other matter or occurrence of which the Agency or 17
the police are required under Subchapter I Part A to receive reports, or in connection with which 18
the Agency or the police are required under Subchapter I Part A to conduct an investigation, 19
knowing such report to be false or fictitious; or 20

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

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

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

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

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

Sec. 216. The HIV Testing of Certain Criminal Offenders Act of 1995, effective November 11, 1995 (D.C. Law 11-74; D.C. Official Code § 22-3901 *et seq.*), is amended as follows:

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

“(1) “Defendant” means the defendant in a criminal case, or a person against whom a statement has been filed alleging that she or he is a sexual psychopath.”.

(b) Section (2)(4) is amended to read as follows: 1

“(4) “Offense” means a violation of D.C. Official Code Title 22, Chapter 30, and any 2
offense where there is a possible transmission of bodily fluids.”. 3

(c) Section (2)(5) is amended to read as follows: 4

“(5) “Victim” means a person who alleges that an offense defined in paragraph (4) has 5
been committed against him or her and the parent or legal guardian of such a person, if the person 6
is a minor, or the spouse, domestic partner, parent, child, or legal representative of the person, if 7
the person is deceased, incompetent, or incapacitated.”. 8

(d) Section (3)(a) is amended to read as follows: 9

“(a)(1) Upon the request of the prosecutor or the victim, or an eyewitness to the offense 10
who may have been put at risk for the HIV/AIDS virus, at any time after a finding of probable 11
cause to believe a defendant has committed an offense defined in D.C. Official Code § 22- 12
3901(4), the court shall order the defendant to furnish a blood sample to be tested for the presence 13
of HIV. A finding of probable cause may be satisfied by the filing of an indictment, or finding of 14
probable cause at a preliminary hearing in a criminal case, or by the waiver by the defendant of a 15
preliminary hearing or indictment in a criminal case. If the initial test is negative, the court shall 16
order follow-up testing as appropriate. 17

“(2) When the defendant has been placed at the Department of Corrections within one 18
month prior to the finding of probable cause and has previously furnished a blood sample to be 19
tested for the presence of HIV, the Court may order the Department of Corrections to provide the 20

results of any HIV test it has conducted in lieu of collecting and analyzing a new blood sample 1
under this subsection.”. 2

(e) Sections 3(c) and 3(d) are amended by striking the phrase “convicted individual” 3
wherever it appears and inserting “defendant” in its place. 4

Sec. 217. Section 204 of the District of Columbia Uniform Controlled Substances Act of 5
1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-902.04); is amended as 6
follows: 7

(1) Strike the word “and” at the end of subparagraph (5)(A). 8

(2) Strike the period at the end of subparagraph (5)(B) and insert the phrase “; and” 9
in its place. 10

(3) Add a new subparagraph (5)(C) to read as follows: 11

“(C) Cathinone.”. 12

Sec. 218. The District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 13
1119; D.C. Official Code § 50.2201.01 *et seq.*), is amended as follows: 14

(a) Section 10 (D.C. Official Code § 50-2201.05) is amended by striking paragraphs 15
(b)(1)(B) through (b)(2) and inserting in its place the following: 16

“(B)(i) Any person convicted of a second (b)(1) offense shall be sentenced pursuant to 17
subsection (B)(iii) if the second offense occurs within 15 years of the prior (b)(1) conviction. 18

“(ii) Any person who is convicted of an offense listed in (b)(1)(A) following a previous 19
conviction for a violation of paragraph (b)(2) of this subsection shall be sentenced pursuant to 20
subsection (B)(iii) if the (b)(1) offense occurs within 15 years of the prior (b)(2) conviction. 21

“(iii) Any person convicted of a subsequent offence pursuant to paragraph (B)(i) or (ii) shall be fined not less than \$1,000 and not more than \$5,000 and sentenced to a term of imprisonment of not more than one year and not less than a mandatory minimum of 5 days, which must be imposed and not suspended. In addition, to the mandatory minimum and any additional term of imprisonment which may be imposed, the court may impose a sentence of at least 30 days of community service in accordance with D.C. Code § 16-712.

