

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 22.
CRIMINAL OFFENSES AND PENALTIES.

CHAPTER 38.
SEXUAL PSYCHOPATHS.

2001 Edition

DISTRICT OF COLUMBIA OFFICIAL CODE

CHAPTER 38. SEXUAL PSYCHOPATHS.

TABLE OF CONTENTS

[§§ 22-3801, 22-3802. Indecent acts with children; sodomy.\[Repealed\]](#)

[§ 22-3803. Definitions.](#)

[§ 22-3804. Filing of statement.](#)

[§ 22-3805. Right to counsel.](#)

[§ 22-3806. Examination by psychiatrists.](#)

[§ 22-3807. When hearing is required.](#)

[§ 22-3808. Hearing; commitment.](#)

[§ 22-3809. Parole; discharge.](#)

[§ 22-3810. Stay of criminal proceedings.](#)

[§ 22-3811. Criminal law unchanged.](#)

CHAPTER 38. SEXUAL PSYCHOPATHS.

§§ 22-3801, 22-3802. INDECENT ACTS WITH CHILDREN; SODOMY.[REPEALED]

(May 23, 1995, D.C. Law 10-257, § 501(b), 42 DCR 53.)

§ 22-3803. DEFINITIONS.

For the purposes of this chapter:

- (1) The term "sexual psychopath" means a person, not insane, who by a course of repeated misconduct in sexual matters has evidenced such lack of power to control his or her sexual impulses as to be dangerous to other persons because he or she is likely to attack or otherwise inflict injury, loss, pain, or other evil on the objects of his or her desire.
- (2) The term "court" means a court in the District of Columbia having jurisdiction of criminal offenses or delinquent acts.
- (3) The term "patient" means a person with respect to whom there has been filed with the clerk of any court a statement in writing setting forth facts tending to show that such person is a sexual psychopath.
- (4) The term "criminal proceeding" means a proceeding in any court against a person for a criminal offense, and includes all stages of such a proceeding from the time the person is indicted, charged by an information, or charged with a delinquent act, to the entry of judgment, or, if the person is granted probation, the completion of the period of probation.

(June 9, 1948, 62 Stat. 347, ch. 428, title II, § 201; June 25, 1948, 62 Stat. 991, ch. 646, § 32(b); May 24, 1949, 63 Stat. 107, ch. 139, § 127; July 8, 1963, 77 Stat. 77, Pub. L. 88-60, § 1; July 29, 1970, 84 Stat. 574, Pub. L. 91-358, title I, § 157(c)(1)(A), (B); May 21, 1994, D.C. Law 10- 119, § 20(a), 41 DCR 1639.)

§ 22-3804. FILING OF STATEMENT.

(a) Whenever it shall appear to the United States Attorney for the District of Columbia that any person within the District of Columbia, other than a defendant in a criminal proceeding, is a sexual psychopath, such Attorney may file with the clerk of the Superior Court of the District of Columbia a statement in writing setting forth the facts tending to show that such a person is a sexual psychopath.

(b) Whenever it shall appear to the United States Attorney for the District of Columbia that any defendant in any criminal proceeding prosecuted by such Attorney or any Assistant United States Attorney is a sexual psychopath, such Attorney may file with the clerk of the court in which such proceeding is pending a statement in writing setting forth the facts tending to show that such defendant is a sexual psychopath.

(c) Whenever it shall appear to any court that any defendant in any criminal proceeding pending in such court is a sexual psychopath, the court may, if it deems such procedure advisable, direct the officer prosecuting the defendant to file with the clerk of such court a statement in writing setting forth the facts tending to show that such defendant is a sexual psychopath.

(d) Any statement filed in a criminal proceeding pursuant to subsection (b) or (c) of this section may be filed only:

- (1) Before trial;
- (2) After conviction or plea of guilty but before sentencing; or
- (3) After conviction or plea of guilty but before the completion of probation.

(e) This section shall not apply to an individual in a criminal proceeding who is charged with first degree sexual abuse, second degree sexual abuse, or assault with intent to commit first or second degree sexual abuse.

(June 9, 1948, 62 Stat. 348, ch. 428, title II, § 202; June 25, 1948, 62 Stat. 991, ch. 646, § 32(b); May 24, 1949, 63 Stat. 107, ch. 139, § 127; July 29, 1970, 84 Stat. 574, Pub. L. 91-358, title I, § 157(c) (2); May 21,

1994, D.C. Law 10-119, § 20(b), 41 DCR 1639; May 23, 1995, D.C. Law 10-257, § 401(d), 42 DCR 53.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 22-3504.

1973 Ed., § 22-3504.

Legislative History of Laws

For legislative history of D.C. Law 10-119, see Historical and Statutory Notes following § 22-3803.

For legislative history of D.C. Law 10-257, see Historical and Statutory Notes following § 22-3801.

§ 22-3805. RIGHT TO COUNSEL.

A patient shall have the right to have the assistance of counsel at every stage of the proceeding under this chapter. Before the court appoints psychiatrists pursuant to § 22-3806 it shall advise the patient of his or her right to counsel and shall assign counsel to represent him or her unless the patient is able to obtain counsel or elects to proceed without counsel.

(June 9, 1948, 62 Stat. 348, ch. 428, title II, § 203; May 21, 1994, D.C. Law 10-119, § 20(c), 41 DCR 1639.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 22-3505.

1973 Ed., § 22-3505.

Legislative History of Laws

For legislative history of D.C. Law 10-119, see Historical and Statutory Notes following § 22-3803.

