

**DISTRICT OF COLUMBIA**  
**OFFICIAL CODE**

**TITLE 22.**  
**CRIMINAL OFFENSES AND PENALTIES.**

**CHAPTER 33.**  
**TRESPASS; INJURIES TO PROPERTY.**

**2001 Edition**

**DISTRICT OF COLUMBIA OFFICIAL CODE**  
**CHAPTER 33. TRESPASS; INJURIES TO PROPERTY.**

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# CHAPTER 33. TRESPASS; INJURIES TO PROPERTY.

## § 22-3301. FORCIBLE ENTRY AND DETAINER.

Whoever shall forcibly enter upon any premises, or, having entered without force, shall unlawfully detain the same by force against any person previously in the peaceable possession of the same and claiming right thereto, shall be punished by imprisonment for not more than 1 year or a fine of not more than \$100, or both.

(Mar. 3, 1901, 31 Stat. 1327, ch. 854, § 851.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 22-3101.

1973 Ed., § 22-3101.

## § 22-3302. UNLAWFUL ENTRY ON PROPERTY.

(a)(1) Any person who, without lawful authority, shall enter, or attempt to enter, any private dwelling, building, or other property, or part of such dwelling, building, or other property, against the will of the lawful occupant or of the person lawfully in charge thereof, or being therein or thereon, without lawful authority to remain therein or thereon shall refuse to quit the same on the demand of the lawful occupant, or of the person lawfully in charge thereof, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than \$1,000, imprisonment for not more than 180 days, or both. The presence of a person in any private dwelling, building, or other property that is otherwise vacant and boarded-up or otherwise secured in a manner that conveys that it is vacant and not to be entered, or displays a no trespassing sign, shall be prima facie evidence that any person found in such property has entered against the will of the person in legal possession of the property.

(2) For the purposes of this subsection, the term "private dwelling" includes a privately owned house, apartment, condominium, or any building used as living quarters, or cooperative or public housing, as defined in section 3(1) of the United States Housing Act of 1937, approved August 22, 1974 (88 Stat. 654; 42 U.S.C. § 1437a(b)), the development or administration of which is assisted by the Department of Housing and Urban Development, or housing that is owned, operated, or financially assisted by the District of Columbia Housing Authority.

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

(Mar. 3, 1901, 31 Stat. 1324, ch. 854, § 824; Mar. 4, 1935, 49 Stat. 37, ch. 23; July 17, 1952, 66 Stat. 766, ch. 941, § 1; Apr. 24, 2007, D.C. Law 16-306, § 219, 53 DCR 8610; Dec. 10, 2009, D.C. Law 18-88, § 215, 56 DCR 7413.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 22-3102.

1973 Ed., § 22-3102.

#### *Effect of Amendments*

D.C. Law 16-306 inserted: "The presence of a person in any private dwelling, building, or other property that is otherwise vacant and boarded-up or otherwise secured in a manner that conveys that it is vacant and not to be entered, or displays a no trespassing sign, shall be prima facie evidence that any person found in such property has entered against the will of the person in legal possession of the property."

D.C. Law 18-88 rewrote the section, which had read as follows:

"Any person who, without lawful authority, shall enter, or attempt to enter, any public or private dwelling, building, or other property, or part of such dwelling, building, or other property, against the will of the lawful occupant or of the person lawfully in charge thereof, or being therein or thereon, without lawful authority to remain therein or thereon shall refuse to quit the same on the demand of the lawful occupant, or of the person lawfully in charge thereof, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding \$100 or imprisonment in the Jail for not more than 6 months, or both, in the discretion of the court. The presence of a person in any private dwelling, building, or other property that is otherwise vacant and boarded-up or otherwise secured in a manner that conveys that it is vacant and not to be entered, or displays a no trespassing sign, shall be prima facie evidence that any person found in such property has entered against the will of the person in legal possession of the property."

#### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 7(a) of the Sentencing Reform Congressional Review Emergency Amendment Act of 2001 (D.C. Act 13-462, October 25, 2000, 47 DCR 9443).

For temporary (90 day) amendment of section, see § 219 of Omnibus Public Safety Emergency Amendment Act of 2006 (D.C. Act 16-445, July 19, 2006, 53 DCR 6443).

For temporary (90 day) amendment of section, see § 219 of Omnibus Public Safety Congressional Review Emergency Amendment Act of 2006 (D.C. Act 16-490, October 18, 2006, 53 DCR 8686).

For temporary (90 day) amendment of section, see § 219 of Omnibus Public Safety Congressional Review Emergency Amendment Act of 2007 (D.C. Act 17-10, January 16, 2007, 54 DCR 1479).

For temporary (90 day) amendment of section, see § 219 of Omnibus Public Safety Second Congressional Review Emergency Amendment Act of 2007 (D.C. Act 17-25, April 19, 2007, 54 DCR 4036).

For temporary (90 day) amendment of section, see § 215 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 § 215 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*

Law 16-306, the "Omnibus Public Safety Amendment Act of 2006", was introduced in Council and assigned Bill No. 16-247, which was referred to Committee on the Judiciary. The Bill was adopted on first and second readings on June 6, 2006, and October 3, 2006, respectively. Signed by the Mayor on October 17, 2006, it was assigned Act No. 16-482 and transmitted to both Houses of Congress for its review. D.C. Law 16-306 became effective on April 24, 2007.

For Law 18-88, see notes following § 22-402.

### **§ 22-3303. GRAVE ROBBERY; BUYING OR SELLING DEAD BODIES.**

Whoever, without legal authority or without the consent of the nearest surviving relative, shall disturb or remove any dead body from a grave for the purpose of dissecting, or of buying, selling, or in any way trafficking in the same, shall be imprisoned not less than 1 year nor more than 3 years.

(Mar. 3, 1901, 31 Stat. 1334, ch. 854, § 891.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 22-3103.

1973 Ed., § 22-3103.

### **§ 22-3304. DEPREDAATION OF FIXTURES IN HOUSES.[REPEALED]**

(Mar. 3, 1901, 31 Stat. 1324, ch. 854, § 825; Apr. 29, 2004, D.C. Law 15- 154, § 3(k), 50 DCR 10996.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 22-3104.

1973 Ed., § 22-3104.

*Legislative History of Laws*

Law 15-154, the "Elimination of Outdated Crimes Amendment Act of 2003", was introduced in Council and assigned Bill No. 15-79, which was referred to Committee on the Judiciary. The Bill was adopted on first and second readings on October 7, 2003, and November 4, 2003, respectively. Signed by the Mayor on November 25, 2003, it was assigned Act No. 15-255 and transmitted to both Houses of Congress for its review. D.C. Law 15-154 became effective on April 29, 2004.

## **§ 22-3305. PLACING EXPLOSIVES WITH INTENT TO DESTROY OR INJURE PROPERTY.**

Whoever places, or causes to be placed, in, upon, under, against, or near to any building, car, vessel, monument, statue, or structure, gunpowder or any explosive substance of any kind whatsoever, with intent to destroy, throw down, or injure the whole or any part thereof, although no damage is done, shall be punished by a fine not exceeding \$1,000 and by imprisonment for not less than 2 years or more than 10 years.

(Mar. 3, 1901, ch. 854, § 825a; Mar. 3, 1905, 33 Stat. 1033, ch. 1461; Dec. 27, 1967, 81 Stat. 739, Pub. L. 90-226, title VI, § 607.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 22-3105.

1973 Ed., § 22-3105.

## **§ 22-3306. DEFACING BOOKS, MANUSCRIPTS, PUBLICATIONS, OR WORKS OF ART.**

Any person who shall wrongfully deface, injure, or mutilate, tear, or destroy any book, pamphlet, or manuscript, or any portion thereof belonging to the Library of Congress, or to any public library in the District of Columbia, whether the property of the United States or of the District of Columbia or of any individual or corporation in said District, or who shall wrongfully deface, injure, mutilate, tear, or destroy any book, pamphlet, document, manuscript, public record, print, engraving, medal, newspaper, or work of art, the property of the United States or of the District of Columbia, shall be held guilty of a misdemeanor, and, on conviction thereof, shall, when the offense is not otherwise punishable by some statute of the United States, be punished by a fine of not less than \$10 nor more than \$1,000, and by imprisonment for not less than 1 month nor more than 180 days, or both, for every such offense.

(Mar. 3, 1901, 31 Stat. 1327, ch. 854, § 849; June 30, 1902, 32 Stat. 535, ch. 1329; Dec. 1, 1982, D.C. Law 4-164, § 601(d), 29 DCR 3976; Sept. 5, 1985, D.C. Law 6-19, § 14(b), 32 DCR 3590; Aug. 20, 1994, D.C. Law 10-151, § 105(n), 41 DCR 2608.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 22-3106.

1973 Ed., § 22-3106.

*Emergency Act Amendments*

For temporary amendment of section, see § 105(n) 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 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.

