

ENROLLMENT(S)

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COUNCIL OF THE DISTRICT OF COLUMBIA


NOTICE

D.C. LAW 10- 257

"Anti-Sexual Abuse Act of 1994".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198 "the Act", the Council of the District of Columbia adopted Bill No. 10-87 on first and second readings, November 1, 1994 and December 6, 1994, respectively. Following the signature of the Mayor on December 28, 1994, pursuant to Section 404(e) of "the Act", and was assigned Act No. 10-385, and published in the January 6, 1995, edition of the D.C. Register (Vol. 41 page 53) and transmitted to Congress on February 3, 1995 for a 60-day review, in accordance with Section 602(c)(2) of the Act.

The Council of the District of Columbia hereby gives notice that the 60-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 10-257, effective May 23, 1995.


DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 60-day Congressional Review Period:

Feb.	3,6,7,8,9,10,13,14,15,16,21,22,23,24,27,28
Mar.	1,2,3,6,7,8,9,10,13,14,15,16,17,20,21,22,23,24,27, 28,29,30,31
Apr.	3,4,5,6,7,
May	1,2,3,4,5,8,9,10,11,12,15,16,17,18,19,22

AN ACT

D.C. ACT 10-385

Codification
District of Columbia Code
(1995 Supplement)

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

New Chapter 41
Title 22

DECEMBER 28, 1994

To strengthen and consolidate the laws against rape and sexual abuse in the District of Columbia, and to amend An Act To establish a code of law for the District of Columbia, An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, An Act To provide for the treatment of sexual psychopaths in the District of Columbia, and for other purposes, sections 16-2301(3)(A) and 23-1331 of the District of Columbia Code, the District of Columbia Mental Health Information Act of 1978, An Act To establish a code of law for the District of Columbia, An Act To provide for the treatment of sexual psychopaths in the District of Columbia, and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,
That this act may be cited as the "Anti-Sexual Abuse Act of 1994".

TITLE I. DEFINITIONS.

Sec. 101. Definitions.

For the purposes of this act:

(1) "Actor" means a person accused of any offense proscribed under this act.

(2) "Bodily injury" means injury involving loss or impairment of the function of a bodily member, organ, or mental faculty, or physical disfigurement, disease, sickness, or injury involving significant pain.

(3) "Child" means a person who has not yet attained the age of 16 years.

(4) "Consent" means words or overt actions indicating a freely given agreement to the sexual act or contact in question. Lack of verbal or physical resistance or submission by the victim, resulting from the use of force, threats, or coercion by the defendant shall not constitute consent.

(5) "Force" means the use or threatened use of a weapon; the use of such physical strength or violence as is sufficient to overcome, restrain, or injure a person; or the use of a threat of harm sufficient to coerce or compel submission by the victim.

New
Section
22-4101

(6) "Official custody" means:

(A) Detention following arrest for an offense; following surrender in lieu of arrest for an offense; following a charge or conviction of an offense, or an allegation or finding of juvenile delinquency; following commitment as a material witness; following or pending civil commitment proceedings, or pending extradition, deportation, or exclusion;

(B) Custody for purposes incident to any detention described in subparagraph (A) of this paragraph, including transportation, medical diagnosis or treatment, court appearance, work, and recreation; or

(C) Probation or parole.

(7) "Serious bodily injury" means: bodily injury that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

(8) "Sexual act" means:

(A) The penetration, however slight, of the anus or vulva of another by a penis;

(B) Contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; or

(C) The penetration, however slight, of the anus or vulva by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

(D) The emission of semen is not required for the purposes of subparagraphs (A)-(C) of this paragraph.

(9) "Sexual contact" means the touching with any clothed or unclothed body part or any object, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

(10) "Significant relationship" includes: (A) A parent, sibling, aunt, uncle, or grandparent, whether related by blood, marriage, or adoption; (B) A legal or de facto guardian or any person, more than 4 years older than the victim, who resides intermittently or permanently in the same dwelling as the victim; (C) The person or the spouse or paramour of the person who is charged with any duty or responsibility for the health, welfare, or supervision of the victim at the time of the act; and (D) A teacher, scout master, coach, recreation center leader, or others in similar positions.

(11) "Victim" means a person who is alleged to have been subject to any offense set forth in title II.

TITLE II. SEX OFFENSES.

Sec. 201. First degree sexual abuse.

Whoever engages in or causes another person to engage in or submit to a sexual act:

(1) By using force against that other person;

New
Section
22-4102

(2) By threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping;

(3) After rendering that other person unconscious; or

(4) After administering to that other person by force or threat of force, or without the knowledge or permission of that other person, a drug, intoxicant, or other similar substance that substantially impairs the ability of that other person to appraise or control his or her conduct shall be imprisoned for any term of years or for life and in addition may be fined in an amount not to exceed \$250,000.

Sec. 202. Second degree sexual abuse.

Whoever engages in or causes another person to engage in or submit to a sexual act:

New
Section
22-4103

(1) By threatening or placing that other person in reasonable fear (other than by threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping); or

(2) Where the actor knows or has reason to know that the other person is:

- (A) Incapable of appraising the nature of the conduct;
- (B) Incapable of declining participation in that sexual

act; or

(C) Incapable of communicating unwillingness to engage in that sexual act shall be imprisoned for not more than 20 years and may be fined in an amount not to exceed \$200,000.

Sec. 203. Third degree sexual abuse.

Whoever engages in or causes sexual contact with or by another person:

New
Section
22-4104

(1) By using force against that other person;

(2) By threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping;

(3) After rendering that person unconscious; or

(4) After administering to that person by force or threat of force, or without the knowledge or permission of that other person, a drug, intoxicant, or similar substance that substantially impairs the ability of that other person to appraise or control his or her conduct shall be imprisoned for not more than 10 years and may be fined in an amount not to exceed \$100,000.

Sec. 204. Fourth degree sexual abuse.

Whoever engages in or causes sexual contact with or by another person:

New
Section
22-4105

(1) By threatening or placing that other person in reasonable fear (other than by threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping); or

(2) Where the actor knows or has reason to know that the person is:

- (A) Incapable of appraising the nature of the conduct;
- (B) Incapable of declining participation in that sexual

contact; or

(C) Incapable of communicating unwillingness to engage in that sexual contact, shall be imprisoned for not more than 5 years and, in addition, may be fined in an amount not to exceed \$50,000.

Sec. 205. Misdemeanor sexual abuse.

Whoever engages in a sexual act or sexual contact with another person and who should have knowledge or reason to know that the act was committed without that other person's permission, shall be imprisoned for not more than 180 days and, in addition, may be fined in an amount not to exceed \$1,000.

New
Section
22-4106

Sec. 206. Defense to sexual abuse.

Consent by the victim is a defense, which the defendant must establish by a preponderance of the evidence, to a prosecution under sections 201-205, prosecuted alone or in conjunction with charges under section 217 or sections 803 and 805 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Code §§ 22-501 and 22-503).

New
Section
22-4107

Sec. 207. First degree child sexual abuse.

Whoever, being at least 4 years older than a child, engages in a sexual act with that child or causes that child to engage in a sexual act shall be imprisoned for any term of years or for life and, in addition, may be fined an amount not to exceed \$250,000.

New
Section
22-4108

Sec. 208. Second degree child sexual abuse.

Whoever, being at least 4 years older than a child, engages in sexual contact with that child or causes that child to engage in sexual contact shall be imprisoned for not more than 10 years and, in addition, may be fined in an amount not to exceed \$100,000.

New
Section
22-4109

Sec. 209. Enticing a child.

Whoever, being at least 4 years older than a child, takes that child to any place, or entices, allures, or persuades a child to go to any place for the purpose of committing any offense set forth in sections 201-205 and 207-209 shall be imprisoned for not more than 5 years and, in addition, may be fined in an amount not to exceed \$50,000.

New
Section
22-4110

Sec. 210. Defenses to child sexual abuse.

(a) Neither mistake of age nor consent is a defense to a prosecution under sections 207-209, prosecuted alone or in conjunction with charges under section 217 or section 805 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Code § 22-503).

(b) Marriage between the defendant and the child at the time of the offense is a defense, which the defendant must establish by a preponderance of the evidence, to a prosecution under sections 207-209, prosecuted alone or in conjunction with charges under section 217 or section 805 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Code § 22-503), involving only the defendant and the child.

New
Section
22-4111

Sec. 211. State of mind proof requirement.

In a prosecution under sections 207-209, prosecuted alone or in conjunction with charges under section 217 or section 805 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Code § 22-503), the government need not prove that the defendant knew the child's age or the age difference between himself or herself and the child.

New
Section
22-4112

Sec. 212. First degree sexual abuse of a ward.

Whoever engages in a sexual act with another person or causes another person to engage in or submit to a sexual act when that other person:

New
Section
22-4113

(1) Is in official custody, or is a ward or resident, on a permanent or temporary basis, of a hospital, treatment facility, or other institution; and

(2) Is under the supervisory or disciplinary authority of the actor shall be imprisoned for not more than 10 years and, in addition, may be fined in an amount not to exceed \$100,000.

Sec. 213. Second degree sexual abuse of a ward.

Whoever engages in sexual contact with another person or causes another person to engage in or submit to sexual contact when that other person:

New
Section
22-4114

(1) Is in official custody, or is a ward or resident, on a permanent or temporary basis, of a hospital, treatment facility, or other institution; and

(2) Is under the supervisory or disciplinary authority of the actor shall be imprisoned for not more than 5 years and, in addition, may be fined in an amount not to exceed \$50,000.

Sec. 214. First degree sexual abuse of a patient or client.

(a) A person is guilty of first degree sexual abuse who purports to provide, in any manner, professional services of a medical, therapeutic, or counseling (whether legal, spiritual, or otherwise) nature, and engages in a sexual act with another person who is a patient or client of the actor, or is otherwise in a professional relationship of trust with the actor; and

New
Section
22-4115

(1) The actor represents falsely that the sexual act is for a bona fide medical or therapeutic purpose, or for a bona fide professional purpose for which the services are being provided; or

(2) The nature of the treatment or service provided by the actor and the mental, emotional, or physical condition of the patient or client are such that the actor knows or has reason to know that the patient or client is impaired from declining participation in the sexual act.

(b) Any person found guilty pursuant to subsection (a) of this section shall be imprisoned for not more than 10 years and, in addition, may be fined in an amount not to exceed \$100,000.

Sec. 215. Second degree sexual abuse of a patient or client.

(a) A person is guilty of second degree sexual abuse who purports to provide, in any manner, professional services of a medical, therapeutic, or counseling (whether legal, spiritual, or otherwise) nature, and engages in a sexual contact with another person who is a

New
Section
22-4116

patient or client of the actor, or is otherwise in a professional relationship of trust with the actor; and

(1) The actor represents falsely that the sexual contact is for a bona fide medical or therapeutic purpose, or for a bona fide professional purpose for which the services are being provided; or

(2) The nature of the treatment or service provided by the actor and the mental, emotional, or physical condition of the patient or client are such that the actor knows or has reason to know that the patient or client is impaired from declining participation in the sexual contact.

(b) Any person found guilty pursuant to subsection (a) of this section shall be imprisoned for not more than 5 years and, in addition, may be fined in an amount not to exceed \$50,000.

Sec. 216. Defenses to sexual abuse of a ward, patient, or client.

(1) Consent is not a defense to a prosecution under sections 212-215, prosecuted alone or in conjunction with charges under section 217.

