

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend Title 16 of the District of Columbia Official Code to clarify the procedures by which certain victims of an intrafamily offense, sexual assault, trafficking in labor or commercial sex acts, and sex trafficking of children, or certain individuals whose animal is the victim of an intrafamily offense, may petition for a civil protection order, to expand the ability of minors ages 13 to 16 to petition for a civil protection order, to allow the court to extend temporary protection orders in increments up to 28 days for good cause or for a longer period with the consent of the parties, to clarify the relief available pursuant to a civil protection order for firearms and animal protections, to modify the duration of a civil protection order, to establish a dedicated unit in the Metropolitan Police Department to serve process in civil protection order cases, and to create procedures by which certain victims of stalking may petition for an anti-stalking order; and to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Intrafamily Offenses and Anti-Stalking Orders Amendment Act of 2020”.

Sec. 2. Section 14-306(b-1)(1)(A) of the District of Columbia Official Code is amended by striking the phrase “Intimate partner violence as defined in § 16-1001(7)” and inserting the phrase “An offense against a current or former spouse or current or former domestic partner” in its place.

Sec. 3. Title 16 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new chapter designation to read as follows:

“10A. Anti-Stalking Orders.”

(b) Section 16-801(9)(A) is amended to read as follows:

“(A) An intrafamily offense, as that term is defined in § 16-1001(8).”

(c) Section 16-914(a)(3)(F) is amended by striking the phrase “section 16-1001(5)” and inserting the phrase “§ 16-1001(8)” in its place.

(d) Section 16-1001 is amended as follows:

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(1) Paragraph (5) is amended by striking the phrase “Domestic Violence Unit” and inserting the phrase “Domestic Violence Division” in its place.

(2) New paragraphs (5A) and (5B) are added to read as follows:

“(5A) “Family member” means a person:

“(A) To whom the offender is related by blood, adoption, legal custody, marriage, or domestic partnership; or

“(B) Who is the child of an intimate partner.

“(5B)(A) “Household member” means a person with whom, in the past year, the offender:

“(i) Shares or has shared a mutual residence; and

“(ii) Has maintained a close relationship, beyond mere acquaintances, rendering application of the statute appropriate.

“(B) For the purposes of this paragraph, the term “close relationship” does not include a relationship based solely on a landlord-tenant relationship.”.

(3) Paragraph (6) is repealed.

(4) A new paragraph (6A) is added to read as follows:

“(6A) “Intimate partner” means a person:

“(A) To whom the offender is or was married;

“(B) With whom the offender is or was in a domestic partnership;

“(C) With whom the offender has a child in common; or

“(D) With whom the offender is, was, or is seeking to be in a romantic, dating, or sexual relationship.”.

(5) Paragraph (7) is repealed.

(6) Paragraph (8) is amended to read as follows:

“(8) “Intrafamily offense” means:

“(A) An offense punishable as a criminal offense against an intimate partner, a family member, or a household member; or

“(B) An offense punishable as cruelty to animals, under § 22-1001 or § 22-1002, against an animal that an intimate partner, family member, or household member owns, possesses, or controls.”.

(7) Paragraph (9) is repealed.

(8) Paragraph (10) is amended by striking the phrase “an Associate Judge,” and inserting the phrase “an Associate Judge, a Senior Judge,” in its place.

(9) Paragraph (12) is amended to read as follows:

“(12) “Petitioner” means the person for whom a civil protection order is sought under this subchapter.”.

(10) Paragraph (13) is amended by striking the phrase “12 years of age” and inserting the phrase “13 years of age” in its place.

(11) A new paragraph (14) is added to read as follows:

“(14) “Sexual assault” shall have the same meaning as provided in § 23-1907(9).”.

(e) Section 16-1003 is amended to read as follows:

“§ 16-1003. Petition for civil protection order; representation.

