

AN ACT

*Codification
District of
Columbia
Official Code*

2001 Edition

2011 Summer
Supp.

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend An act for the preservation of the public peace and the protection of property within the District of Columbia and the District of Columbia Law Enforcement Act of 1953 to revise the laws concerning disorderly conduct.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Disorderly Conduct Amendment Act of 2010".

Sec. 2. An act for the preservation of the public peace and the protection of property within the District of Columbia, approved July 29, 1892 (27 Stat. 322; codified in scattered cites of the D.C. Official Code), is amended as follows:

(a) Section 6 (D.C. Official Code § 22-1307) is amended to read as follows:

Amend
§ 22-1307

“Sec. 6. Blocking passage.

“It is unlawful for a person, alone or in concert with others, to crowd, obstruct, or incommode the use of any street, avenue, alley, road, highway, or sidewalk, or the entrance of any public or private building or enclosure or the use of or passage through any public conveyance, and to continue or resume the crowding, obstructing, or incommoding after being instructed by a law enforcement officer to cease the crowding, obstructing, or incommoding. A person who violates any provision of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than \$500, imprisoned for not more than 90 days, or both.”.

(b) Section 9 (D.C. Official Code § 22-1312) is amended to read as follows:

Amend
§ 22-1312

“Sec. 9. Lewd, indecent, or obscene acts.

“(a) It is unlawful for a person, in public, to make an obscene or indecent exposure of his or her genitalia or anus, to engage in masturbation, or to engage in a sexual act as defined in section 101(8) of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3001(8)). It is unlawful for a person to make an obscene or indecent sexual proposal to a minor. A person who violates any provision of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than \$500, imprisoned for not more than 90 days, or both.”.

(c) Section 11 (D.C. Official Code § 22-1314) is repealed.

Repeal
§ 22-1314

Sec. 3. Section 211 of the District of Columbia Law Enforcement Act of 1953, approved June 29, 1953 (67 Stat. 98; D.C. Official Code § 22-1321), is amended as follows:

Amend
§ 22-1321

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

“Sec. 211. Disorderly conduct.

“(a) In any place open to the general public, and in the communal areas of multi-unit housing, it is unlawful for a person to:

“(1) Intentionally or recklessly act in such a manner as to cause another person to be in reasonable fear that a person or property in a person’s immediate possession is likely to be harmed or taken;

“(2) Incite or provoke violence where there is a likelihood that such violence will ensue; or

“(3) Direct abusive or offensive language or gestures at another person (other than a law enforcement officer while acting in his or her official capacity) in a manner likely to provoke immediate physical retaliation or violence by that person or another person.

“(b) It is unlawful for a person to engage in loud, threatening, or abusive language, or disruptive conduct, with the intent and effect of impeding or disrupting the orderly conduct of a lawful public gathering, or of a congregation of people engaged in any religious service or in worship, a funeral, or similar proceeding.

“(c) It is unlawful for a person to engage in loud, threatening, or abusive language, or disruptive conduct, which unreasonably impedes, disrupts, or disturbs the lawful use of a public conveyance by one or more other persons.

“(d) It is unlawful for a person to make an unreasonably loud noise between 10:00 p.m. and 7:00 a.m. that is likely to annoy or disturb one or more other persons in their residences.

“(e) It is unlawful for a person to urinate or defecate in public, other than in a urinal or toilet.

“(f) It is unlawful for a person to stealthily look into a window or other opening of a dwelling, as defined in section 7 of the District of Columbia Alley Dwelling Act, approved June 12, 1934, (48 Stat. 933; D.C. Official Code § 6-101.07), under circumstances in which an occupant would have a reasonable expectation of privacy. It is not necessary that the dwelling be occupied at the time the person looks into the window or other opening.

“(g) It is unlawful, under circumstances whereby a breach of the peace may be occasioned, to interfere with any person in any public place by jostling against the person, unnecessarily crowding the person, or placing a hand in the proximity of the person’s handbag, pocketbook, or wallet.

“(h) A person who violates any provision of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than \$500, imprisoned not more than 90 days, or both.”.

(b) Subsection (b) is redesignated as section 211a.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal

ENROLLED ORIGINAL

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. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia