

**DISTRICT OF COLUMBIA**  
**OFFICIAL CODE**

**TITLE 23.**  
**CRIMINAL PROCEDURE.**

**CHAPTER 5.**  
**WARRANTS AND ARRESTS.**

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# DISTRICT OF COLUMBIA OFFICIAL CODE

## CHAPTER 5. WARRANTS AND ARRESTS.

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### TABLE OF CONTENTS

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#### **Subchapter I. Definitions.**

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- § 23-501. Definitions.

#### **Subchapter II. Search Warrants.**

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- § 23-521. Nature and issuance of search warrants.
- § 23-522. Applications for search warrants.
- § 23-523. Time of execution of search warrants.
- § 23-524. Execution of search warrants.
- § 23-525. Disposition of property.

#### **Subchapter II-A. Currency Seized by the Metropolitan Police Department.**

---

- § 23-531. Definitions.
- § 23-532. Depositing of seized currency.
- § 23-533. Rules.
- § 23-534. Applicability.

#### **Subchapter III. Wire Interception and Interception of Oral Communications.**

---

- § 23-541. Definitions.
- § 23-542. Interception, disclosure, and use of wire or oral communications prohibited.
- § 23-543. Possession, sale, distribution, manufacture, assembly, and advertising of wire or oral communication intercepting devices prohibited.
- § 23-544. Confiscation of wire or oral communication intercepting devices.
- § 23-545. Immunity of witnesses.[Repealed]
- § 23-546. Applications for authorization or approval of interception of wire or oral communications.
- § 23-547. Procedure for authorization or approval of interception of wire or oral communications.
- § 23-548. Additional procedure for approval of interception of wire or oral communications.
- § 23-549. Maintenance and custody of records.
- § 23-550. Inventory.
- § 23-551. Procedure for disclosure and suppression of intercepted wire or oral communications.
- § 23-552. Government appeals.
- § 23-553. Authorization for disclosure and use of intercepted wire or oral communications.
- § 23-554. Authorization for recovery of civil damages.
- § 23-555. Reports concerning intercepted wire or oral communications.
- § 23-556. Relation to Federal law on wire interception and interception of oral communications.

#### **Subchapter IV. Arrest Warrant and Summons.**

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- § 23-561. Issuance, form, and contents.
- § 23-562. Execution and return.
- § 23-563. Territorial and other limits.

#### **Subchapter V. Arrest Without Warrant.**

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- § 23-581. Arrests without warrant by law enforcement officers.
- § 23-582. Arrests without warrant by other persons.

#### **Subchapter VI. Authority to Break and Enter Under Certain Conditions.**

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- § 23-591. Authority to break and enter under certain conditions.[Repealed]

# CHAPTER 5. WARRANTS AND ARRESTS.

## SUBCHAPTER I. DEFINITIONS.

### § 23-501. DEFINITIONS.

As used in subchapters II, IV, and V of this chapter --

(1) The term "judicial officer" means a judge of the Superior Court of the District of Columbia or of the United States District Court for the District of Columbia, or a United States commissioner or magistrate for the District of Columbia.

(2) The term "law enforcement officer" means an officer or member of the Metropolitan Police Department of the District of Columbia, or of any other police force operating in the District of Columbia; an investigative officer or agent of the United States; animal control officer employed by the District of Columbia; or the Fire Marshal and any member of the Fire and Arson Investigation Unit of the Fire Prevention Bureau of the Fire Department of the District of Columbia, for the purpose of enforcing arson and the fire safety laws of the District of Columbia, who is so designated in writing by the Fire Chief.

(3) The term "prosecutor" means the United States Attorney for the District of Columbia or his assistant, the Corporation Counsel of the District of Columbia or his assistant, or an attorney employed by, and who has entered an appearance on behalf of, the United States or the District of Columbia in a criminal case or in an investigation being conducted by a grand jury.

(July 29, 1970, 84 Stat. 613, Pub. L. 91-358, title II, § 210(a); Oct. 18, 1988, D.C. Law 7-176, § 9(b), 35 DCR 4787; Mar. 26, 1999, D.C. Law 12-176, § 4, 45 DCR 5662.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 23-501.

1973 Ed., § 23-501.

##### *Emergency Act Amendments*

For temporary amendment of section, see § 4 of the Arson Investigators Emergency Amendment Act of 1998 (D.C. Act 12-406, July 13, 1998, 45 DCR 4833), § 4 of the Arson Investigators Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-466, October 28, 1998, 45 DCR 7838), and § 4 of the Arson Investigators Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-539, December 24, 1998, 46 DCR 297).

##### *Legislative History of Laws*

Law 7-176, the "Dangerous Dog Amendment Act of 1988," was introduced in Council and assigned Bill No. 7-276, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on May 17, 1988 and May 31, 1988, respectively. Signed by the Mayor on June 9, 1988, it was assigned Act No. 7-190 and transmitted to both Houses of Congress for its review.

Law 12-176, the "Arson Investigator Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-485, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on May 5, 1998, and June 2, 1998, respectively. Signed by the Mayor on July 20, 1998, it was assigned Act No. 12-418 and transmitted to both Houses of Congress for its review. D.C. Law 12-176 became effective on March 26, 1999.

## SUBCHAPTER II. SEARCH WARRANTS.

### § 23-521. NATURE AND ISSUANCE OF SEARCH WARRANTS.

(a) Under circumstances described in this subchapter, a judicial officer may issue a search warrant upon application of a law enforcement officer or prosecutor. A warrant may authorize a search to be conducted anywhere in the District of Columbia and may be executed pursuant to its terms.

(b) A search warrant may direct a search of any or all of the following:

- (1) one or more designated or described places or premises;
- (2) one or more designated or described vehicles;
- (3) one or more designated or described physical objects; or
- (4) designated persons.

(c) A search warrant may direct the seizure of designated property or kinds of property, and the seizure may include, to such extent as is reasonable under all the circumstances, taking physical or other impressions, or performing chemical, scientific, or other tests or experiments of, from, or upon designated premises, vehicles, or objects.

(d) Property is subject to seizure pursuant to a search warrant if there is probable cause to believe that it --

- (1) is stolen or embezzled;
- (2) is contraband or otherwise illegally possessed;
- (3) has been used or is possessed for the purpose of being used, or is designed or intended to be used, to commit or conceal the commission of a criminal offense; or
- (4) constitutes evidence of or tends to demonstrate the commission of an offense, the identity of a person participating in the commission of an offense, or the identity of a person who is the victim of a crime.

(e) A search warrant may be addressed to a specific law enforcement officer or to any classification of officers of the Metropolitan Police Department of the District of Columbia or other agency authorized to make arrests or execute process in the District of Columbia.

(f) A search warrant shall contain --

- (1) the name of the issuing court, the name and signature of the issuing judicial officer, and the date of issuance;
- (2) if the warrant is addressed to a specific officer, the name of that officer, otherwise, the classifications of officers to whom the warrant is addressed;
- (3) a designation of the premises, vehicles, objects, or persons to be searched, sufficient for certainty of identification;
- (4) a description of the property whose seizure is the object of the warrant;
- (5) a direction that the warrant be executed during the hours of daylight or, where the judicial officers have found cause therefor, including one of the grounds set forth in section 23-522(c)(1), an authorization for execution at any time of day or night; and
- (6) a direction that the warrant and an inventory of any property seized pursuant thereto be returned to the court on the next court day after its execution.

(July 29, 1970, 84 Stat. 614, Pub. L. 91-358, title II, § 210(a); Oct. 26, 1974, 88 Stat. 1455, Pub. L. 93-481, § 4(b); Apr. 30, 1988, D.C. Law 7-104, § 7(a), 35 DCR 147; June 3, 2011, D.C. Law 18-376, § 4, 58 DCR 944.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 23-521.

1973 Ed., § 23-521.

##### *Effect of Amendments*

D.C. Law 18-376 rewrote subsec. (d)(4), which formerly read:

"(4) constitutes evidence of or tends to demonstrate the commission of an offense or the identity of a person participating in the commission of an offense."

##### *Legislative History of Laws*

Law 7-104, the "Technical Amendments Act of 1987," was introduced in Council and assigned Bill No. 7-346, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 24, 1987 and December 8, 1987, respectively. Signed by the Mayor on December 22, 1987, it was assigned Act No. 7-124 and transmitted to both Houses of Congress for its review.

Law 18-376, the "Attorney General Subpoena Authority Authorization Amendment Act of 2010", was

introduced in Council and assigned Bill No. 18-1009, which was referred to the Committee on Public Safety and the Judiciary. The Bill was adopted on first and second readings on November 9, 2010, and December 7, 2010, respectively. Signed by the Mayor on January 20, 2011, it was assigned Act No. 18-712 and transmitted to both Houses of Congress for its review. D.C. Law 18- 376 became effective on June 3, 2011.

## **§ 23-522. APPLICATIONS FOR SEARCH WARRANTS.**

(a) Each application for a search warrant shall be made in writing, or by telephone or other appropriate means, including facsimile transmissions or other electronic communications, upon oath or affirmation to a judicial officer, pursuant to the Superior Court Rules of Criminal Procedure.

(b) Each application shall include --

(1) the name and title of the applicant;

(2) a statement that there is probable cause to believe that property of a kind or character described in section 23-521(d) is likely to be found in a designated premise, in a designated vehicle or object, or upon designated persons;

(3) allegations of fact supporting such statement; and

(4) a request that the judicial officer issue a search warrant directing a search for and seizure of the property in question.

The applicant may also submit depositions or affidavits of other persons containing allegations of fact supporting or tending to support those contained in the application.