(2) Marriage between the defendant and victim at the time of the offense is a defense, which the defendant must prove by a preponderance of the evidence, to a prosecution under sections 212-215, prosecuted alone or in conjunction with charges under section 217.

New
Section
22-4117

Sec. 217. Attempts to commit sexual offenses.

Any person who attempts to commit an offense under title II shall be imprisoned for a term of years not to exceed 15 years where the maximum prison term authorized for the offense is life or for not more than 1/2 of the maximum prison sentence authorized for the offense and, in addition, may be fined an amount not to exceed 1/2 of the maximum fine authorized for the offense.

New
Section
22-4118

Sec. 218. No spousal immunity from prosecution.

No actor is immune from prosecution under any section of title II because of marriage or cohabitation with the victim; provided, however, that marriage of the parties may be asserted as an affirmative defense in a prosecution under title II where it is expressly so provided.

New
Section
22-4119

Sec. 219. Aggravating circumstances.

Any person who is found guilty of an offense under this title may receive a penalty up to 1 1/2 time the maximum penalty prescribed for the particular offense, and may receive a life sentence without parole, if life imprisonment is the maximum penalty prescribed for the offense, if any of the following aggravating circumstances exists:

(1) The victim was under the age of 12 years at the time of the offense;

(2) The victim was under the age of 18 years at the time of the offense and the actor had a significant relationship to the victim;

(3) The victim sustained serious bodily injury as a result of the offense;

(4) The defendant was aided or abetted by 1 or more accomplices;

(5) The defendant is or has been found guilty of committing sex offenses against 2 or more victims, whether in the same or other

New
Section
22-4120

proceedings by a court of the District of Columbia, any state, or the United States or its territories; or

(6) The defendant was armed with, or had readily available, a pistol or other firearm (or imitation thereof) or other dangerous or deadly weapon.

(b) It is not necessary that the accomplices have been convicted for an increased punishment (or enhanced penalty) to apply under subsection (a)(4) of this section.

(c) No person who stands convicted of an offense under this title shall be sentenced to increased punishment (or enhanced penalty) by reason of the aggravating factors set forth in subsection (a) of this section, unless prior to trial or before entry of a plea of guilty, the United States Attorney or the Corporation Counsel, as the case may be, files an information with the clerk of the court, and serves a copy of such information on the person or counsel for the person, stating in writing the aggravating factors to be relied upon.

TITLE III. ADMISSION OF EVIDENCE IN SEXUAL ABUSE OFFENSE CASES.

Sec. 301. Reputation or opinion evidence of victim's past sexual behavior inadmissible.

New
Section
22-4121

(a) Notwithstanding any other provision of law, in a criminal case in which a person is accused of an offense under title II, reputation or opinion evidence of the past sexual behavior of an alleged victim of such offense is not admissible.

(b) For the purposes of this title, "past sexual behavior" means sexual behavior other than the sexual behavior with respect to which an offense under title II is alleged.

Sec. 302. Admissibility of other evidence of victim's past sexual behavior.

New
Section
22-4122

(a) Notwithstanding any other provision of law, in a criminal case in which a person is accused of an offense under title II, evidence of a victim's past sexual behavior other than reputation or opinion evidence is also not admissible, unless such evidence other than reputation or opinion evidence is:

(1) Admitted in accordance with subsection (b) of this section and is constitutionally required to be admitted; or

(2) Admitted in accordance with subsection (b) of this section and is evidence of:

(A) Past sexual behavior with persons other than the accused, offered by the accused upon the issue of whether the accused was or was not, with respect to the alleged victim, the source of semen or bodily injury; or

(B) Past sexual behavior with the accused where consent of the alleged victim is at issue and is offered by the accused upon the issue of whether the alleged victim consented to the sexual behavior with respect to which such offense is alleged.

(b)(1) If the person accused of committing an offense under title II intends to offer under subsection (a) of this section, evidence of

specific instances of the alleged victim's past sexual behavior, the accused shall make a written motion to offer such evidence not later than 15 days before the date on which the trial in which such evidence is to be offered is scheduled to begin, except that the court may allow the motion to be made at a later date, including during trial, if the court determines either that the evidence is newly discovered and could not have been obtained earlier through the exercise of due diligence or that the issue to which such evidence relates has newly arisen in the case. Any motion made under this paragraph, and the accompanying offer of proof, shall be filed under seal and served on all other parties and on the alleged victim.

(2) The motion described in paragraph (1) of this subsection shall be accompanied by a written offer of proof. If the court determines that the offer of proof contains evidence described in subsection (a) of this section, the court shall order a hearing in chambers to determine if such evidence is admissible. At such hearing, the parties may call witnesses, including the alleged victim, and offer relevant evidence. If the relevancy of the evidence which the accused seeks to offer in the trial depends upon the fulfillment of a condition of fact, the court, at the hearing in chambers, or at a subsequent hearing in chambers scheduled for such purpose, shall accept evidence on the issue of whether such condition of fact is fulfilled and shall determine such issue.

(3) If the court determines on the basis of the hearing described in paragraph (2) of this subsection that the evidence which the accused seeks to offer is relevant and that the probative value of such evidence outweighs the danger of unfair prejudice, such evidence shall be admissible in the trial to the extent an order made by the court specifies evidence which may be offered and areas with respect to which the alleged victim may be examined or cross-examined.

Sec. 303. Prompt reporting.

Evidence of delay in reporting an offense under title II to a public authority shall not raise any presumption concerning the credibility or veracity of a charge under title II.

New
Section
22-4123

Sec. 304. Spousal privilege inapplicable.

Laws attaching a privilege against disclosure of communications between a husband and wife are inapplicable in prosecutions under title II where the defendant is or was married to the victim or where the victim is a child.

New
Section
22-4124

TITLE IV. AMENDATORY PROVISIONS.

Sec. 401. Amendatory provisions.

(a) Section 101(k) of the District of Columbia Mental Health Information Act of 1978, effective March 3, 1978 (D.C. Law 2-136; D.C. Code § 6-2001(11)) is amended to read as follows:

Section
6-2001

"(k) "Mental health professional" means any of the following persons engaged in the provision of professional services:

- "(1) A person licensed to practice medicine;
- "(2) A person licensed to practice psychology;

- "(3) A licensed social worker;
 - "(4) A professional marriage, family, or child counselor;
 - "(5) A rape crisis or sexual abuse counselor who has undergone at least 40 hours of training and is under the supervision of a licensed social worker, nurse, psychiatrist, psychologist, or psychotherapist;
 - "(6) A licensed nurse who is a professional psychiatric nurse;
- or
- "(7) Any person reasonably believed by the client to be a mental health professional within the meaning of paragraphs (1) through (6) of this subsection."

(b) Sections 798 and 803 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Code §§ 22-2401 and 22-501), are amended as follows:

(1) Section 798 is amended by striking the word "rape" and inserting the phrase "first degree sexual abuse" in its place. Section 22-2401

(2) Section 803 is amended by striking the word "rape" and inserting the phrase "first degree sexual abuse, second degree sexual abuse or child sexual abuse," in its place. Section 22-501

(c) Section 1 of An Act To control the possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Code § 22-3201), is amended by striking the word "rape" wherever it appears and inserting the phrase "first degree sexual abuse, second degree sexual abuse, or child sexual abuse," in its place. Section 22-3201

(d) Section 202(e) of An Act To provide for the treatment of sexual psychopaths in the District of Columbia, and for other purposes, approved June 9, 1948 (62 Stat. 345; D.C. Code § 22-3504(e)), is amended by striking the phrase "rape or assault with intent to rape" and inserting the phrase "first degree sexual abuse, second degree sexual abuse, or assault with intent to commit first or second degree sexual abuse," in its place. Section 22-3504

(e) D.C. Code § 16-3201(3)(A) is amended by striking the phrase "forcible rape," and inserting the phrase "first degree sexual abuse," in its place. Section 16-3201

(f) D.C. Code § 23-1331 is amended as follows: Section 23-1331

(1) Paragraph 3 is amended by striking the phrase "forcible rape, or assault with intent to commit forcible rape" and inserting the phrase "first degree sexual abuse, or assault with intent to commit first degree sexual abuse" in its place.

(2) Paragraph 4 is amended as follows:

(A) By striking the phrase "forcible rape" and inserting the phrase "first degree sexual abuse" in its place; and

(B) By striking the phrases "carnal knowledge of a female under the age of 16 years" and "taking or attempting to take immoral, improper, or indecent liberties with a child under the age of sixteen years" and inserting the phrase "child sexual abuse" in their places.

TITLE V. REPEALER PROVISIONS

Sec. 501. Repealer provisions.

(a) Sections 808, 873, and 871 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322, 1332, and 1331; D.C. Code §§ 22-2801, 22-3001, and 22-3002), are repealed.

Sections
22-2801,
3001, 3002

(b) Sections 103 and 104 of An Act To provide for the treatment of sexual psychopaths in the District of Columbia, and for other purposes, approved June 9, 1948 (62 Stat. 348; D.C. Code §§ 22-3501 and 22-3502), are repealed.

Sections
22-3501,
3502

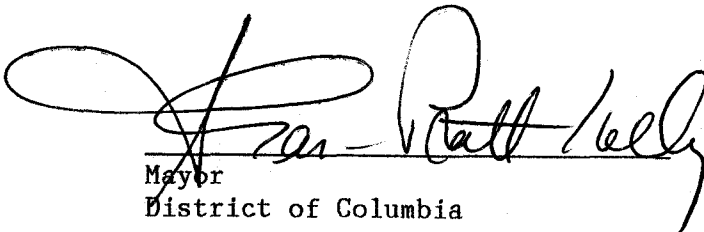
TITLE VI. EFFECTIVE DATE.

Sec. 601. Effective date.

This act shall take effect after a 60-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(2) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(2)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: December 28, 1994



COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Ten

RECORD OF OFFICIAL COUNCIL VOTE

B10-87

DOCKET NO: _____

Item on Consent Calendar

ACTION & DATE: _____ Adopted First Reading, 11-1-94

VOICE VOTE: _____ Approved, Ray voted present

Recorded vote on request

Absent: _____ Barry, Evans, Jarvis and Lightfoot

ROLL CALL VOTE - RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					EVANS					RAY				
BARRY					JARVIS					SMITH, JR.				
BRAZIL					LIGHTFOOT					THOMAS, SR.				
CHAVOUS					MASON									
CROPP					NATHANSON									

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Depti Jones
Secretary to the Council

December 19, 1994
Date

Item on Consent Calendar

ACTION & DATE: _____ Adopted Final Reading, 12-6-94

VOICE VOTE: _____ Approved

Recorded vote on request

Absent: _____ Ray

ROLL CALL VOTE - RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					EVANS					RAY				
BARRY					JARVIS					SMITH, JR.				
BRAZIL					LIGHTFOOT					THOMAS, SR.				
CHAVOUS					MASON									
CROPP					NATHANSON									

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Depti Jones
Secretary to the Council

December 19, 1994
Date

Item on Consent Calendar

ACTION & DATE: _____

VOICE VOTE: _____

Recorded vote on request

Absent: _____

ROLL CALL VOTE - RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					EVANS					RAY				
BARRY					JARVIS					SMITH, JR.				
BRAZIL					LIGHTFOOT					THOMAS, SR.				
CHAVOUS					MASON									
CROPP					NATHANSON									

X - Indicates Vote A.B. - Absent N.V. - Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date

COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF THE GENERAL COUNSEL
WASHINGTON, D.C. 20004

I. TRANSMITTAL OF ENROLLED LEGISLATION

Short Title: Anti-Sexual Abuse Act of 1994

Bill #10-87

Act #

Date Transmitted to LSD:

Received by LSD:

cc: Councilmember Nathanson

cc: Codification Counsel

Please notify me of any error/comment within 24 hours.