“(a) A person 16 years of age or older may petition the Domestic Violence Division for a civil protection order against a respondent who has allegedly committed or threatened to commit:

“(1) An intrafamily offense, where the petitioner is the victim, or, if the offense is punishable under § 22-1001 or § 22-1002, where the victim is an animal that the petitioner owns, possesses, or controls;

“(2) Sexual assault, where the petitioner is the victim;

“(3) Trafficking in labor or commercial sex acts, as described in § 22-1833, where the petitioner is the victim; or

“(4) Sex trafficking of children, as described in § 22-1834, where the petitioner is the victim.

“(b) A minor who is at least 13 years of age but less than 16 years of age may petition the Domestic Violence Division for a civil protection order against a respondent who has allegedly committed or threatened to commit:

“(1) An intrafamily offense, where the petitioner is the victim, or, if the offense is punishable under § 22-1001 or § 22-1002, where the victim is an animal that the petitioner owns, possesses, or controls; provided, that the petitioner is an intimate partner;

“(2) Sexual assault, where the petitioner is the victim; provided, that the respondent does not have a significant relationship, as that term is defined in § 22-3001(10), with the petitioner; or

“(3) Sex trafficking of children, as described in § 22-1834, where the petitioner is the victim.

“(c) A minor who is less than 13 years of age may not petition for a civil protection order on their own behalf.

“(d)(1) The parent, legal guardian, or legal custodian of a minor may file a petition for a civil protection order on a minor’s behalf.

“(2) The following individuals may, at the request of a minor 13 years of age or older, file a petition for a civil protection order on the minor’s behalf:

“(A) A person 18 years of age or older to whom the minor is related by blood, adoption, legal custody, marriage, or domestic partnership; or

“(B) A sexual assault youth victim advocate, as that term is defined in § 23-1907(14).

“(e) A minor’s custodial parent, guardian, or custodian may not file a petition for a civil protection order against the minor.

“(f)(1) The Office of Attorney General may:

“(A) If the petitioner is unable to petition on the petitioner’s own behalf, intervene in a case and represent the interests of the District of Columbia at the request of the petitioner, a person petitioning on the petitioner’s behalf, or a government agency; or

“(B) At the request of the petitioner or a person petitioning on the petitioner’s behalf, provide individual legal representation to the petitioner in proceedings under this subchapter.

“(2) If the Office of the Attorney General intervenes in a case under paragraph (1)(A) of this subsection, the intervention shall continue until:

“(A) The court denies the petition for a civil protection order; or

“(B) The Office of the Attorney General withdraws from the intervention.

“(g) The Domestic Violence Division may appoint attorneys to represent a party if the party:

“(1) Is a minor;

“(2) Is not represented by an attorney; and

“(3) The appointment would not unreasonably delay a determination on the issuance or denial of a temporary protection order or civil protection order.

“(h) When computing a time period specified in this subchapter or in an order issued under this subchapter that is stated in days or a longer unit of time:

“(1) Exclude the day of the event that triggers the time period;

“(2) Count every day, including intermediate Saturdays, Sundays, and legal holidays; and

“(3) Include the last day of the time period, but if the last day of the time period specified falls on a Saturday, Sunday, a legal holiday, or a day on which weather or other conditions cause the court to be closed, the time period specified shall continue to run until the end of the next day that is not a Saturday, Sunday, legal holiday, or a day on which weather or other conditions cause the court to be closed.”.

(f) Section 16-1004 is amended to read as follows:

“§ 16–1004. Petition; temporary protection order.

“(a) Upon receipt of a petition filed pursuant to § 16-1003, the Domestic Violence Division shall:

“(1) Order that a hearing be held to determine whether to issue a civil protection order against the respondent; and

“(2) Where appropriate, consolidate the case with other matters before the court involving the same parties.

“(b) When petitioning for a civil protection order, a petitioner or a person petitioning on the petitioner’s behalf may also request that a temporary protection order be issued without notice to the respondent.

“(c) If the petitioner or a person petitioning on the petitioner’s behalf requests that the court issue a temporary protection order pursuant to subsection (b) of this section, the court shall grant or deny the request after a hearing held on the same day that the request was made, unless the request is filed too late in the day to permit effective review, in which case the court shall grant or deny the request after a hearing held the next day the court is open.

“(d) The court may issue a temporary protection order if the petitioner or a person petitioning on the petitioner’s behalf establishes that the safety or welfare of the petitioner, or an animal the petitioner owns, possesses, or controls, is immediately endangered by the respondent.

“(e)(1) A temporary protection order shall remain in effect for an initial period not to exceed 14 days as necessary to complete service and the hearing on the petition.

“(2) The court may extend a temporary protection order as necessary to complete service and the hearing on the petition:

“(A) In 14-day increments;

“(B) In increments up to 28 days for good cause; or

“(C) For a longer time period with the consent of both parties.

“(f) The court may modify or terminate a temporary protection order.

“(g) If a respondent fails to appear for a hearing on a petition for a civil protection order after having been served with notice of the hearing, a petition, and a temporary protection order in accordance with the Rules of the Superior Court of the District of Columbia, and the court enters a civil protection order in accordance with § 16-1005, the temporary protection order shall remain in effect until the respondent is served with the civil protection order or the civil protection order expires, whichever occurs first.

“(h) A temporary protection order issued under this section:

“(1) May include any of the relief set forth in § 16-1005(c);

“(2) Shall require that the respondent relinquish possession of any firearms or ammunition and prohibit the respondent from having possession or control of, purchasing, or receiving any firearm or ammunition while the protection order is in effect.

“(i) A temporary protection order issued pursuant to this section shall include notice explaining that:

“(1) If the day on which the temporary protection order is set to expire is a Saturday, Sunday, a day observed as a holiday by the court, or a day on which the weather or other conditions cause the court to be closed, the temporary protection order shall remain in effect until the end of the next day on which the court is open; and

“(2) If the respondent fails to appear for a hearing on a petition for civil protection after having been served, and a civil protection order is entered, the temporary protection order shall remain in effect until the respondent is served with the civil protection order or the civil protection order expires, whichever occurs first.”.

(g) Section 16-1005 is amended as follows:

(1) Subsection (a) is amended to read as follows:

“(a) Parties served with notice in accordance with § 16-1007 shall appear at the hearing.”.

(2) Subsection (a-1) is amended to read as follows:

“(a-1)(1) In a case in which the Attorney General intervenes pursuant to section 16-1003(f)(1)(A), the petitioner is not a required party.

“(2) In a case in which an individual described in § 16-1003(d)(1) petitioned on behalf of a minor petitioner under the age of 13, the minor petitioner is not a required party.

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“(3) In a hearing under this section, if a parent, guardian, custodian, or other appropriate adult has petitioned for a civil protection order on behalf of a minor petitioner 13 years of age or older, the court shall consider the expressed wishes of the minor petitioner in deciding whether to issue an order pursuant to this section and in determining the contents of such an order.”.

(3) Subsection (c) is amended as follows:

(A) The lead-in language is amended to read as follows:

“(c) If, after a hearing, the judicial officer finds that there is good cause to believe the respondent has committed or threatened to commit a criminal offense against the petitioner or an animal the petitioner owns, possesses, or controls, or with the consent of both parties, the judicial officer may issue a civil protection order that:”.

(B) Paragraph (1) is amended by striking the phrase “protected persons” and inserting the phrase “individuals specified in the order” in its place.

(C) Paragraph (2) is amended by striking the phrase “protected persons or locations” and inserting the phrase “individuals or locations specified in the order” in its place.

