



Councilmember Robert C. White, Jr.



Councilmember David Grosso

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To repeal an Act for the suppression of prostitution in the District of Columbia; to amend an Act in relation to pandering, to define and prohibit the same and to provide for the Punishment thereof to remove certain criminal penalties for engaging in sex work in order to promote public health and safety; to repeal Section 1 of an Act to enjoin and abate houses of lewdness, assignation, and prostitution, to declare the same to be nuisances, to enjoin the person or persons who conduct or maintain the same and the owner or agent of any building used for such purpose, and to assess a tax against the person maintaining said nuisance and against the building and owner thereof; to repeal An Act to confer concurrent jurisdiction on the police court of the District of Columbia in certain cases; and to create a task force to assess the impact of this legislation and recommend further reforms to improve community safety and health by removing criminal penalties for engaging in commercial sex.

BE IT ENACTED BY THE COUNCIL FOR THE DISTRICT OF COLUMBIA, That
this act may be cited as the “Reducing Criminalization to Improve Community Safety and Health Amendment Act of 2017”.

TITLE I. Reducing criminalization.

Section 101. 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approved August 15, 1935 (49 Stat. 651; D.C. Official Code § 22-2701, § 22-2703, and § 22-2723 through § 22-2725), is repealed.

37 Section 102. An Act in relation to pandering, to define and prohibit the same and to
38 provide for the Punishment thereof, approved June 25, 1910 (36 Stat. 833; D.C. Official Code §
39 22-2705 *et seq.*), is amended as follows:

40 (a) Section 1 (D.C. Official Code § 22-2705) is repealed.

41 (b) Section 2 (D.C. Official Code § 22-2706) is amended by adding new subsections (c),
42 (d), and (e) to read as follows:

43 “(c) It is unlawful for any person, within the District of Columbia to take or detain an
44 individual against the individual’s will, with intent to compel such individual by force, threats,
45 menace, or duress to marry the abductor or to marry any other person.

46 “(d) It is unlawful for any parent, guardian, or other person having legal custody of the
47 person of an individual, to consent to the individual’s being taken, detained, or used by any
48 person, for the purpose of prostitution or a sexual act or sexual contact.

49 “(e)(1) Except as provided in paragraph (2) of this subsection, a person who violates
50 subsection (c) or (d) of this section shall be guilty of a felony and, upon conviction, shall be
51 punished by imprisonment for not more than 5 years, or by a fine of not more than the amount
52 set forth in the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013
53 (D.C. Official Code § 22-3571.01), or both.

54 “(2) A person who violates subsection (c) or (d) of this section when the
55 individual compelled or attempted to be compelled is under the age of 18 years shall be guilty of
56 a felony and, upon conviction, shall be punished by imprisonment for not more than 20 years or
57 by a fine of not more than the amount set forth in the Criminal Fine Proportionality Amendment
58 Act of 2012, effective June 11, 2013 (D.C. Official Code § 22-3571.01), or both.”.

59 (c) Section 3 (D.C. Official Code § 22-2707) is repealed.

60 (d) Sections 5 through 8 (D.C. Official Code § 22-2709 through 22-2712) are repealed.

61 Section 103. Section 1 of An Act to enjoin and abate houses of lewdness, assignation, and
62 prostitution; to declare the same to be nuisances; to enjoin the person or persons who conduct or
63 maintain the same and the owner or agent of any building used for such purpose; and to assess a
64 tax against the person maintaining said nuisance and against the building and owner thereof,
65 approved February 7, 1914 (38 Stat. 280; D.C. Official Code § 22-2713(a)), is repealed.

66 Sec 104. Section 1 of An Act to confer concurrent jurisdiction on the police court of the
67 District of Columbia in certain cases, approved July 16, 1912 (37 Stat. 192; D.C. Official Code §
68 22-2722), is repealed.

69

70 TITLE II. Establishment of a task force to improve community safety and health.

71 Section 201. Definitions.

72 For the purposes of this Title, the term:

73 (1) "Commercial sex" means a sexual act or contact with another person in return for
74 giving or receiving anything of value.

75 (2) "Sex worker" means a person who provides sexual act or contact with another person
76 in return for receiving anything of value.

77 Section 202. Task Force establishment.

78 (a) No later than 90 days from the effective date of this act, the Mayor shall establish a
79 task force to study and make recommendations regarding the removal of criminal penalties and
80 providing supports for individuals engaging in commercial sex in the District of Columbia.

81 (b) The task force shall consist of 15 members, including representatives from the
82 agencies affected by this act as well as community representatives, including:

- 83 (1) The Deputy Mayor (“Deputy Mayor”) for Health and Human Services;
84 (2) Organizations which advocate for sex workers and people profiled as sex
85 workers;
86 (3) Organizations representing populations disproportionately impacted by the
87 criminalization of commercial sex;
88 (4) Organizations focused on preventing the transmission of HIV;
89 (5) Organizations focused on improving public health;
90 (6) Organizations focused on preventing violence and sexual assault;
91 (7) Legal organizations which advocate for civil and human rights;
92 (8) At least three individuals that have engaged in commercial sex;
93 (9) The Metropolitan Police Department;
94 (10) The Department of Employment Services;
95 (11) The Department of Human Services; and
96 (12) The Department of Health.

97 (c) The task force shall be co-chaired by the Deputy Mayor, or the Deputy Mayor’s
98 designee, and one community representative, as selected by the task force members. Any
99 required staffing for the task force shall be provided by the Office of the Deputy Mayor.

100 (d) The task force shall:

- 101 (1) Study and make publicly available information relating to the historic trend
102 and impact of criminal penalties for engaging in the commercial sex, the impact of their removal
103 on public health and safety, and the need for additional resources to meet the needs of
104 individuals engaging in commercial sex.

105 (2) Obtain at least quarterly updates from relevant agencies on the results of this
106 act in the District of Columbia.

107 (3) Provide guidance to the Mayor on improving public health and safety as a
108 result of removing criminal penalties for commercial sex, including greater attention to violence
109 against sex workers and easier access to health and social services for those engaging in
110 commercial sex.

111 (4) Within two years of the commencement of the task force, issue a report on the
112 effects of the removal of criminal penalties for engaging in commercial sex in the District of
113 Columbia, including any recommendations for amendments to statutes, regulations, or policies to
114 better effectuate this act and provide for public health and safety.

115 (e) The task force shall disband three years after its initial meeting.

116

117 TITLE III. General provisions.

118 Section 301. Fiscal impact statement.

119 The Council adopts the fiscal impact statement in the Committee report as the fiscal
120 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
121 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

122 Section 302. Effective date.

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