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2 Councilmember Brandon T. Todd

Councilmember Mary M. Cheh

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6 Councilmember Anita Bonds

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15 A BILL

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19 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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23 To amend the District of Columbia Municipal Regulations to authorize animal control officers to
24 operate emergency lights and sirens when responding to a life threatening animal-related
25 emergency; to amend Chapter 106 of the Acts of the Legislative Assembly to provide for
26 the provision of a bond to care for seized animals during the pendency of criminal or
27 other proceedings; to prohibit the possession of an implement of dogfighting; to prohibit
28 sexual contact between a person and an animal, including the advertisement, offer of sale,
29 or dissemination of photographs or video footage of sexual contact between a person and
30 animal; to prohibit a pet store operator from selling a live dog or cat in a pet store unless
31 the dog or cat was obtained from the Animal Care and Control Agency, a society for the
32 prevention of cruelty to animals, a humane society shelter, or rescue group; and to alter
33 the pure property disposition of a pet in a divorce.

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35 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
36 act may be cited as the “Animal Care and Control Omnibus Act of 2019”.

37 Sec. 2. Title 18 of the District of Columbia Municipal Regulations (18 DCMR) is
38 amended

39 as follows:

40 (a) Section 9901 (18 DCMR § 9901) is amended by adding a new paragraph to

1 read as follows:

2 “Animal-related emergency – an urgent situation, as deemed by an officer of the
3 Metropolitan Police Department or the Animal Care and Control Agency, where, for example, an
4 animal may be dangerous to humans or other animals or where a dead or injured animal is
5 obstructing a public space or roadway.”.

6 (b) Section 712.1 (18 DCMR § 712.1) is amended to read as follows:

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8 “712.1 The Director may register as an authorized emergency vehicle the following:

9 “(a) Vehicles of a fire or police department;

10 “(b) An ambulance;

11 “(c) An official government-owned vehicle used for the emergency care or
12 preservation of life, health, and property; and

13 “(d) An official vehicle owned by the Animal Care and Control Agency,

14 established in section 3 of the Animal Control Act of 1979, effective October 18, 1979 (D.C.

15 Law 3-30; D.C. Official Code § 8-1802), used for responding to an animal-related emergency as

16 defined in section 9901 of Title 18 of the District of Columbia Municipal Regulations (18

17 DCMR § 9901).

18 “An animal control officer may not operate a vehicle in accordance with this Act until the
19 officer has received comprehensive training in the areas of liability, driving skills and decision-
20 making, and emergency vehicle operation. The Animal Care and Control Agency shall be liable
21 for its negligence and the negligence of its employees or agents in the operation of emergency
22 vehicles.”.

23 Sec. 3. Chapter 106 of the Acts of the Legislative Assembly, approved August 23, 1871

24 (D.C. Official Code § 22-1001 *et seq.*), is amended as follows:

1 (a) Section 4 (D.C. Official Code § 22-1004) is amended as follows:

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

3 “(a) A person found violating the laws in relation to cruelty to animals may be
4 arrested and held without a warrant, in the manner provided by § 44-1505 and the person making
5 an arrest, with or without a warrant, shall use reasonable diligence to give notice thereof to the
6 owner of animals found in the charge or custody of the person arrested, and shall properly care
7 and provide for such animals until the owner thereof shall take charge of the same.”.

8 (2) Subsection (b)(1) is amended to read as follows:

9 “(b)(1) A humane officer of the Washington Humane Society may take
10 possession of any animal to protect it from neglect or cruelty. The person taking possession of
11 the animal or animals shall use reasonable diligence to give notice thereof to the owner of
12 animals found in the charge or custody of the person arrested, and shall properly care and
13 provide for the animals until the owner shall take charge of the animals.”.

14 (3) Subsection (c) is amended to read as follows:

15 “(c)(1) The owner of a seized animal pursuant to subsection (a) or (b) may request
16 a hearing regarding the possession of the animal within the 20-day period provided by subsection
17 (b)(2). If the hearing officer finds, by a preponderance of the evidence, that the owner did
18 abandon, neglect, or cruelly treat the animal, the animal shall become the property of the
19 Washington Humane Society as provided by subsection (b)(2), except as provided in paragraph
20 (3).

21 “(2) If the hearing officer does not find that the owner abandoned,
22 neglected, or cruelly treated the animal, the hearing officer shall order the return of the animal to
23 the owner, except as provided in paragraph (3). The hearing officer may order the owner to

1 reimburse the Washington Humane Society for the reasonable costs to care, feed, and treat the
2 animal during the period in which the animal was in the possession of the Washington Humane
3 Society.

