

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 22.
CRIMINAL OFFENSES AND PENALTIES.

CHAPTER 18.
GENERAL OFFENSES.

2001 Edition

DISTRICT OF COLUMBIA OFFICIAL CODE

CHAPTER 18. GENERAL OFFENSES.

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CHAPTER 18. GENERAL OFFENSES.

§ 22-1801. "WRITING" AND "PAPER" DEFINED.

Except where otherwise provided for where such a construction would be unreasonable, the words "writing" and "paper," wherever mentioned in this title, are to be taken to include instruments wholly in writing or wholly printed, or partly printed and partly in writing.

(Mar. 3, 1901, 31 Stat. 1336, ch. 854, § 904; Dec. 1, 1982, D.C. Law 4-164, § 601(b), 29 DCR 3976.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 22-101.

1973 Ed., § 22-101.

Legislative History of Laws

Law 4-164, the "District of Columbia Theft and White Collar Crimes Act of 1982," was introduced in council and assigned Bill No. 4-133, which was referred to the Committee on the Judiciary. The Bill was adopted on first, amended first and second readings on June 22, 1982, July 6, 1982, and July 20, 1982, respectively. Signed by the Mayor on August 4, 1982, it was assigned Act No. 4-238 and transmitted to both Houses of Congress for its review.

§ 22-1802. "ANYTHING OF VALUE" DEFINED.

The words "anything of value," wherever they occur in this title and the District of Columbia Theft and White Collar Crimes Act of 1982, shall be held to include not only things possessing intrinsic value, but bank notes and other forms of paper money, and commercial paper and other writings which represent value.

(Mar. 3, 1901, 31 Stat. 1336, ch. 854, § 905; Dec. 1, 1982, D.C. Law 4-164, § 601(c), 29 DCR 3976.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 22-102.

1973 Ed., § 22-102.

Legislative History of Laws

For legislative history of D.C. Law 4-164, see Historical and Statutory Notes following § 22-1801.

References in Text

The "District of Columbia Theft and White Collar Crimes Act of 1982", referred to in this section, is D.C. Law 4-164, codified primarily at § 22-3201 et seq.

§ 22-1803. ATTEMPTS TO COMMIT CRIME.

Whoever shall attempt to commit any crime, which attempt is not otherwise made punishable by chapter 19 of An Act to establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321), shall be punished by a fine not exceeding \$1,000 or by imprisonment for not more than 180 days, or both. Except, whoever shall attempt to commit a crime of violence as defined in § 23-1331 shall be punished by a fine not exceeding \$5,000 or by imprisonment for not more than 5 years, or both.

(Mar. 3, 1901, 31 Stat. 1337, ch. 854, § 906; Aug. 20, 1994, D.C. Law 10- 151, § 105(a), 41 DCR 2608.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 22-103.

1973 Ed., § 22-103.

Emergency Act Amendments

For temporary amendment of section, see § 105(a) of the Omnibus Criminal Justice Reform Emergency Amendment Act of 1994 (D.C. Act 10-255, June 22, 1994, 41 DCR 4286).

Legislative History of Laws

Law 10-151, the "Omnibus Criminal Justice Reform Amendment Act of 1994," was introduced in Council and assigned Bill No. 10-98, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on March 29, 1994, and April 12, 1994, respectively. Signed by the Mayor on May 4, 1994, it was assigned Act No. 10-238 and transmitted to both Houses of Congress for its review. D.C. Law 10-151 became effective on August 20, 1994.

References in Text

"Chapter 19 of an Act to establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321)," referred to in this section, consists of §§ 798 to 910 of the act of March 3, 1901, the provisions of which are codified throughout this title as well as in §§ 36-101, 36-102, 36-151 to 36-157, 50-2203.01 to 50-2203.03. For the complete codification of Chapter 19 of the March 3, 1901 act, please consult the Disposition Tables appearing the Tables Volume.

§ 22-1804. SECOND CONVICTION.

(a) If any person: (1) is convicted of a criminal offense (other than a non-moving traffic offense) under a law applicable exclusively to the District of Columbia; and (2) was previously convicted of a criminal offense under any law of the United States or of a state or territory of the United States which offense, at the time of the conviction referred to in clause (1) of this subsection, is the same as, constitutes, or necessarily includes, the offense referred to in that clause, such person may be sentenced to pay a fine in an amount not more than one and one-half times the maximum fine prescribed for the conviction referred to in clause (1) of this subsection and sentenced to imprisonment for a term not more than one and one-half times the maximum term of imprisonment prescribed for that conviction. If such person was previously convicted more than once of an offense described in clause (2) of this subsection, such person may be sentenced to pay a fine in an amount not more than 3 times the maximum fine prescribed for the conviction referred to in clause (1) of this subsection and sentenced to imprisonment for a term not more than 3 times the maximum term of imprisonment prescribed for that conviction. No conviction with respect to which a person has been pardoned on the ground of innocence shall be taken into account in applying this section.

