

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 22.
CRIMINAL OFFENSES AND PENALTIES.

CHAPTER 4.
ASSAULT; MAYHEM; THREATS.

2001 Edition

DISTRICT OF COLUMBIA OFFICIAL CODE
CHAPTER 4. ASSAULT; MAYHEM; THREATS.

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CHAPTER 4. ASSAULT; MAYHEM; THREATS.

§ 22-401. ASSAULT WITH INTENT TO KILL, ROB, OR POISON, OR TO COMMIT FIRST DEGREE SEXUAL ABUSE, SECOND DEGREE SEXUAL ABUSE OR CHILD SEXUAL ABUSE.

Every person convicted of any assault with intent to kill or to commit first degree sexual abuse, second degree sexual abuse, or child sexual abuse, or to commit robbery, or mingling poison with food, drink, or medicine with intent to kill, or wilfully poisoning any well, spring, or cistern of water, shall be sentenced to imprisonment for not less than 2 years or more than 15 years.

(Mar. 3, 1901, 31 Stat. 1321, ch. 854, § 803; Dec. 27, 1967, 81 Stat. 736, Pub. L. 90-226, title VI, § 601; May 23, 1995, D.C. Law 10-257, § 401(b)(2), 42 DCR 53.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 22-501.

1973 Ed., § 22-501.

Legislative History of Laws

Law 10-257, the "Anti-Sexual Abuse Act of 1994," was introduced in Council and assigned Bill No. 10-87, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on November 1, 1994, and December 6, 1994, respectively. Signed by the Mayor on December 28, 1994, it was assigned Act No. 10-385 and transmitted to both Houses of Congress for its review. D.C. Law 10-257 became effective May 23, 1995.

§ 22-402. ASSAULT WITH INTENT TO COMMIT MAYHEM OR WITH DANGEROUS WEAPON.

Every person convicted of an assault with intent to commit mayhem, or of an assault with a dangerous weapon, shall be sentenced to imprisonment for not more than 10 years.

(Mar. 3, 1901, 31 Stat. 1321, ch. 854, § 804.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 22-502.

1973 Ed., § 22-502.

§ 22-403. ASSAULT WITH INTENT TO COMMIT ANY OTHER OFFENSE.

Whoever assaults another with intent to commit any other offense which may be punished by imprisonment in the penitentiary shall be imprisoned not more than 5 years.

(Mar. 3, 1901, 31 Stat. 1322, ch. 854, § 805.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 22-503.

1973 Ed., § 22-503.

§ 22-404. ASSAULT OR THREATENED ASSAULT IN A MENACING MANNER; STALKING.

(a)(1) Whoever unlawfully assaults, or threatens another in a menacing manner, shall be fined not more than \$1,000 or be imprisoned not more than 180 days, or both.

(2) Whoever unlawfully assaults, or threatens another in a menacing manner, and intentionally, knowingly, or recklessly causes significant bodily injury to another shall be fined not more than \$3,000 or be imprisoned not more than 3 years, or both. For the purposes of this paragraph, the term "significant bodily injury" means an injury that requires hospitalization or immediate medical attention.

(b) Repealed.

(c) Repealed.

(d) Repealed.

(e) Repealed.

(Mar. 3, 1901, 31 Stat. 1322, ch. 854, § 806; May 8, 1993, D.C. Law 9-269, § 2, 39 DCR 9014; Nov. 17, 1993, D.C. Law 10-53, § 2, 40 DCR 5446; Aug. 20, 1994, D.C. Law 10-151, § 105(d), 41 DCR 2608; May 16, 1995, D.C. Law 10-255, § 16, 41 DCR 5193; June 3, 1997, D.C. Law 11-275, § 3, 44 DCR 1408; Apr. 24, 2007, D.C. Law 16-306, § 207, 53 DCR 8610; Dec. 10, 2009, D.C. Law 18-88, § 302, 56 DCR 7413.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 22-504.

1973 Ed., § 22-504.

Effect of Amendments

D.C. Law 16-306 rewrote subsec. (a), which had read as follows:

"(a) Whoever unlawfully assaults, or threatens another in a menacing manner, shall be fined not more than \$1,000 or be imprisoned not more than 180 days, or both."

