

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 22.
CRIMINAL OFFENSES AND PENALTIES.

CHAPTER 40.
SEX OFFENDER REGISTRATION.

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DISTRICT OF COLUMBIA OFFICIAL CODE
CHAPTER 40. SEX OFFENDER REGISTRATION.

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CHAPTER 40. SEX OFFENDER REGISTRATION.

§ 22-4001. DEFINITIONS.

For the purposes of this chapter, the term:

- (1) "Agency" means the Court Services and Offender Supervision Agency for the District of Columbia, established pursuant to § 24-133 or, until that agency assumes its duties, the Trustee appointed under § 24-132(a).
- (2) "Attends school" means being enrolled on a full-time or part-time basis in any type of public or private educational institution.
- (3)(A) "Committed a registration offense" means:
 - (i) Was convicted or found not guilty by reason of insanity of a registration offense; or
 - (ii) Was determined to be a sexual psychopath under §§ 22-3803 through 22-3811.

(B) A person is not deemed to have committed a registration offense for purposes of this chapter, if the disposition described in subparagraph (A) of this paragraph has been reversed or vacated, or if the person has been pardoned for the offense on the ground of innocence.
- (4) "Court" means the Superior Court of the District of Columbia.
- (5) "In custody or under supervision" means:
 - (A) Detained, incarcerated, confined, hospitalized, civilly committed, on probation, on parole, on supervised release, or on conditional release because of:
 - (i) Being convicted of or found not guilty by reason of insanity of an offense under the District of Columbia Official Code; or
 - (ii) A sexual psychopath determination under §§ 22-3803 through 22-3811; or
 - (B) In any comparable status under the jurisdiction of the District of Columbia pursuant to subchapter II of Chapter 4 of Title 24, Chapter 10 of Title 24, or any other transfer agreement between the District of Columbia and another jurisdiction.
- (6) "Lifetime registration offense" means:
 - (A) First or second degree sexual abuse as proscribed by § 22-3002 or § 22-3003; forcible rape as this offense was proscribed until May 23, 1995 by § 22-4801; or sodomy as this offense was proscribed until May 23, 1995 by § 22-3802(a) where the offense was forcible;
 - (B) First degree child sexual abuse as proscribed by § 22-3008 committed against a person under the age of 12 years, carnal knowledge or statutory rape as these offenses were proscribed until May 23, 1995 by § 22-4801 committed against a person under the age of 12 years, or sodomy as this offense was proscribed until May 23, 1995 by § 22-3802(a) committed against a person under the age of 12 years;
 - (C) Murder or manslaughter as proscribed by § 22-2101 committed before, during or after engaging in or attempting to engage in a sexual act or sexual contact, or rape as this offense was proscribed until May 23, 1995 by § 22-4801;
 - (D) An attempt or conspiracy to commit an offense as proscribed by § 22-1803 or § 22-1805a or § 22-3018 or assault with intent to commit rape, carnal knowledge, statutory rape, first degree sexual abuse, second degree sexual abuse, or child sexual abuse, as proscribed by § 22-401, which involved an attempt, conspiracy or assault with intent to commit an offense described in subparagraphs (A) through (C) of this paragraph; and
 - (E) An offense under the law of any state, under federal law, or under the law of any other jurisdiction, which involved conduct that would constitute an offense described in subparagraphs (A) through (D) of this paragraph if committed in the District of Columbia or prosecuted under the District of Columbia Official Code, or conduct which is substantially similar to that described in

subparagraphs (A) through (D) of this paragraph.

(7) "Minor" means a person under 18 years of age.

(8) "Registration offense" means:

(A) An offense under Chapter 30 of this title;

(B) Forcible rape, carnal knowledge or statutory rape as these offenses were proscribed until May 23, 1995 by § 22-4801; indecent acts with children as this offense was proscribed until May 23, 1995 by § 22-3801(a); enticing a child as this offense was proscribed until May 23, 1995 by § 22-3801(b); or sodomy as this offense was proscribed until May 23, 1995 by § 22-3802(a) where the offense was forcible or committed against a minor;

(C) Any of the following offenses where the victim is a minor: acts proscribed by § 22-1312 (lewd, indecent, or obscene acts), acts proscribed by § 22-2201 (obscenity), acts proscribed by § 22-3102 (sexual performances using minors), acts proscribed by § 22-1901 (incest), acts proscribed by § 22-2001 (kidnapping), and acts proscribed by §§ 22-2701, 22-2701.01, 22-2703, 22-2704, 22-2705 to 22-2712, 22-2713 to 22-2720, 22-2722 and 22-2723 (prostitution; pandering);

(D) Any offense under the District of Columbia Official Code that involved a sexual act or sexual contact without consent or with a minor, assaulting or threatening another with the intent to engage in a sexual act or sexual contact or with the intent to commit rape, or causing the death of another in the course of, before, or after engaging or attempting to engage in a sexual act or sexual contact or rape;

(E) An attempt or a conspiracy to commit a crime, as proscribed by § 22-1803 or § 22-1805a which involved an attempt or conspiracy to commit an offense described in subparagraphs (A) through (D) of this paragraph, or assault with intent to commit rape, carnal knowledge, statutory rape, first degree sexual abuse, second degree sexual abuse, or child sexual abuse, as proscribed by § 22-401;

(F) Assault with intent to commit any other crime, as proscribed by § 22-403, or kidnapping or burglary, as proscribed by § 22-801 or § 22-2001 where the offense involved an intent, attempt or conspiracy to commit an offense described in subparagraphs (A) through (D) of this paragraph;

(G) An offense under the law of any state, under federal law, or under the law of any other jurisdiction, which involved conduct that would constitute an offense described in subparagraphs (A) through (F) of this paragraph if committed in the District of Columbia or prosecuted under the District of Columbia Official Code, or conduct which is substantially similar to that described in subparagraphs (A) through (F) of this paragraph; and

(H) Any other offense where the offender agrees in a plea agreement to be subject to sex offender registration requirements.

(9) "Sex offender" means a person who lives, resides, works, or attends school in the District of Columbia, and who:

(A) Committed a registration offense on or after July 11, 2000;

(B) Committed a registration offense at any time and is in custody or under supervision on or after July 11, 2000;

(C) Was required to register under the law of the District of Columbia on the day before July 11, 2000; or

(D) Committed a registration offense at any time in another jurisdiction and, within the registration period, enters the District of Columbia to live, reside, work or attend school.

(10) "Sexual act" has the meaning stated in § 22-3001(8).

(11) "Sexual contact" has the meaning stated in § 22-3001(9).

(12) "State" means a state of the United States, or any territory, commonwealth, or possession of the United States.

(13) "Works" means engaging in any type of full-time or part-time employment or occupation, whether paid or unpaid, for a period of time exceeding 14 calendar days or for an aggregate period of time exceeding 30 days during any calendar year.

(July 11, 2000, D.C. Law 13-137, § 2, 47 DCR 797; Apr. 24, 2007, D.C. Law 16-306, § 221, 53 DCR 8610.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 16-306, in par. (8)(C), inserted ", 22-2701.01, 22-2704, 22-2705 to 22-2712, 22-2713 to 22-2720, and 22-2722" preceding "(prostitution; pandering)".

Temporary Addition of Section

Sections 2 to 17 of D.C. Law 13-110, the Sex Offender Registration Temporary Act of 1999 (46 DCR 8944), added provisions now found in §§ 22-4001 to 22-4016. Section 219(b) of D.C. Law 13-110 provides that the act shall expire on the 225th day of its having taken effect or upon the effective date of the Sex Offender Registration Act of 1999, whichever occurs first.

Emergency Act Amendments

For temporary (90-day) addition of provisions now found in §§ 22-4001 to 22-4016, see §§ 2 to 17 of the Sex Offender Registration Emergency Act of 1999 (D.C. Act 13-133, August 4, 1999, 46 DCR 6771); see §§ 2 to 17 of the Sex Offender Registration Legislative Review Emergency Act of 1999 (D.C. Act 13-176, November 2, 1999, 46 DCR 9244); see §§ 1 to 17 of the Sex Offender Registration Congressional Review Emergency Act of 1999 (D.C. Act 13-229, January 11, 2000, 47 DCR 487); see §§ 1 to 17 of the Sex Offender Registration Congressional Review Emergency Act of 2000 (D.C. Act 13-308, April 7, 2000, 47 DCR 2714).

For temporary (90 day) amendment of section, see § 221 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 § 221 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 § 221 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 § 221 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 13-137, the "Sex Offender Registration Act of 1999," was introduced in Council and assigned Bill No. 13-350, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on December 7, 1999, and December 21, 1999, respectively. Signed by the Mayor on January 10, 2000, it was assigned Act No. 13-248 and transmitted to both Houses of Congress for its review. D.C. Law 13-137 became effective on July 11, 2000.