RECEIVED

'94 DEC 19 10:05

LEGISLATIVE SERVICE

Yus
(with attachment)
(with attachment)

II. CLEARANCE OF ENROLLED LEGISLATION

Charles A. Budenz Hudson
Legislative Counsel

12-15-94
Date

John E. McKeel
Codification Counsel

12-16-94
Date

[Signature]
Office of the Secretary

12-19-94
Date

III. CLEARANCE OF CORRESPONDENCE BY LSU

Letter(s) to the Mayor

Date

Letter(s) to Congress

Date



COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, D.C. 20004

DEC 20 1994

The Honorable Sharon Pratt Kelly
Mayor of the District of Columbia
441 4th Street, N.W., 11th Floor
Washington, D.C. 20001

Re: Transmittal of Bill 10-87, "Anti-Sexual Abuse Act of 1994".

Date of Council Action: 12-06-94

Dear Mayor Kelly:

The above named enacted bill is hereby transmitted in accordance with Section 404(e) of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198.

Attached to this bill, for your information, is the report of the Council's standing committee with jurisdiction over this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "David A. Clarke".

David A. Clarke
Chairman of the Council

Enclosure



AN ACT

Codification
District of Columbia Code
(1995 Supplement)

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

New Chapter 41
Title 22

To strengthen and consolidate the laws against rape and sexual abuse in the District of Columbia, and to amend An Act To establish a code of law for the District of Columbia, An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, An Act To provide for the treatment of sexual psychopaths in the District of Columbia, and for other purposes, sections 16-2301(3)(A) and 23-1331 of the District of Columbia Code, the District of Columbia Mental Health Information Act of 1978, An Act To establish a code of law for the District of Columbia, An Act To provide for the treatment of sexual psychopaths in the District of Columbia, and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Anti-Sexual Abuse Act of 1994".

TITLE I. DEFINITIONS.

Sec. 101. Definitions.

For the purposes of this act:

New
Section
22-4101

(1) "Actor" means a person accused of any offense proscribed under this act.

(2) "Bodily injury" means injury involving loss or impairment of the function of a bodily member, organ, or mental faculty, or physical disfigurement, disease, sickness, or injury involving significant pain.

(3) "Child" means a person who has not yet attained the age of 16 years.

(4) "Consent" means words or overt actions indicating a freely given agreement to the sexual act or contact in question. Lack of verbal or physical resistance or submission by the victim, resulting from the use of force, threats, or coercion by the defendant shall not constitute consent.

(5) "Force" means the use or threatened use of a weapon; the use of such physical strength or violence as is sufficient to overcome, restrain, or injure a person; or the use of a threat of harm sufficient to coerce or compel submission by the victim.

(6) "Official custody" means:

(A) Detention following arrest for an offense; following surrender in lieu of arrest for an offense; following a charge or conviction of an offense, or an allegation or finding of juvenile delinquency; following commitment as a material witness; following or pending civil commitment proceedings, or pending extradition, deportation, or exclusion;

(B) Custody for purposes incident to any detention described in subparagraph (A) of this paragraph, including transportation, medical diagnosis or treatment, court appearance, work, and recreation; or

(C) Probation or parole.

(7) "Serious bodily injury" means: bodily injury that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

(8) "Sexual act" means:

(A) The penetration, however slight, of the anus or vulva of another by a penis;

(B) Contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; or

(C) The penetration, however slight, of the anus or vulva by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

(D) The emission of semen is not required for the purposes of subparagraphs (A)-(C) of this paragraph.

(9) "Sexual contact" means the touching with any clothed or unclothed body part or any object, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

(10) "Significant relationship" includes: (A) A parent, sibling, aunt, uncle, or grandparent, whether related by blood, marriage, or adoption; (B) A legal or de facto guardian or any person, more than 4 years older than the victim, who resides intermittently or permanently in the same dwelling as the victim; (C) The person or the spouse or paramour of the person who is charged with any duty or responsibility for the health, welfare, or supervision of the victim at the time of the act; and (D) A teacher, scout master, coach, recreation center leader, or others in similar positions.

(11) "Victim" means a person who is alleged to have been subject to any offense set forth in title II.

TITLE II. SEX OFFENSES.

Sec. 201. First degree sexual abuse.

Whoever engages in or causes another person to engage in or submit to a sexual act:

(1) By using force against that other person;

New
Section
22-4102

(2) By threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping;

(3) After rendering that other person unconscious; or

(4) After administering to that other person by force or threat of force, or without the knowledge or permission of that other person, a drug, intoxicant, or other similar substance that substantially impairs the ability of that other person to appraise or control his or her conduct shall be imprisoned for any term of years or for life and in addition may be fined in an amount not to exceed \$250,000.

Sec. 202. Second degree sexual abuse.

Whoever engages in or causes another person to engage in or submit to a sexual act:

New
Section
22-4103

(1) By threatening or placing that other person in reasonable fear (other than by threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping); or

(2) Where the actor knows or has reason to know that the other person is:

(A) Incapable of appraising the nature of the conduct;

(B) Incapable of declining participation in that sexual

act; or

(C) Incapable of communicating unwillingness to engage in that sexual act shall be imprisoned for not more than 20 years and may be fined in an amount not to exceed \$200,000.

Sec. 203. Third degree sexual abuse.

