



COUNCIL OF THE DISTRICT OF COLUMBIA  
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December 9, 2021

Nyasha Smith, Secretary  
Council of the District of Columbia  
1350 Pennsylvania Avenue, N.W.  
Washington, DC 20004

Dear Secretary Smith,

Today, I, along with Councilmembers Allen, Nadeau, Pinto, and Lewis George, am re-introducing the “Animal Care and Control Omnibus Amendment Act of 2021.” Please find enclosed a signed copy of the legislation.

For the past decade, the District of Columbia has set the national standard for the humane care and treatment of domestic and wild animals. But, as we have seen in recent years with the passage of Ray’s Law, also known as Momma’s Law, we cannot rest on our past success and must remain ready to respond to immediate and pressing animal welfare concerns. This omnibus legislation responds to several issues pertaining to domestic animal care and enhances the District’s ability to respond to animal-related emergencies and cases of extreme animal cruelty. Specifically, it makes seven important changes pertaining to domestic animal care and animal control operations:

1. **Authorizing emergency vehicles:** In cases of life-threatening emergencies involving an animal, such as when a dangerous dog is running loose in a neighborhood, it can be incredibly difficult for animal control officers to reach the location of an emergency in a timely manner. This bill addresses the need of a faster response time by authorizing the District’s four animal control vehicles to operate emergency lights and sirens when responding to life threatening animal-related emergencies;
2. **Bonding for care of seized animals:** This provision of the bill will allow the Washington Humane Society, which established the Humane Rescue Alliance, to recover the costs incurred when caring and boarding seized animals during the pendency of criminal or other proceedings;
3. **Banning implements of dogfighting:** There are several specific tools that are used to train and facilitate dogfighting and it is common for animal control officers to investigate a site of suspected dogfighting only to find that

the implements of dogfighting are present on the property, but the dogs themselves are not. These tools include items such as breaking sticks, modified treadmills, and fighting pits—implements that are clearly and exclusively used by those involved in this cruel and illegal practice. Modeled after similar laws in neighboring jurisdictions, this provision will give humane law enforcement the ability to better pursue suspected cases of dogfighting;

4. **Eliminating the loophole on sexual contact with animals:** Bestiality remains legal in a handful of states and the District of Columbia. As other states have acted to close this loophole and pass anti-sexual abuse laws pertaining to animals, this bill will prohibit sexual contact between a person and an animal, including the advertisement, offer of sale, or dissemination of photographs or video footage of sexual contact between a person and animal;
5. **Prohibiting cat declawing:** Declawing is an amputation surgery that is most commonly conducted for the convenience of a cat owner and commonly results in chronic pain, nerve damage, lameness, and behavioral issues in animals subject to the procedure. This bill prohibits the nontherapeutic declawing of cats and has the support of 14 veterinarians and animal hospitals across the District;
6. **Requiring pet stores to sell rescued animals:** The bill will also prohibit a pet store operator from selling a live dog, cat, or aquatic turtle in a pet store unless the animal was obtained from a humane society, shelter, or rescue group; and
7. **Managing pet ownership in a divorce:** Family pets are currently treated as property when a couple separates, divorces, terminates a domestic partnership, or has an annulment in the District. The party who purchased the pet remains the determining factor for ownership—the wellbeing of the animal, including any bond with certain family members, has no bearing on who is considered to be the owner of pet. In contentious separations, the ownership of a family pet can be used as a tool to hurt the other party. The final provision of this bill modifies the pure property disposition of a pet in a divorce so that the court may assign sole or joint ownership of a pet based upon the care and best interest of the animal.

This legislation is being introduced with the support of over a dozen local veterinarians and the District's leading animal advocacy organizations, the Humane Rescue Alliance and City Wildlife. Being one of the most prosperous and progressive communities in the country, the District of Columbia should embrace any and every opportunity to adopt a compassion-based approach to animal

management and care, and this legislation brings the District to the forefront once again.

Should you have any questions about this legislation, please contact my Legislative Director, Michael Porcello, at [mporcello@dccouncil.us](mailto:mporcello@dccouncil.us) or (202) 724-8062.

Thank you.

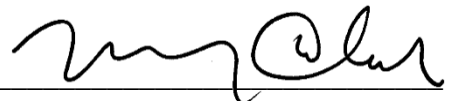
Best,

A handwritten signature in black ink, appearing to read 'Mary M. Cheh', with a stylized flourish at the end.

Mary M. Cheh

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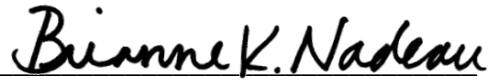
2 Councilmember Charles Allen

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4 Councilmember Mary. M Cheh

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6 Councilmember Janeese Lewis George

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8 Councilmember Brianne K. Nadeau

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10 Councilmember Brooke Pinto

11  
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13  
14 A BILL

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18 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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22 To amend the District of Columbia Municipal Regulations to authorize animal control officers to  
23 operate emergency lights and sirens when responding to a life threatening animal-related  
24 emergency; to amend Chapter 106 of the Acts of the Legislative Assembly to provide for  
25 the provision of a bond to care for seized animals during the pendency of criminal or other  
26 proceedings; to prohibit the possession of an implement of dogfighting; to prohibit sexual  
27 contact between a person and an animal, including the advertisement, offer of sale, or  
28 dissemination of photographs or video footage of sexual contact between a person and  
29 animal; to prohibit cat declawing; to prohibit a pet store operator from selling a live dog,  
30 cat, or aquatic turtle in a pet store unless the animal was obtained from the Animal Care  
31 and Control Agency, a society for the prevention of cruelty to animals, a humane society  
32 shelter, or rescue group; and to alter the pure property disposition of a pet in a divorce.

33  
34 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
35 act may be cited as the “Animal Care and Control Omnibus Amendment Act of 2021”.

36 Sec. 2. Title 18 of the District of Columbia Municipal Regulations (18 DCMR) is amended  
37 as follows:

38 (a) Section 9901 (18 DCMR § 9901) is amended by adding a new paragraph to  
39 read as follows:

1           “Animal-related emergency – an urgent situation, as deemed by an officer of the  
2 Metropolitan Police Department or the Animal Care and Control Agency, where, for example, an  
3 animal may be dangerous to humans or other animals or where a dead or injured animal is  
4 obstructing a public space or roadway.”.

5           (b) Section 712.1 (18 DCMR § 712.1) is amended to read as follows:

6  
7           “712.1 The Director may register as an authorized emergency vehicle the following:

8                   “(a) Vehicles of a fire or police department;

9                   “(b) An ambulance;

10                   “(c) An official government-owned vehicle used for the emergency care or  
11 preservation of life, health, and property; and

12                   “(d) An official vehicle owned by the Animal Care and Control Agency,  
13 established in section 3 of the Animal Control Act of 1979, effective October 18, 1979 (D.C.  
14 Law 3-30; D.C. Official Code § 8-1802), used for responding to an animal-related emergency as  
15 defined in section 9901 of Title 18 of the District of Columbia Municipal Regulations (18  
16 DCMR § 9901).

17           “An animal control officer may not operate a vehicle in accordance with this Act until the  
18 officer has received comprehensive training in the areas of liability, driving skills and decision-  
19 making, and emergency vehicle operation. The Animal Care and Control Agency shall be liable  
20 for its negligence and the negligence of its employees or agents in the operation of emergency  
21 vehicles.”.

22           Sec. 3. Chapter 106 of the Acts of the Legislative Assembly, approved August 23, 1871  
23 (D.C. Official Code § 22-1001 *et seq.*), is amended as follows:

24           (a) Section 4 (D.C. Official Code § 22-1004) is amended as follows:

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

2 “(a) A person found violating the laws in relation to cruelty to animals may be  
3 arrested and held without a warrant, in the manner provided by § 44-1505 and the person making  
4 an arrest, with or without a warrant, shall use reasonable diligence to give notice thereof to the  
5 owner of animals found in the charge or custody of the person arrested, and shall properly care  
6 and provide for such animals until the owner thereof shall take charge of the same.”.

7 (2) Subsection (b)(1) is amended to read as follows:

8 “(b)(1) A humane officer of the Washington Humane Society may take possession  
9 of any animal to protect it from neglect or cruelty. The person taking possession of the animal or  
10 animals shall use reasonable diligence to give notice thereof to the owner of animals found in the  
11 charge or custody of the person arrested, and shall properly care and provide for the animals until  
12 the owner shall take charge of the animals.”.

13 (3) Subsection (c) is amended to read as follows:

14 “(c)(1) The owner of a seized animal pursuant to subsection (a) or (b) may request  
15 a hearing regarding the possession of the animal within the 20-day period provided by subsection  
16 (b)(2). If the hearing officer finds, by a preponderance of the evidence, that the owner did abandon,  
17 neglect, or cruelly treat the animal, the animal shall become the property of the Washington  
18 Humane Society as provided by subsection (b)(2), except as provided in paragraph (3).

19 “(2) If the hearing officer does not find that the owner abandoned, neglected, or  
20 cruelly treated the animal, the hearing officer shall order the return of the animal to the owner,  
21 except as provided in paragraph (3). The hearing officer may order the owner to reimburse the  
22 Washington Humane Society for the reasonable costs to care, feed, and treat the animal during the  
23 period in which the animal was in the possession of the Washington Humane Society.

1           “(3) During the pendency of a criminal investigation, prosecution, appeal, or other  
2 action arising from an act related to the seizure of the animal, the hearing officer shall order the  
3 animal to the possession of the Washington Humane Society, and shall order the owner to post a  
4 bond sufficient to cover the reasonable costs to care, feed, and treat the animal for 30 days. At the  
5 expiration of such bond, or subsequent bond, if the criminal investigation, prosecution, appeal, or  
6 other action remains pending, the owner shall post an additional bond sufficient to cover the  
7 reasonable costs to care, feed, and treat the animal for an additional 30 days. If an owner fails to  
8 post a bond within 5 days of an order or obligation pursuant to this paragraph, the animal shall  
9 become the property of the Washington Humane Society as provided by subsection (b)(2).

10           “(4) The Washington Humane Society may draw on any bond required to be posted  
11 pursuant to this section for the actual reasonable costs of providing care, feeding, and treatment of  
12 the seized animal. The reasonable costs incurred in excess of such bond shall be a lien on the  
13 animal and shall be discharged by the owner before the animal may be released to the owner.

14           “(5) Upon the resolution of the criminal investigation, prosecution, appeal, or other  
15 action resulting in the animal being placed in the possession of the Washington Humane Society,  
16 the hearing officer shall conduct a hearing on the disposition of the animal. If the hearing officer  
17 finds, by a preponderance of the evidence, that the owner did abandon, neglect, or cruelly treat the  
18 animal, the animal shall become the property of the Washington Humane Society as provided by  
19 subsection (b)(2). If the hearing officer does not find that the owner abandoned, neglected, or  
20 cruelly treated the animal, the hearing officer shall order the return of the animal to the owner,  
21 provided that the animal is not subject to a lien as provided in paragraph (4). If the resolution of  
22 the criminal investigation, prosecution, appeal, or other action results in the forfeiture of the

1 animal, the hearing officer need not conduct a hearing and the animal shall become the property  
2 of the Washington Humane Society as provided by subsection (b)(2).

3 “(6) The Mayor shall establish by rulemaking a notice and hearing process for the  
4 owner of the animal to contest the seizure, detention, and terms of release and treatment of the  
5 animal, the allegation of cruelty, abandonment, or neglect, and the imposition of the lien and costs  
6 associated for caring and providing for the animal.

