

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the District of Columbia Theft and White Collar Crimes Act of 1982 to require certain telephone solicitors to register, to post a surety bond, and to prohibit telephone solicitors from engaging in certain conduct, to require telephone solicitors to retain registered agents for service of process in the District of Columbia and to establish certain standards and requirements for those telephone solicitors, to allow the prosecution of persons engaged in telemarketing fraud and misrepresentation and establish civil and criminal penalties for violators, to require the Mayor to establish a Task Force to Combat Fraud; to establish criminal penalties for the abuse or neglect of vulnerable adults; and to amend Title 23 of the District of Columbia Code to enhance the rights of crime victims and to grant rights to a broader category of victims, to require law enforcement agencies to inform victims of their right to be treated with fairness, respect and dignity and to be free of intimidation, harassment, or abuse throughout the criminal justice process, to give victims information regarding the availability of intervention and mental health services and information about court dates, to allow victims to confer with prosecutors about the disposition of the case, to give victims the right to be present at court proceedings where the defendant has a right to be present, to give victims the right to submit a written victim impact statement at sentencing and parole hearings, to give the victim the right to make a statement at sentencing, to direct the courts to minimize the contacts between victims and their families and defendants and their families and defense witnesses.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Seniors Protection Amendment Act of 2000".

TITLE I - TELEPHONE FRAUD

Sec. 101. This title may be cited as the "Telephone Fraud Amendment Act of 2000".

Sec. 102. Title I of the District of Columbia Theft and White Collar Crimes Act of 1982 is amended as follows:

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(a) A new subtitle 3B is added to read as follows:

"Subtitle 3B. Telephone fraud.

"Sec. 126a. Definitions.

"For the purposes of this subtitle, the term:

"(1) "Applicant" means any individual, sole proprietorship, partnership, association, cooperative, corporation, nonprofit organization, and any other organization required to register with the District to conduct telemarketing in the District of Columbia.

"(2) "Certificate of registration" means a document issued by the District government showing that a named individual or business has registered as a telephone solicitor with the Mayor of the District of Columbia.

"(3) "Consumer" means a person who is or may be required to pay for goods or services offered by a telephone solicitor through telemarketing.

"(4) "Goods" or "services" means any real property or any tangible or intangible personal property or services of any kind provided or offered to a consumer.

"(5) "Licensed securities, commodities or investment broker" means a licensed or registered securities, commodities or investment broker.

"(6) "Seller" means any person, who, in connection with a telemarketing transaction, provides, offers to provide, or arranges for others to provide goods or services to the customer in exchange for consideration.

"(7) "Telemarketing" means a plan, program or campaign which is conducted to induce the purchase of goods or services by use of one or more telephones. Telemarketing does not include a one-time or infrequent transaction unrelated to a pattern of repeated transactions. Telemarketing does not include a telephone call to a consumer:

"(A) As a one-time or infrequent transaction unrelated to a pattern of repeated transactions;

"(B) To provide information to a consumer and in which payment for the sale of good or services is not accepted in that telephone call;

"(C) To administer an existing account or service an existing customer (including product safety recalls);

"(D) To respond to a consumer's request; or

"(E) In which payment for the sale of good or services is not accepted in that telephone call.

"(8) "Telephone solicitor" means a person (acting himself or itself, or through an agent) who initiates a telephone call to a consumer in the District of Columbia as a part of a plan, program, or campaign which is conducted to induce the purchase of goods or services by the use of one or more telephones. A telephone solicitor does not include a person who initiates a telephone call to a consumer:

"(A) As a one-time or infrequent transaction unrelated to a pattern of repeated transactions;

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"(B) To provide information to a consumer and in which payment for the sale of good or services is not accepted in that telephone call;

"(C) To administer an existing account or service an existing customer (including product safety recalls);

"(D) To respond to a consumer's request; or

"(E) And does not accept payment for the sale of good or services in that telephone call.

"Sec. 126b. Application for a certificate of registration of telephone solicitor.

"(a) No person shall transact any business as a telephone solicitor without first having obtained a certificate of registration from the Mayor.

"(b) The application for certificate of registration shall be made at least 60 business days prior to offering for sale consumer goods or services by telephone.

"(c) The Mayor shall provide an application form for the annual certificate of registration.

"(d) The application for a certificate of registration as a telephone solicitor shall include, but not be limited to, the following information:

"(1) The true name, current address, telephone number and location of the telephone solicitor and the telemarketing business, including each name and trade name under which the telephone solicitor intends to engage in telephone solicitations;

"(2) Each occupation or business that the telemarketing business' principal owner or owners have engaged in for the 2 years immediately preceding the date of the application;

"(3) Whether the applicant has been convicted or pled guilty to, or is being prosecuted by indictment for racketeering, violations of state or federal securities laws, or a theft offense;

"(4) Whether there has been entered against the applicant an injunction, temporary restraining order or a final judgment in any civil or administrative action involving fraud, theft, racketeering, embezzlement, fraudulent conversion or misappropriation of property, including any pending litigation;

"(5) Whether the applicant, at any time during the previous 7 years, has filed for bankruptcy, been adjudged bankrupt or been reorganized because of insolvency;

"(6) The true name, mailing address, and date of birth of the following:

"(A) Each seller or other person employed by the applicant;

"(B) Each person participating in or responsible for the management of the applicant's business;

"(C) Each person principally responsible for the management of the applicant's business; and

"(7) The name and true address of a registered agent for service of process in the District of Columbia for the applicant's business.

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"(e) The Mayor shall serve as the registered agent if no registered agent is appointed or if the individual or organization named ceases to serve as the registered agent and no successor is appointed.

"(f) The Mayor shall investigate the veracity of an application.

"(g) The Mayor shall deny a certificate of registration when the Mayor determines that an application contains false information.

"(h) The Mayor shall provide written notification to an applicant when an application has been denied.

"(i) The Mayor shall notify the applicant in writing of the information that the Mayor finds to be false.

"(j) No person may conduct telemarketing in the District of Columbia without having first obtained a certificate of registration.

"(k) The Mayor shall either deny or grant an application within 30 days of the filing of an application.

"(l) The Mayor may establish reasonable fees for filing of applications. The Mayor shall make available printed license application forms as well as electronic forms, which may be downloaded by computer.

"(m) Certificates of registration issued in accordance with this subtitle shall be valid for one year. Prior to expiration of a certificate of registration, an applicant may obtain a new certificate by the filing of a new application.

"(n) If any person has obtained a certificate of registration under false pretenses, including providing false information in an application, the certificate of registration shall be revoked and may be reinstated only upon proof of correction.

"Sec. 126c. Surety bond requirements for telephone solicitors.

"(a) The application for registration or renewal shall be accompanied by a surety bond in the amount of \$50,000. The bond shall provide for the indemnification of any person suffering a loss as the result a violation of this subtitle.

(b) The surety may terminate the bond upon giving a 60-day written notice to the principal and to the Mayor.

(c) Unless the bond is replaced by that of another surety before the expiration of the 60-day notice of cancellation, the registration of the principal shall be treated as lapsed.

"Sec. 126d. Security alternative to surety bonds.

"(a) An applicant required under this subtitle to file a bond with a registration application may file with the Mayor, in lieu thereof, a certificate of deposit or government bond in the amount of \$50,000.

"(b) The Mayor shall hold the certificate of deposit or government bond for 3 years starting from the date the telemarketing business ceases to operate or the registration lapses in order to pay claims made against the telemarketing business during its period of operation after which time the Mayor shall return any remaining balance.

"(c) The registration of the telemarketing business shall be treated as lapsed if, at any time, the amount of bond, cash, certificate of deposit or government bonds falls below the amount required by this section.

"(d) The surety bond shall remain in effect for 3 years from the period the telemarketing business ceases to operate in the District.

"(e) The aggregate liability of the surety company to all persons injured by a telephone solicitor's violations of this subtitle shall not exceed the amount of the bond.

"Sec. 126e. Exemptions.

"(a) A telephone solicitor shall be exempt from the registration and bonding requirements of this subtitle if the telephone solicitor is engaged in any of the following activities:

"(1) Telephone solicitation for religious or political purposes, or for a charitable or educational institution, or fundraising for other tax-exempt, nonprofit organizations;

"(2) A home solicitation sale that involves a subsequent face to face meeting between the seller and the consumer;

"(3) Sales by a licensed securities, commodities, investment broker, or investment advisor when soliciting over the telephone within the scope of the person's license;

"(4) A solicitation for the sale of a newspaper of general circulation and other publications that have a predominantly editorial or news-related content;

"(5) A solicitation for a sale regulated by the Commodities Futures Trading Commission;

"(6) A solicitation for the sale of any goods whenever the person allows a 7-day review period and a full refund within 30 days after the return of such goods to the person;

"(7) A solicitation by a financial institution, such as a bank, trust company, a saving and loan association, a credit union, a commercial and consumer finance lender, regulated by the United States government;

"(8) A solicitation by an insurance company or other organization that is licensed or authorized to conduct business in the District of Columbia;

"(9) A solicitation for the sale of cable television services operating under the authority of a governmental franchise or permit;

"(10) Fundraising on behalf of a college or university or any other public or private educational institution;

"(11) A solicitation for sales pursuant to a catalog that includes clear disclosure of sales prices, shipping, handling and other charges;

"(12) A solicitation by a political subdivision or instrumentality of the United States or any state of the United States, or any public utility that is subject to regulation by the District of Columbia Public Service Commission;

"(13) A solicitation by a person who is a licensed travel agent acting within the scope of the agent's license; or

"(14) A solicitation by a person who is a licensed real estate broker within the scope of the broker's license.

"Sec. 126f. Unlawful acts and practices.

"(a) A telephone solicitor commits the offense of telephone solicitation fraud when engaged in any one of the following:

"(1) Fails to obtain or maintain a valid certificate of registration;

"(2) Obtains a certificate of registration through any false or fraudulent pretence or representation in any registration application;

"(3) Knowingly fails to have received written consent to use the name of a charitable organization;

"(4) Knowingly misrepresents any of the following:

"(A) The total cost of the goods or services that are the subject of the telephone solicitation sales call;

"(B) Material restrictions, material limitations, or material conditions to the purchase of goods or services that are the subject of a telephone solicitation;

"(C) Material aspects of the performance, efficacy, nature or characteristics of goods or services that are the subject of a telephone solicitation; or

"(D) Material aspects of the nature of terms of the telephone solicitor's refund, cancellation, exchange or repurchase policies;

"(5) Induces a consumer to purchase goods or services by means of a false or fraudulent pretense, representation or promise;

"(6) Charges a consumer's checking or savings account without the consumer's express written authorization; or

"(7) Procures the services of any professional delivery, courier, or other pickup service to obtain immediate receipt and/or possession of a consumer's payment unless the goods are delivered with the opportunity to inspect before payment is collected.

"(b) A person who violates any provision of this section shall be subject to the penalties provided in sections 126i and 126j.

"Sec. 126g. Deceptive acts and practices prohibited.

"(a) It is a deceptive telemarketing act or practice for any seller or telephone solicitor to misrepresent any of the following material information:

"(1) The total purchase cost to the consumer of the goods or services to be received;

"(2) The true name of the telephone solicitor; or

"(3) Material aspects of the quality or basic characteristics of the goods or services purchased.

"(b) It is a deceptive telemarketing act or practice for any seller or telephone solicitor to misrepresent any material fact regarding the goods or services purchased that has a tendency to mislead.

"(c) No person shall commit a deceptive telemarketing act or practice.

"Sec. 126h. Abusive telemarketing acts or practices.

" It is an abusive telemarketing act or practice and violation of this subtitle for a seller or telephone solicitor to engage in the following conduct:

"(1) Cause a telephone to ring more than 15 times in an intended telephone solicitation call;

"(2) Initiate a telephone solicitation call to a consumer after the same consumer has expressly stated that he or she does not wish to receive solicitation calls from that seller; or

"(3) Engage in telephone solicitation to a consumer's residence at any time before 8:00 a.m. and after 9:00 p.m., local time at the place of the consumer called.

"Sec. 126i. Civil penalties.

"(a) The following penalties may be imposed in addition to those otherwise available at law:

"(1) Any telephone solicitor who violates any provision of this subtitle may be fined up to \$1,000 per violation.

"(2) A permit or license shall be revoked or suspended if the seller or telephone solicitor fails to comply with the registration requirements of this subtitle.

"(3) A judge may impose treble damages against any telephone solicitor who knowingly targets elderly or disabled persons.

"(b) Fines shall be payable to the Fraud Prevention Fund established in section 126n.

"Sec. 126j. Criminal penalties.

"Any telephone solicitor who violates section 126f and obtains property thereby shall be guilty of the crime of telemarketing fraud, which is punishable as follows:

"(1) If the amount of the transaction is valued at \$20,000 or more, the seller or telephone solicitor shall upon conviction be guilty of a felony, and shall be subject to a fine of not more than \$10,000 or imprisonment for not more than 4 years, or both.

"(2) If the amount of the transaction is valued at less than \$20,000 but more than \$5,000, the seller or telephone solicitor shall upon conviction be guilty of a felony, and shall be subject to a fine of not more than \$5,000 or imprisonment for not more than 3 years, or both.

