

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Millicent Allewelt Amendment Act of 2004 to require that law enforcement agencies retain evidence related to certain crimes for 65 years from the date the crime is first reported to the law enforcement agency; to amend section 12-301 of the District of Columbia Official Code to extend the civil statute of limitations for the recovery of damages arising out of sexual abuse; to amend Title 23 of the District of Columbia Official Code to eliminate the criminal statute of limitations for first, second, third, and fourth degree sexual abuse, first and second degree child sexual abuse, first and second degree sexual abuse of a minor, first and second degree sexual abuse of a secondary education student, first and second degree sexual abuse of a ward, patient, or client, first and second degree sexual abuse of a patient or client, and incest, to extend the statute of limitations for violations of required reporting of abused or neglected children, and to eliminate the practice of fictitious name indictments; and to create a 2-year revival period for claims that would be time-barred under section 12-301 of the District of Columbia Official code before the effective date of this act, but that would not be time-barred under amendments to that section made by this act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Sexual Abuse Statute of Limitations Amendment Act of 2018”.

Sec. 2. Section 102 of the Millicent Allewelt Amendment Act of 2004, effective July 15, 2004 (D.C. Law 15-174; D.C. Official Code § 5–113.32), is amended to read as follows:

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

“(a) In open investigations of the crimes listed in D.C. Official Code § 23-113(a)(1), law enforcement agencies shall retain case jackets, crime scene examination case files, and any evidence collected during the course of the investigation for 65 years from the date the crime is first reported to the law enforcement agency.”.

(b) Subsection (b)(7) is amended by striking the phrase “sex offenses” and inserting the phrase “sex offenses, except for the crimes listed in D.C. Official Code § 23-113(a)(1)(G) through (U)” in its place.

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Sec. 3. Section 12-301 of the District of Columbia Official Code is amended as follows:

(a) Paragraph (11) is amended to read as follows:

“(11) for the recovery of damages arising out of sexual abuse that occurred while the victim was less than 35 years of age— the date the victim attains the age of 40 years, or 5 years from when the victim knew, or reasonably should have known, of any act constituting sexual abuse, whichever is later;”.

(b) A new paragraph (12) is added to read as follows:

“(12) for the recovery of damages arising out of sexual abuse that occurred while the victim was 35 years of age or older—5 years, or 5 years from when the victim knew, or reasonably should have known, of any act constituting sexual abuse, whichever is later.”.

Sec. 4. Title 23 of the District of Columbia Official Code is amended as follows:

(a) Section 23-113 is amended as follows:

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

(A) Paragraph (1) is amended as follows:

(i) Subparagraph (E) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(ii) Subparagraph (F) is amended by striking the period and inserting a semicolon in its place.

(iii) New subparagraphs (G) through (U) are added to read as follows:

“(G) first degree sexual abuse (§ 22-3002);

“(H) second degree sexual abuse (§ 22-3003);

“(I) third degree sexual abuse (§ 22-3004);

“(J) fourth degree sexual abuse (§ 22-3005);

“(K) first degree child sexual abuse (§ 22-3008);

“(L) second degree child sexual abuse (§ 22-3009);

“(M) first degree sexual abuse of a minor (§ 22-3009.01);

“(N) second degree sexual abuse of a minor (§ 22-3009.02);

“(O) first degree sexual abuse of a secondary education student (§ 22-3009.03);

“(P) second degree sexual abuse of a secondary education student (§ 22-3009.04);

“(Q) first degree sexual abuse of a ward, patient, client, or prisoner (§ 22-3013);

“(R) second degree sexual abuse of a ward, patient, client, or prisoner (§ 22-3014);

“(S) first degree sexual abuse of a patient or client (§ 22-3015);

“(T) second degree sexual abuse of a patient or client (§ 22-3016); and

“(U) incest (§ 22-1901).”.

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(B) Paragraph (2) is repealed.

(C) Paragraph (3) is amended as follows:

(i) Subparagraph (A) is repealed.

(ii) Subparagraph (B) is repealed.

(iii) Subparagraph (D) is repealed.

(iv) Subparagraph (E) is repealed.

(v) Subparagraph (F) is repealed.

(vi) Subparagraph (G) is repealed.

(vii) Subparagraph (I) is repealed.

(viii) Subparagraphs (K), (L), and (M) are amended to read as

follows:

“(K) abducting or enticing child from his or her home for purposes of prostitution, or harboring such child (§ 22-2704);

“(L) pandering, or inducing or compelling an individual to engage in prostitution (§ 22-2705);

“(M) compelling an individual to live life of prostitution against his or her will (§ 22-2706); and”.

(ix) A new subparagraph (N) is added to read:

“(N) causing spouse or domestic partner to live in prostitution (§ 22-2708).”.

(D) Paragraph (4) is amended by striking the phrase “paragraphs (1) through (3)” and inserting the phrase “paragraph (1) or paragraph (3)” in its place.

(E) Paragraph (5) is amended by striking the phrase “paragraph (6)” and inserting the phrase “paragraphs (6) and (7)” in its place.

(F) A new paragraph (7) is added to read as follows:

“(7) A prosecution for a violation of subchapter II of Chapter 13 of Title 4 is barred if not commenced within 6 years after it is committed.”.

(2) Subsection (d) is amended as follows:

(A) Paragraph (2) is amended as follows:

(i) Subparagraph (A) is repealed.

(ii) Subparagraph (B) is repealed.

(iii) Subparagraph (E) is repealed.

(iv) Subparagraph (F) is repealed.

(B) Paragraph (3) is repealed.

(C) Paragraph (4) is repealed.

(b) Section 23-331 is repealed.

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Sec. 5. Applicability.

(a)(1) Section 3 shall apply to an action that accrues before, on, or after the effective date of this act, unless the statute of limitations for the action expired before the effective date of this act.

(2) Notwithstanding any other provision of law, a claim for the recovery of damages that would be time-barred under D.C. Official Code § 12-301 before the effective date of this act, but that would not be time-barred under section 3, is revived and, in that case, a cause of action may be commenced within 2 years after the effective date of this act.

(b) Section 4(a) shall apply to an offense committed before, on, or, after the effective date of this act, unless the statute of limitations for the offense expired before the effective date of this act.

(c) Section 4(b) shall not affect prosecutions commenced before the effective date of this act.

Sec. 6. Fiscal impact statement.

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

Sec. 7. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia