

Special Order



DISTRICT OF COLUMBIA

Subject
**Implementation of the “Omnibus
Public Safety Congressional Review
Emergency Amendment Act of 2006”**

Series	Number
SO	06-16

Effective Date
October 19, 2006

Expiration Date
None

I. BACKGROUND

The *Omnibus Public Safety Congressional Review Emergency Amendment Act of 2006* was enacted on October 18, 2006, and will remain in effect until January 16, 2007.

The Act is almost identical to the recently-expired *Omnibus Public Safety Emergency Amendment Act of 2006* in that it creates new criminal offenses, such as a contributing to the delinquency of a minor, a misdemeanor charge of assault on a police officer, penalties for crimes against D.C. government officials and employees, voyeurism, and offenses relating to criminal street gangs. It also amends many existing laws to provide stronger enforcement options for assaults and other violent crimes, crimes against juveniles and seniors, domestic violence offenses, prostitution, drugs, firearms and ammunition, and sex crimes.

The *Omnibus Public Safety Congressional Review Emergency Amendment Act of 2006* became effective on October 18, 2006, around 5 PM. Offenses that occurred after that time can be charged under its provisions.

Summaries of the offenses, and some “Need to know” guidelines can be found beginning on page 3, appearing in the sequence indicated below:

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//SIGNED//
 Charles H. Ramsey
 Chief of Police

CHR:TDR:MTV:mtv

<p>(A)</p> <p>Provides</p> <p>Penalty</p> <p>Need to know</p> <p>Reference</p>	<p><i>Assault with serious injury (Felony Assault)</i></p> <p>Any person who intentionally, knowingly, or recklessly causes significant bodily injury (injury that requires hospitalization or immediate medical attention) to another.</p> <p>Felony (3 years/USAO)</p> <p>This new offense is middle ground between the 180-day offense of simple assault and the ten year offense of aggravated assault.</p> <p>§ 207 (page 17)</p>
<p>(B)</p> <p>Provides</p> <p>Penalty</p> <p>Need to know</p> <p>Reference</p>	<p><i>Assault on a Police Officer</i> (Creates Misdemeanor APO charge and increases penalty for armed offense)</p> <p>Assault on a police officer (including MPD reserve officers and designated civilians, as well as some DYRS, CSS, CSOSA and Pretrial Services employees) is a misdemeanor (180 days/USAO);</p> <p>If the APO results in significant bodily injury or is a violent act that creates a grave risk of significant bodily injury, the offense is a felony (10 years/USAO).</p> <p>Felony APO added as “crime of violence,” thereby increasing maximum penalty from 10 to 30 years.</p> <p>MPD Reserve Officers as well as some DYRS, CSS, CSOSA, and Pretrial Services employees now covered under APO statute. Members shall document injury/violent act for prosecution purposes.</p> <p>§ 208 (pages 17-18)</p>
<p>(C)</p> <p>Prohibits</p> <p>Penalty</p> <p>Need to know</p> <p>Reference</p>	<p><i>Solicitation for Murder or other crime of violence</i></p> <p>Soliciting murder or soliciting a crime of violence.</p> <p>Felony (20 years) if solicitation for murder; Felony (10 years) if solicitation for crime of violence.</p> <p>The murder or crime of violence does not have to be completed for a violation</p> <p>§ 209 (page 18)</p>

<p>(D)</p> <p>Provides</p> <p>Need to know</p> <p>Reference</p>	<p><i>Amended Definition of “Crime of Violence”</i></p> <p>New definition of “crime of violence” (new provisions are underlined).</p> <p>Aggravated assault; An act of terrorism; Arson; <u>Assault on a police officer (Felony)</u>; Assault with a dangerous weapon; Assault with intent to kill, commit first degree sexual abuse, commit second degree sexual abuse, or commit child sexual abuse; Assault with intent to commit any other offense; Burglary; Carjacking; <u>Armed carjacking</u>; Child sexual abuse; Cruelty to children in the first degree; Extortion or blackmail accompanied by threats of violence; <u>Gang recruitment, participation or retention by the use or threatened use of force, coercion, or intimidation</u>; Kidnapping; Malicious disfigurement; Manslaughter; Manufacture or possession of a weapon of mass destruction; Mayhem; Murder; Robbery; Sexual abuse in the first, second, or third degrees; Use, dissemination, or detonation of a weapon of mass destruction; or An attempt or conspiracy to commit any of the foregoing offenses.</p> <p>The definition of “crime of violence” is now more consistent throughout the Code. Thus, the same crimes qualify for pretrial detention (D.C. Code 23-§§ 1322, 1331), sentencing enhancements for armed crimes of violence (D.C. Code §§ 22-4501, 4502), evidence retention (D.C. Code § 5-113.32), three strikes law (D.C. Code § 22-1804a); parole eligibility (D.C. Code § 24-408); and other provisions that refer to either section 23-1331 or 22-4501.</p> <p><u>Pursuant to GO-304-16, Electronic Recording of Custodial Interrogations, MPD is required to record all interrogations of persons suspected of committing a crime of violence.</u></p> <p>§ 224(c) (page 30)</p>
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<p>(E)</p> <p>Provides</p> <p>Need to know</p> <p>Reference</p>	<p><i>Amended Interpreter Act</i></p> <p>Permits “qualified interviewers” (any member eligible to receive a language stipend pursuant to General Order 99-16) to conduct the custodial interrogation, warning, notification of rights, or taking of a written or oral statement in a language other than English, including sign language.</p> <p>(1) Whenever a communication-impaired person is arrested and taken into custody for an alleged violation of a criminal law, the arresting officer shall either</p> <ul style="list-style-type: none"> (a) Procure a qualified interpreter to translate information to and from the person during any custodial interrogation, warning, notification of rights or taking of a written or oral statement; or (b) Have a qualified interviewer conduct the custodial interrogation, warning, notification of rights, or taking of a written or oral statement in a language other than English, including sign language. <p>(2) No person who has been arrested but who is otherwise eligible for release shall be held in custody pending arrival of a qualified interpreter or qualified interviewer.</p> <p>(3) If a statement is obtained without a qualified interpreter, interviewer or valid waiver, the statement may not be admitted in court.</p> <p>All members currently certified to receive a language stipend who have met the standards established in General Order 99-16 shall be deemed qualified interviewers pending the issuance of a General Order implementing this section. General Order – OPS – 304.14 “Deaf or Hearing Impaired Arrestees” shall be amended consistent with the new law.</p> <p>§ 201 (page 11)</p>
<p>(F)</p> <p>Provides</p> <p>Reference</p>	<p><i>Unlawful Entry</i></p> <p>It is prima facie evidence that a person has entered a dwelling, building or other property against the will of the person in legal possession of the property if the property is:</p> <ul style="list-style-type: none"> 1) vacant and boarded-up; or 2) otherwise secured in a manner that conveys it is vacant and not to be entered; or 3) displays a no trespassing sign. <p>§ 219 (page 28)</p>

<p>(G)</p> <p>Prohibits</p> <p>Penalty</p> <p>Need to know</p> <p>Prohibits</p> <p>Penalty</p> <p>Need to know</p> <p>Prohibits</p> <p>Penalty</p> <p>Reference</p>	<p><i>Criminal Street Gang: Participation in, Recruitment for, or Retaliation</i></p> <p>Soliciting, inviting, recruiting, encouraging, or otherwise causing or attempting to cause another individual to become a member of, remain in, or actively participate in what the person knows to be a criminal street gang.</p> <p>Misdemeanor (6 months/USAO)(in addition to any other penalty permitted by law)</p> <p>“Criminal street gang” means an association or group of six or more persons that</p> <ol style="list-style-type: none"> 1) has as a condition of membership or continued membership, the committing of or actively participating in committing a crime of violence; or 2) has as one of its purposes or frequent activities the violation of criminal laws of the District, United States (excluding acts of civil disobedience). <p>See new definition of “crime of violence.”</p> <p>See misdemeanor “Contributing to the delinquency of a minor” for encouraging a minor to join a criminal street gang.</p> <p>Members or those who actively participate in gangs to knowingly and willfully participate in any felony or violent misdemeanor committed for the benefit of, at the direction of, or in association with any other member or participant of that criminal street gang.</p> <p>Felony (5 years/USAO) (in addition to any other penalty permitted by law)</p> <p>“Violent misdemeanor” includes destruction of property, simple assault, stalking, threats to do bodily harm, criminal abuse or criminal neglect of a vulnerable adult, cruelty to animals, and possession of a prohibited weapon.</p> <p>Using or threatening to use force, coercion, or intimidation against any person or property, in order to cause or attempt to cause a person to join, participate in or remain in a criminal street gang or to submit to a demand to commit a felony, or retaliate against a person for refusing to do so.</p> <p>Felony (10 years/USAO) (in addition to any other penalty permitted by law)</p> <p>§101 (page 4)</p>
<p>(H)</p> <p>Prohibits</p> <p>Penalty</p> <p>Need to know</p> <p>Reference</p>	<p><i>Voyeurism</i></p> <p>Spying on or recording, persons using the bathroom, engaging in sexual activity, or changing clothes, or “up-skirting;” or otherwise capturing the private area of an individual (e.g., naked or undergarment-clad genitals, pubic area, anus, or buttocks, or female breast below the top of the areola).</p> <p>Misdemeanor (not more than 1 year/OAG); Felony (5 years for knowingly distributing a recording of the above/USAO).</p> <p>Members must document evidence of knowing distribution for felony case.</p> <p>§ 105 (page 9)</p>

(I)	<i>Tampering with a VIN</i>
Prohibits	Knowing removal, obliteration, tampering with, or alteration of any identification number on a motor vehicle or a motor vehicle part.
Penalty	Misdemeanor (180 days/USAO); Felony (5 years) if vehicle/part worth \$250 or more.
Need to know	Members must document value of vehicle or part that has been tampered with or altered.
Reference	§217 (page 27)
(J)	<i>Threatening DC public officials</i>
Prohibits	Corruptly or, by threat or force, or by any threatening letter or communication, impeding, interfering with a D.C. government employee or elected official, or attempting to do so, while the employee is engaged in or on account of the performance of the employee's duties.
Penalty	Felony (5 years/USAO)
Need to know	"Official or employee" means a person who currently holds or formerly held a paid or unpaid position in the legislative, executive or judicial branch of government of the District of Columbia, including boards and commissions
Prohibits	Stalking, threatening, assaulting, kidnapping, or injuring any D.C. government employee (or a family member), or vandalizing, damaging, destroying or taking property of an official or employee (or a family member) while engaged in the performance of his duties or on account of the performance of the official or employee's duties.
Penalty	Felony (3 years/USAO) (in addition to any other penalty permitted by law)
Need to know	For both offenses, members must ascertain victim's affiliation with DC government and that offense was committed because of an action taken (or not taken) by the government employee or that the offense was committed when the employee was on the job.
Reference	§ 106 (page 10)

<p>(K)</p> <p>Prohibits</p> <p>Penalty</p> <p>Need to know</p> <p>Reference</p>	<p><i>Contributing to the Delinquency of a Minor</i></p> <p>Persons at least 4 years older than a minor from inviting, soliciting, recruiting, assisting, supporting, causing, encouraging, enabling, inducing, advising, inciting, facilitating, permitting or allowing a minor to be truant, possess or consume alcohol or, without a valid prescription, a controlled substance, running away (for the purpose of criminal activity), violating a court order, violate any criminal law except for acts of civil disobedience, or joining a criminal street gang.</p> <p>Misdemeanor (6 months/OAG); Felony - 3 years for second or greater conviction/USAO; - 5 years if adult encourages minor to commit a felony or if the above conduct results in serious bodily injury/USAO; - 10 years if above conduct results in death/USAO. All penalties are in addition to any other penalty provided by law.</p> <p>Documenting the ages of parties involved will be critical issue for prosecuting case. Adult is defined as any person 18 years or older and minor is any person under 18 years of age.</p> <p>§ 103 (page 5)</p>
<p>(L)</p> <p>Provides</p> <p>Prohibits</p> <p>Penalty</p> <p>Need to know</p> <p>Reference</p>	<p><i>Mandatory Reporters</i></p> <p>Expansion of mandatory reporting requirement to include Child and Family Services Agency's employees, agents, contractors, athletic coaches, Department of Parks and Recreation employees, public housing resident managers when these individuals learn of such information in their official capacity.</p> <p>Reporting is required to MPD or to CFSA when a child has been or is in immediate danger of being the victim of sexual abuse or attempted sexual abuse or that the child was assisted, supported, caused, encouraged, commanded, enabled, induced, facilitated, or permitted to become a prostitute; or that the child was injured by a bullet; or by a knife or other sharp object when the cut was caused non-accidentally.</p> <p>Willful failure to make report to MPD or CFSA as required.</p> <p>Misdemeanor (90 days/OAG)</p> <p>Expands category of persons defined as mandatory reporters and requires, for the first time, reporting of certain crimes even if the perpetrator is not a parent or guardian. Criminal penalty is only for <i>willful</i> failure to report, so members must document evidence as to reason report was not filed.</p> <p>§203 (page 14)</p>

<p>(M)</p> <p>Provides</p> <p>Need to know</p> <p>Reference</p>	<p><i>Enhanced Penalty for Crimes of Violence Against Minors</i></p> <p>Sentencing enhancement (1 ½ times) for crimes of violence committed by adults against minors. Adult must be at least 2 years older than a minor.</p> <p>Also provides an affirmative defense that the accused reasonably believed that the victim was not a minor at the time of the offense.</p> <p>Members must accurately capture victim age information and identify facts necessary to alert prosecutors to seek sentencing enhancement, including any evidence that the perpetrator knew or should have known that the victim was a minor.</p> <p>§102 (page 5)</p>
<p>(N)</p> <p>Prohibits</p> <p>Penalty</p> <p>Need to know</p> <p>Reference</p>	<p><i>Interfering with reports to/requests for public safety assistance</i></p> <p>Knowingly disconnecting, damaging, disabling or removing any communication device (including telephones, radios, computers, and other electronic communications devices) to prevent a report of a crime, bodily injury or property damage, child abuse or neglect, or request for an ambulance or emergency assistance.</p> <p>Misdemeanor (180 days/USAO)</p> <p><u>Mandatory arrests policies apply to this offense where the offender commits the offense on a person</u></p> <ol style="list-style-type: none"> 1) To whom the offender is related by blood, legal custody, marriage, domestic partnership, having a child in common, or with whom the offender shares or has shared a mutual residence; 2) With whom the offender maintains or maintained a romantic relationship, not necessarily including a sexual relationship; provided that a person seeking a protection order under this subparagraph shall reside in the District of Columbia or the underlying intrafamily offense shall have occurred in the District of Columbia; 3) Who was or is married to, a domestic partner of, divorced or separated from, or in a romantic relationship, not necessarily including a sexual relationship, with a person who was or is married to, a domestic partner of, divorced or separated from, or in a romantic relationship with the offender; or 4) Who had been stalked or is being stalked by the offender. (D.C. Official Code § 16-1001(5)) <p><u>and the act</u></p> <ol style="list-style-type: none"> 1) Resulted in physical injury, including physical pain or illness, regardless of whether or not the act was committed in the presence of the law enforcement officer; or 2) That caused or was intended to cause reasonable fear of imminent serious physical injury or death. (D.C. Official Code § 16-1031) <p>Note that the offense is not limited to domestic violence cases and arrests for it can be made whenever appropriate.</p> <p>§ 107 (page 11)</p>

<p>(O)</p> <p>Provides</p> <p>Reference</p>	<p><i>Addition to definition of Intrafamily offense</i> (new provisions underlined)</p> <p>“Intrafamily offense” means an act punishable as a criminal offense committed by an offender upon a person</p> <ol style="list-style-type: none"> 1) To whom the offender is related by blood, legal custody, marriage, <u>domestic partnership</u>, having a child in common, or with whom the offender shares or has shared a mutual residence; 2) With whom the offender maintains or maintained a romantic relationship, not necessarily including a sexual relationship; provided that a person seeking a protection order under this subparagraph shall reside in the District of Columbia or the underlying intra-family offense shall have occurred in the District of Columbia; 3) <u>Who was or is married to, a domestic partner of, divorced or separated from, or in a romantic relationship, not necessarily including a sexual relationship, with a person who was or is married to, a domestic partner of, divorced or separated from, or in a romantic relationship with the offender; or</u> 4) <u>Who had been stalked or is being stalked by the offender.</u> <p>§ 206 (pages 16-17)</p>
<p>(P)</p> <p>Provides</p> <p>Penalty</p> <p>Reference</p>	<p><i>Prostitution</i></p> <p>A new offense of prostitution is created (presently only soliciting is illegal). It is unlawful for any person to engage in prostitution or to solicit for prostitution.</p> <p>Misdemeanor (90 days/USAO; 135 days for second offense; 180 days imprisonment for the third and each subsequent offense).</p> <p>§ 211 (page 19)</p>
<p>(Q)</p> <p>Provides</p> <p>Reference</p>	<p><i>Revised Prostitution-related Definitions</i> (Revised Definitions and Enhanced Penalties for Pandering; Inducing or Compelling an Individual to Engage in Prostitution; Compelling an Individual to Live Life of Prostitution Against His or Her Will; Procuring; Receiving Money or Valuable Thing for Receiving Assignment)</p> <p>Revised prostitution-related definitions; revised definitions and increased penalties to twenty years for any prostitution-related felony involving minors and to fifteen years for compelling an adult to engage in prostitution.</p> <p>§ 212 (page 21); § 214 (page 22)</p>
<p>(R)</p> <p>Provides</p> <p>Reference</p>	<p><i>Abducting or enticing Minor for Purposes of Prostitution</i></p> <p>Extends prohibition against abducting or enticing a child from his or her home for purposes of prostitution and harboring such child to all persons under the age of 18 (instead of under 16).</p> <p>§ 213 (page 22)</p>
<p>(S)</p> <p>Requires</p> <p>Reference</p>	<p><i>Mandatory Offender Registration for Prostitution Involving Minors</i></p> <p>Sex Offender Registration of all offenders who engage in prostitution involving children.</p> <p>§ 221 (pages 28-29)</p>

<p>(T)</p> <p>Prohibits</p> <p>Penalty</p> <p>Need to know</p> <p>Reference</p>	<p><i>Prostitution Free Zones</i></p> <p>Congregating for the purpose of engaging in prostitution or prostitution-related offenses in an area designated by the Chief of Police as a Prostitution Free Zone after being told to disperse (similar to the current drug-free zone law).</p> <p>Misdemeanor (6 months/OAG).</p> <p>In determining whether persons are congregating for the purpose of engaging in prostitution or prostitution-related offenses in a Prostitution Free Zone, members must consider the totality of the circumstances, including</p> <p><u>Conduct</u> Whether the person is</p> <ul style="list-style-type: none"> a) repeatedly beckoning to, stopping, attempting to stop, or attempting to engage passers-by in conversation for the purpose of prostitution; b) stopping or attempting to stop motor vehicles for the purpose of prostitution; or c) repeatedly interfering with the free passage of other persons for the purpose of prostitution. <p><u>Information</u> Information from a reliable source indicating</p> <ul style="list-style-type: none"> a) that a person being observed routinely engages in prostitution or prostitution-related offenses within the prostitution free zone; or b) that the person being observed is currently engaging in prostitution or prostitution-related offenses within the prostitution free zone; <p><u>Identification</u> Physical identification by an officer of such person as a member of a gang or association which engages in prostitution or prostitution-related offenses;</p> <p><u>Knowledge</u></p> <ul style="list-style-type: none"> a) Knowledge that such person is a participant in prostitution or prostitution-related offenses; and b) Knowledge that any vehicle involved in the observed circumstances is registered to a known participant in prostitution or prostitution-related offenses, or a person for whom there is an outstanding arrest warrant for a crime involving prostitution or prostitution-related offenses. <p>§ 104 (Pages 6-7)</p>
<p>(U)</p> <p>Provides</p> <p>Penalty</p> <p>Need to know</p> <p>Reference</p>	<p><i>Vehicle Impoundment</i></p> <p>Whenever a member has probable cause to believe that vehicle is being used in furtherance of a violation of a prostitution-related offense, and an arrest is made for the violation, the member shall arrange for the towing of the vehicle or immobilization of the vehicle pending towing.</p> <p>Owner may repossess the vehicle after paying civil penalty of \$150 and all applicable towing and storage costs.</p> <p><i>This section is not currently enforceable. Once rulemaking implementing this section is promulgated, a directive implementing this section will be issued.</i></p> <p>§ 211 (page 19)</p>

<p>(V)</p> <p>Prohibits</p> <p>Provides</p> <p>Need to know</p> <p>Reference</p>	<p><i>Drug Free Zones</i></p> <p>Amends the drug-free zone enhancement laws to include distribution or PWID within 1,000 feet of D.C. public housing – but adds that the zones must be “appropriately identified” as such.</p> <p>Chief of Police has authority to establish Anti-Loitering/Drug Free Zones up to ten (10) days (currently five (5) day maximum).</p> <p>Members must document both that the required signage was present and the measured distance of the offense from the qualifying facility or event.</p> <p>§ 225, 226 (page 31)</p>
<p>(W)</p> <p>Provides</p> <p>Penalty</p> <p>Reference</p>	<p><i>Drug Paraphernalia</i></p> <p>Adds to the definition of “objects used, intended for use, or designed for use” in taking drugs “Cigarette rolling papers or cigar leaf wrappers sold at a commercial retail or wholesale establishment, which does not derive at least 25% of its total annual revenue from the sale of tobacco products and which does not sell loose tobacco intended to be rolled into cigarettes and cigars.”</p> <p>Where the alleged violation of the act occurred at a commercial retail or wholesale establishment, the court or other authority may infer, in consideration with other factors, that the following items are drug paraphernalia</p> <ul style="list-style-type: none"> (1) Glassy plastic bags or zip-lock bags that measure 1 inch by 1 inch or less; or (2) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls. <p>Makes it unlawful to sell the following products in the District of Columbia</p> <ul style="list-style-type: none"> (1) Cocaine freebase kits; (2) Glass or ceramic tubes less than 6 inches in length and 1 inch in diameter sold or possessed with or without any screen-like device; (3) Cigarette rolling papers and cigar leaf wrappers (unless sold by a commercial retail or wholesale establishment, which derives at least 25% of its total annual revenue from the sale of tobacco products and which sells loose tobacco intended to be rolled into cigarettes and cigars). <p>Misdemeanor (180 days/USAO) unless repeat offender, then Felony (2 years).</p> <p>§ 227 (page 31)</p>
<p>(X)</p> <p>Prohibits</p> <p>Penalty</p> <p>Reference</p>	<p><i>Felon in Possession of a Firearm</i></p> <p>A person previously convicted of a felony (in DC or elsewhere) from possessing any firearm (old law said pistol).</p> <p>Felony (Maximum of 10 years with a mandatory minimum of 1 year/USAO);</p> <p>§ 223(c) (page 29)</p>

<p>(Y)</p> <p>Provides</p> <p>Reference</p>	<p><i>Knowing possession of armor piercing ammunition</i></p> <p>Increased maximum penalty for knowing possession from 1 year to 10 years with a 1 year mandatory minimum.</p> <p>§ 205 (page 16)</p>
<p>(Z)</p> <p>Provides</p> <p>Need to know</p> <p>Reference</p>	<p><i>Gun Free Zones</i></p> <p>Amends the gun-free zone enhancement laws to include carrying a gun within 1,000 feet of D.C. public housing – but adds that the zones must be “appropriately identified” as such.</p> <p>Members must document both that the required signage was present and the measured distance of the offense from the qualifying facility or event.</p> <p>§ 223(b) (page 29)</p>
<p>(AA)</p> <p>Provides</p> <p>Need to know</p> <p>Reference</p>	<p><i>Enhanced penalty for crimes against seniors</i></p> <p>Sentencing enhancement (1 ½ times) for significantly expanded list of crimes committed against seniors (covered offenses now include abduction, arson, aggravated assault, ADW, AWIK, commit first degree sexual abuse, assault with intent to commit any other offense, burglary, carjacking, armed carjacking, extortion or blackmail accompanied by threats of violence, kidnapping, malicious disfigurement, manslaughter, mayhem, robbery, sexual abuse in the first, second and third degrees, theft, fraud in the first degree, and fraud in the second degree, or an attempt or conspiracy to commit any of the above).</p> <p>Also provides an affirmative defense based on preponderance of evidence that accused knew or reasonably believed victim was not 60 years old or older at time of the offense, or did not or could not have known the age of the victim because of the manner in which the offense was committed.</p> <p>Members must accurately capture victim age information and identify facts necessary to alert prosecutors to seek sentencing enhancement, including any evidence that would establish that the perpetrator knew or should have known the victim was over 60 years old.</p> <p>§ 220 (page 28)</p>
<p>(BB)</p> <p>Provides</p> <p>Penalty</p> <p>Reference</p>	<p><i>Sexual abuse of a patient</i></p> <p>Clarifies that the offense applies to</p> <ul style="list-style-type: none"> • Those who falsely represent themselves as licensed professionals and engage in a sexual act with a patient or client; or • A sexual act/contact that occurs during the course of a consultation, examination, treatment, therapy, or other provision of professional services. <p>Sexual acts are punished as sexual abuse of a patient in the First Degree (10 years/USAO); Sexual contact is punished as sexual abuse of a patient in the Second Degree (5 years/USAO).</p> <p>§ 216(i), (j) (page 26)</p>

<p>(CC)</p> <p>Provides</p> <p>Reference</p>	<p><i>Sexual Abuse of a ward</i></p> <p>Expanded definition of those associated with institutions, including those that provide transportation, who are prohibited from engaging in sexual acts or having sexual contacts with wards, patients, clients, or prisoners.</p> <p>§ 216(g), (h) (page 26)</p>
<p>(DD)</p> <p>Provides</p> <p>Need to know</p> <p>Reference</p>	<p><i>Statute of Limitations</i></p> <p>Amends the statute of limitations for sex crimes to permit prosecution of “any offense that is properly joinable with” the enumerated sex crimes.</p> <p>It will be necessary to preserve all evidence in any offense that can be joined to an enumerated sex crime, such as kidnapping, burglary, robbery, aggravated assault, etc.</p> <p>§ 224(b) (page 30)</p>
<p>(EE)</p> <p>Provides</p> <p>Reference</p> <p>Prohibits</p> <p>Penalty</p> <p>Need to know</p> <p>Reference</p>	<p><i>Offenses Involving Adults in “Significant Relationships” with Minors and Children</i></p> <p>New definition of “significant relationship” to be more inclusive of persons in positions of trust with children (includes domestic partner, an employee or volunteer of a school, church, synagogue, mosque, or other religious institution, or an educational, social, recreational, athletic, musical, charitable, or youth facility, organization, or program, including a teacher, coach, counselor, clergy, youth leader, chorus director, bus driver, administrator, or support staff, or any other person in a position of trust with or authority over a child or minor).</p> <p>§ 216(a) (page 24)</p> <p><u>Misdemeanor sexual abuse of a child or a minor</u></p> <p>Any person</p> <ul style="list-style-type: none"> • 18 years of age or older and more than 4 years older than a child, or • 18 years of age or older and in a significant relationship with a minor, from engaging in sexually suggestive conduct with that child or minor. <p>“Sexually suggestive conduct” is defined as engaging in conduct that is intended to cause sexual arousal by touching a child inside his or her clothing; inside or outside clothing close to the genitalia, anus, breast or buttocks; placing one’s tongue in the mouth of a child or minor; or touching one’s own genitalia or that of a third person.</p> <p>Misdemeanor (180 days/USAO)</p> <p>Minor is person under the age of 18. Child is person under the age of 16.</p> <p>§ 216(e) (page 25)</p>

(FF)	<i>Offenses Involving Adults in “Significant Relationships” with Minors and Children (Continued)</i>
	<u>Felony Sexual Abuse of a Minor</u>
Prohibits	Those in significant relationships from engaging in sexual acts and sexual contact with a minor.
Penalty	Felony (15 years for engaging in a sexual act/7.5 years for engaging in sexual contact).
Reference	§ 216(b), (c) (page 24)
	<u>Seducing/Enticing Minor in Significant Relationship or a Child</u>
Prohibits	Those in significant relationships with minors from seducing or enticing the minor.
Prohibits	A person from enticing a person who represents him or herself to be a child to engage in a sexual act or contact (e.g., for internet stings).
Reference	§ 216(d) (page 25)