(c) The application may also contain a request that the search warrant be made executable at any hour of the day or night upon the ground that there is probable cause to believe that (1) it cannot be executed during the hours of daylight, (2) the property sought is likely to be removed or destroyed if not seized forthwith, or (3) the property sought is not likely to be found except at certain times or in certain circumstances. Any request made pursuant to this subsection must be accompanied and supported by allegations of fact supporting such request.

(July 29, 1970, 84 Stat. 615, Pub. L. 91-358, title II, § 210(a); Oct. 26, 1974, 88 Stat. 1455, Pub. L. 93-481, § 4(c); Oct. 17, 2002, D.C. Law 14- 194, § 802, 49 DCR 5306.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 23-522.

1973 Ed., § 23-522.

#### *Effect of Amendments*

D.C. Law 14-194 rewrote subsec. (a) which had read as follows:

"(a) Each application for a search warrant shall be made in writing upon oath or affirmation to a judicial officer."

#### *Legislative History of Laws*

For Law 14-194, see notes following § 23-113.

## **§ 23-523. TIME OF EXECUTION OF SEARCH WARRANTS.**

(a) A search warrant shall not be executed more than ten days after the date of issuance and shall be returned to the court after its execution or expiration in accordance with section 23-521(f)(6).

(b) A search warrant may be executed on any day of the week and, in the absence of express authorization in the warrant pursuant to section 23-521(f)(5), shall be executed only during the hours of daylight. For the purposes of this subsection, the term "hours of daylight" means between 6:00 a.m. and 9:00 p.m.

(June 3, 1997, D.C. Law 11-275, § 14(b), 44 DCR 1408; Dec. 10, 2009, D.C. Law 18-88, § 221, 56 DCR 7413.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 23-523.

1973 Ed., § 23-523.

D.C. Law 18-88, in subsec. (b), added the second sentence.

*Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 221 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 § 221 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 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.

For Law 18-88, see notes following § 23-110.

## **§ 23-524. EXECUTION OF SEARCH WARRANTS.**

(a) An officer executing a warrant directing a search of a dwelling house or other building or a vehicle shall execute such warrant in accordance with section 3109 of Title 18, United States Code.

(b) An officer executing a warrant directing a search of a person shall give, or make reasonable effort to give, notice of his identity and purpose to the person, and, if such person thereafter resists or refuses to permit the search, such person shall be subject to arrest by such officer pursuant to section 23-581 (a) for violation of section 432 of the Revised Statutes of the United States relating to the District of Columbia (D.C. Official Code, sec. 22-405) (resisting a police officer) or other applicable provision of law.

(c)(1) An officer or agent executing a search warrant shall write and subscribe an inventory setting forth the time of the execution of the search warrant and the property seized under it.

(2) If the search is of a person, a copy of the warrant and of the return shall be given to that person.

(3) If the search is of a place, vehicle, or object, a copy of the warrant and of the return shall be given to the owner thereof if he is present, or if he is not, to an occupant, custodian, or other person present; or if no person is present, the officer shall post a copy of the warrant and of the return upon the premises, vehicle, or object searched.

(d) A copy of the warrant shall be filed with the court whose judge or magistrate authorized its issuance on the next court day after its execution, together with a copy of the return.

(e) An officer or agent executing a search warrant may seize any property discovered in the course of the lawful execution of such warrant if he has probable cause to believe that such property is subject to seizure under section 23-521(d), even if the property is not enumerated in the warrant or the application therefor, and no additional warrant shall be required to authorize such seizure, if the property is fully set forth in the return. Such seizure may include taking physical or other impressions or performing chemical, scientific, or other tests or experiments.

(f) An officer or agent executing a search warrant may take photographs and measurements during the execution.

(g) An officer executing a warrant directing a search of premises or a vehicle may search any person therein (1) to the extent reasonably necessary to protect himself or others from the use of any weapon which may be concealed upon the person, or (2) to the extent reasonably necessary to find property enumerated in the warrant which may be concealed upon the person.

(July 29, 1970, 84 Stat. 615, Pub. L. 91-358, title II, § 210(a); Oct. 26, 1974, 88 Stat. 1456, Pub. L. 93-481, § 4(d).)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 23-524.

1973 Ed., § 23-524.

## **§ 23-525. DISPOSITION OF PROPERTY.**

A law enforcement officer or a designated civilian employee of the Metropolitan Police Department who

seizes property in the execution of a search warrant shall cause it to be safely kept for use as evidence. No property seized shall be released or destroyed except in accordance with law and upon order of a court or of the United States attorney or Corporation Counsel for the District of Columbia or one of their assistants.

(July 29, 1970, 84 Stat. 616, Pub. L. 91-358, title II, § 210(a); June 12, 1999, D.C. Law 12-284, § 8(a), 46 DCR 1328.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 23-525.

1973 Ed., § 23-525.

##### *Temporary Amendments of Section*

Section 8(a) of D.C. Law 12-282 substituted "A law enforcement officer or a designated civilian employee of the Metropolitan Police Department" for "An officer or agent."

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 § 8(a) 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).

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

##### *Legislative History of Laws*

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.

## **SUBCHAPTER II-A. CURRENCY SEIZED BY THE METROPOLITAN POLICE DEPARTMENT.**

### **§ 23-531. DEFINITIONS.**

For the purposes of this subchapter, the term:

(1) "Seized-currency" means moneys, coins, or negotiable instrument with monetary value, including personal checks, commercial checks, cashiers' checks, travelers' checks, bearer bonds, or money orders, seized by the Metropolitan Police Department or other District of Columbia law enforcement agency pending criminal forfeiture or civil forfeiture proceedings.

(2) "Independent evidentiary value" includes the presence of fingerprints, written notations; or dye markings, traceable amounts of narcotic residue or other identifying substance on currency, or the packaging of currency in an incriminating manner.

(October 4, 2000, D.C. Law 13-160, § 402, 47 DCR 4619.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Legislative History of Laws*

Law 13-160, the "Omnibus Police Reform Amendment Act of 2000," was introduced in Council and assigned Bill No. 13-118, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on February 1, 2000, and April 3, 2000, respectively. Signed by the Mayor on April 24, 2000, it was assigned Act No. 13-334 and transmitted to both Houses of Congress for its review. D.C. Law 13-160 became effective on October 4, 2000.



## **§ 23-532. DEPOSITING OF SEIZED CURRENCY.**

(a)(1) Seized currency shall be promptly deposited in an interest-bearing escrow account in a federal insured financial institution in the District of Columbia to be administered by the Metropolitan Police Department pending final disposition of forfeiture proceedings. Where practical, seized foreign currency shall be converted to U.S. currency and deposited.

(2) Deposited seized currency, with any accrued interest, shall be divided and deposited as provided in section 48-907.02, or returned to the owners if directed by the Court, after the dispositions of forfeiture proceedings.

(b)(1) The Chief of Police may grant an exception to subsection (a) of this section, pursuant to a request from the United States Attorney or the Corporation Counsel for the District of Columbia, if the seized currency is to be used as evidence and has independent evidentiary value. Seized currency retained pursuant to this subchapter shall be stored according to routine evidentiary procedures established by the Chief of Police.

(2) The Chief of Police in consultation with the United States Attorney for the District of Columbia, shall consider whether other means of preserving the independent evidentiary value of the seized currency is feasible, including photography, in determining whether an exception to subsection (a) of this section shall be granted.

(3) If part of the seized currency has independent evidentiary value, the remaining currency shall be deposited pursuant to subsection (a) of this section.

(c) Nothing in this subchapter shall apply to currency advanced to the Metropolitan Police Department, from appropriated funds for use in undercover police activities.

(October 4, 2000, D.C. Law 13-160, § 402, 47 DCR 4619.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Legislative History of Laws*

For Law 13-160, see notes following § 23-531.

## **§ 23-533. RULES.**

The Chief of Police, in consultation with the United States Attorney for the District of Columbia and the Corporation Counsel, shall promulgate regulations to implement this subchapter within 60 days of the effective date of this act [October 4, 2000].

(October 4, 2000, D.C. Law 13-160, § 402, 47 DCR 4619.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Legislative History of Laws*

For Law 13-160, see notes following § 23-531.

## **§ 23-534. APPLICABILITY.**

The provisions of this subchapter shall apply to any seized currency in possession of the Metropolitan Police Department on the effective date of the regulations implementing this subchapter.

(October 4, 2000, D.C. Law 13-160, § 402, 47 DCR 4619.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Legislative History of Laws*

For Law 13-160, see notes following § 23-531.

## **SUBCHAPTER III. WIRE INTERCEPTION AND INTERCEPTION OF ORAL COMMUNICATIONS.**

## **§ 23-541. DEFINITIONS.**

As used in this subchapter --

(1) the term "wire communication" means any communication made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable, or other like connection between the point of origin and the point of reception furnished or operated by any person engaged as a common carrier in providing or operating such facilities;

(2) the term "oral communication" means any oral communication uttered by a person exhibiting an expectation that the communication is not subject to interception under circumstances justifying the expectation;

(3) the term "intercept" means the aural acquisition of the contents of any wire or oral communication through the use of any intercepting device;

(4) the term "intercepting device" means any electronic, mechanical, or other device or apparatus which can be used to intercept a wire or oral communication other than --

(A) any telephone or telegraph instrument, equipment, or facility, or any component thereof, (i) furnished to the subscriber or user by a communications common carrier in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business; or (ii) being used by a communications common carrier in the ordinary course of its business, or by an investigative or law enforcement officer in the ordinary course of his duties; or

(B) a hearing aid or similar device being used to correct subnormal hearing to not better than normal;

(5) the term "investigative or law enforcement officer" means any officer of the United States or of the District of Columbia who is empowered by law to conduct investigations of or to make arrests for offenses enumerated in this subchapter, and any attorney authorized by law to prosecute or participate in the prosecution of such offenses;

(6) the term "contents", when used with respect to any wire or oral communication, includes any information concerning the identity of the parties to the communication or the existence, substance, purport, or meaning of that communication;

(7) the term "judge" means a judge of the Superior Court of the District of Columbia, a judge of the District of Columbia Court of Appeals, a judge of the United States District Court for the District of Columbia, or a judge of the United States Court of Appeals for the District of Columbia circuit;

(8) the term "judge of competent jurisdiction" means, in addition to the judges included in paragraph (7) --

(A) a judge of a United States district court or a United States court of appeals not in the District of Columbia; or

(B) a judge of any court of general criminal jurisdiction of a State who is authorized by a statute of that State to enter orders authorizing interceptions of wire or oral communications;

(9) the term "aggrieved person" means a person who was a party to any intercepted wire or oral communication or a person against whom the interception was directed;

(10) the term "communication common carrier" has the same meaning which is given the term "common carrier" by section 3(h) of the Communications Act of 1934 (47 U.S.C. 153(h)); and

(11) the term "United States attorney" means the United States attorney for the District of Columbia or any of his assistants designated by him or otherwise designated by law to act in his place for the particular purpose in question.

