



2019 JAN -8 PM 12:35
OFFICE OF THE
SECRETARY

MURIEL BOWSER
MAYOR

JAN 8 2019

The Honorable Phil Mendelson
Chairman
Council of the District of Columbia
1350 Pennsylvania Avenue, NW, Suite 504
Washington, D.C. 20004

Dear Chairman Mendelson:

Enclosed for consideration and approval by the Council of the District of Columbia is a bill entitled the "Sexual Assault Victims' Rights Amendment Act of 2019."

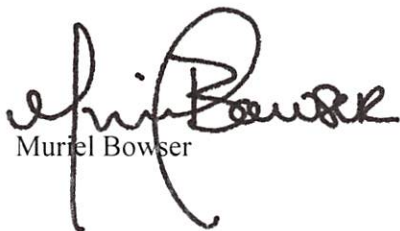
The legislation amends the Sexual Assault Victims' Rights Act of 2014 to better respond to the complex needs of victims of sexual violence. This bill expands the right of sexual assault victims to a sexual assault victim advocate; establishes the types of communications between a victim and a sexual assault victim advocate that are confidential; clarifies the duties of the Sexual Assault Response Team; clarifies the rights of victims when being provided emergency care; creates a new prohibition on the removal of a person's clothing without consent; and clarifies the right of a victim to compensation under existing insurance policies.

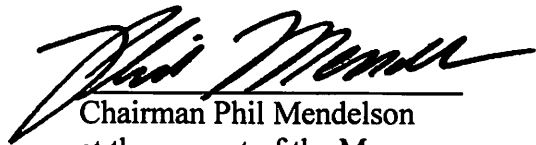
The bill also expands the definition of a sexual assault victim to include any person who is at least 12 years old. This clarification will ensure that adolescent victims of sexual assault are provided the same rights as adult victims of sexual assault. Finally, the bill will increase the amount of Crime Victims' Compensation for funeral and burial expenses, up to \$10,000.

With the passage of this bill, the District of Columbia will increase and enhance services for victims of sexual violence. Through this legislation, we reaffirm our commitment to improving outcomes for sexual assault survivors and building a safer, stronger DC.

If you have any questions on this matter, please contact Michelle Garcia, Director of the Office of Victim Services and Justice Grants at (202) 724-7216.

Sincerely,


Muriel Bowser


Chairman Phil Mendelson
at the request of the Mayor

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A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Sexual Assault Victims’ Rights Act of 2014 to expand the right to a sexual assault victim advocate to persons aged 12 years and older; to expand the right of a victim to have a sexual assault victim advocate present during interviews with prosecutors; to clarify the right of a victim to have a sexual assault victim advocate present during interactions with law enforcement and prosecutors; to clarify the process for handling and disposing of sexual assault forensic examination kits and physical evidence recovery kits; to clarify the information victims have the right to receive from the Metropolitan Police Department; to provide a right to confidentiality for communications between a victim and a sexual assault victim advocate; to clarify the mandatory reporting requirements for sexual assault victim advocates; to clarify the timelines for processing of sexual assault forensic examination kits by the Department of Forensic Sciences; to establish a review committee to receive and investigate complaints from sexual assault victims; to create an annual report by the Sexual Assault Response Team; to improve data sharing among Sexual Assault Response Team members; to clarify the rights of victims when being provided emergency care; to expand the definition of sexual contact to include the removal of a person’s clothing without their consent; to clarify the right of a victim to compensation under existing insurance policies; establish a maximum amount for of reimbursement for funeral and burial expenses for victims of violent crime; and add a member to the Criminal Justice Coordinating Council for the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Sexual Assault Victims’ Rights Amendment Act of 2019”.

Sec. 2. The Sexual Assault Victims’ Rights Act of 2014, effective November 20, 2014 (D.C. Law 20-139; codified in scattered cites in the District of Columbia Official Code), is amended as follows:

(a) Subchapter II of Chapter 19 of Title 23 of the District of Columbia Official Code is amended as follows:

33 (1) Section 23-1907(a) is amended as follows:

34 (A) A new paragraph (1A) is added to read as follows:

35 “(1A) “Consumption litigation” means litigation in a criminal proceeding initiated
36 by notification to the defense of the need to consume the entire DNA sample for forensic
37 testing”.

38 (B) Paragraph (2) is amended to read as follows:

39 “(2) “DC Sexual Assault Nurse Examiner Program” or “DC SANE Program”
40 means a program that provides comprehensive medical forensic care to victims of rape, sexual
41 assault, and other sex crimes, to include the DC Forensic Nurse Examiners Program (“DCFNE”)
42 and its successor programs, the Child and Adolescent Protection Center (“CAPC”) and its
43 successor programs, and any other successor programs within the District of Columbia, provided
44 that the program is a member of the Sexual Assault Response Team (“SART”), as described in
45 D.C. Official Code § 4-561.12, or the Multidisciplinary investigation team, as described in D.C.
46 Official Code § 4-1301.51.

47 (C) Paragraph (5) is amended to read as follows:

48 “(5) “Interview” means any interview by the MPD or other law enforcement
49 agency with a sexual assault victim relating to the sexual assault.”

50 (D) New paragraphs (6A), (6B), and (6C) are added to read as follows:

51 “(6A) “Physical Evidence Recovery Kit”, or “PERK”, means a set of swabs,
52 slides, envelopes, instructions, and forms specifically designed to collect and preserve physical
53 evidence that can be used in a criminal sexual assault investigation.

54 “(6B) “OVSJG” means the Office of Victim Services and Justice Grants.

55 “(6C) “SART” shall have the same meaning as provided in section 201 (D.C.
56 Official Code § 4-561.01(9)).

57 (E) Paragraph (7) is amended to read as follows:

58 “Sexual assault” means any of the following offenses: §§ 22-1834 (sex
59 trafficking of children); 22-2704 (abducting or enticing child from his or her home for the
60 purposes of prostitution; harboring such child); 22-1901 (incest); 22-3002 (first degree sexual
61 abuse); 22-3003 (second degree sexual abuse); 22-3004 (third degree sexual abuse); 22-3005
62 (fourth degree sexual abuse); 22-3006 (misdemeanor sexual abuse); 22-3008 (first degree child
63 sexual abuse); 22-3009 (second degree child sexual abuse); 22-3009.01 (first degree sexual
64 abuse of a minor); 22-3009.02 (second degree sexual abuse of a minor); 22-3009.03 (first degree
65 sexual abuse of a secondary education student); 22-3009.04 (second degree sexual abuse of a
66 secondary education student); 22-3010 (enticing a child or minor); 22-3010.01 (misdemeanor
67 sexual abuse of a child or minor); 22-3010.02 (arranging for sexual contact with a real or
68 fictitious child); 22-3013 (first degree sexual abuse of a ward, patient, client, or prisoner); 22-
69 3014 (second degree sexual abuse of a ward, patient, client, or prisoner); 22-3015 (first degree
70 sexual abuse of a patient or client); 22-3016 (second degree sexual abuse of a patient or client);
71 or 22-3018 (attempts to commit sexual offenses); 21-3102 (knowingly using a minor in a sexual
72 performance or promoting a sexual performance by a minor); provided, that the sexual assault
73 victim is 12 years of age or older.

74 (F) Paragraph (8) is amended by striking the phrase “individual 18” and
75 inserting the phrase “individual, including a deceased individual, 12” in its place.

76 (G) Paragraph (9) is amended to read as follows:

77 “(9) “Sexual assault counselor” means an employee, contractor, or volunteer of a
78 community-based organization who:

79 “(A) Is rendering support, counseling, or assistance to a sexual
80 assault victim;

81 “(B) Has undergone at least 40 hours of training related
82 to sexual assault conducted by OVSJG or a community-based organization serving sexual assault
83 victims using a curriculum approved by OVSJG that includes training on the following issues:

84 “(i) The dynamics and history of sexual violence;

85 “(ii) Trauma resulting from sexual violence;

86 “(iii) Sex trafficking;

87 “(iv) Crisis intervention, personal safety, and risk

88 management; and

89 “(v) The process of accessing medical forensic exams,
90 criminal and civil court processes, sexual assault survivors' legal rights, and resources available
91 to victims; and

92 “(C) Is under the supervision of a person who has a minimum of 5
93 years of experience rendering support, counseling, or assistance to persons impacted by sexual
94 violence or has an advanced degree in a related field.”

