


Councilmember Phil Mendelson

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A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Councilmember Phil Mendelson introduced the following bill, which was referred to the
Committee on _____.

To prohibit human trafficking in the District of Columbia; amend Title 23 of the District of
Columbia Official Code to establish a statute of limitations for human trafficking and like cases,
include human trafficking in the definition of "dangerous crime", and to include an opportunity
to consult a victim advocate in Crime Victim's Bill of Rights; amend the Victims of Violent
Crime Compensation Act of 1996 to include human trafficking; amend title 14 of the District of
Columbia Official Code to protect confidential communications between human trafficking
counselors and victims; amend An Act To provide for the mandatory reporting by physicians
and institutions in the District of Columbia of certain physical abuse of children to include
human trafficking counselors as mandatory reporters; and to require the executive to collect data
concerning human trafficking crimes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
act may be cited as the "Prohibition Against Human Trafficking Act of 2009".

Sec. 2. Definitions

(1) "Blackmail" has the same meaning as defined by D.C. Official Code 22§ 3252;

(2) "Business" means any corporation, partnership, sole proprietorship, firm, enterprise,
franchise, association, organization, holding company, joint stock, trust, and any legal entity
through which business is conducted for profit.

(3) "Commercial sexual activity" 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 and

includes but is not limited to a violation of An Act For the suppression of prostitution in the District of Columbia, approved August 15, 1935 (49 Stat. 651; D.C. Official Code § 22-2701 et seq.); section 2 of the Control of Prostitution and Sale of Controlled Substances in Public Places Criminal Control Act of 1981, effective December 10, 1981 (D.C. Law 4-57; D.C. Official Code § 22-2701.01); section 813 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat 1322; D.C. Official Code § 22-2704); An Act In relation to pandering, to define and prohibit the same and to provide for the punishment thereof, approved June 25, 1910 (36 Stat 833; D.C. Official Code § 22-2705 et seq.); An Act To enjoin and abate houses of lewdness, assignation, and prostitution; to declare the same to be nuisances; to enjoin the person or persons who conduct or maintain the same and the owner or agent of any building used for such purpose; and to assess a tax against the person maintaining said nuisance and against the building and owner thereof, approved February 7, 1914 (38 Stat. 280; D.C. Official Code § 22-2713 et seq.); and section 1 of An Act To confer concurrent jurisdiction on the police court of the District of Columbia in certain cases, approved July 16, 1912 (37 Stat.192; D.C. Official Code § 22-2722).

(4) "Debt coercion" means the status or condition of a debtor arising from a pledge by the debtor of his or her personal services or those of a person under his or her control as a security for a debt, where the value of those services as reasonably assessed is not applied toward the liquidation of the debt, the length and nature of those services are respectively limited and defined., or the principal amount of the debt does not reasonably reflect the value of the items or services for which the debt was incurred.

(5) "Labor" means work that has economic or financial value.

(6) "Minor" means a person under the age of 18 years.	1
(7) "Services" means legal or illegal duties or work done for another, whether or not compensated.	2 3
Section 3. Human Trafficking	4
It is unlawful for an individual or business to knowingly recruit, entice, harbor, or transport a person for the purpose of providing labor or services, or knowingly provide, obtain or maintain the labor or services of a person by one or more or more of the following:	5 6 7
(a) causing or threatening to cause bodily injury (or physical harm), or to sexually abuse that person or another person;	8 9
(b) physically restraining, kidnapping or threatening to physically restrain or kidnap that person or another person;	10 11
(c) abusing or threatening to abuse the law or legal process;	12
(d) extortion or blackmail;	13
(e) deception or fraud;	14
(f) debt coercion;	15
(g) causing or threatening to cause financial or emotional harm to that person or another person;	16 17
(h) facilitating or controlling that person's access to an addictive controlled substance or restricting or controlling that person's access to prescription medication; or	18 19
(i) conduct that causes a person and would cause a reasonable person in the victim's circumstances to believe that he or she is the property of a person or business.	20 21
(j) a scheme, plan or pattern of behavior that caused the person to believe that, if the	22

person did not perform such labor or services, that person or another person would suffer bodily injury or physical restraint; or

(k) facilitating a minor to engage in a commercial sex act.

Section 4. Benefitting from Human Trafficking

It is unlawful for an individual or business to benefit from human trafficking by receiving anything of value from or on account of labor or services that were or were to be provided by a person, if the individual or business knew or had reason to know that the person provided or was to provide that labor or those services because the individual, another individual or a business:

(a) caused or threatened to cause bodily injury (or physical harm) or sexual abuse to that person or another person;

(b) physically restrained, kidnapped or threatened to physically restrain or kidnap that person or another person;

(c) abused or threatened to abuse the law or legal process;

(d) extortion or blackmail;

(f) deception or fraud;

(e) debt bondage;

(f) caused or threatened to cause financial or emotional harm to that person or another person;

(g) facilitated or controlled that person's access to an addictive controlled substance or restricted or controlled that person's access to prescription medication;

(h) a scheme, plan or pattern of behavior that caused the person to believe that, if the person did not perform such labor or services, that person or another person would suffer bodily

injury or physical restraint; or 1

(i) facilitating a minor to engage in a commercial sex act. 2

It is not necessary for the government to prove the identity of the person who committed 3
the acts described above to find the defendant guilty of benefitting from human trafficking. 4

Section 5. Penalties 5

(a) Whoever violates Section 3 or 4 of this Act shall be fined not more than \$200,000 6
and imprisoned for not more than 20 years, or both. 7

(b) Whoever violates Section 3 or 4 of this Act when the person is held or provides 8
services for more than 180 days shall be fined not more than 1 ½ times the maximum fine 9
authorized for the designated act and imprisoned for not more than 1 ½ times the maximum term 10
authorized for the designated act., or both 11

(c) Whoever violates Section 3 or 4 of this Act when more than five persons are held or 12
provide services for more than 180 days each shall be fined not more than 3 times the maximum 13
fine otherwise authorized for the offense and imprisoned for not more than 3 times the 14
maximum term otherwise authorized the offense, or both. 15

(e) Whoever attempts to violate Section 3 or 4 of this act shall be fined not more than ½ 16
the maximum fine otherwise authorized for the offense or imprisoned for not more than ½ the 17
maximum term otherwise authorized for the offense, or both. 18

Section 6. Unlawful Conduct with Respect to Documents in Furtherance of Human Trafficking 1
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Anyone who knowingly destroys, conceals, removes, confiscates, or possesses, or attempts to destroy, conceal, remove, confiscate, or possess, any actual or purported passport or other immigration document, or any other actual or purported government identification 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, shall be fined not more than \$5,000 and imprisoned for not more than 5 years. 3
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Sec. 7. Reputation or opinion evidence. 9

(a) Notwithstanding any other provision of law, in a criminal case in which a person is accused of a violation of section 813 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat 1322; D.C. Official Code § 22-2704); section 1, chapter 936 of An Act In relation to pandering, to define and prohibit the same and to provide for the punishment thereof, approved June 25, 1910 (36 Stat 833; D.C. Official Code § 22-2705 et seq.); sections 2 and 4 of chapter 404 of An Act In relation to pandering, to define and prohibit the same and to provide for the punishment thereof, approved June 25, 1910 (36 Stat 833; D.C. Official Code § 22-2706); D.C. Official Code § 22-2708); the District of Columbia Protection of Minors Act of 1982, approved March 9, 1983 (D.C. Law 4-173; D.C. Official Code §22-3101 et seq.); human trafficking, as prohibited by Section 3 of this Act; or benefitting from human trafficking, as prohibited by Section 4 of this Act, reputation or opinion evidence of the past sexual behavior or commercial sexual activities of the child, minor or alleged victim is not admissible. 10
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(b) Consent or permission by a victim or anyone else on the victim's behalf to engage in prostitution shall not constitute a defense to a violation to any of the following offenses: section 813 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat 1322; D.C. Official Code § 22-2704); section 1, chapter 936 of An Act In relation to pandering, to define and prohibit the same and to provide for the punishment thereof, approved June 25, 1910 (36 Stat 833; D.C. Official Code § 22-2705 et seq.); sections 2 and 4 of chapter 404 of An Act In relation to pandering, to define and prohibit the same and to provide for the punishment thereof, approved June 25, 1910 (36 Stat 833; D.C. Official Code § 22-2706); D.C. Official Code § 22-2708); the District of Columbia Protection of Minors Act of 1982, approved March 9, 1983 (D.C. Law 4-173; D.C. Official Code §22-3101 et seq.); human trafficking, as prohibited by Section 3 of this Act; or benefitting from human trafficking, as prohibited by Section 4 of this Act, reputation or opinion evidence of the past sexual behavior or commercial sexual activities of the child, minor or alleged victim is not admissible.