(12) The term "domestic partner" shall have the same meaning as provided in § 32-701(3).

(July 29, 1970, 84 Stat. 616, Pub. L. 91-358, title II, § 210(a); June 3, 1997, D.C. Law 11-275, § 14(c), 44 DCR 1408; Sept. 12, 2008, D.C. Law 17- 231, § 24(a), 55 DCR 6758.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 23-541.

1973 Ed., § 23-541.

##### *Effect of Amendments*

D.C. Law 17-231 added par. (12).

##### *Legislative History of Laws*

For legislative history of D.C. Law 11-275, see Historical and Statutory Notes following § 23-523.

Law 17-231, the "Omnibus Domestic Partnership Equality Amendment Act of 2008", was introduced in Council and assigned Bill No. 17-135, which was referred to the Committee on Public Safety and the Judiciary. The Bill was adopted on first and second readings on April 1, 2008, and May 6, 2008, respectively. Signed by the Mayor on June 6, 2008, it was assigned Act No. 17-403 and transmitted to both Houses of

## **§ 23-542. INTERCEPTION, DISCLOSURE, AND USE OF WIRE OR ORAL COMMUNICATIONS PROHIBITED.**

(a) Except as otherwise specifically provided in this subchapter, any person who in the District of Columbia --

(1) willfully intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept any wire or oral communication;

(2) willfully discloses or endeavors to disclose to any other person the contents of any wire or oral communication, or evidence derived therefrom, knowing or having reason to know that the information was obtained through the interception of a wire or oral communication; or

(3) willfully uses or endeavors to use the contents of any wire or oral communication, or evidence derived therefrom, knowing or having reason to know, that the information was obtained through the interception of a wire or oral communication;

shall be fined not more than \$10,000 or imprisoned not more than five years, or both; except that paragraphs (2) and (3) of this subsection shall not apply to the contents of any wire or oral communication, or evidence derived therefrom, that has become common knowledge or public information.

(b) It shall not be unlawful under this section for --

(1) an operator of a switchboard, or an officer, agent, or employee of a communication common carrier, whose facilities are used in the transmission of a wire communication, to intercept, disclose, or use that communication, in the normal course of his employment while engaged in any activity which is a necessary incident to the rendering of his service or to the protection of the rights or property of the carrier of such communication, or to provide information, facilities, or technical assistance to an investigative or law enforcement officer who, under this subchapter, is authorized to intercept a wire or oral communication, but no communication common carrier shall utilize service observing or random monitoring except for mechanical or service quality control checks;

(2) a person acting under color of law to intercept a wire or oral communication, where such person is a party to the communication, or where one of the parties to the communication has given prior consent to such interception; or

(3) a person not acting under color of law to intercept a wire or oral communication, where such person is a party to the communication, or where one of the parties to the communication has given prior consent to such interception, unless such communication is intercepted for the purpose of committing any criminal or tortious act in violation of the Constitution or laws of the United States, any State, or the District of Columbia, or for the purpose of committing any other injurious act.

(July 29, 1970, 84 Stat. 617, Pub. L. 91-358, title II, § 210(a).)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 23-542.

1973 Ed., § 23-542.

## **§ 23-543. POSSESSION, SALE, DISTRIBUTION, MANUFACTURE, ASSEMBLY, AND ADVERTISING OF WIRE OR ORAL COMMUNICATION INTERCEPTING DEVICES PROHIBITED.**

(a) Except as otherwise specifically provided in subsection (b) of this section, any person who in the District of Columbia --

(1) willfully possesses, sells, distributes, manufactures, or assembles an intercepting device, the design of which renders it primarily useful for the purpose of the surreptitious interception of a wire or oral communication; or

(2) willfully places in any newspaper, magazine, handbill, or other publication any advertisement of --

(A) any intercepting device, the design of which renders it primarily useful for the purpose of the surreptitious interception of a wire or oral communication; or

(B) any intercepting device where such advertisement promotes the use of such device for the purpose of the surreptitious interception of a wire or oral communication;

shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

(b) It shall not be unlawful under this section for --

(1) a communication common carrier or an officer, agent, or employee of, or a person under contract with a communication common carrier, in the usual course of the communication common carrier's business; or

(2) a person under contract with the Government of the United States, a State or a political subdivision thereof, or the District of Columbia, or an officer, agent, or employee of the Government of the United States, a State or a political subdivision thereof, or the District of Columbia;

to possess, sell, distribute, manufacture or assemble, or advertise any intercepting device, while acting in furtherance of the appropriate activities of the United States, a State or political subdivision thereof, the District of Columbia, or a communication common carrier.

(July 29, 1970, 84 Stat. 618, Pub. L. 91-358, title II, § 210(a).)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 23-543.

1973 Ed., § 23-543.

### **§ 23-544. CONFISCATION OF WIRE OR ORAL COMMUNICATION INTERCEPTING DEVICES.**

Any intercepting device in the District of Columbia --

(1) possessed;

(2) used;

(3) sold;

(4) distributed; or

(5) manufactured or assembled;

in violation of section 23-542 or 23-543 may be seized and forfeited to the District of Columbia. Insofar as applicable and not inconsistent with the provisions of this chapter, all provisions of law relating to the seizure, summary and judicial forfeiture, and condemnation of property for violation of the customs laws; the disposition of such property; the remission or mitigation of such forfeitures; the compromise of claims; and the award of compensation to informers in respect of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this title; except that such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to seizures and forfeitures of property under this section by such officers, agents or other persons as may be authorized or designated for that purpose by the Mayor, except to the extent that such duties arise from seizures and forfeitures effected by any customs officer. The proceeds from the sale of any property forfeited under this section shall be deposited in the Treasury to the credit of the general fund of the District of Columbia.

(July 29, 1970, 84 Stat. 619, Pub. L. 91-358, title II, § 210(a); Apr. 30, 1988, D.C. Law 7-104, § 7(b), 35 DCR 147.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 23-544.

1973 Ed., § 23-544.

##### *Legislative History of Laws*

Law 7-104, the "Technical Amendments Act of 1987," was introduced in Council and assigned Bill No. 7-346, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 24, 1987 and December 8, 1987, respectively. Signed by the Mayor on December 22, 1987, it was assigned Act No. 7-124 and transmitted to both Houses of Congress for its review.

##### *Change in Government*

This section originated at a time when local government powers were delegated to the District of Columbia Council and to a Commissioner of the District of Columbia. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia,

respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

## **§ 23-545. IMMUNITY OF WITNESSES.[REPEALED]**

(Oct. 15, 1970, 84 Stat. 931, Pub. L. 91-452, title II, § 252.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 23-545.

## **§ 23-546. APPLICATIONS FOR AUTHORIZATION OR APPROVAL OF INTERCEPTION OF WIRE OR ORAL COMMUNICATIONS.**

(a) The United States attorney may authorize, in writing, any investigative or law enforcement officer to make application to a court for an order authorizing the interception of wire or oral communications.

(b) The United States attorney may authorize, in writing, any investigative or law enforcement officer to make application to a court for an order of approval of the previous interception of any wire or oral communication, when the contents of such communication --

- (1) relate to an offense other than that specified in an order of authorization;
- (2) were intercepted in an emergency situation; or
- (3) were intercepted in an emergency situation and relate to an offense other than that contemplated at the time the interception was made.

(c) An application for an order of authorization (as provided in subsection (a) of this section) or of approval (as provided in paragraph (2) of subsection (b) of this section) may be authorized only when the interception of wire or oral communications may provide or has provided evidence of the commission of or a conspiracy to commit any of the following offenses:

- (1) Any of the offenses specified in the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901, and listed in the following table:

Offense:	Specified in--
Arson .....	sections 820, 821 (D.C. Official Code, secs. 22-301, 22-302).
Burglary .....	section 823 (D.C. Official Code, sec. 22-801).
Destruction of property of value in excess of \$1000 .....	section 848 (D.C. Official Code, sec. 22-303).
Gambling .....	sections 863, 866, 869e (D.C. Official Code, secs. 22-1701, 22-1705, 22-1713).
Kidnapping .....	section 812 (D.C. Official Code, sec. 22-2001).
Murder .....	sections 798, 800 (D.C. Official Code, secs. 22-2101, 22-2103).
Robbery .....	section 810 (D.C. Official Code, sec. 22-2801).

- (2) Bribery as specified in the Act of February 26, 1936 (D.C. Official Code, sec. 22-704).

- (3) Threats as specified in section 1501 of the Omnibus Crime Control and Safe Streets Act of 1968 (D.C. Official Code, secs. 22-5106, 22-1810).

- (4) Offenses involving the manufacture, distribution, or possession with intent to manufacture or distribute controlled substances as specified in sections 401 through 403 of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Official Code, secs. 48-904.01 through 48-904.03).

- (5) Any of the offenses specified in the District of Columbia Theft and White Collar Crimes Act of 1982, and listed in the following table:

Offense:	Specified in--
Extortion .....	section 151 [D.C. Official Code, § 22-3251].
Blackmail .....	section 152 [D.C. Official Code, § 22-3252].
Bribery .....	section 302 [D.C. Official Code, § 22-712].
Obstruction of Justice .....	section 502 [D.C. Official Code, § 22-722].
Receiving stolen property of value in excess of \$1000 .....	section 132 [D.C. Official Code, § 22-3232].
Theft of property of value in excess of \$1000 .....	section 111 [D.C. Official Code, § 22-3211].
Trafficking in stolen property .....	section 131 [D.C. Official Code, § 22-3231].

(July 29, 1970, 84 Stat. 620, Pub. L. 91-358, title II, § 210(a); Dec. 1, 1982, D.C. Law 4-164, § 601(f), 29 DCR 3976; Apr. 30, 1988, D.C. Law 7-104, § 7(c), 35 DCR 147; June 3, 2011, D.C. Law 18-377, § 14, 58 DCR 1174.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 23-546.

1973 Ed., § 23-546.

##### *Effect of Amendments*

D.C. Law 18-377, in subsec. (c)(1), substituted "value in excess of \$1000" for "value in excess of \$200"; and, in subsec. (c)(5), substituted "value in excess of \$1000" for "value in excess of \$250".

##### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 514 of Public Safety Legislation Sixty-Day Layover Emergency Amendment Act of 2010 (D.C. Act 18-693, January 18, 2011, 58 DCR 640).

For temporary (90 day) amendment of section, see § 514 of Public Safety Legislation Sixty-Day Layover Congressional Review Emergency Amendment Act of 2011 (D.C. Act 19-45, April 20, 2011, 58 DCR 3701).

##### *Legislative History of Laws*

For legislative history of D.C. Law 4-164, see Historical and Statutory Notes following § 22-3201.

For legislative history of D.C. Law 7-104, see Historical and Statutory Notes following § 23-544.

Law 18-377, the "Criminal Code Amendment Act of 2010", was introduced in Council and assigned Bill No. 18-963, which was referred to the Committee on Public Safety and the Judiciary. The Bill was adopted on first and second readings on December 7, 2010, and December 21, 2010, respectively. Signed by the Mayor on February 2, 2011, it was assigned Act No. 18-722 and transmitted to both Houses of Congress for its review. D.C. Law 18-377 became effective on June 3, 2011.

##### *References in Text*

"Section 1501 of the Omnibus Crime Control and Safe Streets Act of 1968," referred to in paragraph (3) of subsection (c) of this section, was codified as § 22-2306 [1981 Ed.]. Section 22-2306 [1981 Ed.] was repealed by § 602(mm) of D.C. Law 4-164.

"(Section) 22-1810," referred to at the end of paragraph (3) of subsection (c) of this section, derived from § 1502 of the Omnibus Crime Control and Safe Streets Act of 1968.

The "District of Columbia Theft and White Collar Crimes Act of 1982," referred to in paragraph (5) of subsection (c) of this section, is D.C. Law 4-164.

Bracketed translations of the references to the District of Columbia Theft and White Collar Crimes Act of 1982 have been inserted in paragraph (5) of subsection (c) of this section for the convenience of the user.

##### *Editor's Notes*

Section 7(c) of D.C. Law 7-104 purported to substitute "33-502" for "33-402," "33-516" for "33-416," and "33-602" for "33-702" [1981 Ed.] in subsection (c)(4), apparently without regard to the amendment of this section by D.C. Law 4-164.

## **§ 23-547. PROCEDURE FOR AUTHORIZATION OR APPROVAL OF INTERCEPTION OF WIRE OR ORAL COMMUNICATIONS.**

(a) Each application for an order authorizing or approving the interception of a wire or oral communication shall be made in writing upon oath or affirmation to a judge and shall state the applicant's authority to make the application. Each application shall include --

(1) the identity of the investigative or law enforcement officer making the application, and the officer authorizing the application;

(2) a full and complete statement of the facts and circumstances relied upon by the applicant to justify his belief that an order should be issued, including (A) details as to the particular offense that has been, is being, or is about to be committed, (B) a particular description of the nature and location of the facilities from which or the place where the communication is to be or was intercepted, (C) a particular description of the type of communications sought to be or which were intercepted, and (D) the identity of the person, if known, who committed, is committing, or is about to commit the offense and whose communications are to be or were intercepted;

(3) a full and complete statement as to whether or not other investigative procedures have been tried and failed or why they reasonably appear or appeared to be unlikely to succeed if tried or to be too dangerous;

(4) a statement of the period of time for which the interception is or was required to be maintained, and if the nature of the investigation is or was such that the authorization for interception should not automatically terminate or should not have automatically terminated when the described type of communication has been or was first obtained, a particular description of facts establishing probable cause to believe that additional communications of the same type will or would occur thereafter;

(5) a full and complete statement of the facts concerning all previous applications, known to the individual authorizing or making the application, made to any judge for authorization to intercept, or for approval of interceptions of, wire or oral communications involving any of the same persons, facilities, or places specified in the application, and the action taken by the judge on each such application; and

(6) where the application is for the extension of an order, a statement setting forth the results thus far obtained from the interception, or a reasonable explanation of the failure to obtain results.

(b) The judge may require the applicant to furnish additional testimony or documentary evidence in support of the application.

(c) Upon application the judge may enter an ex parte order, as requested or as modified, authorizing or approving interception of wire or oral communications within the District of Columbia, if the judge determines on the basis of the facts submitted by the applicant that --

(1) there is or was probable cause for belief that the person whose communication is to be or was intercepted is or was committing, has committed, or is about to commit a particular offense enumerated in section 23-546;

(2) there is or was probable cause for belief that particular communications concerning that offense will or would be obtained through the interception;

(3) normal investigative procedures have or would have been tried and have or had failed or reasonably appear or appeared to be unlikely to succeed if tried or to be too dangerous; and

(4) there is or was probable cause for belief that the facilities from which, or the place where, the wire or oral communications are to be or were intercepted were used, are being used, or are about to be used, in connection with the commission of the offense, or are or were leased to, listed in the name of, or commonly used by the person referred to in paragraph (1).

(d) If the facilities from which a wire communication is to be or was intercepted are or were being used by, are or were about to be used by, or are or were leased to, listed in the name of, or commonly used by, a licensed physician, a licensed attorney, or practicing clergyman, or if the place where an oral communication is to be or was intercepted is or was a place used primarily for habitation by spouses or domestic partners, or primarily by a licensed physician, licensed attorney, or practicing clergyman for his own professional purposes, no order authorizing or approving such interception may be issued unless the court, in addition to the matters provided in subsection (c) of this section, determines that --

(1) such facilities or place are or were being used or are or were about to be used in connection with conspiratorial activities characteristic of organized crime; and

(2) such interceptions will be so conducted as to minimize or eliminate the number of interceptions of privileged wire or oral communications between licensed physicians and patients, licensed attorneys

and clients, practicing clergymen and confidants, and spouses or domestic partners.

No otherwise privileged wire or oral communication intercepted in accordance with, or in violation of, the provisions of this subchapter shall lose its privileged character.

(e) Each order authorizing or approving the interception of any wire or oral communication shall specify --

- (1) the identity of the person, if known, or otherwise a particular description of the person, if known, whose communications are to be or were intercepted;
- (2) the nature and location of the communication facilities as to which, or the place where, authority to intercept or any approval of interception is or was granted;
- (3) a particular description of the type of communication sought to be or which was intercepted, and a statement of the particular offense to which it relates;
- (4) the identity of the agency authorized to intercept or whose interception is approved, and of the person authorizing the application; and
- (5) the period of time during or for which the interception is authorized or approved, including a statement as to whether or not the interception shall automatically terminate when the described communication has been first obtained.

(f) An order authorizing the interception of a wire or oral communication shall, upon request of the applicant, direct that a communication common carrier, landlord, custodian, or other person shall furnish the applicant forthwith all information, facilities, or technical assistance necessary to accomplish the interception unobtrusively and with a minimum of interference with the services that such carrier, landlord, custodian, or person is according the person whose communications are to be intercepted. Any communication common carrier, landlord, custodian, or other person furnishing such facilities or technical assistance shall be compensated therefore by the applicant at the prevailing rates.

(g) No order entered under this section may authorize or approve the interception of any wire or oral communication for any period longer than is necessary to achieve the objective of the authorization, nor in any event longer than thirty days. Extensions of an order may be granted, but only upon application for an extension made in accordance with subsection (a) of this section and the court making the findings required by subsection (c) of this section. The period of extension shall be no longer than the authorizing judge deems necessary to achieve the purposes for which it was granted and in no event for longer than thirty days. Every order and extension thereof shall contain a provision that the authorization to intercept shall be executed as soon as practicable, shall be conducted in such a way as to minimize or eliminate the interception of communications not otherwise subject to interception under this subchapter, and must terminate upon attainment of the authorized objective, or in any event in thirty days.

(h) Whenever an order authorizing interception is entered pursuant to this subchapter, the order may require reports to be made to the judge who issued the order showing what progress has been made toward achievement of the authorized objective and the need for continued interception. Reports shall be made at such intervals as the judge may require.

(July 29, 1970, 84 Stat. 621, Pub. L. 91-358, title II, § 210(a); May 22, 1998, D.C. Law 12-114, § 3(a), 45 DCR 486; Sept. 12, 2008, D.C. Law 17-231, § 24(b), 55 DCR 6758.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 23-547.