(D) Paragraph (6) is amended to read as follows:

“(6) Awards temporary custody of a minor child or children of the parties, provided that:

“(A) If, after the hearing on the civil protection order, the judicial officer finds by a preponderance of the evidence that a contestant for custody has committed an intrafamily offense, any determination that custody is to be granted to the contestant who has committed the intrafamily offense shall be supported by a written statement by the judicial officer specifying factors and findings that support that determination; and

“(B) The parent who has committed the intrafamily offense shall have the burden of proving that custody will not endanger the child or significantly impair the child's emotional development;”.

(E) Paragraph (7) is amended to read as follows:

“(7) Provides for visitation rights with appropriate restrictions to protect the safety of the petitioner, provided that:

“(A) If, after the hearing on the civil protection order, the judicial officer finds by a preponderance of the evidence that a parent seeking visitation has committed an intrafamily offense, any determination that visitation is to be awarded to the parent who has committed the intrafamily offense shall be supported by a written statement by the judicial officer specifying factors and findings that support that determination, including how the child and custodial parent can be adequately protected from harm inflicted by the parent who has committed the intrafamily offense; and

“(B) The parent who has committed the intrafamily offense shall have the burden of proving that visitation will not endanger the child or significantly impair the child's emotional development;”.

(F) Paragraph (10) is amended to read as follows:

“(10) Directs the respondent to relinquish possession of any firearms or ammunition and prohibits the respondent from having possession or control of, purchasing, or receiving any firearm or ammunition while the protection order is in effect.”.

(G) Paragraph (10A) is amended to read as follows:

“(10A) In connection with an animal owned, possessed, or controlled by the petitioner:

“(A) Directs the ownership, possession, or control of the animal; or

“(B) Orders the respondent to stay away from the animal and refrain from possessing, controlling, harming or threatening to harm, or otherwise disposing of the animal.”.

(4) Subsection (c-1) is repealed.

(5) Subsection (d) is amended to read as follows:

“(d) A civil protection order issued pursuant to this section shall remain in effect for an initial period not to exceed 2 years.”.

(6) A new subsection (d-1) is added to read as follows:

“(d-1)(1) A judicial officer may, upon motion of any party to the original proceeding, extend, modify, or vacate an order for good cause shown.

“(2) Except as provided in paragraph (3) of this subsection, a finding that an order has been violated is not necessary for a finding of good cause to modify or extend an order.

“(3) For each request for an extension, the judicial officer may extend an order for the period of time the judicial officer deems appropriate, but before granting any single extension longer than 2 years, the judicial officer shall find:

“(A) That the respondent has violated the civil protection order;

“(B) That prior to obtaining the order being extended, the petitioner had previously obtained a civil protection order or foreign protection order as that term is defined in subchapter IV of this chapter against the same respondent; or

“(C) Other compelling circumstances related to the petitioner’s safety or welfare.”.

(7) Subsection (e) is amended to read as follows:

“(e) Any final order issued pursuant to this section and any order granting or denying a motion to extend, modify, or vacate such order shall be appealable.”.

(8) Subsection (f) is amended to read as follows:

“(f)(1) Violation of any temporary protection order or civil protection order issued under this subchapter, or violation in the District of Columbia of any valid foreign protection order, as that term is defined in subchapter IV of this chapter, or respondent’s failure to appear as required by subsection (a) of this section, shall be punishable as criminal contempt.

“(2) Upon conviction, criminal contempt shall be punished by a fine of not more than the amount set forth in § 22-3571.01, imprisonment for not more than 180 days, or both.”.

(9) Subsection (g) is amended to read as follows:

“(g)(1) Violation of any temporary protection order or civil protection order issued under this subchapter, or violation in the District of Columbia of any valid foreign protection order, as that term is defined in subchapter IV of this chapter, shall be chargeable as a misdemeanor.

“(2) Upon conviction, violation of a temporary protection order, civil protection order, or a valid foreign protection order shall be punished by a fine of not more than the amount set forth in § 22-3571.01, imprisonment for not more than 180 days, or both.”.

