

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend section 16-1005 of the District of Columbia Official Code to establish a felony offense for repeated violations of temporary and civil protection orders and require that the person not be released from prison, granted probation, or granted suspension of sentence prior to serving the mandatory minimum; to amend section 23-1329 of the District of Columbia Official Code to establish a rebuttable presumption in favor of detention for defendants on conditional release who commit a new offense against the same victim and increase penalties for violations of specific release conditions; to amend section 23-1329 of the District of Columbia Official Code to establish a felony offense for violations of post-conviction stay away and no contact orders resulting from misdemeanor intrafamily offenses or misdemeanor sexual offenses; to permanently codify D.C. Superior Court judge authority to detain violent offenders pretrial by expanding the charges eligible for a rebuttable presumption of detention; to establish a basis for a non-discretionary hold for individuals charged with an intrafamily offense who were released pending trial or sentencing in another intrafamily offense case at the time of the offense; to amend 23-1322 of the District of Columbia Official Code to establish D.C. Superior Court judge authority to detain offenders charged with an offense against an intimate partner who have a history of domestic violence or were subject to a protection order at the time of the offense; to amend section 23-1331 of the District of Columbia Official Code to add felony threats and felony violations of temporary or civil protection orders to the definition of “dangerous crime” if those offenses are committed against an intimate partner; to amend section 22-2001 of the District of Columbia Official Code to clarify the definition of kidnapping and establish three degrees of kidnapping, distinguished based on the level of intent and the nature of the abduction; to amend section 22-3302 of the District of Columbia Official Code to establish a felony version of unlawful entry; to establish penalty enhancements for violence and threats where the offender knew or consciously disregarded a substantial and unjustifiable risk that the victim was pregnant; to establish a new offense to address circumstances in which the defendant committed certain intrafamily offenses in the presence of a child, or where the child witnessed the offense, including by sight, sound, or otherwise; and, to amend section 5-113.06 of the District of Columbia Official Code to protect the privacy and

46 security of victims of and witnesses to crimes from public disclosure by the Metropolitan  
47 Police Department.

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49 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
50 act may be cited as the “Protecting Victims Amendment Act of 2026”.

51 Sec. 2. Chapter 10 of Title 16 of the District of Columbia Official Code is amended as  
52 follows:

53 (a) Section 16-1005 is amended as follows

54 (1) Paragraph (f)(2) is amended by striking the word “both” and inserting the  
55 phrase “both, except as set forth in subsection (g-1)” in its place.

56 (2) Paragraph (g)(1) is amended by striking the word “misdemeanor” and  
57 inserting the phrase “misdemeanor, except as set forth in subsection (g-1)” in its place.

58 (3) Paragraph (g)(2) is amended by striking the word “both” and inserting the  
59 phrase “both, except as set forth in subsection (g-1)” in its place.

60 (4) Subsection (g-1) is redesignated as subsection (g-3)

61 (5) New subsections (g-1) and (g-2) are added to read as follows:

62 “(g-1) A person convicted under subsections (f) or (g) of this section who has one or  
63 more prior convictions pursuant to subsections (f) and (g), not committed on the same occasion,  
64 shall be fined not more than the amount set forth in D.C. Official Code § 22-3571.01 and  
65 imprisoned for a mandatory minimum term of not less than 1 year and a maximum term of not  
66 more than 5 years, or both. A person sentenced under this subsection shall not be released from  
67 prison, granted probation, or granted suspension of sentence, prior to serving the mandatory-  
68 minimum term.

69 “(g-2) A person shall be considered to have a prior conviction pursuant to subsections (f)  
70 or (g) of this section if the person was previously convicted of a crime under the laws of any

71 other jurisdiction that involved conduct that would, if committed in the District of Columbia,  
72 constitute a violation of subsections (f), (g), or (g-1) or conduct that is substantially similar to  
73 conduct prosecuted under subsections (f), (g), or (g-1).”.

74 Sec. 3. Title 23 of the District of Columbia Official Code is amended as follows:

75 (a) Section 23-1322 is amended as follows:

76 (1) A new subsection (a-1) is added to read as follows:

77 “(a-1) The judicial officer shall order the detention of a person charged with an  
78 intrafamily offense as defined in § 16-1001(8) for a period of not more than 5 days, excluding  
79 Saturdays, Sundays, and holidays, pending a hearing under § 23-1329(b), and direct the attorney  
80 for the government to notify the appropriate court, probation or parole official, or local or state  
81 law enforcement official of the detention, if the judicial officer determines that the person  
82 charged with an intrafamily offense was, at the time the offense was committed:

83 “(1) On release pending trial for a felony or misdemeanor under local, state, or  
84 federal law involving an intrafamily offense as defined in § 16-1001(8); or

85 “(2) On release pending imposition or execution of sentence, appeal of sentence  
86 or conviction, or completion of sentence, for any offense under local, state, or federal law  
87 involving an intrafamily offense as defined in § 16-1001(8).”.

88 (2) Subsection (b)(1) is amended as follows:

89 (A) Subparagraph (C) is amended by striking the phrase “; or” and  
90 inserting a semicolon in its place.

91 (B) Subparagraph (D) is amended by striking the period and inserting the  
92 phrase “; or” in its place.

93 (C) A new subparagraph (E) is added to read as follows:

94 “(E) Any intrafamily offense as defined in § 16-1001(8) if, at the time of  
95 the offense, the person:

96 “(i) Previously had been convicted, within five years of the date of  
97 the offense, of an intrafamily offense as defined in § 16-1001(8) or a crime under the laws of any  
98 other jurisdiction that involved conduct that, if committed in the District of Columbia, would  
99 constitute an intrafamily offense as defined in § 16-1001(8); or

100 “(ii) Was subject to a temporary protection order or civil protection  
101 order issued pursuant to § 16-1005 or any valid foreign protection order as defined in § 16-  
102 1041(2).”.

103 (b) Section 23-1331(3) is amended by adding a new subparagraph (K) to read as follows:

104 “(K) Any of the following felony offenses committed against an intimate  
105 partner as defined in § 16-1001(6A):

106 “(i) Threatening to kidnap or injure a person or damage his or her  
107 property under section 1502 of An Act To assist State and local governments in reducing the  
108 incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement  
109 and criminal justice systems at all levels of government, and for other purposes approved Une  
110 19, 1968 (82 Stat. 238; D.C. Official Code § 22-1810).

111 “(ii) Any felony offense under § 16-1005(g-1).”.

112 (c) Section 23-1329 is amended as follows:

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

114 “(2) There shall arise a rebuttable presumption that no condition or combination  
115 of conditions will assure the safety of any other person or the community if there is probable  
116 cause to believe that, while on release, the person committed:

117 “(A) A dangerous or violent crime, as defined by § 23-1331;”

118 “(B) Any offense against the victim in the case in which the person was  
119 conditionally released; or

120 “(C)An offense under the laws of any other jurisdiction substantially  
121 similar to those described at subparagraph (A) or (B).”

122 (2) Subsection (c) is amended to read as follows:

123 “(c) Contempt sanctions may be imposed if, upon a hearing and in accordance with  
124 principles applicable to proceedings for criminal contempt, it is established that such person has  
125 intentionally violated a condition of his release. Such contempt proceedings shall be expedited  
126 and heard by the court without a jury. A judicial officer or a prosecutor may initiate a proceeding  
127 for contempt under this section. Any person found guilty of criminal contempt for violation of a  
128 condition of release shall:

129 “(1) Be fined no more than the amount set forth in § 22-3571.01, or incarcerated  
130 for no more than 180 days, or both if the condition of release was imposed for a misdemeanor  
131 offense, other than a misdemeanor offense set forth in subsection (c)(2) of this section; or

132 “(2) Be fined no more than the amount set forth in § 22-3571.01, or incarcerated  
133 for no more than 5 years, or both if the condition of release was imposed for a felony offense,  
134 misdemeanor intrafamily offense as defined in § 16-1001(8), or misdemeanor sexual offense as  
135 set forth in the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C.  
136 Official Code § 22-3001 *et seq.*)”.

137 (d) Section 23-1329a(b) is amended as follows:

138 (1) Paragraph (1) is amended by striking the phrase “Misdemeanor offense” and  
139 inserting the phrase “Misdemeanor offense, other than a misdemeanor offense set forth in  
140 paragraph (2) of this subsection” in its place.

141 (2) Paragraph (2) is amended by striking the phrase “Felony offense” and  
142 inserting the phrase “Felony offense, misdemeanor intrafamily offense as defined in § 16-  
143 1001(8), or misdemeanor sexual offense as set forth in Anti-Sexual Abuse Act of 1994, effective  
144 May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3001 *et seq.*)”.

145 Sec. 4. The Secure D.C. Omnibus Amendment Act of 2024, effective June 8, 2024 (D.C.  
146 Law 25-175; 71 DCR 7353) is amended as follows:

147 (a) Section 18(c)(2) is repealed.

148 (b) Section 30(k) is repealed.

149 Sec. 5. Chapter 19 of an Act To establish a code of law for the District of Columbia,  
150 approved March 3, 1901 (31 Stat. 1189; codified in scattered cites of the D.C. Official Code) is  
151 amended as follows:

152 (a) Section 812 (D.C. Official Code § 22-2001) is amended to read as follows:

153 “Sec. 812. Definitions.

154 “For the purposes of this chapter, the term:

155 “(a) “Abduct” means to interfere with the complainant’s freedom of movement, whether  
156 by moving or confining the complainant.

157 “(b) “Bodily injury” shall have the same meaning as provided in § 22-3001(2).

158 “(c) “Confine” means to restrain, hold, imprison, or keep in place the complainant for any  
159 amount of time.

160 “(d) “Deception” means the use of false representations, misrepresentations, or  
161 omissions.

162 “(e) “Force” shall have the meaning as provided in § 22-3001(5).”.

163 (b) New sections 812a and 812b are added to read as follows:

164 “Sec. 812a. Kidnapping.

165 “(a) An actor commits kidnapping in the first-degree when the actor knowingly, by force,  
166 threat, or deception:

167 “(1) Abducts the complainant by either:

168 “(A) Moving the complainant at least 20 feet, or

169 “(B) Confining the complainant for at least 10 minutes; and

170 “(2) The actor’s intent is to:

171 “(A) Inflict bodily injury or death upon the complainant or cause any  
172 person to believe that the complainant will not be released without suffering bodily injury, death,  
173 or an offense under the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-  
174 257; D.C. Official Code § 22-3001 *et seq.*);

175 “(B) Commit any felony or facilitate the commission of any felony or  
176 flight thereafter; or

177 “(C) Receive financial gain.

178 “(b) An actor commits kidnapping in the second-degree when the actor knowingly, by  
179 force, threat, or deception:

180 “(1) Abducts the complainant by either:

181 “(A) Moving the complainant at least 10 feet, or

182 “(B) Confining the complainant for at least 5 minutes; and

183                   “(2) The actor’s intent is to:

184                   “(A) Inflict bodily injury or death upon the complainant or cause any  
185 person to believe that the complainant will not be released without suffering bodily injury, death,  
186 or an offense under the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-  
187 257; D.C. Official Code § 22-3001 *et seq.*);

188                   “(B) Commit any criminal offense or facilitate the commission of any  
189 criminal offense or flight thereafter; or

190                   “(C) Receive financial gain.

191                   “(c) An actor commits kidnapping in the third-degree when the actor knowingly, by  
192 force, threat, or deception:

193                   “(1) Abducts the complainant by either:

194                   “(A) Moving the complainant any distance, or

195                   “(B) Confining the complainant for any period of time; and

196                   “(2) The actor’s intent is to:

197                   “(A) Inflict bodily injury or death upon the complainant or cause any  
198 person to believe that the complainant will not be released without suffering bodily injury, death,  
199 or an offense under the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-  
200 257; D.C. Official Code § 22-3001 *et seq.*);

201                   “(B) Commit any criminal offense or facilitate the commission of any  
202 criminal offense or flight thereafter;

203                   “(C) Receive financial gain; or

204                   “(D) Restrict the complainant’s freedom of movement.

205 “(d) It is a defense to liability under subsections (a), (b), or (c) of this section that the  
206 complainant voluntarily consented to the abduction.

207 “(e)(1) Any actor convicted of first-degree kidnapping shall be fined not more than the  
208 amount set forth in § 22-3571.01 or be imprisoned for not more than 30 years, or both.

209 “(2) Any actor convicted of second-degree kidnapping shall be fined not more  
210 than the amount set forth in § 22-3571.01 or be imprisoned for not more than 15 years, or both.

211 “(3) Any actor convicted of third-degree kidnapping shall be fined not more than  
212 the amount set forth in § 22-3571.01 or be imprisoned for not more than 180 days, or both.

213 “(f) Where multiple convictions for first degree kidnapping or second-degree kidnapping  
214 and another offense arise from the same act or course of conduct, the sentencing court shall  
215 follow the procedures specified in § 23-112.

216 “Sec. 812b. Attempt to commit kidnapping.

217 “Any person who attempts to commit an offense under section 812a shall be imprisoned  
218 for not more than one half of the maximum prison sentence authorized for the offense and, in  
219 addition, may be fined an amount not to exceed one half of the maximum fine authorized for the  
220 offense.”

221 (c) Section 824 (D.C. Official Code § 22-3302), is amended as follows:

222 (1) Subsection (a)(1) is amended by striking the phrase “or both” and inserting the phrase  
223 “or both, except as provided in subsection (c) of this section” in its place.

224 (2) A new subsection (c) is added to read as follows:

225 “(c) Any person who violates subsection (a) of this section shall be fined not more than  
226 the amount set forth in § 22-3571.01 or imprisoned for not more than 10 years, or both, if the  
227 person, while unlawfully present in the private dwelling, building, or other property, or part of

228 such dwelling, building, or other property, commits an assault pursuant to section 806 of Chapter  
229 19 of an Act To establish a code of law for the District of Columbia, approved March 3, 1901  
230 (31 Stat. 1322; D.C. Official Code § 22-404), stalking pursuant to section 503 of the Omnibus  
231 Public Safety and Justice Amendment Act of 2009, effective September 10, 2009 (D.C. Law 18-  
232 88; D.C. Official Code § 22-3133), threats to do bodily harm pursuant to section 2 of An Act To  
233 confer jurisdiction on the police court of the District of Columbia in certain cases, approved July  
234 16, 1912 (37 Stat. 193; D.C. Official Code § 22-407), or any crime of violence, as that term is  
235 defined in § 23-1331(4).”.

236 Sec. 6. The District of Columbia Theft and White Collar Crimes Act of 1982, effective  
237 December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-3201 *et seq.*), is amended as  
238 follows:

239 (a) New sections 206 and 207 are added to read as follows:

240 “Sec. 206. Enhanced penalty for crimes against pregnant victims.

241 “(a) Any person who commits any offense listed in subsection (b) of this section against  
242 an individual, and who knew or consciously disregarded a substantial and unjustifiable risk that  
243 the individual was pregnant at the time of the offense, may be punished by a fine of up to 1 1/2  
244 times the maximum fine otherwise authorized for the offense and may be imprisoned for a term  
245 of up to 1 1/2 times the maximum term of imprisonment otherwise authorized for the offense, or  
246 both.

247 “(b) The provisions of subsection (a) of this section shall apply to the following offenses:  
248 any crime of violence, as that term is defined in § 23-1331(4); threats to kidnap or injure or  
249 physically damage the property of any person under section 1502 of the Omnibus Crime Control  
250 and Safe Streets Act of 1968, approved June 19, 1968 (82 Stat. 238; D.C. Official Code § 22-

251 1810); threats to do bodily harm pursuant to section 2 of An Act To confer jurisdiction on the  
252 police court of the District of Columbia in certain cases, approved July 16, 1912 (37 Stat. 193;  
253 D.C. Official Code § 22-407); stalking pursuant to section 503 of the Omnibus Public Safety and  
254 Justice Amendment Act of 2009, effective September 10, 2009 (D.C. Law 18-88; D.C. Official  
255 Code § 22-3133), assault pursuant to section 806 of An Act To establish a code of law for the  
256 District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22-404), or  
257 an attempt or conspiracy to commit any of the foregoing offenses.