4 “(3) During the pendency of a criminal investigation, prosecution, appeal, or other
5 action arising from an act related to the seizure of the animal, the hearing officer shall order the
6 animal to the possession of the Washington Humane Society, and shall order the owner to post a
7 bond sufficient to cover the reasonable costs to care, feed, and treat the animal for 30 days. At
8 the expiration of such bond, or subsequent bond, if the criminal investigation, prosecution,
9 appeal, or other action remains pending, the owner shall post an additional bond sufficient to
10 cover the reasonable costs to care, feed, and treat the animal for an additional 30 days. If an
11 owner fails to post a bond within 5 days of an order or obligation pursuant to this paragraph, the
12 animal shall become the property of the Washington Humane Society as provided by subsection
13 (b)(2).

14 “(4) The Washington Humane Society may draw on any bond required to be
15 posted pursuant to this section for the actual reasonable costs of providing care, feeding, and
16 treatment of the seized animal. The reasonable costs incurred in excess of such bond shall be a
17 lien on the animal and shall be discharged by the owner before the animal may be released to the
18 owner.

19 “(5) Upon the resolution of the criminal investigation, prosecution, appeal, or
20 other action resulting in the animal being placed in the possession of the Washington Humane
21 Society, the hearing officer shall conduct a hearing on the disposition of the animal. If the
22 hearing officer finds, by a preponderance of the evidence, that the owner did abandon, neglect, or
23 cruelly treat the animal, the animal shall become the property of the Washington Humane

1 Society as provided by subsection (b)(2). If the hearing officer does not find that the owner
2 abandoned, neglected, or cruelly treated the animal, the hearing officer shall order the return of
3 the animal to the owner, provided that the animal is not subject to a lien as provided in paragraph
4 (4). If the resolution of the criminal investigation, prosecution, appeal, or other action results in
5 the forfeiture of the animal, the hearing officer need not conduct a hearing and the animal shall
6 become the property of the Washington Humane Society as provided by subsection (b)(2).

7 “(6) The Mayor shall establish by rulemaking a notice and hearing process for the
8 owner of the animal to contest the seizure, detention, and terms of release and treatment of the
9 animal, the allegation of cruelty, abandonment, or neglect, and the imposition of the lien and
10 costs associated for caring and providing for the animal.

11 “(7) Within 30 days of the effective date of the Animal Care and Control
12 Omnibus Act of 2019, the proposed rules shall be submitted to the Council for a 45-day review
13 period of review, excluding weekends, legal holidays, and days of Council recess. If the Council
14 does not approve or disapprove of the proposed rules, by resolution, within the 45-day review
15 period, the rules shall be deemed approved.”

16 (b) A new section 6b (D.C. Official Code § 22-1006.02) is added to read as follows:

17 “Sec. 6b. Possession of an implement of dogfighting.

18 “(a) It shall be unlawful in the District of Columbia for a person to possess, with the
19 intent to unlawfully use, an implement of dogfighting.

20 “(b)(1) A person who violates this section shall be guilty of a misdemeanor, and upon
21 conviction, shall be fined not more than the amount set forth in section 101 of the Criminal Fine
22 Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 190317; D.C.
23 Official Code § 22-3571.01), imprisoned for not more than 90 days, or both.

1 “(2) As a condition of sentencing, the court may:

2 “(A) Order a defendant convicted of violating this section to participate in
3 and pay for psychological counseling; and

4 “(B) Prohibit a defendant from owning, possessing, or residing with an
5 animal for a specified time period.

6 “(3) Each implement of dogfighting possessed in violation of this section shall
7 constitute a separate offense.

8 “(c)(1) For the purpose of this section, “implement of dogfighting” means an implement,
9 object, device, or drug intended or designed:

10 “(A) To enhance the fighting ability of a dog; or

11 “(B) For use in a deliberately conducted event that uses a dog to fight with
12 another dog.