95 (H) A new paragraph (10) is added to read as follows:

96 “(10) “Sexual assault victim advocate” means an employee or contractor of a
97 community-based organization whose Director, or designee, is a member of the SART, and who:

98 “(A) Meets the definition of “sexual assault counselor”; and

99 “(B) Has undergone at least 20 additional hours of training related

100 to sexual assault advocacy conducted by OVSJG or a community-based advocacy organization
101 serving sexual assault victims using a curriculum approved by OVSJG that includes training on
102 working with law enforcement and prosecutors, crime victim rights, advocate dispatch protocols,
103 and the unauthorized practice of law.

104 “(C) A sexual assault victim advocate providing services to a sexual
105 assault victim under the age of 18 shall have undergone at least 20 additional hours of training
106 specific to youth victimization.

107 (2) Section 23-1908 is amended as follows:

108 “§ 23-1908. Sexual assault victims’ rights.

109 “In addition to the rights set forth in subchapter I of this title, a sexual assault
110 victim:

111 “(1) Shall have the right to have a sexual assault victim advocate present at any:

112 “(A) Forensic medical, evidentiary, or physical examination;

113 “(B) Point during the hospital visit;

114 “(C) Interview; and

115 “(D) “Interview with a prosecutor, or agent thereof, related to the sexual
116 assault.

117 “(2) A sexual assault victim has the right to have a sexual assault victim advocate
118 present during the instances listed in paragraph (1) of this section even if the sexual assault
119 victim previously declined the presence of a sexual assault victim advocate.”.

120 (3) Section 23-1909 is amended as follows:

121 (A) Subsection (b) is amended to read as follows:

122 “(b) Law enforcement shall ensure that a sexual assault victim advocate is offered to the
123 sexual assault victim before the commencement of an interview with the sexual assault victim;
124 provided, that:

125 “(1) If a sexual assault victim chooses to assert her or his right to a sexual assault
126 victim advocate, the law enforcement officer may only conduct a minimal facts interview with
127 the sexual assault victim before the sexual assault victim consults with a sexual assault victim
128 advocate; and

129 “(2) If a sexual assault victim declines her or his right to a sexual assault
130 advocate, the law enforcement officer shall notify the sexual assault victim of her or his right to
131 request a sexual assault advocate at any point during an interview.

132 (B) New subsections (c) and (d) are added to read as follows:

133 “(c)(1) A sexual assault victim who requests access to the results of her or his medical
134 forensic exam, PERK, or toxicology test shall be provided those results by the MPD, a sexual
135 assault forensic nurse, or a sexual assault victim advocate:

136 “(A) Within 15 business days after his or her request, if the results
137 are available; or

138 “(B) Within 15 business days after the date that the results become
139 available.

140 “(d) In a sexual assault case where MPD intends to destroy or dispose of the PERK or its
141 probative contents before the expiration of the maximum applicable statute of limitations, the
142 sexual assault victim shall have the right to:

143 “(1) Upon written request, receive written notification from MPD at least 60 days
144 before the date of the intended destruction or disposal; and

145 “(2) Upon written request, be granted an extended preservation of the PERK or its
146 probative contents for an additional number of years equal to the original statute of limitations.

147 “(3) Be informed, in writing, of the rights established under this subsection.”.

148 (4) Section 23-1910 is amended by adding new paragraphs (3) and (4) to read as
149 follows:

150 “(3) Inform the sexual assault victim that she or he has the following rights:

151 “(A) The right to know the status of their PERK testing process, including,
152 at a minimum, the reasons for any delay in processing and the eventual completion of the testing
153 and analysis of the PERK or the toxicology specimens related to her or his case;

154 “(B) The right to know the results of the PERK regardless of whether DFS
155 or another accredited laboratory performed the testing, or the existence of an open investigation
156 or prosecution, without request for permission from the prosecutor to inform the victim;

157 “(C) The right to have their PERK and any additional probative or
158 evidentiary contents preserved, without charge, for the duration of the maximum applicable
159 statute of limitations;

160 “(D) The right to be informed of any PERK test results, a DNA profile
161 match, toxicology report, or other information collected as part of a medical forensic
162 examination; provided, that the MPD is not required to disclose to the sexual assault victim the
163 identity of any suspect implicated by DNA or similar testing for cases with an open investigation
164 or active prosecution; and

165 “(E) The right to be provided a written copy of all policies governing the
166 collection and preservation of a PERK; and

167 “(4) Provide the victim with a brochure, approved by the SART, as defined in
168 D.C. Code § 4-561.12, and published by OVSJG, which shall include the information listed in
169 paragraph (3) of this section.”.

