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Councilmember Brianne K. Nadeau

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, due to congressional review, the Prevention of Child Abuse and Neglect Act of 1977 to broaden the definitions of an abused child and a neglected child to include a victim of sex trafficking or severe forms of trafficking of persons, a commercial sex act, or sex trafficking of children; to 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 make a conforming amendment.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Child Neglect and Sex Trafficking Congressional Review Emergency Amendment Act of 2019”.

Sec. 2. Section 102 of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.02), is amended as follows:

(a) Paragraph (1) is amended to read as follows:

“(1)(A) “Abused”, when used in reference to a child, means:

“(i) Abused, as that term is defined in D.C. Official Code § 16-2301(23); or

“(ii) Sexual abuse, which shall include:

“(I) Sex trafficking or severe forms of trafficking in persons, as those terms are defined in section 103(10) and (9)(A) of the Trafficking Victims Protection Act of 2000, approved October 28, 2000 (114 Stat. 1469; 22 U.S.C. § 7102(10) and (9)(A));

32 “(II) A commercial sex act, as that term is defined in section 101(4)
33 of the Prohibition Against Human Trafficking Amendment Act of 2010, effective October 23,
34 2010 (D.C. Law 18-239; D.C. Official Code § 22-1831(4)); or

35 “(III) Sex trafficking of children, as described in section 104 of the
36 Prohibition Against Human Trafficking Amendment Act of 2010, effective October 23, 2010
37 (D.C. Law 18-239; D.C. Official Code § 22-1834).

38 “(B) Nothing in this paragraph shall be construed as preventing or intending to
39 prevent:

40 “(i) Sex trafficking, severe forms of trafficking in persons, a commercial
41 sex act, or sex trafficking of children from being considered a form of sexual abuse for purposes
42 of D.C. Official Code § 16-2301(32); or

43 “(ii) The Agency from offering or providing services for a child victim of
44 sex trafficking, severe forms of trafficking in persons, a commercial sex act, or sex trafficking of
45 children, including where the child was not abused or neglected by a parent, guardian, or
46 custodian.”.

47 (b) Paragraph (15A) is amended to read as follows:

48 “(15A) “Neglected child” means a child who is a:

49 “(A) Neglected child, as that term is defined in D.C. Official Code § 16-
50 2301(9);

51 “(B) Victim of sex trafficking or severe forms of trafficking in persons, as
52 those terms are defined in section 103(10) and (9)(A) of the Trafficking Victims Protection Act of
53 2000, approved October 28, 2000 (114 Stat. 1469; 22 U.S.C. § 7102(10) and (9)(A));

54 “(C) Victim of a commercial sex act, as that term is defined in section
55 101(4) of the Prohibition Against Human Trafficking Amendment Act of 2010, effective October
56 23, 2010 (D.C. Law 18-239; D.C. Official Code § 22-1831(4)); or

57 “(D) Victim of sex trafficking of children, as described in section 104 of the
58 Prohibition Against Human Trafficking Amendment Act of 2010, effective October 23, 2010
59 (D.C. Law 18-239; D.C. Official Code § 22-1834).”.

60 Sec. 3. Section 2(a) of An Act To provide for the mandatory reporting by physicians and
61 institutions in the District of Columbia of certain physical abuse of children, approved November
62 6, 1966 (80 Stat. 1354; D.C. Official Code § 4-1321.02(a)), is amended by striking the phrase
63 “neglected child, as defined in D.C. Code, sec. 16-2301(9), shall” and inserting the phrase
64 “neglected child, as defined in section 102(15A) of the Prevention of Child Abuse and Neglect
65 Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-
66 1301.02(15A)), shall” in its place.

67 Sec. 4. Fiscal impact statement.

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

71 Sec. 5. Effective date.

72 This act shall take effect following approval by the Mayor (or in the event of a veto by
73 the Mayor, action by the Council to override the veto), and shall remain in effect for no longer
74 than 90 days, as provided for emergency acts of the Council of the District of Columbia in
75 section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87
76 Stat. 788; D.C. Official Code § 1-204.12(a)).