

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 22.
CRIMINAL OFFENSES AND PENALTIES.

CHAPTER 7.
BRIBERY; OBSTRUCTING JUSTICE; CORRUPT
INFLUENCE.

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DISTRICT OF COLUMBIA OFFICIAL CODE
CHAPTER 7. BRIBERY; OBSTRUCTING JUSTICE;
CORRUPT INFLUENCE.

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CHAPTER 7. BRIBERY; OBSTRUCTING JUSTICE; CORRUPT INFLUENCE.

SUBCHAPTER I. CORRUPT INFLUENCE.

§§ 22-701 TO 22-703. DEFINITION AND PENALTY; OFFERING OR RECEIVING MONEY, PROPERTY, OR VALUABLE CONSIDERATION TO PROCURE OFFICE OR PROMOTION FROM COUNCIL; OBSTRUCTING JUSTICE.[REPEALED]

(Dec. 1, 1982, D.C. Law 4-164, § 602(b)-(d), 29 DCR 3976.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., §§ 22-701 to 22-703.

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.

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.

§ 22-704. CORRUPT INFLUENCE; OFFICIALS.

(a) Whosoever corruptly, directly or indirectly, gives any money, or other bribe, present, reward, promise, contract, obligation, or security for the payment of any money, present, reward, or thing of value to any ministerial, administrative, executive, or judicial officer of the District of Columbia, or any employee, or other person acting in any capacity for the District of Columbia, or any agency thereof, either before or after the officer, employee, or other person acting in any capacity for the District of Columbia is qualified, with intent to influence such official's action on any matter which is then pending, or may by law come or be brought before such official in such official's official capacity, or to cause such official to execute any of the powers in such official vested, or to perform any duties of such official required, with partiality or favor, or otherwise than is required by law, or in consideration that such official being authorized in the line of such official's duty to contract for any advertising or for the furnishing of any labor or material, shall directly or indirectly arrange to receive or shall receive, or shall withhold from the parties so contracted with, any portion of the contract price, whether that price be fixed by law or by agreement, or in consideration that such official has nominated or appointed any person to any office or exercised any power in such official vested, or performed any duty of such official required, with partiality or favor, or otherwise contrary to law; and whosoever, being such an official, shall receive any such money, bribe, present, or reward, promise, contract, obligation, or security, with intent or for the purpose or consideration aforesaid shall be deemed guilty of bribery and upon conviction thereof shall be punished by imprisonment for a term not less than 6 months nor more than 5 years.

(b) Whosoever corrupts or attempts, directly or indirectly, to corrupt any special master, auditor, juror, arbitrator, umpire, or referee, by giving, offering, or promising any gift or gratuity whatever, with intent to bias the opinion, or influence the decision of such official, in relation to any matter pending in the court, or

before an inquest, or for the decision of which such arbitrator, umpire, or referee has been chosen or appointed, and every official who receives, or offers or agrees to receive, a bribe in any of the cases above mentioned shall be guilty of bribery and upon conviction thereof shall be punished as hereinbefore provided.

(Feb. 26, 1936, 49 Stat. 1143, ch. 87; May 21, 1994, D.C. Law 10-119, § 5, 41 DCR 1639.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 22-704.

1973 Ed., § 22-704.

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.

SUBCHAPTER II. BRIBERY.

§ 22-711. DEFINITIONS.

For the purposes of this subchapter, the term:

- (1) "Court of the District of Columbia" means the Superior Court of the District of Columbia or the District of Columbia Court of Appeals.
- (2) "Juror" means any grand, petit, or other juror, or any person selected or summoned as a prospective juror of the District of Columbia.
- (3) "Official action" means any decision, opinion, recommendation, judgment, vote, or other conduct that involves an exercise of discretion on the part of the public servant.
- (4) "Official duty" means any required conduct that does not involve an exercise of discretion on the part of the public servant.
- (5) "Official proceeding" means any trial, hearing, investigation, or other proceeding in a court of the District of Columbia or conducted by the Council of the District of Columbia or an agency or department of the District of Columbia government, or a grand jury proceeding.
- (6) "Public servant" means any officer, employee, or other person authorized to act for or on behalf of the District of Columbia government. The term "public servant" includes any person who has been elected, nominated, or appointed to be a public servant or a juror. The term "public servant" does not include an independent contractor.

(Dec. 1, 1982, D.C. Law 4-164, § 301, 29 DCR 3976; May 7, 1993, D.C. Law 9-268, § 2(a), 39 DCR 5702.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 22-711.

Legislative History of Laws

For legislative history of D.C. Law 4-164, see Historical and Statutory Notes following § 22-701.

Law 9-268, the "Law Enforcement Witness Protection Amendment Act of 1992," was introduced in Council and assigned Bill No. 9-385 which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on June 2, 1992, and July 7, 1992, respectively. Signed by the Mayor on July 21, 1992, it was assigned Act No. 9-256 and transmitted to both Houses of Congress for its review. D.C. Law 9-268 became effective on May 7, 1993.