"(3) If the amount of the transaction is valued at less than \$5,000 or less, the seller or telephone solicitor shall upon conviction be guilty of a misdemeanor and shall be subject to a fine of not more than \$500 or imprisonment for not more than 6 months, or both.

"Sec. 126k. Private right of action.

"(a) Any consumer injured as a result of a violation of sections 126f, 126g, or 126h of this subtitle may bring an action in the Superior Court of the District of Columbia to recover or obtain any of the following:

(1) A declaratory judgment;

- (2) Injunctive relief;
- (3) Reasonable attorney's fees and costs;
- (4) Actual damages;
- (5) Punitive damages; and
- (6) Any other equitable relief which the court deems proper.

"(b) Nothing in this subtitle shall prevent any consumer who is injured by any other trade practice from exercising any right or seeking any remedy to which the consumer might be entitled.

"Sec. 126l. Statute of limitations period.

"Claims for damages or compensation under this subtitle shall be filed within 3 years of the time the seller or telephone solicitor initiated the solicitation telephone call.

"Sec. 126m. Task force to combat fraud.

"(a) The Mayor shall form a task force for the following purposes:

- "(1) Collecting information on telephone fraud;
- "(2) Taking steps to educate the public about fraud, including telephone fraud;
- "(3) Sharing information related to telephone fraud with District government

agencies;

"(4) Sharing information related to telephone fraud with other state and federal law enforcement agencies; and

"(5) Advising the Mayor on enforcement of the provisions of this subtitle.

"(b) The task force may include representatives from the following agencies:

- "(1) Metropolitan Police Department;
- "(2) Department of Consumer and Regulatory Affairs;
- "(3) Office of Corporation Counsel; and
- "(4) Any other agency the Mayor deems appropriate.

"Sec. 126n. Fraud Prevention Fund.

"(a) There is established a Fraud Prevention Fund ("Fund"). This Fund shall be nonlapsing. Monies in the Fund shall not be commingled with the General Fund, nor shall the operation of the Fund impose a burden or charge on the General Fund.

"(b) Monies in the Fund shall consist of fines paid pursuant to this subtitle.

"(c) Monies from this fund may be used for the purposes of educating the public regarding fraud and crime prevention, supporting the task force to combat fraud, and enforcing this subtitle.

"(d) The District of Columbia Auditor shall perform an annual audit of the Fraud Prevention Fund.

"Sec. 126o. General disclosures.

"(a) Within the first 30 seconds of a telephone call, the telephone solicitor shall identify himself or herself by stating his or her true name, the company on whose behalf the solicitation is being made, and the goods or services to be sold.

"(b) Any person who violates this section shall be subject to civil penalties pursuant to section 126i."

TITLE II - CRIMINAL ABUSE AND NEGLECT OF VULNERABLE ADULTS

Sec. 201. This title may be cited as the "Criminal Abuse and Neglect of Vulnerable Adults Act of 2000".

Sec. 202. For the purpose of this title "vulnerable adult" means a person 18 years of age or older who has a physical or mental condition which substantially impairs the person from adequately providing for his or her own care or protection.

Sec. 203. A person is guilty of criminal abuse of a vulnerable adult if that person intentionally or knowingly:

- (1) Inflicts or threatens to inflict physical pain or injury by hitting, slapping, kicking, pinching, biting, pulling hair or other corporal means;
- (2) Uses repeated or malicious oral or written statements that would be considered by a reasonable person to be harassing or threatening; or
- (3) Imposes unreasonable confinement or involuntary seclusion, including but not limited to, the forced separation from other persons against his or her will or the directions of any legal representative.

Sec. 204. A person who knowingly, willfully or through a wanton, reckless or willful indifference fails to discharge a duty to provide care and services necessary to maintain the physical and mental health of a vulnerable adult, including but not limited to providing adequate food, clothing, medicine, shelter, supervision and medical services, that a reasonable person would deem essential for the well-being of the vulnerable adult is guilty of criminal negligence.

Sec. 205. A person shall not be considered to commit an offense of abuse or neglect under this title for the sole reason that he provides or permits to be provided treatment by spiritual means through prayer alone in accordance with a religious method of healing, in lieu of medical treatment, to the vulnerable adult to whom he has a duty of care with the express consent or in accordance with the practice of the vulnerable adult.

Sec. 206. (a) A person who commits the offense of criminal abuse or criminal neglect of a vulnerable person shall be subject to a fine of up to \$1000, imprisoned for not more than 180 days, or both.

(b) A person who commits the offense of criminal abuse or criminal neglect of a vulnerable adult which causes serious bodily injury or severe mental distress shall be subject to a fine of up to \$100,000, imprisoned up to 10 years, or both.

(c) A person who commits the offense of criminal abuse or criminal neglect of a vulnerable adult which causes permanent bodily harm or death shall be subject to a fine of up to \$250,000, imprisoned up to 20 years, or both.

TITLE III - CRIME VICTIMS' RIGHTS

Sec. 301. This title may be cited as the "Crime Victims' Rights Act of 2000".

Sec. 302. Title 23 of the District of Columbia Code is amended as follows:

(a) The table of contents is amended by adding a new chapter designation at the end to read as follows:

"19. Crime Victims' Rights §§ 23-1901 to 23-1906."

(b) A new chapter 19 is added to read as follows:

"Chapter 19. Crime Victims' Rights.

"Sec.

"§ 23-2901. Crime victims' bill of rights.

"§ 23-2902. Notice of crime victims.

"§ 23-2903. Crime victim privacy and security.

"§ 23-2904. Crime victims' rights at sentencing.

"§ 23-2905. Definitions.

"§ 23-2906. Applicability.

"§ 23-2901. Crime victims' bill of rights.

"(a) Officers or employees of the District of Columbia engaged in the detection, investigation, or prosecution of crime or the judicial process shall make their best efforts to see that victims of crime are accorded the rights described in subsection (b) of this section.

"(b) A crime victim has the right to:

"(1) Be treated with fairness and with respect for the victim's dignity and privacy;

"(2) Be reasonably protected from the accused offender;

"(3) Be notified of court proceedings;

"(4) Be present at all court proceedings related to the offense, including the sentencing, and release or parole hearings, unless the court determines that testimony by the victim would be materially affected if the victim heard other testimony or where the needs of justice otherwise require;

"(5) Confer with an attorney for the prosecution in the case which does not include the authority to direct the prosecution of the case;

"(6) An order of restitution from the person convicted of the criminal conduct that caused the victim's loss or injury;

"(7) Information about the conviction, sentencing, imprisonment, detention, and release of the offender; and

"(8) Notice of the rights provided in this chapter and under the laws of the District of Columbia.

"(c) This section does not create a cause of action or defense in favor of any person arising out of the failure to accord to a victim the rights enumerated in subsection (b) of this section.

“§ 23-1902. Notice to crime victims.

"(a) The head of each department and agency of the District of Columbia engaged in the detection, investigation, or prosecution of crime or in the judicial process shall designate the persons who will be responsible for identifying the victims of crime and performing the services described in subsection (c) of this section at each stage of a criminal case.

"(b) At the earliest opportunity after the detection of a crime at which it may be done without interfering with an investigation, a responsible official shall identify the victim or victims of a crime.

"(c)(1) At the earliest opportunity after the detection of a crime at which it may be done without interfering with an investigation, a responsible official shall inform identified victims of:

"(A) Their right to receive the services described in this subsection and a listing of their bill of rights as contained in section 23-1901;

"(B) The name, title, business address and telephone number of the responsible official to whom the victim should address a request for assistance to obtain the services described in this subsection;

"(C) The place where the victim may receive emergency medical and social services;

"(D) Any restitution, crime victims' compensation, crime victims' assistance or other relief for which the victim may be eligible under this or any other law and the manner in which such relief may be obtained;

"(E) The names and phone numbers of public and private victim assistance programs that are available to provide counseling, treatment, and other support to the victim;

"(F) The procedure and resources available for reasonable protection of the victim; and

"(G) The police report number, if available, and other identifying case information.

"(2) During the investigation and prosecution of a crime, a responsible official shall provide the victim, to the extent possible, with timely notice of the:

"(A) Status of the investigation of the crime, to the extent it is appropriate to inform the victim and to the extent that it will not interfere with the investigation;

"(B) Arrest of a suspected offender;

"(C) Filing of criminal charges, the *nolle prosequi* of the case, or the dismissal of all charges against a suspected offender;

"(D) Date of each scheduled court proceeding and any scheduling changes;

"(E) Release or detention status of an offender or suspected offender;

"(F) Acceptance of a plea of guilty, *nolo contendere* or an Alford plea, or the rendering of a verdict after trial; and

"(G) Sentence or disposition imposed on an offender, including the date on which the offender will be eligible for parole or release.

"(d) After trial, a responsible official shall provide a victim with timely notice of the:

"(1) Scheduling of a release or parole hearing for the offender;

"(2) Escape, work release, furlough, or any other form of release from custody of the offender; and

"(3) Death of the offender, if the offender dies while in custody or under supervision.

"(e) The victim or the representative of the victim appointed by the court has a continuing obligation to provide the appropriate investigative, prosecutive, judicial, or correctional agency with correct and up-to-date information on the victim's name and address or an alternate means by which the victim can be given notice.

"(f) This section does not create a cause of action or defense in favor of any person arising out of the failure of a responsible person to provide information as required by this chapter.

"§ 23-1903. Crime victim privacy and security.

"(a) Before, during, and immediately after any court proceeding, the court shall provide appropriate safeguards to minimize the contact that may occur between the victim and the victim's family with the accused or the accused's or respondent's family, and defense witnesses.

"(b) The accused or defendant, the accused's or defendant's attorney or another person acting on behalf of the accused or defendant shall clearly identify himself or herself as being, representing or acting on behalf of the accused, defendant, or respondent in any contact with the victim.

"(c) A responsible official shall arrange for any crime victim's property being held for evidentiary purposes to be maintained in good condition and returned to the victim as soon as it is no longer needed for evidentiary purposes.

"(d) In a proceeding in which a child is called to give testimony, on motion by the attorney for the government or the victim's legal or court-appointed representative, or on its own motion, the court may designate the case as being of special public importance. In cases so

designated, the court shall expedite the proceeding and ensure that it takes precedence over any other. The court shall ensure a speedy trial in order to minimize the length of time the child must be involved with the criminal justice system. When deciding whether to grant a continuance, the court shall take into consideration the age of the child and the potential adverse impact the delay may have on the child's well-being. The court shall make written findings of fact and conclusions of law when granting a continuance in cases involving a child witness.

"§ 23-1904. Crime victims' rights at sentencing.

"(a) Crime victims shall have the right to be present at the defendant's sentencing and at any release or parole hearings.

"(b) Crime victims shall have the right to submit, prior to the imposition of sentence, a written victim impact statement containing information concerning any emotional, psychological, financial, or physical harm done to or loss suffered by the victim.

"(c) In determining the appropriate sentence to be imposed on the defendant, the Court shall consider any victim impact statement submitted in accordance with this chapter and such statement shall be made a part of the pre-sentence report filed by the Court Services and Offender Supervision Agency.

"(d) Crime victims shall have the right to offer at the defendant's release or parole hearing a written statement of the victim's opinion whether the defendant should be granted release or parole.

"(e) Crime victims shall have the right to make a statement at the defendant's sentencing. The absence of the crime victim at sentencing shall not preclude the court from holding the hearing.

"§ 23-1905. Definitions.

"For purposes of this section,

"(1) The term "court" means the Superior Court of the District of Columbia.

"(2)(A) The term "victim" or "crime victim" means a person who or entity which has suffered direct physical, emotional, or pecuniary harm --

"(i) As a result of the commission of any felony or violent misdemeanor in violation of any criminal statute in the District of Columbia;

"(ii) While assisting lawfully to apprehend a person reasonably suspected of having committed or attempted a crime;

"(iii) While assisting a person against whom a crime has been committed or attempted if the assistance was rendered in a reasonable manner; or

"(iv) While attempting to prevent the commission of a crime.

"(B) In the case of a victim or crime victim --

"(i) That is an institutional entity, the term "victim" or "crime victim" includes an authorized representative of the entity.

"(ii) Who is under 18 years of age, incompetent, incapacitated, or deceased, the term "victim" or "crime victim" includes a representative appointed by the court to exercise the rights and receive the services set forth in this chapter on behalf of the victim.

"(C) The term "victim" shall not include any person who committed or aided or abetted in the commission of the crime.

"§ 23-1906. Applicability.

"The provisions of this chapter requiring notice to the victim shall be applicable when computer systems are in place at the Metropolitan Police Department or the Superior Court of the District of Columbia to provide such notice or one year after the effective date of this chapter, whichever occurs first, and will apply only to crimes committed on or after that date."

Sec. 303. Repealer.

Section 23-103a of the District of Columbia Code is repealed.

TITLE IV - FISCAL IMPACT STATEMENT

Sec. 401. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code s. 1-233(c)(3)).

TITLE V - EFFECTIVE DATE

Sec. 501. 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), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 60-day period of Congressional review as provided in

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section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(2)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia