



**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**OFFICE OF COUNCILMEMBER BROOKE PINTO**  
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WASHINGTON, D.C. 20004

June 21, 2023

Nyasha Smith, Secretary  
Council of the District of Columbia  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

Dear Secretary Smith,

Today, I, along with Councilmembers Bonds and Parker, am introducing the “Accountability and Victim Protection Amendment Act of 2023.” Please find enclosed a signed copy of the legislation.

Since becoming the Chairwoman of the Committee on the Judiciary and Public Safety, I have spent a great deal of time engaging with residents and our criminal justice partners to understand where our existing criminal laws fall short in protecting District residents. This legislation, which I developed in partnership with the United States Attorney’s Office for the District of Columbia, is aimed at strengthening protections for victims, especially victims of domestic violence, children, and senior citizens, as well as filling gaps in our current criminal code.

Specifically, the bill would do the following:

***Ensure accountability for offenders:***

- *Eliminate or extend the length of statutes of limitations for certain serious crimes, such as attempts to commit murder or sexual abuse, along with crimes that are committed in the same incident as one of those crimes. These changes would help to improve accountability, particularly in cases where a victim comes forward years after the crime was committed (as often happens in sexual assault cases).*
- *Make misdemeanor arrest warrants extraditable outside the District where a court finds good cause. This is particularly important given how the District’s small size and proximity to Maryland and Virginia.*
- *Clarify that GPS records in the possession of the Pretrial Services Agency (PSA) can be admissible to prove a defendant’s guilt in a criminal case or other judicial proceeding. Current law is unclear on this issue, and while the USAO consistently maintains that the law allows these records to be admitted as evidence of guilt, some defendants have attempted to construe the statutes to the contrary. This is a common-sense measure that would make clear that GPS records from PSA that, for example, indicate that a defendant was on the scene of a domestic violence incident or a homicide, can be admissible in that defendant’s trial for domestic violence or murder.*

***Enhance protections for senior citizens:***

- *Add “assault with significant bodily injury” to a list of offenses that qualify for sentencing enhancements when committed against senior citizens.* This would rectify an apparent oversight in existing law and ensure that seniors receive the protections they deserve.

***Protect victims of sexual abuse and domestic violence:***

- *Prohibit individuals who have been convicted of stalking from possessing a firearm.* According to Everytown for Gun Safety, in nearly 9 out of 10 cases of attempted murders of women, there had been at least one stalking incident in the year prior to the attempted murder.
- *Create a standalone felony offense of strangulation.* Strangulation is a key predictor of future domestic violence turning deadly; creating a standalone offense would make it easier to hold individuals who engage in this conduct accountable and prevent the worst outcomes. This change would also bring the District in line with the 49 other states that allow strangulation to be prosecuted as a felony.
- *Allow for testing of defendants charged with sexual assault for HIV in order to provide victims with information about their attacker’s HIV status more quickly.* This would allow victims to make informed decisions about their health care. In cases where the defendant is HIV-negative, it would allow victims to avoid weeks of post-exposure medication, which can cause severe side effects. Testing of this kind currently may only occur after conviction, which will always be too late to allow victims to make informed decisions about their health care.
- *Create new evidentiary rules to give courts discretion to admit evidence of previous similar crimes in sexual abuse and child sexual abuse cases.* Similar evidentiary rules in California helped bring Harvey Weinstein to justice following decades of sexual abuse allegations.
- *Establish progressive sentencing for serial misdemeanor sex offenders.* Right now, individuals who repeatedly engage in misdemeanor sexual abuse are generally only subject to a maximum of 180 days’ imprisonment, no matter how many times they re-offend. This change would increase the maximum sentence to 3 years for individuals with one or more prior convictions for misdemeanor sexual abuse within the past 10 years. It would also allow these individuals to be detained pretrial, offering greater security and peace to victims and community members.
- *Close a loophole in the prohibition on non-consensual dissemination of sexual images.* As it stands, the law requires prosecutors to prove that there was an “agreement or understanding” that the sexual image would not be disclosed. Because it is difficult to prove that such an agreement existed, this language has hampered prosecution of these cases. This proposal would put the focus instead on the defendant’s mental state and the lack of consent in the distribution of the image.