Law 6-19, the "District of Columbia Public Records Management Act of 1985," was introduced in Council and assigned Bill No. 6-139, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on May 14, 1985 and May 28, 1985, respectively. Signed by the Mayor

on June 10, 1985, it was assigned Act No. 6-34 and transmitted to both Houses of Congress for its review.

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.

## **§ 22-3307. DESTROYING OR DEFACING PUBLIC RECORDS.**

Whoever maliciously or with intent to injure or defraud any other person defaces, mutilates, destroys, abstracts, or conceals the whole or any part of any record authorized by law to be made, or pertaining to any court or public office in the District, or any paper duly filed in such court or office, shall be fined not more than \$1,000 or imprisoned not more than 180 days, or both.

(Mar. 3, 1901, 31 Stat. 1327, ch. 854, § 844; Aug. 20, 1994, D.C. Law 10- 151, § 105(o), 41 DCR 2608.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 22-3107.

1973 Ed., § 22-3107.

#### *Emergency Act Amendments*

For temporary amendment of section, see § 105(o) 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*

For legislative history of D.C. Law 10-151, see Historical and Statutory Notes following § 22-3306.

## **§ 22-3308. CUTTING DOWN OR DESTROYING THINGS GROWING ON OR ATTACHED TO THE LAND OF ANOTHER.[REPEALED]**

(Mar. 3, 1901, 31 Stat. 1327, ch. 854, § 847; Aug. 12, 1937, 50 Stat. 629, ch. 599; Aug. 20, 1994, D.C. Law 10-151, § 105(p), 41 DCR 2608; June 12, 2003, D.C. Law 14-309, § 202, 50 DCR 888.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 22-3108.

1973 Ed., § 22-3108.

#### *Emergency Act Amendments*

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

For temporary (90 day) amendment of section, see § 7(b) of the Sentencing Reform Congressional Review Emergency Amendment Act of 2001 (D.C. Act 13-462, October 25, 2000, 47 DCR 9443).

#### *Legislative History of Laws*

For legislative history of D.C. Law 10-151, see Historical and Statutory Notes following § 22-3306.

For Law 14-309, see notes following § 22-3310.

## **§ 22-3309. DESTROYING BOUNDARY MARKERS.**

Whoever maliciously cuts down, destroys, or removes any boundary tree, stone, or other mark or monument, or maliciously effaces any inscription thereon, either of his or her own lands or of the lands of any other person whatsoever, even though such boundary or bounded trees should stand within the person's own land so cutting down and destroying the same, shall be fined not more than \$1,000 and imprisoned not exceeding 180 days.

(Mar. 3, 1901, 31 Stat. 1333, ch. 854, § 880; May 21, 1994, D.C. Law 10- 119, § 2(u), 41 DCR 1639; Aug. 20, 1994, D.C. Law 10-151, § 105(q), 41 DCR 2608.)

### *HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 22-3109.

1973 Ed., § 22-3109.

*Emergency Act Amendments*

For temporary amendment of section, see § 105(q) 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 10-119, 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.

For legislative history of D.C. Law 10-151, see Historical and Statutory Notes following § 22-3306.

## **§ 22-3310. DESTROYING TREES OR PROTECTIONS THEREOF ON PUBLIC GROUNDS.**

It shall be unlawful for any person willfully to top, cut down, remove, girdle, break, wound, destroy, or in any manner injure any vine, bush, shrub, or tree not owned by that person, or any of the boxes, stakes or any other protection thereof, under a penalty not to exceed, for each and every such offense:

(1) In the case of any tree 55 inches or greater in circumference when measured at a height of four and one half feet, \$15,000 or imprisonment for not more than 90 days, or both; or

(2) For vines, bushes, shrubs, and smaller trees, \$5,000 or imprisonment for not more than 30 days, or both.

(July 29, 1892, 27 Stat. 324, ch. 320, § 13; June 19, 2001, D.C. Law 13-314, § 3, 48 DCR 2076; June 12, 2003, D.C. Law 14-309, § 201, 50 DCR 888; Apr. 13, 2005, D.C. Law 15-354, § 21(b), 52 DCR 2638.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 22-3110.

1973 Ed., § 22-3110.

*Effect of Amendments*

D.C. Law 13-314 substituted "\$500" for "\$50".

D.C. Law 14-309 rewrote the section which had read as follows:

"It shall not be lawful for any person or persons to girdle, break, wound, destroy, or in any manner injure any of the trees growing or planted and set, or which may hereafter be planted and set on any of the public grounds, open space, or squares or on any private lot, or on any of the streets, or avenues, roads or highways, in the District of Columbia, or any of the boxes, stakes, or any other protection thereof, under a penalty of not exceeding \$500 for each and every such offense; and if any person or persons shall tie or in any manner fasten a horse or horses to any of the trees, boxes, or other protection thereof on any streets or avenues, roads, or highways, on any of the public grounds belonging to the United States, or on any of the streets, avenues, or alleys, in the District of Columbia, each and every such offender shall forfeit and pay for each offense a sum not exceeding \$10."

D.C. Law 15-354, in subsecs. (a) and (b), validated a previously made technical correction.

*Legislative History of Laws*

Law 13-314, the "Tree Protection Amendment Act of 2000", was introduced in Council and assigned Bill No. 13-928, which was referred to the Committee on Public Works and the Environment. The Bill was adopted on first and second readings on December 5, 2000, and December 19, 2000, respectively. Signed by the Mayor on January 24, 2001, it was assigned Act No. 13-594 and transmitted to both Houses of Congress for its review. D.C. Law 13-314 became effective on June 19, 2001.

Law 14-309, the "Urban Forest Preservation Act of 2002", was introduced in Council and assigned Bill No. 14-307, which was referred to the Committee on Public Works and the Environment. The Bill was adopted on first and second readings on December 3, 2002, and December 17, 2002, respectively. Signed by the Mayor on January 22, 2003, it was assigned Act No. 14-614 and transmitted to both Houses of Congress for its review. D.C. Law 14-309 became effective on June 12, 2003.

Law 15-354, the "Technical Amendments Act of 2004", was introduced in Council and assigned Bill No. 15-

1130 which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 7, 2004, and December 21, 2004, respectively. Signed by the Mayor on February 9, 2005, it was assigned Act No. 15-770 and transmitted to both Houses of Congress for its review. D.C. Law 15-354 became effective on April 13, 2005.

## **§ 22-3311. DISORDERLY CONDUCT IN PUBLIC BUILDINGS OR GROUNDS; INJURY TO OR DESTRUCTION OF UNITED STATES PROPERTY.**

Any person guilty of disorderly and unlawful conduct in or about the public buildings and public grounds belonging to the United States within the District of Columbia, or who shall wilfully injure the buildings or shrubs, or shall pull down, impair, or otherwise injure any fence, wall, or other inclosure, or shall injure any sink, culvert, pipe, hydrant, cistern, lamp, or bridge, or shall remove any stone, gravel, sand, or other property of the United States, or any other part of the public grounds or lots belonging to the United States in the District of Columbia, shall be fined not more than \$500, or imprisoned not more than 6 months, or both.

(July 29, 1892, 27 Stat. 325, ch. 320, § 15; Oct. 20, 1967, 81 Stat. 277, Pub. L. 90-108, § 2.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 22-3111.

1973 Ed., § 22-3111.

## **§ 22-3312. DESTROYING OR DEFACING BUILDINGS, STATUES, OR MONUMENTS.[REPEALED]**

(Mar. 10, 1983, D.C. Law 4-203, § 6, 30 DCR 180.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 22-3112.

#### *Legislative History of Laws*

For legislative history of D.C. Law 4-203, see Historical and Statutory Notes following § 22-3312.01.

## **§ 22-3312.01. DEFACING PUBLIC OR PRIVATE PROPERTY.**

It shall be unlawful for any person or persons willfully and wantonly to disfigure, cut, chip, or cover, rub with, or otherwise place filth or excrement of any kind; to write, mark, or print obscene or indecent figures representing obscene or objects upon; to write, mark, draw, or paint, without the consent of the owner or proprietor thereof, or, in the case of public property, of the person having charge, custody, or control thereof, any word, sign, or figure upon:

(1) Any property, public or private, building, statue, monument, office, public passenger vehicle, mass transit equipment or facility, dwelling or structure of any kind including those in the course of erection; or

(2) The doors, windows, steps, railing, fencing, balconies, balustrades, stairs, porches, halls, walls, sides of any enclosure thereof, or any movable property.

(Mar. 10, 1983, D.C. Law 4-203, § 2, 30 DCR 180; June 3, 1997, D.C. Law 11-275, § 7, 44 DCR 1408.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 22-3112.1.

#### *Legislative History of Laws*

Law 4-203, the "Anti-Intimidation and Defacing of Public or Private Property Criminal Penalty Act of 1982," was introduced in Council and assigned Bill No. 4-455, which was referred to the Committee on Housing and Economic Development. The Bill was adopted on first and second readings on November 16, 1982, and December 14, 1982, respectively. Signed by the Mayor on December 28, 1982, it was assigned Act No. 4-287 and transmitted to both Houses of Congress for its review.

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 on 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.

## **§ 22-3312.02. DEFACING OR BURNING CROSS OR RELIGIOUS SYMBOL; DISPLAY OF CERTAIN EMBLEMS.**

(a) It shall be unlawful for any person to burn, desecrate, mar, deface, or damage a religious or secular symbol on any private premises or property in the District of Columbia primarily used for religious, educational, residential, memorial, charitable, or cemetery purposes, or for assembly by persons of a particular race, color, creed, religion, or any other category listed in § 2-1401.01, or on any public property in the District of Columbia; or to place or to display in any of these locations a sign, mark, symbol, emblem, or other physical impression including, but not limited to, a Nazi swastika, a noose, or any manner of exhibit which includes a burning cross, real or simulated, where it is probable that a reasonable person would perceive that the intent is:

(1) To deprive any person or class of persons of equal protection of the law or of equal privileges and immunities under the law, or for the purpose of preventing or hindering the constituted authorities of the United States or the District of Columbia from giving or securing to all persons within the District of Columbia equal protection of the law;

(2) To injure, intimidate, or interfere with any person because of his or her exercise of any right secured by federal or District of Columbia laws, or to intimidate any person or any class of persons from exercising any right secured by federal or District of Columbia laws;

(3) To threaten another person whereby the threat is a serious expression of an intent to inflict harm; or

(4) To cause another person to fear for his or her personal safety, or where it is probable that reasonable persons will be put in fear for their personal safety by the defendant's actions, with reckless disregard for that probability.

(b) Repealed.

(c) Nothing in this section shall be deemed to amend or repeal any provision of the District of Columbia Fire Prevention Code (7 DCRR).

(Mar. 10, 1983, D.C. Law 4-203, § 3, 30 DCR 180; May 15, 2009, D.C. Law 17-390, § 2, 55 DCR 11030.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 22-3112.2.

#### *Effect of Amendments*

D.C. Law 17-390 rewrote the lead-in language and par. (3) of subsec. (a) and repealed subsec. (b), which had read as follows:

"(a) It shall be unlawful for any person to burn, desecrate, mar, deface, or damage a cross or other religious symbol on any private premises or property in the District of Columbia primarily used for religious, educational, residential, memorial, charitable, or cemetery purposes, or for assembly by persons of a particular race, color, creed, or religion, or on any public property in the District of Columbia; or to place or to display in any of these locations a sign, mark, symbol, emblem, or other physical impression including, but not limited to, a Nazi swastika or any manner of exhibit which includes a burning cross, real or simulated, with the intent:".

"(3) To intimidate, threaten, abuse, or harass any other person; or"

"(b) The provisions of subsection (a) of this section shall not apply to acts committed on the private property of another person, if prior to those acts:

"(1) Written permission was received from the owner and occupant of the property; and

"(2) The written permission was filed with the Chief of the Metropolitan Police Department."

#### *Legislative History of Laws*

For legislative history of D.C. Law 4-203, see Historical and Statutory Notes following § 22-3312.01.

Law 17-390, the "Title 22 Amendment Act of 2008", was introduced in Council and assigned Bill No. 17-627 which was referred to the Committee on Public Safety and the Judiciary. The Bill was adopted on first and second readings on July 15, 2008, and September 16, 2008, respectively. Signed by the Mayor on October 1, 2009, it was assigned Act No. 17-524 and transmitted to both Houses of Congress for its review. D.C. Law 17-390 became effective on May 15, 2009.

## **§ 22-3312.03. WEARING HOODS OR MASKS.**

(a) No person or persons over 16 years of age, while wearing any mask, hood, or device whereby any portion of the face is hidden, concealed, or covered as to conceal the identity of the wearer, shall:

- (1) Enter upon, be, or appear upon any lane, walk, alley, street, road highway, or other public way in the District of Columbia;
- (2) Enter upon, be, or appear upon or within the public property of the District of Columbia; or
- (3) Hold any manner of meeting or demonstration.

(b) The provisions of subsection (a) of this section apply only if the person was wearing the hood, mask, or other device:

- (1) With the intent to deprive any person or class of persons of equal protection of the law or of equal privileges and immunities under the law, or for the purpose of preventing or hindering the constituted authorities of the United States or the District of Columbia from giving or securing for all persons within the District of Columbia equal protection of the law;
- (2) With the intent, by force or threat of force, to injure, intimidate, or interfere with any person because of his or her exercise of any right secured by federal or District of Columbia laws, or to intimidate any person or any class of persons from exercising any right secured by federal or District of Columbia laws;
- (3) With the intent to intimidate, threaten, abuse, or harass any other person;
- (4) With the intent to cause another person to fear for his or her personal safety, or, where it is probable that reasonable persons will be put in fear for their personal safety by the defendant's actions, with reckless disregard for that probability; or
- (5) While engaged in conduct prohibited by civil or criminal law, with the intent of avoiding identification.

(Mar. 10, 1983, D.C. Law 4-203, § 4, 30 DCR 180.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 22-3112.3.

#### *Legislative History of Laws*

For legislative history of D.C. Law 4-203, see Historical and Statutory Notes following § 22-3312.01.

## **§ 22-3312.03A. ABATEMENT OF GRAFFITI.[REPEALED]**

(Mar. 10, 1983, D.C. Law 4-203, § 4a, as added June 12, 2001, D.C. Law 13-309, § 2(b), 48 DCR 1613; June 5, 2003, D.C. Law 14-307, § 2302, 49 DCR 11664; Sept. 18, 2010, D.C. Law 18-219, § 13(b)(1), 57 DCR 4353.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 2302 of Fiscal Year 2003 Budget Support Amendment Emergency Act of 2002 (D.C. Act 14-544, December 4, 2002, 49 DCR 11700).

For temporary (90 day) amendment of section, see § 2302 of the Fiscal Year 2003 Budget Support Amendment Congressional Review Emergency Act of 2003 (D.C. Act 15-27, February 24, 2003, 50 DCR 2151).

For temporary (90 day) amendment of section, see § 2302 of Fiscal Year 2003 Budget Support Amendment Second Congressional Review Emergency Act of 2003 (D.C. Act 15-103, June 20, 2003, 50 DCR 5499).

For temporary (90 day) repeal of section, see § 13(b)(1) of Anti-Graffiti Emergency Act of 2010 (D.C. Act 18-389, May 5, 2010, 57 DCR 4332).

#### *Legislative History of Laws*

Law 13-309, the "Anti-Graffiti Amendment Act of 2000", was introduced in Council and assigned Bill No. 13-306, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on December 5, 2000, and December 19, 2000, respectively. Signed by the Mayor on January 16, 2001, it was assigned Act No. 13-560 and transmitted to both Houses of Congress for its review. D.C. Law 13-309 became effective on June 12, 2001.

Law 14-307, the "Fiscal Year 2003 Budget Support Amendment Act of 2002", was introduced in Council and

assigned Bill No. 14-892, which was referred to the Committee on the Whole. The Bill was adopted on first and second readings on October 1, 2002, and November 7, 2002, respectively. Signed by the Mayor on December 4, 2002, it was assigned Act No. 14-543 and transmitted to both Houses of Congress for its review. D.C. Law 14-307 became effective on June 5, 2003.

Law 18-219, the "Anti-Graffiti Act of 2010", was introduced in Council and assigned Bill No. 18-69, which was referred to the Committee on Public Safety and the Judiciary and the Committee on Public Works and Transportation. The Bill was adopted on first and second readings on March 2, 2010, and April 20, 2010, respectively. Signed by the Mayor on May 7, 2010, it was assigned Act No. 18-396 and transmitted to both Houses of Congress for its review. D.C. Law 18-219 became effective on September 18, 2010.

## **§ 22-3312.03B. COLLECTION AGAINST AN OWNER.[REPEALED]**

(Mar. 10, 1983, D.C. Law 4-203, § 4b, as added June 12, 2001, D.C. Law 13-309, § 2(c), 48 DCR 1613; Sept. 18, 2010, D.C. Law 18-219, § 13(b)(2), 57 DCR 4353.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Emergency Act Amendments*

For temporary (90 day) repeal of section, see § 13(b)(2) of Anti-Graffiti Emergency Act of 2010 (D.C. Act 18-389, May 5, 2010, 57 DCR 4332).

#### *Legislative History of Laws*

For Law 13-309, see notes following § 22-3312.03a.

For Law 18-219, see notes following § 22-3312.03a.

## **§ 22-3312.04. PENALTIES.**

(a) Any person who violates any provision of § 22-3312.01 shall be fined not less than \$250 or more than \$1,000, or imprisoned for a period not to exceed 180 days, or both. Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of § 22-3312.01, pursuant to Chapter 8 of Title 8.