1973 Ed., § 23-547.

##### *Effect of Amendments*

D.C. Law 17-231, in subsec. (d), substituted "spouses or domestic partners," for "a husband and wife" in the lead-in language, and substituted "spouses or domestic partners" for "husbands and wives" in par. (2).

##### *Legislative History of Laws*

Law 12-114, the "Criminal Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-406, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 4, 1997, and December 4, 1997, respectively. Signed by the Mayor on December 22, 1997, it was assigned Act No. 12-233 and transmitted to both Houses of Congress for its review. D.C. Law 12-114 became effective on May 22, 1998.

For Law 17-231, see notes following § 23-541.

## **§ 23-548. ADDITIONAL PROCEDURE FOR APPROVAL OF INTERCEPTION OF WIRE OR ORAL COMMUNICATIONS.**

(a) Notwithstanding any other provision of this subchapter, any investigative or law enforcement officer,



specially designated by the United States attorney for the District of Columbia, who reasonably determines that --

(1) an emergency situation exists with respect to conspiratorial activities characteristic of organized crime that requires a wire or oral communication to be intercepted before an order authorizing the interception can with due diligence be obtained, and

(2) there are grounds upon which an order could be entered under this subchapter to authorize interception,

may intercept the wire or oral communication if an application for an order approving the interception is initiated in accordance with this section within twelve hours and is completed within seventy-two hours after the interception has occurred, or begins to occur. In the absence of an order, the interception shall immediately terminate when the communication sought is obtained or when the application for the order is denied, whichever is earlier. In the event the application for approval is denied, or in any other case where the interception is terminated without an order having been issued, the contents of any wire or oral communication intercepted shall be treated as having been obtained in violation of this subchapter, and an inventory shall be served as provided for in section 23-550 on the person named in the application.

(b) When an investigative or law enforcement officer, while engaged in intercepting wire or oral communications in the manner authorized by this subchapter, intercepts wire or oral communications relating either to offenses other than those specified in the order of authorization or to offenses other than those offenses for which interception was made pursuant to subsection (a) of this section, he shall make an application to a judge as soon as practicable for approval for disclosure and use, in accordance with section 23-553, of the information intercepted.

(July 29, 1970, 84 Stat. 623, Pub. L. 91-358, title II, § 210(a).)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 23-548.

1973 Ed., § 23-548.

### **§ 23-549. MAINTENANCE AND CUSTODY OF RECORDS.**

(a) The contents of any wire or oral communication intercepted by any means authorized by this subchapter shall, if possible, be recorded on tape or wire or other comparable device. The recording of the contents of any wire or oral communication under this subchapter shall be done in such way as will protect the recording from editing or other alterations. Immediately upon the expiration of the period of the order, or extensions thereof, the recordings shall be made available to the judge issuing the order and sealed under his directions. Custody of the recordings shall be wherever the judge orders. They shall not be destroyed except upon an order of the issuing or denying judge and in any event shall be kept for ten years. Duplicate recordings may be made for use or disclosure pursuant to the provisions of subsection (a) of section 23-553, for investigations. The presence of the seal provided for by this subsection, or a satisfactory explanation for the absence thereof, shall be a prerequisite for the use or disclosure of the contents of any wire or oral communication or evidence derived therefrom under subsection (b) of section 23-553.

(b) Applications made and orders granted under this subchapter shall be sealed by the judge. Custody of the applications and orders shall be wherever the judge directs. The applications and orders shall be disclosed only upon a showing of good cause before a judge of competent jurisdiction and shall not be destroyed except on order of the issuing or denying judge, and in any event shall be kept for ten years.

(c) Any violation of the provisions of this subsection may be punished as contempt of court.

(July 29, 1970, 84 Stat. 624, Pub. L. 91-358, title II, § 210(a).)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 23-549.

1973 Ed., § 23-549.

### **§ 23-550. INVENTORY.**

Within a reasonable time but not later than ninety days after the filing of an application for an order of approval under section 23-548 which is denied, or the termination of the period of any order or extensions thereof, the issuing or denying judge shall cause to be served, on the persons named in the order or the

application, and such other parties to intercepted communications as the judge may determine, in his discretion, are necessary in the interest of justice, an inventory which shall include notice of --

- (1) the fact of the entry of the order or the application for an order of approval which was denied;
- (2) the date of the entry of the order or the denial of the application for an order of approval;
- (3) the period of authorized, approved, or disapproved interception; and
- (4) whether during the period wire or oral communications were intercepted.

The judge, upon the filing of a motion, may in his discretion make available to the person or his counsel for inspection such portions of the intercepted communications, applications, and orders as the judge determines to be in the interests of justice. On an ex parte showing of good cause to a judge, the serving of the inventory required by this subsection may be postponed.

(July 29, 1970, 84 Stat. 624, Pub. L. 91-358, title II, § 210(a).)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 23-550.

1973 Ed., § 23-550.

### **§ 23-551. PROCEDURE FOR DISCLOSURE AND SUPPRESSION OF INTERCEPTED WIRE OR ORAL COMMUNICATIONS.**

(a) The contents of any intercepted wire or oral communication or evidence derived therefrom shall not be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the United States or the District of Columbia unless not less than ten days before the trial, hearing, or proceeding --

- (1) the inventory as provided in section 23-550 has been served; and
- (2) the parties to the action have been served with a copy of the order and accompanying application under which the interception was authorized or approved.

This ten-day period may be waived by court order where a court finds that it was not possible to furnish the party with the above information ten days before the trial hearing, or proceeding and that the party will not be prejudiced by the delay in receiving the information.

(b) Any aggrieved person in any trial, hearing, or proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the United States or the District of Columbia, may move to suppress the contents of any intercepted wire or oral communication, or evidence derived therefrom, on the grounds that --

- (1) the communication was unlawfully intercepted;
- (2) the order of authorization or approval under which it was intercepted is insufficient on its face;
- (3) the interception was not made in conformity with the order of authorization or approval;
- (4) service was not made as provided in section 23-547; or
- (5) the seal prescribed by section 23-549(a) is not present and there is no satisfactory explanation for its absence.

The motion shall be made before the trial, hearing or proceeding unless there was no opportunity to make the motion or the person was not aware of the grounds of the motion. If the motion is granted, the contents of the intercepted wire or oral communication, or evidence derived therefrom, shall be treated as having been obtained in violation of this subchapter and shall not be received in evidence in the trial, hearing, or proceeding. The judge, upon the filing of the motion by the aggrieved person, may in his discretion make available to the aggrieved person or his counsel for inspection such portions of the intercepted communication or evidence derived therefrom as the judge determines to be in the interests of justice.

(July 29, 1970, 84 Stat. 624, Pub. L. 91-358, title II, § 210(a); Dec. 7, 1970, 84 Stat. 1390, Pub. L. 91-530, § 2(c).)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 23-551.

1973 Ed., § 23-551.

## **§ 23-552. GOVERNMENT APPEALS.**

In addition to any other right to appeal, the United States or the District of Columbia, as the case may be, shall have the right to appeal from an order granting a motion to suppress made under section 23-551 or from the denial of an application for an order of approval, if the United States or the District of Columbia, as the case may be, shall certify to the judge or other official granting such motion or denying the application that the appeal is not taken for purposes of delay. Appeal shall be taken within thirty days after the date the order was entered and shall be diligently prosecuted.

(July 29, 1970, 84 Stat. 625, Pub. L. 91-358, title II, § 210(a).)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 23-552.

1973 Ed., § 23-552.

## **§ 23-553. AUTHORIZATION FOR DISCLOSURE AND USE OF INTERCEPTED WIRE OR ORAL COMMUNICATIONS.**

(a) Any investigative or law enforcement officer who, by any authorized means and in conformity with this subchapter, has obtained knowledge of the contents of any wire or oral communication, or evidence derived therefrom, may disclose or use such contents or evidence to the extent that such disclosure or use is appropriate to the proper performance of his official duties.

(b) Any person who, by any authorized means and in conformity with this subchapter, has obtained knowledge of the contents of any wire or oral communication intercepted in accordance with this subchapter, or other lawful authority, or evidence derived therefrom, may disclose the contents of such communication or evidence while giving testimony under oath or affirmation in any criminal trial, hearing, or proceeding before any grand jury or court.

(c) The contents of any wire or oral communication intercepted in conformity with this subchapter, or evidence derived therefrom, may otherwise be disclosed or used only by court order upon a showing of good cause.

(July 29, 1970, 84 Stat. 625, Pub. L. 91-358, title II, § 210(a).)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 23-553.

1973 Ed., § 23-553.

## **§ 23-554. AUTHORIZATION FOR RECOVERY OF CIVIL DAMAGES.**

(a) Any person whose wire or oral communication is intercepted, disclosed, or used in violation of this subchapter shall --

(1) have a civil cause of action against any person who intercepts, discloses, or uses, or procures any other person to intercept, disclose, or use, such communications; and

(2) be entitled to recover from any such person --

(A) actual damages, but not less than liquidated damages computed at the rate of \$100 a day for each day of violation, or \$1,000 whichever is higher;

(B) punitive damages; and

(C) a reasonable attorney's fee and other litigation costs reasonably incurred.

(b) Good faith reliance on a court order or legislative authorization shall constitute a complete defense to an action brought under this section or any other law.

(c) As used in this section, the term "person" includes the District of Columbia. The District of Columbia shall not assert any governmental immunity to avoid liability under this section. Judgment against the District of Columbia shall not constitute a bar to action against any other person.

(July 29, 1970, 84 Stat. 626, Pub. L. 91-358, title II, § 210(a).)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 23-554.

1973 Ed., § 23-554.

## **§ 23-555. REPORTS CONCERNING INTERCEPTED WIRE OR ORAL COMMUNICATIONS.**

(a) Within thirty days after the expiration of an order or an extension entered under section 23-547 or 23-548 or the denial of an order of approval, the issuing or denying court shall report to the chief judge of the District of Columbia Court of Appeals --

- (1) that an order or extension was applied for;
- (2) the kind of order or extension applied for;
- (3) if the order or extension was granted as applied for, was modified, or was denied;
- (4) the period of the interceptions authorized by the order, and the number and duration of any extensions of the order;
- (5) the offense specified in the order or application, or extension of an order;
- (6) the identity of the applying investigative or law enforcement officer, the agency making the application, and the person authorizing the application; and
- (7) the character and location of the facilities from which and the place where communications were (and were to be) intercepted.

(b) In January of each year the United States Attorney for the District of Columbia shall report to the Congress of the United States and the chief judge of the District of Columbia Court of Appeals --

- (1) the information required by paragraphs (1) through (7) of subsection (a) of this section with respect to each application for an order or extension made during the immediately preceding calendar year;
- (2) a general description of the interceptions made under such order or extension, including --
  - (A) the approximate character and frequency of incriminating communications intercepted;
  - (B) the approximate character and frequency of other communications intercepted;
  - (C) the approximate number of persons whose communications were intercepted; and
  - (D) the approximate character, amount, and cost of the manpower and other resources used in the interceptions;
- (3) the number of arrests resulting from interceptions made under such order or extension;
- (4) the offenses for which the arrests were made;
- (5) the number of trials resulting from such interceptions;
- (6) the number of motions to suppress made with respect to such interceptions;
- (7) the number of motions to suppress granted or denied;
- (8) the number of convictions resulting from such interceptions;
- (9) the offenses for which the convictions were obtained;
- (10) a general assessment of the importance of the interceptions; and
- (11) for purposes of comparison, the information required by paragraphs (2) through (10) of this subsection with respect to orders and extensions obtained in other preceding calendar years.

(c) Reports made pursuant to the section shall be made in accordance with regulations prescribed by the Director of the Administration Office of the United States Courts under section 2519(3) of Title 18, United States Code.

(July 29, 1970, 84 Stat. 626, Pub. L. 91-358, title II, § 210(a); June 3, 1997, D.C. Law 11-275, § 14(d), 44 DCR 1408.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 23-555.

1973 Ed., § 23-555.

#### *Legislative History of Laws*

For legislative history of D.C. Law 11-275, see Historical and Statutory Notes following § 23-523.

## **§ 23-556. RELATION TO FEDERAL LAW ON WIRE INTERCEPTION AND INTERCEPTION OF ORAL COMMUNICATIONS.**

(a) Sections 23-542, 23-543, 23-545, 23-553, 23-554, and 23-555 of this subchapter shall be construed to supplement, and not to supersede or otherwise limit, the provisions of chapter 119 of Title 18, United States Code (relating to wire interception and interception of oral communications).

(b) Sections 23-546, 23-547, 23-548, 23-549, 23-550, 23-551, and 23-552 of this subchapter shall be construed not to supersede or otherwise limit the provisions of chapter 119 of Title 18, United States Code, except in cases of irreconcilable conflict.

(July 29, 1970, 84 Stat. 627, Pub. L. 91-358, title II, § 210(a).)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 23-556.

1973 Ed., § 23-556.

#### *References in Text*

Section 23-545, referred to in subsection (a) of this section, was repealed by the Act of October 15, 1970, 84 Stat. 931, Pub. L. 91-452, § 252.

## **SUBCHAPTER IV. ARREST WARRANT AND SUMMONS.**

### **§ 23-561. ISSUANCE, FORM, AND CONTENTS.**

(a)(1) A judicial officer may issue a warrant for the arrest of any person upon a sworn complaint which states facts constituting an offense over which the judicial officer has jurisdiction for trial or preliminary examination, and establishing probable cause to believe that the person committed the offense. More than one warrant may issue on the same complaint.

(2) Upon request of the prosecutor, a summons shall issue instead of an arrest warrant. More than one summons may issue on the same complaint. If a person fails to appear in response to a summons, a warrant shall issue for his arrest.

(b)(1) An arrest warrant shall be signed by the judicial officer and shall state or contain the name of the issuing court, the date of issuance of the warrant, a description of the offense charged, and the name of the person to be arrested or, if his name is unknown, any name or description by which he can be identified with reasonable certainty. It shall command that the person be arrested and brought before the issuing court or officer.

(2) A summons shall be in the same form as an arrest warrant except that it shall summon the person named to appear before the issuing court or officer at a stated time and place.

(c) An arrest warrant may be directed to a specific law enforcement officer or to any classifications of officers of the Metropolitan Police of the District of Columbia or other agency authorized to make arrests or execute process.

(d) Each complaint shall be made in writing upon oath or affirmation. Except for good cause shown, no warrant shall be issued unless the complaint has been approved by an appropriate prosecutor.

(July 29, 1970, 84 Stat. 627, Pub. L. 91-358, title II, § 210(a); Oct. 26, 1974, 88 Stat. 1456, Pub. L. 93-481, § 4(e).)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 23-561.

1973 Ed., § 23-561.

### **§ 23-562. EXECUTION AND RETURN.**

(a)(1) A warrant issued pursuant to this subchapter shall be executed by the arrest of the person named. The officer need not have the warrant in his possession at the time of the arrest, but upon request he shall show the warrant to the person as soon as possible. If the officer does not have the warrant in his possession at the time of the arrest, he shall inform the person of the offense charged and of the fact that a

warrant has been issued.

(2) A summons shall be served upon a person by delivering a copy to him personally, by leaving it at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein, or by mailing it to the person's last known address.

(b)(1) The officer executing a warrant shall make return thereof to the judicial officer before whom the person is brought for preliminary examination. At the request of the appropriate prosecutor, any unexecuted and unexpired warrant shall be returned to the issuing court or judicial officer and shall be canceled.

(2) On or before the return day the person to whom a summons was delivered for service shall make return thereof to the court or officer before whom the summons is returnable.

(3) At the request of the appropriate prosecutor made at any time while the complaint is pending, a warrant returned unexecuted and not canceled or expired or a summons returned unserved or a duplicate thereof may be delivered by the judicial officer to the marshal or other authorized person for execution or service.

(c)(1) A law enforcement officer within the District of Columbia making an arrest under a warrant issued pursuant to this subchapter, making an arrest without a warrant, or receiving a person arrested by a special policeman or other person pursuant to § 23-582, or a designated civilian employee of the Metropolitan Police Department receiving a person arrested by a law enforcement officer within the District of Columbia or a special policeman or other person pursuant to § 23-582, shall take the arrested person without unnecessary delay before the court or other judicial officer empowered to commit persons charged with the offense for which the arrest was made. This subsection, however, shall not be construed to conflict with or otherwise supersede section 3501 of Title 18, United States Code. When a person arrested without a warrant is brought before a judicial officer, a complaint or information shall be filed forthwith.

(2) Before taking an arrested person to a judicial officer, a law enforcement officer or a designated civilian employee of the Metropolitan Police Department, may perform any recording, fingerprinting, photographing, or other preliminary police duties required in the particular case, and if such duties are performed with reasonable promptness, the period of time required therefor shall not constitute a delay within the meaning of this section.

(July 29, 1970, 84 Stat. 628, Pub. L. 91-358, title II, § 210(a); June 12, 1999, D.C. Law 12-284, § 8(b), 46 DCR 1328.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 23-562.

1973 Ed., § 23-562.

##### *Temporary Amendments of Section*

Section 8(b) of D.C. Law 12-282 inserted "or a designated civilian employee of the Metropolitan Police Department receiving a person arrested by a law enforcement officer within the District of Columbia or a special policeman or other person pursuant to § 23-582 [1981 Ed.]" in (c)(1); and in (c)(2), inserted "or a designated civilian employee of the Metropolitan Police Department."

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 § 8(b) 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).

For temporary amendment of section, see § 8(b) 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 § 8(b) of the Metropolitan Police Department Civilianization Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-13, February 8, 1999, 46 DCR 2333).

##### *Legislative History of Laws*

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.

## **§ 23-563. TERRITORIAL AND OTHER LIMITS.**

(a) A warrant or summons for a felony under sections 16-1022 and 16-1024 or an offense punishable by imprisonment for more than one year issued by the Superior Court of the District of Columbia may be served at any place within the jurisdiction of the United States.

(b) A warrant or summons issued by the Superior Court of the District of Columbia for an offense punishable by imprisonment for not more than one year, or by a fine only, or by such imprisonment and a fine, may be served in any place in the District of Columbia but may not be executed more than one year after the date of issuance.

(c) A person arrested outside the District of Columbia on a warrant issued by the Superior Court of the District of Columbia shall be taken before a judge, commissioner, or magistrate, and held to answer in the Superior Court pursuant to the Federal Rules of Criminal Procedure as if the warrant had been issued by the United States District Court for the District of Columbia.

(d) When an application alleges that (1) an act which would constitute a felony if committed by an adult has been committed by a child, (2) the child may not with due diligence be found within the District of Columbia, and (3) if the District of Columbia is a party to article XVII of the Interstate Compact on Juveniles, the child is not known to be in a jurisdiction which is a party to such article, a juvenile officer may secure a warrant for the arrest of the child as if he were an adult. When the child is brought before the issuing court or officer pursuant to the warrant he shall be ordered transferred to the Family Division of the Superior Court pursuant to section 16-2302. If the child is found in a jurisdiction which is a party to such article and if the District of Columbia is a party to such article, he shall be returned as provided in that article and the warrant shall be null and void.