Whoever engages in or causes sexual contact with or by another person:

New
Section
22-4104

(1) By using force against that other person;

(2) By threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping;

(3) After rendering that person unconscious; or

(4) After administering to that person by force or threat of force, or without the knowledge or permission of that other person, a drug, intoxicant, or similar substance that substantially impairs the ability of that other person to appraise or control his or her conduct shall be imprisoned for not more than 10 years and may be fined in an amount not to exceed \$100,000.

Sec. 204. Fourth degree sexual abuse.

Whoever engages in or causes sexual contact with or by another person:

New
Section
22-4105

(1) By threatening or placing that other person in reasonable fear (other than by threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping); or

(2) Where the actor knows or has reason to know that the person is:

(A) Incapable of appraising the nature of the conduct;

(B) Incapable of declining participation in that sexual

contact; or

(C) Incapable of communicating unwillingness to engage in that sexual contact, shall be imprisoned for not more than 5 years and, in addition, may be fined in an amount not to exceed \$50,000.

Sec. 205. Misdemeanor sexual abuse.

Whoever engages in a sexual act or sexual contact with another person and who should have knowledge or reason to know that the act was committed without that other person's permission, shall be imprisoned for not more than 180 days and, in addition, may be fined in an amount not to exceed \$1,000.

New
Section
22-4106

Sec. 206. Defense to sexual abuse.

Consent by the victim is a defense, which the defendant must establish by a preponderance of the evidence, to a prosecution under sections 201-205, prosecuted alone or in conjunction with charges under section 217 or sections 803 and 805 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Code §§ 22-501 and 22-503).

New
Section
22-4107

Sec. 207. First degree child sexual abuse.

Whoever, being at least 4 years older than a child, engages in a sexual act with that child or causes that child to engage in a sexual act shall be imprisoned for any term of years or for life and, in addition, may be fined an amount not to exceed \$250,000.

New
Section
22-4108

Sec. 208. Second degree child sexual abuse.

Whoever, being at least 4 years older than a child, engages in sexual contact with that child or causes that child to engage in sexual contact shall be imprisoned for not more than 10 years and, in addition, may be fined in an amount not to exceed \$100,000.

New
Section
22-4109

Sec. 209. Enticing a child.

Whoever, being at least 4 years older than a child, takes that child to any place, or entices, allures, or persuades a child to go to any place for the purpose of committing any offense set forth in sections 201-205 and 207-209 shall be imprisoned for not more than 5 years and, in addition, may be fined in an amount not to exceed \$50,000.

New
Section
22-4110

Sec. 210. Defenses to child sexual abuse.

(a) Neither mistake of age nor consent is a defense to a prosecution under sections 207-209, prosecuted alone or in conjunction with charges under section 217 or section 805 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Code § 22-503).

New
Section
22-4111

(b) Marriage between the defendant and the child at the time of the offense is a defense, which the defendant must establish by a preponderance of the evidence, to a prosecution under sections 207-209, prosecuted alone or in conjunction with charges under section 217 or section 805 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Code § 22-503), involving only the defendant and the child.

Sec. 211. State of mind proof requirement.

In a prosecution under sections 207-209, prosecuted alone or in conjunction with charges under section 217 or section 805 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Code § 22-503), the government need not prove that the defendant knew the child's age or the age difference between himself or herself and the child.

New
Section
22-4112

Sec. 212. First degree sexual abuse of a ward.

Whoever engages in a sexual act with another person or causes another person to engage in or submit to a sexual act when that other person:

New
Section
22-4113

(1) Is in official custody, or is a ward or resident, on a permanent or temporary basis, of a hospital, treatment facility, or other institution; and

(2) Is under the supervisory or disciplinary authority of the actor shall be imprisoned for not more than 10 years and, in addition, may be fined in an amount not to exceed \$100,000.

Sec. 213. Second degree sexual abuse of a ward.

Whoever engages in sexual contact with another person or causes another person to engage in or submit to sexual contact when that other person:

New
Section
22-4114

(1) Is in official custody, or is a ward or resident, on a permanent or temporary basis, of a hospital, treatment facility, or other institution; and

(2) Is under the supervisory or disciplinary authority of the actor shall be imprisoned for not more than 5 years and, in addition, may be fined in an amount not to exceed \$50,000.

Sec. 214. First degree sexual abuse of a patient or client.

(a) A person is guilty of first degree sexual abuse who purports to provide, in any manner, professional services of a medical, therapeutic, or counseling (whether legal, spiritual, or otherwise) nature, and engages in a sexual act with another person who is a patient or client of the actor, or is otherwise in a professional relationship of trust with the actor; and

New
Section
22-4115

(1) The actor represents falsely that the sexual act is for a bona fide medical or therapeutic purpose, or for a bona fide professional purpose for which the services are being provided; or

(2) The nature of the treatment or service provided by the actor and the mental, emotional, or physical condition of the patient or client are such that the actor knows or has reason to know that the patient or client is impaired from declining participation in the sexual act.

(b) Any person found guilty pursuant to subsection (a) of this section shall be imprisoned for not more than 10 years and, in addition, may be fined in an amount not to exceed \$100,000.

Sec. 215. Second degree sexual abuse of a patient or client.

(a) A person is guilty of second degree sexual abuse who purports to provide, in any manner, professional services of a medical, therapeutic, or counseling (whether legal, spiritual, or otherwise) nature, and engages in a sexual contact with another person who is a

New
Section
22-4116

patient or client of the actor, or is otherwise in a professional relationship of trust with the actor; and

(1) The actor represents falsely that the sexual contact is for a bona fide medical or therapeutic purpose, or for a bona fide professional purpose for which the services are being provided; or

(2) The nature of the treatment or service provided by the actor and the mental, emotional, or physical condition of the patient or client are such that the actor knows or has reason to know that the patient or client is impaired from declining participation in the sexual contact.

