



DISTRICT OF COLUMBIA

Legal System	Constitution	Bill of Rights	Form of Government
Common Law Statutory Law	Written	No	Republic

A. Criminal Statutes

1. Human Trafficking and Related Statutes

a. D.C. Code Ann. § 22-1832 (2010) – Forced Labor

i. Summary

In the District of Columbia:

- (a) It is unlawful for an individual or a business knowingly to use coercion to cause a person to provide labor or services.
- (b) It is unlawful for an individual or a business knowingly to place or keep any person in debt bondage.

D.C. Code Ann. § 22-1832.

“Coercion” means any one of, or a combination of, the following:

- (A) Force, threats of force, physical restraint, or threats of physical restraint;
- (B) Serious harm or threats of serious harm;
- (C) The abuse or threatened abuse of law or legal process;
- (D) Fraud or deception;
- (E) Any scheme, plan, or pattern intended to cause a person to believe that if that person did not perform labor or services, that person or another person would suffer serious harm or physical restraint;
- (F) Facilitating or controlling a person’s access to an addictive or controlled substance or restricting a person’s access to prescription medication; or
- (G) Knowingly participating in conduct with the intent to cause a person to believe that he or she is the property of a person or business and that would cause a reasonable person in that person’s circumstances to believe that he or she is the property of a person or business.

D.C. Code Ann. § 22-1831(3).

“Debt bondage” means the status or condition of a person who provides labor, services, or commercial sex acts, for a real or alleged debt, where:

- (A) The value of the labor, services, or commercial sex acts, as reasonably assessed, is not applied toward the liquidation of the debt;

- (B) The length and nature of the labor, services, or commercial sex acts are not respectively limited and defined; or
- (C) The amount of the debt does not reasonably reflect the value of the items or services for which the debt was incurred.

D.C. Code Ann. § 22-1831(5).

ii. Sentencing

“Except as provided in paragraph (2) of this subsection, whoever violates § 22-1832 ... shall be fined not more than the amount set forth in § 22-3571.01, imprisoned for not more than 20 years, or both.” D.C. Code Ann. § 22-1837(a)(1). “[W]hen the victim is held or provides services for more than 180 days, [the convicted offender] shall be fined not more than 1 1/2 times the maximum fine authorized for the designated act, imprisoned for not more than 1 1/2 times the maximum term authorized for the designated act, or both.” D.C. Code Ann. § 22-1837(a)(2). “Whoever attempts to violate § 22-1832 ... shall be fined not more than 1/2 the maximum fine otherwise authorized for the offense, imprisoned not more than 1/2 the maximum term otherwise authorized for the offense, or both.” D.C. Code Ann. § 22-1837(d).

A person found guilty of an offense under the District of Columbia Official Code:

may be fined not more than the greatest of:

- (1) [USD] 100 if the offense is punishable by imprisonment for 10 days or less;
- (2) [USD] 250 if the offense is punishable by imprisonment for 30 days, or one month, or less but more than 10 days;
- (3) [USD] 500 if the offense is punishable by imprisonment for 90 days, or 3 months, or less but more than 30 days;
- (4) [USD] 1,000 if the offense is punishable by imprisonment for 180 days, or 6 months, or less but more than 90 days;
- (5) [USD] 2,500 if the offense is punishable by imprisonment for one year or less but more than 180 days;
- (6) [USD] 12,500 if the offense is punishable by imprisonment for 5 years or less but more than one year;
- (7) [USD] 25,000 if the offense is punishable by imprisonment for 10 years or less but more than 5 years;
- (8) [USD] 37,500 if the offense is punishable by imprisonment for 15 years or less but more than 10 years;
- (9) [USD] 50,000 if the offense is punishable by imprisonment for 20 years or less but more than 15 years;
- (10) [USD] 75,000 if the offense is punishable by imprisonment for 30 years or less but more than 20 years;
- (11) [USD] 125,000 if the offense is punishable by imprisonment for more than 30 years; or
- (12) [USD] 250,000 if the offense resulted in death.

D.C. Code Ann. § 22-3571.01(b).

An organization that has been found guilty of an offense punishable by imprisonment for 6 months or more may be fined not more than the greatest of:

- (1) Twice the maximum amount specified in the law setting forth the penalty of the offense;
- (2) Twice the applicable amount under subsection (b) of this section [22-3571.01]; or
- (3) Twice the applicable amount under [section] 22-3571.02(a) [addressing certain statutory exemptions to the otherwise applicable fines under this section].

D.C. Code. Ann. § 22-3571.01(c).

A court may require a convicted offender “to make reasonable restitution or reparation.” D.C. Code Ann. § 16-711(a).

When restitution or reparation is ordered, the court shall take into consideration the number of victims, the actual damage of each victim, the resources of the defendant, the defendant’s ability to earn, any obligation of the defendant to support dependents, and any other matters as pertain to the defendant’s ability to make restitution or reparation.

D.C. Code Ann. § 16-711(b). Further, if the offender is a minor, the court:

may order the parent or guardian of a child, a child, or both to make restitution to:

- (A) The victim;
- (B) Any governmental entity;
- (C) A third-party payor, including an insurer, that has made payment to the victim to compensate the victim for a property loss under paragraph (1)(A) of this subsection or pecuniary loss under paragraph (1)(B) or (C) of this subsection.

D.C. Code Ann. § 16-2320.01(a)(2). A victim’s “successors in interest retain the right to recover damages from the offender or third parties, and the right to restitution from the offender.” D.C. Code Ann. § 4-509(a).

iii. Statute of Limitations

A prosecution for forced labor “is barred if not commenced within six (6) years after it is committed.” D.C. Code Ann. § 23-113(a)(4).

“The period of limitation shall not begin to run for forced labor ... until the victim is no longer subject to the means used to obtain or maintain his or her labor or services or commercial sex acts.” D.C. Code Ann. § 23-113(d)(5). If the victim was a minor, the period of limitation does not begin to run until the victim reaches the age of 21. D.C. Code Ann. § 23-113(d)(2)(J).

b. D.C. Code Ann. § 22-1833 (2010) – Trafficking in Labor or Commercial Sex Acts

i. Summary

It is unlawful for an individual or a business to recruit, entice, harbor, transport, provide, obtain, or maintain by any means a person, knowing, or in reckless disregard of the fact that:

- (1) Coercion will be used or is being used to cause the person to provide labor or services or to engage in a commercial sex act; or
- (2) The person is being placed or will be placed or kept in debt bondage.

D.C. Code Ann. § 22-1833.

“Commercial sex act’ means any sexual act or sexual contact on account of which or for which anything of value is given to, promised to, or received by any person.” D.C. Code Ann. § 22-1831(4).

ii. Sentencing

“Except as provided in paragraph (2) of this subsection, whoever violates ... § 22-1833 ... shall be fined not more than the amount set forth in § 22-3571.01, imprisoned for not more than 20 years, or both.” D.C. Code Ann. § 22-1837(a)(1). “[W]hen the victim is held or provides services for more than 180 days, [the convicted offender] shall be fined not more than 1 1/2 times the maximum fine authorized for the designated act, imprisoned for not more than 1 1/2 times the maximum term authorized for the designated act, or both.” D.C. Code Ann. § 22-1837(a)(2). “Whoever attempts to violate ...§ 22-1833 ... shall be fined not more than 1/2 the maximum fine otherwise authorized for the offense, imprisoned not more than 1/2 the maximum term otherwise authorized for the offense, or both.” D.C. Code Ann. § 22-1837(d). “No person shall be sentenced consecutively for violations of §§ 22-1833 and 22-1834 [sex trafficking of children] for an offense arising out of the same incident.” D.C. Code Ann. § 22-1837(e).

A person found guilty of an offense under the District of Columbia Official Code:

may be fined not more than the greatest of:

- (1) [USD] 100 if the offense is punishable by imprisonment for 10 days or less;
- (2) [USD] 250 if the offense is punishable by imprisonment for 30 days, or one month, or less but more than 10 days;
- (3) [USD] 500 if the offense is punishable by imprisonment for 90 days, or 3 months, or less but more than 30 days;
- (4) [USD] 1,000 if the offense is punishable by imprisonment for 180 days, or 6 months, or less but more than 90 days;
- (5) [USD] 2,500 if the offense is punishable by imprisonment for one year or less but more than 180 days;
- (6) [USD] 12,500 if the offense is punishable by imprisonment for 5 years or less but more than one year;
- (7) [USD] 25,000 if the offense is punishable by imprisonment for 10 years or less but more than 5 years;
- (8) [USD] 37,500 if the offense is punishable by imprisonment for 15 years or less but more than 10 years;
- (9) [USD] 50,000 if the offense is punishable by imprisonment for 20 years or less but more than 15 years;
- (10) [USD] 75,000 if the offense is punishable by imprisonment for 30 years or less but more than 20 years;
- (11) [USD] 125,000 if the offense is punishable by imprisonment for more than 30 years; or
- (12) [USD] 250,000 if the offense resulted in death.

D.C. Code Ann. § 22-3571.01(b).

An organization that has been found guilty of an offense punishable by imprisonment for 6 months or more may be fined not more than the greatest of:

- (1) Twice the maximum amount specified in the law setting forth the penalty of the offense;
- (2) Twice the applicable amount under subsection (b) of this section [22-3571.01]; or
- (3) Twice the applicable amount under [section] 22-3571.02(a) [addressing certain statutory exemptions to the otherwise applicable fines under this section].

D.C. Code Ann. § 22-3571.01(c).

A court may require a convicted offender “to make reasonable restitution or reparation.” D.C. Code Ann. § 16-711(a).

When restitution or reparation is ordered, the court shall take into consideration the number of victims, the actual damage of each victim, the resources of the defendant, the defendant’s ability to earn, any obligation of the defendant to support dependents, and any other matters as pertain to the defendant’s ability to make restitution or reparation.

D.C. Code Ann. § 16-711(b). Further, if the offender is a minor, the court:

may order the parent or guardian of a child, a child, or both to make restitution to:

- (A) The victim;
- (B) Any governmental entity;
- (C) A third-party payor, including an insurer, that has made payment to the victim to compensate the victim for a property loss under paragraph (1)(A) of this subsection or pecuniary loss under paragraph (1)(B) or (C) of this subsection.

D.C. Code Ann. § 16-2320.01(a)(2). A victim’s “successors in interest retain the right to recover damages from the offender or third parties, and the right to restitution from the offender.” D.C. Code Ann. § 4-509(a).

iii. Statute of Limitations

The crime of trafficking in labor or commercial sex acts of children has a statute of limitations of 10 years. D.C. Code Ann. § 23-113(a)(3)(J).

The period of limitation shall not begin to run “until the victim is no longer subject to the means used to obtain or maintain his or her labor or services or commercial sex acts.” D.C. Code Ann. § 23-113(d)(5). If the victim was a minor, the period of limitation does not begin to run until the victim reaches the age of 21. D.C. Code Ann. § 23-113(d)(2)(J).

c. D.C. Code Ann. § 22-1834 (2010) – Sex Trafficking of Children

i. Summary

It is unlawful for an individual or business knowingly to recruit, entice, harbor, transport, provide, obtain, or maintain by any means a person who will be caused as a result to engage in a commercial sex act knowing or in reckless disregard of the fact that the person has not attained the age of 18 years.

D.C. Code Ann. § 22-1834(a).

Moreover, in a prosecution under this statute, the government does not need to prove the defendant’s knowledge that the victim was not 18 years of age if “the defendant had a reasonable opportunity to observe the person recruited, enticed, harbored, transported, provided, obtained, or maintained” D.C. Code Ann. § 22-1834(b).

ii. Sentencing

“Except as provided in paragraph (2) of this subsection, whoever violates ... § 22-1834 ... shall be fined not more than the amount set forth in § 22-3571.01, imprisoned for not more than 20 years, or both.” D.C. Code Ann. § 22-1837(a)(1). “[W]hen the victim is held or provides services for more than 180 days, [the convicted offender] shall be fined not more than 1 1/2 times the maximum fine authorized for the designated act, imprisoned for not more than 1 1/2 times the maximum term authorized for the designated act, or both.” D.C. Code Ann. § 22-1837(a)(2). “Whoever attempts to violate ... § 22-1834 ... shall be fined not more than 1/2 the maximum fine otherwise authorized for the offense, imprisoned not more than 1/2 the maximum term otherwise authorized for the offense, or both.” D.C. Code Ann. § 22-1837(d). “No person shall be sentenced consecutively for violations of §§ 22-1833 [trafficking in labor or commercial sex acts] and 22-1834 for an offense arising out of the same incident.” D.C. Code Ann. § 22-1837(e).

A person found guilty of an offense under the District of Columbia Official Code:

may be fined not more than the greatest of:

- (1) [USD] 100 if the offense is punishable by imprisonment for 10 days or less;
- (2) [USD] 250 if the offense is punishable by imprisonment for 30 days, or one month, or less but more than 10 days;
- (3) [USD] 500 if the offense is punishable by imprisonment for 90 days, or 3 months, or less but more than 30 days;
- (4) [USD] 1,000 if the offense is punishable by imprisonment for 180 days, or 6 months, or less but more than 90 days;
- (5) [USD] 2,500 if the offense is punishable by imprisonment for one year or less but more than 180 days;
- (6) [USD] 12,500 if the offense is punishable by imprisonment for 5 years or less but more than one year;
- (7) [USD] 25,000 if the offense is punishable by imprisonment for 10 years or less but more than 5 years;
- (8) [USD] 37,500 if the offense is punishable by imprisonment for 15 years or less but more than 10 years;
- (9) [USD] 50,000 if the offense is punishable by imprisonment for 20 years or less but more than 15 years;
- (10) [USD] 75,000 if the offense is punishable by imprisonment for 30 years or less but more than 20 years;
- (11) [USD] 125,000 if the offense is punishable by imprisonment for more than 30 years; or
- (12) [USD] 250,000 if the offense resulted in death.

D.C. Code Ann. § 22-3571.01(b).

An organization that has been found guilty of an offense punishable by imprisonment for 6 months or more may be fined not more than the greatest of:

- (1) Twice the maximum amount specified in the law setting forth the penalty of the offense;

- (2) Twice the applicable amount under subsection (b) of this section [22-3571.01]; or
- (3) Twice the applicable amount under [section] 22-3571.02(a) [addressing certain statutory exemptions to the otherwise applicable fines under this section].

D.C. Code. Ann. § 22-3571.01(c).

A court may require a convicted offender “to make reasonable restitution or reparation.” D.C. Code Ann. § 16-711(a).

When restitution or reparation is ordered, the court shall take into consideration the number of victims, the actual damage of each victim, the resources of the defendant, the defendant’s ability to earn, any obligation of the defendant to support dependents, and any other matters as pertain to the defendant’s ability to make restitution or reparation.

D.C. Code Ann. § 16-711(b). Further, if the offender is a minor, the court:

may order the parent or guardian of a child, a child, or both to make restitution to:

- (A) The victim;
- (B) Any governmental entity;
- (C) A third-party payor, including an insurer, that has made payment to the victim to compensate the victim for a property loss under paragraph (1)(A) of this subsection or pecuniary loss under paragraph (1)(B) or (C) of this subsection.

D.C. Code Ann. § 16-2320.01(a)(2). A victim’s “successors in interest retain the right to recover damages from the offender or third parties, and the right to restitution from the offender.” D.C. Code Ann. § 4-509(a).

iii. Statute of Limitations

The crime of sex trafficking children has a statute of limitations of 10 years. D.C. Code Ann. § 23-113(a)(3)(J).

The period of limitation shall not begin to run “until the victim is no longer subject to the means used to obtain or maintain his or her labor or services or commercial sex acts.” D.C. Code Ann. § 23-113(d)(5). If the victim was a minor, the period of limitation does not begin to run until the victim reaches 21 years of age. D.C. Code Ann. § 23-113(d)(2)(J).

d. D.C. Code Ann. § 22-1835 (2010) – Unlawful Conduct with Respect to Documents in Furtherance of Human Trafficking

i. Summary

It is unlawful for an individual or business knowingly to destroy, conceal, remove, confiscate, or possess any actual or purported government identification document, including a passport or other immigration document, or any other actual or purported document, of any person to prevent or restrict, or attempt to prevent or restrict, without lawful authority, the person’s liberty to move or travel in order to maintain the labor or services of that person.

D.C. Code Ann. § 22-1835.

ii. Sentencing

“Except as provided in paragraph (2) of this subsection, whoever violates ... § 22-1835 ... shall be fined not more than the amount set forth in § 22-3571.01, imprisoned for not more than 20 years, or both.” D.C. Code Ann. § 22-1837(a)(1). “[W]hen the victim is held or provides services for more than 180 days, [the convicted offender] shall be fined not more than 1 1/2 times the maximum fine authorized for the designated act, imprisoned for not more than

1 1/2 times the maximum term authorized for the designated act, or both.” D.C. Code Ann. § 22-1837(a)(2). “Whoever attempts to violate ... § 22-18325 ... shall be fined not more than 1/2 the maximum fine otherwise authorized for the offense, imprisoned not more than 1/2 the maximum term otherwise authorized for the offense, or both.” D.C. Code Ann. § 22-1837(d).

A person found guilty of an offense under the District of Columbia Official Code:

may be fined not more than the greatest of:

- (1) [USD] 100 if the offense is punishable by imprisonment for 10 days or less;
- (2) [USD] 250 if the offense is punishable by imprisonment for 30 days, or one month, or less but more than 10 days;
- (3) [USD] 500 if the offense is punishable by imprisonment for 90 days, or 3 months, or less but more than 30 days;
- (4) [USD] 1,000 if the offense is punishable by imprisonment for 180 days, or 6 months, or less but more than 90 days;
- (5) [USD] 2,500 if the offense is punishable by imprisonment for one year or less but more than 180 days;
- (6) [USD] 12,500 if the offense is punishable by imprisonment for 5 years or less but more than one year;
- (7) [USD] 25,000 if the offense is punishable by imprisonment for 10 years or less but more than 5 years;
- (8) [USD] 37,500 if the offense is punishable by imprisonment for 15 years or less but more than 10 years;
- (9) [USD] 50,000 if the offense is punishable by imprisonment for 20 years or less but more than 15 years;
- (10) [USD] 75,000 if the offense is punishable by imprisonment for 30 years or less but more than 20 years;
- (11) [USD] 125,000 if the offense is punishable by imprisonment for more than 30 years; or
- (12) [USD] 250,000 if the offense resulted in death.

D.C. Code Ann. § 22-3571.01(b).

