

COUNCIL OF THE DISTRICT OF COLUMBIA

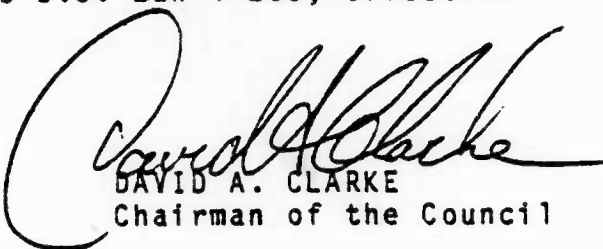
NOTICE

D.C. LAW 4-203

"Anti-Intimidation and Defacing of Public or Private Property Criminal Penalty 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. 4-455 on first and second readings, November 16, 1982, and December 14, 1982, respectively. Following the signature of the Mayor on December 28, 1982, this legislation was assigned Act No. 4-287, published in the January 14, 1982, edition of the D.C. Register, (Vol. 30 page 180) and transmitted to Congress on January 7, 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 4-203, effective March 10, 1982.


DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January 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 1,2,3,4,7,8,9

AN ACT

D.C. ACT 4-287

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DEC 28 1982

To increase the penalty for the defacing of any public or private building or property; to prohibit the burning of a cross or other religious symbol on private property without the consent of the property owner or occupant; to prohibit the wearing of masks for specified purposes; and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the "Anti-Intimidation and Defacing of Public or Private Property Criminal Penalty Act of 1982".

Sec. 2. It shall be unlawful for any person or persons willfully and wantonly to disfigure, cut, chip, or cover, rub with, or otherwise place filth or excrement of any kind upon; to write, mark, or print obscene or indecent figures representing obscene or objects upon; to write, mark, draw, or paint, without the consent of the owner or proprietor thereof, or, in the case of public property, of the person having charge, custody, or control thereof, any word, sign, or figure upon:

CODIFICATION
New
D.C.Code,
sec. 22-3112..:
(1981 ed.)

(1) any property, public or private, building, statue, monument, office, public passenger vehicle, mass transit equipment or facility, dwelling or structure of any kind including those in the course of erection; and

(2) the doors, windows, steps, railing, fencing,

balconies, balustrades, stairs, porches, halls, walls, sides of any enclosure thereof, or any movable property.

Sec. 3.(a) It shall be unlawful for any person to burn, desecrate, mar, deface, or damage a cross or other religious symbol on any private premises or property in the District of Columbia primarily used for religious, educational, residential, memorial, charitable, or cemetery purposes, or for assembly by persons of a particular race, color, creed, or religion, or on any public property in the District of Columbia; or to place or to display in any of these locations a sign, mark, symbol, emblem, or other physical impression including, but not limited to, a Nazi swastika or any manner of exhibit which includes a burning cross, real or simulated, with the intent:

(1) to deprive any person or class of persons of equal protection of the law or of equal privileges and immunities under the law, or for the purpose of preventing or hindering the constituted authorities of the United States or the District of Columbia from giving or securing to all persons within the District of Columbia equal protection of the law;

(2) to injure, intimidate, or interfere with any person because of his or her exercise of any right secured by federal or District of Columbia laws, or to intimidate any person or any class of persons from exercising any right secured by federal or District of Columbia laws;

(3) to intimidate, threaten, abuse, or harass any other person; or

New
D.C.Code,
sec. 22-3
.2
(1981 ed.)

(4) to cause another person to fear for his or her personal safety, or where it is probable that reasonable persons will be put in fear for their personal safety by the defendant's actions, with reckless disregard for that probability.

(b) The provisions of subsection (a) shall not apply to acts committed on the private property of another person, if prior to those acts:

(1) written permission was received from the owner and occupant of the property; and

(2) the written permission was filed with the Chief of the Metropolitan Police Department.

(c) Nothing in this section shall be deemed to amend or repeal any provision of the District of Columbia Fire Prevention Code (7 DCRR).

Sec. 4. (a) No person or persons over 16 years of age, while wearing any mask, hood, or device whereby any portion of the face is hidden, concealed, or covered as to conceal the identity of the wearer, shall:

New
D.C. Code,
sec. 22-3112.1
(1981 ed.)

(1) enter upon, be, or appear upon any lane, walk, alley, street, road highway, or other public way in the District of Columbia;

(2) enter upon, be, or appear upon or within the public property of the District of Columbia; or

(3) hold any manner of meeting or demonstration.

(b) The provisions of subsection (a) apply only if the person was wearing the hood, mask, or other device:

(1) with the intent to deprive any person or class

of persons of equal protection of the law or of equal privileges and immunities under the law, or for the purpose of preventing or hindering the constituted authorities of the United States or the District of Columbia from giving or securing for all persons within the District of Columbia equal protection of the law;

(2) with the intent, by force or threat of force, to injure, intimidate, or interfere with any person because of his or her exercise of any right secured by federal or District of Columbia laws, or to intimidate any person or any class of persons from exercising any right secured by federal or District of Columbia laws;

(3) with the intent to intimidate, threaten, abuse, or harass any other person;

(4) with the intent to cause another person to fear for his or her personal safety, or, where it is probable that reasonable persons will be put in fear for their personal safety by the defendant's actions, with reckless disregard for that probability; or

(5) while engaged in conduct prohibited by civil or criminal law, with the intent of avoiding identification.

Sec. 5. (a) Any person who violates any provision of section 2 shall be fined not less than \$250 or more than \$5,000, or imprisoned for a period not to exceed 1 year, or both.

(b) Any person who violates any provision of sections 3 or 4 shall be guilty of a misdemeanor punishable by a fine not to exceed \$500, or imprisonment not to exceed 1 year, or

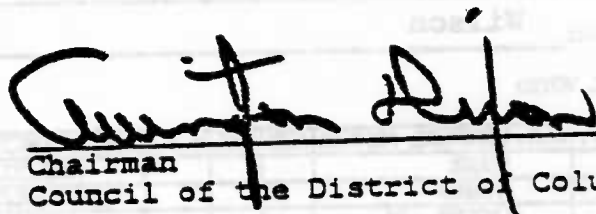
New
D.C. Code,
sec. 22-3112.
(1981 ed.)

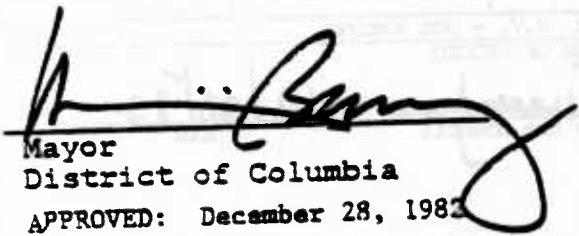
both.

Sec. 6. An Act for the preservation of the public peace and protection of property within the District of Columbia, approved July 29, 1892 (27 Stat. 322; D.C. Code, sec. 22-3112) is repealed.

D.C. Code,
sec. 22-3112
(1981 ed.)
repealed

Sec. 7. 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)(2) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (Stat. 813; D.C. Code, sec. 1-233(c)(2)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED: December 28, 1982



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Four
Second Session

DOCKET NO: B 4-455

Item on Consent Calendar

ACTION: Adopted First 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.
CHM. 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

William D. Cunningham
Secretary to the Council

12/20/82
Date

Item on Consent Calendar

ACTION: Adopted Final Reading, 12-14-82

VOICE VOTE: Unanimous

Absent: Wilson

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.
CHM. 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

William D. Cunningham
Secretary to the Council

12/20/82
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.
CHM. 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