(b) Any person found guilty pursuant to subsection (a) of this section shall be imprisoned for not more than 5 years and, in addition, may be fined in an amount not to exceed \$50,000.

Sec. 216. Defenses to sexual abuse of a ward, patient, or client.

(1) Consent is not a defense to a prosecution under sections 212-215, prosecuted alone or in conjunction with charges under section 217.

(2) Marriage between the defendant and victim at the time of the offense is a defense, which the defendant must prove by a preponderance of the evidence, to a prosecution under sections 212-215, prosecuted alone or in conjunction with charges under section 217.

New
Section
22-4117

Sec. 217. Attempts to commit sexual offenses.

Any person who attempts to commit an offense under title II shall be imprisoned for a term of years not to exceed 15 years where the maximum prison term authorized for the offense is life or for not more than 1/2 of the maximum prison sentence authorized for the offense and, in addition, may be fined an amount not to exceed 1/2 of the maximum fine authorized for the offense.

New
Section
22-4118

Sec. 218. No spousal immunity from prosecution.

No actor is immune from prosecution under any section of title II because of marriage or cohabitation with the victim; provided, however, that marriage of the parties may be asserted as an affirmative defense in a prosecution under title II where it is expressly so provided.

New
Section
22-4119

Sec. 219. Aggravating circumstances.

Any person who is found guilty of an offense under this title may receive a penalty up to 1 1/2 time the maximum penalty prescribed for the particular offense, and may receive a life sentence without parole, if life imprisonment is the maximum penalty prescribed for the offense, if any of the following aggravating circumstances exists:

(1) The victim was under the age of 12 years at the time of the offense;

(2) The victim was under the age of 18 years at the time of the offense and the actor had a significant relationship to the victim;

(3) The victim sustained serious bodily injury as a result of the offense;

(4) The defendant was aided or abetted by 1 or more accomplices;

(5) The defendant is or has been found guilty of committing sex offenses against 2 or more victims, whether in the same or other

New
Section
22-4120

proceedings by a court of the District of Columbia, any state, or the United States or its territories; or

(6) The defendant was armed with, or had readily available, a pistol or other firearm (or imitation thereof) or other dangerous or deadly weapon.

(b) It is not necessary that the accomplices have been convicted for an increased punishment (or enhanced penalty) to apply under subsection (a)(4) of this section.

(c) No person who stands convicted of an offense under this title shall be sentenced to increased punishment (or enhanced penalty) by reason of the aggravating factors set forth in subsection (a) of this section, unless prior to trial or before entry of a plea of guilty, the United States Attorney or the Corporation Counsel, as the case may be, files an information with the clerk of the court, and serves a copy of such information on the person or counsel for the person, stating in writing the aggravating factors to be relied upon.

TITLE III. ADMISSION OF EVIDENCE IN SEXUAL ABUSE OFFENSE CASES.

Sec. 301. Reputation or opinion evidence of victim's past sexual behavior inadmissible.

New
Section
22-4121

(a) Notwithstanding any other provision of law, in a criminal case in which a person is accused of an offense under title II, reputation or opinion evidence of the past sexual behavior of an alleged victim of such offense is not admissible.

(b) For the purposes of this title, "past sexual behavior" means sexual behavior other than the sexual behavior with respect to which an offense under title II is alleged.

Sec. 302. Admissibility of other evidence of victim's past sexual behavior.

New
Section
22-4122

(a) Notwithstanding any other provision of law, in a criminal case in which a person is accused of an offense under title II, evidence of a victim's past sexual behavior other than reputation or opinion evidence is also not admissible, unless such evidence other than reputation or opinion evidence is:

(1) Admitted in accordance with subsection (b) of this section and is constitutionally required to be admitted; or

(2) Admitted in accordance with subsection (b) of this section and is evidence of:

(A) Past sexual behavior with persons other than the accused, offered by the accused upon the issue of whether the accused was or was not, with respect to the alleged victim, the source of semen or bodily injury; or

(B) Past sexual behavior with the accused where consent of the alleged victim is at issue and is offered by the accused upon the issue of whether the alleged victim consented to the sexual behavior with respect to which such offense is alleged.

(b)(1) If the person accused of committing an offense under title II intends to offer under subsection (a) of this section, evidence of

specific instances of the alleged victim's past sexual behavior, the accused shall make a written motion to offer such evidence not later than 15 days before the date on which the trial in which such evidence is to be offered is scheduled to begin, except that the court may allow the motion to be made at a later date, including during trial, if the court determines either that the evidence is newly discovered and could not have been obtained earlier through the exercise of due diligence or that the issue to which such evidence relates has newly arisen in the case. Any motion made under this paragraph, and the accompanying offer of proof, shall be filed under seal and served on all other parties and on the alleged victim.

(2) The motion described in paragraph (1) of this subsection shall be accompanied by a written offer of proof. If the court determines that the offer of proof contains evidence described in subsection (a) of this section, the court shall order a hearing in chambers to determine if such evidence is admissible. At such hearing, the parties may call witnesses, including the alleged victim, and offer relevant evidence. If the relevancy of the evidence which the accused seeks to offer in the trial depends upon the fulfillment of a condition of fact, the court, at the hearing in chambers, or at a subsequent hearing in chambers scheduled for such purpose, shall accept evidence on the issue of whether such condition of fact is fulfilled and shall determine such issue.

(3) If the court determines on the basis of the hearing described in paragraph (2) of this subsection that the evidence which the accused seeks to offer is relevant and that the probative value of such evidence outweighs the danger of unfair prejudice, such evidence shall be admissible in the trial to the extent an order made by the court specifies evidence which may be offered and areas with respect to which the alleged victim may be examined or cross-examined.

Sec. 303. Prompt reporting.

Evidence of delay in reporting an offense under title II to a public authority shall not raise any presumption concerning the credibility or veracity of a charge under title II.

New
Section
22-4123

Sec. 304. Spousal privilege inapplicable.

Laws attaching a privilege against disclosure of communications between a husband and wife are inapplicable in prosecutions under title II where the defendant is or was married to the victim or where the victim is a child.

New
Section
22-4124

TITLE IV. AMENDATORY PROVISIONS.

Sec. 401. Amendatory provisions.

(a) Section 101(k) of the District of Columbia Mental Health Information Act of 1978, effective March 3, 1978 (D.C. Law 2-136; D.C. Code § 6-2001(11)) is amended to read as follows:

Section
6-2001

"(k) "Mental health professional" means any of the following persons engaged in the provision of professional services:

"(1) A person licensed to practice medicine;

"(2) A person licensed to practice psychology;

- "(3) A licensed social worker;
 - "(4) A professional marriage, family, or child counselor;
 - "(5) A rape crisis or sexual abuse counselor who has undergone at least 40 hours of training and is under the supervision of a licensed social worker, nurse, psychiatrist, psychologist, or psychotherapist;
 - "(6) A licensed nurse who is a professional psychiatric nurse;
- or
- "(7) Any person reasonably believed by the client to be a mental health professional within the meaning of paragraphs (1) through (6) of this subsection."

(b) Sections 798 and 803 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Code §§ 22-2401 and 22-501), are amended as follows:

(1) Section 798 is amended by striking the word "rape" and inserting the phrase "first degree sexual abuse" in its place.

Section
22-2401

(2) Section 803 is amended by striking the word "rape" and inserting the phrase "first degree sexual abuse, second degree sexual abuse or child sexual abuse," in its place.

Section
22-501

(c) Section 1 of An Act To control the possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Code § 22-3201), is amended by striking the word "rape" wherever it appears and inserting the phrase "first degree sexual abuse, second degree sexual abuse, or child sexual abuse," in its place.

Section
22-3201

(d) Section 202(e) of An Act To provide for the treatment of sexual psychopaths in the District of Columbia, and for other purposes, approved June 9, 1948 (62 Stat. 345; D.C. Code § 22-3504(e)), is amended by striking the phrase "rape or assault with intent to rape" and inserting the phrase "first degree sexual abuse, second degree sexual abuse, or assault with intent to commit first or second degree sexual abuse," in its place.

Section
22-3504

(e) D.C. Code § 16-3201(3)(A) is amended by striking the phrase "forcible rape," and inserting the phrase "first degree sexual abuse," in its place.

Section
16-3201

(f) D.C. Code § 23-1331 is amended as follows:

Section
23-1331

(1) Paragraph 3 is amended by striking the phrase "forcible rape, or assault with intent to commit forcible rape" and inserting the phrase "first degree sexual abuse, or assault with intent to commit first degree sexual abuse" in its place.

(2) Paragraph 4 is amended as follows:

(A) By striking the phrase "forcible rape" and inserting the phrase "first degree sexual abuse" in its place; and

(B) By striking the phrases "carnal knowledge of a female under the age of 16 years" and "taking or attempting to take immoral, improper, or indecent liberties with a child under the age of sixteen years" and inserting the phrase "child sexual abuse" in their places.

TITLE V. REPEALER PROVISIONS

Sec. 501. Repealer provisions.

(a) Sections 808, 873, and 871 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322, 1332, and 1331; D.C. Code §§ 22-2801, 22-3001, and 22-3002), are repealed.

Sections
22-2801,
3001, 3002

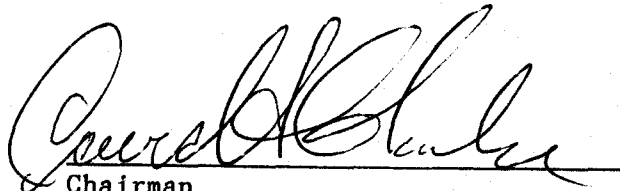
(b) Sections 103 and 104 of An Act To provide for the treatment of sexual psychopaths in the District of Columbia, and for other purposes, approved June 9, 1948 (62 Stat. 348; D.C. Code §§ 22-3501 and 22-3502), are repealed.

Sections
22-3501,
3502

TITLE VI. EFFECTIVE DATE.

Sec. 601. Effective date.

This act shall take effect after a 60-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(2) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(2)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.



Chairman
Council of the District of Columbia

Mayor
District of Columbia



COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Ten

RECORD OF OFFICIAL COUNCIL VOTE

B10-87

DOCKET NO: _____

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 11-1-94

VOICE VOTE: Approved, Ray voted present

Recorded vote on request

Absent: Barry, Evans, Jarvis and Lightfoot

ROLL CALL VOTE — RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					EVANS					RAY				
BARRY					JARVIS					SMITH, JR.				
BRAZIL					LIGHTFOOT					THOMAS, SR.				
CHAVOUS					MASON									
CROPP					NATHANSON									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

[Signature]
Secretary to the Council

December 19, 1994
Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 12-6-94

VOICE VOTE: Approved

Recorded vote on request

Absent: Ray

ROLL CALL VOTE — RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					EVANS					RAY				
BARRY					JARVIS					SMITH, JR.				
BRAZIL					LIGHTFOOT					THOMAS, SR.				
CHAVOUS					MASON									
CROPP					NATHANSON									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

[Signature]
Secretary to the Council

December 19, 1994
Date

Item on Consent Calendar

ACTION & DATE: _____

VOICE VOTE: _____

Recorded vote on request

Absent: _____

ROLL CALL VOTE — RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					EVANS					RAY				
BARRY					JARVIS					SMITH, JR.				
BRAZIL					LIGHTFOOT					THOMAS, SR.				
CHAVOUS					MASON									
CROPP					NATHANSON									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date