

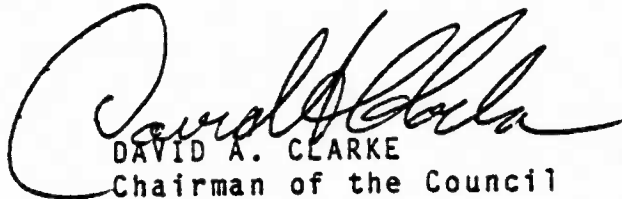
COUNCIL OF THE DISTRICT OF COLUMBIA  
NOTICE

D.C. LAW 4-173

"District of Columbia Protection of Minors Act  
of 1982".

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. 4-305 on first and second readings, October 19, 1982 and November 16, 1982, respectively. Following the signature of the Mayor on December 8, 1982, this legislation was assigned Act No. 4-256, published in the December 31, 1982, edition of the D.C. Register, (Vol. 29 page 5749). This act was originally transmitted to Congress on December 13, 1982, and resubmitted on January 6, 1983 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 4-173, effective March 9, 1983.

  
DAVID A. CLARKE  
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January	6,25,26,27,28,31
February	1,2,3,4,7,8,9,10,11,14,15,16,17,22,23,24,25,28
March	1,2,3,4,7,8

D.C. LAW 4-173

AN ACT

EFFECTIVE DATE MAR 09 1983

D.C. ACT 4-256

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DEC 08 1982

To proscribe sexual performances by children.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,  
That this act may be cited as the "District of Columbia  
Protection of Minors Act of 1982".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Knowingly" means having general knowledge of, or reason to know or a belief or ground for belief which warrants further inspection or inquiry, or both.

(2) "Minor" means any person under 16 years of age.

(3) "Performance" means any play, motion picture, photograph, electronic representation, dance, or any other visual presentation or exhibition.

(4) "Promote" means to procure, manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmute, publish or distribute, circulate, disseminate, present, exhibit, or advertise, or to offer or agree to do the same.

(5) "Sexual conduct" means: (A) actual or simulated sexual intercourse (i) between the penis and the vulva, anus, or mouth; (ii) between the mouth and the vulva or anus; or (iii) between an artificial sexual organ or other

CODIFICATION  
D.C. Code,  
title 22,  
chapter 20,  
new subchapter

D.C. Code,  
sec. 22-2011  
(1981 ed.)

object or instrument used in the manner of an artificial sexual organ and the anus or vulva; (B) masturbation; (C) sexual bestiality; (D) sadomasochistic sexual activity for the purpose of sexual stimulation; or (E) lewd exhibition of the genitals.

(6) "Sexual performance" means any performance or part thereof which includes sexual conduct by a person under 16 years of age.

Sec. 3. It shall be unlawful in the District of Columbia for a person knowingly to use a minor in a sexual performance or to promote a sexual performance by a minor.

D.C.Code,  
sec. 22-2012  
(1981 ed.)

(a) A person is guilty of the use of a minor in a sexual performance if knowing the character and content thereof, he or she employs, authorizes, or induces a person under 16 years of age to engage in a sexual performance or being the parent, legal guardian, or custodian of a minor, he or she consents to the participation by a minor in a sexual performance.

(b) A person is guilty of promoting a sexual performance by a minor when, knowing the character and content thereof, he or she produces, directs, or promotes any performance which includes sexual conduct by a person under 16 years of age.

Sec. 4. Penalties.

Violation of this act shall be a felony and shall be punished by:

D.C.Code,  
sec. 22-2013  
(1981 ed.)

(a) a fine of not more than \$5,000 or imprisonment for not more than 10 years, or both for the first offense; or

(b) a fine of not more than \$15,000 or imprisonment for not more than 20 years, or both for the second and each subsequent offense.

Sec. 5. Affirmative defenses.

(a) Under this act it shall be an affirmative defense that the defendant in good faith reasonably believed the person appearing in the performance was 16 years of age or over.

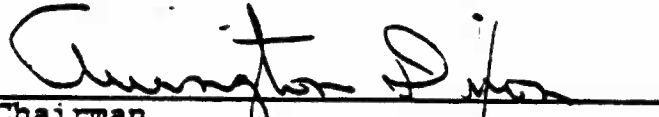
D.C.Code,  
sec. 22-2014  
(1981 ed.)

(b) (1) Except as provided in paragraph (2), in any prosecution for an offense pursuant to section 3(b) it shall be an affirmative defense that the person so charged was (A) a librarian engaged in the normal course of his or her employment or (B) a motion picture projectionist, stage employee or spotlight operator, cashier, doorman, usher, candy stand attendant, porter, or in any other nonmanagerial or nonsupervisory capacity in a motion picture theater.

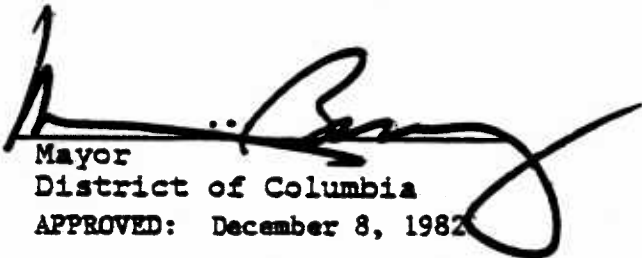
(2) The affirmative defense provided by paragraph (1) shall not apply if the person described therein has a financial interest (other than his or her employment, which employment does not encompass compensation based upon any proportion of the gross receipts) in (A) the promotion of a sexual performance for sale, rental, or exhibition; (B) the direction of any sexual performance; or (C) the acquisition of the performance for sale, retail, or exhibition.

Sec. 6. This act shall take effect after a 30-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)(1) of the District of Columbia  
Self-Government and Governmental Reorganization Act,  
approved December 24, 1973 (87 Stat. 813; D.C. Code, sec.  
1-233(c)(1)).



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED: December 8, 1982



COUNCIL OF THE DISTRICT OF COLUMBIA  
Council Period Four  
Second Session

DOCKET NO: B 4-305

Item on Consent Calendar

ACTION: Adopted First Reading, 10-19-82

VOICE VOTE: Unanimous

Absent: Moore

ROLL CALL VOTE:

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. DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE, JR.					WILSON				
CRAWFORD					RAY									
JARVIS					ROLARK									

X - Indicates Vote A.B. - Absent N.V. - Not Voting

CERTIFICATION OF RECORD

*Vivian H. Curinger*  
Secretary to the Council

Nov 29, 1982  
Date

Item on Consent Calendar

ACTION: Adopted Final Reading, 11-16-82

VOICE VOTE: Unanimous

Absent: Shackleton

ROLL CALL VOTE:

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. DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE, JR.					WILSON				
CRAWFORD					RAY									
JARVIS					ROLARK									

X - Indicates Vote A.B. - Absent N.V. - Not Voting

CERTIFICATION OF RECORD

*Vivian H. Curinger*  
Secretary to the Council

Nov 29, 1982  
Date

Item on Consent Calendar

ACTION: \_\_\_\_\_

VOICE VOTE: \_\_\_\_\_

Absent: \_\_\_\_\_

ROLL CALL VOTE:

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. DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE, JR.					WILSON				
CRAWFORD					RAY									
JARVIS					ROLARK									

X - Indicates Vote A.B. - Absent N.V. - Not Voting

CERTIFICATION OF RECORD

Secretary to the Council

Date