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

Delegation of Authority

Delegation of authority under D.C. Act 13-133, the "Sex Offender Registration Emergency Act of 1999", see Mayor's Order 99-178, November 9, 1999 (46 DCR 9357).

§ 22-4002. REGISTRATION PERIOD.

(a) Except as set forth in subsection (b) of this section, the registration period shall start when a disposition described in § 22-4001(3)(A) occurs and continue until the expiration of any time being served on probation, parole, supervised release, conditional release, or convalescent leave, or 10 years after the sex offender is placed on probation, parole, supervised release, conditional release, or convalescent leave, or is unconditionally released from a correctional facility, prison, hospital or other place of confinement, whichever is latest, except that:

(1) The Agency may give a sex offender credit for the time the sex offender was registered in another jurisdiction;

(2) The Agency may deny a sex offender credit for any time in which the sex offender is detained, incarcerated, confined, civilly committed, or hospitalized and for any time in which a sex offender was registered prior to a revocation of probation, parole, supervised release, conditional release, or convalescent leave; and

(3) The registration period is tolled for any time the sex offender fails to register or otherwise fails to comply with the requirements of this chapter.

(b) The registration period shall start when a disposition described in § 22-4001(3)(A) occurs and continue throughout the lifetime of a sex offender who:

(1) Committed a registration offense that is a lifetime registration offense;

(2) Was determined to be a sexual psychopath under §§ 22-3803 through 22-3811;

(3) Has been subject on 2 or more occasions to a disposition described in § 22-4001(3)(A) that involved a felony registration offense or a registration offense against a minor; or

(4) Has been subject to 2 or more dispositions described in § 22-4001(3)(A), relating to different victims, each of which involved a felony registration offense or a registration offense against a minor.

(c) The Agency may suspend the requirement to register or any other requirement under this chapter during any period of time in which a sex offender is detained, incarcerated, confined, civilly committed or hospitalized in a secure facility.

(d) Other than a suspension under subsection (c) of this section, a sex offender shall not be eligible for relief from the registration requirements.

(July 11, 2000, D.C. Law 13-137, § 3, 47 DCR 797.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 13-137, see notes following § 22-4001.

§ 22-4003. CERTIFICATION DUTIES OF THE SUPERIOR COURT.

(a) Upon a finding that a defendant committed a registration offense, the Court shall enter an order certifying that the defendant is a sex offender and that the defendant will be subject to registration for the period set forth in § 22-4002(a) or (b). The Court shall advise the sex offender of that person's duties under this chapter, shall order the sex offender to report to the Agency to register as required by the Agency and to comply with the requirements of this chapter, and shall require the sex offender to read and sign the order.

(b) The Court shall provide to the Agency a copy of the certification and order and such other records and information as will assist in the registration of the sex offender.

(c) In any case where the Court orders the release of a sex offender into the community following a period of detention, incarceration, confinement, civil commitment, or hospitalization, the Court shall:

(1) If the sex offender has been certified as a sex offender under subsection (a) of this section, provide the sex offender with a copy of the order required under subsection (a) of this section and require the sex offender to read and sign the copy of the order; or

(2) If the sex offender has not been certified as a sex offender under subsection (a) of this section, follow the procedures set forth under subsection (a) of this section.

(d) The applicability of the requirements of this chapter to a person otherwise subject to this chapter does not depend on the Court's making a certification under subsection (a) of this section. The Court is required to enter an order certifying that a person is a sex offender only when-

(1) A defendant is found in a proceeding before the Court to have committed a registration offense;

(2) The Court, on or after July 11, 2000, orders the release of a sex offender into the community following a period of detention, incarceration, confinement, civil commitment, or hospitalization;

(3) The government makes a motion for such a certification and the Court grants the motion; or

(4) A motion is filed as authorized under § 22-4004 and the Court denies the motion.

(July 11, 2000, D.C. Law 13-137, § 4, 47 DCR 797.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 13-137, see notes following § 22-4001.

§ 22-4004. DISPUTE RESOLUTION PROCEDURES IN THE SUPERIOR COURT.

(a)(1) A person, other than a person for whom a certification has been made under § 22-4003(a), may seek review of a determination by the Agency that the person is required to register or to register for life under this chapter if:

(A) The determination depends on a finding or findings which are not apparent from the disposition described in § 22-4001(3)(A), including, but not limited to, a finding not apparent from the disposition as to:

(i) Whether the victim of an offense was a minor or under 12 year of age;

(ii) Whether certain sexual acts or contacts were forcible;

(iii) Whether the exemption of § 22-4016(b) applies; or

(iv) Whether the standards under § 22-4001(6)(E) or (8)(G) for coverage offenses under the laws of other jurisdictions are satisfied; or

(B) The person asserts that the records establishing that he or she was convicted or found not guilty by reason of insanity of a registration offense or offenses or a lifetime registration offense or offenses, or that he or she was determined to be a sexual psychopath as provided in § 22-

4001(3)(A)(ii), are erroneous.

(2) In order to seek review of a determination, as authorized by paragraph (1) of this subsection, the person shall:

(A) At the time the person is first informed by the Agency that it has determined that the person must register as a sex offender or must register as a sex offender for life, provide the Agency with a notice of intent to seek review of the determination; and

(B) Within 30 days of providing the notice of intent described in subparagraph (A) of this paragraph, file a motion in the Court setting forth the facts which he or she disputes and attaching any documents or affidavits upon which he or she intends to rely. The Court shall decide the motion within 60 days of its filing.

(3) If a person fails to follow the procedures set forth in paragraph (2) of this subsection, he or she may nevertheless seek review of a determination, as authorized by paragraph (1) of this subsection, but only for good cause shown and to prevent manifest injustice, by filing a motion within 3 years of the date on which a determination is made by the Agency that the person must register as a sex offender or must register as a sex offender for life. The release and dissemination of information concerning the person, including community notification, as authorized by this chapter for sex offenders will, however, proceed unless and until the Court issues an order that the person is not required to register as a sex offender.

(b) Unless the motion described in subsection (a) of this section and attached documents and affidavits conclusively show that the person is entitled to no relief, the Court shall cause notice thereof to be served upon the prosecuting attorney.

(c)(1) The Court may, in its sole discretion, decide a motion made under subsection (a) of this section on the basis of the motion, affidavits, the files and records of the case, other written documents, proffers of the parties, or an evidentiary hearing. If the Court determines that a hearing is necessary to decide the issue or if the interests of justice otherwise require, the Court shall appoint counsel for the person if he or she is not represented by counsel and meets the financial criteria for the appointment of counsel.

(2) If the Court concludes that the person is required to register under this chapter, the Court shall follow the procedures set forth in § 22-4003(a) and (b). If the Court concludes that the person is not required to register under this chapter or is not required to register for life under this chapter, the Court shall enter an order certifying that the person is not required to register under this chapter or is not required to register for life under this chapter and shall provide the Agency with a copy of that order.

(July 11, 2000, D.C. Law 13-137, § 5, 47 DCR 797.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 13-137, see notes following § 22-4001.

§ 22-4005. DUTIES OF THE DEPARTMENT OF CORRECTIONS.

(a) Immediately before the release into the community of a sex offender in its custody or under its supervision, or immediately before the transfer of a sex offender to a halfway house, whichever is earlier, the Department of Corrections shall notify the Agency of the sex offender's proposed release, and shall provide to the Agency such records and information as will assist the Agency in carrying out its responsibilities under this chapter.

(b) Immediately before the release into the community of a sex offender in its custody or under its supervision or immediately before a sex offender transfers to a halfway house, whichever is earlier, the Department of Corrections shall inform the sex offender orally and in writing of the duty to register and of the time when and place where he or she is to appear to register and shall require the sex offender to read and sign the notice.

(July 11, 2000, D.C. Law 13-137, § 6, 47 DCR 797.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 13-137, see notes following § 22-4001.

§ 22-4006. DUTIES OF THE DEPARTMENT OF MENTAL HEALTH.

(a) The Agency shall have the authority to notify the Department of Mental Health in writing of those sex offenders in the custody or under the supervision of the Department of Mental Health who are required to register pursuant to this chapter.

(b) With respect to sex offenders for whom notice has been given pursuant to subsection (a) of this section, the Department of Mental Health shall inform the Agency when a sex offender:

- (1) Is first granted unaccompanied access to the hospital grounds or is placed on convalescent leave;
- (2) Is first conditionally or unconditionally released; or
- (3) Is on unauthorized leave.

(c) The information provided to the Agency by the Department of Mental Health shall include:

- (1) The name of and other identifying information about a sex offender, including a physical description and photograph, if available;
- (2) The action taken under subsection (b) of this section;
- (3) The date on which the action was taken;
- (4) To the extent known, the address at which the sex offender is living or intends to live, works or intends to work, or attends school or intends to attend school; and
- (5) Administrative information that may assist the Agency or the Metropolitan Police Department in locating the sex offender.

(d) The Agency and the Metropolitan Police Department are authorized to make further disclosures of the information provided by the Department of Mental Health pursuant to this section as necessary to ensure compliance with this chapter and to prosecute violations of this chapter.

(July 11, 2000, D.C. Law 13-137, § 7, 47 DCR 797; Dec. 18, 2001, D.C. Law 14-56, § 116(h), 48 DCR 7674.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 14-56, substituted "Department of Mental Health" for "Commission on Mental Health Services" in the heading, and in subsecs. (a), (b), (c), and (d).

Temporary Amendments of Section

Section 16(h) of D.C. Law 14-51 substituted "Department of Mental Health" for "Commission on Mental Health Services" in the heading; and, in subsecs. (a), (b), (c) and (d), substituted "Department of Mental Health" for "Commission on Mental Health Services".

Section 19(b) of D.C. Law 14-51 provides that the act shall expire after 225 days of its having taken effect.

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 16(h) of Department of Mental Health Establishment Emergency Amendment Act of 2001 (D.C. Act 14-55, May 2, 2001, 48 DCR 4390).

For temporary (90 day) amendment of section, see § 16(h) of Department of Mental Health Establishment Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-101, July 23, 2001, 48 DCR 7123).

For temporary (90 day) amendment of section, see § 116(h) of Mental Health Service Delivery Reform Congressional Review Emergency Act of 2001 (D.C. Act 14-144, October 23, 2001, 48 DCR 9947).

Legislative History of Laws

For Law 13-137, see notes following § 22-4001.

Law 14-51, the "Department of Mental Health Establishment Temporary Amendment Act of 2001", was introduced in Council and assigned Bill No. 14-174, which was retained by Council. The Bill was adopted on first and second readings on April 3, 2001, and May 1, 2001, respectively. Signed by the Mayor on May 22, 2001, it was assigned Act No. 14-72 and transmitted to both Houses of Congress for its review. D.C. Law 14-51 became effective on October 30, 2001.

Law 14-56, the "Mental Health Service Delivery Reform Act of 2001", was introduced in Council and assigned Bill No. 14-136, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on June 26, 2001, and July 10, 2001, respectively. Signed by the Mayor on July 24, 2001, it was assigned Act No. 14-119 and transmitted to both Houses of Congress for its review. D.C. Law 14-56 became effective on December 18, 2001.

§ 22-4007. REGISTRATION FUNCTIONS OF THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY.

(a) The Agency shall have the authority to adopt and implement procedures and requirements for the registration of sex offenders under this chapter. The procedures and requirements may include, but need not be limited to, requirements that a responsible officer or official shall:

- (1) Inform the sex offender of the duty to register and the penalties for failure to register;
- (2) Obtain the information required for registration, which may include such information as the sex offender's name, all aliases used, date of birth, sex, race, height, weight, eye color, identifying marks and characteristics, driver's license number, social security number, PDID, DCDC, FBI and NCIC numbers, home address or expected place of residence, and any current or expected place of employment or school attendance;
- (3) Obtain a photograph and set of fingerprints of the sex offender;
- (4) Obtain a detailed description of the offense on the basis of which the sex offender is required to register, the victim impact statement, the date of conviction or other disposition related to the offense, and any sentence imposed;
- (5) Obtain the sex offender's criminal record and a detailed description of any relevant offense;
- (6) Inform the sex offender of the duty to report any change of address, and of any duty to update other registration information, and the procedures for reporting such changes;
- (7) Inform the sex offender that if the sex offender moves to another state, or works or attends school in another state, then the sex offender also must report this information, and must register in any such state;
- (8) Require the sex offender to read and sign a form stating that the duties of the sex offender under this chapter have been explained; and
- (9) Inform a person that if the person disagrees with the determination that he or she is required to register or to register for life under this chapter, he or she must follow the procedures set forth in § 22-4004.

(b) The Agency shall have the authority to direct that a sex offender meet with a responsible officer or official at a reasonable time for the purpose of complying with any requirement adopted by the Agency under this chapter.

(c) The Agency shall have the authority to ensure that the sex offender registry is updated regularly and that outdated information is promptly removed from publicly available information.

(July 11, 2000, D.C. Law 13-137, § 8, 47 DCR 797.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 13-137, see notes following § 22-4001.

§ 22-4008. VERIFICATION FUNCTIONS OF THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY.

(a) The Agency shall have the authority to adopt and implement procedures and requirements for verification of address information and other information required for registration under this chapter. The procedures and requirements may include, but need not be limited to, requirements that the sex offender:

- (1) Verify address information or other information at least annually, or at more frequent intervals as specified by the Agency;
- (2) Return address verification forms;
- (3) Appear in person for purposes of verification;
- (4) Cooperate in the taking of fingerprints and photographs, as part of the verification process; and
- (5) Update any information that has changed since any preceding registration or verification as part of the verification process.

(b) The Agency shall have the authority to immediately notify the Metropolitan Police Department if the Agency is unable to verify the address of or locate a sex offender who is required to register under this chapter or if the sex offender otherwise fails to comply with any requirements of this chapter.

(July 11, 2000, D.C. Law 13-137, § 9, 47 DCR 797.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 13-137, see notes following § 22-4001.

§ 22-4009. CHANGE OF ADDRESS OR OTHER INFORMATION.

(a) The Agency shall have the authority to adopt and implement procedures and requirements for the reporting by sex offenders of changes in address and changes in other information required for registration.

(b)(1) The Agency shall have the authority to notify the responsible registration agency or authorities in any other jurisdiction to which a sex offender moves, or in which a sex offender works or attends school.

(2) The Agency shall have the authority to provide to the responsible agency or authorities in the other jurisdiction all information concerning the sex offender that may be necessary or useful for registration of the sex offender in that jurisdiction, or for purposes of risk assessment, community notification, or other comparable functions in that jurisdiction.

(July 11, 2000, D.C. Law 13-137, § 10, 47 DCR 797.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 13-137, see notes following § 22-4001.

**§ 22-4010. MAINTENANCE AND RELEASE OF SEX OFFENDER
REGISTRATION INFORMATION BY THE COURT SERVICES AND
OFFENDER SUPERVISION AGENCY.**

(a) The Agency shall have the authority to maintain and operate the sex offender registry for the District of Columbia, including the authority to maintain the information obtained on sex offenders.

(b) The Agency shall have the authority to enter the information obtained on sex offenders into appropriate record systems and databases and:

(1) Ensure that conviction data and fingerprints are promptly transmitted to the Federal Bureau of Investigation;

(2) Participate in the National Sex Offender Registry on behalf of the District, including providing to the Federal Bureau of Investigation all information required for such participation;

(3) Ensure that information concerning sex offenders is promptly provided or made available to the Metropolitan Police Department, and to other law enforcement and governmental agencies as appropriate; and

(4) Inform the Metropolitan Police Department that a person has provided the Agency with a notice of intent to seek review of the determination that he or she must register under this chapter in conformity with § 22-4004(a)(2)(A) and that registration information on the person shall not be made publicly available unless and until the Agency informs the Metropolitan Police Department that the Court has certified that the person must register under this chapter, the person has failed to file a motion in the Court within the time allowed by § 22-4004(a)(2)(B), or the person's motion seeking review of the determination has been withdrawn or dismissed.

(c) This chapter does not authorize the Agency to make sex offender registration information publicly available, except as authorized by the rules promulgated under § 22-4011(g), or through the provision of such information to the Metropolitan Police Department or other agencies or authorities as authorized by this chapter.

(July 11, 2000, D.C. Law 13-137, § 11, 47 DCR 797.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 13-137, see notes following § 22-4001.

**§ 22-4011. COMMUNITY NOTIFICATION AND EDUCATION DUTIES OF THE
METROPOLITAN POLICE DEPARTMENT.**

(a) The Metropolitan Police Department shall have the authority to release and disseminate the information obtained on sex offenders. The authorized activities of the Metropolitan Police Department under this section include, but are not limited to, active and passive notification to all or parts of the community concerning a sex offender, including but not limited to:

(1) Victims and witnesses;

(2) Public and private educational institutions, day care entities and other institutions or organizations that provide services to or employ individuals who may be victimized by a sex offender;

(3) Members of the public or governmental agencies requesting information on identified individuals

for employment or foster care background checks or similar purposes;

(4) The public at large; and

(5) Any unit of the Metropolitan Police Department and other law enforcement agencies.

(b)(1)(A) Active notification under this section refers to affirmatively informing persons or entities about sex offenders. Authorized means of active notification include, but are not limited to, community meetings, flyers, telephone calls, door-to-door contacts, electronic notification, direct mailings, and media releases.

(B) Passive notification under this section refers to making information about sex offenders available for public inspection or in response to inquiries. Authorized means of passive notification include, but are not limited to, Internet postings, making registration lists and information about registrants available for inspection at police stations and other locations, and responding to written or oral inquiries in person, through the mail, by telephone, or through email or other electronic means. The Metropolitan Police Department shall develop and implement a system to make available for public inspection by means of the Internet all or part of the portions of the sex offender registry relating to Class A and Class B offenders, as defined in paragraph (2) of this subsection.

(2) For purposes of this section:

(A) Class A offenders shall consist of sex offenders who are required to register for life as provided in § 22-4002(b);

(B) Class B offenders shall consist of sex offenders, other than Class A offenders, who are required to register for an offense against a minor, or who are required to register for sexual abuse of a ward or sexual abuse of a patient or client under Chapter 30 of this title; and

(C) Class C offenders shall consist of sex offenders other than Class A and Class B offenders.

(3) Passive notification may be carried out concerning any sex offender, except that information made available under this section for public inspection by means of the Internet shall be limited to information on Class A and Class B offenders. Active notification concerning Class A offenders may be provided to any person or entity. Active notification concerning Class B and Class C offenders may be provided to:

(A) Law enforcement agencies;

(B) Organizations that deal with or provide services to vulnerable populations or victims of sexual offenses, including but not limited to schools, day care centers, other child care and youth-serving organizations, facilities caring for or providing services to the elderly or persons with impairments, shelters, churches, and victims rights and victims services entities;

(C) Victims of and witnesses to a sex offender's crime or crimes and parents, guardians, and family member of such persons; and

(D) Any person where the Metropolitan Police Department has information indicating that the sex offender may pose a specific risk to that person, and parents, guardians, and family members of such a person.

(c) The Metropolitan Police Department shall conduct community education about the appropriate use of sex offender registration information.

(d) All publicly disseminated sex offender registration information shall contain a warning that crimes committed against sex offenders will be prosecuted to the full extent of the law.

(e) This section does not limit the authority of the Metropolitan Police Department to release information concerning any person, except that the identity of a victim of an offense requiring registration shall be treated as confidential information as provided in the regulations issued under subsection (g) of this section.

(f) If the Agency informs the Metropolitan Police Department that a person has provided the Agency with a notice of intent to seek review of the determination that he or she must register under this chapter in conformity with § 22-4004(a)(2)(A), the Metropolitan Police Department shall not release registration information on the person to the public unless and until the Agency informs the Metropolitan Police Department that the Court has certified that the person must register under this chapter, the person has failed to file a motion in the Court within the time allowed by § 22-4004(a)(2)(B), or the person's motion for review of the determination has been withdrawn or dismissed.

(g) Within 210 days of the effective date of this chapter, the Mayor shall promulgate proposed rules, in accordance with subchapter I of Chapter 5 of Title 2, to carry out all functions of this chapter. Not less than 75 days prior to the proposed effective date of the proposed rules, the Mayor shall submit them to the Council for a 30-day review period, excluding Saturdays, Sundays, legal holidays and days of Council recess. If the Council does not approve or disapprove the proposed rules, or amendments to existing rules in whole or in part, by resolution within this 30-day review period, the proposed rules or amendments to existing rules shall be deemed approved.

For Law 13-137, see notes following § 22-4001.

§ 22-4012. INTERAGENCY COORDINATION.

(a) The Agency may request that any agency of the District of Columbia, of another state, or of the United States provide assistance in carrying out the functions described in this chapter.

(b) Notwithstanding any other law, all agencies of the District of Columbia shall:

(1) Have the authority to provide any requested assistance to the Agency in carrying out the functions described in this chapter;

(2) Make available to the Agency information requested by the Agency for the purpose of identifying sex offenders and otherwise carrying out its functions under this chapter; and

(3) Cooperate with the Agency in posting notices and making available information concerning registration requirements in locations where persons entering the District from other jurisdictions may apply for driver's licenses, motor vehicle tags and inspections, housing, or other public assistance or benefits.

(c) Except for the disclosure of information authorized by § 22-4006, nothing in this chapter shall supersede the non-disclosure provisions of Chapter 12 of Title 7.

(July 11, 2000, D.C. Law 13-137, § 13, 47 DCR 797.)

For Law 13-137, see notes following § 22-4001.

§ 22-4013. IMMUNITY.

(a) The District of Columbia government and its agencies, officials, employees, and agents and the United States government and its agencies, officials, employees, and agents shall be immune from suit for any claim arising from any good faith act of omission under this chapter.

(b) Notwithstanding subsection (a) of this section, the District of Columbia government may be held liable for the negligent disclosure of information to the public in violation of this chapter. A person subjected to such a violation may bring suit in the Court for injunctive or declaratory relief to abate a continuing violation, and for compensatory damages. The action under this subsection shall be the exclusive remedy under the law of the District of Columbia for the negligent disclosure of information in violation of this chapter. Except as provided by this subsection or § 22-4004(a), nothing in this chapter shall be construed to create any private right of action or give rise to any rights enforceable by injunction, mandamus, or otherwise.

(c) If the Court has made a determination under § 22-4003 or § 22-4004 that a person must register or must register for life, or if the Agency has made such a determination and the person has failed to seek review of the determination in conformity with § 22-4004, then the person shall be barred in a suit under this section from contesting the determination or any fact, finding, or issue that was resolved by or necessary to the determination.

(d) Nothing in this section shall be construed as limiting any other defense or immunity that would otherwise be available to the District of Columbia government, its agencies, officials, employees, or agents or the United States government, its agencies, officials, employees, or agents, or to obligate the District of Columbia government or the United States government to represent or indemnify any official, employee, or agent where such person acts beyond the scope of his or her authority.

(July 11, 2000, D.C. Law 13-137, § 14, 47 DCR 797.)

For Law 13-137, see notes following § 22-4001.

§ 22-4014. DUTIES OF SEX OFFENDERS.

During the registration period, a sex offender shall, in the time and manner specified by the Agency:

(1) Register with the Agency as a sex offender;

- (2) Provide any information required for registration, and cooperate in photographing and fingerprinting;
- (3) Report any change of residence or other change in registration information;
- (4) Periodically verify address and such other registration information as the Agency may specify, including complying with any requirement to return address verification forms or appear in person for the purpose of verification;
- (5) Report if the sex offender is moving to another state, or works or attends school in another state, and register in any such state;
- (6) Acknowledge receipt of information concerning the sex offender's duties under this chapter, including reading and signing a form or forms stating that these duties have been explained to the sex offender; and
- (7) Meet with responsible officers and officials for the purpose of carrying out any requirements adopted by the Agency under this chapter.

(July 11, 2000, D.C. Law 13-137, § 15, 47 DCR 797.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 13-137, see notes following § 22-4001.

§ 22-4015. PENALTIES; MANDATORY RELEASE CONDITION.

- (a) Any sex offender who knowingly violates any requirement of this chapter, including any requirement adopted by the Agency pursuant to this chapter, shall be fined not more than \$1,000, or imprisoned for not more than 180 days, or both. In the event that a sex offender convicted under this section has a prior conviction under this section, or a prior conviction in any other jurisdiction for failing to comply with the requirements of a sex offender registration program, the sex offender shall be fined not more than \$25,000, or imprisoned not more than 5 years, or both.
- (b) Compliance with the requirements of this chapter, including any requirements adopted by the Agency pursuant to this chapter, shall be a mandatory condition of probation, parole, supervised release, and conditional release of any sex offender.

(July 11, 2000, D.C. Law 13-137, § 16, 47 DCR 797.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 13-137, see notes following § 22-4001.

§ 22-4016. NO CHANGE IN AGE OF CONSENT; REGISTRATION NOT REQUIRED FOR OFFENSES BETWEEN CONSENTING ADULTS.

- (a) This chapter does not change the age of consent for any sexual conduct under any law of the District of Columbia.
- (b) Notwithstanding any other provision of this chapter, the following do not constitute registration offenses:
 - (1) Any sexual offense between consenting adults or an attempt, conspiracy or solicitation to commit such an offense, except for offenses to which consent is not a defense as provided in § 22-3017;
 - (2) Any misdemeanor offense that involved a person's sexual touching or attempted or solicited sexual touching of an undercover law enforcement officer where the person believed that the officer was an adult; and
 - (3) Any misdemeanor offense committed against an adult, except where the offender agrees in a plea agreement to be subject to sex offender registration requirements.

(July 11, 2000, D.C. Law 13-137, § 17, 47 DCR 797.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 13-137, see notes following § 22-4001.

§ 22-4017. FREEDOM OF INFORMATION ACT EXCEPTION.

Except for records made public according to the regulations promulgated by the Mayor pursuant to § 22-4011(g), no sex offender registration information shall be available as a public record under § 2-532.

(July 11, 2000, D.C. Law 13-137, § 18, 47 DCR 797.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 13-137, see notes following § 22-4001.