(10) Subsection (g-1) is amended to read as follows:

“(g-1)(1) No person shall be found to violate a temporary protection order, civil protection order, or valid foreign protection order as described in subsection (f)(1) or (g)(1) of this section, unless the person was personally served with or received actual notice of the temporary protection order, civil protection order, or valid foreign protection order.

“(2) Enforcement proceedings under subsection (f) or (g) of this section in which the respondent is a child, as that term is defined in § 16-2301(3), shall be governed by subchapter I of Chapter 23 of this title.”.

(11) Subsection (i) is amended by striking the phrase “Orders entered” and inserting the phrase “Violations of protection orders entered” in its place.

(h) A new section 16-1007 is added to read as follows:

“§ 16-1007. Notice to parties.

“(a) Pursuant to the Rules of the Superior Court of the District of Columbia, the respondent, and in cases where the respondent is a minor, the respondent’s custodial parent, guardian, or custodian, shall be served with notice of the hearing, an order to appear, a copy of the petition, and a temporary protection order, if issued.

“(b)(1) If a minor has petitioned for a civil protection order without a parent, guardian, or custodian, and if the minor is residing with a parent, guardian, or custodian, the court shall send a copy of any order issued pursuant to § 16-1004(d) and notice of the hearing to that parent, guardian, or custodian, unless, in the discretion of the court, notification of that parent, guardian, or custodian would be contrary to the best interests of the minor.

“(2) If the court does not send notice to the parent, guardian, or custodian with whom the minor resides, the court may, in its discretion, send notice to any other parent, guardian, custodian, or other appropriate adult.

“(c) The notice of hearing shall notify the respondent that if the respondent does not attend the hearing, the court may issue an order against the respondent that may last up to 2 years.

“(d) A respondent is deemed to have been personally served and no additional proof of service is required for enforcement of an order if the respondent is present before the court when the order is issued or if the respondent is served with the order in open court.

“(e)(1) At the request of the petitioner or a person petitioning on the petitioner’s behalf, or by order of the court, the Metropolitan Police Department shall attempt to serve civil process in any case filed under this subchapter that has an address for service in the District of Columbia.

“(2) There is established a special unit that consists of at least 6 officers for the purpose of performing these and similar duties, including the service of anti-stalking orders or extreme risk protection orders.”.

(i) Section 16-1031(c)(1) is amended by striking the phrase “offense that does not constitute intimate partner violence” and inserting the phrase “offense, where the victim of that offense is not an intimate partner, as that term is defined in § 16-1001(6A)” in its place.

(j) A new Chapter 10A is added to read as follows:

“Chapter 10A. Anti-Stalking Orders.

“16-1061. Definitions.

“16-1062. Petition for anti-stalking order; representation.

“16-1063. Petition; temporary anti-stalking order.

“16-1064. Hearing; evidence; anti-stalking order.

“16-1065. Notice to respondent.

“§ 16-1061. Definitions.

“For the purposes of this chapter, the term:

“(1) “Attorney General” means the Attorney General for the District of Columbia

“(2) “Court” means the Superior Court of the District of Columbia.

“(3) “Judicial officer” means the Chief Judge, a Senior Judge, an Associate Judge, or a Magistrate Judge of the court.

“(4) “Minor” means a person under 18 years of age.

“(4) “Petitioner” means the person for whom an anti-stalking order is sought under this chapter.

“(6) “Respondent” means any person against whom a petition for an anti-stalking order is filed under this chapter.

“(7) “Stalked” means any course of conduct prohibited by § 22-3133.

“§ 16-1062. Petition for anti-stalking order; representation.

“(a) A person 16 years of age or older may petition the court for an anti-stalking order against another person who has allegedly stalked the petitioner, with at least one occasion of the course of conduct occurring within the 90 days prior to the date of petitioning.

“(b) A minor who is less than 16 years of age may not petition the court for an anti-stalking order on their own behalf.

