

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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 Department to refer those children to appropriate services, and to clarify the definition of prostitution; and to amend section 16-2309 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 may be cited as the “Sex Trafficking of Children Prevention Amendment Act of 2014”.

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

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

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

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

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

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

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

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

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

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

Sec. 5. Missing persons.

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

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

(c) The MPD shall immediately report a missing child to the National Center for Missing and Exploited Children if the child has been:

- (1) Deemed critical missing by the MPD, as defined by MPD General Order 304-03; or
- (2) Missing for more than 30 days from the date the Child and Family Services Agency filed a missing person report with MPD pursuant to subsection (a) of this section.
- (d) For the purposes of this section, the term “child” means a person who has not attained the age of 18 years.

Sec. 6. The Prohibition Against Human Trafficking Amendment Act of 2010, effective October 23, 2010 (D.C. Law 18-239; D.C. Official Code § 22-1831 *et seq.*), is amended as follows:

- (a) A new section 112 is added to read as follows:
“Sec. 112. Training program.
“(a) The Metropolitan Police Department (“MPD”), the Child and Family Services Agency (“CFSA”), and the Department of Youth Rehabilitation Services (“DYRS”) shall provide training on human trafficking to:
“(1) New law enforcement officers, social workers, and case managers; and
“(2) Current law enforcement officers, social worker employees, and case managers who have not previously received comparable training.
“(b) The training shall be a minimum of 4 hours and shall include:
“(1) The nature and dimension of human trafficking;
“(2) The legal rights and remedies available to a victim of human trafficking;
“(3) The services and facilities available to a victim of human trafficking;
“(4) The legal duties imposed on a police officer, social worker, or case manager to enforce the provisions of the Sex Trafficking of Children Prevention Amendment Act of 2014, passed on 2nd reading on December 2, 2014 (Enrolled version of Bill 20-714), and to offer protection and assistance to a victim of human trafficking;
“(5) Techniques for determining when a person may be a victim of trafficking;
“(6) Techniques for handling a human trafficking offense that promotes the safety of the victim; and
“(7) The particular needs of youth and minor trafficking victims;
“(c) MPD, CFSA, and DYRS shall consult with community organizations that provide training, resources, advocacy, or services to victims of human trafficking for assistance in developing and presenting training on human trafficking.”.
- (b) A new section 113 is added to read as follows:
“Sec. 113. Public posting of human trafficking hotline.
“(a) The Mayor shall require a property owner or person in control of the premises of the following businesses to post a sign described in subsection (b) of this section in a conspicuous location in clear view of all employees and the public:
“(1) A property found to be a prostitution-related nuisance as defined by section 2(5) of the Drug-Related Nuisance Abatement Act of 1998, effective March 26, 1999 (D.C. Law 12-194; D.C. Official Code § 42 -3101(5));
“(2) An intercity rail or bus station;

“(3) A nude performance establishment as defined by D.C. Official Code §25-101(34);

“(4) A massage establishment regulated pursuant to section 4902(a)(12) of the Fiscal Year 2002 Budget Support Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-731(a)(12)), that is located on property where conduct resulting in a conviction of an offense pursuant to the Prohibition Against Human Trafficking Amendment Act of 2010, effective October 23, 2010 (D.C. Law 18-239; D.C. Official Code § 22-1831 *et seq.*), has occurred; provided, that a posting shall only be required for one year after a conviction of an offense in this paragraph has occurred, and a posting shall not be required if an owner or person in control of a massage establishment reports an allegation of the conduct leading to a conviction of an offense in this paragraph to a law enforcement agency; and

“(5) A hotel that is located on property where conduct resulting in a conviction of an offense pursuant to the Prohibition Against Human Trafficking Amendment Act of 2010, effective October 23, 2010 (D.C. Law 18-239; D.C. Official Code § 22-1831 *et seq.*), has occurred; provided, that a posting shall only be required for one year after a conviction of an offense in this paragraph has occurred, and a posting shall not be required if an owner or person in control of a hotel reports an allegation of the conduct leading to a conviction of an offense in this paragraph to a law enforcement agency.

“(b) The notice to be posted pursuant to subsection (a) of this section shall be at least 8.5 by 11 inches in size, and shall state the following:

“REPORT HUMAN TRAFFICKING: National Human Trafficking Resource Center -- 1-888-373-7888. CALL FOR HELP IF YOU OR SOMEONE YOU KNOW:

“• Is being forced to have sex without consent

“• Has had an ID or documents taken away

“• Is being threatened by or is in debt to an employer

“• Wants to leave a job but cannot freely do so.

“TOLL-FREE. 24/7. CONFIDENTIAL. INTERPRETERS AVAILABLE.

“This sign is required under District law.

“(c) The notice to be posted pursuant to subsection (a) of this section in accordance with subsection (b) of this section shall be available on District government websites, as determined by the Mayor, for an owner or person in control of the premises to print as needed.

“(d)(1) Failure of an owner or person in control of the premises of an establishment under subsection (a) of this section to comply with the requirements of this section shall be subject to a civil fine of no more than \$500 per violation; provided, that the Mayor shall provide an establishment with notice of non-compliance and an opportunity to comply before imposing a civil fine under this subsection. Procedures for adjudication of violations shall be those established by the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*).

“(2) Each day that an establishment covered under this section fails to have a sign posted after the opportunity to comply shall constitute a separate offense and the penalties described in paragraph (1) of this subsection shall be applicable to each separate offense.

“(e) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this section.”.

Sec. 7. Section 1 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), is amended as follows:

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

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

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

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

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

Sec. 8. Section 2 of the Control of Prostitution and Sale of Controlled Substances in Public Places Criminal Control Act of 1981, effective December 10, 1981 (D.C. Law 4-57; D.C. Official Code § 22-2701.01), is amended as follows:

(a) Paragraph (1) is amended by striking the phrase “a fee was paid” and inserting the phrase “anything of value was given or received” in its place.

(b) Paragraph (3) is amended by striking the phrase “a fee” and inserting the phrase “anything of value” in its place.

Sec. 9. Chapter 23 of Title 16 of the District of Columbia Official Code is amended as follows:

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

(b) Section 16-2311(a)(4) is amended by striking the phrase “neglected child” and inserting the phrase “neglected child, or a child alleged to be engaging in or offering to engage in a sexual act, as defined in section 101(8) of the Anti-Sexual Abuse Act of 1994, effective May

23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3001(8)), or sexual contact, as defined in section 101(9) of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3001(9)), in return for receiving anything of value,” in its place.

Sec. 10. Applicability.

(a) Section 6(b) shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of section 6(b).

Sec. 11. 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. 12. 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