

§811.14

Offender Supervision Agency, Room 2002, 300 Indiana Avenue, NW., Washington, DC 20001.

§811.14 Definitions.

(a) The terms "attends school," "Court," "in custody or under supervision," "sex offender," and "works" shall have the same meaning as set forth in Section 2 of the Sex Offender Registration Act of 1999 (D.C. Official Code Section 22-4001).

(b) The term "the Act" means the Sex Offender Registration Act of 1999 (D.C. Official Code Section 22-4001 et seq.).

(c) The term "days" means business days unless otherwise specified.

(d) In relation to a motor vehicle, the term "owns" includes both exclusive ownership and co-ownership, and the term "owner" includes both exclusive owners and co-owners.

APPENDIX A TO PART 811—LISTING OF SEX OFFENDER REGISTRATION OFFENSES BY CLASS

CLASS A OFFENDERS—ALL LIFETIME REGISTRANTS

(D.C. Official Code Secs. 22-4001(6), 4002(b), 4011(b)(2)(A))

1. Class A includes offenders who have been convicted or found not guilty by reason of insanity of:

- (a) First degree sexual abuse;
(b) Second degree sexual abuse;
(c) Rape;
(d) Forcible sodomy;
(e) First degree child sexual abuse committed against a child under 12;
(f) Carnal knowledge (statutory rape) committed against a child under 12;
(g) Sodomy committed against a child under 12;
(h) Murder committed before, during, or after engaging in or attempting to engage in a sexual act or contact or rape;
(i) Manslaughter committed before, during, or after engaging in or attempting to engage in a sexual act or contact or rape;
(j) Attempting to commit any of the foregoing offenses;
(k) Conspiring to commit any of the foregoing offenses; or
(l) Assault with intent to commit any of the foregoing offenses.

2. Class A also includes offenders who:

(a) In two or more trials or plea proceedings, have been convicted or found not guilty by reason of insanity of a felony registration offense or any registration offense against a minor. (Recidivism).

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(b) In a single trial or plea proceeding, have been convicted or found not guilty by reason of insanity of registration offenses against two or more victims where each offense is a felony or committed against a minor (Multiple victims).

(c) Have been determined to be sexual psychopaths.

3. Class A also includes offenders who have been convicted or found not guilty by reason of insanity under the law of another jurisdiction of offenses that involved conduct that is the same as or substantially similar to that above.

CLASS B OFFENDERS—"TEN YEAR" REGISTRANTS

(Other Offenses Against Minors, Wards, Patients, or Clients)

(D.C. Official Code Secs. 22-4001(8), 4002(a), 4011(b)(2)(B))

1. Class B includes offenders who are not included in Class A and have been convicted or found not guilty by reason of insanity of any of the following crimes against a minor (that is, a person under the age of 18):

- (a) Third degree sexual abuse;
(b) Fourth degree sexual abuse;
(c) Misdemeanor sexual abuse;
(d) First degree child sexual abuse;
(e) Second degree child sexual abuse;
(f) Carnal knowledge (statutory rape);
(g) Sodomy committed against a minor;
(h) Indecent acts on a child;
(i) Enticing a child;
(j) Lewd, indecent or obscene acts;
(k) Sexual performance using a minor;
(l) Incest;
(m) Obscenity;
(n) Prostitution/Pandering;
(o) Assault (unwanted sexual touching);
(p) Threatening to commit a sexual offense;
(q) First or second degree burglary with intent to commit sex offense;
(r) Kidnapping (does not require a sexual purpose);
(s) Assault with intent to commit any of the foregoing offenses;
(t) Attempting to commit any of the foregoing offenses;
(u) Conspiring to commit any of the foregoing offenses; or
(v) Any offense against a minor for which the offender agreed in a plea agreement to be subject to sex offender registration requirements.

2. Class B also includes offenders who are not included in Class A and have been convicted or found not guilty by reason of insanity of any of the following crimes regardless of the age of the victim:

(a) First degree sexual abuse of a ward or resident of a hospital, treatment facility or other institution.

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(b) Second degree sexual abuse of a ward or resident of a hospital, treatment facility or other institution.

(c) First degree sexual abuse of a patient or client.

(d) Second degree sexual abuse of a patient or client.

3. Class B also includes offenders who are not included in Class A and have been convicted or found not guilty by reason of insanity under the law of another jurisdiction of offenses that involved conduct that is the same as or substantially similar to that above.

CLASS C OFFENDERS—"TEN YEAR" REGISTRANTS

(Other Offenses Against Adult Victims)

*(D.C. Official Code Secs. 22-4001(8), 4002(a),
4011(b)(2)(C))*

1. Class C includes offenders who are not included in Class A or Class B and have committed any of the following crimes against an adult (that is, a person 18 years of age or older):

- (a) Third degree sexual abuse;
- (b) Fourth degree sexual abuse;
- (c) First or second degree burglary with intent to commit sex offense;
- (d) Kidnapping with intent to commit sex offense;
- (e) Threatening to commit a sexual offense (felony);
- (f) Assault with intent to commit any of the foregoing offenses;
- (g) Attempting to commit any of the foregoing offenses;
- (h) Conspiring to commit any of the foregoing offenses, or;
- (i) Any offense for which the offender agreed in a plea agreement to be subject to sex offender registration requirements.

2. Class C also includes offenders who are not included in Class A or Class B and have been convicted or found not guilty by reason of insanity under the law of another jurisdiction of offenses that involved conduct that is the same as or substantially similar to that above.

EXCEPTIONS (D.C. OFFICIAL CODE SEC. 22- 4016(B))

The following do not constitute registration offenses:

1. Any sexual offense between consenting adults or an attempt, conspiracy or solicitation to commit such an offense, except for offenses to which consent is not a defense as provided in Section 218 of the Anti-Sexual Abuse Act of 1994 (D.C. Official Code §22-3017).

2. Any misdemeanor offense that involved a person's sexual touching or attempted or solicited sexual touching of an undercover

law enforcement officer where the person believed that the officer was an adult.

3. Any misdemeanor offense committed against an adult, except where the offender agrees in a plea agreement to be subject to sex offender registration requirements.

PART 812—COLLECTION AND USE OF DNA INFORMATION

Sec.

812.1 Purpose.

812.2 Individuals subject to DNA collection.

812.3 Coordination with the Federal Bureau of Prisons.

812.4 Collection procedures.

APPENDIX A TO PART 812—QUALIFYING DISTRICT OF COLUMBIA CODE OFFENSES

AUTHORITY: 5 U.S.C. 301; Pub. L. 106-546 (114 Stat. 2726).

SOURCE: 67 FR 54100, Aug. 21, 2002, unless otherwise noted.

§812.1 Purpose.

The Court Services and Offender Supervision Agency for the District of Columbia ("CSOSA") cooperates with other federal agencies to ensure that DNA samples from offenders are appropriately furnished to the Federal Bureau of Investigation ("FBI") for DNA analysis. The results of the DNA analyses are to be included in the Combined DNA Index System ("CODIS").

§812.2 Individuals subject to DNA collection.

CSOSA is responsible for collecting a DNA sample from each individual under its supervision who is, or has been, convicted of a qualifying District of Columbia Code offense. Qualifying District of Columbia Code offenses were designated by the Council of the District of Columbia in the "DNA Sample Collection Act of 2001." CSOSA provides a listing of these offenses in the Appendix to this part. The list is presented for informational purposes only. Any future revision to the District of Columbia Code sections designating the qualifying offenses will be effective notwithstanding the timing of a conforming revision of the Appendix by CSOSA. CSOSA may choose not to collect a sample from an individual if it determines that CODIS already contains a DNA analysis for the individual.