



2017 APR 24 PM 2:07
OFFICE OF THE
MAYOR

MURIEL BOWSER
MAYOR

APR 24 2017

The Honorable Phil Mendelson
Chairman
Council of the District of Columbia
1350 Pennsylvania Ave. NW
Washington, D.C. 20004

Dear Chairman Mendelson:

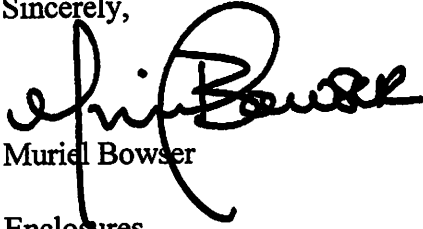
Enclosed for consideration by the Council of the District of Columbia is the "Child Neglect and Sex Trafficking Amendment Act of 2017", the "Child Neglect and Sex Trafficking Emergency Amendment Act of 2017" and its corresponding declaration, and the "Child Neglect and Sex Trafficking Temporary Amendment Act of 2017". This legislation, if enacted, will broaden the support we are able to provide children and youth who are victims of sex trafficking in the District and continue the District's eligibility for federal funds for child welfare programs.

The Justice for Victims of Trafficking Act (P.L. 114-22; approved May 29, 2015) amends certain provisions of the Child Abuse Prevention and Treatment Act ("CAPTA") grant program. CAPTA is an important source of federal funding for the District's child welfare programs. The District must comply with the new CAPTA sex trafficking requirements by May 29, 2017 to continue being eligible for these funds. Fortunately, the Child and Family Services Agency (CFSA) is able to implement many of these provisions, with respect to sex trafficking, through policy. However, local legislation is necessary to bring the District into compliance with the requirement that child welfare agencies consider a child identified as a sex trafficking victim to also be a victim of neglect and sexual abuse regardless of whether the perpetrator is a parent, guardian or custodian.

Through this legislation, the District will not only comply with the federal requirements but also improve outcomes for all District children by offering services to any District child who is a victim of sex trafficking.


As always, CFSA acting director Brenda Donald is available to discuss any questions you may have regarding this legislation. I look forward to your prompt and favorable consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Muriel Bowser". The signature is fluid and cursive, with the first name "Muriel" written in a larger, more prominent script than the last name "Bowser".

Muriel Bowser

Enclosures


Chairman Phil Mendelson
At the request of the Mayor

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on a temporary basis, the Prevention of Child Abuse and Neglect Act of 1977 to broaden the definition of a neglected child to include a victim of sex trafficking or severe forms of sex trafficking; and to amend section 16-2301 of the District of Columbia Official Code to include sex trafficking or severe forms of sex trafficking as a form of sexual abuse.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Child Neglect and Sex Trafficking Temporary Amendment Act of 2017.”

Sec. 2. Section 102(15A) 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(15A)), is amended to read as follows:

“Neglected child” means a child who is a

“(A) Neglected child as defined in § 16-2301(9)”; or

“(B) Victim of sex trafficking or severe forms of trafficking in persons as defined in paragraphs (10) and (9)(A) of section 103 of the Trafficking Victims Protection Act of 2000, approved October 28, 2000 (114 Stat 164; § 22 U.S.C. 7102).”.

Sec. 3 Section 16-2301(32) of the District of Columbia Official Code is amended as follows:

1 (1) Subparagraph (B) is amended by striking the phrase “sexually explicit conduct;
2 or” and inserting the phrase “sexually explicit conduct;” in its place.

3 (2) Subparagraph (C) is amended by striking the phrase “sexually explicit conduct.”
4 and inserting “sexually explicit conduct; or” in its place.

5 (3) A new subparagraph (D) is added to read as follows:

6 “(D) subjecting a child to sex trafficking or a severe form of trafficking in persons as
7 defined in paragraphs (10) and (9)(A) of section 103 of the Trafficking Victims Protection Act of
8 2000, approved October 28, 2000 (114 Stat 164; § 22 U.S.C. 7102).”

9 Sec. 4. Fiscal impact statement.

10 The Council adopts the fiscal impact statement in the Committee report as the fiscal
11 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
12 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

13 Sec. 5. Effective date.

14 (a) This act shall take effect following approval by the Mayor (or in the event of veto by
15 the Mayor, action by the Council to override the veto), a 30-day period of Congressional review
16 as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
17 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
18 Columbia Register.

19 (b) This act shall expire after 225 days of its having taken effect.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General



ATTORNEY GENERAL
KARL A. RACINE

Legal Counsel Division

MEMORANDUM


TO: Lolita S. Alston
Director
Office of Legislative Support

FROM: Janet M. Robins
Deputy Attorney General
Legal Counsel Division

DATE: March 5, 2017

SUBJECT: Legal Sufficiency Review of Emergency, Temporary, and Permanent Versions of the
"Child Neglect and Sex Trafficking Amendment Act of 2017" and the
Accompanying Emergency Declaration
(AE-17-104)

This is to Certify that this Office has reviewed the above-referenced legislation and that we have found it to be legally sufficient. If you have any questions in this regard, please do not hesitate to call me at 724-5524.


Janet M. Robins