§ 22-712. PROHIBITED ACTS; PENALTY.

(a) A person commits the offense of bribery if that person:

- (1) Corruptly offers, gives, or agrees to give anything of value, directly or indirectly, to a public servant; or
- (2) Corruptly solicits, demands, accepts, or agrees to accept anything of value, directly or indirectly, as

a public servant; in return for an agreement or understanding that an official act of the public servant will be influenced thereby or that the public servant will violate an official duty, or that the public servant will commit, aid in committing, or will collude in or allow any fraud against the District of Columbia.

(b) Nothing in this section shall be construed as prohibiting concurrence in official action in the course of legitimate compromise between public servants.

(c) Any person convicted of bribery shall be fined not more than \$25,000 or 3 times the monetary equivalent of the thing of value, whichever is greater, or imprisoned for not more than 10 years, or both.

(Dec. 1, 1982, D.C. Law 4-164, § 302, 29 DCR 3976.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 22-712.

Legislative History of Laws

For legislative history of D.C. Law 4-164, see Historical and Statutory Notes following § 22-701.

§ 22-713. BRIBERY OF WITNESS; PENALTY.

(a) A person commits the offense of bribery of a witness if that person:

(1) Corruptly offers, gives, or agrees to give to another person; or

(2) Corruptly solicits, demands, accepts, or agrees to accept from another person; anything of value in return for an agreement or understanding that the testimony of the recipient will be influenced in an official proceeding before any court of the District of Columbia or any agency or department of the District of Columbia government, or that the recipient will absent himself or herself from such proceedings.

(b) Nothing in subsection (a) of this section shall be construed to prohibit the payment or receipt of witness fees provided by law, or the payment by the party upon whose behalf a witness is called and receipt by a witness of a reasonable cost of travel and subsistence incurred and the reasonable value of time lost in attendance at any such proceeding, or, in case of expert witnesses, a reasonable fee for time spent in the preparation of a technical or professional opinion and appearing and testifying.

(c) Any person convicted of bribery of a witness shall be fined not more than \$2,500 or imprisoned for not more than 5 years, or both.

(Dec. 1, 1982, D.C. Law 4-164, § 303, 29 DCR 3976.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 22-713.

Legislative History of Laws

For legislative history of D.C. Law 4-164, see Historical and Statutory Notes following § 22-701.

SUBCHAPTER III. OBSTRUCTING JUSTICE.

§ 22-721. DEFINITIONS.

For the purpose of this subchapter, the term:

(1) "Court of the District of Columbia" means the Superior Court of the District of Columbia or the District of Columbia Court of Appeals.

(2) "Criminal investigator" means an individual authorized by the Mayor or the Mayor's designated agent to conduct or engage in a criminal investigation, or a prosecuting attorney conducting or engaged in a criminal investigation.

(3) "Criminal investigation" means an investigation of a violation of any criminal statute in effect in the District of Columbia.

(4) "Official proceeding" means any trial, hearing, investigation, or other proceeding in a court of the District of Columbia or conducted by the Council of the District of Columbia or an agency or department of the District of Columbia government, or a grand jury proceeding.

(Dec. 1, 1982, D.C. Law 4-164, § 501, 29 DCR 3976; May 7, 1993, D.C. Law 9-268, § 2(b), 39 DCR 5702.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 22-721.

Legislative History of Laws

For legislative history of D.C. Law 4-164, see Historical and Statutory Notes following § 22-701.

For legislative history of D.C. Law 9-268, see Historical and Statutory Notes following § 22-711.

§ 22-722. PROHIBITED ACTS; PENALTY.

(a) A person commits the offense of obstruction of justice if that person:

(1) Knowingly uses intimidation or physical force, threatens or corruptly persuades another person, or by threatening letter or communication, endeavors to influence, intimidate, or impede a juror in the discharge of the juror's official duties;

(2) Knowingly uses intimidating or physical force, threatens or corruptly persuades another person, or by threatening letter or communication, endeavors to influence, intimidate, or impede a witness or officer in any official proceeding, with intent to:

(A) Influence, delay, or prevent the truthful testimony of the person in an official proceeding;

(B) Cause or induce the person to withhold truthful testimony or a record, document, or other object from an official proceeding;

(C) Evade a legal process that summons the person to appear as a witness or produce a document in an official proceeding; or

(D) Cause or induce the person to be absent from a legal official proceeding to which the person has been summoned by legal process;

(3) Harasses another person with the intent to hinder, delay, prevent, or dissuade the person from:

(A) Attending or testifying truthfully in an official proceeding;

(B) Reporting to a law enforcement officer the commission of, or any information concerning, a criminal offense;

(C) Arresting or seeking the arrest of another person in connection with the commission of a criminal offense; or

(D) Causing a criminal prosecution or a parole or probation revocation proceeding to be sought or instituted, or assisting in a prosecution or other official proceeding;

(4) Injures or threatens to injure any person or his or her property on account of the person or any other person giving to a criminal investigator in the course of any criminal investigation information related to a violation of any criminal statute in effect in the District of Columbia;

(5) Injures or threatens to injure any person or his or her property on account of the person or any other person performing his official duty as a juror, witness, or officer in any court in the District of Columbia; or

(6) Corruptly, or by threats of force, any way obstructs or impedes or endeavors to obstruct or impede the due administration of justice in any official proceeding.