258 “Sec. 207. Enhanced penalty for intrafamily violence committed in the presence of a  
259 child.

260 “(a) Whoever, being at least 4 years older than a child, commits an intrafamily offense  
261 listed in subsection (b) in the presence of the child, or where the child witnesses the offense,  
262 shall be imprisoned for not more than 5 years and, in addition, may be fined in an amount not  
263 more than the amount set forth in the Criminal Fine Proportionality Amendment Act of 2012,  
264 effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01).

265 “(b) Subsection (a) shall apply to the following intrafamily offenses:

266 “(1) An offense against an intimate partner, a family member, or a household  
267 member that is punishable as:

268 “(A) Any crime of violence, as that term is defined in § 23-1331(4);

269 “(B) Threats to kidnap or injure or physically damage the property of any  
270 person pursuant to section 1502 of the Omnibus Crime Control and Safe Streets Act of 1968,  
271 approved June 19, 1968 (82 Stat. 238; D.C. Official Code § 22-1810);

272 “(C) Threats to do bodily harm pursuant to section 2 of An Act To confer  
273 jurisdiction on the police court of the District of Columbia in certain cases, approved July 16,  
274 1912 (37 Stat. 193; D.C. Official Code § 22-407);

275 “(D) Stalking pursuant to section 503 of the Omnibus Public Safety and  
276 Justice Amendment Act of 2009(D.C. Law 18-88; D.C. Official Code § 22-3133);

277 “(E) Assault pursuant to section 806 of An Act to establish a code of law  
278 for the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22-  
279 404); or

280 “(F) Any attempt or conspiracy to commit any of the foregoing offenses.

281 “(2) An offense punishable as cruelty to animals, under section 2 of Chapter 106  
282 of the Acts of the Legislative Assembly, approved August 23, 1871; (D.C. Official Code § 22-  
283 1002), against an animal that an intimate partner, family member, or household member owns,  
284 possesses, or controls.

285 “(c) It is an affirmative defense for violations under this section that the accused  
286 reasonably believed that the child was not present at the time of the offense and that the child  
287 would not be able to witness the offense. This defense shall be established by a preponderance of  
288 the evidence.

289 “(d) For the purposes of this section, the term “child” means a person under 16 years of  
290 age at the time of the offense.”.

291 Sec. 7. Section 389 of the Revised Statutes of the District of Columbia (D.C. Official  
292 Code § 5-113.06) is amended as follows:

293 (a) Subsection (a) is amended by:

294 (1) Striking the phrase “subsection (c)” and inserting the phrase “subsection (d)”  
295 in its place; and

296 (2) Striking the phrase “section 386” and inserting the phrase “section 386(a)” in  
297 its place.

298 (b) Subsection (d) is amended to read as follows:

299 “(d)(1) Notwithstanding subsections (a) and (b) of this section, the following shall be  
300 withheld from public inspection:

301 “(A) The actual addresses of participants in the Address Confidentiality  
302 Program established by section 102 of the Address Confidentiality Act of 2018, approved July 3,  
303 2018 (D.C. Law 22-118; D.C. Official Code § 4-555.02); and

304 “(B) The name and address or residence of a complainant who is alleged  
305 to be the victim of or witness to a criminal offense.”.

306 “(2) Paragraph (1) of this subsection shall not create any limitation on or  
307 expansion of the scope of discovery in a criminal, civil, or administrative proceeding.”.

308 Sec. 8. Fiscal impact statement.

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

312 Sec. 9. Effective date.

313 This act shall take effect following approval by the Mayor (or in the event of veto by the  
314 Mayor, action by the Council to override the veto), a 60-day period of Congressional review as  
315 provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December

316 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of  
317 Columbia Register.

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