(July 29, 1970, 84 Stat. 628, Pub. L. 91-358, title II, § 210(a); Mar. 2, 2002, D.C. Law 14-73, § 2, 48 DCR 9578.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 23-563.

1973 Ed., § 23-563.

#### *Effect of Amendments*

D.C. Law 14-73, in subsec. (a), inserted "a felony under sections 16-1022 and 16-1024" after "summons for".

#### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 2 of Parental Kidnapping Extradition Emergency Amendment Act of 2001 (D.C. Act 14-113, August 3, 2001, 48 DCR 7647).

For temporary (90 day) amendment of section, see § 2 of Parental Kidnapping Extradition Legislative Review Emergency Amendment Act of 2001 (D.C. Act 14- 137, October 23, 2001, 48 DCR 9918).

For temporary (90 day) amendment of section, see § 2 of Parental Kidnapping Extradition Congressional Review Emergency Amendment Act of 2002 (D.C. Act 14- 249, January 28, 2002, 49 DCR 1047).

#### *Legislative History of Laws*

Law 14-73, the "Parental Kidnapping Extradition Amendment Act of 2001", was introduced in Council and assigned Bill No. 14-180, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on July 10, 2001, and September 19, 2001, respectively. Signed by the Mayor on October 2, 2001, it was assigned Act No. 14-134 and transmitted to both Houses of Congress for its review. D.C. Law 14-73 became effective on March 2, 2002.

#### *References in Text*

The Interstate Compact on Juveniles, referred to in the first sentence of subsection (d) of this section, is codified in § 24-1102.

## **SUBCHAPTER V. ARREST WITHOUT WARRANT.**

### **§ 23-581. ARRESTS WITHOUT WARRANT BY LAW ENFORCEMENT OFFICERS.**

(a)(1) A law enforcement officer may arrest, without a warrant having previously been issued therefor --

(A) a person who he has probable cause to believe has committed or is committing a felony;

(B) a person who he has probable cause to believe has committed or is committing an offense in his presence;

(C) a person who he has probable cause to believe has committed or is about to commit any offense listed in paragraph (2) and, unless immediately arrested, may not be apprehended, may cause injury to others, or may tamper with, dispose of, or destroy evidence; and

(D) a person whom he has probable cause to believe has committed any offense which is listed in paragraph (3) of this section, if the officer has reasonable grounds to believe that, unless the person is immediately arrested, reliable evidence of alcohol or drug use may become unavailable or the person may cause personal injury or property damage.

(2) The offenses referred to in subparagraph (C) of paragraph (1) are the following:

(A) The following offenses specified in the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901, and listed in the following table:

Offense:	Specified in--
Assault .....	section 806 (D.C. Official Code, sec. 22-404) .
Unlawful entry .....	section 824 (D.C. Official Code, sec. 22-3302) .
Malicious burning, destruction or injury of another's property .....	section 848 (D. C. Official Code § 22-303) .

(B) The following offense specified in the Omnibus Public Safety Amendment Act of 2006, effective April 24, 2007 (D.C. Law 16-306; 53 DCR 8610):

Offense	Specified in
Voyeurism .....	Section 105 (D.C. Official Code § 22-3531) .

(C) The following offenses specified in the District of Columbia Theft and White Collar Crimes Act of 1982, and listed in the following table:

Offense:	Specified in--
Theft of property valued less than \$250 .....	section 111 [D.C. Official Code, § 22-3211] .
Receiving stolen property .....	section 132 [D.C. Official Code, § 22-3232] .
Shoplifting .....	section 113 [D.C. Official Code, § 22-3213] .

(D) Attempts to commit the following offenses specified in the Act and listed in the following table:

Offense:	Specified in--
Theft of property valued in excess of \$250 .....	section 111 [D.C. Official Code, § 22-3211] .
Unauthorized use of vehicles .....	section 115 [D.C. Official Code, § 22-3215] .

(E) The following offenses specified in the Illegal Dumping Enforcement Act of 1994 [Chapter 9 of Title 8], and listed in the following table:

Offense:	Specified in--
Unauthorized Disposal of Solid Waste .....	section 3 [D.C. Official Code, § 8-902] .

(F) The following offenses specified in section 113.7 of Title 12A of the District of Columbia Municipal Regulations (12A DCMR § 113.7).

Offense:	Specified in--
Illegal Construction .....	Section 113.7 (12A DCMR § 113.7) .



(3) The offenses which are referred to in paragraph (1)(D) of this section are the following offenses specified in the District of Columbia Traffic Act of 1925, approved March 3, 1925 (43 Stat. 1119; D.C. Official Code § 50-2201.01 et seq.), and listed in the following table:

Offense:	Specified in--
Reckless driving .....	section 9(b) (D.C. Official Code § 50-2201.04(b))
Fleeing from the scene of an accident ...	section 10(a) (D.C. Official Code § 50-2201.05(a))
Operating or physically controlling a vehicle when under the influence of intoxicating liquor or drugs, when operating ability is impaired by intoxicating liquor, or when the operator's blood, breath, or urine contains the amount of alcohol which is prohibited by section 10(b) .....	section 10(b) (D.C. Official Code § 50-2201.05(b))
Operating a motor vehicle when the operator's permit is revoked or suspended .....	section 13(e) (D.C. Official Code § 50-1403.01(e)) .

(a-1) A law enforcement officer may arrest a person without an arrest warrant if the officer has probable cause to believe the person has committed an intrafamily offense as provided in section 16-1031(a).

(a-2) A law enforcement officer may arrest a person without an arrest warrant if the officer has probable cause to believe the person has committed an offense as provided in Chapter 23 of Title 22.

(a-3) A law enforcement officer may arrest a person without a warrant if the officer has probable cause to believe the person has committed an offense as provided in sections 22-3312.01, 22-3312.02, and 22-3312.03.

(a-4) A law enforcement officer may arrest a person without a warrant if the officer has probable cause to believe the person has committed the offense of unlawful entry of a motor vehicle as provided in [§ 22-1341].

(a-5) A law enforcement officer may arrest a person without a warrant if the officer has probable cause to believe the person has committed the offense of tampering with a detection device as provided in [§ 22-1211].

(a-6) A law enforcement officer may arrest a person without a warrant if the officer has probable cause to believe the person has committed the offense of engaging in an unlawful protest targeting a residence as provided in § 22-2752.

(a-7) A law enforcement officer may arrest a person without a warrant if the officer has probable cause to believe the person has committed the offense of misdemeanor sexual abuse or misdemeanor sexual abuse of a child or minor as provided in sections 22-3006 and 22-3010.01.

(b) A law enforcement officer may, even if his jurisdiction does not extend beyond the District of Columbia, continue beyond the District, if necessary, a pursuit commenced within the District of a person who has committed an offense or who he has probable cause to believe has committed or is committing a felony, and may arrest that person in any State the laws of which contain provisions equivalent to those of section 23-901.

(July 29, 1970, 84 Stat. 629, Pub. L. 91-358, title II, § 210(a); Dec. 1, 1982, D.C. Law 4-164, § 601(g), 29 DCR 3976; Aug. 2, 1983, D.C. Law 5-24, § 4, 30 DCR 3341; Apr. 30, 1988, D.C. Law 7-104, § 7(d), 35 DCR 147; April 30, 1990, D.C. Law 8-261, § 3, 37 DCR 5001; May 5, 1992, D.C. Law 9-96, § 5, 38 DCR 7274; Nov. 17, 1993, D.C. Law 10-54, § 8, 40 DCR 5450; Feb. 5, 1994, D.C. Law 10-68, § 55(a), 40 DCR 6311; May 20, 1994, D.C. Law 10-117, § 8(c), 41 DCR 524; June 12, 2001, D.C. Law 13-309, § 3, 48 DCR 1613; Mar. 13, 2004, D.C. Law 15-105, § 93, 51 DCR 881; Oct. 18, 2005, D.C. Law 16-24, § 3, 52 DCR 8080; Dec. 10, 2009, D.C. Law 18-88, § 222, 56 DCR 7413; May 26, 2011, D.C. Law 18-374, § 4, 58 DCR 715; June 3, 2011, D.C. Law 18-377, § 15, 58 DCR 1174.)

#### HISTORICAL AND STATUTORY NOTES

##### *Prior Codifications*

1981 Ed., § 23-581.

1973 Ed., § 23-581.

*Effect of Amendments*

D.C. Law 13-309 added subsec. (a-3).

D.C. Law 15-105, in subsec. (a)(2)(E), validated a previously made technical correction.

D.C. Law 16-24 added subsec. (a)(2)(F).

D.C. Law 18-88, in subsec. (a)(2)(A), inserted "Malicious burning, destruction or injury of another's property ..... section 848 (D. C. Official Code § 22-303)."; rewrote subsec. (a)(2)(B); and added subsecs. (a-4) and (a-5). Prior to amendment, subsec. (a)(2)(B) read as follows:

"(B) Attempts to commit burglary as specified in section 823 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (D.C. Official Code, sec. 22-801)."

D.C. Law 18-374 added subsec. (a-6).

D.C. Law 18-377 added subsec. (a-7).

*Temporary Amendments of Section*

Section 3 of D.C. Law 16-4 added subpar. (a)(2)(F) to read as follows:

"(F) The following offenses specified in section 113.7 of Title 12A of the District of Columbia Municipal Regulations (12A DCMR § 113.7; 51 DCR 371):

"Offense: Illegal construction Specified in § 113.7 (12A DCMR § 113.7)."

Section 6(b) of D.C. Law 16-4 provides that the act shall expire after 225 days of its having taken effect.

Section 3 of D.C. Law 17-391 added subsec. (a-4) to read as follows:

"(a-4) A law enforcement officer may arrest a person without a warrant if the officer has probable cause to believe the person has committed an offense as provided in the GPS Anti-Tampering Emergency Act of 2008, passed on 2nd reading on January 6, 2009 (Enrolled version of Bill 17-1072)."

Section 5(a) of D.C. Law 17-391 provides that the act shall expire after 225 days of its having taken effect.

*Temporary Addition of Section*

Section 2 of D.C. Law 17-391 added a section to read as follows:

"Sec. 2. Tampering with detection device.

"(a) It shall be unlawful for a person who is required to wear a device as a condition of supervision pursuant to a protection order, pretrial, presentence, or predisposition release, probation, supervised release, parole, or commitment to remove or intentionally alter the device, or to intentionally interfere with or mask, or attempt to interfere with or mask, the operation of the device, or to allow any unauthorized person to remove or intentionally alter the device, or to intentionally interfere with or mask, or attempt to interfere with or mask, the operation of the device. For the purposes of this section, the term 'device' includes a bracelet, anklet, or other equipment equipped with electronic monitoring capability or global positioning system technology.

"(b) Whoever violates this section shall be fined not more than \$1,000, imprisoned for not more than 180 days, or both."

Section 5(a) of D.C. Law 17-391 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 § 3 of Abatement of Nuisance Construction Projects Emergency Amendment Act of 2005 (D.C. Act 16-42, February 17, 2005, 52 DCR 3045).

For temporary (90 day) addition, see § 2 of GPS Anti-Tampering Emergency Act of 2008 (D.C. Act 17-650, January 6, 2009, 56 DCR 909).

For temporary (90 day) amendment of section, see § 3 of GPS Anti-Tampering Emergency Act of 2008 (D.C. Act 17-650, January 6, 2009, 56 DCR 909).

For temporary (90 day) addition, see § 2 of GPS Anti-Tampering Congressional Review Emergency Act of 2009 (D.C. Act 18-41, April 7, 2009, 56 DCR 2674).

For temporary (90 day) amendment of section, see § 2 of GPS Anti-Tampering Congressional Review Emergency Act of 2009 (D.C. Act 18-41, April 7, 2009, 56 DCR 2674).

For temporary (90 day) amendment of section, see § 222 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 § 222 of Omnibus Public Safety and Justice Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18- 227, October 21, 2009, 56 DCR 8668).

For temporary (90 day) amendment of section, see §§ 204, 515 of Public Safety Legislation Sixty-Day

Layover Emergency Amendment Act of 2010 (D.C. Act 18-693, January 18, 2011, 58 DCR 640).

For temporary (90 day) amendment of section, see §§ 204, 515 of Public Safety Legislation Sixty-Day Layover Congressional Review Emergency Amendment Act of 2011 (D.C. Act 19-45, April 20, 2011, 58 DCR 3701).

*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 5-24, the "Technical and Clarifying Amendments Act of 1983," was introduced in Council and assigned Bill No. 5-169, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 10, 1983, and May 24, 1983, respectively. Signed by the Mayor on June 9, 1983, it was assigned Act No. 5-41 and transmitted to both Houses of Congress for its review.

Law 7-104, the "Technical Amendments Act of 1987," was introduced in Council and assigned Bill No. 7-346, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 24, 1987 and December 8, 1987, respectively. Signed by the Mayor on December 22, 1987, it was assigned Act No. 7-124 and transmitted to both Houses of Congress for its review.

Law 8-261, the "District of Columbia Prevention of Domestic Violence Amendment Act of 1992," was introduced in Council and assigned Bill No. 8-192, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on June 26, 1990, and July 10, 1990, respectively. Signed by the Mayor on July 18, 1990, it was assigned Act No. 8-239 and transmitted to both Houses of Congress for its review.

Law 9-96, the "Comprehensive Anti-Drunk Driving Amendment Act of 1991," was introduced in Council and assigned Bill No. 9-34, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on October 1, 1991, and November 5, 1991, respectively. Signed by the Mayor on November 25, 1991, it was assigned Act No. 9-98 and transmitted to both Houses of Congress for its review.

Law 10-54, the "Panhandling Control Act of 1993," was introduced in Council and assigned Bill No. 10-72, 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. 10-48 and transmitted to both Houses of Congress for its review. D.C. Law 10-54 became effective on November 17, 1993.

Law 10-62, the "Illegal Dumping Enforcement Temporary Act of 1993," was introduced in Council and assigned Bill No. 10-353. The Bill was adopted on first and second readings on July 13, 1993, and September 21, 1993, respectively. Signed by the Mayor on October 4, 1993, it was assigned Act No. 10-115 and transmitted to both Houses of Congress for its review. D.C. Law 10-62 became effective on November 20, 1993.

Law 10-68, the "Technical Amendments Act of 1993," was introduced in Council and assigned Bill No. 10-166, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on June 29, 1993, and July 13, 1993, respectively. Signed by the Mayor on August 23, 1993, it was assigned Act No. 10-107 and transmitted to both Houses of Congress for its review. D.C. Law 10-68 became effective on February 5, 1994.

Law 10-117, the "Illegal Dumping Enforcement Act of 1994," was introduced in Council and assigned Bill No. 10-249, which was referred to the Committee on Public Works and the Environment. The Bill was adopted on first and second readings on December 7, 1993, and January 4, 1994, respectively. Signed by the Mayor on January 25, 1994, it was assigned Act No. 10-181 and transmitted to both Houses of Congress for its review. D.C. Law 10-117 became effective on May 20, 1994.

Law 13-309, the "Anti-Graffiti Amendment Act of 2000," was introduced in Council and assigned Bill No. 13-306, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on December 5, 2000, and December 19, 2000, respectively. Signed by the Mayor on January 16, 2001, it was assigned Act No. 13-560 and transmitted to both Houses of Congress for its review. D.C. Law 13-309 became effective on June 12, 2001.

Law 15-105, the "Technical Amendments Act of 2003," was introduced in Council and assigned Bill No. 15-437, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 4, 2003, and December 2, 2003, respectively. Signed by the Mayor on January 6, 2004, it was assigned Act No. 15-291 and transmitted to both Houses of Congress for its review. D.C. Law 15-105 became effective on March 13, 2004.

Law 16-4, the "Abatement of Nuisance Construction Project Amendment Temporary Act of 2005," was introduced in Council and assigned Bill No. 16-101, and was retained by Council. The Bill was adopted on first and second readings on February 1, 2005, and March 1, 2005, respectively. Signed by the Mayor on March 17, 2005, it was assigned Act No. 16-49 and transmitted to both Houses of Congress for its review.

D.C. Law 16-4 became effective on May 14, 2005.

Law 16-24, the "Abatement of Nuisance Construction Projects Amendment Act of 2005", was introduced in Council and assigned Bill No. 16-30 which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on June 21, 2005, and July 6, 2005, respectively. Signed by the Mayor on July 14, 2005, it was assigned Act No. 16-133 and transmitted to both Houses of Congress for its review. D.C. Law 16-24 became effective on October 18, 2005.

For Law 18-88, see notes following § 23-110.

Law 18-374, the "Residential Tranquility Act of 2010", was introduced in Council and assigned Bill No. 18-63, which was referred to the Committee on Public Safety and the Judiciary. The Bill was adopted on first and second readings on November 23, 2010, and December 7, 2010, respectively. Signed by the Mayor on January 19, 2011, it was assigned Act No. 18-696 and transmitted to both Houses of Congress for its review. D.C. Law 18-374 became effective on May 26, 2011.

For history of Law 18-377, see notes under § 23-546.

#### *References in Text*

The "District of Columbia Theft and White Collar Crimes Act of 1982", referred to in subsection (a)(2)(C) of this section, and the "Act", referred to in subsection (a)(2)(D) of this section, is D.C. Law 4-164.

Bracketed translations of the references to the District of Columbia Theft and White Collar Crimes Act of 1982 have been inserted in subsections (a)(2)(C) and (a)(2)(D) of this section for the convenience of the user.

The "Illegal Dumping Enforcement Act of 1994", referred to in (a)(2)(E) is D.C. Law 10-117.

## **§ 23-582. ARRESTS WITHOUT WARRANT BY OTHER PERSONS.**

(a) A special policeman shall have the same powers as a law enforcement officer to arrest without warrant for offenses committed within premises to which his jurisdiction extends, and may arrest outside the premises on fresh pursuit for offenses committed on the premises.

(b) A private person may arrest another --

(1) who he has probable cause to believe is committing in his presence --

(A) a felony; or

(B) an offense enumerated in section 23-581(a)(2); or

(2) in aid of a law enforcement officer or special policeman, or other person authorized by law to make an arrest.

(c) Any person making an arrest pursuant to this section shall deliver the person arrested to a law enforcement officer without unreasonable delay.

(July 29, 1970, 84 Stat. 630, Pub. L. 91-358, title II, § 210(a); Apr. 30, 1988, D.C. Law 7-104, § 7(e), 35 DCR 147.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 23-582.

1973 Ed., § 23-582.

##### *Legislative History of Laws*

Law 7-104, the "Technical Amendments Act of 1987," was introduced in Council and assigned Bill No. 7-346, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 24, 1987 and December 8, 1987, respectively. Signed by the Mayor on December 22, 1987, it was assigned Act No. 7-124 and transmitted to both Houses of Congress for its review.

## **SUBCHAPTER VI. AUTHORITY TO BREAK AND ENTER UNDER CERTAIN CONDITIONS.**

### **§ 23-591. AUTHORITY TO BREAK AND ENTER UNDER CERTAIN CONDITIONS.[REPEALED]**

(Oct. 26, 1974, 88 Stat. 1455, Pub. L. 93-481, § 4(a); Jan. 3, 1975, 88 Stat. 2178, Pub. L. 93-635, § 16.)

#### *HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 23-591.