“(c)(1) The parent, legal guardian, or legal custodian of a minor may file a petition for an anti-stalking order on the minor’s behalf.

“(2) A person 18 years of age or older to whom the minor is related by blood, adoption, legal custody, marriage, or domestic partnership may, at the request of a minor 13 years of age or older, petition for an anti-stalking order on the minor’s behalf:

“(d)(1) The Office of Attorney General may:

“(A) If the petitioner is unable to petition on the petitioner’s own behalf, intervene in a case and represent the interests of the District of Columbia at the request of the petitioner, a person petitioning on the petitioner’s behalf, or a government agency; or

“(B) At the request of the petitioner or a person petitioning on the petitioner’s behalf, provide individual legal representation to the petitioner in proceedings under this chapter.

“(2) If the Office of the Attorney General intervenes in a case under paragraph (1)(A) of this subsection, the intervention shall continue until:

“(A) The court denies the petition for an anti-stalking order;

“(B) The Office of the Attorney General withdraws from the intervention.

“(e) The court may appoint attorneys to represent a party if the party:

“(1) Is a minor;

“(2) Is not represented by an attorney; and

“(3) The appointment would not unreasonably delay a determination on the issuance or denial of a temporary anti-stalking order or anti-stalking order.

“(f) When computing a time period specified in this chapter or in an order issued under this chapter that is stated in days or a longer unit of time:

“(1) Exclude the day of the event that triggers the time period;

“(2) Count every day, including intermediate Saturdays, Sundays, and legal holidays; and

“(3) Include the last day of the time period, but if the last day of the time period specified falls on a Saturday, Sunday, a legal holiday, or a day on which weather or other conditions cause the court to be closed, the time period specified shall continue to run until the end of the next day that is not a Saturday, Sunday, legal holiday, or a day on which weather or other conditions cause the court to be closed.

“§ 16-1063. Petition; temporary anti-stalking order.

“(a) Upon receipt of a petition filed pursuant to § 16-1062, the court shall:

“(1) Order that a hearing be held to determine whether to issue an anti-stalking order against the respondent; and

“(2) Where appropriate, consolidate the case with other matters before the court involving the same parties.

“(b) When petitioning for an anti-stalking order, a petitioner or a person petitioning on the petitioner’s behalf may also request that a temporary anti-stalking order be issued without notice to the respondent.

“(c) If the petitioner or the person petitioning on the petitioner’s behalf requests that the court issue a temporary anti-stalking order pursuant to subsection (b) of this section, the court shall grant or deny the request after a hearing held on the same day that the request was made, unless the request is filed too late in the day to permit effective review, in which case the court shall grant or deny the request after a hearing held the next day the court is open.

“(d) The court may issue a temporary anti-stalking order if the petitioner or the person petitioning on the petitioner’s behalf establishes that the safety or welfare of the petitioner, the petitioner’s household member, or an animal the petitioner owns, possesses, or has control of, is immediately endangered by the respondent.

“(e)(1) A temporary anti-stalking order shall remain in effect for an initial period not to exceed 14 days.

“(2) The court may extend a temporary anti-stalking order as necessary to complete service and the hearing on the petition:

“(A) In 14-day increments;

“(B) In increments up to 28 days for good cause; or

“(C) For a longer time period with the consent of both parties.

“(f) The court may modify or terminate a temporary anti-stalking order.

“(g) If a respondent fails to appear for a hearing on a petition for an anti-stalking order after having been served with notice of the hearing, a petition, and a temporary anti-stalking order in accordance with the Rules of the Superior Court of the District of Columbia, and the court issues an anti-stalking order in accordance with § 16-1063(d), the temporary anti-stalking order shall remain in effect until the respondent is served with the anti-stalking order or the anti-stalking order expires, whichever occurs first.

“(h) A temporary anti-stalking order may include any of the relief set forth in § 16-1064(c).

“(i) A temporary anti-stalking order issued pursuant to this section shall include a notice explaining that:

“(1) If the day on which the temporary anti-stalking order is set to expire falls on a Saturday, Sunday, a day observed as a holiday by the court, or a day on which weather or other conditions cause the court to be closed, the temporary anti-stalking order shall remain in effect until the end of the next day on which the court is open; and

“(2) If the respondent fails to appear for a hearing on a petition for an anti-stalking order, after having been served, and a final anti-stalking order is entered, the temporary anti-stalking order shall remain in effect until the respondent is served with the anti-stalking order or the anti-stalking order expires, whichever occurs first.

“§ 16-1064. Hearing; evidence; anti-stalking order.

“(a) Parties served with notice in accordance with § 16-1065 shall appear at the hearing.

“(b)(1) In a case in which the Attorney General intervenes pursuant to § 16-1062(d)(1)(A), the petitioner is not a required party.

“(2) In a case in which an individual described in § 16-1062(c)(1) filed a petition on behalf of a minor petitioner under the age of 13, the minor petitioner is not a required party.

“(c) If, after a hearing, the judicial officer finds by a preponderance of the evidence that the respondent stalked the petitioner, with at least one occasion of the course of conduct occurring within the 90 days prior to the date of petitioning, or after receiving the parties’ consent, a judicial officer may issue an anti-stalking order that:

“(1) Directs the respondent to refrain from committing or threatening to commit criminal offenses against the petitioner and other individuals specified in the order;

“(2) Requires the respondent to stay away from or have no contact with the petitioner and any other individuals or locations specified in the order;

“(3) Directs the respondent to relinquish possession or use of certain personal property owned jointly by the parties or by the petitioner individually;

“(4) Awards costs and attorney fees;

“(5) Orders the Metropolitan Police Department to take such action as the judicial officer deems necessary to enforce its orders;

“(6) In connection with an animal owned, possessed, or controlled by the petitioner, orders the respondent to stay away from the animal and refrain from possessing, controlling, harming or threatening to harm, or otherwise disposing of the animal;

“(7) Directs the respondent to perform or refrain from other actions as may be appropriate to the effective resolution of the matter;

“(8) Directs the respondent to relinquish possession of any firearms or ammunition and prohibits the respondent from having possession or control of, purchasing, or receiving any firearm or ammunition while the anti-stalking order is in effect; or

“(9) Combines 2 or more of the preceding provisions.

“(d) An anti-stalking order issued pursuant to this section shall remain in effect for an initial period not to exceed 2 years.

“(e)(1) A judicial officer may, upon motion of any party to the original proceeding, extend, modify, or vacate an order for good cause shown.

“(2) A finding that an order has been violated is not necessary for a finding of good cause to modify or extend an order.

“(3) For each request for an extension, the judicial officer may extend the order for the period of time the judicial officer deems appropriate, but before granting any single extension longer than 2 years, the judicial officer shall find:

“(A) That the respondent has violated the anti-stalking order;

“(B) That prior to obtaining the order being extended, the petitioner had previously obtained an anti-stalking order against the same respondent; or

“(C) Other compelling circumstances related to the petitioner’s safety or welfare.

“(f) Any final order issued pursuant to this section and any order granting or denying a motion to extend, modify, or vacate such order shall be appealable.

“(g)(1) Violation of any temporary anti-stalking order or anti-stalking order issued under this chapter, or respondent’s failure to appear as required by subsection (a) of this section, shall be punishable as criminal contempt.

“(2) Upon conviction, criminal contempt shall be punished by a fine of not more than the amount set forth in § 22-3571.01, imprisonment for not more than 180 days, or both.

“(h)(1) Violation of any temporary anti-stalking order or anti-stalking order issued under this chapter shall be chargeable as a misdemeanor.

“(2) Upon conviction, violation of any temporary anti-stalking order or anti-stalking order shall be punished by a fine of not more than the amount set forth in § 22-3571.01, imprisonment for not more than 180 days, or both.

“(i)(1) No person shall be found to violate a temporary anti-stalking order or anti-stalking order as described in subsection (g)(1) or (h)(1) of this section, unless the person was personally served with or received actual notice of the temporary anti-stalking order or anti-stalking order.

“(2) For the purposes of establishing a violation under subsection (f) or (g) of this section, an oral or written statement made by the respondent located outside the District of

Columbia to a person located in the District of Columbia by means of telecommunication, mail, or any other method of communication shall be deemed to be made in the District of Columbia.

“(j) Violations of temporary anti-stalking orders or anti-stalking orders entered with the consent of the respondent but without an admission that the conduct occurred shall be punishable under subsection (f) or (g) of this section.

“§ 16-1065. Notice to the parties.

“(a) Pursuant to the Rules of the Superior Court of the District of Columbia, the respondent shall be served with notice of the hearing, an order to appear, a copy of the petition, and a temporary anti-stalking order, if issued.

“(b)(1) If a minor has petitioned for an anti-stalking order without a parent, guardian, or custodian, and if the minor is residing with a parent, guardian, or custodian, the court shall send a copy of any order issued pursuant to § 16-1063(d) and notice of the hearing to that parent, guardian, or custodian, unless, in the discretion of the court, notification of that parent, guardian, or custodian would be contrary to the best interests of the minor.

“(2) If the court does not send notice to the parent, guardian, or custodian with whom the minor resides, the court may, in its discretion, send notice to any other parent, guardian, custodian, or other appropriate adult.

“(c) The notice of hearing shall notify the respondent that if the respondent does not attend the hearing, the court may issue an order against the respondent that may last up to 2 years.

“(d) A respondent is deemed to have been personally served and no additional proof of service is required for enforcement of an order if the respondent is present before the court when the order is issued or if the respondent is served with the order in open court.

“(e) At the request of the petitioner, the Metropolitan Police Department may attempt to serve civil process in any case filed under this chapter that has an address for service in the District of Columbia.”.

(k) Section 16-2301(9)(A)(i) is amended by striking the phrase “includes filing a petition for civil protection from intrafamily violence pursuant to §16-1003” and inserting the phrase “includes petitioning for a civil protection order pursuant to § 16-1003, where the child is a family member, as that term is defined in § 16-1001(5A)” in its place.

Sec. 4. Section 253 of the Anti-Sexual Abuse Act of 1994, effective June 8, 2013 (D.C. Law 19-315; D.C. Official Code § 22-3020.53), is amended to read as follows:

“Sec. 253. Defense to non-reporting.

“Any survivor of an intrafamily offense, as that term is defined in D.C. Official Code § 16-1001(8), may use the occurrence of that intrafamily offense as a defense to their failure to report under this title.”.

Sec. 5. Section 23-584(b)(2)(B) of the District of Columbia Official Code is amended as follows:

(a) Sub-subparagraph (v) is amended to read as follows:

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“(v) Charged with an intrafamily offense, as that term is defined in § 16-1001(8), where the victim is an intimate partner, as that term is defined in § 16-1001(6A), or where the victim is a family member, as that term is defined in § 16-1001(5A);”.

(b) Sub-subparagraph (vi) is amended to read as follows:

“(vi) Charged with an intrafamily offense, as that term is defined in § 16-1001(8), where:

“(I) The victim is a household member, as that term is defined in § 16-1001(5B); and

“(II) The criminal offense committed or threatened to be committed is violent;”.

Sec. 6. Section 2(1) of the Accrued Sick and Safe Leave Act of 2008, effective May 13, 2008 (D.C. Law 17-152; D.C. Official Code § 32-531.01(1)), is amended by striking the phrase “§ 16-1001(5)” and inserting the phrase “§ 16-1001(8)” in its place.

Sec. 7. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 8. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 60-day period of congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia

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