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2 Councilmember Tommy Wells


Councilmember Mary M. Cheh

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5 Councilmember David Grosso

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7 Councilmember Kenyan McDuffie

8 A BILL

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12 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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19 Councilmember Mary M. Cheh introduced the following bill, which was referred to the
20 Committee on _____.

21
22 To amend the Prevention of Child Abuse and Neglect Act of 1977 to create procedures for
23 reporting runaway and missing children under the custodial care of District agencies, to
24 require the Metropolitan Police Department to report critically missing children to the
25 National Center for Missing and Exploited Children, to allow mandatory reporters of
26 child abuse and neglect to file missing person reports, to amend the Prohibition Against
27 Human Trafficking Act of 2010 to require human trafficking training for law
28 enforcement officers and social workers employed by the Child and Family Services
29 Agency, to require public posting of the national human trafficking hotline, to amend An
30 Act To establish a code of law for the District of Columbia to create immunity for minors
31 suspected of engaging in or offering to engage in a sexual act or contact in return for
32 receiving a fee and instead requiring the Metropolitan Police to refer a minor to
33 appropriate services consistent with the minor's status as a victim of human trafficking,
34 to amend the Anti-Sexual Abuse Act of 1994 to clarify that sexual act or contact under
35 the act is defined to include sex trafficking of children as prohibited by the District's
36 human trafficking laws.

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38 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
39 act may be cited as the "Sex Trafficking of Minors Prevention Amendment Act of 2014".

40 Sec. 2. The Prevention of Child Abuse and Neglect Act of 1977, effective September 23,
41 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.01, *et seq.*) is amended by creating a new
42 section 310 to read as follows:

1 “Sec. 310. Reporting runaway and missing children under custodial care of District
2 agencies

3 “(a) A District agency with custodial care of children shall make a report to the
4 Metropolitan Police Department within 6 hours when a minor under the agency’s care is missing
5 from the minor’s home or out-of-home placement.

6 “(b) If, after submitting a report under subsection (a) of this section, an agency receives
7 information that a minor has been located, the agency shall notify the Metropolitan Police
8 Department of the minor’s location within 2 hours.

9 “(c) Upon receiving a report from an agency that a minor under its care is missing from
10 the minor’s home or out-of-home placement, the Metropolitan Police Department shall follow
11 the protocol set forth for missing children in the Metropolitan Police Department’s General
12 Orders.

13 “(d) If a minor has been deemed critical missing under the Metropolitan Police
14 Department’s General Orders or missing for over 30 days, the Metropolitan Police Department
15 shall report the missing minor to the National Center for Missing and Exploited Children.

16 “(e) A person required to make a report of knowledge or suspicion of child abuse or
17 neglect, as defined by section 2 of An Act To provide for the mandatory reporting by physicians
18 and institutions in the District of Columbia of certain physical abuse of children, approved
19 November 6, 1966 (80 Stat. 1354; D.C. Code 4-1321.02) may file missing person reports with
20 the Metropolitan Police Department.

21 Sec. 3. The Prohibition Against Human Trafficking Amendment Act of 2010, effective
22 October 23, 2010 (D.C. Law 18-239; D.C. Code § 22-1834 *et seq.*) is amended as follows:

23 (a) A new section 112 is added to read as follows:

1 “Sec. 112. Training program

2 “(a) The Metropolitan Police Department and the Child and Family Services

3 Agency shall incorporate in its educational program for new law enforcement officers and social
4 worker employees, respectively, training in:

5 (1) The nature and dimension of human trafficking;

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

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

9 (4) The legal duties imposed on a police officer or social worker to
10 enforce the provisions of this subchapter and to offer protection and assistance to a victim of
11 human trafficking;

12 (5) Techniques for determining when a person may be a victim of
13 trafficking;

14 (5) Techniques for handling a human trafficking offense that promotes the
15 safety of the victim; and

16 (6) The particular needs of youth and minor trafficking victims;

17 “(b) The training shall stress the importance of enforcing the law against human
18 trafficking. The Metropolitan Police or the Child and Family Services Agency may:

19 (1) Utilize the resources of any law enforcement agency or community
20 organization; and

21 (2) Invite any qualified community or advocacy organization that provides
22 training, resources, advocacy, or services to victims in the field of human trafficking to help in
23 planning and presenting the training program.

1 “(c) At least 20 hours of basic training in responding to a human trafficking
2 offense shall be required of a new law enforcement officer before the officer’s permanent
3 appointment.

4 “(d) A currently employed law enforcement officer shall be required to participate
5 in an 8 hour course designed to familiarize the office with the dynamics of human trafficking.”.

6 (b) A new section 113 is added to read as follows:

7 “Sec. 113. Public posting of human trafficking hotline

8 “(a) Each of the following businesses and other establishments shall post a sign
9 described in subsection (b) of this section in English and Spanish in a conspicuous location in
10 clear view of all employees of the establishment and the general public except where otherwise
11 specified in this section:

12 “(1) A hospital or urgent care center;

13 “(2) A rail station, bus station, or any other transportation station deemed
14 relevant by the enforcing agency;

15 “(3) A tavern as defined by D.C. Code §25-101(52), or nightclub as
16 defined by D.C. Code §25-101(33);

17 “(4) A massage establishment or health spa facility as defined by D.C.
18 Code §7-731(a)(12);

19 “(5) A hotel as defined by D.C. Code §6-701.12(4);

20 “(6) A nude performance establishment as defined by D.C. Code §25-
21 101(34);

22 “(7) An entity found to be a nuisance for prostitution as defined by D.C.
23 Code §42 -3101(5); and

1 “(8) A restaurant or other establishment which serves food as defined by
2 D.C. Code §25-101(43); provided, that an entity in this paragraph is not required to make the
3 sign visible to the general public.

4 “(b) The notice to be posted pursuant to subdivision (a) shall be at least eight and
5 one-half inches by eleven inches (8.5” X 11”) in size, and shall state the following:

6 REPORT HUMAN TRAFFICKING: National Human Trafficking Resource Center -- 1-888-
7 373-7888. CALL FOR HELP IF YOU OR SOMEONE YOU KNOW:

- 8 • Is being forced to have sex without consent
- 9 • Has had an ID or documents taken away
- 10 • Is being threatened by or is in debt to an employer
- 11 • Wants to leave a job but cannot freely do so.

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

13 This sign is required under District law.”

14 “(c) The sign required by subsection (b) of this section shall be available on the
15 websites of the following for establishments to print as needed:

16 “(1) Department of Consumer and Regulatory Affairs

17 “(2) Alcoholic Beverage Regulation Administration

18 “(3) District Department of Transportation and

19 “(4) Department of Health

20 “(d) To obtain a copy of the sign required to be posted under this section, the
21 owners or operators of an establishment required to post the sign under this section shall:

22 “(1) Print the sign from any of the websites in subsection (c); or

1 “(2) Request that the sign be mailed for the cost of printing and first-class
2 postage.

3 “(e) The regulatory agency that licenses or permits an establishment in section (a)
4 shall provide each applicable business or establishment with notice of mandatory compliance
5 with this section.

6 “(f) If the regulatory agency that licenses or permits an establishment in
7 subsection (a) of this section finds that the owner of the establishment has knowingly failed to
8 comply with subsection (a) of this section, that regulatory agency shall impose a fine of \$500 per
9 violation on the establishment.”.

10 Sec. 4. Section 1 of An Act To establish a code of law for the District of Columbia,
11 approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22-2701) is amended as follows:

12 (a) The heading is amended by adding the phrase “; immunity for minors” at the end of
13 the sentence.

14 (b) Subsection (b) is amended as follows:

15 (1) Paragraph (1) is amended by striking the phrase “paragraph (2)” and inserting
16 the phrase “paragraphs (2), (3), and (4)” in its place.

17 (2) New paragraphs (3) and (4) are added to read as follows:

18 “(3) Notwithstanding paragraphs (1) and (2) of this subsection, if, after a reasonable
19 period of custody for investigative purposes but in no event longer than 2 hours, a law
20 enforcement officer determines that a person suspected of engaging in or offering to engage in a
21 sexual act or contact in return for receiving a fee is under the age of 18, the person shall be
22 immune from prosecution for the offense of prostitution and instead shall be immediately

1 referred to an organization that must provide appropriate treatment, housing, and services
2 consistent with the status of a child as a victim of human trafficking.

3 “(4) A minor suspected of engaging in or offering to engage in a sexual act or contact in
4 return for receiving a fee under paragraph (3) of this subsection shall be considered a victim as
5 defined by D.C. Official Code § 23-1905.

6 Sec. 5. The Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257;
7 D.C. Official Code § 22-3010) is amended as follows:

8 (a) Section 209 is amended as follows:

9 (1) Subsection (a) is amended by striking the phrase “sexual act or contact” and
10 inserting the phrase “sexual act or contact with the offender or another” in its place.

11 (2) Subsection (b) is amended by striking the phrase “sexual act or contact” and
12 inserting the phrase “sexual act or contact with the offender or another” in its place.

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

14 “(d) For the purposes of this section:

15 “(1) “Child” is defined as a person under the age of 18.

16 “(2) “Sexual act or sexual contact” is defined to include sex trafficking of
17 children as prohibited by section 104 of the Prohibition Against Human Trafficking Amendment
18 Act of 2010, effective October 23, 2010 (D.C. Law 18-239; D.C. Code § 22-1834).”.

19 (b) Section 209b is amended by adding a new subsection (c) to read as follows:

20 “(c) For the purposes of this section:

21 “(1) “Child” is defined as a person under the age of 18.

22 “(2) “Sexual act or sexual contact” is defined to include sex trafficking of
23 children as prohibited by sections 104 of the Prohibition Against Human Trafficking

1 Amendment Act of 2010, effective October 23, 2010 (D.C. Law 18-239; D.C. Code § 22-
2 1834).”.

3 Sec. 6. Fiscal impact statement.

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

7 Sec. 7. Effective date.

8 This act shall take effect following approval by the Mayor (or in the event of veto by the
9 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
10 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
11 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
12 Columbia Register.