

*Brianne K. Nadeau*

Councilmember Brianne K. Nadeau

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, due to congressional review, the Prevention of Child Abuse and Neglect Act of 1977 to broaden the definitions of an abused child and a neglected child to include a victim of sex trafficking or severe forms of trafficking of persons, a commercial sex act, or sex trafficking of children; 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 make a conforming amendment.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Child Neglect and Sex Trafficking Congressional Review Emergency Amendment Act of 2019”.

Sec. 2. Section 102 of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.02), is amended as follows:

(a) Paragraph (1) is amended to read as follows:

“(1)(A) “Abused”, when used in reference to a child, means:

“(i) Abused, as that term is defined in D.C. Official Code § 16-2301(23); or

“(ii) Sexual abuse, which shall include:

“(I) Sex trafficking or severe forms of trafficking in persons, as those terms are defined in section 103(10) and (9)(A) of the Trafficking Victims Protection Act of 2000, approved October 28, 2000 (114 Stat. 1469; 22 U.S.C. § 7102(10) and (9)(A));

32                                   “(II) A commercial sex act, as that term is defined in section 101(4)  
33 of the Prohibition Against Human Trafficking Amendment Act of 2010, effective October 23,  
34 2010 (D.C. Law 18-239; D.C. Official Code § 22-1831(4)); or

35                                   “(III) Sex trafficking of children, as described in section 104 of the  
36 Prohibition Against Human Trafficking Amendment Act of 2010, effective October 23, 2010  
37 (D.C. Law 18-239; D.C. Official Code § 22-1834).

38                                   “(B) Nothing in this paragraph shall be construed as preventing or intending to  
39 prevent:

40                                   “(i) Sex trafficking, severe forms of trafficking in persons, a commercial  
41 sex act, or sex trafficking of children from being considered a form of sexual abuse for purposes  
42 of D.C. Official Code § 16-2301(32); or

43                                   “(ii) The Agency from offering or providing services for a child victim of  
44 sex trafficking, severe forms of trafficking in persons, a commercial sex act, or sex trafficking of  
45 children, including where the child was not abused or neglected by a parent, guardian, or  
46 custodian.”.

47                                   (b) Paragraph (15A) is amended to read as follows:

48                                   “(15A) “Neglected child” means a child who is a:

49                                   “(A) Neglected child, as that term is defined in D.C. Official Code § 16-  
50 2301(9);

51                                   “(B) Victim of sex trafficking or severe forms of trafficking in persons, as  
52 those terms are defined in section 103(10) and (9)(A) of the Trafficking Victims Protection Act of  
53 2000, approved October 28, 2000 (114 Stat. 1469; 22 U.S.C. § 7102(10) and (9)(A));

54                   “(C) Victim of a commercial sex act, as that term is defined in section  
55 101(4) of the Prohibition Against Human Trafficking Amendment Act of 2010, effective October  
56 23, 2010 (D.C. Law 18-239; D.C. Official Code § 22-1831(4)); or

57                   “(D) Victim of sex trafficking of children, as described in section 104 of the  
58 Prohibition Against Human Trafficking Amendment Act of 2010, effective October 23, 2010  
59 (D.C. Law 18-239; D.C. Official Code § 22-1834).”.

60           Sec. 3. Section 2(a) of An Act To provide for the mandatory reporting by physicians and  
61 institutions in the District of Columbia of certain physical abuse of children, approved November  
62 6, 1966 (80 Stat. 1354; D.C. Official Code § 4-1321.02(a)), is amended by striking the phrase  
63 “neglected child, as defined in D.C. Code, sec. 16-2301(9), shall” and inserting the phrase  
64 “neglected child, as defined in section 102(15A) of the Prevention of Child Abuse and Neglect  
65 Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-  
66 1301.02(15A)), shall” in its place.

67           Sec. 4 Applicability.

68           This act shall apply as of March 31, 2019.

69           Sec. 5. Fiscal impact statement.

70           The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact  
71 statement required by section 4a of the General Legislative Procedures Act of 1975, approved  
72 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

73           Sec. 6. Effective date.

74           This act shall take effect following approval by the Mayor (or in the event of a veto by  
75 the Mayor, action by the Council to override the veto), and shall remain in effect for no longer  
76 than 90 days, as provided for emergency acts of the Council of the District of Columbia in

77 section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87

78 Stat. 788; D.C. Official Code § 1-204.12(a)).

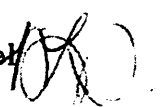


**OFFICE OF THE GENERAL COUNSEL**

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**MEMORANDUM**

**TO:** Councilmember Brienne Nadeau

**FROM:** Nicole L. Streeter, General Counsel 

**DATE:** March 29, 2019

**RE:** Legal sufficiency determination for Bill 23-XXX, the  
Child Neglect and Sex Trafficking Congressional Review  
Emergency Amendment Act of 2019

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This measure is legally and technically sufficient for Council consideration.

This emergency legislation mirrors the Child Neglect and Sex Trafficking Emergency Amendment Act of 2018, enacted on December 31, 2018 (D.C. Act 22-555; 66 DCR 259), which this office previously reviewed for legal and technical sufficiency.

I am available if you have any questions.