An organization that has been found guilty of an offense punishable by imprisonment for 6 months or more may be fined not more than the greatest of:

- (1) Twice the maximum amount specified in the law setting forth the penalty of the offense;
- (2) Twice the applicable amount under subsection (b) of this section [22-3571.01]; or
- (3) Twice the applicable amount under [section] 22-3571.02(a) [addressing certain statutory exemptions to the otherwise applicable fines under this section].

D.C. Code. Ann. § 22-3571.01(c).

A court may require a convicted offender “to make reasonable restitution or reparation.” D.C. Code Ann. § 16-711(a).

When restitution or reparation is ordered, the court shall take into consideration the number of victims, the actual damage of each victim, the resources of the defendant, the defendant’s ability to earn, any obligation of the defendant to support dependents, and any other matters as pertain to the defendant’s ability to make restitution or reparation.

D.C. Code Ann. § 16-711(b). Further, if the offender is a minor, the court:

may order the parent or guardian of a child, a child, or both to make restitution to:

- (A) The victim;
- (B) Any governmental entity;
- (C) A third-party payor, including an insurer, that has made payment to the victim to compensate the victim for a property loss under paragraph (1)(A) of this subsection or pecuniary loss under paragraph (1)(B) or (C) of this subsection.

D.C. Code Ann. § 16-2320.01(a)(2). A victim’s “successors in interest retain the right to recover damages from the offender or third parties, and the right to restitution from the offender.” D.C. Code Ann. § 4-509(a).

iii. Statute of Limitations

The crime of unlawful conduct with respect to documents in furtherance of human trafficking has a statute of limitations of six years. D.C. Code Ann. § 23-113(a)(4).

e. D.C. Code Ann. § 22-1836 (2010) – Benefitting Financially from Human Trafficking

i. Summary

It is unlawful for an individual or business to knowingly benefit, financially or by receiving anything of value, from voluntarily participating in a venture which has engaged in any act in violation of § 22-1832 [forced labor], § 22-1833 [trafficking in labor or commercial sex acts], § 22-1834 [sex trafficking in children], or § 22-1835 [unlawful conduct with respect to documents in furtherance of human trafficking], knowing or in reckless disregard of the fact that the venture has engaged in the violation.

D.C. Code Ann. § 22-1836.

ii. Sentencing

“Except as provided in paragraph (2) of this subsection, whoever violates § 22-1832 ... shall be fined not more than the amount set forth in § 22-3571.01, imprisoned for not more than 20 years, or both.” D.C. Code Ann. § 22-1837(a)(1). “[W]hen the victim is held or provides services for more than 180 days, [the convicted offender] shall be fined not more than 1 1/2 times the maximum fine authorized for the designated act, imprisoned for not more than 1 1/2 times the maximum term authorized for the designated act, or both.” D.C. Code Ann. § 22-1837(a)(2). “Whoever attempts to violate § 22-1832 shall be fined not more than 1/2 the maximum fine otherwise authorized for the offense, imprisoned not more than 1/2 the maximum term otherwise authorized for the offense, or both.” D.C. Code Ann. § 22-1837(d). A person found guilty of an offense under the District of Columbia Official Code:

may be fined not more than the greatest of:

- (1) [USD] 100 if the offense is punishable by imprisonment for 10 days or less;
- (2) [USD] 250 if the offense is punishable by imprisonment for 30 days, or one month, or less but more than 10 days;

- (3) [USD] 500 if the offense is punishable by imprisonment for 90 days, or 3 months, or less but more than 30 days;
- (4) [USD] 1,000 if the offense is punishable by imprisonment for 180 days, or 6 months, or less but more than 90 days;
- (5) [USD] 2,500 if the offense is punishable by imprisonment for one year or less but more than 180 days;
- (6) [USD] 12,500 if the offense is punishable by imprisonment for 5 years or less but more than one year;
- (7) [USD] 25,000 if the offense is punishable by imprisonment for 10 years or less but more than 5 years;
- (8) [USD] 37,500 if the offense is punishable by imprisonment for 15 years or less but more than 10 years;
- (9) [USD] 50,000 if the offense is punishable by imprisonment for 20 years or less but more than 15 years;
- (10) [USD] 75,000 if the offense is punishable by imprisonment for 30 years or less but more than 20 years;
- (11) [USD] 125,000 if the offense is punishable by imprisonment for more than 30 years; or
- (12) [USD] 250,000 if the offense resulted in death.

D.C. Code Ann. § 22-3571.01

An organization that has been found guilty of an offense punishable by imprisonment for six months or more may be fined not more than the greatest of:

- (1) Twice the maximum amount specified in the law setting forth the penalty of the offense;
- (2) Twice the applicable amount under subsection (b) of this section [22-3571.01]; or
- (3) Twice the applicable amount under [section] 22-3571.02(a) [addressing certain statutory exemptions to the otherwise applicable fines under this section].

D.C. Code. Ann. § 22-3571.01(c).

A court may require a convicted offender “to make reasonable restitution or reparation.” D.C. Code Ann. § 16-711(a).

When restitution or reparation is ordered, the court shall take into consideration the number of victims, the actual damage of each victim, the resources of the defendant, the defendant’s ability to earn, any obligation of the defendant to support dependents, and any other matters as pertain to the defendant’s ability to make restitution or reparation.

D.C. Code Ann. § 16-711(b). Further, if the offender is a minor, the court:

may order the parent or guardian of a child, a child, or both to make restitution to:

- (A) The victim;
- (B) Any governmental entity;

- (C) A third-party payor, including an insurer, that has made payment to the victim to compensate the victim for a property loss under paragraph (1)(A) of this subsection or pecuniary loss under paragraph (1)(B) or (C) of this subsection.

D.C. Code Ann. § 16-2320.01(a)(2). A victim’s “successors in interest retain the right to recover damages from the offender or third parties, and the right to restitution from the offender.” D.C. Code Ann. § 4-509(a).

iii. Statute of Limitations

The crime of benefitting financially from human trafficking has a statute of limitations of six years. D.C. Code Ann. § 23-113(a)(4).

f. D.C. Code Ann. § 22-1838 (2010) – Forfeiture

In imposing a sentence on any individual or business convicted of a violation of this chapter [Chapter 18A – Human Trafficking], the court shall order, in addition to any sentence imposed, that the individual or business shall forfeit to the District of Columbia:

- (1) Any interest in any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of the violation; and
- (2) Any property, real or personal, constituting or derived from any proceeds that the individual or business obtained, directly or indirectly, as a result of the violation.

D.C. Code Ann. § 22-1838(a).

g. D.C. Code Ann. § 22-1839 (2010) – Reputation or Opinion Evidence

In a criminal case in which a person is accused of trafficking in commercial sex, as prohibited by § 22-1833, sex trafficking of children, as prohibited by § 22-1834, or benefitting financially from human trafficking, as prohibited by § 22-1836, reputation or opinion evidence of the past sexual behavior of the alleged victim is not admissible. Evidence of an alleged victim’s past sexual behavior other than reputation or opinion evidence also is not admissible, unless such evidence other than reputation or opinion evidence is admitted in accordance with § 22-3022(b) [establishing process for person accused of committing forcible rape to offer evidence of the alleged victim’s past sexual behavior where consent of the alleged victim is at issue], and is constitutionally required to be admitted.

D.C. Code Ann. § 22-1839.

h. D.C. Code Ann. § 22-1844 (2019) – Expungement

A person convicted of an eligible offense, arrested but not prosecuted for an eligible offense, or whose prosecution was terminated without conviction of an eligible offense that occurred on or after April 5, 2019:

may apply by motion to the Superior Court for the District of Columbia to vacate the judgment of conviction and to expunge all records identifying the movant as having been arrested, prosecuted, or convicted of the offense if the conduct of the person that resulted in the conviction, arrest, or prosecution was a direct result of the person having been a victim of trafficking.

D.C. Code Ann. § 22-1844(a)(b).

i. D.C. Code Ann. § 22-2701 (2015) – Immunity for Child

“A child who engages in or offers to engage in a sexual act or sexual contact in return for receiving anything of value shall be immune from prosecution for [prostitution or to solicit for prostitution].” D.C. Code Ann. § 22-2701(d)(1). “The Metropolitan Police Department shall refer any child suspected of engaging in or offering to engage in a sexual

act or sexual contact in return for receiving anything of value to an organization that provides treatment, housing, or services appropriate for victims of sex trafficking of children under § 22-1834.” D.C. Code Ann. § 22-2701(d)(2). “[C]hild’ means a person who has not attained the age of 18 years.” D.C. Code Ann. § 22-2701(d)(3).

2. Online Child Sexual Exploitation and Child Pornography Offenses

D.C. Code Ann. § 22-2201 – Certain Obscene Activities and Conduct Declared Unlawful

D.C. Code Ann. § 22-2704 – Abducting or Enticing Child from His or Her Home for Purposes of Prostitution; Harboring Such Child

D.C. Code Ann. § 22-2705 – Pandering; Inducing or Compelling an Individual to Engage in Prostitution

D.C. Code Ann. § 22-2706 – Compelling an Individual to Live Life of Prostitution Against His or Her Will

D.C. Code Ann. § 22-2707 – Procuring; Receiving Money or Other Valuable Thing for Arranging Assignment

D.C. Code Ann. § 22-3008 – First Degree Child Sexual Abuse

D.C. Code Ann. § 22-3009 – Second Degree Child Sexual Abuse

D.C. Code Ann. § 22-3010 – Enticing a Child or Minor

D.C. Code Ann. § 22-3102 – Prohibited Acts

D.C. Code Ann. § 22-3010.01 – Misdemeanor Sexual Abuse of a Child or Minor

D.C. Code Ann. § 22-3010.02 – Arranging for a Sexual Contact with a Real or Fictitious Child

D.C. Code Ann. § 22-3013 – First Degree Sexual Abuse of a Ward, Patient, Client, or Prisoner

D.C. Code Ann. § 22-3014 – Second Degree Sexual Abuse of a Ward, Patient, Client, or Prisoner

3. D.C. Code Ann. §§ 22-4001 *et seq.* (2000) – Sex Offender Registry

Individuals who committed “registration offenses” as a result of being convicted or found not guilty by reason of insanity or who are determined to be a sexual psychopath pursuant to §§ 22-3803 through 22-3811 are considered sex offenders and must be registered as sex offenders with the Superior Court of the District of Columbia. D.C. Code Ann. § 22-4003. Registration offenses include, among other violations, “indecent acts with children” [D.C. Code Ann. § 22-3801(a)], enticing a child in violation of D.C. Code Ann. § 22-3801(b), “sexual performances using minors” in violation of D.C. Code Ann. § 22-3102, and violations of prostitution and pandering statutes, including D.C. Code Ann. §§ 22-2701 and 22-2704-13. D.C. Code Ann. § 22-4001.

B. Civil Liability Statutes

1. D.C. Code Ann. § 22-1840 (2010) – Civil Lawsuits

a. Summary

An individual who is a victim of an offense prohibited by § 22-1832 [forced labor], § 22-1833 [trafficking in labor or commercial sex acts], § 22-1834 [sex trafficking of children], § 22-1835 [unlawful conduct with respect to documents in furtherance of human trafficking], or § 22-1836 [benefitting financially from human trafficking] may bring a civil [lawsuit] in the Superior Court of the District of Columbia.

D.C. Code Ann. § 22-1840(a).

b. Damages and Other Relief

“The court may award actual damages, compensatory damages, punitive damages, injunctive relief, and any other appropriate relief. A prevailing plaintiff shall also be awarded attorney’s fees and costs. Treble damages shall be awarded on proof of actual damages where a defendant’s acts were willful and malicious.” D.C. Code Ann. § 22-1840(a).

c. Statute of Limitations

The statute of limitations for human trafficking civil lawsuits is three years. D.C. Code Ann. § 12-301(8). In a civil lawsuit based on a human trafficking offense, the statute of limitations “shall not begin to run until the plaintiff knew or reasonably should have known of any act constituting a violation of § 22-1832, § 22-1833, § 22-1834, § 22-1835 or § 22-1836, or until a minor plaintiff has reached the reach the age of majority, whichever is later.” D.C. Code Ann. § 22-1840(b). “If a person entitled to [commence a lawsuit] is imprisoned, insane, or incapacitated at the time the [claim] accrues so that is impossible or impracticable for him or her to bring [a lawsuit], then the time of the incapacity is not part of the time limited for the commencement of the [lawsuit].” D.C. Code Ann. § 22-1840(c). “A defendant is estopped to assert a defense of the statute of limitations when the expiration of the statute is due to conduct by the defendant inducing the plaintiff to delay the filing of the [lawsuit].” D.C. Code Ann. § 22-1840(d).

C. Additional Statutes Specific to Human Trafficking

1. D.C. Code Ann. §§ 32-1301 *et seq.* (2017) – Unpaid Wages

The District of Columbia’s Payment and Collection of Wages statute permits an aggrieved employee to bring a civil lawsuit to recover unpaid wages. Prevailing employees are entitled to payment of any back wages unlawfully withheld; liquidated damages equal to treble the amount of unpaid wages; equitable relief as may be appropriate, including reinstatement of employment and other injunctive relief; reasonable attorney’s fees and costs, as well as statutory penalties. An employer in violation of the Payment and Collection of Wages statute may be subject to additional criminal and administrative penalties. Any lawsuit for unpaid wages or liquidated damages must be commenced within three years after the wages were withheld. D.C. Code Ann. §§ 32-1307, 32-1308, 32-1011, 32-1012.

More information is available at: <https://does.dc.gov/service/office-wage-hour-compliance-0>.

2. D.C. Code Ann. §§ 4-501 *et seq.* (2019) – Victims’ Compensation Program

The District of Columbia’s Crime Victims Compensation Program provides funds to compensate victims of eligible crimes committed in the District of Columbia, including “forced labor, benefitting financially from human trafficking, using a minor in a sexual performance, promoting a sexual performance by a minor, attending or possessing a sexual performance by a minor, trafficking in labor or commercial sex acts, sex trafficking of children, [and] a felony violation of an act codified in Chapter 27 of Title 22, where a person was compelled to engage in prostitution or was a minor” D.C. Code Ann. § 4-501(6). Eligible victims and secondary victims may be entitled to recover for their economic loss, including medical expenses and mental health counseling expenses, among other things. D.C. Code Ann. § 4-501(7).

3. D.C. Code Ann. § 4-1301.02 (2019) – Definition of Abused Child Includes Sex Trafficking Victims

The District of Columbia requires reporting and responding to child abuse and neglect of a child and defines victims of sex trafficking as “abused” children.

4. D.C. Code Ann. § 22-1841 (2017) – Data Collection and Dissemination

“The District of Columbia, in cooperation with appropriate criminal justice agencies, shall collect statistical data related to human trafficking [including, among other things,] numbers of investigations, arrests, prosecutions, and convictions of traffickers and those committing human trafficking related crimes” D.C. Code Ann. § 22-1841(b).

5. D.C. Code Ann. § 22-1842 (2015) – Human Trafficking Training Required

The Metropolitan Police Department, the Child and Family Services Agency, and the Department of Youth Rehabilitation Services shall provide a minimum of four hours of training on human trafficking to new and current law enforcement officers, social workers, and case managers.

6. D.C. Code Ann. § 22-1843 (2015) – Posters

A notice at least 8.5 x 11 inches with information about the National Human Trafficking Resource Center hotline and its phone number shall be posted “in a conspicuous location in clear view of all employees and the public” at the following businesses:

- (1) A property found to be a prostitution-related nuisance as defined by § 42-3101(5);
- (2) An intercity rail or bus station;
- (3) A nude performance establishment as defined by § 25-101(34);
- (4) A massage establishment regulated pursuant to § 7-731(a)(12), that is located on property where conduct resulting in a conviction of an offense pursuant to Chapter 18A of this title, has occurred; provided, that a posting shall only be required for one year after a conviction of an offense in this paragraph has occurred, and a posting shall not be required if an owner or person in control of a massage establishment reports an allegation of the conduct leading to a conviction of an offense in this paragraph to a law enforcement agency; and
- (5) A hotel that is located on property where conduct resulting in a conviction of an offense pursuant to Chapter 18A of this title, has occurred; provided, that a posting shall only be required for one year after a conviction of an offense in this paragraph has occurred, and a posting shall not be required if an owner or person in control of a hotel reports an allegation of the conduct leading to a conviction of an offense in this paragraph to a law enforcement agency.

D.C. Code Ann. § 22-1843(a).

Failure of an owner or person in control of the premises of an establishment under subsection (a) of this section required to comply with the requirements of this section shall be subject to a civil fine of no more than USD 500 per violation; provided, that the Mayor shall provide an establishment with notice of non-compliance and an opportunity to comply before imposing a civil fine under this subsection.

D.C. Code Ann. § 22-1843(d).

“Prostitution-related nuisance” is defined as “[a]ny real property, in whole or in part, used, or intended to be used, to facilitate prostitution” D.C. Code Ann. § 42-3101(5)(B).

“Nude performance” is defined as “dancing or other entertainment by a person whose genitals, pubic region, or anus are less than completely and opaquely covered and, in the case of a female, whose breasts are less than completely and opaquely covered below a point immediately above the top of the areola.” D.C. Code Ann. § 25-101(34).

7. D.C. Code Ann. § 4-555.02 (2018) – Address Confidentiality Program

The Office of Victim Services and Justice Grants administers the Address Confidentiality Program and designates a substitute address for participants in the program to protect the confidentiality of the actual address of a participant. To participate, an applicant must submit an affidavit stating that they are a victim of a covered offense, which includes human trafficking. D.C. Code Ann. §§ 4-555.01(5), 4-555.03(d).

More information is available at: <https://ovsjg.dc.gov/acp>.

D. Significant Cases

No significant cases regarding the District of Columbia’s human trafficking laws were found.

E. Academic Research/Papers

No academic research or papers were found regarding the District of Columbia’s human trafficking laws.

F. Resources

D.C. Human Trafficking Task Force:

<https://www.justice.gov/usao-dc/human-trafficking>

National Human Trafficking Hotline (District of Columbia):

<https://humantraffickinghotline.org/state/district-columbia>

Office of the Attorney General for the District of Columbia Human Trafficking Initiatives:

<https://oag.dc.gov/public-safety/human-trafficking-initiatives>

Shared Hope International, District of Columbia Report Card (2019):

http://sharedhope.org/PICframe9/reportcards/PIC_RC_2019_DC.pdf

Shared Hope International, District of Columbia Analysis and Recommendations (2019):

https://sharedhope.org/PICframe9/analysis/PIC_AR_2019_DC.pdf

U.S. Department of Health & Human Services, *District of Columbia: Efforts to Combat Human Trafficking* (2017):

https://nhhtac.acf.hhs.gov/sites/default/files/2019-06/district_of_columbia_profile_efforts_to_combat_human_trafficking.pdf

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