(b) Any person who violates any provision of § 22-3312.02 or § 22-3312.03 shall be guilty of a misdemeanor punishable by a fine not to exceed \$500, or imprisonment not to exceed 180 days, or both.

(c) In addition to the penalties provided in subsection (a) of this section, a person convicted of violating any provision of § 22-3312.01 may be required to perform community service as provided in § 16-712.

(d) Any person who willfully places graffiti on property without the consent of the owner shall be subject to the sanctions in subsection (a) of this section.

(e) Any person who willfully possesses graffiti material with the intent to place graffiti on property without the consent of the owner shall be fined not less than \$100 or more than \$1,000.

(f) In addition to any fine or sentence imposed under this section, the court shall order the person convicted to make restitution to the owner of the property, or to the party responsible for the property upon which the graffiti has been placed, for the damage or loss caused, directly or indirectly, by the graffiti, in a reasonable amount and manner as determined by the court."

(g) The District of Columbia courts shall find parents or guardians civilly liable for all fines imposed or payments for abatement required if the minor cannot pay within a reasonable period of time established by the court.

(Mar. 10, 1983, D.C. Law 4-203, § 5, 30 DCR 180; June 12, 2001, D.C. Law 13-309, § 2(d), 48 DCR 1613.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 22-3112.4.

#### *Effect of Amendments*

D.C. Law 13-309 rewrote the section which had read:

"(a) Any person who violates any provision of § 22-3312.01 shall be fined not less than \$250 or more than \$5,000, or imprisoned for a period not to exceed 1 year, or both.

"(b) Any person who violates any provision of § 22-3312.02 or § 22-3312.03 shall be guilty of a misdemeanor punishable by a fine not to exceed \$500, or imprisonment not to exceed 1 year, or both."

#### *Legislative History of Laws*

For legislative history of D.C. Law 4-203, see Historical and Statutory Notes following § 22-3312.01.

For Law 13-309, see notes following § 22-3312.03a.

## **§ 22-3312.05. DEFINITIONS.**

For the purposes of §§ 22-3312.01 through 22-3312.05, the term:

(1) "Abate" means to effectively remove.

(2) Repealed.

(3) Repealed.

(4) "Graffiti" means an inscription, writing, drawing, marking, or design that is painted, sprayed, etched, scratched, or otherwise placed on structures, buildings, dwellings, statues, monuments, fences, vehicles, or other similar materials that are on public or private property without the consent of the owner, manager, or agent in charge of the property, and the graffiti is visible from a public right-of-way.

(5) "Graffiti material" means any aerosol can, bottle, spray device or other mechanism designed to dispense paint or a similar substance under pressure, indelible marker, paint stick, adhesive label, and engraving device capable of leaving a visible mark on a natural or man-made surface.

(6) "Minor" means a person less than 18 years of age.

(7) Repealed.

(8) Repealed.

(9) "Public or private property" shall include any building, bridge, fence or other structure, any street, alley, sidewalk, or other vehicular or pedestrian right-of-way, any article of street furniture, lamppost, bus shelter, newspaper box, or trash receptacle, any tree, rock, or other natural fixture, any utility or public service equipment, or any other personal property located outdoors, whether publicly or privately owned.

(10) "Sign" means a name, identification, description, display, or illustration which is affixed to, or represented directly or indirectly upon a building, structure, or piece of land and which directs attention to an object, product, place, activity, person, institution, organization, or business.

(Mar. 10, 1983, D.C. Law 4-203, § 1a, as added June 12, 2001, D.C. Law 13-309, § 2(a), 48 DCR 1613; Sept. 18, 2010, D.C. Law 18-219, § 13(b)(3), 57 DCR 4353.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Effect of Amendments*

D.C. Law 18-219 repealed pars. (2), (3), (7), and (8), which had read as follows:

"(2) 'Department' means the Department of Public Works.

"(3) 'Director' means the Director of the Department of Public Works."

"(7) 'Nuisance' means any building, sign, or other structure, or premises which, because of graffiti, may encourage more graffiti, increase criminal activity in the surrounding areas, or create an impression of social and economic decline.

"(8) 'Owner of a sign' shall include the person in charge, possession, or control of the sign."

#### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 13(b)(3) of Anti-Graffiti Emergency Act of 2010 (D.C. Act 18-389, May 5, 2010, 57 DCR 4332).

#### *Legislative History of Laws*

For Law 13-309, see notes following § 22-3312.03a.

For Law 18-219, see notes following § 22-3312.03a.

## **§ 22-3313. DESTROYING OR DEFACING BUILDING MATERIAL FOR STREETS.**

It shall not be lawful for any person or persons to destroy, break, cut, disfigure, deface, burn, or otherwise injure any building materials, or materials intended for the improvement of any street, avenue, alley, foot pavement, roads, highways, or inclosure, whether public or private property, or remove the same (except in pursuance of law or by consent of the owner) from the place where the same may be collected for purposes of building or improvement as aforesaid; or to remove, cut, destroy, or injure any scaffolding,

ladder, or other thing used in or about such building or improvement, under a penalty of not more than \$25 for each and every such offense.

(July 29, 1892, 27 Stat. 322, ch. 320, § 2.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 22-3113.

1973 Ed., § 22-3113.

**§ 22-3314. DESTROYING CEMETERY RAILING OR TOMB.**

If any person shall maliciously cut down, demolish, or otherwise injure any railing, fence, or inclosure around or upon any cemetery, or shall injure or deface any tomb or inscription thereon, such person shall be fined not more than \$100.

(Mar. 3, 1901, 31 Stat. 1327, ch. 854, § 850; May 21, 1994, D.C. Law 10- 119, § 2(v), 41 DCR 1639.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 22-3114.

1973 Ed., § 22-3114.

*Legislative History of Laws*

For legislative history of D.C. Law 10-119, see Historical and Statutory Notes following § 22-3309.

**§§ 22-3315 TO 22-3317. OFFENSES AGAINST PROPERTY OF ELECTRIC LIGHTING, HEATING, OR POWER COMPANIES; TAPPING GAS PIPES; TAPPING OR INJURING WATER PIPES; TAMPERING WITH WATER METERS.[REPEALED]**

(Dec. 1, 1982, D.C. Law 4-164, § 602(pp)-(rr), 29 DCR 3976.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., §§ 22-3115 to 22-3117.

*Legislative History of Laws*

For legislative history of D.C. Law 4-164, see Historical and Statutory Notes following § 22-3306.

**§ 22-3318. MALICIOUS POLLUTION OF WATER.**

Every person who maliciously commits any act by reason of which the supply of water, or any part thereof, to the City of Washington, becomes impure, filthy, or unfit for use, shall be fined not less than \$500 nor more than \$1,000, or imprisoned at hard labor not more than 3 years nor less than 1 year.

(R.S., § 1806; Feb. 11, 1895, 28 Stat. 650, ch. 79.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 22-3118.

1973 Ed., § 22-3118.

**§ 22-3319. PLACING OBSTRUCTIONS ON OR DISPLACEMENT OF RAILWAY TRACKS.**

Whoever maliciously places an obstruction on or near the track of any steam or street railway, or displaces or injures anything appertaining to such track, with intent to endanger the passage of any locomotive or car, shall be imprisoned for not more than 10 years.

(Mar. 3, 1901, 31 Stat. 1327, ch. 854, § 846.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 22-3119.

1973 Ed., § 22-3119.

**§ 22-3320. OBSTRUCTING PUBLIC ROAD; REMOVING MILESTONES.**

If any person shall alter or in any manner obstruct or encroach on a public road, or cut, destroy, deface, or remove any milestones set up on such road, or place any rubbish, dirt, logs, or make any pit or hole therein, such person may be indicted, and, upon conviction thereof before the proper court, shall be fined or imprisoned, in the discretion of the court, according to the nature of the offense.

(R.S., D.C., § 268.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 22-3120.

1973 Ed., § 22-3120.

**§ 22-3321. OBSTRUCTING PUBLIC HIGHWAY.**

Any person who, without lawful authority, shall obstruct the free use of any of the public highways, which had been used and recognized as public county roads for 25 years prior to May 3, 1862, and which were thereafter duly surveyed, recorded, and declared public highways according to law, shall be subject to a fine for each offense of not less than \$100 nor more than \$250 and be imprisoned till the fine and the costs of suit and collection of the same are paid.

(R.S., D.C., § 269.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 22-3121.

1973 Ed., § 22-3121.

**§ 22-3322. FINES UNDER § 22-3321 TO BE COLLECTED IN NAME OF UNITED STATES.**

The fines provided for in § 22-3321 shall be collected in the name of the United States.

(R.S., D.C., §§ 1, 2, 96, 270; June 11, 1878, 20 Stat. 102, ch. 180.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 22-3122.

1973 Ed., § 22-3122.