(b) Any person convicted of obstruction of justice shall be sentenced to a maximum period of incarceration of not less than 3 years and not more than 30 years, or shall be fined not more than \$10,000, or both. For purposes of imprisonment following revocation of release authorized by § 24-403.01, obstruction of justice is a Class A felony.

(Dec. 1, 1982, D.C. Law 4-164, § 502, 29 DCR 3976; May 7, 1993, D.C. Law 9-268, § 2(c), 39 DCR 5702; May 23, 1995, D.C. Law 10-256, § 3, 42 DCR 20; June 8, 2001, D.C. Law 13-302, § 5, 47 DCR 7249; Dec. 10, 2009, D.C. Law 18-88, § 214(m), 56 DCR 7413.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 22-722.

Effect of Amendments

D.C. Law 13-302, in subsec. (b), in the first sentence, substituted "30 years" for "life"; and added the second sentence.

D.C. Law 18-88, in subsecs. (a)(4), (5), substituted "Injures or threatens to injure" for "Injures".

Emergency Act Amendments

For temporary (90-day) amendment of section, see § 5 of the Sentencing Reform Emergency Amendment Act of 2000 (D.C. Act 13-410, August 11, 2000, 47 DCR 7271).

For temporary (90 day) amendment of section, see § 5 of the Sentencing Reform Congressional Review Emergency Amendment Act of 2001 (D.C. Act 13-462, November 7, 2000, 47 DCR 9443).

For temporary (90 day) amendment of section, see § 5 of Sentencing Reform Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-2, February 2, 2001, 48 DCR 2239).

For temporary (90 day) amendment of section, see § 5 of Sentencing Reform Second Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-51, May 2, 2001, 48 DCR 4370).

For temporary (90 day) amendment of section, see § 102(l) of Crime Bill Emergency Amendment Act of 2009 (D.C. Act 18-129, June 29, 2009, 56 DCR 5495).

For temporary (90 day) amendment of section, see § 214(m) 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 § 214(m) 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

For legislative history of D.C. Law 4-164, see Historical and Statutory Notes following § 22-701.

For legislative history of D.C. Law 9-268, see Historical and Statutory Notes following § 22-711.

Law 10-256, the "Public Safety and Law Enforcement Support Amendment Act of 1994," was introduced in Council and assigned Bill No. 10-628, 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. 10-375 and transmitted to both Houses of Congress for its review. D.C. Law 10-256 became effective May 23, 1995.

Law 13-302, the "Sentencing Reform Amendment Act of 2000", was introduced in Council and assigned Bill No. 13-696, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on June 26, 2000, and July 11, 2000, respectively. Signed by the Mayor on August 2, 2000, it was assigned Act No. 13-406 and transmitted to both Houses of Congress for its review. D.C. Law 13-302 became effective on June 8, 2001.

For Law 18-88, see notes following § 22-404.

§ 22-723. TAMPERING WITH PHYSICAL EVIDENCE; PENALTY.

(a) A person commits the offense of tampering with physical evidence if, knowing or having reason to believe an official proceeding has begun or knowing that an official proceeding is likely to be instituted, that person alters, destroys, mutilates, conceals, or removes a record, document, or other object, with intent to impair its integrity or its availability for use in the official proceeding.

(b) Any person convicted of tampering with physical evidence shall be fined not more than \$5,000, imprisoned for not more than 3 years, or both.

(Dec. 1, 1982, D.C. Law 4-164, § 503, 29 DCR 3976; July 15, 2004, D.C. Law 15-174, § 301, 51 DCR 3677.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 22-723.

Effect of Amendments

D.C. Law 15-174 rewrote subsec. (b) which had read as follows:

"(b) Any person convicted of tampering with physical evidence shall be fined not more than \$1,000 or imprisoned for not more than 3 years, or both."

Legislative History of Laws

For legislative history of D.C. Law 4-164, see Historical and Statutory Notes following § 22-701.

Law 15-174, the "Millicent Allewelt Amendment Act of 2004", was introduced in Council and assigned Bill No. 15-34, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on January 6, 2004, and March 2, 2004, respectively. Signed by the Mayor on March 23, 2004, it was assigned Act No. 15-408 and transmitted to both Houses of Congress for its review. D.C. Law 15-174 became effective on July 15, 2004.