170 (b) Chapter 3 of Title 14 of the District of Columbia Official Code is amended by striking
171 the phrase “§ 14–312. Sexual assault victim advocates.” and inserting the phrase “§ 14–312.
172 Sexual assault counselors.

173 (c) Section 14-312 of the District of Columbia Official Code is amended as follows:

174 (1) Subsection (a) is amended as follows:

175 (A) Paragraph (1) is amended to read as follows:

176 “(1) Confidential communication” means information exchanged between a
177 sexual assault victim and a sexual assault counselor during the course of the counselor providing
178 counseling, support, and assistance to the victim, including all records kept by the counselor and
179 the sexual assault program concerning the victim and services provided to the victim.

180 (B) Paragraph (2) is amended to read as follows:

181 “(2) DC Sexual Assault Nurse Examiner Program” or “DC SANE Program”
182 means a program that provides comprehensive medical forensic care to victims of rape, sexual
183 assault, and other sex crimes, to include the DC Forensic Nurse Examiners Program (“DCFNE”)
184 and its successor programs, the Child and Adolescent Protection Center (“CAPC”) and its
185 successor programs, and any other successor programs within the District of Columbia, provided
186 that the program is a member of the Sexual Assault Response Team (“SART”), as described in
187 D.C. Official Code § 4-561.12, or the Multidisciplinary investigation team, as described in D.C.
188 Official Code § 4-1301.51.

189 (C) Paragraph (5) is amended to read as follows:

190 “(5) Sexual assault” means any of the following offenses: §§ 22-1834 (sex
191 trafficking of children); 22-2704 (abducting or enticing child from his or her home for the
192 purposes of prostitution; harboring such child); 22-1901 (incest); 22-3002 (first degree sexual
193 abuse); 22-3003 (second degree sexual abuse); 22-3004 (third degree sexual abuse); 22-3005
194 (fourth degree sexual abuse); 22-3006 (misdemeanor sexual abuse); 22-3008 (first degree child
195 sexual abuse); 22-3009 (second degree child sexual abuse); 22-3009.01 (first degree sexual
196 abuse of a minor); 22-3009.02 (second degree sexual abuse of a minor); 22-3009.03 (first degree
197 sexual abuse of a secondary education student); 22-3009.04 (second degree sexual abuse of a
198 secondary education student); 22-3010 (enticing a child or minor); 22-3010.01 (misdemeanor
199 sexual abuse of a child or minor); 22-3010.02 (arranging for sexual contact with a real or
200 fictitious child); 22-3013 (first degree sexual abuse of a ward, patient, client, or prisoner); 22-
201 3014 (second degree sexual abuse of a ward, patient, client, or prisoner); 22-3015 (first degree
202 sexual abuse of a patient or client); 22-3016 (second degree sexual abuse of a patient or client);
203 or 22-3018 (attempts to commit sexual offenses); 21-3102 (knowingly using a minor in a sexual
204 performance or promoting a sexual performance by a minor); provided, that the sexual assault
205 victim is 12 years of age or older.”

206 (D) Paragraph (6) is amended by striking the phrase “individual 18” and
207 inserting the phrase “individual, including a deceased individual, 12” in its place.

208 (E) Paragraph (7) is added to read as follows:

209 “(7) “Sexual assault counselor” shall have the same meaning provided in § 23-
210 1907(9).”.

211 (2) Subsection (b) is amended as follows:

212 (A) Paragraph (1) is amended to read as follows:

213 “(1) A sexual assault counselor shall not disclose a confidential communication
214 except:”

215 (B) Paragraph (3) is amended to read as follows:

216 “(3) Confidential communications are not waived by the following:

217 “(A) The presence of a sign language or foreign language interpreter. An
218 interpreter is subject to the same disclosure limitations set forth in paragraph (1) of this
219 subsection and the same privilege set forth in subsection (c) of this section;

220 “(B) The presence of a third person who is required for the
221 response at the time of the communication;

222 “(C) Group counseling; or

223 “(D) Disclosure to a third person with the consent of the victim where
224 reasonably necessary to accomplish the purpose for which the sexual assault counselor is
225 consulted.”

226 (B) New paragraphs (4) and (5) are added to read as follows:

227 “(4) Except as provided in this subsection, no sexual assault counselor shall be
228 examined as a witness in any civil or criminal proceeding as to any confidential communication
229 without the written consent of the victim, or the representative of the victim, as provided in
230 subparagraph (3).

231 “(5) The sexual assault counselor shall be exempt from mandatory reporting of
232 any crime disclosed in a confidential communication unless:

233 “(A) The sexual assault victim is under the age of 12;

234 “(B) The crime disclosed to the sexual assault counselor includes a
235 perpetrator or alleged perpetrator who has a significant relationship, as defined in D.C. Code §
236 22-3001(10), to the sexual assault victim; or

237 “(C) The crime disclosed to the sexual assault counselor includes a
238 perpetrator or alleged perpetrator who is more than 4 years older than the sexual assault victim.”.

239 (3) A new subsection (b-1) is added to read as follows:

240 “(b-1) The presence of a sexual assault counselor does not operate to defeat any privilege
241 otherwise guaranteed by law.”.

242 (c) Title II is amended as follows:

243 (1) Section 201(8) (D.C. Official Code § 4-561.01(8)) is amended to read as
244 follows:

245 “(8) “OVSJG” means the Office of Victim Services and Justice Grants.”.

246 (2) Section 202 (D.C. Official Code § 4-561.02) is amended as follows: “(A)

247 Subsection (a) is amended to read as follows:

248 “(a) Within seven days after a sexual assault victim makes a report to the MPD or other
249 law enforcement agency with jurisdiction within the District of Columbia, the MPD shall retrieve
250 kits and specimens and deliver:

251 (1) The sexual assault forensic examination kit to the DFDFS; and

252 (2) The biological specimens for toxicology testing to the OCME.

253 (B) Subsection (a)(1) is amended by striking the word “DFDFS” and
254 inserting the word “DFS” in its place.

255 (C) Subsection (b) is amended to read as follows:

256 “(b)(1) The DFS shall process sexual assault forensic examination kits which are not
257 involved in consumption litigation within 90 days after the date of receipt;

258 “(2) The DFS shall process sexual assault forensic examination kits which are
259 involved in consumption litigation within 75 days after receipt of a consumption determination.

260 (D) A new subsection (b-1) is added to read as follows:

261 “(b-1)(1) The DFS shall be permitted to contract PERK processing to another accredited
262 laboratory.

263 “(2) The contracting agency shall provide the DFS with a copy of the laboratory
264 report associated with the sexual assault forensic examination kit processing within 60 days after
265 receipt.”.

266 (3) Section 206 (D.C. Official Code § 4-561.06) is amended as follows:

267 (A) Subsection (b)(1) is amended by striking the word “OVS” both times
268 it appears and inserting the word “OVSJG” in its place.

269 (B) Subsection (c) is amended by striking the word “OVS” and inserting
270 the word “OVSJG” in its place.

271 (4) Section 209(a) (D.C. Official Code § 4-561.09(a)) is amended as follows:

272 (A) Paragraph (4) is amended by striking the phrase “; and” and inserting
273 a semicolon in its place;

274 (B) Paragraph (5) is amended by striking the period and inserting the
275 phrase “; and” in its place.

276 (C) A new paragraph (6) is added to read as follows:

277 “(6) The number of:

278 “(A) Sexual assault victims who requested the results of their PERK; and

279 “(B) Sexual assault victims who did not request the results of their PERK.”.

280 (5) Section 210 (D.C. Official Code § 4-561.10) is amended to read as follows:

281 “Sec. 210. DFS reporting requirement.

282 “In the annual report filed pursuant to section 5(a)(5) of the Department of Forensic
283 Sciences Establishment Act of 2011, effective August 17, 2011 (D.C. Law 19-18; D.C. Official
284 Code § 5-1501.04(a)(5)), the Director of the DFS shall include the number of sexual assault
285 forensic examination kits:

286 “(1) Received from the MPD;

287 “(2) Processed by the DFS, including the time it took for each kit to be processed;

288 and

289 “(3) If permission to consume was requested, the number of cases delayed beyond
290 90 days while awaiting permission to consume; the number of days each case was held awaiting
291 final permission.

292 (6) Section 212 (D.C. Official Code § 4-561.12) is amended as follows:

293 (A) Subsection (c)(1) is amended by striking the word “OVS” and
294 inserting the word “OVSJG” in its place.

295 (B) Subsection (c)(2) is amended by striking the word “OVS” and
296 inserting the word “OVSJG” in its place.

297 (C) Subsection (c)(8) is amended to read as follows:

298 “(8) The Director, or his or her designee, of community-based organizations that
299 are providing advocacy services as described in §23-1908, and approved for membership by the
300 SART;

301 (D) Subsection (c)(9) is amended by striking the word “OVS” and
302 inserting the word “OVSJG” in its place.

303 (E) A new paragraph (14) is added and to read as follows:

304 “(14) Any organization that provides advocacy services, pursuant to D.C. Official
305 Code §23-1908 (1).”

306 (F) A new subsection (h) is added to read as follows:

307 “(h)(1) At least once per year, OVSJG shall conduct training for members of the SART,
308 in collaboration with the DFS and the OCME.

309 “(2) The training shall educate the relevant SART agency staff on comprehension
310 of the results of PERK and toxicology tests related to a medical forensic exam and how to
311 explain the results, in a victim-centered approach, to a sexual assault victim.

312 “(3) Each member of the SART shall have at least 2 individuals on staff who
313 have completed the training.”.

314 (7) Section 213 (D.C. Official Code § 4-561.13) is amended as follows:

315 (i) The existing text is designated as subsection (a).

316 (ii) New paragraphs (4) and (5) are added to read as follows:

317 “(4) Establish a Feedback Review Committee for the purpose of receiving and
318 investigating all complaints and comments from victims of sexual assault.

319 “(5) Issue an annual report to the Mayor and the Council that includes the
320 following:

321 “(A) A summary of the case review activities conducted pursuant to
322 paragraph (2) of this subsection;

323 “(B) A summary of all feedback received, with specific mention of
324 complaints pertaining to the United States Attorney’s Office for the District of Columbia, and the
325 outcomes of all investigations pursuant to paragraph (4) of this section;

326 “(C) The number of victims that were informed by the MPD of the results
327 of their PERK analysis;

328 “(D) Trends in victimization and reporting identified during the course of
329 the year;

330 “(E) Key activities conducted by the SART during the preceding year; and

331 “(F) Key activities planned by the SART for the upcoming year.”.

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

333 “(b) Each SART member shall provide aggregate data to other members of the SART,
334 including the following:

335 “(1) The numbers of cases involving sexual assault that came to the attention of
336 the SART;

337 “(2) Demographics of sexual assault victims and offenders, if known, that came to
338 the attention of the SART;

339 “(3) Type and extent of service provided to the sexual assault victim by each
340 SART member agency;

341 “(4) Disposition of each case closed by the SART member agency; and

342 “(5) Any other information requested by the Director of the OVSJG or the
343 chairperson of the SART that is directly related to sexual assault cases.”.

344 (8) Section 214(b) (D.C. Official Code § 4-561.14(b)) is amended as follows:

345 (A) Paragraph (4) is amended by striking the phrase “OVS” and inserting
346 the phrase “OVSJG” in its place.

347 Sec. 3. Section 4 of the Emergency Care for Sexual Assault Victims Act of 2008,
348 effective March 25, 2009 (D.C. Law 17-346; D.C. Official Code § 7-2123), is amended as
349 follows:

350 (a) Paragraph (2) is by striking the phrase “paragraph (1) of this section” and inserting the
351 phrase “D.C. Official Code § 23-1908” in its place.

352 (b) Paragraph (3) is amended to read as follows:

353 “(3) Orally inform each victim of sexual assault in a language she or he
354 understands of their right to obtain a PERK, their right to consult with a sexual assault victim
355 advocate, as defined in D.C. Official Code § 23-1907(9), and the option to be provided by the
356 hospital with prophylactic antibiotics for the treatment of sexually transmitted diseases and
357 emergency contraception for the prevention of pregnancy;”.

358 (c) Paragraph (4) is amended by adding the phrase “; and” at the end of the sentence.

359 (d) A new paragraph (5) is added to read as follows:

360 “(5) Immediately notify the sexual assault victim advocate dispatch system, as
361 determined by OVSJG.”.

362 Sec. 4. Section 252(a) of the Anti-Sexual Abuse Act of 1994, effective June 8, 2013
363 (D.C. Law 19-315; D.C. Official Code § 22-3020.52(a)), is amended as follows:

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

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

366 “(2) The reporting requirements under paragraph (1) of this subsection shall not
367 apply to the confidential communications between a sexual assault counselor, as defined in D.C.
368 Official Code § 23-1907(10) and D.C. Official Code § 14-312(8), and a sexual assault victim, as
369 defined in D.C. Official Code § 23-1907(8), against whom the alleged sexual assault has been is
370 committed by someone with no significant relationship to the sexual assault victim.”.

371 Sec. 5. Subchapter II of Chapter 30 of Title 22 of the District of Columbia Official Code
372 is amended as follows:

373 (a) The table of contents is amended by adding a new section designation to read as
374 follows:

375 “§ 22-3006a. Unlawful removal of another person’s clothing.

376 (b) A new section 22-3006a is added to read as follows:

377 “§ 22-3006a. Unlawful removal of another person’s clothing.

378 “(a) It shall be unlawful for a person to remove another person’s clothing covering the
379 immediate area of their body parts, as described in D.C. Official Code § 22-3001(9), without the
380 person’s consent and with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the
381 sexual desire of any person.

382 “(b) A violation of this section shall be subject to the penalties in D.C. Official Code §
383 22-3006.”.

384 Sec. 6. Subchapter I of Chapter 5 of Title 4 of the District of Columbia Office Code is
385 amended as follows:

386 (a) A new subsection (e) to read as follows:

387 “(e) For victims or secondary victims who are dependents on a primary insurance
388 holder’s insurance policy, the victim or secondary victim may be eligible for compensation under
389 this chapter without first using the primary insurance holder’s insurance policy.”.

390 Section 2(7)(A)(ii) is amended to read as follows: “Funeral and burial expenses,
391 including the cost of cremation or other chosen method of interment, not exceeding \$10,000 per
392 death;”.

393 Sec. 7. Subchapter I of Chapter 42A of Title 22 of the District of Columbia Office Code
394 is amended as follows:

395 (a) Section 22-4233 is amended to add paragraph (19) to read:

396 “(19) Director, Office of Victim Services and Justice Grants.”.

397 Sec. 8. Section 2 Applicability

398 The amendatory section 23-1908(1)(C) and (D) contained within section 2(a)(2) shall
399 apply as of 120 days after the effective date of this act.

400 Sec. 9. Fiscal impact statement.

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

404 Sec. 10. Effective date.

405 This act shall take effect following approval by the Mayor (or in the event of veto by the
406 Mayor, action by the Council to override the veto), a 60-day period of congressional review as
407 provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December
408 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of
409 Columbia Register.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General



ATTORNEY GENERAL
KARL A. RACINE

Legal Counsel Division

MEMORANDUM

TO: Alana Intrieri
Executive Director
Office of Policy & Legislative Affairs

FROM: Janet M. Robins
Deputy Attorney General
Legal Counsel Division

DATE: January 8, 2019

SUBJECT: Legal Sufficiency Review of the "Sexual Assault Victims' Rights Amendment Act of 2019"
(AE-16-598C)

This is to Certify that this Office has reviewed the above-referenced Bill and found it to be legally sufficient. If you have any questions in this regard, please do not hesitate to call me at 724-5524.



Janet M. Robins