D.C. Law 18-88 repealed subsecs. (b) to (e), which had read as follows:

"(b) Any person who on more than one occasion engages in conduct with the intent to cause emotional distress to another person or places another person in reasonable fear of death or bodily injury by willfully, maliciously, and repeatedly following or harassing that person, or who, without a legal purpose, willfully, maliciously, and repeatedly follows or harasses another person, is guilty of the crime of stalking and shall be fined not more than \$500 or be imprisoned not more than 12 months, or both. Constitutionally protected activity, such as conduct by a party to a labor dispute in furtherance of labor or management objectives in that dispute, is not included within the meaning of this definition.

"(c) Any person who violates subsection (b) of this section when there is in effect a court order imposing a temporary restraining order, an injunction, a temporary protection order, civil protection order, stay-away or no contact order, civil restraining order, or any combination thereof, prohibiting contact between that person and the individual who is the victim of the conduct described in subsection (b) of this section shall be subject to the penalties set forth therein and in addition shall be required to give bond, for a period not exceeding 1 year, to ensure compliance with the provisions of this section.

"(d) A second conviction occurring within 2 years of a first conviction for an offense under subsection (b) or (c) of this section, or for a similar offense under the law of any other jurisdiction, shall result in a fine of up to 1 1/2 times the maximum fines authorized for the offenses in subsections (b) and (c) of this section and imprisonment for a term of up to 1 1/2 times the maximum term of imprisonment authorized for the offense. If such person was previously convicted more than once of an offense described in subsection (b) or (c) of this section, such person may be subject to a fine of up to 3 times the maximum fines authorized for the offenses in subsections (b) and (c) of this section and imprisonment for a term of up to 3 times the maximum term of imprisonment authorized for each offense. No conviction with respect to which a person has been pardoned on the grounds of innocence shall be taken into account in applying this section.

"(e) For the purpose of this section, the term 'harassing' means engaging in a course of conduct either in person, by telephone, or in writing, directed at a specific person, which seriously alarms, annoys, frightens, or torments the person, or engaging in a course of conduct either in person, by telephone, or in writing, which would cause a reasonable person to be seriously alarmed, annoyed, frightened, or tormented."

Emergency Act Amendments

For temporary amendment of section, see § 105(d) 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 § 207 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 § 207 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 § 207 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 § 207 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 § 302 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 § 302 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 9-269, the "Anti-Stalking Temporary Amendment of 1992," was introduced in Council and assigned Bill No. 9-659. The Bill was adopted on first and second readings on October 6, 1992, and November 4, 1992, respectively. Signed by the Mayor on November 23, 1992, it was assigned Act No. 9-317 and transmitted to both Houses of Congress for its review. D.C. Law 9-269 became effective on May 8, 1993.

Law 10-53, the "Anti-Stalking Amendment Act of 1993," was introduced in Council and assigned Bill No. 10-42, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on June 1, 1993, and June 29, 1993, respectively. Signed by the Mayor on July 16, 1993, it was assigned Act No. 10-46 and transmitted to both Houses of Congress for its review. D.C. Law 10-53 became effective on November 17, 1993.

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.

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 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.

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.

Law 18-88, the "Omnibus Public Safety and Justice Amendment Act of 2009", as introduced in Council and assigned Bill No. 18-151, which was referred to the Committee on Public Safety and the Judiciary. The bill as adopted on first and second readings on June 30, 2009, and July 31, 2009, respectively. Signed by the Mayor on August 26, 2009, it was assigned Act No. 18-189 and transmitted to both Houses of Congress for its review. D.C. Law 18-88 became effective on December 10, 2009.

§ 22-404.01. AGGRAVATED ASSAULT.

(a) A person commits the offense of aggravated assault if:

(1) By any means, that person knowingly or purposely causes serious bodily injury to another person;
or

(2) Under circumstances manifesting extreme indifference to human life, that person intentionally or knowingly engages in conduct which creates a grave risk of serious bodily injury to another person, and thereby causes serious bodily injury.

(b) Any person convicted of aggravated assault shall be fined not more than \$10,000 or be imprisoned for not more than 10 years, or both.

(c) Any person convicted of attempted aggravated assault shall be fined not more than \$5,000 or be imprisoned for not more than 5 years, or both.

(Mar. 3, 1901, 31 Stat. 1322, ch. 854, § 806a, as added Aug. 20, 1994, D.C. Law 10-151, § 202, 41 DCR 2608.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 22-504.1.

Emergency Act Amendments

For temporary addition of section, see § 202 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.

§ 22-405. ASSAULT ON MEMBER OF POLICE FORCE, CAMPUS OR UNIVERSITY SPECIAL POLICE, OR FIRE DEPARTMENT.

(a) For the purposes of this section, the term "law enforcement officer" means any officer or member of any police force operating and authorized to act in the District of Columbia, including any reserve officer or designated civilian employee of the Metropolitan Police Department, any licensed special police officer, any officer or member of any fire department operating in the District of Columbia, any officer or employee of any penal or correctional institution of the District of Columbia, any officer or employee of the government of the District of Columbia charged with the supervision of juveniles being confined pursuant to law in any facility of the District of Columbia regardless of whether such institution or facility is located within the District, any investigator or code inspector employed by the government of the District of Columbia, or any officer or employee of the Department of Youth Rehabilitation Services, Court Services and Offender Supervision Agency, the Social Services Division of the Superior Court, or Pretrial Services Agency charged with intake, assessment, or community supervision.

(b) Whoever without justifiable and excusable cause, assaults, resists, opposes, impedes, intimidates, or interferes with a law enforcement officer on account of, or while that law enforcement officer is engaged in the performance of his or her official duties shall be guilty of a misdemeanor and, upon conviction, shall be imprisoned not more than 180 days or fined not more than \$1,000, or both.

(c) A person who violates subsection (b) of this section and causes significant bodily injury to the law enforcement officer, or commits a violent act that creates a grave risk of causing significant bodily injury to the officer, shall be guilty of a felony and, upon conviction, shall be imprisoned not more than 10 years or fined not more than \$10,000, or both.

(d) It is neither justifiable nor excusable cause for a person to use force to resist an arrest when such an arrest is made by an individual he or she has reason to believe is a law enforcement officer, whether or not such arrest is lawful.

(R.S., D.C., § 432; June 29, 1953, 67 Stat. 95, ch. 159, § 205; Oct. 20, 1965, 79 Stat. 1011, Pub. L. 89-277, § 1; July 29, 1970, 84 Stat. 601, Pub. L. 91-358, title II, § 206; Aug. 11, 1971, 85 Stat. 316, Pub. L. 92-92; May 21, 1994, D.C. Law 10-119, § 3, 41 DCR 1639; Oct. 18, 1995, D.C. Law 11-63, § 3, 42 DCR 4109; June 3, 1997, D.C. Law 11-275, § 4, 44 DCR 1408; June 12, 1999, D.C. Law 12-284, § 2, 46 DCR 1328; June 18, 1999, D.C. Law 12-288, § 2, 45 DCR 4471; Apr. 24, 2007, D.C. Law 16-306, § 208, 53 DCR 8610.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 22-505.

1973 Ed., § 22-505.

Effect of Amendments

D.C. Law 16-306 rewrote the section, which had read as follows:

"(a) Whoever without justifiable and excusable cause, assaults, resists, opposes, impedes, intimidates, or interferes with any officer or member of any police force operating in the District of Columbia, including any designated civilian employee of the Metropolitan Police Department, any campus or university special police

officer, or any officer or member of any fire department operating in the District of Columbia; or any officer or employee of any penal or correctional institution of the District of Columbia, or any officer or employee of the government of the District of Columbia charged with the supervision of juveniles being confined pursuant to law in any facility of the District of Columbia, whether such institution or facility is located within the District of Columbia or elsewhere, or any inspector, investigator, emergency medical technician, or paramedic employed by the government of the District of Columbia, while engaged in or on account of the performance of his or her official duties, shall be fined not more than \$5,000 or imprisoned not more than 5 years, or both. It is neither justifiable nor excusable cause for a person to use force to resist an arrest when such arrest is made by an individual he or she has reason to believe is a law enforcement officer, whether or not such arrest is lawful.

"(b) Whoever in the commission of any such acts uses a deadly or dangerous weapon shall be imprisoned not more than 10 years."

Temporary Amendments of Section

Section 2 of D.C. Law 12-282 inserted "any designated civilian employee of the Metropolitan Police Department" near the beginning of (a).

Section 13(b) of D.C. Law 12-282 provided that the act shall expire after 225 days of its having taken effect.

Emergency Act Amendments

For temporary amendment of section, see § 2 of the Metropolitan Police Department Civilianization and Street Solicitation for Prostitution Emergency Amendment Act of 1998 (D.C. Act 12-428, August 6, 1998, 45 DCR 5884), § 2 of the Metropolitan Police Department Civilianization Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-506, November 10, 1998, 45 DCR 45 8139), and § 2 of the Metropolitan Police Department Civilianization Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-13, February 8, 1999, 46 DCR 2333).

For temporary (90 day) amendment of section, see § 208 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 § 208 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 § 208 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 § 208 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 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.

Law 11-63, the "College and University Campus Security Amendment Act of 1995," was introduced in Council and assigned Bill No. 11-152, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on June 20, 1995, and July 11, 1995, respectively. Signed by the Mayor on July 25, 1995, it was assigned Act No. 11-120 and transmitted to both Houses of Congress for its review. D.C. Law 11-63 became effective on October 18, 1995.

For legislative history of D.C. Law 11-275, see Historical and Statutory Notes following § 22-404.

Law 12-282, the "Metropolitan Police Department Civilianization Temporary Amendment Act of 1998," was introduced in Council and assigned Bill No. 12- 709. The Bill was adopted on first and second readings on July 7, 1998, and September 22, 1998, respectively. Signed by the Mayor, it was assigned Act No. 12-492 and transmitted to both Houses of Congress for its review. D.C. Law 12-282 became effective on May 28, 1999.

Law 12-284, the "Metropolitan Police Department Civilianization Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-710, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on December 1, 1998, and December 15, 1998, respectively. Signed by the Mayor, it was assigned Act No. 12-613 and transmitted to both Houses of Congress for its review. D.C. Law 12-284 became effective on June 12, 1999.

Law 12-288, the "Assault on an Inspector or Investigator and Revitalization Corporation Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-21, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on May 5, 1998, and May 19, 1998, respectively. Signed by the Mayor, it was assigned Act No. 12-380 and transmitted to both Houses of Congress for its review. D.C. Law 12-288 became effective on June 18, 1999.

For Law 16-306, see notes following § 22-404.

§ 22-406. MAYHEM OR MALICIOUSLY DISFIGURING.

Every person convicted of mayhem or of maliciously disfiguring another shall be imprisoned for not more than 10 years.

(Mar. 3, 1901, 31 Stat. 1322, ch. 854, § 807.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 22-506.

1973 Ed., § 22-506.

§ 22-407. THREATS TO DO BODILY HARM.

Whoever is convicted in the District of threats to do bodily harm shall be fined not more than \$500 or imprisoned not more than 6 months, or both, and, in addition thereto, or in lieu thereof, may be required to give bond to keep the peace for a period not exceeding 1 year.

(July 16, 1912, 37 Stat. 193, ch. 235, § 2; June 29, 1953, 67 Stat. 98, ch. 159, § 212; Dec. 23, 1963, 77 Stat. 618, Pub. L. 88-241, § 11(b).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 22-507.

1973 Ed., § 22-507.

§ 22-408. PENALTY FOR ASSAULTING, BEATING, OR FIGHTING ON ACCOUNT OF MONEY WON BY GAMING.[REPEALED]

(9 Anne, ch. 14, § 8, 1710; Kilty's Rept., p. 248; Alex. Brit. Stat., p. 692; Comp. Stat. D.C., p. 245, § 17; May 21, 1994, D.C. Law 10-119, § 4, 41 DCR 1639; Apr. 29, 2004, D.C. Law 15-154, § 4, 50 DCR 10996.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 22-508.

1973 Ed., § 22-508.

Legislative History of Laws

For legislative history of D.C. Law 10-119, see Historical and Statutory Notes following § 22-505.

For Law 15-154, see notes following § 22-101.