(b) This section shall not apply in the event of conflict with any other provision of law which provides an increased penalty for a specific offense by reason of a prior conviction of the same or any other offense.

(Mar. 3, 1901, 31 Stat. 1337, ch. 854, § 907; July 29, 1970, 84 Stat. 598, Pub. L. 91-358, title II, § 201(a); May 21, 1994, D.C. Law 10-119, § 2(a), 41 DCR 1639.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 22-104.

1973 Ed., § 22-104.

Legislative History of Laws

Law 10-119, the "Anti-Gender Discriminatory Language Criminal Offenses Amendment Act of 1994," was introduced in Council and assigned Bill No. 10-332, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on February 1, 1994, and March 1, 1994, respectively. Signed by the Mayor on March 17, 1994, it was assigned Act No. 10-209 and transmitted to both Houses of Congress for its review. D.C. Law 10-119 became effective on May 21, 1994.

§ 22-1804A. PENALTY FOR FELONY AFTER AT LEAST 2 PRIOR FELONY CONVICTIONS.

(a)(1) If a person is convicted in the District of Columbia of a felony, having previously been convicted of 2 prior felonies not committed on the same occasion, the court may, in lieu of any sentence authorized, impose such greater term of imprisonment as it deems necessary, up to, and including, 30 years.

(2) If a person is convicted in the District of Columbia of a crime of violence as defined by § 22-4501, having previously been convicted of 2 prior crimes of violence not committed on the same occasion, the court, in lieu of the term of imprisonment authorized, shall impose a term of imprisonment of not

less than 15 years and may impose such greater term of imprisonment as it deems necessary up to, and including, life without possibility of release.

(3) For purposes of imprisonment following revocation of release authorized by § 24-403.01, the third or subsequent felony committed by a person who had previously been convicted of 2 prior felonies not committed on the same occasion and the third or subsequent crime of violence committed by a person who had previously been convicted of 2 prior crimes of violence not committed on the same occasion are Class A felonies.

(b) For the purposes of this section:

(1) A person shall be considered as having been convicted of a felony if the person was convicted of a felony by a court of the District of Columbia, any state, or the United States or its territories; and

(2) A person shall be considered as having been convicted of a crime of violence if the person was convicted of a crime of violence as defined by § 22-4501, by a court of the District of Columbia, any state, or the United States or its territories.

(c)(1) A person shall be considered as having been convicted of 2 felonies if the person has been convicted of a felony twice before on separate occasions by courts of the District of Columbia, any state, or the United States or its territories.

(2) A person shall be considered as having been convicted of 2 crimes of violence if the person has twice before on separate occasions been convicted of a crime of violence as defined by § 22-4501, by courts of the District of Columbia, any states, or the United States or its territories.

(d) No conviction or plea of guilty with respect to which a person has been pardoned shall be taken into account in applying this section.

(Mar. 3, 1901, ch. 854, § 907a; July 29, 1970, 84 Stat. 599, Pub. L. 91-358, title II, § 201(b); May 21, 1994, D.C. Law 10-119, § 2(b), 41 DCR 1639; Oct. 7, 1994, D.C. Law 10-194, § 2, 41 DCR 4283; May 16, 1995, D.C. Law 10-255, § 15, 41 DCR 5193; June 3, 1997, D.C. Law 11-275, § 2, 44 DCR 1408; June 8, 2001, D.C. Law 13-302, § 4(h), 47 DCR 7249; Dec. 10, 2009, D.C. Law 18-88, § 208, 56 DCR 7413.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 22-104a.

1973 Ed., § 22-104a.

Effect of Amendments

D.C. Law 13-302, in subsec. (a), in par. (1), substituted "30 years" for "life"; in par.(2), substituted "such greater term of imprisonment as it deems necessary up to, and including, life without possibility of release" for "a term of imprisonment of life without possibility of parole"; and added par. (3).

D.C. Law 18-88, in subsec. (a)(2), substituted "the court, in lieu of the term of imprisonment authorized, shall impose a term of imprisonment of not less than 15 years and may impose" for "the court may in lieu of any sentence authorized, impose".

Emergency Act Amendments

For temporary (90-day) amendment of section, see § 4(h) of the Sentencing Reform Emergency Amendment Act of 2000 (D.C. Act 13-410, August 11, 2000, 47 DCR 7271).

For temporary (90-day) amendment of section, see § 4(h) of the Sentencing Reform Emergency Amendment Act of 2000 (D.C. Act 13-462, November 7, 2000, 47 DCR 9443).

For temporary (90 day) amendment of section, see § 4(h) of Sentencing Reform Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-2, February 2, 2001, 48 DCR 2239).

For temporary (90 day) amendment of section, see § 4(h) of Sentencing Reform Second Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-51, May 2, 2001, 48 DCR 4370).

For temporary (90 day) amendment of section, see § 202 of Crime Bill Emergency Amendment Act of 2009 (D.C. Act 18-129, June 29, 2009, 56 DCR 5495).

For temporary (90 day) amendment of section, see § 208 of Omnibus Public Safety and Justice Emergency Amendment Act of 2009 (D.C. Act 18-181, August 6, 2009, 56 DCR 6903).

For temporary (90 day) amendment of section, see § 208 of Omnibus Public Safety and Justice Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18- 227, October 21, 2009, 56 DCR 8668).

Legislative History of Laws

For legislative history of D.C. Law 10-119, see Historical and Statutory Notes following § 22-1804.

Law 10-194, the "Repeat Offender Life Without Parole Amendment Act of 1994," was introduced in Council

and assigned Bill No. 10-478, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on June 7, 1994, and June 21, 1994, respectively. Signed by the Mayor on June 21, 1994, it was assigned Act No. 10-254 and transmitted to both Houses of Congress for its review. D.C. Law 10-194 became effective on October 7, 1994.

Law 10-255, the "Technical Amendments Act of 1994," was introduced in Council and assigned Bill No. 10-673, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on June 21, 1994, and July 5, 1994, respectively. Signed by the Mayor on July 25, 1994, it was assigned Act No. 10-302 and transmitted to both Houses of Congress for its review. D.C. Law 10-255 became effective May 16, 1995.

Law 11-275, the "Second Criminal Code Technical Amendments Act of 1996," was introduced in Council and assigned Bill No. 11-909, which was referred to the Committee of the Whole. The Bill was adopted in first and second readings on November 7, 1996, and December 3, 1996, respectively. Signed by the Mayor on December 24, 1996, it was assigned Act No. 11-520 and transmitted to both Houses of Congress for its review. D.C. Law 11-275 became effective on June 3, 1997.

For Law 13-302, see notes following § 22-722.

For Law 18-88, see notes following § 22-404.

§ 22-1805. PERSONS ADVISING, INCITING, OR CONNIVING AT CRIMINAL OFFENSE TO BE CHARGED AS PRINCIPALS.

In prosecutions for any criminal offense all persons advising, inciting, or conniving at the offense, or aiding or abetting the principal offender, shall be charged as principals and not as accessories, the intent of this section being that as to all accessories before the fact the law heretofore applicable in cases of misdemeanor only shall apply to all crimes, whatever the punishment may be.

(Mar. 3, 1901, 31 Stat. 1337, ch. 854, § 908.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 22-105.

1973 Ed., § 22-105.

§ 22-1805A. CONSPIRACY TO COMMIT CRIME.

(a)(1) If 2 or more persons conspire either to commit a criminal offense or to defraud the District of Columbia or any court or agency thereof in any manner or for any purpose, each shall be fined not more than \$10,000 or imprisoned not more than 5 years, or both, except that if the object of the conspiracy is a criminal offense punishable by less than 5 years, the maximum penalty for the conspiracy shall not exceed the maximum penalty provided for that offense.

(2) If 2 or more persons conspire to commit a crime of violence as defined in § 23-1331(4), each shall be fined not more than \$3000 nor the maximum fine prescribed for the offense, the commission of which was the object of the conspiracy, whichever is less, or imprisoned not more than 15 years nor the maximum imprisonment prescribed for the offense, the commission of which was the object of the conspiracy, whichever is less, or both.

(b) No person may be convicted of conspiracy unless an overt act is alleged and proved to have been committed by 1 of the conspirators pursuant to the conspiracy and to effect its purpose.

(c) When the object of a conspiracy contrived within the District of Columbia is to engage in conduct in a jurisdiction outside the District of Columbia which would constitute a criminal offense under an act of Congress applicable exclusively to the District of Columbia if performed therein, the conspiracy is a violation of this section if:

(1) Such conduct would also constitute a crime under the laws of the other jurisdiction if performed therein; or

(2) Such conduct would constitute a criminal offense under an act of Congress exclusively applicable to the District of Columbia even if performed outside the District of Columbia.

(d) A conspiracy contrived in another jurisdiction to engage in conduct within the District of Columbia which would constitute a criminal offense under an act of Congress exclusively applicable to the District of Columbia if performed within the District of Columbia is a violation of this section when an overt act pursuant to the conspiracy is committed within the District of Columbia. Under such circumstances, it is immaterial and no defense to a prosecution for conspiracy that the conduct which is the object of the conspiracy would not constitute a crime under the laws of the other jurisdiction.

(Mar. 3, 1901, ch. 854, § 908A; July 29, 1970, 84 Stat. 599, Pub. L. 91- 358, title II, § 202; Dec. 10, 2009, D.C. Law 18-88, § 209, 56 DCR 7413.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 22-105a.

1973 Ed., § 22-105a.

Effect of Amendments

D.C. Law 18-88 designated the existing text of subsec. (a) as subsec. (a)(1); and added subsec. (a)(2).

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 209 of Omnibus Public Safety and Justice Emergency Amendment Act of 2009 (D.C. Act 18-181, August 6, 2009, 56 DCR 6903).

For temporary (90 day) amendment of section, see § 209 of Omnibus Public Safety and Justice Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18- 227, October 21, 2009, 56 DCR 8668).

Legislative History of Laws

For Law 18-88, see notes following § 22-404.

§ 22-1806. ACCESSORIES AFTER THE FACT.

Whoever shall be convicted of being an accessory after the fact to any crime punishable by death shall be punished by imprisonment for not more than 20 years. Whoever shall be convicted of being accessory after the fact to any crime punishable by imprisonment shall be punished by a fine or imprisonment, or both, as the case may be, not more than 1/2 the maximum fine or imprisonment, or both, to which the principal offender may be subjected.

(Mar. 3, 1901, 31 Stat. 1337, ch. 854, § 909.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 22-106.

1973 Ed., § 22-106.

§ 22-1807. PUNISHMENT FOR OFFENSES NOT COVERED BY PROVISIONS OF CODE.

Whoever shall be convicted of any criminal offense not covered by the provisions of any section of this Code, or of any general law of the United States not locally inapplicable in the District of Columbia, shall be punished by a fine not exceeding \$1,000 or by imprisonment for not more than 5 years, or both.

(Mar. 3, 1901, 31 Stat. 1337, ch. 854, § 910.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 22-107.

1973 Ed., § 22-107.

§ 22-1808. OFFENSES COMMITTED BEYOND DISTRICT.

Any person who by the commission outside of the District of Columbia of any act which, if committed within the District of Columbia, would be a criminal offense under the laws of said District, thereby obtains any property or other thing of value, and is afterwards found with any such property or other such thing of value in his or her possession in said District, or who brings any such property or other such thing of value into said District, shall, upon conviction, be punished in the same manner as if said act had been committed wholly within said District.

(Mar. 3, 1901, ch. 854, § 836a; Dec. 21, 1911, 37 Stat. 45, ch. 2; May 21, 1994, D.C. Law 10-119, § 2(c), 41 DCR 1639.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 22-108.

1973 Ed., § 22-108.

Legislative History of Laws

For legislative history of D.C. Law 10-119, see Historical and Statutory Notes following § 22-1804.

§ 22-1809. PROSECUTIONS.

All prosecutions for violations of § 22-1321 or any of the provisions of any of the laws or ordinances provided for by this act shall be conducted in the name of and for the benefit of the District of Columbia, and in the same manner as provided by law for the prosecution of offenses against the laws and ordinances of the said District. Any person convicted of any violation of § 22-1321 or any of the provisions of this act, and who shall fail to pay the fine or penalty imposed, or to give security where the same is required, shall be committed to the Workhouse of the District of Columbia for a term not exceeding 6 months for each and every offense. The second sentence of this section shall not apply with respect to any violation of § 22-1312(b).

(July 29, 1892, 27 Stat. 325, ch. 320, § 18; June 29, 1953, 67 Stat. 93, 98, ch. 159, §§ 202(a)(2), 211(b); redesignated § 211a, May 26, 2011, D.C. Law 18-375, § 3(b), 58 DCR 731.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 22-109.

1973 Ed., § 22-109.

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 303(b) of Public Safety Legislation Sixty-Day Layover Emergency Amendment Act of 2010 (D.C. Act 18-693, January 18, 2011, 58 DCR 640).

For temporary (90 day) amendment of section, see § 303(b) of Public Safety Legislation Sixty-Day Layover Congressional Review Emergency Amendment Act of 2011 (D.C. Act 19-45, April 20, 2011, 58 DCR 3701).

Legislative History of Laws

For history of Law 18-375, see notes under § 22-1307.

References in Text

The term, "this act," referred to twice in this section, refers to the Act of July 29, 1892, 27 Stat. 325, ch. 320.

§ 22-1810. THREATENING TO KIDNAP OR INJURE A PERSON OR DAMAGE HIS PROPERTY.

Whoever threatens within the District of Columbia to kidnap any person or to injure the person of another or physically damage the property of any person or of another person, in whole or in part, shall be fined not more than \$5,000 or imprisoned not more than 20 years, or both.

(June 19, 1968, 82 Stat. 238, Pub. L. 90-351, title X, § 1502.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 22-2307.

1973 Ed., § 22-2307.