

A BILL

23-181

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend Title 16 of the District of Columbia Official Code to make civil protection orders only available to intimate partners, household members, family members, and victims of sexual assault and abuse or sex trafficking; make the inclusion of animal abuse consistent; expand the ability of minors ages 13 to 16 to file civil protection orders; 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; clarify the relief available for firearms and animal protections; modify the duration of civil protection orders; establish a dedicated unit in the Metropolitan Police Department to serve process in civil protection order cases; and create new anti-stalking orders.

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 the phrase “10A. Anti-Stalking Orders . . . 16-1061” after the phrase “10. Proceedings Regarding Intrafamily Offenses . . . 16-1001”.

(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).”.

ENGROSSED ORIGINAL

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

32 (d) Chapter 10 is amended as follows:

33 (1) Section 16-1001 is amended as follows:

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

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

37 “(5A) “Family member” means a person:

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

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

41 “(5B)(A) “Household member” means a person with whom, in the past year, the
42 offender:

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

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

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

48 (C) Paragraph (6) is repealed.

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

50 “(6A) “Intimate partner” means a person:

- 51 “(A) To whom the offender is or was married;
- 52 “(B) With whom the offender is or was in a domestic partnership;
- 53 “(C) With whom the offender has a child in common; or
- 54 “(D) With whom the offender is, was, or is seeking to be in a romantic,
- 55 dating, or sexual relationship.”.
- 56 (E) Paragraph (7) is repealed.
- 57 (F) Paragraph (8) is amended to read as follows:
- 58 “(8) “Intrafamily offense” means:
- 59 “(A) An offense punishable as a criminal offense against an intimate
- 60 partner, a family member, or a household member; or
- 61 “(B) An offense punishable as cruelty to animals, under § 22-1001 or § 22-
- 62 1002, against an animal that an intimate partner, family member, or household member owns,
- 63 possesses, or controls.”.
- 64 (G) Paragraph (9) is repealed.
- 65 (H) Paragraph (10) is amended by striking the phrase “an Associate Judge,”
- 66 and inserting the phrase “an Associate Judge, a Senior Judge,” in its place.
- 67 (I) Paragraph (12) is amended to read as follows:
- 68 “(12) “Petitioner” means the person for whom a civil protection order is sought
- 69 under this subchapter.”.
- 70 (J) Paragraph (13) is amended by striking the phrase “12 years of age” and
- 71 inserting the phrase “13 years of age” in its place.

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

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

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

75 “§ 16-1003. Petition for civil protection order; representation.

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

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

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

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

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

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

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

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

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

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

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

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

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

105 “(B) A sexual assault youth victim advocate, as that term is defined in § 23–
106 1907(14).

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

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

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

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

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

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

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

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

122 “(1) Is a minor;

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

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

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

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

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

131 “(3) Include the last day of the time period, but if the last day of the time period
132 specified falls on a Saturday, Sunday, a legal holiday, or a day on which weather or other
133 conditions cause the court to be closed, the time period specified shall continue to run until the end

134 of the next day that is not a Saturday, Sunday, legal holiday, or a day on which weather or other
135 conditions cause the court to be closed.”.

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

137 “§ 16–1004. Petition; temporary protection order.

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

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

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

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

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

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

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

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

159 “(A) In 14-day increments;

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

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

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

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

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

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

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

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

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

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

184 (4) Section 16-1005 is amended as follows:

185 (A) Subsection (a) is amended to read as follows:

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

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

188 “(a-1)(1) In a case in which the Attorney General intervenes pursuant to section 16-
189 1003(f)(1)(A), the petitioner is not a required party.

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

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

197 (C) Subsection (c) is amended as follows:

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

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

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

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

208 (iv) Paragraph (6) is amended to read as follows:

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

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

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

219 (v) Paragraph (7) is amended to read as follows:

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

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

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

232 (vi) Paragraph (10) is amended to read as follows:

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

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

237 “(10A) In connection with an animal owned, possessed, or controlled by the
238 petitioner:

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

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

242 (D) Subsection (c-1) is repealed.

243 (E) Subsection (d) is amended to read as follows:

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

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

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

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

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

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

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

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

260 (G) Subsection (e) is amended to read as follows:

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

263 (I) Subsection (f) is amended to read as follows:

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

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

270 (H) Subsection (g) is amended to read as follows:

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

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

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

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

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

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

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

288 “§ 16–1007. Notice to parties.

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

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

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

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

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

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

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

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

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

316 “Chapter 10A. Anti-Stalking Orders.

317 “16-1061. Definitions.

318 “16-1062. Petition for anti-stalking order; representation.

319 “16-1063. Petition; temporary anti-stalking order.

320 “16-1064. Hearing; evidence; anti-stalking order.

321 “16-1065. Notice to respondent.

322 “§ 16-1061. Definitions.

323 “For the purposes of this chapter, the term:

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

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

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

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

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

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

333 “§ 16-1062. Petition for anti-stalking order; representation.

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

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

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

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

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

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

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

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

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

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

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

356 “(1) Is a minor;

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

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

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

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

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

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

370 “§ 16-1063. Petition; temporary anti-stalking order.

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

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

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

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

379 “(c) If the petitioner or the person petitioning on the petitioner’s behalf requests that the
380 court issue a temporary anti-stalking order pursuant to subsection (b) of this section, the court shall

381 grant or deny the request after a hearing held on the same day that the request was made, unless
382 the request is filed too late in the day to permit effective review, in which case the court shall grant
383 or deny the request after a hearing held the next day the court is open.

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

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

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

392 “(A) In 14-day increments;

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

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

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

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

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

403

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

405 explaining that:

406 “(1) If the day on which the temporary anti-stalking order is set to expire falls on a

407 Saturday, Sunday, a day observed as a holiday by the court, or a day on which weather or other

408 conditions cause the court to be closed, the temporary anti-stalking order shall remain in effect

409 until the end of the next day on which the court is open; and

410 “(2) If the respondent fails to appear for a hearing on a petition for an anti-stalking

411 order, after having been served, and a final anti-stalking order is entered, the temporary anti-

412 stalking order shall remain in effect until the respondent is served with the anti-stalking order or

413 the anti-stalking order expires, whichever occurs first.

414 “§ 16-1064. Hearing; evidence; anti-stalking order.

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

416 “(b)(1) In a case in which the Attorney General intervenes pursuant to § 16-1062(d)(1)(A),

417 the petitioner is not a required party.

418 “(2) In a case in which an individual described in § 16-1062(c)(1) filed a petition

419 on behalf of a minor petitioner under the age of 13, the minor petitioner is not a required party.

420 “(c) If, after a hearing, the judicial officer finds by a preponderance of the evidence that

421 the respondent stalked the petitioner, with at least one occasion of the course of conduct occurring

422 within the 90 days prior to the date of petitioning, or after receiving the parties' consent, a judicial
423 officer may issue an anti-stalking order that:

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

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

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

430 “(4) Awards costs and attorney fees;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

471 “(2) For the purposes of establishing a violation under subsection (f) or (g) of this
472 section, an oral or written statement made by the respondent located outside the District of
473 Columbia to a person located in the District of Columbia by means of telecommunication, mail,
474 or any other method of communication shall be deemed to be made in the District of Columbia.

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

478 “§ 16-1065. Notice to the parties.

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

482 “(b)(1) If a minor has petitioned for an anti-stalking order without a parent, guardian, or
483 custodian, and if the minor is residing with a parent, guardian, or custodian, the court shall send a

484 copy of any order issued pursuant to § 16-1063(d) and notice of the hearing to that parent, guardian,
485 or custodian, unless, in the discretion of the court, notification of that parent, guardian, or custodian
486 would be contrary to the best interests of the minor.

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

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

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

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

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

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

504 “Sec. 253. Defense to non-reporting.

505 “Any survivor of an intrafamily offense, as that term is defined in D.C. Official Code § 16-
506 1001(8), may use the occurrence of that intrafamily offense as a defense to their failure to report
507 under this title.”.

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

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

511 “(v) Charged with an intrafamily offense, as that term is defined in
512 § 16-1001(8), where the victim is an intimate partner, as that term is defined in § 16-1001(6A), or
513 where the victim is a family member, as that term is defined in § 16-1001(5A);”.

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

515 “(vi) Charged with an intrafamily offense, as that term is defined in
516 § 16-1001(8), where:

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

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

521 Sec. 6. Section 2(1) of the Accrued Sick and Safe Leave Act of 2008, effective May 13,
522 2008 (D.C. Law 17-152; D.C. Official Code § 32–531.01(1)), is amended by striking the phrase
523 “§ 16-1001(5)” and inserting the phrase “§ 16-1001(8)” in its place.

524 Sec. 7. Fiscal impact statement.

ENGROSSED ORIGINAL

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

528 Sec. 8. Effective date.

529 This act shall take effect following approval by the Mayor (or in the event of veto by the
530 Mayor, action by the Council to override the veto), a 60-day period of congressional review as
531 provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24,
532 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of
533 Columbia Register.