

AN ACT

D.C. ACT 19-262

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 21, 2011

*Codification
District of
Columbia
Official Code*

2001 Edition

2012 Winter
Supp.

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Publisher

To amend the District of Columbia Theft and White Collar Crimes Act of 1982 to add certain crimes that the grade of and sentence for may be aggregated if conducted pursuant to a single scheme or systematic course, to remove an exception for credit-card fraud, and to eliminate the defense to the completed offense of receiving stolen property that the property was not stolen; to amend section 16-5502 of the District of Columbia Official Code to clarify the type of discovery permissible under a special motion to dismiss; to amend An Act For the suppression of prostitution in the District of Columbia to clarify that the penalties applicable to prostitution are also applicable to the solicitation for prostitution; and to amend the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010 to clarify the applicability provision.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Receiving Stolen Property and Public Safety Amendment Act of 2011”.

TITLE I -- RECEIVING STOLEN PROPERTY

Sec. 101. The District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-3201 *et seq.*), is amended as follows:

(a) Section 102 (D.C. Official Code § 22-3202) is amended to read as follows:

Amend
§ 22-3202

“Sec. 102. Aggregation of amounts received to determine grade of offense.

“Amounts or property received pursuant to a single scheme or systematic course of conduct in violation of sections 112 (Theft), 121 (Fraud), 123 (Credit Card Fraud), 127b (Identity Theft), 131 (Trafficking in Stolen Property), or 132 (Receiving Stolen Property) may be aggregated in determining the grade of the offense and the sentence for the offense.”

(b) Section 131(c) (D.C. Official Code § 22-3231(c)) is amended by striking the word “section” and inserting the phrase “section, alone or in conjunction with section 906 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22-1803),” in its place.

Amend
§ 22-3231

(c) Section 132 (D.C. Official Code § 22-3232) is amended as follows:

Amend
§ 22-3232

(1) Subsection (a) is amended by striking the phrase “, with intent to deprive another of the right to the property or a benefit of the property”.

ENROLLED ORIGINAL

(2) Subsection (b) is amended by striking the phrase “for an attempt to commit the offense described in this section” and inserting the phrase “under this section, alone or in conjunction with section 906 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1321; D.C. Official Code § 22-1803),” in its place.

(3) A new subsection (d) is added to read as follows:

“(d) For the purposes of this section, the term “stolen property” includes property that is not in fact stolen if the person who buys, receives, possesses, or obtains control of the property had reason to believe that the property was stolen.”.

TITLE II -- PUBLIC SAFETY AMENDMENTS

Sec. 201. Section 16-5502(c)(2) of the District of Columbia Official Code is amended by striking the phrase “specialized discovery” and inserting the phrase “specified discovery” in its place. Amend
§ 16-5502

Sec. 202. Section 1(b) and (c) of An Act For the suppression of prostitution in the District of Columbia, approved August 15, 1935 (49 Stat. 651; D.C. Official Code § 22-2701(b) and (c)), is amended by striking the word “prostitution” wherever it appears and inserting the phrase “prostitution or soliciting for prostitution” in its place. Amend
§ 22-2701

Sec. 203. Section 202 of the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, effective May 27, 2010 (D.C. Law 18-160; 57 DCR 3012), is amended to read as follows:

“Sec. 202. Applicability.

“Section 201 shall apply upon its ratification by a majority of the registered qualified electors of the District of Columbia voting in a referendum held for such purpose and a 35-day period of Congressional review as provided in section 303 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 784; D.C. Official Code § 1-203.03), and publication in the District of Columbia Register.”. Note
§ 1-204.35

TITLE III -- FISCAL IMPACT; EFFECTIVE DATE

Sec. 301. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

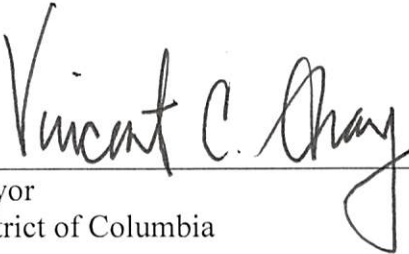
Sec. 302. Effective date.

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), a 60-day period of Congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
December 21, 2011



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

Docket No. **B19-215**

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FIRST READING, 11-01-11

VOICE VOTE

RECORDED VOTE ON REQUEST

APPROVED

ABSENT

THOMAS, JR.

ROLL CALL VOTE – Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Brown	X				Catania	X				Orange	X			
Alexander	X				Cheh	X				Thomas, Jr.				X
Barry	X				Evans	X				Wells	X			
Bowser	X				Graham	X								
Brown, M	X				Mendelson	X								

X – Indicate Vote

AB – Absent

NV – Present, Not Voting

CERTIFICATION RECORD

Secretary to the Council

12-15-11

Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FINAL READING, 12-06-11

VOICE VOTE

RECORDED VOTE ON REQUEST

APPROVED

ABSENT

ALL PRESENT

ROLL CALL VOTE – Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Brown	X				Catania	X				Orange	X			
Alexander	X				Cheh	X				Thomas, Jr.	X			
Barry	X				Evans	X				Wells	X			
Bowser	X				Graham	X								
Brown, M	X				Mendelson	X								

X – Indicate Vote

AB – Absent

NV – Present, Not Voting

CERTIFICATION RECORD

Secretary to the Council

12-15-11

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. Brown					Catania					Orange				
Alexander					Cheh					Thomas, Jr.				
Barry					Evans					Wells				
Bowser					Graham									
Brown, M					Mendelson									

X – Indicate Vote

AB – Absent

NV – Present, Not Voting

CERTIFICATION RECORD



Secretary to the Council

Date