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A BILL  
20-714

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend the Prevention of Child Abuse and Neglect Act of 1977 to create procedures for screening children under the custodial care of the Child and Family Services Agency who may be at risk for sex trafficking; to amend the Department of Youth Rehabilitation Services Establishment Act of 2004 to create procedures for screening youth under the custodial care of the Department of Youth Rehabilitation Services who may be at risk for sex trafficking; to amend An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children to require the Metropolitan Police Department to file reports with the Child and Family Services Agency of children suspected of engaging in commercial sex; to create procedures for reporting by the Child and Family Services Agency of missing children at risk for sex trafficking to the Metropolitan Police Department, to clarify that mandatory reporters of child abuse and neglect may file missing person reports, and to require the Metropolitan Police Department to report critically missing children to the National Center for Missing and Exploited Children; to amend the Prohibition Against Human Trafficking Act of 2010 to require human trafficking training for law enforcement officers, social workers, and case workers employed by the Metropolitan Police Department, the Child and Family Services Agency, and the Department of Youth Rehabilitation Services; to amend An Act For the Suppression of prostitution in the District of Columbia to create immunity for children suspected of engaging in or offering to engage in a sexual act or contact in return for receiving anything of value and instead requiring the Metropolitan Police to refer those children to appropriate services, and to clarify the definition of prostitution; and to amend section 16-2309(a) of the District of Columbia Official Code to specify that an employee of the Child and Family Services Agency or a law enforcement officer may take into custody a child suspected of engaging in commercial sex.

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

act be cited as the “Sex Trafficking of Children Prevention Amendment Act of 2014”.

38           Sec. 2. Section 303e(a) of the Prevention of Child Abuse and Neglect Act of 1977,  
39 effective June 7, 2012 (D.C. Law 19-141; D.C. Official Code § 4-1303.03e(a)), is amended as  
40 follows:

41           (a) The existing text is designated as paragraph (1).

42           (b) A new paragraph (2) is added to read as follows:

43                   “(2) As part of the behavioral health screening required by paragraph (1) of  
44 this subsection, the Agency shall identify children who are victims of, or who may be at risk for  
45 becoming victims of, sex trafficking of children under section 104 of the Prohibition Against  
46 Human Trafficking Amendment Act of 2010, effective October 23, 2010 (D.C. Law 18-239;  
47 D.C. Official Code § 22-1834).”.

48           Sec. 3. Section 104a of The Department of Youth Rehabilitation Services Establishment  
49 Act of 2004, effective June 7, 2012 (D.C. Law 19-141; D.C. Official Code § 2-1515.04a), is  
50 amended as follows:

51           (a) The existing text is designated as paragraph (1).

52           (b) A new paragraph (2) is added to read as follows:

53                   “(2) As part of the behavioral health screening required by paragraph (1) of this  
54 subsection, the Department shall identify youth who are victims of, or who may be at risk for  
55 becoming victims of, sex trafficking of children under section 104 of the Prohibition Against  
56 Human Trafficking Amendment Act of 2010, effective October 23, 2010 (D.C. Law 18-239;  
57 D.C. Official Code § 22-1834).”.

58           Sec. 4. Section 2 of An Act To provide for the mandatory reporting by physicians and  
59 institutions in the District of Columbia of certain physical abuse of children, effective November  
60 6, 1966 (80 Stat. 1354; D.C. Official Code § 4-1321.02), is amended by adding a new subsection  
61 (h) to read as follows:

62           “(h) The Metropolitan Police Department shall immediately report or have a report made  
63 to the Child and Family Services Agency of any knowledge, information, or suspicion of a child  
64 engaging in or offering to engage in a sexual act, as defined in section 101(8) of the Anti-Sexual  
65 Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-  
66 3001(8)), or sexual contact, as defined in section 101(9) of the Anti-Sexual Abuse Act of 1994,  
67 effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3001(9)), in return for  
68 receiving anything of value.”.

69           Sec. 5. Missing Persons.

70           (a) The Child and Family Services Agency shall file a missing persons report with the  
71 Metropolitan Police Department (“MPD”) for any child in the custody of the Child and Family  
72 Services Agency immediately after discovering that the child is missing from the child’s home or  
73 out-of-home placement.

74           (b) A person required to make a report of abuse or neglect under section 2(b) of An Act  
75 To provide for the mandatory reporting by physicians and institutions in the District of Columbia  
76 of certain physical abuse of children, effective November 6, 1966 (80 Stat. 1354; D.C. Official  
77 Code § 4-1321.02(b)), may file a missing person report with the MPD.

78           (c) The MPD shall immediately report a missing child to the National Center for Missing

79 and Exploited Children if the child has been:

80 (1) Deemed critical missing by the MPD as defined by MPD General Order 304-  
81 03; or

82 (2) Missing for more than 30 days from the date the Child and Family Services  
83 Agency filed a missing persons report with MPD pursuant to subsection (a) of this section.

84 (d) For the purposes of this section, the term “child” means a person who has not attained  
85 the age of 18.

86 Sec. 6. The Prohibition Against Human Trafficking Amendment Act of 2010, effective  
87 October 23, 2010 (D.C. Law 18-239; D.C. Official Code § 22-1831 *et seq.*), is amended by  
88 adding a new section 112 to read as follows:

89 “Sec. 112. Training program.

90 “(a) The Metropolitan Police Department (“MPD”), the Child and Family Services  
91 Agency (“CFSA”), and the Department of Youth Rehabilitation Services (“DYRS”) shall  
92 provide training on human trafficking to:

93 “(1) New law enforcement officers, social workers, and case managers; and

94 “(2) Current law enforcement officers, social worker employees, and case  
95 managers who have not previously received comparable training.

96 “(b) The training shall be a minimum of 4 hours and shall include:

97 “(1) The nature and dimension of human trafficking;

98 “(2) The legal rights and remedies available to a victim of human trafficking;

99                   “(3) The services and facilities available to a victim of human trafficking;

100                   “(4) The legal duties imposed on a police officer, social worker, or case manager  
101 to enforce the provisions of the Sex Trafficking of Minors Prevention Amendment Act of 2014,  
102 approved by the Committee on Judiciary and Public Safety on November 7, 2014 (Committee  
103 print of Bill 20-714), and to offer protection and assistance to a victim of human trafficking;

104                   “(5) Techniques for determining when a person may be a victim of human  
105 trafficking;

106                   “(6) Techniques for handling a human trafficking offense that promotes the safety  
107 of the victim; and

108                   “(7) The particular needs of youth and minor trafficking victims.

109                   “(c) MPD, CFSA, and DYRS shall consult with community organizations that provide  
110 training, resources, advocacy, or services to victims of human trafficking for assistance in  
111 developing and presenting training on human trafficking.”.

112                   Sec. 7. Section 1 of An Act For the Suppression of prostitution in the District of  
113 Columbia, approved August 15, 1935 (49 Stat. 651; D.C. Official Code § 22-2701), is amended  
114 as follows:

115                   (a) Subsection (a) is amended by striking the phrase “it is unlawful” and inserting the  
116 phrase “Except as provided in subsection (d) of this section, it is unlawful” in its place.

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

118           “(d)(1) A child who engages in or offers to engage in a sexual act or sexual contact in  
119 return for receiving anything of value shall be immune from prosecution for a violation of  
120 subsection (a) of this section.

121           “(2) The Metropolitan Police Department shall refer any child suspected of  
122 engaging in or offering to engage in a sexual act or sexual contact in return for receiving  
123 anything of value to an organization that provides treatment, housing, or services appropriate for  
124 victims of sex trafficking of children under section 104 of the Prohibition Against Human  
125 Trafficking Amendment Act of 2010, effective October 23, 2010 (D.C. Law 18-239; D.C.  
126 Official Code § 22-1834).

127           “(3) For the purposes of this subsection, “child” means a person who has not  
128 attained the age of 18.”.

129           Sec. 8. Section 2 of the Control of Prostitution and Sale of Controlled Substances in  
130 Public Places Criminal Control Act of 1981, effective December 10, 1981 (D.C. Law 4-57; D.C.  
131 Official Code § 22-2701.01), is amended by striking the phrase “a fee” both times it appears and  
132 inserting the phrase “anything of value” in its place.

133           Sec. 9. Section 16-2309(a)(3) of the District of Columbia Official Code is amended by  
134 striking the phrase “is necessary” and inserting the phrase “is necessary, including when he or  
135 she has reasonable grounds to believe that the child is engaging in or offering to engage in a  
136 sexual act, as defined in section 101(8) of the Anti-Sexual Abuse Act of 1994, effective May 23,  
137 1995 (D.C. Law 10-257; D.C. Official Code § 22-3001(8)), or sexual contact, as defined in

138 section 101(9) of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257;  
139 D.C. Official Code § 22-3001(9)), in return for receiving anything of value” in its place.

140           Sec. 10. Section 16-2311(a)(4) of the District of Columbia Official Code is amended by  
141 striking the phrase “neglected child” and inserting the phrase “neglected child, or a child alleged  
142 to be engaging in or offering to engage in a sexual act, as defined in section 101(8) of the Anti-  
143 Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-  
144 3001(8)), or sexual contact, as defined in section 101(9) of the Anti-Sexual Abuse Act of 1994,  
145 effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3001(9)), in return for  
146 receiving anything of value,” in its place.

147           Sec. 11. Fiscal impact statement.

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

151           Sec. 12. Effective date.

152           This act shall take effect following approval by the Mayor (or in the event of veto by the  
153 Mayor, action by the Council to override the veto), a 60-day period of congressional review as  
154 provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December  
155 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of  
156 Columbia Register.