“(iv) In addition to the penalty in (B)(iii), if the person's alcohol concentration was at least 0.20 grams per 100 milliliters of blood or per 210 liters of breath, or was at least 0.25 grams per 100 milliliters of urine, but was not more than 0.25 grams per 100 milliliters of blood or per 210 liters of breath, or was not more than 0.32 grams per 100 milliliters of urine, the person shall be imprisoned for an additional minimum mandatory period of 10 days, or if the person's alcohol concentration was more than 0.25 grams per 100 milliliters of blood or per 210 liters of breath or more than 0.32 grams per 100 milliliters of urine, the person shall be imprisoned for an additional mandatory minimum period of 20 days; which additional mandatory minimum periods shall not be suspended by the court.

“(C)(i) Any person convicted of a third or any subsequent (b)(1) offense shall be sentenced pursuant to subsection (C)(iii) if the third or subsequent offense occurs within 15 years of the prior conviction.

“(ii) Any person who is convicted of a second (b)(1) offense following a previous conviction for a violation of paragraph (b)(2) of this subsection shall be sentenced pursuant to subsection (C)(iii) if the second offense occurs within 15 years of the prior (b)(2) conviction.

“(iii) Any person convicted of a subsequent offense pursuant to paragraph (C)(i) or (ii) 1
shall be fined an amount not less than \$2,000 and not more than \$10,000 and sentenced to a term 2
of imprisonment of not more than one year and not less than a mandatory minimum of 10 days, 3
which must be imposed and not suspended. In addition, the person may be required to perform at 4
least 60 days of community service in accordance with § 16-712. 5

“(iv) In addition to the penalty in (C)(iii), if the person's alcohol concentration was at least 6
0.20 grams per 100 milliliters of blood or per 210 liters of breath, or was at least 0.25 grams per 7
100 milliliters of urine, but was not more than 0.25 grams per 100 milliliters of blood or per 210 8
liters of breath, or was not more than 0.32 grams per 100 milliliters of urine, the person shall be 9
imprisoned for an additional minimum mandatory period of 15 days, or if the person's alcohol 10
concentration was more than 0.25 grams per 100 milliliters of blood or per 210 liters of breath or 11
0.32 grams per 100 milliliters of urine, the person shall be imprisoned for an additional mandatory 12
minimum period of 25 days, which additional mandatory minimum periods shall not be suspended 13
by the court. 14

“(D) In addition to the penalties otherwise authorized by this section, any person convicted 15
of a violation of paragraphs (1) and (2) of this subsection while transporting a person 17 years of 16
age or younger shall be fined an additional minimum of \$500 and not more than \$1,000 and 17
sentenced to perform 48 hours of community service benefiting children for the first such offence 18
and 80 hours of community service for a subsequent such offense.. 19

“(2)(A) No person shall, while the person's ability to operate a vehicle is impaired by the 20
consumption of intoxicating liquor, operate or be in physical control of any vehicle in the District. 21

“(B) Any person violating any provision of this paragraph, upon conviction for the first offense, unless the person has previously been convicted for a violation of paragraph (1) of this subsection, shall be fined not less than \$200 and not more than \$300 and may be imprisoned for not more than 30 days.

“(C) Any person convicted of a second (b)(2) offense shall be sentenced pursuant to subsection (E) if the second offense occurs within 15 years of a prior (b)(2) conviction.

“(D) Any person convicted of a paragraph (b)(2) offense following a prior conviction for a violation of paragraph (b)(1) of this subsection shall be sentenced pursuant to subsection (E) if this (b)(2) offense occurs within 15-years of a prior (b)(1) conviction.

“(E) Any person convicted of a (b)(2) offense pursuant to paragraphs (C) or (D) shall be fined not less than \$300 and not more than \$500 and sentenced to a term of imprisonment of not more than one year and not less than a mandatory minimum of 5 days which must be imposed and not suspended. In addition, the person may be required to perform at least 30 days of community service in accordance with § 16-712.

“(F) Any person convicted of a third or any subsequent (b)(2) offense, shall be fined not less than \$1,000 and not more than \$5,000 and sentenced to a term of imprisonment of not more than one year and not less than a mandatory minimum of 10 days, which must be imposed and not suspended. In addition, the person may be required to perform at least 60 days of community service in accordance with § 16-712.

“(G) Any person convicted of a second (b)(2) offense who has previously been convicted of a (b)(1) offense shall, if the second offense occurs within 15 years of the prior conviction, be

1 fined in an amount not less than \$1,000 and not more than \$5,000 and sentenced to a period of
2 imprisonment of not more than one year and not less than a mandatory minimum of 10 days,
3 which must be imposed and not suspended. In addition, the person may be required to perform at
4 least 60 days of community service in accordance with § 16-712.”.

5 Sec. 219. The Firearms Control Regulations Act of 1975, effective September 24, 1976
6 (D.C. Law 1-85; D.C. Official Code § 7-2501.01 *et seq.*) is amended to add a new title entitled
7 “Title VIII . GUN OFFENDER REGISTRY.” to read as follows:

8 “Sec. 801. Definitions.

9 “For purposes of this title, the term:

10 “(1) “Attend school” means to be enrolled on a full-time or part-time basis in any type of
11 public or private career, secondary, or higher education institution.

12 “(2) “Career education institution” means organized educational programs that are directly
13 related to the preparation of individuals for paid or unpaid employment in current or emerging
14 occupations requiring other than a baccalaureate or advanced degree, including vocational,
15 occupational, and applied technology education.

16 “(3) “Chief” means the Chief of Police of the Metropolitan Police Department of the
17 District of Columbia or his or her designated agent.

18 “(4) “Correctional facility” means any building or group of buildings and concomitant
19 services operated as a single management unit by the District of Columbia Department of
20 Corrections, or a similar federal, state, county or local government agency, or a contractor to such
21 an agency, for the purpose of housing and providing services to persons ordered confined pending

trial, sentencing, or incarcerated following sentencing for a violation of law. 1

“(5) “Department” means the Metropolitan Police Department of the District of Columbia. 2

“(6) “Gun offender” means a person who committed a gun offense in the District or 3
another jurisdiction and, within the registration period established pursuant to section 803, 4
remains in or enters the District to live, work or attend school. 5

“(7) “Gun offense” means any offense involving the sale, purchase, transfer, receipt, 6
acquisition, possession, use, manufacture, carrying, transportation, registration, or licensing of a 7
firearm, as defined by section 101(9) of the Firearms Control Regulations Act of 1975 (D.C. 8
Official Code § 7-2501.01(9)), including but not limited to a conviction for violating this act or 9
An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons 10
in 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 *et seq.*). 12

“(8) “Higher education institution” means an educational institution within the District or 13
a state that provides an educational program for which it awards an associate’s degree, bachelor’s 14
degree and/or a professional or graduate degrees. 15

“(9) “Intermittently” means a period of time exceeding fourteen (14) consecutive days or 16
an aggregate period of time exceeding thirty (30) days in any calendar year. A part of any day 17
constitutes a “day” for purposes of this definition. 18

“(10) “Live” means to have a domicile, to reside or to stay overnight in the District of 19
Columbia, permanently or intermittently. 20

“(10) “Secondary education institution” means an institutional day or residential school, 21

including a public secondary charter school, providing education after elementary school and 1
through the 12th grade as determined under District or state law. 2

“(11) “Work” means to engage in any type of full or part-time employment, occupation, 3
internship, or other work or training program, whether paid or unpaid, that involves a person’s 4
physical presence in the District of Columbia, permanently or intermittently. 5

“Sec. 802. Duty to register and to verify. 6

“(a) A gun offender shall register or re-register with the Department: 7

“(1) within forty-eight hours of (A) release, in the event the gun offender receives a 8
sentence of imprisonment, (B) the time sentence is imposed, if such sentence does not include 9
imprisonment, (C) entry into the District of Columbia to live, work or attend school, (D) 10
remaining in the District to live, work, or attend school after receipt of notice of the obligation to 11
register; or (E) changing the place where s/he lives, works or attends school in the District or 12
elsewhere. 13

“(2) by personally appearing at the Department to sign a statement under oath, verified by 14
whatever documentation may be required, that provides, to the extent it is available: 15

“(A) The gun offender’s name, all aliases used, date of birth, sex, race, 16
height, weight, eye color, number of any driver’s license or non-driver photo ID card, license plate 17
number of any vehicle driven by the offender permanently or intermittently, the address of any 18
place where the gun offender lives or expects to live in the District; 19

“(B) A photograph, updated during the period of registration as described in 20
subsection (d) of this section; 21

“(C) A description of the offense for which the gun offender was convicted, the jurisdiction where the offense occurred, the date of conviction, and the sentence imposed;

“(D) The name and address of any school the gun offender attends or expects to attend, and whether such offender lives or will live in a facility owned or operated by such school;

“(E) The name and address of the gun offender’s expected place of work including the name and phone number of a supervisor;

“(F) Fingerprints; and

“(G) Any other relevant information required by the applicable regulations of the Department.

“(b) During the period in which a gun offender is required to register under this title, the gun offender shall comply with the following:

“(1) Except as specified in paragraph 2 of this subsection, no later than twenty (20) calendar days following each one year anniversary of the gun offender’s initial registration date, the gun offender shall personally appear at such office as the Chief may direct for the purpose of verifying the information required under subsection (a) of this section.

“(2) If a gun offender required to register under this title is confined to any federal, state, or local correctional facility, residential treatment center, hospital, or institution throughout the twenty (20) day period described in paragraph (1) of this subsection, the gun offender shall personally appear as required by paragraph (1) within forty-eight hours of release.

“(3) The Department may photograph the gun offender and require the gun

offender to provide such documentation as the Chief deems acceptable to verify 1
the information provided in subsection (a)(2). 2

“(c) The Department shall have the authority to maintain and operate the gun offender 3
registry for the District, including the authority to collect and maintain gun offender information 4
obtained pursuant to subsection (b) of this section and enter such information into appropriate 5
record systems and databases. 6

“Sec. 803. Registration period. A gun offender shall comply with the registration and 7
verification provisions required by section 802 for a period beginning when he or she is sentenced 8
for a gun offense and continuing until two (2) years after the expiration of any time being served 9
on probation, parole, supervised release, or conditional release, or two (2) years after the gun 10
offender is unconditionally released from a correctional facility, prison, hospital or other place of 11
confinement, whichever is latest. The registration period is tolled for any time the gun offender 12
fails to register or otherwise fails to comply with the requirements of the “Gun Offender 13
Registration and Community Protection Amendment Act of 2009.” 14

“Sec. 804. Certification duties of the Superior Court of the District of Columbia. 15

“(a) Upon a defendant’s conviction for a gun offense, the Superior Court of the District of 16
Columbia shall enter an order certifying that the defendant is a gun offender. The Court shall 17
advise the gun offender of his or her duties under this title, order the gun offender to report to the 18
Department to register as required by the Department, and order the gun offender to comply with 19
the requirements of this title. 20

“(b) The Court shall provide to the Department, and to the Court Services and 21

Offender Supervision Agency, a copy of the certification and order, and such other records and information in its possession as will assist in the registration of the gun offender.

“(c) In any case where the Court orders the release of a gun offender into the community following a period of detention, incarceration, confinement, civil commitment, or hospitalization, the Court shall provide the gun offender with a copy of the order required under subsection (a) of this section and require the gun offender to read and sign the copy of the order.

“(d) The applicability of the requirements of this title to a person otherwise subject to the title does not depend on the Court informing a gun offender of his or her obligations under this title or making a certification under subsection (a) of this section. The Court is required to enter an order certifying that a person is a gun offender only when:

“(1) A defendant is convicted of a gun offense before the Court;

“(2) The Court orders the release of a gun offender into the community following a period of detention, incarceration, confinement, civil commitment, or hospitalization; or

“(3) The government makes a motion for such a certification and the Court grants the motion.

“Sec. 805. Sharing of registration information; Freedom of Information Act Exception.

“(a) Gun offender registration information shall not be made available except as authorized under subsection (b) of this section. No gun offender registration information shall be available as a public record under section 2 of the Freedom of Information Act of 1976, effective March 29, 1977 (D.C. Law 1-96; D.C. Official Code § 1-1522).

