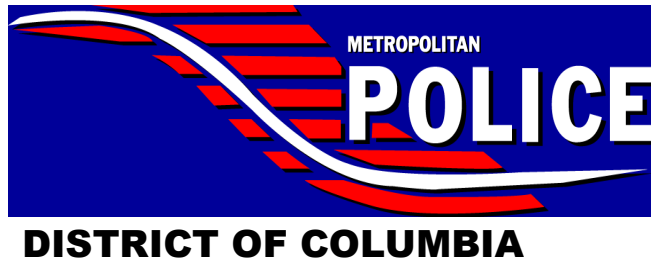


CIRCULAR



Title	Animal Care and Control Omnibus Amendment Act of 2022
Number	CIR-23-08
Effective Date	July 5, 2023
Expiration Date	July 5, 2025

The purpose of this circular is to inform members of the *Animal Care and Control Omnibus Amendment Act of 2022* that is currently in effect. The Act creates the following new offenses regarding the care and treatment of animals.

A. Prohibition on Possession of an Implement of Animal Fighting

Need to Know	<p>A person commits the offense of possession of an implement of animal fighting when that person purposefully possesses, with the intent to use in furtherance of engaging in animal fighting the following implements of animal fighting:</p> <ul style="list-style-type: none"> • A breaking stick designed for insertion behind the molars of an animal to break the animal's grip on another animal or object; • A slatmill, carpetmill, or another form of improvised treadmill; • A springpole that has a biting surface attached to a stretchable device, suspended at a height sufficient to prevent an animal from reaching the biting surface while touching the ground; • A fighting pit or other confined area designed to contain an animal fight; or • A breeding stand or rape stand used to immobilize female animals for breeding purposes.
Penalties	<p>Note: Each implement of animal fighting possesses shall constitute a separate offense.</p> <p>A person convicted of possession of an implement of animal fighting shall be fined no more \$100 or incarcerated for no more than 10 days, or both.</p>
Reference	<p>DC Official Code § 22-1006.02. Possession of an implement of animal fighting</p>

B. Prohibition on Sexual Contact Between Persons and Animals

Need to Know	<p>First Degree: When a person knowingly causes another person to engage in sexual contact with an animal: 1) By means of debt bondage or making an explicit or implicit coercive threat; or 2) When, in fact, the other person is: under 18 years of age; or a vulnerable adult. (See relevant definitions in Part E. below.)</p> <p>Second Degree: When a person knowingly engages in a sexual contact with an animal.</p>
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<p>Penalties</p>	<p>Defenses:</p> <ul style="list-style-type: none"> • Practice of veterinary medicine • Artificial insemination for the purpose of procreation • Animal husbandry practices; or • Any other practice that provides care for animals or conformation judging <p>First degree sexual contact between a person and animal shall be fined no more than \$12,500 or incarcerated for no more than 2 years, or both.</p> <p>Second degree sexual contact between a person and animal shall be fined no more than \$1,000 or incarcerated for no more than 180 days, or both.</p>
<p>Reference</p>	<p>DC Official Code § 22-1012.01. Prohibiting sexual contact between a person and animal</p>

C. Prohibition on Creating or Distributing an Obscene Image of an Animal

<p>Need to Know</p>	<p>First Degree: creating or distributing an obscene image of an animal when the person knowingly creates a photo, audio recording, video recording, or audiovisual recording that depicts a real person engaging in actual sexual contact (as defined in Part E. below) with a real animal.</p> <p>Second degree: creating or distributing an obscene image of an animal when the person: 1) Knowingly distributes a photo, audio recording, video recording, or audiovisual recording; and 2) Is reckless as to the fact that the photo, audio recording, video recording, or audiovisual recording depict sexual contact with an animal.</p> <p>Defenses:</p> <ul style="list-style-type: none"> • The distribution is made in the public interest, including the reporting of unlawful conduct, the lawful and common practices of law enforcement, or legal proceedings; or • The photo, audio recording, video recording, or audiovisual recording that depicts the following acts that are otherwise lawful: <ul style="list-style-type: none"> ○ The practice of veterinary medicine, performed by a licensed veterinarian or a certified veterinary technician under the guidance of a licensed veterinarian; ○ Artificial insemination of animals for the purpose of procreation; ○ Animal husbandry practices, including raising, breeding, or assisting with the birthing process of animals; or ○ Any other practice that provides care for animals or conformation judging.
<p>Penalties</p>	<p>First degree shall be fined no more than \$1,000 or incarcerated for no more than 180 days, or both.</p> <p>Second degree shall be fined no more than \$500 or incarcerated for no more than 90 days, or both.</p>
<p>Reference</p>	<p>DC Official Code § 22-1012.02. Creating or distributing an obscene image of an animal.</p>

D. Prohibition on Unlawful Cat Declawing

Need to Know	A person commits unlawful cat declawing if that person knowingly performs, or causes to be performed, a partial or complete onychectomy, phalangectomy, or tendonectomy procedure (collectively "declawing"), by any means, on a cat, except when necessary for a veterinary purpose (as defined in Part E. below).
Penalties	A person convicted of unlawful cat declawing shall be fined no more than \$500 or incarcerated for no more than 90 days, or both.
Reference	DC Official Code § 22-1012.03. Unlawful cat declawing.

E. Definitions

Coercive Threat	<p>A communication, that, unless the recipient of the communication complies, a person will:</p> <ul style="list-style-type: none"> • Engage in conduct that, in fact, constitutes a criminal offense; • Take or withhold action as a public official, or cause a public official to take or withhold action; • Accuse a person of a crime; • Expose a secret, publicize an asserted fact, or distribute a photograph, video or audio recording, regardless of the truth or authenticity of the secret, fact, or item, that tends to subject another person to, or perpetuate: <ul style="list-style-type: none"> ○ Hatred, contempt, ridicule, or other significant injury to personal or ○ Significant injury to credit or business reputation • Notify a federal, state, or local government agency or official of, or publicize, another person’s immigration or citizenship status; • Restrict a person’s access to either a controlled substance that the person owns or a prescription medication that the person owns; or • Cause any harm that is sufficiently serious, under all the circumstances, to compel a reasonable person of the same background and in the same circumstances as the complainant to comply.
Debt Bondage	<p>Status or condition of a person who provides services or commercial sex acts for a real or alleged debt, where:</p> <ul style="list-style-type: none"> • The value of the services or commercial sex acts, as reasonably assessed, is not applied toward the liquidation of the debt; • The length and nature of the services or commercial sex acts are not respectively limited and defined; • The amount of the debt does not reasonably reflect the value of the items or services for which the debt was incurred.
Sexual Contact	<p>An act between a person and an animal for the purpose of sexual arousal, sexual gratification, abuse, or financial gain that involves:</p> <ul style="list-style-type: none"> • Contact between the sex organs or anus of one and the mouth, anus ‘or sex organs of the other; • Touching or fondling by a person of the sex organs or anus of an animal, either directly or through clothing, without a bona fide veterinary or animal husbandry purpose;

<p>Veterinary Purpose</p>	<ul style="list-style-type: none"> • A transfer or transmission of semen by the person upon any part of the animal; or • The insertion, however slight, of a part of a person’s body or an object into the vaginal or anal opening of an animal or the insertion of a part of the animal's body into the vaginal or anal opening of the person. <p>The practice of veterinary medicine, performed by a licensed veterinarian or a certified veterinary, intended to address the medical condition of the animal, such as an existing or recurring illness, infection, disease, injury, or abnormal condition in the claw that compromises the animal's health. The term “veterinary purpose” does not include cosmetic or aesthetic reasons or reasons of convenience in keeping or handling the animal.</p>
<p>Vulnerable Adult</p>	<p>Person who is 18 years of age or older and has one or more physical or mental limitations that substantially impairs the person’s ability to independently provide for their daily needs or safeguard their person, property, or legal interests.</p>

While this circular will expire on July 5, 2025, changes made to the DC Official Code as described in this circular will be permanent until such time as they are amended.



Ashan M. Benedict
Interim Chief of Police

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