

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 22.
CRIMINAL OFFENSES AND PENALTIES.

CHAPTER 37.
BIAS-RELATED CRIME.

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CHAPTER 37. BIAS-RELATED CRIME.

§ 22-3701. DEFINITIONS.

For the purposes of this chapter, the term:

- (1) "Bias-related crime" means a designated act that demonstrates an accused's prejudice based on the actual or perceived race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, family responsibility, homelessness, physical disability, matriculation, or political affiliation of a victim of the subject designated act.
- (2) "Designated act" means a criminal act, including arson, assault, burglary, injury to property, kidnapping, manslaughter, murder, rape, robbery, theft, or unlawful entry, and attempting, aiding, abetting, advising, inciting, conniving, or conspiring to commit arson, assault, burglary, injury to property, kidnapping, manslaughter, murder, rape, robbery, theft, or unlawful entry.
- (3) "Gender identity or expression" shall have the same meaning as provided in § 2-1401.02(12A).
- (4) "Homelessness" means:
 - (A) The status or circumstance of an individual who lacks a fixed, regular, and adequate nighttime residence; or
 - (B) The status or circumstance of an individual who has a primary nighttime residence that is:
 - (i) A supervised publicly or privately operated shelter designed to provide temporary living accommodations, including welfare motels, hotels, congregate shelters, and transitional housing for the mentally ill;
 - (ii) An institution that provides a temporary residence for individuals intended to be institutionalized; or
 - (iii) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

(May 8, 1990, D.C. Law 8-121, § 2, 37 DCR 27; Apr. 24, 2007, D.C. Law 16-305, § 37(a), 53 DCR 6198; June 25, 2008, D.C. Law 17-177, § 12(a), 55 DCR 3696; Mar. 25, 2009, D.C. Law 17-353, § 236(a), 56 DCR 1117; Dec. 10, 2009, D.C. Law 18-88, § 217(a), 56 DCR 7413.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

Law 8-121, the "Bias-Related Crime Act of 1989," was introduced in Council and assigned Bill No. 8-168, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on November 21, 1989, and December 5, 1989, respectively. Signed by the Mayor on December 21, 1989, it was assigned Act No. 8-130 and transmitted to both Houses of Congress for its review.

For Law 16-305, see notes following § 22-3226.09.

For Law 17-177, see notes following § 22-2104.01.

For Law 17-353, see notes following § 22-3010.

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

§ 22-3702. COLLECTION AND PUBLICATION OF DATA.

- (a) The Metropolitan Police force shall afford each crime victim the opportunity to submit with the complaint a written statement that contains information to support a claim that the designated act constitutes a bias-related crime.
- (b) The Mayor shall collect and compile data on the incidence of bias-related crime.
- (c) Data collected under subsection (b) of this section shall be used for research or statistical purposes and may not contain information that may reveal the identity of an individual crime victim.

(d) The Mayor shall publish an annual summary of the data collected under subsection (b) of this section and transmit the summary and recommendations based on the summary to the Council.

(May 8, 1990, D.C. Law 8-121, § 3, 37 DCR 27.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 22-4002.

§ 22-3703. BIAS-RELATED CRIME.

A person charged with and found guilty of a bias-related crime shall be fined not more than 1 1/2 times the maximum fine authorized for the designated act and imprisoned for not more than 1 1/2 times the maximum term authorized for the designated act.

(May 8, 1990, D.C. Law 8-121, § 4, 37 DCR 27.)

§ 22-3704. CIVIL ACTION.

(a) Irrespective of any criminal prosecution or the result of a criminal prosecution, any person who incurs injury to his or her person or property as a result of an intentional act that demonstrates an accused's prejudice based on the actual or perceived race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, family responsibilities, homelessness, physical disability, matriculation, or political affiliation of a victim of the subject designated act shall have a civil cause of action in a court of competent jurisdiction for appropriate relief, which includes:

- (1) An injunction;
- (2) Actual or nominal damages for economic or non-economic loss, including damages for emotional distress;
- (3) Punitive damages in an amount to be determined by a jury or a court sitting without a jury; or
- (4) Reasonable attorneys' fees and costs.

(b) In a civil action pursuant to subsection (a) of this section, whether an intentional act has occurred that demonstrates an accused's prejudice based on the actual or perceived color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, homelessness, physical disability, matriculation, or political affiliation of a victim of the subject designated act shall be determined by reliable, probative, and substantial evidence.

(c) The parent of a minor shall be liable for any damages that a minor is required to pay under subsection (a) of this section, if any action or omission of the parent or legal guardian contributed to the actions of the minor.

(May 8, 1990, D.C. Law 8-121, § 5, 37 DCR 27; Apr. 24, 2007, D.C. Law 16-305, § 37(b), 53 DCR 6198; June 25, 2008, D.C. Law 17-177, § 12(b), 55 DCR 3696; Dec. 10, 2009, D.C. Law 18-88, § 217(b), 56 DCR 7413.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 22-4004.

Effect of Amendments

D.C. Law 16-305, in subsecs. (a) and (b), substituted "disability" for "handicap".

D.C. Law 17-177, in subsec. (a), substituted "sexual orientation, gender identity or expression" for "sexual orientation".

D.C. Law 18-88, in subsecs. (a) and (b), substituted "family responsibilities, homelessness," for "family responsibilities,".