

AN ACT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2011 Summer  
Supp.

To establish the criminal offense of engaging in an unlawful protest targeting a residence; and to section 23-581 of the District of Columbia Official Code to add engaging in an unlawful protest targeting a residence as the basis for an arrest that does not require the officer to obtain a warrant.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Residential Tranquility Act of 2010".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Demonstration" means marching, congregating, standing, parading, demonstrating, or patrolling by one or more persons, with or without signs, for the purpose of persuading one or more individuals, or the public, or to protest some action, attitude, or belief.

(2) "Mask" means a covering for the face or part of the face whereby the identity of the wearer is disguised. The term "Mask" shall not include clothing worn for the purpose of providing protection from the elements nor clothing worn as a religious covering.

(3) "Residence" means a building or structure, but not a hotel, used or designed to be used, in whole or in part, as a living or a sleeping place by one or more human beings.

Sec. 3. Engaging in an unlawful protest targeting a residence.

(a)(1) It is unlawful for a person, as part of a group of 3 or more persons, to target a residence for purposes of a demonstration:

(A) Between 10:00 p.m. and 7:00 a.m.;

(B) While wearing a mask; or

(C) Without having provided the Metropolitan Police Department notification of the location and approximate time of the demonstration.

(2) The notification required by paragraph (1)(C) of this subsection shall be provided in writing to the operational unit designated for such purpose by the Chief of Police not less than 2 hours before the demonstration begins. The Metropolitan Police Department shall post on its website the e-mail and facsimile number by which the operational unit may be notified 24 hours a day, and the address to which notification may be hand delivered, as an

alternative, during business hours.

(b) A person who violates this section shall be guilty of a misdemeanor and, upon conviction, fined not more than \$500 or imprisoned for not more than 90 days.

Sec. 4. Section 23-581 of the District of Columbia Official Code is amended by adding a new subsection (a-6) to read as follows:

**Amend  
§ 23-581**

“(a-6) A law enforcement officer may arrest a person without a warrant if the officer has probable cause to believe the person has committed the offense of engaging in an unlawful protest targeting a residence as provided in section 3 of the Residential Tranquility Act of 2010, passed on 2<sup>nd</sup> reading on December 7, 2010 (Enrolled version of Bill 18-63).”.

Sec. 5. Fiscal impact statement.

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

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 60-day period of Congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia