

ENROLLMENT(S)

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COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 11-274

"Sex Offender Registration Act of 1996".

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. 11-386, on first and second readings, November 7, 1996 and December 3, 1996, respectively. Following the signature of the Mayor on December 24, 1996, pursuant to Section 404(e) of "the Act", and was assigned Act No. 11-510 and published in the March 7, 1997, edition of the D.C. Register (Vol. 44 page 1232) and transmitted to Congress on January 31, 1997 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 11-274, effective June 3, 1997.



LINDA W. CROPP
Acting Chairman of the Council

Dates Counted During the 60-day Congressional Review Period:

Feb.	3,4,5,6,7,10,11,12,13,24,25,26,27,28
Mar.	3,4,5,6,10,11,12,13,14,17,18,19,20,21
Apr.	7,8,9,10,14,15,16,17,21,22,23,24,25,28,29,30
May	1,5,6,7,8,9,12,13,14,15,16,19,20,21,22
June	2

AN ACT
D.C. ACT 11-510

*Codification
District of
Columbia
Code
1997 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 24, 1996

To establish a sex offender registration program in the District of Columbia that will operate in accordance with the recommendations of a newly created advisory council, and to provide for selective community disclosure of registration information that is relevant and necessary to protect the public and to counteract the assessed dangerousness of convicted sex offenders who have returned to the community.

**New Chapter
11,
Title 24**

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Sex Offender Registration Act of 1996".

Sec. 2. Definitions.

**New Section
24-1101**

For the purposes of this act, the term:

- (1) "Advisory Council" means the Sex Offender Registration Advisory Council.
- (2) "Anti-Sexual Abuse Act" means the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-275; D.C. Code § 22-4101 *et seq.*).
- (3) "Board" means the Board of Parole.
- (4) "Child" means any person under the age of 16.
- (5) "Corrections" means the Department of Corrections.
- (6) "Court" means the sentencing court, including any judge of the Superior Court of the District of Columbia to whom a sex offender's case may subsequently be reassigned.
- (7) "Criminal offense against a victim who is a minor" means child sexual abuse or any sexual offense where the victim is a minor as both of these offenses are proscribed by the Anti-Sexual Abuse Act; sexual performances using minors, as proscribed by the District of Columbia Protection of Minors Act of 1982, effective March 9, 1983 (D.C. Law 4-173; D.C. Code § 22-2012); kidnapping if the victim is a minor or abducting or enticing a minor for purposes of prostitution, as both of these offenses are proscribed by sections 812 and 813, respectively, of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Code §§ 22-2101 and 22-2704); or attempt to commit any of the offenses delineated in this paragraph.

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(8) "Day" or "days" means a calendar day or days.

(9) "Department" means the Metropolitan Police Department.

(10) "Mayor" means the Mayor of the District of Columbia.

(11) "Mental abnormality" means a congenital or acquired condition of a person that affects the emotional or volitional capacity of the person in a manner that predisposes that person to the commission of criminal sexual acts to a degree that makes the person a menace to the health and safety of other persons.

(12) "Minor" means a person under the age of 18.

(13) "Predatory" means an act directed at a stranger, or a person with whom a relationship has been established or promoted for the primary purpose of victimization.

(14) "Registrant" means an offender who is required to register under the act.

(15) "Sex offender" means a person who has been convicted in any jurisdiction of an offense which includes all of the essential elements of any of the offenses delineated in paragraphs (7) and (16) of this section.

(16) "Sexually violent offense" means first degree sexual abuse, or an aggravating circumstance of first degree sexual abuse, as provided by sections 201 and 219(a)(3) and (6) of the Anti-Sexual Abuse Act; assault with the intent to commit first degree sexual abuse, second degree sexual abuse, or child sexual abuse as used in section 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 § 22-501); murder while attempting to commit first degree sexual abuse as used in section 798 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); any offense that has as its elements engaging in physical contact with another person with the intent to commit first degree sexual abuse or an aggravating circumstance of first degree sexual abuse; or attempt to commit any of the offenses delineated in this paragraph.

(17) "Sexually violent predator" means a person who has been convicted or acquitted by reason of insanity in any jurisdiction of a sexually violent offense and who suffers from a mental abnormality or personality disorder that makes the person likely to engage in predatory sexually violent offenses.

Sec. 3. Persons required to register.

The following persons shall register a current address with the Department:

(1) A person who has been convicted in any jurisdiction of a criminal offense against a victim who is a minor or who is convicted of a sexually violent offense;

(2) A person who is a sexually violent predator; and

(3) A person who is released from confinement pursuant to section 207 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. 349; D.C. Code § 22-3509).

**New Section
24-1102**

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Sec. 4. Establishment of the Sex Offender Registration Advisory Council.

New Section
24-1103

(a) There is established a Sex Offender Registration Advisory Council ("Advisory Council") that shall commence operations within 180 days of the effective date of this act. The Advisory Council shall consist of no fewer than 2 and no more than 5 members, one of whom shall be appointed as Chairperson. A quorum shall consist of 2 members. The members of the Advisory Council shall be appointed and serve under the following conditions:

(1) Members shall be nominated by the Mayor and confirmed by the Council.
(2) Members shall be experts in the fields of the behavior and treatment of sex offenders.

(3) Members shall serve a 3-year term, except that the Mayor may remove a member from the Advisory Council for cause before the expiration of the 3-year term.

(4) A member may continue to serve after the expiration of that member's term provided no successor has been appointed.

(b) Members shall receive no compensation, but may be reimbursed for actual expenses incurred in the performance of official duties, not to exceed \$15 per day.

Sec. 5. Duties of the Advisory Council.

New Section
24-1104

(a) The Advisory Council shall develop guidelines and procedures to assess on a case-by-case basis the risk of a repeat offense and the threat posed to the public safety by the sex offender's release. Such guidelines shall include, but not be limited to, the following:

(1) Criminal history factors indicative of high risk of repeat offense, including:
(A) Whether the sex offender has a mental abnormality;
(B) Whether the sex offender's conduct was found to be characterized by repetitive and compulsive behavior, associated with drugs or alcohol;
(C) Whether the sex offender served the maximum term;
(D) Whether the sex offender committed the sex offense against a child;
(E) The age of the sex offender at the time of the first sex offense;
(F) The relationship between the sex offender and the victim;
(G) Whether the offense involved the use of a weapon, violence, or infliction of serious bodily injury; and

(H) The number, date, and nature of all prior offenses;
(2) Conditions of release that minimize risk of repeat offense, including, but not limited to, whether the sex offender is or will be under supervision; receiving counseling, therapy, or treatment; or residing in a home situation that provides guidance and supervision;

(3) Physical conditions that may minimize risk of repeat offense, including, but not limited to, advanced age or debilitating illness;

(4) Whether psychological or psychiatric profiles indicate a risk of recidivism;
(5) The sex offender's response to treatment;
(6) Recent behavior, including, if applicable, behavior while confined;

(7) Recent threats or gestures against persons or expressions of intent to commit additional offenses; and

(8) Review of the victim impact statement.

(b) The Advisory Council shall make a recommendation to the Court, based on these guidelines, at least 5 days prior to the sentencing date as to whether the sex offender warrants the designation of sexually violent predator. In addition, the Advisory Council's recommendation shall include one of the following 3 levels of risk of repeat offense by the sex offender:

(1) If the risk of repeat offense is low, a level 1 designation shall be given to the sex offender.

(2) If the risk of repeat offense is moderate, a level 2 designation shall be given to the sex offender.

(3) If the risk of repeat offense is high and there exists a threat to the public safety, a level 3 designation shall be given to the sex offender.

(c) The Advisory Council shall make a recommendation to the Court, at least 60 days prior to the parole date of a sex offender, and, in the case of discharge or release of a sex offender, a recommendation to the appropriate authority at least 60 days prior to the discharge or release date, as to whether the sex offender still warrants the designation of sexually violent predator, and whether the sex offender should be classified at risk level 1, 2, or 3.

Sec. 6. Duties of the Court.

The duties of the Court are as follows:

New Section
24-1105

(1) Upon conviction or a plea of guilty to an offense requiring registration under this act, the Court shall enter an order certifying that the defendant is a sex offender. The Court shall also advise the sex offender of that person's duties pursuant to this act.

(2) The Court shall set a sentencing date that will afford the Advisory Council no fewer than 10 days to review the pre-sentence investigation report that shall be provided to the Advisory Council.

(3) Upon receipt of a recommendation by the Advisory Council pursuant to section 5(b), the Court shall:

(A) Notify the registrant and the registrant's counsel of the Advisory Council's recommendation as to the registrant's risk level and whether the registrant is deemed a sexually violent predator. The registrant and the registrant's counsel shall have the right to inspect and copy the Advisory Council's recommendation, any written explanation for the recommendation, and all materials reviewed by the Advisory Council in reaching its conclusions;

(B) Notify the registrant and the registrant's counsel of the right to request a hearing before the Court, if the Advisory Council recommends designation as a sexually violent predator, or a designation at risk level 2 or 3;

(C) Conduct a hearing, if requested, at which the registrant shall be afforded an opportunity to contest the Advisory Council's recommendation and to present evidence, by proffer or otherwise;

(D) Determine whether the registrant:

(i) Is a sexually violent predator, or is no longer a sexually violent predator if the registrant was previously classified as such; and

(ii) Should be designated at risk level 1, 2, or 3; and

(E) Where the Court orders a sex offender released on probation, include in the order a provision requiring that the sex offender comply with the requirements of this act.

(4) At the sentencing of a sex offender, the court shall consider the recommendations of the Advisory Council in its determination of whether the offender is a sexually violent predator and the level of risk of repeat offense.

(5) The Court may grant relief from the requirements of registration upon petition by the registrant, provided that the registrant has already complied with the registration requirements of this act for a minimum of 10 years. Upon receipt of the petition for relief, the Court shall notify the Advisory Council and request an updated report pertaining to the sex offender. After receiving the report from the Advisory Council, the Court shall schedule a hearing to determine whether to grant or deny the relief sought. The Court may also consider the views of the victim prior to making a determination on the petition. The petition, if granted, shall not relieve the petitioner of the duty to register in the future upon conviction of any new offense requiring registration under this act, nor shall it relieve the petitioner, if that person is on parole, of the parolee's duty to comply with conditions of release set by the Board, including, but not limited to, registration and monitoring requirements.

Sec. 7. Duties of the Department of Corrections.

New Section
24-1106

(a) Once a person who is required to register under section 3 is released from prison on probation or parole, or upon the completion of a term of incarceration, the Department of Corrections ("Corrections") shall:

(1) Inform the registrant of the duty to register and the penalty for failure to register;

(2) Obtain the information required for registration;

(3) Inform the registrant of the duty to personally deliver any change of residential address to the Department in writing within 10 days;

(4) Inform the registrant that if he or she relocates to another state, the registrant shall register the new address with the local police district and with the designated law enforcement agency in the new state not later than 10 days after establishing residence in the new state;

(5) Require the registrant to read or have read, and to sign a form stating that the duty of the registrant under this act has been explained; and

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(6) Obtain and record the following information:

(A) The registrant's name, all aliases used, date of birth, sex, race, height, weight, eye color, driver's license number, Social Security number, PDID and DCDC numbers, and home address or expected place of domicile;

(B) A photograph and set of fingerprints; and

(C) For registrants released on parole whether at the discretion of the Board or on mandatory parole, a detailed description of the offense for which the registrant was convicted, the date of conviction, and the sentence imposed.

(b) In addition to the requirements of subsection (a) of this section, in the case of a registrant described under section 3(2), Corrections shall obtain and record information concerning any treatment received for the mental abnormality or personality disorder of the registrant. No right to treatment is created by this act.

Sec. 8. Transfer of information to the Department and Federal Bureau of Investigation.

**New Section
24-1107**

Corrections shall, within 3 days after collection of information described in section 7(a)(6), forward it to the Department. The Department shall immediately enter the information into the appropriate record system and notify the appropriate police district having jurisdiction where the person expects to reside. The appropriate authority shall also immediately transmit the conviction data and fingerprints to the Federal Bureau of Investigation.

Sec. 9. Duties of the Board of Parole.

**New Section
24-1108**

(a) The Board may establish or maintain any requirements for registration and reporting as conditions of parole for its parolees who are sex offenders, provided that the frequency of reporting while on parole meets or exceeds the requirements of this act.

(b) Compliance with the Board's requirements shall not relieve a registrant of that registrant's duty to comply with the requirements of this act, except to the extent that the Board's requirements meet or exceed those requirements.

(c) In the event the registrant's term on parole is less than 10 years, in the case of a registrant designated at risk level 1; less than 15 years, in the case of a registrant designated at risk level 2; or less than life, in the case of a registrant designated at risk level 3, the Board shall inform the registrant that that person's duty to comply with this act shall not end until he or she completes the minimum registration term required by this act. The Board shall provide this information to the registrant:

(1) At the time of, or immediately after, the parolee's release on parole; and

(2) Upon the parolee's release from active supervision or upon completion of the parolee's maximum sentence.

Sec. 10. Verification.

**New Section
24-1109**

(a) For a person required to register under section 3(1), on each anniversary of the

ENROLLED ORIGINAL

person's initial registration date during the period in which the person is required to register, the following applies:

(1) The Department shall mail a nonforwardable verification form to the registrant's last reported address, which shall contain the address of the registrant's local police station.

(2) The registrant shall return the verification form to the designated police station in person within 10 days after receipt of the form.

(3) The registrant shall sign the verification form, which shall certify that the registrant still resides at the address last reported to the Department.

(4) If the registrant fails to return the verification form in person to the designated police station within 10 days of receipt of the form, the registrant shall be in violation of this act unless the registrant proves that he or she has not relocated from the address of record and offers a reasonable and verifiable explanation for the failure to return the form timely and in person.

(b) For a person required to register under section 3(2), the provisions of subsection (a) of this section shall be applied, except that such person shall return the verification form in person to the local police station every 90 days after the date of the initial release or commencement of parole.

Sec. 11. Notification of changes of address.

**New Section
24-1110**

A registrant shall immediately report a change of address to the police district having jurisdiction where the registrant has been residing. If the registrant relocates to another state, the Department shall notify the law enforcement agency with which the registrant must register in the new state. The Department shall ensure that the registry is updated at least once a year and shall purge outdated addresses and include new addresses for all registrants.

Sec. 12. Registration for change of address to another state.

**New Section
24-1111**

(a) A registrant shall register the new address with a designated law enforcement agency in another state to which the registrant moves not later than 10 days after the registrant establishes residence in the new state.

(b) Efforts shall be made to apprise registrants relocating to the District of Columbia from other jurisdictions of the requirements under this act. These efforts may include, but are not limited to, distribution of notices by the Department to locations where registrants relocating to the District of Columbia from other jurisdictions may apply for driver's licenses, motor vehicle tags and inspections, housing, and other public assistance.

Sec. 13. Length of registration.

**New Section
24-1112**

(a) A registrant designated at risk level 1 shall continue to register until 10 years have elapsed since the registrant was last released from prison, or until the expiration of the sentence

being served on parole or the expiration of the term on probation, whichever is longer.

(b) A registrant designated at risk level 2 shall continue to register until 15 years have elapsed or until the expiration of the sentence being served on parole or the expiration of the term on probation, whichever is longer.

(c) A registrant designated at risk level 3 shall continue to register for the remainder of the natural life of that registrant.

(d) The specific registration requirements imposed on a person required to register under section 3(2) may be terminated at the discretion of the Court if a determination is made in accordance with section 6(3)(D)(i) that the person no longer suffers from a mental abnormality or personality disorder that would make the person likely to engage in a predatory sexually violent offense, except that no relief shall be granted until the registrant described under section 3(2) has registered for a minimum of 10 years.

Sec. 14. Penalties.

New Section
24-1113

(a) Any registrant who violates the requirements of this act shall be fined not more than \$1,000 or imprisoned for not more than 6 months, or both. In the event the registrant convicted of violating this act has a prior conviction for failing to comply with this act, that person shall be fined not more than \$5,000 or imprisoned for not more than 5 years, or both.

(b) Failure to comply with the requirements of this act may also be the basis for revocation of parole or probation.

Sec. 15. Transfer of information and central data base.

New Section
24-1114

The Department shall establish and maintain a central registry of all sexual offenders required to register. The Department shall prepare and distribute to each of the district police stations a standard sex offender registration form and other relevant information for the registration process.

Sec. 16. Release of information.

New Section
24-1115

Registrant information that the Department collects shall be treated as private information, except that:

(1) Information shall be disclosed to law enforcement agencies for law enforcement purposes;

(2) Information shall be disclosed to government agencies conducting confidential background checks; and

(3) Limited and relevant registration information shall be disclosed to selected segments of the public as soon as it is received by the Department in cases where the release of that information is mandated under this act to protect the public from individual registrants. The identity of the victim of an offense requiring registration shall not be released. The extent of the information disclosed and the population to whom disclosure is made must directly relate

to the potential level of danger posed by the registrant. The Department shall apply the following guidelines in determining the scope of disclosure made under this paragraph:

(A) If a registrant is assessed as presenting a low risk to the community (level 1), the Department shall maintain information regarding the registrant within the agency and shall disclose it to other law enforcement agencies. The Department shall also disclose relevant and necessary information to all victims of the registrant and to any witnesses to the offense for which the registrant was convicted.

(B) If a registrant is assessed as presenting an intermediate risk to the community (level 2), the Department shall make all level 1 disclosures and shall also disclose relevant and necessary information to appropriate public and private educational and day care entities and other institutions and organizations that primarily serve individuals likely to be victimized by the registrant.

(C) If a registrant is assessed as presenting a high risk to the community (level 3), the Department shall make all level 1 and 2 disclosures and may also disclose relevant and necessary information to other members of the community to whom the registrant may pose a direct or potential threat.

Sec. 17. Immunity for good faith conduct.

**New Section
24-1116**

Members of the Advisory Council, law enforcement agencies and their employees, and the District of Columbia government and its employees shall be immune from liability for good faith conduct under this act.

Sec. 18. Applicability.

**New Section
24-1117**

(a) The requirements of this act shall apply to sex offenders who are released from confinement, placed on probation or parole, or who relocate to the District of Columbia on or after the effective date of this act.

(b) The duty to register under this act shall not be applicable to any sex offender whose conviction for an offense requiring registration was reversed upon appeal or who was pardoned on the grounds of innocence by the governor of any state.

Sec. 19. Non-germane amendments.

(a) Section 3(a) of the Residential Drug-Related Evictions Amendment Act of 1990, effective June 13, 1990 (D.C. Law 8-139; D.C. Code § 45-2559.2(a)) (as amended by section 2(b) of the Abatement of Controlled Dangerous Substances Nuisance Amendment Act of 1996, signed by the Mayor on July 22, 1996 (D.C. Act 11-326; 43 DCR 4234)), is amended in the second sentence by inserting the phrase "the United States Attorney for the District of Columbia," after the phrase "the Mayor,".

**Section
45-2559.2**

(b) Section 706a(d) of the Firearms Control Regulations Act of 1975, signed by the Mayor on October 18, 1996 (D.C. Act 11-431; to be codified at D.C. Code § 6-2376.1), is

**Section
6-2376.1**

amended by striking the word "All" and inserting the phrase "Except as otherwise expressly provided by this section, all" in its place.

(c) Section 3 of the District of Columbia Work Release Act, approved November 10, 1966 (80 Stat. 1519; D.C. Code § 24-462), is amended to read as follows:

New Section
24-462

"Sec. 3. At the time of imposition of sentence, the probation officers of the court or the Director of the Department of Corrections, may recommend to, or the person sentenced may request, the sentencing court that such person be granted the privilege of work release. At any time subsequent to the imposition of sentence, the person sentenced may request the sentencing court or the Director of the Department of Corrections that such person be granted the privilege of work release. No person shall be given work release privileges except by order of the sentencing court or the Director of the Department of Corrections, or by order of the Board of Parole pursuant to section 2."

Sec. 20. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 60-day period of Congressional review 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 the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED: December 24, 1996



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD ELEVEN

RECORD OF OFFICIAL COUNCIL VOTE

Docket No. _____

B11-386

ITEM ON CONSENT CALENDAR

ACTION & DATE ADOPTED FIRST READING, 11-7-96

VOICE VOTE APPROVED
RECORDED VOTE ON REQUEST

THOMAS

ABSENT _____

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Angela Jay
Secretary to the Council

December 13, 1996
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE ADOPTED FINAL READING, 12-3-96

VOICE VOTE APPROVED
RECORDED VOTE ON REQUEST

RAY

ABSENT _____

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X-indicates no

AB-Absent

NV-Present not voting

CERTIFICATION RECORD

Angela Jay
Secretary to the Council

December 13, 1996
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE _____

VOICE VOTE _____
RECORDED VOTE ON REQUEST

ABSENT _____

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date

AN ACT

*Codification
District of
Columbia
Code
1997 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To establish a sex offender registration program in the District of Columbia that will operate in accordance with the recommendations of a newly created advisory council, and to provide for selective community disclosure of registration information that is relevant and necessary to protect the public and to counteract the assessed dangerousness of convicted sex offenders who have returned to the community.

**New Chapter
11,
Title 24**

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Sec. 2. Definitions.

**New Section
24-1101**

For the purposes of this act, the term:

- (1) "Advisory Council" means the Sex Offender Registration Advisory Council.
- (2) "Anti-Sexual Abuse Act" means the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-275; D.C. Code § 22-4101 *et seq.*).
- (3) "Board" means the Board of Parole.
- (4) "Child" means any person under the age of 16.
- (5) "Corrections" means the Department of Corrections.
- (6) "Court" means the sentencing court, including any judge of the Superior Court of the District of Columbia to whom a sex offender's case may subsequently be reassigned.
- (7) "Criminal offense against a victim who is a minor" means child sexual abuse or any sexual offense where the victim is a minor as both of these offenses are proscribed by the Anti-Sexual Abuse Act; sexual performances using minors, as proscribed by the District of Columbia Protection of Minors Act of 1982, effective March 9, 1983 (D.C. Law 4-173; D.C. Code § 22-2012); kidnapping if the victim is a minor or abducting or enticing a minor for purposes of prostitution, as both of these offenses are proscribed by sections 812 and 813, respectively, of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Code §§ 22-2101 and 22-2704); or attempt to commit any of the offenses delineated in this paragraph.

ENROLLED ORIGINAL

(8) "Day" or "days" means a calendar day or days.

(9) "Department" means the Metropolitan Police Department.

(10) "Mayor" means the Mayor of the District of Columbia.

(11) "Mental abnormality" means a congenital or acquired condition of a person that affects the emotional or volitional capacity of the person in a manner that predisposes that person to the commission of criminal sexual acts to a degree that makes the person a menace to the health and safety of other persons.

(12) "Minor" means a person under the age of 18.

(13) "Predatory" means an act directed at a stranger, or a person with whom a relationship has been established or promoted for the primary purpose of victimization.

(14) "Registrant" means an offender who is required to register under the act.

(15) "Sex offender" means a person who has been convicted in any jurisdiction of an offense which includes all of the essential elements of any of the offenses delineated in paragraphs (7) and (16) of this section.

(16) "Sexually violent offense" means first degree sexual abuse, or an aggravating circumstance of first degree sexual abuse, as provided by sections 201 and 219(a)(3) and (6) of the Anti-Sexual Abuse Act; assault with the intent to commit first degree sexual abuse, second degree sexual abuse, or child sexual abuse as used in section 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 § 22-501); murder while attempting to commit first degree sexual abuse as used in section 798 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); any offense that has as its elements engaging in physical contact with another person with the intent to commit first degree sexual abuse or an aggravating circumstance of first degree sexual abuse; or attempt to commit any of the offenses delineated in this paragraph.

(17) "Sexually violent predator" means a person who has been convicted or acquitted by reason of insanity in any jurisdiction of a sexually violent offense and who suffers from a mental abnormality or personality disorder that makes the person likely to engage in predatory sexually violent offenses.

Sec. 3. Persons required to register.

The following persons shall register a current address with the Department:

(1) A person who has been convicted in any jurisdiction of a criminal offense against a victim who is a minor or who is convicted of a sexually violent offense;

(2) A person who is a sexually violent predator; and

(3) A person who is released from confinement pursuant to section 207 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. 349; D.C. Code § 22-3509).

**New Section
24-1102**

Sec. 4. Establishment of the Sex Offender Registration Advisory Council.

New Section
24-1103

(a) There is established a Sex Offender Registration Advisory Council ("Advisory Council") that shall commence operations within 180 days of the effective date of this act. The Advisory Council shall consist of no fewer than 2 and no more than 5 members, one of whom shall be appointed as Chairperson. A quorum shall consist of 2 members. The members of the Advisory Council shall be appointed and serve under the following conditions:

(1) Members shall be nominated by the Mayor and confirmed by the Council.
(2) Members shall be experts in the fields of the behavior and treatment of sex offenders.

(3) Members shall serve a 3-year term, except that the Mayor may remove a member from the Advisory Council for cause before the expiration of the 3-year term.

(4) A member may continue to serve after the expiration of that member's term provided no successor has been appointed.

(b) Members shall receive no compensation, but may be reimbursed for actual expenses incurred in the performance of official duties, not to exceed \$15 per day.

Sec. 5. Duties of the Advisory Council.

New Section
24-1104

(a) The Advisory Council shall develop guidelines and procedures to assess on a case-by-case basis the risk of a repeat offense and the threat posed to the public safety by the sex offender's release. Such guidelines shall include, but not be limited to, the following:

(1) Criminal history factors indicative of high risk of repeat offense, including:
(A) Whether the sex offender has a mental abnormality;
(B) Whether the sex offender's conduct was found to be characterized by repetitive and compulsive behavior, associated with drugs or alcohol;
(C) Whether the sex offender served the maximum term;
(D) Whether the sex offender committed the sex offense against a child;
(E) The age of the sex offender at the time of the first sex offense;
(F) The relationship between the sex offender and the victim;
(G) Whether the offense involved the use of a weapon, violence, or infliction of serious bodily injury; and
(H) The number, date, and nature of all prior offenses;

(2) Conditions of release that minimize risk of repeat offense, including, but not limited to, whether the sex offender is or will be under supervision; receiving counseling, therapy, or treatment; or residing in a home situation that provides guidance and supervision;

(3) Physical conditions that may minimize risk of repeat offense, including, but not limited to, advanced age or debilitating illness;

(4) Whether psychological or psychiatric profiles indicate a risk of recidivism;

(5) The sex offender's response to treatment;

(6) Recent behavior, including, if applicable, behavior while confined;

(7) Recent threats or gestures against persons or expressions of intent to commit additional offenses; and

(8) Review of the victim impact statement.

(b) The Advisory Council shall make a recommendation to the Court, based on these guidelines, at least 5 days prior to the sentencing date as to whether the sex offender warrants the designation of sexually violent predator. In addition, the Advisory Council's recommendation shall include one of the following 3 levels of risk of repeat offense by the sex offender:

(1) If the risk of repeat offense is low, a level 1 designation shall be given to the sex offender.

(2) If the risk of repeat offense is moderate, a level 2 designation shall be given to the sex offender.

(3) If the risk of repeat offense is high and there exists a threat to the public safety, a level 3 designation shall be given to the sex offender.

(c) The Advisory Council shall make a recommendation to the Court, at least 60 days prior to the parole date of a sex offender, and, in the case of discharge or release of a sex offender, a recommendation to the appropriate authority at least 60 days prior to the discharge or release date, as to whether the sex offender still warrants the designation of sexually violent predator, and whether the sex offender should be classified at risk level 1, 2, or 3.

Sec. 6. Duties of the Court.

The duties of the Court are as follows:

New Section
24-1105

(1) Upon conviction or a plea of guilty to an offense requiring registration under this act, the Court shall enter an order certifying that the defendant is a sex offender. The Court shall also advise the sex offender of that person's duties pursuant to this act.

(2) The Court shall set a sentencing date that will afford the Advisory Council no fewer than 10 days to review the pre-sentence investigation report that shall be provided to the Advisory Council.

(3) Upon receipt of a recommendation by the Advisory Council pursuant to section 5(b), the Court shall:

(A) Notify the registrant and the registrant's counsel of the Advisory Council's recommendation as to the registrant's risk level and whether the registrant is deemed a sexually violent predator. The registrant and the registrant's counsel shall have the right to inspect and copy the Advisory Council's recommendation, any written explanation for the recommendation, and all materials reviewed by the Advisory Council in reaching its conclusions;

(B) Notify the registrant and the registrant's counsel of the right to request a hearing before the Court, if the Advisory Council recommends designation as a sexually violent predator, or a designation at risk level 2 or 3;

(C) Conduct a hearing, if requested, at which the registrant shall be afforded an opportunity to contest the Advisory Council's recommendation and to present evidence, by proffer or otherwise;

(D) Determine whether the registrant:

(i) Is a sexually violent predator, or is no longer a sexually violent predator if the registrant was previously classified as such; and

(ii) Should be designated at risk level 1, 2, or 3; and

(E) Where the Court orders a sex offender released on probation, include in the order a provision requiring that the sex offender comply with the requirements of this act.

(4) At the sentencing of a sex offender, the court shall consider the recommendations of the Advisory Council in its determination of whether the offender is a sexually violent predator and the level of risk of repeat offense.

(5) The Court may grant relief from the requirements of registration upon petition by the registrant, provided that the registrant has already complied with the registration requirements of this act for a minimum of 10 years. Upon receipt of the petition for relief, the Court shall notify the Advisory Council and request an updated report pertaining to the sex offender. After receiving the report from the Advisory Council, the Court shall schedule a hearing to determine whether to grant or deny the relief sought. The Court may also consider the views of the victim prior to making a determination on the petition. The petition, if granted, shall not relieve the petitioner of the duty to register in the future upon conviction of any new offense requiring registration under this act, nor shall it relieve the petitioner, if that person is on parole, of the parolee's duty to comply with conditions of release set by the Board, including, but not limited to, registration and monitoring requirements.

Sec. 7. Duties of the Department of Corrections.

New Section
24-1106

(a) Once a person who is required to register under section 3 is released from prison on probation or parole, or upon the completion of a term of incarceration, the Department of Corrections ("Corrections") shall:

(1) Inform the registrant of the duty to register and the penalty for failure to register;

(2) Obtain the information required for registration;

(3) Inform the registrant of the duty to personally deliver any change of residential address to the Department in writing within 10 days;

(4) Inform the registrant that if he or she relocates to another state, the registrant shall register the new address with the local police district and with the designated law enforcement agency in the new state not later than 10 days after establishing residence in the new state;

(5) Require the registrant to read or have read, and to sign a form stating that the duty of the registrant under this act has been explained; and

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(6) Obtain and record the following information:

(A) The registrant's name, all aliases used, date of birth, sex, race, height, weight, eye color, driver's license number, Social Security number, PDID and DCDC numbers, and home address or expected place of domicile;

(B) A photograph and set of fingerprints; and

(C) For registrants released on parole whether at the discretion of the Board or on mandatory parole, a detailed description of the offense for which the registrant was convicted, the date of conviction, and the sentence imposed.

(b) In addition to the requirements of subsection (a) of this section, in the case of a registrant described under section 3(2), Corrections shall obtain and record information concerning any treatment received for the mental abnormality or personality disorder of the registrant. No right to treatment is created by this act.

Sec. 8. Transfer of information to the Department and Federal Bureau of Investigation.

New Section
24-1107

Corrections shall, within 3 days after collection of information described in section 7(a)(6), forward it to the Department. The Department shall immediately enter the information into the appropriate record system and notify the appropriate police district having jurisdiction where the person expects to reside. The appropriate authority shall also immediately transmit the conviction data and fingerprints to the Federal Bureau of Investigation.

Sec. 9. Duties of the Board of Parole.

New Section
24-1108

(a) The Board may establish or maintain any requirements for registration and reporting as conditions of parole for its parolees who are sex offenders, provided that the frequency of reporting while on parole meets or exceeds the requirements of this act.

(b) Compliance with the Board's requirements shall not relieve a registrant of that registrant's duty to comply with the requirements of this act, except to the extent that the Board's requirements meet or exceed those requirements.

(c) In the event the registrant's term on parole is less than 10 years, in the case of a registrant designated at risk level 1; less than 15 years, in the case of a registrant designated at risk level 2; or less than life, in the case of a registrant designated at risk level 3, the Board shall inform the registrant that that person's duty to comply with this act shall not end until he or she completes the minimum registration term required by this act. The Board shall provide this information to the registrant:

(1) At the time of, or immediately after, the parolee's release on parole; and

(2) Upon the parolee's release from active supervision or upon completion of the parolee's maximum sentence.

Sec. 10. Verification.

New Section
24-1109

(a) For a person required to register under section 3(1), on each anniversary of the

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person's initial registration date during the period in which the person is required to register, the following applies:

(1) The Department shall mail a nonforwardable verification form to the registrant's last reported address, which shall contain the address of the registrant's local police station.

(2) The registrant shall return the verification form to the designated police station in person within 10 days after receipt of the form.

(3) The registrant shall sign the verification form, which shall certify that the registrant still resides at the address last reported to the Department.

(4) If the registrant fails to return the verification form in person to the designated police station within 10 days of receipt of the form, the registrant shall be in violation of this act unless the registrant proves that he or she has not relocated from the address of record and offers a reasonable and verifiable explanation for the failure to return the form timely and in person.

(b) For a person required to register under section 3(2), the provisions of subsection (a) of this section shall be applied, except that such person shall return the verification form in person to the local police station every 90 days after the date of the initial release or commencement of parole.

Sec. 11. Notification of changes of address.

**New Section
24-1110**

A registrant shall immediately report a change of address to the police district having jurisdiction where the registrant has been residing. If the registrant relocates to another state, the Department shall notify the law enforcement agency with which the registrant must register in the new state. The Department shall ensure that the registry is updated at least once a year and shall purge outdated addresses and include new addresses for all registrants.

Sec. 12. Registration for change of address to another state.

**New Section
24-1111**

(a) A registrant shall register the new address with a designated law enforcement agency in another state to which the registrant moves not later than 10 days after the registrant establishes residence in the new state.

(b) Efforts shall be made to apprise registrants relocating to the District of Columbia from other jurisdictions of the requirements under this act. These efforts may include, but are not limited to, distribution of notices by the Department to locations where registrants relocating to the District of Columbia from other jurisdictions may apply for driver's licenses, motor vehicle tags and inspections, housing, and other public assistance.

Sec. 13. Length of registration.

**New Section
24-1112**

(a) A registrant designated at risk level 1 shall continue to register until 10 years have elapsed since the registrant was last released from prison, or until the expiration of the sentence

being served on parole or the expiration of the term on probation, whichever is longer.

(b) A registrant designated at risk level 2 shall continue to register until 15 years have elapsed or until the expiration of the sentence being served on parole or the expiration of the term on probation, whichever is longer.

(c) A registrant designated at risk level 3 shall continue to register for the remainder of the natural life of that registrant.

(d) The specific registration requirements imposed on a person required to register under section 3(2) may be terminated at the discretion of the Court if a determination is made in accordance with section 6(3)(D)(i) that the person no longer suffers from a mental abnormality or personality disorder that would make the person likely to engage in a predatory sexually violent offense, except that no relief shall be granted until the registrant described under section 3(2) has registered for a minimum of 10 years.

Sec. 14. Penalties.

New Section
24-1113

(a) Any registrant who violates the requirements of this act shall be fined not more than \$1,000 or imprisoned for not more than 6 months, or both. In the event the registrant convicted of violating this act has a prior conviction for failing to comply with this act, that person shall be fined not more than \$5,000 or imprisoned for not more than 5 years, or both.

(b) Failure to comply with the requirements of this act may also be the basis for revocation of parole or probation.

Sec. 15. Transfer of information and central data base.

New Section
24-1114

The Department shall establish and maintain a central registry of all sexual offenders required to register. The Department shall prepare and distribute to each of the district police stations a standard sex offender registration form and other relevant information for the registration process.

Sec. 16. Release of information.

New Section
24-1115

Registrant information that the Department collects shall be treated as private information, except that:

(1) Information shall be disclosed to law enforcement agencies for law enforcement purposes;

(2) Information shall be disclosed to government agencies conducting confidential background checks; and

(3) Limited and relevant registration information shall be disclosed to selected segments of the public as soon as it is received by the Department in cases where the release of that information is mandated under this act to protect the public from individual registrants. The identity of the victim of an offense requiring registration shall not be released. The extent of the information disclosed and the population to whom disclosure is made must directly relate

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to the potential level of danger posed by the registrant. The Department shall apply the following guidelines in determining the scope of disclosure made under this paragraph:

(A) If a registrant is assessed as presenting a low risk to the community (level 1), the Department shall maintain information regarding the registrant within the agency and shall disclose it to other law enforcement agencies. The Department shall also disclose relevant and necessary information to all victims of the registrant and to any witnesses to the offense for which the registrant was convicted.

(B) If a registrant is assessed as presenting an intermediate risk to the community (level 2), the Department shall make all level 1 disclosures and shall also disclose relevant and necessary information to appropriate public and private educational and day care entities and other institutions and organizations that primarily serve individuals likely to be victimized by the registrant.

(C) If a registrant is assessed as presenting a high risk to the community (level 3), the Department shall make all level 1 and 2 disclosures and may also disclose relevant and necessary information to other members of the community to whom the registrant may pose a direct or potential threat.

Sec. 17. Immunity for good faith conduct.

**New Section
24-1116**

Members of the Advisory Council, law enforcement agencies and their employees, and the District of Columbia government and its employees shall be immune from liability for good faith conduct under this act.

Sec. 18. Applicability.

**New Section
24-1117**

(a) The requirements of this act shall apply to sex offenders who are released from confinement, placed on probation or parole, or who relocate to the District of Columbia on or after the effective date of this act.

(b) The duty to register under this act shall not be applicable to any sex offender whose conviction for an offense requiring registration was reversed upon appeal or who was pardoned on the grounds of innocence by the governor of any state.

Sec. 19. Conforming amendments.

(a) Section 3(a) of the Residential Drug-Related Evictions Amendment Act of 1990, effective June 13, 1990 (D.C. Law 8-139; D.C. Code § 45-2559.2(a)) (as amended by section 2(b) of the Abatement of Controlled Dangerous Substances Nuisance Amendment Act of 1996, signed by the Mayor on July 22, 1996 (D.C. Act 11-326; 43 DCR 4234)), is amended in the second sentence by inserting the phrase "the United States Attorney for the District of Columbia," after the phrase "the Mayor,".

**Section
45-2559.2**

(b) Section 706a(d) of the Firearms Control Regulations Act of 1975, signed by the Mayor on October 18, 1996 (D.C. Act 11-431; to be codified at D.C. Code § 6-2376.1), is

**Section
6-2376.1**

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amended by striking the word "All" and inserting the phrase "Except as otherwise expressly provided by this section, all" in its place.

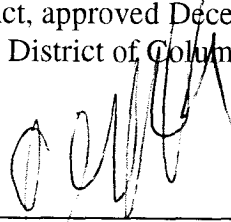
(c) Section 3 of the District of Columbia Work Release Act, approved November 10, 1966 (80 Stat. 1519; D.C. Code § 24-462), is amended to read as follows:

New Section
24-462

"Sec. 3. At the time of imposition of sentence, the probation officers of the court or the Director of the Department of Corrections, may recommend to, or the person sentenced may request, the sentencing court that such person be granted the privilege of work release. At any time subsequent to the imposition of sentence, the person sentenced may request the sentencing court or the Director of the Department of Corrections that such person be granted the privilege of work release. No person shall be given work release privileges except by order of the sentencing court or the Director of the Department of Corrections, or by order of the Board of Parole pursuant to section 2."

Sec. 20. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 60-day period of Congressional review 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 the District of Columbia Register.



Chairman
Council of the District of Columbia

Mayor
District of Columbia