7 “(7) Within 30 days of the effective date of the Animal Care and Control Omnibus  
8 Act of 2019, the proposed rules shall be submitted to the Council for a 45-day review period of  
9 review, excluding weekends, legal holidays, and days of Council recess. If the Council does not  
10 approve or disapprove of the proposed rules, by resolution, within the 45-day review period, the  
11 rules shall be deemed approved.”.

12 (b) A new section 6b (D.C. Official Code § 22-1006.02) is added to read as follows:

13 “Sec. 6b. Possession of an implement of dogfighting.

14 “(a) It shall be unlawful in the District of Columbia for a person to possess, with the intent  
15 to unlawfully use, an implement of dogfighting.

16 “(b)(1) A person who violates this section shall be guilty of a misdemeanor, and upon  
17 conviction, shall be fined not more than the amount set forth in section 101 of the Criminal Fine  
18 Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 190317; D.C. Official  
19 Code § 22-3571.01), imprisoned for not more than 90 days, or both.

20 “(2) As a condition of sentencing, the court may:

21 “(A) Order a defendant convicted of violating this section to participate in  
22 and pay for psychological counseling; and



1                   “(B) Prohibit a defendant from owning, possessing, or residing with an  
2 animal for a specified time period.

3                   “(3) Each implement of dogfighting possessed in violation of this section shall  
4 constitute a separate offense.

5                   “(c)(1) For the purpose of this section, “implement of dogfighting” means an implement,  
6 object, device, or drug intended or designed:

7                   “(A) To enhance the fighting ability of a dog; or

8                   “(B) For use in a deliberately conducted event that uses a dog to fight with  
9 another dog.

10                  “(2) “Implement of dogfighting” includes:

11                  “(A) A breaking stick designed for insertion behind the molars of a dog to  
12 break the dog's grip on another animal or object;

13                  “(B) A slatmill, carpetmill or improvised treadmill that is commonly used  
14 in the training for, in the preparation for, in the conditioning for, in the conducting of, or otherwise  
15 in furtherance of a dogfight;

16                  “(C) A springpole that has a biting surface attached to a stretchable device,  
17 suspended at a height sufficient to prevent an animal from reaching the biting surface while  
18 touching the ground;

19                  “(D) A fighting pit or other confined area designed to contain a dogfight;

20                  “(E) A breeding stand or rape stand used to immobilize female dogs for  
21 breeding purposes; and

1                   “(F) Any other instrument or device that is commonly used in the training  
2 for, in the preparation for, in the conditioning for, in the breeding for, in the conducting of, or  
3 otherwise in furtherance of a dogfight.”.

4           (c) New sections 11a and 11b are added to read as follows:

5           “Sec. 11a. Prohibiting sexual contact between a person and an animal.

6           “(a) It shall be unlawful in the District of Columbia for a person to knowingly:

7                   “(1) Engage in sexual contact with an animal or advertise, offer, accept an offer for,  
8 sell, transfer, purchase or otherwise obtain an animal with the intent that the animal be used for  
9 sexual contact;

10                   “(2) Organize, promote, conduct or knowingly participate in as an observer an act  
11 involving sexual contact with an animal;

12                   “(3) Cause, aid, or abet another person to engage in sexual contact with an animal;

13                   “(4) Permit sexual contact with an animal to be conducted on premises under the  
14 person's control;

15                   “(5) Induce or otherwise entice a child younger than 18 years of age or a person  
16 with a developmental or intellectual disability to engage in sexual contact with an animal or engage  
17 in sexual contact with an animal in the presence of a child younger than 18 years of age or a person  
18 with a developmental or intellectual disability;

19                   “(6) Force another person to engage in sexual contact with an animal; or

20                   “(7) Disseminate photographs, videotapes, or other depictions of prohibited sexual  
21 contact with an animal.

22           “(b) A person who violates this section shall, for the first offense, be guilty of a felony  
23 and, upon conviction, shall be fined not more than the amount set forth in section 101 of the

1 Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law  
2 190317; D.C. Official Code § 22-3571.01), imprisoned for not more than x years, or both. A person  
3 convicted of a second or subsequent offense of this section shall be fined not more than the amount  
4 set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective  
5 June 11, 2013 (D.C. Law 190317; D.C. Official Code § 22-3571.01), imprisoned for not more than  
6 x years, or both.

7 “(c) A person who violates this section shall, in addition to any other penalties as may be  
8 provided by law, upon conviction, shall forfeit the animal whose treatment was the basis of the  
9 conviction to the custody of the Washington Humane Society.

10 “(d) Upon conviction, a person who violates this section shall not:

11 “(1) Work in any capacity that requires the person to be in contact with an animal,  
12 including a commercial boarding or training establishment, shelter, animal control facility, pet  
13 shop, grooming facility, commercial breeder service, veterinary hospital or clinic or animal welfare  
14 society or other nonprofit organization incorporated for the purpose of providing for and promoting  
15 the welfare, protection and humane treatment of animals; or

16 “(2) Harbor, own, possess or exercise control over an animal, reside in a household  
17 where any animals are present or engage in an occupation, whether paid or unpaid, or participate  
18 in a volunteer position at any establishment where animals are present for any length of time that  
19 the court deems reasonable for the protection of all animals; provided, however, that the length of  
20 time shall not be less than 5 years after the person's release from custody.

21 “(e) This section shall not apply to lawful and accepted practices that relate to veterinary  
22 medicine performed by a licensed veterinarian or a certified veterinary technician under the  
23 guidance of a licensed veterinarian, artificial insemination of animals for the purpose of

1 procreation, accepted animal husbandry practices, including raising, breeding or assisting with the  
2 birthing process of animals, or any other practice that provides care for animals, or conformation  
3 judging.

4 “(f) For the purpose of this section, “sexual contact” means an act between a person and an  
5 animal that involves:

6 “(1) Contact between the sex organs or anus of one and the mouth, anus or sex  
7 organs of the other;

8 “(2) Touching or fondling by a person of the sex organs or anus of an animal, either  
9 directly or through clothing, without a bona fide veterinary or animal husbandry purpose;

10 “(3) A transfer or transmission of semen by the person upon any part of the animal;  
11 or

12 “(4) The insertion, however slight, of a part of a person's body or an object into the  
13 vaginal or anal opening of an animal or the insertion of a part of the animal's body into the vaginal  
14 or anal opening of the person.

15 “Sec. 11b. Prohibition on cat declawing.

16 “(a) No person, licensed professional or otherwise, shall perform a partial or complete  
17 onychectomy (declawing), phalangectomy, or tendonectomy procedure by any means on a cat in  
18 the District, except when necessary for a therapeutic purpose.

19 “(b) For the purposes of this section, the term "therapeutic purpose" means the necessity to  
20 address the medical condition of the animal, such as an existing or recurring illness, infection,  
21 disease, injury, or abnormal condition in the claw that compromises the animal's health. The term  
22 “therapeutic purpose” does not include cosmetic or aesthetic reasons or reasons of convenience in  
23 keeping or handling the animal.”.

1           Sec. 4. Title 22 of the District of Columbia Municipal Regulations (22 DCMR) is amended  
2 as follows:

3           (a) Section 700 (22 DCMR § 700) is amended by adding a new subsection 700.15 to read  
4 as follows:

5           “700.15 (a) A pet store operator shall not sell a live dog, cat, or aquatic turtle in a pet store  
6 unless the dog, cat, or aquatic turtle was obtained from the Animal Care and Control Agency,  
7 society for the prevention of cruelty to animals shelter, humane society shelter, or rescue group  
8 that is in a cooperative agreement with at least one private or public shelter.

9           “(b) Each pet store shall maintain records sufficient to document the source of each dog,  
10 cat, or aquatic turtle the pet store sells or provides space for, for at least one year. Additionally,  
11 each pet store shall post, in a conspicuous location on the cage or enclosure of each animal, a sign  
12 listing the name of the Animal Care and Control Agency, society for the prevention of cruelty to  
13 animals shelter, humane society shelter, or rescue group from which each dog, cat, or aquatic turtle  
14 was obtained.

15           “(c) The Animal Care and Control Agency may periodically require pet stores engaged in  
16 sales of dogs, cats, or aquatic turtles to provide access to these records.

17           “(d) Each animal offered for sale in violation of this section shall constitute a separate  
18 violation.”.

19           Sec. 5. Section 16-910 of the District of Columbia Official Code is amended to read as  
20 follows:

21           “(a) Upon entry of a final decree of legal separation, annulment, or divorce, or upon the  
22 termination of a domestic partnership pursuant to § 32-702(d) or § 16-904(e) and the filing of a

1 petition for relief available under this section, in the absence of a valid antenuptial or postnuptial  
2 agreement resolving all issues related to the property of the parties, the court shall:

3           “(1) Assign to each party his or her sole and separate property acquired prior to the  
4 marriage or domestic partnership, and his or her sole and separate property acquired during the  
5 marriage or domestic partnership by gift, bequest, devise, or descent, and any increase thereof, or  
6 property acquired in exchange therefore;

7           “(2) Value and distribute all other property and debt accumulated during the  
8 marriage or domestic partnership that has not been addressed in a valid antenuptial or postnuptial  
9 agreement or a decree of legal separation, regardless of whether title is held individually or by the  
10 parties in a form of joint tenancy or tenancy by the entireties, in a manner that is equitable, just,  
11 and reasonable, after considering all relevant factors, including, but not limited to:

12                   “(A) The duration of the marriage or domestic partnership;

13                   “(B) the age, health, occupation, amount, and sources of income, vocational  
14 skills, employability, assets, debts, and needs of each of the parties;

15                   “(C) Provisions for the custody of minor children;

16                   “(D) Whether the distribution is in lieu of or in addition to alimony;

17                   “(E) Each party’s obligation from a prior marriage, a prior domestic  
18 partnership, or for other children;

19                   “(F) The opportunity of each party for future acquisition of assets and  
20 income;

21                   “(G) Each party’s contribution as a homemaker or otherwise to the family  
22 unit;

1                   “(H) Each party’s contribution to the education of the other party which  
2 enhanced the other party’s earning ability;

3                   “(I) Each party’s increase or decrease in income as a result of the marriage,  
4 the domestic partnership, or duties of homemaking and child care;

5                   “(J) Each party’s contribution to the acquisition, preservation, appreciation,  
6 dissipation, or depreciation in value of the assets which are subject to distribution, the taxability  
7 of these assets, and whether the asset was acquired or the debt incurred after separation;

8                   “(K) The effects of taxation on the value of the assets subject to distribution;  
9 and

10                  “(L) The circumstances which contributed to the estrangement of the  
11 parties; and

12                  “(3)(A) At the request of a party to proceedings for dissolution of marriage or for  
13 legal separation of the parties, enter an order, prior to the final determination of ownership of a pet  
14 animal, to require a party to care for the pet animal. The existence of an order providing for the  
15 care of a pet animal during the course of proceedings for dissolution of marriage or for legal  
16 separation of the parties shall not have any impact on the court’s final determination of ownership  
17 of the pet animal;

18                  “(B) The court, at the request of a party to proceedings for dissolution of  
19 marriage or for legal separation of the parties, may assign sole or joint ownership of a pet animal  
20 taking into consideration the care and best interest of the pet animal.

21                  “(c) The Court is not required to value a pension or annuity if it enters an order distributing  
22 future periodic payments.

1           “(d) For purposes of this section, “Pet animal” means any animal that is community  
2 property and kept as a household pet.”.

3           Sec. 6. Fiscal impact statement.

4           The Council adopts the fiscal impact statement of the Chief Financial Officer 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 60-day period of Congressional review as  
10 provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24,  
11 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of  
12 Columbia Register.