13 “(2) “Implement of dogfighting” includes:

14 “(A) A breaking stick designed for insertion behind the molars of a dog to
15 break the dog's grip on another animal or object;

16 “(B) A slatmill, carpetmill or improvised treadmill that is commonly used
17 in the training for, in the preparation for, in the conditioning for, in the conducting of, or
18 otherwise in furtherance of a dogfight;

19 “(C) A springpole that has a biting surface attached to a stretchable device,
20 suspended at a height sufficient to prevent an animal from reaching the biting surface while
21 touching the ground;

22 “(D) A fighting pit or other confined area designed to contain a dogfight;

1 “(E) A breeding stand or rape stand used to immobilize female dogs for
2 breeding purposes; and

3 “(F) Any other instrument or device that is commonly used in the training
4 for, in the preparation for, in the conditioning for, in the breeding for, in the conducting of, or
5 otherwise in furtherance of a dogfight.”.

6 (c) A new section 11a (D.C. Official Code § 22-1012a) is added to read as follows:

7 “Sec. 11a. Prohibiting sexual contact between a person and an animal.

8 “(a) It shall be unlawful in the District of Columbia for a person to knowingly:

9 “(1) Engage in sexual contact with an animal or advertise, offer, accept an offer
10 for, sell, transfer, purchase or otherwise obtain an animal with the intent that the animal be used
11 for sexual contact;

12 “(2) Organize, promote, conduct or knowingly participate in as an observer an act
13 involving sexual contact with an animal;

14 “(3) Cause, aid, or abet another person to engage in sexual contact with an animal;

15 “(4) Permit sexual contact with an animal to be conducted on premises under the
16 person's control;

17 “(5) Induce or otherwise entice a child younger than 18 years of age or a person
18 with a developmental or intellectual disability to engage in sexual contact with an animal or
19 engage in sexual contact with an animal in the presence of a child younger than 18 years of age
20 or a person with a developmental or intellectual disability;

21 “(6) Force another person to engage in sexual contact with an animal; or

22 “(7) Disseminate photographs, videotapes, or other depictions of prohibited
23 sexual contact with an animal.

1 “(b) A person who violates this section shall, for the first offense, be guilty of a felony
2 and, upon conviction, shall be fined not more than the amount set forth in section 101 of the
3 Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law
4 190317; D.C. Official Code § 22-3571.01), imprisoned for not more than x years, or both. A
5 person convicted of a second or subsequent offense of this section shall be fined not more than
6 the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of
7 2012, effective June 11, 2013 (D.C. Law 190317; D.C. Official Code § 22-3571.01), imprisoned
8 for not more than x years, or both.

9 “(c) A person who violates this section shall, in addition to any other penalties as may be
10 provided by law, upon conviction, shall forfeit the animal whose treatment was the basis of the
11 conviction to the custody of the Washington Humane Society.

12 “(d) Upon conviction, a person who violates this section shall not:

13 “(1) Work in any capacity that requires the person to be in contact with an animal,
14 including a commercial boarding or training establishment, shelter, animal control facility, pet
15 shop, grooming facility, commercial breeder service, veterinary hospital or clinic or animal
16 welfare society or other nonprofit organization incorporated for the purpose of providing for and
17 promoting the welfare, protection and humane treatment of animals; or

18 “(2) Harbor, own, possess or exercise control over an animal, reside in a
19 household where any animals are present or engage in an occupation, whether paid or unpaid, or
20 participate in a volunteer position at any establishment where animals are present for any length
21 of time that the court deems reasonable for the protection of all animals; provided, however, that
22 the length of time shall not be less than 5 years after the person's release from custody.

1 “(e) This section shall not apply to lawful and accepted practices that relate to veterinary
2 medicine performed by a licensed veterinarian or a certified veterinary technician under the
3 guidance of a licensed veterinarian, artificial insemination of animals for the purpose of
4 procreation, accepted animal husbandry practices, including raising, breeding or assisting with
5 the birthing process of animals, or any other practice that provides care for animals, or
6 conformation judging.

7 “(f) For the purpose of this section, “sexual contact” means an act between a person and
8 an animal that involves:

9 “(1) Contact between the sex organs or anus of one and the mouth, anus or sex
10 organs of the other;

11 “(2) Touching or fondling by a person of the sex organs or anus of an animal,
12 either directly or through clothing, without a bona fide veterinary or animal husbandry purpose;

13 “(3) A transfer or transmission of semen by the person upon any part of the
14 animal; or

15 “(4) The insertion, however slight, of a part of a person's body or an object into
16 the vaginal or anal opening of an animal or the insertion of a part of the animal's body into the
17 vaginal or anal opening of the person.”.

18 Sec. 4. Title 22 of the District of Columbia Municipal Regulations (22 DCMR) is
19 amended as follows:

20 (a) Section 700 (22 DCMR § 700) is amended by adding a new subsection 700.15 to read
21 as follows:

22 “700.15 (a) A pet store operator shall not sell a live dog or cat in a pet store unless the
23 dog or cat was obtained from the Animal Care and Control Agency, society for the prevention of

1 cruelty to animals shelter, humane society shelter, or rescue group that is in a cooperative
2 agreement with at least one private or public shelter.

3 “(b) Each pet store shall maintain records sufficient to document the source of each dog
4 or cat the pet store sells or provides space for, for at least one year. Additionally, each pet store
5 shall post, in a conspicuous location on the cage or enclosure of each animal, a sign listing the
6 name of the Animal Care and Control Agency, society for the prevention of cruelty to animals
7 shelter, humane society shelter, or rescue group from which each dog or cat was obtained.

8 “(c) The Animal Care and Control Agency may periodically require pet stores engaged in
9 sales of dogs or cats to provide access to these records.

10 “(d) Each animal offered for sale in violation of this section shall constitute a separate
11 violation.”.

12 Sec. 5. Section 16-910 of the District of Columbia Official Code is amended to read as
13 follows:

14 “(a) Upon entry of a final decree of legal separation, annulment, or divorce, or upon the
15 termination of a domestic partnership pursuant to § 32-702(d) or § 16-904(e) and the filing of a
16 petition for relief available under this section, in the absence of a valid antenuptial or postnuptial
17 agreement resolving all issues related to the property of the parties, the court shall:

18 “(1) Assign to each party his or her sole and separate property acquired prior to
19 the marriage or domestic partnership, and his or her sole and separate property acquired during
20 the marriage or domestic partnership by gift, bequest, devise, or descent, and any increase
21 thereof, or property acquired in exchange therefore;

22 “(2) Value and distribute all other property and debt accumulated during the
23 marriage or domestic partnership that has not been addressed in a valid antenuptial or postnuptial

1 agreement or a decree of legal separation, regardless of whether title is held individually or by
2 the parties in a form of joint tenancy or tenancy by the entireties, in a manner that is equitable,
3 just, and reasonable, after considering all relevant factors, including, but not limited to:

4 “(A) The duration of the marriage or domestic partnership;

5 “(B) the age, health, occupation, amount, and sources of income,
6 vocational skills, employability, assets, debts, and needs of each of the parties;

7 “(C) Provisions for the custody of minor children;

8 “(D) Whether the distribution is in lieu of or in addition to alimony;

9 “(E) Each party’s obligation from a prior marriage, a prior domestic
10 partnership, or for other children;

11 “(F) The opportunity of each party for future acquisition of assets and
12 income;

13 “(G) Each party’s contribution as a homemaker or otherwise to the family
14 unit;

15 “(H) Each party’s contribution to the education of the other party which
16 enhanced the other party’s earning ability;

17 “(I) Each party’s increase or decrease in income as a result of the
18 marriage, the domestic partnership, or duties of homemaking and child care;

19 “(J) Each party’s contribution to the acquisition, preservation,
20 appreciation, dissipation, or depreciation in value of the assets which are subject to distribution,
21 the taxability of these assets, and whether the asset was acquired or the debt incurred after
22 separation;

1 “(K) The effects of taxation on the value of the assets subject to
2 distribution; and

3 “(L) The circumstances which contributed to the estrangement of the
4 parties; and

5 “(3)(A) At the request of a party to proceedings for dissolution of marriage or for
6 legal separation of the parties, enter an order, prior to the final determination of ownership of a
7 pet animal, to require a party to care for the pet animal. The existence of an order providing for
8 the care of a pet animal during the course of proceedings for dissolution of marriage or for legal
9 separation of the parties shall not have any impact on the court’s final determination of
10 ownership of the pet animal;

11 “(B) The court, at the request of a party to proceedings for dissolution of
12 marriage or for legal separation of the parties, may assign sole or joint ownership of a pet animal
13 taking into consideration the care and best interest of the pet animal.

14 “(c) The Court is not required to value a pension or annuity if it enters an order
15 distributing future periodic payments.

16 “(d) For purposes of this section, “Pet animal” means any animal that is community
17 property and kept as a household pet.”.

18 Sec. 6. Fiscal impact statement.

19 The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal
20 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
21 approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-206.02(c)(3)).

22 Sec. 7. Effective date.

1 This act shall take effect following approval by the Mayor (or in the event of veto by the
2 Mayor, action by the Council to override the veto), a 60-day period of Congressional review as
3 provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December
4 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of
5 Columbia Register.