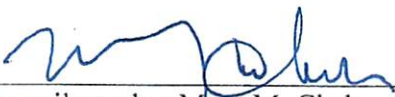
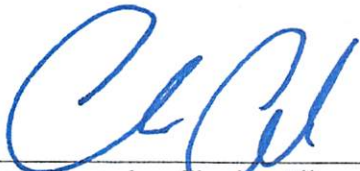
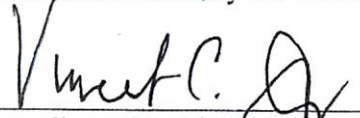
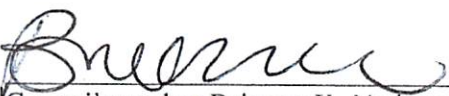


1 
2 Councilmember Mary M. Cheh


Councilmember Charles Allen

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5 Councilmember Vincent C. Gray


Councilmember David Grosso

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9 Councilmember Brianne K. Nadeau


Councilmember Brandon T. Todd

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14 A BILL

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17
18 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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22
23 To amend An Act relating to crime and criminal procedure in the District of Columbia to provide
24 definitions for certain terms related to the offense of rioting, to clarify the conduct that
25 constitutes rioting, to revise the penalties for convictions, and to establish a right to a jury
26 trial for prosecutions.

27
28 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
29 act may be cited as the "Rioting Modernization Amendment Act of 2020".

30 Sec. 2. Section 901 of An Act relating to crime and criminal procedure in the District of
31 Columbia, effective December 27, 1967 (81 Stat. 742; D.C. Official Code § 22-1322), is amended
32 to read as follows:

33 "Sec. 901. Rioting.

34 "(a) Except as provided in subsection (b), a person commits the offense of rioting if that
35 person:

36 "(1) In fact, is in a location that is:

37 "(A) Open to the general public at the time of the offense; or

38 “(B) A communal area of multi-unit housing; and
39 “(2) Knowingly commits, or attempts to commit, a criminal offense that causes or
40 would cause:
41 “(A) The damage to, or taking of, property;
42 “(B) Bodily injury; or
43 “(C) Sexual contact, as that term is defined in section 101(9) of the Anti-
44 Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Code § 22-3001); and
45 “(3) Is reckless as to the fact nine or more other people are each attempting to
46 commit or committing a criminal offense involving damage to property, taking of property, or
47 bodily injury, in the area perceptible to the person.
48 “(b)(1) Nothing in this section shall be construed to prohibit conduct protected by the First
49 Amendment Rights and Police Standards Act of 2004, effective April 13, 2005 (D.C. Law 15-352;
50 D.C. Code § 5-331.01 *et seq.*).
51 “(2) It is not an offense to attempt to commit the offenses of rioting, as described
52 in subsection (a).
53 “(c) A person may be convicted of both rioting and a criminal offense involving damage
54 to property, taking of property, bodily injury, or sexual contact arising from the same course of
55 conduct.
56 “(d)(1) Notwithstanding D.C. Official Code § 16-705(b), a defendant charged with
57 committing the offense of rioting may demand a jury trial.
58 “(2) If the defendant demands a jury trial pursuant to paragraph (1) of this
59 subsection, the trial shall be by jury, unless the defendant in open court expressly waives trial by
60 jury and requests trial by the court, and the court and the prosecuting officer consent to the waiver.

61 “(e) Any person convicted of rioting shall be fined not more than the amount set forth in
62 section 101 of the Criminal Fine Proportionality Amendment Act of 2012 (D.C. Law 19-317; D.C.
63 Official Code § 22-3571.01), imprisoned for not more than 180 days, or both.”.

64 “(f) For the purposes of this section, the term:

65 “(1) “Bodily injury” means physical pain, illness, or any impairment of physical
66 condition.

67 “(2) “Open to the general public” means a setting in which no payment or
68 permission is required to enter.

69 Sec. 3. Fiscal impact statement.

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

73 Sec. 4. Effective date.

74 This act shall take effect following approval by the Mayor (or in the event of veto by the
75 Mayor, action by the Council to override the veto), a 60-day period of congressional review as
76 provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24,
77 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of
78 Columbia Register.