§ 22-3806. EXAMINATION BY PSYCHIATRISTS.

(a) When a statement has been filed with the clerk of any court pursuant to § 22-3804, such court shall appoint 2 qualified psychiatrists to make a personal examination of the patient. The patient shall be required to answer questions asked by the psychiatrists under penalty of contempt of court. Each psychiatrist shall file a written report of the examination, which shall include a statement of his or her conclusion as to whether the patient is a sexual psychopath.

(b) The counsel for the patient shall have the right to inspect the reports of the examination of the patient. No such report and no evidence resulting from the personal examination of the patient shall be admissible against him or her in any judicial proceeding except a proceeding under this chapter to determine whether the patient is a sexual psychopath.

(June 9, 1948, 62 Stat. 348, ch. 428, title II, § 204; May 21, 1994, D.C. Law 10-119, § 20(d), 41 DCR 1639.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 22-3506.

1973 Ed., § 22-3506.

Legislative History of Laws

For legislative history of D.C. Law 10-119, see Historical and Statutory Notes following § 22-3803.

§ 22-3807. WHEN HEARING IS REQUIRED.

If, in their reports filed pursuant to § 22-3806, both psychiatrists state that the patient is a sexual psychopath, or if both state that they are unable to reach any conclusion by reason of the partial or complete refusal of the patient to submit to thorough examination, or if one states that the patient is a sexual psychopath and the other states that he or she is unable to reach any conclusion by reason of the partial or complete refusal of the patient to submit to thorough examination, then the court shall conduct a hearing in the manner provided in § 22-3808 to determine whether the patient is a sexual psychopath. If, on the basis of the reports filed, the court is not required to conduct such a hearing, the court shall enter an order dismissing the proceeding under this chapter to determine whether the patient is a sexual psychopath.

(June 9, 1948, 62 Stat. 349, ch. 428, title II, § 205; May 21, 1994, D.C. Law 10-119, § 20(e), 41 DCR 1639.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 22-3507.

1973 Ed., § 22-3507.

Legislative History of Laws

For legislative history of D.C. Law 10-119, see Historical and Statutory Notes following § 22-3803.

§ 22-3808. HEARING; COMMITMENT.

Upon the evidence introduced at a hearing held for that purpose, the court shall determine whether or not the patient is a sexual psychopath. Such hearing shall be conducted without a jury unless, before such hearing and within 15 days after the date on which the second report is filed pursuant to § 22-3806, a jury is demanded by the patient or by the officer filing the statement. The rules of evidence applicable in judicial proceedings in the court shall be applicable to hearings pursuant to this section; but, notwithstanding any such rule, evidence of conviction of any number of crimes the commission of which tends to show that the patient is a sexual psychopath and of the punishment inflicted therefor shall be admissible at any such hearing. The patient shall be entitled to an appeal as in other cases. If the patient is determined to be a sexual psychopath, the court shall commit him or her to an institution to be confined there until released in accordance with § 22-3809.

(June 9, 1948, 62 Stat. 349, ch. 428, title II, § 206; Nov. 8, 1984, 98 Stat. 3369, Pub. L. 98-621, § 10(t)(1); May 21, 1994, D.C. Law 10-119, § 20(f), 41 DCR 1639.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 22-3508.

1973 Ed., § 22-3508.

Legislative History of Laws

For legislative history of D.C. Law 10-119, see Historical and Statutory Notes following § 22-3803.

§ 22-3809. PAROLE; DISCHARGE.

Any person committed under this chapter may be released from confinement when an appropriate supervisory official finds that he or she has sufficiently recovered so as to not be dangerous to other persons, provided if the person to be released be one charged with crime or undergoing sentence therefor, that official shall give notice thereof to the judge of the criminal court and deliver him or her to the court in obedience to proper precept.

(June 9, 1948, 62 Stat. 349, ch. 428, title II, § 207; Nov. 8, 1984, 98 Stat. 3369, Pub. L. 98-621, § 10(t)(2); May 21, 1994, D.C. Law 10-119, § 20(g), 41 DCR 1639.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 22-3509.

1973 Ed., § 22-3509.

Legislative History of Laws

For legislative history of D.C. Law 10-119, see Historical and Statutory Notes following § 22-3803.

§ 22-3810. STAY OF CRIMINAL PROCEEDINGS.

Any statement filed in a criminal proceeding pursuant to subsection (b) or (c) of § 22-3804 shall stay such criminal proceeding until whichever of the following first occurs:

- (1) The proceeding under this chapter to determine whether the patient is a sexual psychopath is dismissed pursuant to § 22-3807 or withdrawn;
- (2) It is determined pursuant to § 22-3808 that the patient is not a sexual psychopath; or

(3) The patient is discharged from an institution pursuant to § 22-3809.

(June 9, 1948, 62 Stat. 349, ch. 428, title II, § 208; Nov. 8, 1984, 98 Stat. 3369, Pub. L. 98-621, § 10(t)(3).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 22-3510.

1973 Ed., § 22-3510.

§ 22-3811. CRIMINAL LAW UNCHANGED.

Nothing in this chapter shall alter in any respect the tests of mental capacity applied in criminal prosecutions under the laws of the District of Columbia.

(June 9, 1948, 62 Stat. 350, ch. 428, title II, § 209; June 3, 1997, D.C. Law 11-275, § 10, 44 DCR 1408.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 22-3511.

1973 Ed., § 22-3511.

Legislative History of Laws

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.