***Improve protections for children:***

- *Direct courts to expedite cases involving a child victim.* Currently, the law only expedites cases where a child is called to give testimony; this would expand that to cases where a child is a victim, even where the child doesn't testify. It would also allow courts to expedite sentencing hearings. These changes would help to minimize the length of time child victims are exposed to the criminal justice process.
- *Create enhanced penalties for domestic violence crimes committed in the presence of a child.* This change recognizes the well-documented and significant harm that witnessing violence has on children.
- *Create additional protections for 12-year-old victims of sexual abuse.* Under current law, individuals found guilty of a sex offense are subject to increased penalties if the victim is *under* 12 years old. This change recognizes the youthful nature of 12-year-olds and extends those protections to them. The change would also improve consistency with other statutes that draw a line between 12- and 13-year-olds.
- *Extend liability for certain sexual offenses to contractors of organizations.* Currently, the law applies to both employees and volunteers, but not contractors; there is no obvious reason to exclude contractors from liability.

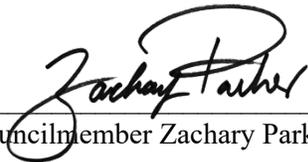
These are common-sense proposals that draw on the expertise of prosecutors who are intimately familiar with how our criminal code functions in practice and therefore understand the gaps in our criminal laws.

Should you have any questions about this legislation, please contact Michael Porcello, Committee Director for the Committee on the Judiciary and Public Safety, at [mporcello@dccouncil.gov](mailto:mporcello@dccouncil.gov).

Thank you,



Brooke Pinto

1   
2 Councilmember Zachary Parker

  
Councilmember Brooke Pinto

3  
4   
5  
6 Councilmember Anita Bonds

7  
8 A BILL

9  
10 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

11  
12 To amend Title 23 of the District of Columbia Official Code to enhance the criminal statute of  
13 limitations for serious crimes, including sexual offenses and murder, to add strangulation  
14 and progressive misdemeanor sexual abuse to the crime of violence definition, to clarify  
15 that GPS records from the Pretrial Services Agency are admissible in court, to give courts  
16 discretion to make a misdemeanor arrest warrant extraditable, to create additional  
17 protections for 12-year-old victims of sexual abuse, to clarify the authority of law  
18 enforcement officers to conduct certain arrests, and to make conforming changes to ensure  
19 the rights of child crime victims; to amend An Act To control the possession, sale, transfer  
20 and use of pistols and other dangerous weapons in the District of Columbia, to provide  
21 penalties, to prescribe rules of evidence, and for other purposes to prohibit firearms  
22 possession for people convicted of stalking; to amend An Act To establish a code of law  
23 for the District of Columbia to create a felony offense of strangulation; to amend the Anti-  
24 Sexual Abuse Act of 1994 to create local analogues to federal rules of evidence in sexual  
25 abuse prosecutions, to clarify the definition of “significant relationship” in sexual abuse  
26 cases, and to create progressive sentencing for misdemeanor sexual abuse and  
27 misdemeanor sexual abuse of a child or minor; to amend the HIV Testing of Certain  
28 Criminal Offenders Act of 1995 to allow victims access to HIV information following  
29 potential HIV exposure; to amend the Omnibus Public Safety Amendment Act of 2006 to  
30 create enhanced penalties for intrafamily violence that is witnessed by a child; to amend  
31 the Criminalization of Non-Consensual Pornography Act of 2014 to make clarifying  
32 changes to the offenses of unlawful disclosure and unlawful publication; to amend the  
33 District of Columbia Theft and White Collar Crimes Act of 1982 to add a sentencing  
34 enhancement for certain assaults against senior citizens; and to amend Titles 14, 23, and 4  
35 of the District of Columbia Official Code to make conforming amendments to recent  
36 legislation;

37  
38 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
39 act may be cited as the “Accountability and Victim Protection Amendment Act of 2023”.

40 TITLE I. ENHANCEMENT TO CRIMINAL STATUTE OF LIMITATIONS.

41 Sec. 101. Section 23-113 of the District of Columbia Official Code is amended as  
42 follows:

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

44 “(1) A prosecution for the following crimes and any offense that is properly  
45 joinable with any of the following crimes may be commenced at any time:”.

46 (b) Subsection (a)(1)(T) is amended by striking the phrase “; and” and inserting a  
47 semicolon in its place.

48 (c) Subsection (a)(1)(U) is amended by striking the period and inserting the phrase “;  
49 and” in its place.

50 (d) A new subsection (a)(1)(V) is added to read as follows:

51 “(V) attempt, conspiracy, solicitation, or assault with intent to commit an  
52 offense listed in this subsection.”.

53 TITLE II. PROHIBITION ON FIREARMS POSSESSION AFTER STALKING  
54 CONVICTION.

55 Sec. 201. Section 3 of An Act To control the possession, sale, transfer and use of pistols  
56 and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules  
57 of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code  
58 § 22-4503) is amended as follows:

59 (a) Subsection (a)(5)(C) is amended by striking the semicolon and inserting the phrase “;  
60 or” in its place.

61 (b) Subsection (a)(6) is amended to read as follows:

62 “(6) Has been convicted within the past 5 years of:

63                               “(A) An intrafamily offense, as defined in D.C. Official Code § 16-  
64 1001(8), punishable as a misdemeanor, or any similar provision in the law of another  
65 jurisdiction; or

66                               “(B) Stalking or attempted stalking, pursuant to Chapter 31A of Title 22 of  
67 the D.C. Code, punishable as a misdemeanor, or any similar provision in the law of another  
68 jurisdiction.”.

69                               TITLE III. ANALOGUES TO FEDERAL EVIDENTIARY RULES IN SEXUAL  
70 ABUSE PROSECUTIONS.

71                               Sec. 301. The Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-  
72 257; D.C. Official Code § 22-3001 *et seq.*), is amended as follows:

73                               (a) A new section 305 is added to read as follows:

74                               “Sec. 305. Similar crimes in sexual abuse cases.

75                               “(a) In a criminal case in which a defendant is accused of sexual abuse, the court may  
76 admit evidence that the defendant committed any other similar sexual abuse, where the court  
77 finds by clear and convincing evidence that the defendant committed the other similar sexual  
78 abuse. The evidence may be considered on any matter to which it is relevant.

79                               “(b) If the prosecutor intends to offer this evidence, the prosecutor must disclose it to the  
80 defendant, including witnesses’ statements or a summary of the expected testimony. The  
81 prosecutor must do so at least 15 days before trial or at a later time that the court allows for good  
82 cause.

83                               “(c). This section does not limit the admission or consideration of evidence under any  
84 other statute, rule, or evidentiary principle.

85                               “(d) For the purposes of this section, the term “sexual abuse” means:

86                   “(1) A violation of:

87                               “(A) D.C. Official Code § 22-3002. First degree sexual abuse;

88                               “(B) D.C. Official Code § 22-3003. Second degree sexual abuse;

89                               “(C) D.C. Official Code § 22-3004. Third degree sexual abuse;

90                               “(D) D.C. Official Code § 22-3005. Fourth degree sexual abuse;

91                               “(E) D.C. Official Code § 22-3006. Misdemeanor sexual abuse;

92                               “(F) D.C. Official Code § 22-3013. First degree sexual abuse of a ward,

93 patient, client, or prisoner;

94                               “(G) D.C. Official Code § 22-3014. Second degree sexual abuse of a ward,

95 patient, client, or prisoner;

96                               “(H) D.C. Official Code § 22-3015. First degree sexual abuse of a patient

97 or client; or

98                               “(I) D.C. Official Code § 22-3016. Second degree sexual abuse of a

99 patient or client; or

100                   “(2) An attempt, assault with intent to commit, solicitation, or conspiracy to

101 commit an offense enumerated in subsection (d)(1) of this section; or

102                   “(3) Conduct that, if committed in the District of Columbia, would constitute a

103 violation of an offense enumerated in subsection (d), or conduct that is substantially similar to

104 that prosecuted as an offense enumerated in subsection (d).

105                   “(e) The court may exclude relevant evidence if its probative value is substantially

106 outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues,

107 misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence.”.

108                   (b) A new section 306 is added to read as follows:

109 “Sec. 306. Similar crimes in child sexual abuse cases.

110 “(a) In a criminal case in which a defendant is accused of child sexual abuse, the court  
111 may admit evidence that the defendant committed any other child sexual abuse, where the court  
112 finds by clear and convincing evidence that the defendant committed the other child sexual  
113 abuse. The evidence may be considered on any matter to which it is relevant.

114 “(b) If the prosecutor intends to offer this evidence, the prosecutor must disclose it to the  
115 defendant, including witnesses’ statements or a summary of the expected testimony. The  
116 prosecutor must do so at least 15 days before trial or at a later time that the court allows for good  
117 cause.

118 “(c) This section does not limit the admission or consideration of evidence under any  
119 other statute, rule, or evidentiary principle.

120 “(d) For the purposes of this section, the term “child sexual abuse” means:

121 “(1)(A) A violation of:

122 “(i) D.C. Official Code § 22-3008. First degree child sexual abuse;

123 “(ii) D.C. Official Code § 22-3009. Second degree child sexual  
124 abuse;

125 “(iii) D.C. Official Code § 22-3009.01. First degree sexual abuse  
126 of a minor;

127 “(iv) D.C. Official Code § 22-3009.02. Second degree sexual  
128 abuse of a minor;

129 “(v) D.C. Official Code § 22-3009.03. First degree sexual abuse of  
130 a secondary education student;

131 “(vi) D.C. Official Code § 22-3009.04. Second degree sexual  
132 abuse of a secondary education student;

133 “(vii) D.C. Official Code § 22-3010. Enticing a child or minor;

134 “(viii) D.C. Official Code § 22-3010.01. Misdemeanor sexual  
135 abuse of a child or minor; or

136 “(ix) D.C. Official Code § 22-3010.02. Arranging for a sexual  
137 contact with a real or fictitious child; and

138 “(B) Either:

139 “(i) The victim is a person who has not yet attained the age of 16  
140 years old;

141 “(ii) The offense involves a defendant who is in a significant  
142 relationship with the victim, as defined in D.C. Official Code § 22-3001(10), and the victim is a  
143 person who has not yet attained the age of 18 years old; or

144 “(iii) The offense involves a secondary education student, and the  
145 victim is a person who has not yet attained the age of 20 years old; or

146 “(2) An attempt, assault with intent to commit, solicitation, or conspiracy to  
147 commit an offense enumerated in subsection (d)(1); or

148 “(3) Conduct that, if committed in the District of Columbia, would constitute a  
149 violation of an offense enumerated in subsection (d), or conduct that is substantially similar to  
150 that prosecuted as an offense enumerated in subsection (d).

151 “(e) The court may exclude relevant evidence if its probative value is substantially  
152 outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues,  
153 misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence.”.

154 TITLE IV. ACCESS TO HIV INFORMATION FOR CRIME VICTIMS.

155 Sec. 401. The HIV Testing of Certain Criminal Offenders Act of 1995, effective  
156 November 11, 1995 (D.C. Law 11-74; D.C. Official Code § 22-3901 *et seq.*), is amended as  
157 follows:

158 (a) Section 2 (D.C. Official Code § 22-3901) is amended as follows:

159 (1) Paragraph (1) is redesignated as paragraph (2).

160 (2) A new paragraph (1) is added to read as follows:

161 “(1) “Charged” means having been charged by information, complaint, or  
162 indictment.”.

163 (3) Paragraph (2) is redesignated as paragraph (3).

164 (4) Paragraph (3) is redesignated as paragraph (4).

165 (5) Paragraph (4) is redesignated as paragraph (5).

166 (6) Paragraph (5) is amended to read as follows:

167 “(5) “Offense” means:

168 “(A) Any prohibited activity involving a sexual act that includes contact  
169 between the penis and the vulva or the penis and the anus, however slight, or contact between the  
170 mouth and the penis, the mouth and the vulva, or the mouth and the anus; or

171 “(B) Any criminal offense that, due to the manner of the commission of  
172 the offense, involves a reasonable possibility of transmission of HIV.”.

173 (7) Paragraph (5) is redesignated as paragraph (6).

174 (8) Paragraph (6) is amended by striking the word “injured” and inserting the  
175 phrase “injured or alleged to have been injured” in its place.

176 (b) Section 3 (D.C. Official Code § 22-3902) is amended as follows:

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

178 “(a) Upon the request of a victim or the prosecutor, the court shall order any individual  
179 charged with or convicted of an offense, as defined by § 22-3901, to furnish a blood sample to be  
180 tested for the presence of HIV. If the individual has been charged with, but not yet convicted, of  
181 an offense, the individual shall only be required to furnish a blood sample if an initial probable  
182 cause determination has been made by a judicial officer.”.

183 (2) Subsection (b) is amended by striking the word “convicted” and inserting the  
184 phrase “charged or convicted” in its place.

185 (3) Subsection (c) is amended to read as follows:

186 “(c) After conducting the HIV test, the Mayor or the prosecutor shall promptly notify the  
187 victim and the charged or convicted individual of the results of the HIV test. The Mayor or the  
188 prosecutor shall not disclose the results of the HIV test without also providing, offering, or  
189 arranging for appropriate counselling and referral for appropriate health care and support  
190 services to the victim and the charged or convicted individual.”.

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

192 “(f) If the Mayor or prosecutor has independent information regarding the HIV status of  
193 the charged or convicted individual, the Mayor or prosecutor shall not be precluded from  
194 disclosing that information to the victim, consistent with the provisions of subsection (d).

195 “(g) Where a victim provides oral or written notice to the Court or prosecutor of the  
196 victim’s desire not to be provided the results of testing undertaken pursuant to this section or  
197 otherwise made aware of their status, neither the Court nor the prosecutor shall furnish such  
198 information to the victim.”

199 (c) Section 4(b) (District of Columbia Official Code § 22-3903(b)) is amended by  
200 striking the word “convicted” and inserting the phrase “charged or convicted” in its place.

201 Sec. 402. Section 6 of the AIDS Health-Care Response Act of 1986, effective June 10,  
202 1986 (D.C. Law 6-121; D.C. Official Code § 7-1605), is amended to read as follows:

203 “The Director shall use the records incident to a case of HIV infection or AIDS reported  
204 under this subchapter for statistical and public-health purposes only. Identifying information  
205 contained in these records, as well as all identifying information obtained, collected, or created  
206 by the Department of Health (“Department”) incident to a case of HIV infection or AIDS  
207 reported under this subchapter shall be disclosed by the Director only when essential to  
208 safeguard the physical health of others. No person shall otherwise disclose such identifying  
209 information collected pursuant to this subchapter unless the person about whom the information  
210 pertains gives his or her prior written permission except as authorized under D.C. Official Code  
211 § 22-3902. All identifying information obtained, collected, or created by the Department incident  
212 to a case of HIV infection or AIDS reported under this subchapter shall not be discoverable or  
213 admissible as evidence in a civil or criminal action unless the person about whom the  
214 information pertains gives his or her prior written permission. Nothing in this subsection should  
215 be construed to create any additional limit on the disclosure, discoverability, or admissibility of  
216 HIV or AIDS records reported under this subchapter where those records were obtained by the  
217 Department other than for statistical or public-health purposes.”.

218 TITLE V. CLARIFICATION TO SIGNIFICANT RELATIONSHIP DEFINITION.

219 Sec. 501. Section 101(10)(D) of the Anti-Sexual Abuse Act of 1994, effective May 23,  
220 1995 (D.C. Law 10-257; D.C. Official Code § 22-3001(10)(D)), is amended by striking the

221 phrase “employee or volunteer” and inserting the phrase “employee, contractor, or volunteer” in  
222 its place.

223 TITLE VI. CLARIFICATION TO ADMISSIBILITY OF PRETRIAL GPS RECORDS.

224 Sec. 601. District of Columbia Official Code § 23-1303(d) is amended to read as follows:

225 “(d) Any information contained in the agency’s files, presented in its report, or divulged  
226 during the course of any hearing shall not be admissible on the issue of guilt in any judicial  
227 proceeding, but such information may be used in proceedings under sections 23-1327, 23-1328,  
228 and 23-1329, in perjury proceedings, and for the purposes of impeachment in any subsequent  
229 proceeding. Any information obtained from a detection device, as that term is defined in D.C.  
230 Official Code § 22-1211(a)(2), shall be admissible on the issue of guilt in any judicial  
231 proceeding.”.

232 TITLE VII. JUDICIAL DISCRETION FOR EXTRADITION OF MISDEMEANOR  
233 ARREST WARRANTS.

234 Sec. 701. District of Columbia Official Code § 23-563(b) is amended to read as follows:

235 “(b)(1) A warrant or summons issued by the Superior Court of the District of Columbia  
236 for an offense punishable by imprisonment for not more than one year, or by a fine only, or by  
237 such imprisonment and a fine:

238 “(A)(i) May be served in any place in the District of Columbia; or

239 “(ii) May be served at any place within the jurisdiction of the  
240 United States, if a judicial officer of the Superior Court of the District of Columbia finds that  
241 good cause exists for the warrant or summons to be served at any place within the jurisdiction of  
242 the United States; and

243 “(B) May not be executed more than one year after the date of issuance.

244 “(2) Good cause for the warrant or summons to be served at any place within the  
245 jurisdiction of the United States is presumed where the warrant or summons is for an intrafamily  
246 offense, as defined in D.C. Code § 16-1001(8), or where the warrant or summons is for an  
247 offense under Chapter 30 of Title 22 of the D.C. Code.”.

248 TITLE VIII. PROGRESSIVE SENTENCING FOR MISDEMEANOR SEXUAL  
249 ABUSE.

250 Sec. 801. The Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-  
251 257; D.C. § 22-3001 *et seq.*), is amended as follows:

252 (a) Section 205 (D.C. Official Code § 22-3006) is amended as follows:

253 (1) The existing text is designated as subsection (a).

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

255 “(b) A person convicted of misdemeanor sexual abuse who has 1 or more prior  
256 convictions for misdemeanor sexual abuse shall be fined not more than the amount set forth in §  
257 22-3571.01, or imprisoned for not more than 3 years, or both.

258 “(c) For the purposes of this section, a person shall be considered as having prior  
259 convictions for misdemeanor sexual abuse if that person has been previously convicted of a  
260 violation of:

261 “(1) D.C Official Code § 22-3006; or

262 “(2) A crime under the laws of any other jurisdiction that involved conduct that  
263 would, if committed in the District of Columbia, constitute a violation of § 22-3006, or conduct  
264 that is substantially similar to conduct prosecuted under § 22-3006.”.

265 (b) Section 209a (D.C. Official Code § 22-3010.01) is amended as follows:

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

267 “(b) A person convicted of misdemeanor sexual abuse of a child or minor who has prior  
268 convictions for misdemeanor sexual abuse of a child or minor shall be fined not more than the  
269 amount set forth in § 22-3571.01, or imprisoned for not more than 3 years, or both.

270 (2) A new subsection (c) is added to read as follows:

271 “(c) For the purposes of this section:

272 “(1) The term “sexually suggestive conduct” means engaging in any of the  
273 following acts in a way which is intended to cause or reasonably causes the sexual arousal or  
274 sexual gratification of any person:

275 “(A) Touching a child or minor inside his or her clothing;

276 “(B) Touching a child or minor inside or outside his or her clothing close  
277 to the genitalia, anus, breast, or buttocks;

278 “(C) Placing one’s tongue in the mouth of the child or minor; or

279 “(D) Touching one’s own genitalia or that of a third person.

280 “(2) A person shall be considered as having prior convictions for misdemeanor  
281 sexual abuse of a child or minor if that person has been convicted within the past 10 years of a  
282 violation of:

283 “(1) This section; or

284 “(2) A crime under the laws of any other jurisdiction that involved conduct  
285 that would, if committed in the District of Columbia, constitute a violation of this section, or  
286 conduct that is substantially similar to conduct prosecuted under this section.”.

287 TITLE IX. CONFORMING AMENDMENTS TO THE EXPANDING SUPPORTS FOR  
288 CRIME VICTIMS AMENDMENT ACT.

289 Sec. 901. District of Columbia Official Code § 14-307(d) is amended as follows:

290 (1) Paragraph (1) is amended by striking the phrase “court shall” and inserting the  
291 phrase “court shall, unless there are exceptional circumstances” in its place.

292 (2) Paragraph (2) is amended by striking the phrase “confidential information”  
293 and inserting the phrase “confidential information of a victim” in its place.

294 (2) A new paragraph (3) is added to read as follows:

295 “(3) This subsection shall only apply after a complaint, indictment, or information  
296 has been filed.”.

297 Sec. 902. District of Columbia Official Code § 23-1912(a) is amended by striking the  
298 phrase “subject to a custodial arrest” and inserting the phrase “subject to a subsequent custodial  
299 arrest” in its place.

300 Sec. 903. Section 7 of the Victims of Violent Crime Compensation Act of 1996, effective  
301 April 9, 1997 (D.C. Law 11-243; D.C. Official Code § 4-506), is amended as follows:

302 (a) Subsection (a)(1)(C) is amended as follows:

303 (1) Strike the word “resolution” and insert the phrase “filing or resolution” in its  
304 place; and

305 (2) Strike the phrase “; or” and insert a semicolon in its place.

306 (b) Subsection (a)(1)(D) is amended as follows:

307 (1) Strike the word “resolution” and insert the phrase “filing or resolution” in its  
308 place; and

309 (2) Strike the phrase “; and” and insert the phrase “; or” in its place.

310 (c) A new subsection (a)(1)(E) is added to read as follows:

311 “(E) The filing or resolution of any other post-conviction motion in which  
312 the claimant was a victim or secondary victim; and”.

313 TITLE X. CONFORMING AMENDMENTS TO THE RIGHTS OF CHILD CRIME  
314 VICTIMS.

315 Sec. 1001. District of Columbia Official Code § 23-1903(d) is amended as follows:

316 (1) Strike the phrase “child is called to give testimony” and insert the phrase  
317 “child is a victim or is called to give testimony” in its place; and

318 (2) Strike the phrase “granting a continuance in cases involving a child witness”  
319 and insert the phrase “granting a continuance in cases involving a child victim or child witness”  
320 in its place.

321 TITLE XI. ADDITIONAL PROTECTIONS FOR 12-YEAR-OLD VICTIMS OF  
322 SEXUAL ABUSE.

323 Sec. 1101. Section 219(a)(1) of the Anti-Sexual Abuse Act of 1994, effective May 23,  
324 1995 (D.C. Law 10-257; D.C. Official Code § 22-3020 (a)(1)) is amended by striking the phrase  
325 “12 years” and inserting the phrase “13 years” in its place.

326 Sec. 1102. Section 2(6)(B) of the Sex Offender Registration Act of 1999, effective July  
327 11, 2000 (D.C. Law 13-137; D.C. Official Code § 22-4001(6)(B)) is amended by striking the  
328 phrase “12 years” each time it appears and inserting the phrase “13 years” in its place.

329 TITLE XII. ENHANCED PENALTIES FOR VIOLENCE WITNESSED BY A CHILD.

330 Sec. 1201. The Omnibus Public Safety Amendment Act of 2006, effective April 24, 2007  
331 (D.C. Law 16-306; D.C. Official Code § 22-951 *et seq.*), is amended by adding a new section  
332 102a to read as follows:

333 “Sec. 102a. Enhanced penalty for committing intrafamily offense or crime of violence in  
334 the presence of a child.

335           “(a) Any adult, being at least 4 years older than a child, who commits an intrafamily  
336 offense or crime of violence may be punished by a fine of up to 1 1/2 times the maximum fine  
337 otherwise authorized for the offense and may be imprisoned for a term of up to 1 1/2 times the  
338 maximum term of imprisonment otherwise authorized for the offense, or both, where either the  
339 adult committed the offense in the presence of a child or a child witnessed the offense.

340           “(b) It is an affirmative defense that the accused reasonably believed that the child was  
341 not present at the time of the offense and that the child would not be able to witness the offense.  
342 This defense shall be established by a preponderance of the evidence.

343           “(c) This enhancement shall not apply when either:

344                   “(1) The child is the victim of the charged intrafamily offense; or

345                   “(2) The child is under 2 years of age.

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

347                   “(1) “Adult” means a person 18 years of age or older at the time of the offense.

348                   “(2) “Child” means a person under 16 years of age at the time of the offense.

349                   “(3) “Crime of violence” shall have the same meaning as provided in D.C.

350 Official Code § 23-1331(4).

351                   “(4) “Intrafamily offense” shall have the same meaning as provided in D.C.

352 Official Code § 16-1001(8).”.

353           TITLE XIII. FELONY STRANGULATION.

354           Sec. 1301. An Act To establish a code of law for the District of Columbia, approved  
355 March 3, 1901 (31 Stat. 1189; D.C. Official Code *passim*), is amended by adding a new section  
356 806d to read as follows:

357           “Sec. 806d. Strangulation.

358           “(a) A person commits the offense of strangulation if that person knowingly,  
359 intentionally, or recklessly restricts the normal circulation of the blood or breathing of another  
360 person, either by applying pressure on the throat, neck, or chest of another person, or by blocking  
361 the nose or mouth of another person.

