

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

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

**CHAPTER 36.**  
**CRIMES COMMITTED AGAINST CERTAIN PERSONS.**

**2001 Edition**

**DISTRICT OF COLUMBIA OFFICIAL CODE**  
**CHAPTER 36. CRIMES COMMITTED AGAINST**  
**CERTAIN PERSONS.**

---

**TABLE OF CONTENTS**

---

§ 22-3601. Enhanced penalty for crimes committed against senior citizen victims. ....

§ 22-3602. Enhanced penalty for committing certain dangerous and violent crimes against a citizen patrol member. ....

# CHAPTER 36. CRIMES COMMITTED AGAINST CERTAIN PERSONS.

## **§ 22-3601. ENHANCED PENALTY FOR CRIMES COMMITTED AGAINST SENIOR CITIZEN VICTIMS.**

(a) Any person who commits any offense listed in subsection (b) of this section against an individual who is 60 years of age or older, at the time of the offense, may be punished by a fine of up to 1 1/2 times the maximum fine otherwise authorized for the offense and may be imprisoned for a term of up to 1 1/2 times the maximum term of imprisonment otherwise authorized for the offense, or both.

(b) The provisions of subsection (a) of this section shall apply to the following offenses:

Abduction, arson, aggravated assault, assault with a dangerous weapon, assault with intent to kill, commit first degree sexual abuse, or commit second degree sexual abuse, assault with intent to commit any other offense, burglary, carjacking, armed carjacking, extortion or blackmail accompanied by threats of violence, kidnapping, malicious disfigurement, manslaughter, mayhem, murder, robbery, sexual abuse in the first, second, and third degrees, theft, fraud in the first degree, and fraud in the second degree, or an attempt or conspiracy to commit any of the foregoing offenses.

(c) It is an affirmative defense that the accused knew or reasonably believed the victim was not 60 years old or older at the time of the offense, or could not have known or determined the age of the victim because of the manner in which the offense was committed. This defense shall be established by a preponderance of the evidence.

(Dec. 1, 1982, D.C. Law 4-164, § 201, 29 DCR 3976; Apr. 24, 2007, D.C. Law 16-306, § 220, 53 DCR 8610.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 22-3901.

#### *Effect of Amendments*

D.C. Law 16-306 rewrote subsecs. (b) and (c), which had read as follows:

"(b) The provisions of subsection (a) of this section shall apply to the following offenses: Robbery, attempted robbery, theft, attempted theft, extortion, fraud in the first degree, and fraud in the second degree.

"(c) It is an affirmative defense that the accused knew or reasonably believed that the victim was not 60 years of age or older at the time of the offense."

#### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 220 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 § 220 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 § 220 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 § 220 of Omnibus Public Safety Second Congressional Review Emergency Amendment Act of 2007 (D.C. Act 17-25, April 19, 2007, 54 DCR 4036).

#### *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.

For Law 16-306, see notes following § 22-3302.

**§ 22-3602. ENHANCED PENALTY FOR COMMITTING CERTAIN DANGEROUS AND VIOLENT CRIMES AGAINST A CITIZEN PATROL MEMBER.**

(a) For purposes of this section, the term "citizen patrol" means a group of residents of the District of Columbia organized for the purpose of providing additional security surveillance for certain District of Columbia neighborhoods with the goal of crime prevention. The term shall include, but is not limited to, Orange Hat Patrols, Red Hat Patrols, Blue Hat Patrols, or Neighborhood Watch Associations.

(b) Any person who commits any offense listed in subsection (c) of this section against a member of a citizen patrol ("member") while that member is participating in a citizen patrol, or because of the member's participation in a citizen patrol, may be punished with a fine up to 1 1/2 times the maximum fine otherwise authorized for the offense or may be imprisoned for a term of up to 1 1/2 times the maximum term of imprisonment otherwise authorized for this offense, or both.

(c) The provisions of subsection (b) of this section shall apply to the following offenses: taking or attempting to take property from another by force or threat of force, forcible rape, or assault with intent to commit forcible rape, murder, mayhem, kidnapping, robbery, burglary, voluntary manslaughter, extortion or blackmail accompanied by threats of violence, assault with a deadly weapon, simple assault, aggravated assault, or a conspiracy to commit any of the foregoing offenses as defined by an Act of Congress or law of the District of Columbia if the offense is punishable by imprisonment for more than 1 year.

(Dec. 1, 1982, D.C. Law 4-164, § 202, as added Aug. 20, 1994, D.C. Law 10-151, § 401, 41 DCR 2608.)

*HISTORICAL AND STATUTORY NOTES*