“(b) The Department is authorized to make gun offender registration information available 1
to other local, state or federal government agencies. 2

“Sec. 806. Rulemaking. The Chief may make and promulgate such rules and regulations 3
and establish such forms as are necessary to carry out the provisions of this title. 4

“Sec. 807. Detention 5

“(a) Notwithstanding any other provision of law or regulation, if a judicial officer finds 6
probable cause that a person violated any provision of the “Gun Offender Registration and 7
Community Protection Amendment Act of 2009,” the person shall be detained as follows: 8

“(1) If the person is on probation, parole, supervised release, or conditional release, 9
he or she shall be detained until his or her status has been reviewed by the United States Parole 10
Commission or the court or until final disposition, including sentencing as applicable, of the 11
criminal charge of violating the “Gun Offender Registration and Community Protection 12
Amendment Act of 2009,” whichever occurs later. 13

“(2) If the person is otherwise subject to the “Gun Offender Registration and 14
Community Protection Amendment Act of 2009,” there shall be a rebuttable presumption under 15
D.C. Official Code § 23-1322(c) that no condition or combination of conditions of release will 16
reasonably assure the safety of any other person or the community. 17

“(3) If the person is found guilty of violating the “Gun Offender Registration and 18
Community Protection Amendment Act of 2009” he or she shall be detained pending sentencing. 19

“Sec. 808. Penalties; mandatory release condition. 20

“(a) Any violation by a gun offender of this title or of rules or regulations established 21

pursuant to this title, including but not limited to any failure to register, verify, or update 1
information in the manner and within the time periods provided for in this title, shall be a 2
misdemeanor punishable by a fine of not more than \$1,000 or imprisonment of not more than 180 3
days, or both. 4

“(b) Each day that a person violates, or fails to comply with, this title shall constitute a 5
separate offense and the penalties described in subsection (a) of this section shall be applicable to 6
each separate offense. 7

“(c) Failure to receive any form shall not excuse any violation of this title. 8

“(d) In the event that a gun offender convicted under this section has a prior conviction 9
under this section or a prior conviction in any federal, state, or local jurisdiction for failing to 10
comply with the requirements of a gun offender registration program, the gun offender shall be 11
fined not more than \$25,000, or imprisoned for not more than 5 years, or both. 12

“(e) Compliance with the requirements of this title, including any rules or regulations 13
adopted by the Department pursuant to this title, shall be a mandatory condition of probation, 14
parole, supervised release, and conditional release for any gun offender convicted in the District of 15
Columbia.”. 16

Sec. 220. Illegal Presence in a Motor Vehicle with a Firearm. 17

(a) Except as authorized by Section 4b of An Act To control the possession, sale, transfer 18
and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, 19
to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. 20
Official Code § 22-4504b), it is unlawful for a person to be in a motor vehicle if that person 21

knows that a firearm is in the vehicle. 1

(b)(1) A person who violates this section shall be fined not more than \$5,000 or 2
imprisoned for not more than 5 years, or both; or 3

(2) If the violation of this section occurs after a person has been convicted in the 4
District of Columbia of a violation of Section 4(a) of An Act To control the possession, sale, 5
transfer and use of pistols and other dangerous weapons in the District of Columbia, to provide 6
penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 7
650; D.C. Official Code § 22-4504(a)), or of a felony, either in the District of Columbia or another 8
jurisdiction, the person shall be fined not more than \$10,000 or imprisoned for not more than 10 9
years, or both. 10

(c) Section 4(a)(2) of An Act To control the possession, sale, transfer and use of pistols 11
and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules 12
of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-13
4504(a)(2)), is amended to read as follows: 14

“(a)(2) If the violation of this section occurs after a person has been convicted in the 15
District of Columbia of a violation of this section, of section 220 of the Omnibus Anti-Crime 16
Amendment Act of 2009, or of a felony, either in the District of Columbia or another jurisdiction, 17
the person shall be fined not more than \$10,000 or imprisoned for not more than 10 years, or 18
both.”. 19

TITLE III. 20

Sec. 301. Fiscal impact statement. 21

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal 1
impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, 2
approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)). 3

TITLE IV. 4

Sec. 401. Effective date. 5

This act shall take effect following approval by the Mayor (or in the event of veto by the 6
Mayor, action by the Council to override the veto), a 60-day period of Congressional review as 7
provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24, 8
1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of 9
Columbia Register. 10

11