362           “(b) Except for as provided in subsection (c), a person convicted of strangulation shall be  
363 fined not more than the amount set forth in section 101 of the Criminal Fine Proportionality  
364 Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-  
365 3571.01), or be imprisoned for not more than 5 years, or both.

366           “(c) A person convicted of strangulation may be punished by a fine of up to 1 ½ times the  
367 maximum fine otherwise authorized for this offense and may be imprisoned for a term of up to 1  
368 ½ times the maximum term of imprisonment otherwise authorized for this offense, or both, if:

369                   “(1) The victim sustained serious bodily injury, as that term is defined in D.C.  
370 Official Code § 22-3001(10), as a result of the offense;

371                   “(2) The person was, at the time of the offense, subject to a court, parole, or  
372 supervised release requirement that the person stay away from, or have no contact with, the  
373 victim of the strangulation; or

374                   “(3) The person was, within 5 years of commission of the strangulation offense,  
375 convicted of either an intrafamily offense, as defined in D.C. Official Code § 16-1001(8), or a  
376 similar offense in the law of another jurisdiction.”.

377           TITLE XIV. NON-CONSENSUAL PORNOGRAPHY.

378           Sec. 1401. The Criminalization of Non-Consensual Pornography Act of 2014, effective  
379 May 7, 2015 (D.C. Law 20-275; D.C. Official Code § 22-3051 *et seq.*), is amended as follows:

380           (a) Section 3(a)(2) (D.C. Official Code § 22-3052(a)(2)) is amended to read as follows:

381                   “(2) The person disclosing the sexual image knew or consciously disregarded a  
382 substantial risk that the person depicted did not consent to the disclosure; and”.

383                   (b) Section 4(a) (D.C. Official Code § 22-3053(a)) is amended as follows:

384                   (1) The lead-in language is amended by striking the phrase “identifiable person,  
385 when” and inserting the phrase “identifiable person, whether obtained directly from the person or  
386 from a third party or other source, when” in its place.

387                   (2) Paragraph (1) is amended by striking the phrase “disclosure or”.

388                   (3) Paragraph (2) is amended to read as follows:

389                   “(2) The person publishing the sexual image knew or consciously disregarded a  
390 substantial risk that the person depicted did not consent to the publication; and”.

391                   (c) Section 5(a) (D.C. Official Code § 22-3054(a)) is amended as follows:

392                   (1) Paragraph (1) is amended by striking the phrase “disclosure or”.

393                   (2) Paragraph (2) is amended to read as follows:

394                   “(2) The person publishing the sexual image knew or consciously disregarded a  
395 substantial risk that the sexual image was obtained as a result of a previous disclosure or  
396 publication of the sexual image made with an intent to harm the person depicted or to receive  
397 financial gain.”.

398                   TITLE XV. ENHANCED PENALTIES FOR ASSAULTS AGAINST SENIOR  
399 CITIZENS.

400                   Sec. 1501. Section 201(b) of the District of Columbia Theft and White Collar Crimes Act  
401 of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-3206(b)) is  
402 amended by striking the word “burglary,” and inserting the phrase “assault with significant  
403 bodily injury, burglary,” in its place.

404 TITLE XVI. LAW ENFORCEMENT ARREST AUTHORITY TECHNICAL  
405 AMENDMENTS.

406 Sec. 1601. Section 23-581(a)(3) of the District of Columbia Official Code is amended as  
407 follows:

408 (1) Strike the phrase “Fleeing from the scene of an accident” and insert the phrase  
409 “Leaving after colliding” in its place.

410 (2) Strike the phrase “section 10(a) (D.C. Official Code § 50-2201.05(a))” and  
411 insert the phrase “section 10c (D.C. Official Code § 50-2201.05c)” in its place.

412 TITLE XVII. FISCAL IMPACT STATEMENT; EFFECTIVE DATE.

413 Sec. 1701. Fiscal impact statement.

414 The Council adopts the fiscal impact statement in the committee report as the fiscal  
415 impact statement required by 4a of the General Legislative Procedures Act of 1975, approved  
416 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

417 Sec. 1702. Effective date.

418 This act shall take effect following approval by the Mayor (or in the event of veto by the  
419 Mayor, action by the Council to override the veto), a 60-day period of congressional review as  
420 provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December  
421 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of  
422 Columbia Register.