Sec. 8. Spousal or domestic partner privilege inapplicable.

(a) Notwithstanding any other law, attaching a privilege against disclosure of communication between spouses or domestic partners are inapplicable in prosecutions for section 813 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat 1322; D.C. Official Code § 22-2704); section 1, chapter 936 of An Act In relation to pandering, to define and prohibit the same and to provide for the punishment thereof, approved June 25, 1910 (36 Stat 833; D.C. Official Code § 22-2705 et seq.); sections 2 and 4 of chapter 404 of An Act In relation to pandering, to define and prohibit the same and to provide for the punishment thereof, approved June 25, 1910 (36 Stat 833; D.C. Official Code § 22-2706);

D.C. Official Code § 22-2708); the District of Columbia Protection of Minors Act of 1982, approved March 9, 1983 (D.C. Law 4-173; D.C. Official Code §22-3101 et seq.); human trafficking, as prohibited by Section 3 of this Act; or benefitting from human trafficking, as prohibited by Section 4 of this Act, reputation or opinion evidence of the past sexual behavior or commercial sexual activities of the child, minor or alleged victim is not admissible.

(b) No actor is immune from prosecution under section 813 of An Act To establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat 1322; D.C. Official Code § 22-2704); section 1, chapter 936 of An Act In relation to pandering, to define and prohibit the same and to provide for the punishment thereof, approved June 25, 1910 (36 Stat 833; D.C. Official Code § 22-2705 et seq.); sections 2 and 4 of chapter 404 of An Act In relation to pandering, to define and prohibit the same and to provide for the punishment thereof, approved June 25, 1910 (36 Stat 833; D.C. Official Code § 22-2706); D.C. Official Code § 22-2708); the District of Columbia Protection of Minors Act of 1982, approved March 9, 1983 (D.C. Law 4-173; D.C. Official Code §22-3101 et seq.); human trafficking, as prohibited by Section 3 of this Act; or benefitting from human trafficking, as prohibited by Section 4 of this Act, because of marriage, domestic partnership, or cohabitation with the victim.

Sec. 9. Title 23 of the District of Columbia Official Code is amended as follows:

(a) Sec. 23-113 is amended as follows:

(1) Section 23-113(a)(2) is amended as follows:

(A) delete the word “and” after the semicolon in paragraph (C);

(B) delete the period at the end of paragraph (D) and insert the phrase “;

and” in its place; and

(C) insert the following new paragraphs (E) through (J) to read as follows: 1

“(E) Trafficking of Persons for Forced Labor or Services as defined 2
by the Prohibition Against Human Trafficking Act of 2008; 3

“(G) section 813 of An Act To establish a code of law for the 4
District of Columbia, approved March 3, 1901 (31 Stat 1322; D.C. Official Code § 22-2704); 5

“(H) section 1, chapter 936 of An Act In relation to pandering, to 6
define and prohibit the same and to provide for the punishment thereof, approved June 25, 1910 7
(36 Stat 833; D.C. Official Code § 22-2705 et seq.); 8

“(I) sections 2 and 4 of chapter 404 of An Act In relation to 9
pandering, to define and prohibit the same and to provide for the punishment thereof, approved 10
June 25, 1910 (36 Stat 833; D.C. Official Code § 22-2706; D.C. Official Code § 22-2708); 11

“(J) “the District of Columbia Protection of Minors Act of 1982, 12
approved March 9, 1983 (D.C. Law 4-173; D.C. Official Code §22-3101 et seq.). 13

(2) Section 23-113(d)(2) is amended as follows: 14

(A) delete the word “and” after the semicolon in paragraph (D); 15

(B) delete the period at the end of paragraph (E) and insert the phrase “; 16
and” in its place; and 17

(C) insert the following new paragraph (F) - (L) to read as follows: 18

“(F) Sections 208a and 208b of the Anti-Sexual Abuse Act of 19
1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Official Code § 22-3001 et seq.) 20

“(G) section 813 of An Act To establish a code of law for the 21
District of Columbia, approved March 3, 1901 (31 Stat 1322; D.C. Official Code § 22-2704); 22

“(H) section 1, chapter 936 of An Act In relation to pandering, to
define and prohibit the same and to provide for the punishment thereof, approved June 25, 1910
(36 Stat 833; D.C. Official Code § 22-2705 et seq.);

“(I) human trafficking as prohibited by the Prohibition Against
Human Trafficking Act of 2008, where the victim is a minor;

“(J) benefitting from human trafficking as prohibited by the
Prohibition Against Human Trafficking Act of 2008, where the victim is a minor;

“(K) section 2 chapter 404 of An Act In relation to pandering, to
define and prohibit the same and to provide for the punishment thereof, approved June 25, 1910
(36 Stat 833; D.C. Official Code § 22-2706) where the victim is a minor..”

(3) A new Section 113(d)(4) is added to read as follows:

The period of limitation shall not begin to run for human trafficking or benefitting from
human trafficking until the victim is no longer subject to the means listed in Sections 3(a)-(L)
and 4(a)-(l) of this Act to provide, obtain or maintain labor or services.

(b) Section 23-1331(3) is amended as follows:

(1) Subparagraph (G) is amended by striking the “or” at the end.

(2) New subparagraphs (I) through (L) are added to read as follows:

“(I) Human trafficking ;

“(J) Benefitting from human trafficking;

“(K) Sexual performance using minors (to be renamed child pornography
or sexual exploitation of a minor?); or

“(L) An attempt or conspiracy to commit any of the foregoing offenses.

(b) Section § 23-1901(b) is amended by inserting a new paragraph “(9)” to read as follows:

“(9) To ensure the victim has an opportunity to consult with a victim advocate or other appropriate person to develop a safety plan and appropriate services.”

Sec. 10. The Victims of Violent Crime Compensation Act of 1996, effective April 9, 1997 (D.C. Law 11-243; D.C. Official Code § 4-501 *et seq.*), is amended as follows:

(a) Section 2(6) (D.C. Official Code § 4-501(6)) is amended to read as follows:

“(6) "Crime of violence" or "crime" means the offense of, or the attempt to commit the offense of, an act of terrorism, use, dissemination, or detonation of a weapon of mass destruction, manufacture or possession of a weapon of mass destruction, arson, assault, assault with a dangerous weapon, aggravated assault, assault on a police officer, assault with intent to kill, assault with intent to commit any offense, burglary, stalking, threats, negligent homicide, sexual abuse, kidnapping, maliciously disfiguring another, manslaughter, murder, mayhem, riot, robbery, carjacking, cruelty to children, unlawful use of an explosive, forced labor, benefitting from human trafficking; child pornography (or sexual exploitation of a minor), cruelty to children in the second degree, human trafficking, a felony violation of title 22, chapter 27, where a person was compelled to engage in prostitution or was a minor; a violation of title 50, that resulted in death or bodily injury to a person; abducting a child for purposes of prostitution, compelling an individual to engage in prostitution, sexual performance using minors, causing a spouse to live in prostitution, or possessing a sexual performance by a minor, including these offenses when motivated by bias as provided by Chapter 37 of Title 22, or any violation of §§ 50-2201.04 and 50-2201.05, notwithstanding that the offender lacked the capacity to commit the offense by

reason of infancy, insanity, intoxication, or otherwise. These terms include an offense where the perpetrator and victim are members of the same family or household, an offense whether prosecuted under the District of Columbia Official Code or the United States Code, and a terrorist act or act of mass violence as defined in 18 U.S.C. 2331, committed in the District of Columbia against any person or outside of the United States against a resident of the District of Columbia. A crime occurs whether or not any person is identified, arrested, prosecuted, or convicted. Unless an application for rehearing, appeal, or petition for certiorari is pending or a new trial or hearing has been ordered, the conviction of a person whose acts gave rise to the claim is conclusive evidence that a crime was committed.”

(b) Subsection 7(c) (D.C. Official Code § 4-506(c) is amended as follows:

Subsection (c) and (c)(1) is amended to read as follows:

“(c) Notwithstanding subsection (a)(3) of this section, a victim who has been sexually abused or subjected to unlawful sexual conduct, domestic violence, or cruelty to children, forced labor, child pornography (or sexual exploitation of a minor), cruelty to children in the second degree, human trafficking, a felony violation of title 22, chapter 27, where a person was compelled to engage in prostitution or was a minor; abducting a child for purposes of prostitution, compelling an individual to engage in prostitution, sexual performance using minors, or causing a spouse to live in prostitution, who does not report the crime to the local police department, may:

“(1) In the case of domestic violence, forced labor, child pornography (or sexual exploitation of a minor), cruelty to children in the second degree, human trafficking, a felony violation of title 22, chapter 27, where a person was compelled to

engage in prostitution or was a minor; a violation of title 50, that resulted in death or 1
bodily injury to a person; abducting a child for purposes of prostitution, compelling an 2
individual to engage in prostitution, sexual performance using minors, or causing a spouse to live 3
in prostitution victims, satisfy the reporting requirement by seeking a civil protection order from 4
the Office of the Attorney General of the District of Columbia;” 5

(b) Subsection 9(a)(1) (D.C. Official Code § 4-508) is amended by inserting after the 6
word “crime” the phrase “unless the claimant was a minor”. 7

Sec. 11. Chapter 3 of Title 14 of the District of Columbia Official Code is amended as 8
follows: 9

(a) The table of contents is amended by adding the following phrase at the end: 10

“14-311. Human trafficking counselors.”. 11

(b) Section 14-307 is amended by striking the phrase “physician or surgeon or mental 12
health professional as defined by § 7-1201.01(11) or a domestic violence counselor as defined in 13
§ 14-310(a)(2)” and inserting the phrase “physician, surgeon, mental health professional as 14
defined by § 7-1201.01(11), a domestic violence counselor as defined in § 14-310(a)(2), or a 15
human trafficking counselor as defined in § 14-311(a)(2)” its place. 16

(c) A new section 14-311 is added to read as follows: 17

“§ 14-311. Human trafficking counselors. 18

“(a) For the purposes of this section, the term: 19

“(1) “Confidential communication” means information exchanged 20
between a victim and a human trafficking counselor during the course of the counselor providing 21
counseling, support, and assistance to a victim, including all records kept by the counselor and 22

the human trafficking program concerning the victim and services provided to the victim. 1

“(2) “Human trafficking counselor” means an employee, 2
contractor, or volunteer of a human trafficking program who: 3

“(A) Is rendering support, counseling, or assistance to a 4
victim; 5

“(B) Has undergone not less than 40 hours of human 6
trafficking counselor training conducted by a human trafficking program that includes dynamics 7
of 8
human trafficking, trauma resulting from human trafficking, crisis intervention, personal safety, 9
risk management, criminal and civil court processes, and resources available to victims; and 10

“(C)(i) Is or is under the supervision of a licensed social 11
worker, nurse, physician, psychologist, or psychotherapist; or 12

“(ii) Is or is under the supervision of a person who has a 13
minimum of 5 years of experience rendering support, counseling, or assistance to persons 14
against whom severe emotional abuse or a criminal offense has been committed or is alleged to 15
have been committed, of which at least 2 years of experience involves victims. 16

“(3) Human trafficking offense” means abducting or enticing a child from 17
his or her home for purposes of prostitution; harboring such child (D.C. Official Code § 18
22-2704); pandering; inducing or compelling an individual to engage in prostitution (D.C. 19
Official Code § 22-2705); compelling an individual to live life of prostitution against his or her 20
will (D.C. Official Code § 22-2706); causing spouse to live in prostitution (D.C. Official Code § 21
22-2708; sexual performance using minors (D.C. Official Code §22-3101 et seq.); human 22

trafficking, as prohibited by Section 3 of this Act; or benefitting from human trafficking, as 1
prohibited by Section 4 of this Act. 2

“(4) “Human Trafficking program” means a nonprofit, non-governmental 3
organization that supports, counsels, and assists victims, including human trafficking hotlines, 4
human trafficking shelters, and human trafficking intake centers. 5

“(5) “Victim” means a person against whom severe emotional abuse or an 6
human trafficking offense has been committed or is alleged to have been committed. 7

“(b)(1) A human trafficking counselor shall not disclose a confidential 8
communication except: 9

“(A) As required by statute or by a court of law; 10

“(B) As voluntarily authorized in writing by the victim; 11

“(C) To other individuals employed at the human trafficking 12
program and third party providers when and to the extent necessary to facilitate the delivery of 13
services to the victim; 14

“(D) To the Metropolitan Police Department or other law 15
enforcement agency to the extent necessary to protect the victim or another individual from a 16
substantial risk of imminent and serious physical injury; 17

“(E) To compile statistical or anecdotal information, without 18
personal identifying information, for research or public information purposes; or 19

“(F) For any confidential communications relevant to a claim or 20
defense if the victim files a lawsuit against a human trafficking counselor or a human trafficking 21
program. 22

“(2) Unless the disclosure is public, confidential communications
disclosed pursuant to paragraph (1) of this subsection shall not be further disclosed by the
recipient except as authorized in paragraph (1) of this subsection.

“(3) Confidential communications are not waived by the presence of a sign
language or foreign language interpreter. Such an interpreter is subject to the same disclosure
limitations set forth in paragraph (1) of this subsection and the same privilege set forth in
subsection (c) of this section.

“(c)(1) Except as provided in paragraph (2) of this subsection, when a victim is
under 12 years of age, has been adjudicated incompetent by a court of competent jurisdiction for
the purpose of asserting or waiving the privilege established by this section, or is deceased, the
victim’s parent, guardian, or personal representative may assert or waive the privilege.

“(2) If the parent, guardian, or personal representative of a victim
described in paragraph (1) of this subsection has been charged with an intrafamily offense or has
had a protection order or a neglect petition entered against him or her at the request of or on
behalf of the victim, or otherwise has interests adverse to those of the victim with respect to the
assertion or waiver of the privilege, the court shall appoint an attorney for purposes of asserting
or waiving the privilege.

“(d) The assertion of any privilege under this section is not admissible in
evidence.”

Sec. 12. Section 2(b) of An Act To provide for the mandatory reporting by physicians
and institutions in the District of Columbia of certain physical abuse of children, approved
November 6, 1966 (80 Stat. 1354; D.C. Official Code § 4-1321.02(b)), is amended by inserting

after the phrase "day care worker," the phrase "human trafficking counselor,". 1

Sec. 13. An Act In relation to pandering, to define and prohibit the same and to provide 2
for the punishment thereof, approved June 25, 1910 (36 Stat. 833; D.C. Official Code § 22- 2705 3
et seq.), is amended as follows: 4

(a) Section 2 (D.C. Official Code § 22-2706(a)) is amended as follows: 5

"(a) It is unlawful for any person, within the District of Columbia, by threats or 6
duress, to detain or any individual against such individual's will, for the purpose of prostitution or 7
a sexual act or sexual contact, or to compel any individual against such individual's will, to reside 8
in any place for the purposes of prostitution or a sexual act or sexual contact,. 9

(b) Section 4 (D.C. Official Code § 22-2708(a)) is amended by inserting the word 10
"coercion" after the word "intimidation". 11

Sec. 14. Section 3 of the District of Columbia Protection of Minors Act of 1982, 12
effective March 9, 1983 (D.C. Law 4-173;D.C. Official Code § 22-3201) is amended as follows: 13

(1) By deleting the phrase "16" and inserting the phrase "18" wherever it appears; 14
and 15

(2) by inserting a new paragraph (3) to read as follows: 16

"(3) A person is guilty of possessing a sexual performance by a minor 17
when, knowing the character and content thereof, he or she possesses any motion picture, 18
photograph, electronic representation, or any other visual presentation, with or without the intent 19
to distribute." 20

Sec. 15. Civil action 21

(a) An individual who is a victim of trafficking may bring a civil action in D.C. Superior 22

Court. The court may award actual damages, compensatory damages, punitive damages, 1
injunctive relief, and any other appropriate relief. A prevailing plaintiff shall also be awarded 2
attorney’s fees and costs. Treble damages shall be awarded on proof of actual damages where 3
defendant’s acts were willful and malicious. 4

(b) Any statute of limitation imposed for the filing of a civil suit will not start to run until 5
any minor plaintiff has reached the age of majority. 6

(c) If a person entitled to sue is under a disability at the time the cause of action accrues, 7
so that it is impossible or impracticable for him or her to bring an action, then the time of the 8
disability is not part of the time limited for the commencement of the action. Disability includes, 9
but is not limited to, insanity, imprisonment, or other incapacity or incompetence. 10

(d) The period of limitations for a cause of action does not run until a person entitled to 11
sue could have reasonably discovered the cause of action due to circumstances resulting from the 12
trafficking situation, such as psychological trauma, cultural and linguistic isolation, and the 13
inability to access services. 14

(e) A defendant is estopped to assert a defense of the statute of limitations when the 15
expiration of the statute is due to conduct by the defendant inducing the plaintiff to delay the 16
filing of the action or placing the plaintiff under duress. 17

Sec.16 Data Collection and Dissemination 18

(a) For the purposes of this section, 19

(1) “trafficking related crimes” means pimping, pandering, procuring, maintaining 20
a brothel, possessing a sexual performance by a minor, visa fraud, document fraud, and assisting 21
in unlawful entry into the US. 22