

# CIRCULAR



Title	<b>Prioritizing Public Safety Emergency Amendment Act of 2023</b>
Number	<b>CIR-23-13</b>
Effective Date	<b>September 6, 2023</b>
Expiration Date	<b>September 5, 2025</b>

The purpose of this circular is to inform members of the [Prioritizing Public Safety Emergency Amendment Act of 2023](#) which creates two new felony offenses (i.e., “endangerment with a firearm” and “strangulation”) and closes the gap in the definition of “significant relationship” for sexual abuse of minors statutes by adding “contractor” to volunteers and employees at schools, religious institutions, and other specified recreational programs and facilities.

## New Offense: **Endangerment with a Firearm**

<b>Definitions</b>	<p>“Endangerment with a firearm” occurs when a person knowingly discharges a projectile from a firearm outside a licensed firing range; and either:</p> <ol style="list-style-type: none"><li>1. The person knows that the discharged projectile creates a substantial risk of death or bodily injury to another person; or</li><li>2. In fact:<ol style="list-style-type: none"><li>a. The person is in, or the discharged projectile travels through or stops in, a location that is:<ol style="list-style-type: none"><li>(1) Open to the general public at the time of the offense;</li><li>(2) A communal area of multi-unit housing; or</li><li>(3) Inside a public conveyance or a rail station; and</li></ol></li><li>b. The person does not have permission to discharge a projectile from a firearm under a written permit by MPD or other District or federal law.</li></ol></li></ol> <p><b>NOTE:</b> Lawful self-defense or defense of others is a defense.</p> <p>“Open to the general public” means a location to which the public is invited and for which no payment, membership, affiliation, appointment, or special permission is required for an adult to enter other than proof of age or a security screening.</p> <p>“Public conveyance” means any government-operated air, land, or water vehicle used for the transportation of persons, including any airplane, train, bus, or boat.</p>
<b>Penalty</b>	Incarceration for no more than 2 years; \$12,500; or both
<b>Reference</b>	<a href="#">DC Official Code § 22-4503.03</a>

## New Offense: **Strangulation**

<b>Definition</b>	A “strangulation” occurs when a person knowingly, intentionally or recklessly restricts the normal circulation of the blood or breathing of another person, either by applying pressure on the throat, neck, or chest of another person, or by blocking the nose or mouth of another person.
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<b>Penalty</b>	<ul style="list-style-type: none"> <li>• Incarceration: no more than five years; \$12,500; or both.</li> <li>• Enhancement: 1.5x the maximum if the victim sustained serious bodily injury; the person was required to stay away from or have no contact with the victim as a condition of their parole or supervised release or pursuant to a court order; or the person was within 5 years of commission of the strangulation offense, convicted of an intrafamily offense.</li> </ul>
<b>Reference</b>	<a href="#">DC Official Code § 22-404.04</a>

**New Definition: Significant Relationship (Sexual Abuse of Minors)**

<b>Definition</b>	<p>For the purposes of a sexual abuse and enticing of a minor, a “significant relationship” includes:</p> <ol style="list-style-type: none"> <li>1. A parent, sibling, aunt, uncle, or grandparent, whether related by blood, marriage, domestic partnership, or adoption;</li> <li>2. A legal or de facto guardian or any person, more than 4 years older than the victim, who resides intermittently or permanently in the same dwelling as the victim;</li> <li>3. The person or the spouse, domestic partner, or paramour of the person who is charged with any duty or responsibility for the health, welfare, or supervision of the victim at the time of the act; and</li> <li>4. Any employee, contractor, or volunteer of a school, church, synagogue, mosque, or other religious institution, or an educational, social, recreational, athletic, musical, charitable, or youth facility, organization, or program, including a teacher, coach, counselor, clergy, youth leader, chorus director, bus driver, administrator, or support staff, or any other person in a position of trust with or authority over a child or a minor.</li> </ol>
<b>Need to Know</b>	<p>Adds “contractors” to volunteers and employees at schools, religious institutions, and other specified recreational programs and facilities to the definition of “significant relationship” for sexual abuse of minors statutes.</p>
<b>References</b>	<p>The “significant relationship” definition applies to the following offenses:</p> <ul style="list-style-type: none"> <li>• 1<sup>st</sup> Degree Sexual Abuse of a Minor (<a href="#">DC Official Code § 22-3009.01</a>)</li> <li>• 2<sup>nd</sup> Degree Sexual Abuse of a Minor (<a href="#">DC Official Code § 22-2009.02</a>)</li> <li>• Enticing a Child or Minor (<a href="#">DC Official Code § 22-3010</a>)</li> <li>• Misdemeanor Sexual Abuse of a Child or Minor (<a href="#">DC Official Code § 22-3010.01</a>)</li> <li>• Aggravating Circumstances (<a href="#">DC Official Code § 22-3020</a>)</li> </ul> <p>Definitions. <a href="#">DC Official Code § 22-3001(10(D))</a></p>

**Warrants**

<b>New Provision</b>	<p>Warrants for misdemeanor offenses issued by Superior Court may be served any place within the jurisdiction of the United States if good cause exists and not executed more than one year after the date of issuance.</p>
<b>Definition</b>	<p>“Good cause” is presumed where the warrant or summons is for an intrafamily offense, or where the warrant or summons is for an offense under <a href="#">Chapter 30 of Title 22 (Sexual Abuse)</a></p>

<b>Reference</b>	<a href="#">DC Official Code § 23-563(b)</a>
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The emergency legislation will expire in 90 days from enactment and is expected to be superseded by additional authorizing legislation. While this circular will expire on September 5, 2025, changes made to District law as described in this circular will become permanent upon passage of the permanent bill and remain so until such time as the law as amended. Members will be notified in the event that the permanent legislation does not move forward.



Pamela A. Smith  
Acting Chief of Police