

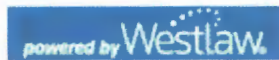
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Department of Health



District of Columbia Official Code

Title 14, Chapter 03

COMPENTENCY OF WITNESSES



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Division II. Judiciary and Judicial Procedure

[Title 14](#). Proof. [Chapter 3](#). Competency of Witnesses. **§ 14-301. Parties and other interested persons generally.**

Except as otherwise provided by law, a person is not incompetent to testify in a civil action or proceeding by reason of his being a party thereto or interested in the result thereof. If otherwise competent to testify, he is competent to give evidence on his own behalf and competent and compellable to give evidence on behalf of any other party to the action or proceeding.

CREDIT(S)

(Dec. 23, 1963, 77 Stat. 518, Pub. L. 88-241, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 14 301 .

1973 Ed., § 14 301 .

DC CODE § 14-301


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DC ST § 14 302

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District of Columbia Official Code 2001 Edition [Currentness](#)

Division II. Judiciary and Judicial Procedure

[Title 14](#). Proof. [Chapter 3](#). Competency of Witnesses. **§ 14-302. Testimony against deceased or incapable person.**

(a) In a civil action against:

(1) a person who, from any cause, is legally incapable of testifying, or

(2) the committee, trustee, executor, administrator, heir, legatee, devisee, assignee, or other representative of a deceased person or of a person so incapable of testifying,

a judgment or decree may not be rendered in favor of the plaintiff founded on the uncorroborated testimony of the plaintiff or of the agent, servant, or employee of the plaintiff as to any transaction with, or action, declaration or admission of, the deceased or incapable person.

(b) In an action specified by subsection (a) of this section, if the plaintiff or his agent, servant, or employee, testifies as to any transaction with, or action, declaration, or admission of, the deceased or incapable person, an entry, memorandum, or declaration, oral or written, by the deceased or incapable person, made while he was capable and upon his personal knowledge, may not be excluded as hearsay.

CREDIT(S)

(Dec. 23, 1963, 77 Stat. 519, Pub. L. 88-241, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 14 302 .

1973 Ed., § 14 302 .

DC CODE § 14 302

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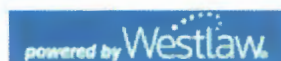
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Division II. Judiciary and Judicial Procedure

[Title 14](#). Proof. [Chapter 3](#). Competency of Witnesses.

§ 14-303. Testimony of deceased or incapable person.

When a party, after having testified at a time while he was competent to do so, dies or becomes incapable of testifying, his testimony may be given in evidence in any trial or hearing in relation to the same subject-matter between the same parties or their legal representatives, as the case may be; and in such a case the opposite party may testify in opposition thereto.

CREDIT(S)

(Dec. 23, 1963, 77 Stat. 519, Pub. L. 88-241, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 14 303 .

1973 Ed., § 14 303 .

DC CODE § 14 303


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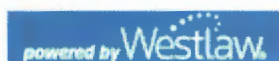
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DC ST § 14 304

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Division II. Judiciary and Judicial Procedure

[Title 14](#). Proof. [Chapter 3](#). Competency of Witnesses.

§ 14-304. Death or incapacity of partner or other interested person.

Where any of the original parties to a contract or transaction which is the subject of investigation are partners or other joint contractors, or jointly entitled or liable, and some of them have died or become incapable of testifying, any others with whom the contract or transaction was personally made or had, or in whose presence or with whose privity it was made or had, or admissions in relation to the same were made, are not, nor is the adverse party, incompetent to testify because some of the parties or joint contractors, or those jointly entitled or liable, have died or become incapable of testifying.

CREDIT(S)

(Dec. 23, 1963, 77 Stat. 519, Pub. L. 88-241, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 14 304 .

1973 Ed., § 14 304 .

DC CODE § 14 304


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Division II. Judiciary and Judicial Procedure

[Title 14](#). Proof. [Chapter 3](#). Competency of Witnesses. **§ 14-305. Competency of witnesses; impeachment by evidence of conviction of crime.**

(a) No person is incompetent to testify, in either civil or criminal proceedings, by reason of his having been convicted of a criminal offense.

(b)(1) Except as provided in paragraph (2), for the purpose of attacking the credibility of a witness, evidence that the witness has been convicted of a criminal offense shall be admitted if offered, either upon the cross-examination of the witness or by evidence aliunde, but only if the criminal offense (A) was punishable by death or imprisonment in excess of one year under the law under which he was convicted, or (B) involved dishonesty or false statement (regardless of punishment). A party establishing conviction by means of cross-examination shall not be bound by the witness' answers as to matters relating to the conviction.

(2)(A) Evidence of a conviction of a witness is inadmissible under this section if --

(i) the conviction has been the subject of a pardon, annulment, or other equivalent procedure granted or issued on the basis of innocence, or

(ii) the conviction has been the subject of a certificate of rehabilitation or its equivalent and such witness has not been convicted of a subsequent criminal offense.

(B) In addition, no evidence of any conviction of a witness is admissible under this section if a period of more than ten years has elapsed since the later of (i) the date of the release of the witness from confinement imposed for his most recent conviction of any criminal offense, or (ii) the expiration of the period of his parole, probation, or sentence granted or imposed with respect to his most recent conviction of any criminal offense.

(c) For purposes of this section, to prove conviction of crime, it is not necessary to produce the whole record of the proceedings containing the conviction, but the certificate, under seal, of the clerk of the court wherein the proceedings were had, stating the fact of the conviction and for what cause, shall be sufficient.

(d) The pendency of an appeal from a conviction does not render evidence of that conviction inadmissible under this section. Evidence of the pendency of such an appeal is admissible.

CREDIT(S)

(Dec. 23, 1963, 77 Stat. 519, Pub. L. 88-241, § 1; July 29, 1970, 84 Stat. 550, Pub. L. 91-358, title I, § 133(a).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 14-305.

1973 Ed., § 14-305.

DC CODE § 14-305

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Division II. Judiciary and Judicial Procedure

[Title 14](#). Proof. [Chapter 3](#). Competency of Witnesses. **§ 14-306. Spouse or domestic partner.**

(a) In civil and criminal proceedings, a spouse or domestic partner is competent but not compellable to testify for or against their spouse or domestic partner.

(b) In civil and criminal proceedings, a spouse or domestic partner is not competent to testify as to any confidential communications made by one to the other during the marriage or the domestic partnership.

(b-1) Notwithstanding subsections (a) and (b) of this section, a spouse or domestic partner is both competent and compellable to testify against his or her spouse or domestic partner as to both confidential communications made by one to the other during the marriage or domestic partnership and any other matter in:

(1) A criminal or delinquency proceeding where one spouse or domestic partner is charged with committing:

(A) Intimate partner violence as defined in § 16-1001(7) if the spouse or domestic partner has previously refused to testify in a criminal or delinquency proceeding against the same spouse or domestic partner for an offense against him or her; or

(B) An offense against a child, minor, or vulnerable adult who is:

(i) In the custody of or resides temporarily or permanently in the household of one of the spouses or domestic partners; or

(ii) Related by blood, marriage, domestic partnership, or adoption to one of the spouses or domestic partners;

(2) A civil proceeding involving the abuse, neglect, abandonment, custody, or dependency of a child, minor, or vulnerable adult who is:

(A) In the custody of or resides temporarily or permanently in the household of one of the spouses or domestic partners; or

(B) Related by blood, marriage, domestic partnership, or adoption to one of the spouses or domestic partners;

(3) A criminal or delinquency proceeding where one spouse or domestic partner is charged with committing a crime jointly with the other spouse or domestic partner.

(b-2) Notwithstanding subsections (a) and (b) of this section, when one spouse or domestic partner is charged with committing a crime that occurred prior to the marriage of the spouses or prior to the filing of a domestic partnership agreement, the other spouse or domestic partner is both competent and compellable to testify against his or her spouse or domestic partner as to the crime, communications made by one to the other, and any other matter that occurred prior to the marriage of the spouses, or prior to the filing of the domestic partnership agreement.

(b-3) The burden is upon the person asserting a privilege under this section to establish that it exists.

(c) For the purposes of this section, the term:

(1) "Domestic partner" shall have the same meaning as provided in § 32-701(3).

(2) "Domestic partnership" shall have the same meaning as provided in § 32-701(4).

(3) "Refused to testify" means that the witness spouse or domestic partner has:

(A) Submitted an affidavit or other writing stating that she or he will not testify before a grand jury or in court;

(B) Taken the stand in the grand jury or in any court proceeding and asserted his or her privilege under this section not to testify; or

(C) Intentionally failed to appear in response to a subpoena.

CREDIT(S)

(Dec. 23, 1963, 77 Stat. 519, Pub. L. 88-241, § 1; Apr. 4, 2006, D.C. Law 16-79, § 2(b), 53 DCR 1035; Dec. 10, 2009, D.C. Law 18-88, § 206, 56 DCR 7413.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § ~~14~~ ~~306~~.

1973 Ed., § ~~14~~ ~~306~~.

Effect of Amendments

D.C. Law 16-79 rewrote section, which had read as follows:

"(a) In civil and criminal proceedings, a husband or his wife is competent but not compellable to testify for or against the other.

"(b) In civil and criminal proceedings, a husband or his wife is not competent to testify as to any confidential communications made by one to the other during the marriage."

D.C. Law 18-88 added subsecs. (b-1), (b-2), (b-3), and (c)(3).

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 206 of Omnibus Public Safety and Justice Emergency Amendment Act of 2009 (D.C. Act 18-181, August 6, 2009, 56 DCR 6903).

For temporary (90 day) amendment of section, see § 206 of Omnibus Public Safety and Justice Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-227, October 21, 2009, 56 DCR 8668).

Legislative History of Laws

Law 16-79, the "Domestic Partnership Equality Amendment Act of 2006", was introduced in Council and assigned Bill No. 16-52 which was referred to the Committee on Judiciary. The Bill was adopted on first and second readings on December 6, 2005, and January 4, 2006, respectively. Signed by the Mayor on January 26, 2006, it was assigned Act No. 16-265 and transmitted to both Houses of Congress for its review. D.C. Law 16-79 became effective on April 4, 2006.

Law 18-88, the "Omnibus Public Safety and Justice Amendment Act of 2009", as introduced in Council and assigned Bill No. 18-151, which was referred to the Committee on Public Safety and the Judiciary. The bill as adopted on first and second readings on June 30, 2009, and July 31, 2009, respectively. Signed by the Mayor on August 26, 2009, it was assigned Act No. 18-189 and transmitted to both Houses of Congress for its review. D.C. Law 18-88 became effective on December 10, 2009.

DC CODE § **←14→--←306→**

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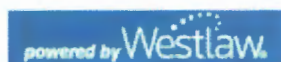
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DC ST § 14 307

Formerly cited as DC ST 1981 § 14 307

District of Columbia Official Code 2001 Edition [Currentness](#)

Division II. Judiciary and Judicial Procedure

[Title 14](#). Proof. [Chapter 3](#). Competency of Witnesses. **§ 14-307. Physicians and mental health professionals.**

(a) In the Federal courts in the District of Columbia and District of Columbia courts a physician or surgeon or mental health professional as defined by § 7-1201.01(11) or a domestic violence counselor as defined in § 14-310(a)(2), or a human trafficking counselor as defined in § 14-311(a)(2) may not be permitted, without the consent of the client, or of his legal representative, to disclose any information, confidential in its nature, that he has acquired in attending a client in a professional capacity and that was necessary to enable him to act in that capacity, whether the information was obtained from the client or from his family or from the person or persons in charge of him.

(b) This section does not apply to:

(1) evidence in a grand jury, criminal, delinquency, family, or domestic violence proceeding where a person is targeted for or charged with causing the death of or injuring a human being, or with attempting or threatening to kill or injure a human being, or a report has been filed with the police pursuant to § 7-2601, and the disclosure is required in the interests of public justice;

(2) evidence relating to the mental competency or sanity of an accused in criminal trials where the accused raises the defense of insanity or where the court is required under prevailing law to raise the defense sua sponte, or in the pretrial or posttrial proceedings involving a criminal case where a question arises concerning the mental condition of an accused or convicted person;

(3) evidence relating to the mental competency or sanity of a child alleged to be delinquent, neglected, or in need of supervision in any proceeding before the Family Division of the Superior Court; or

(4) evidence in a grand jury, criminal, delinquency, or civil proceeding where a person is alleged to have defrauded the District of Columbia or federal government in relation to receiving or providing services under the District of Columbia medical assistance program authorized by title 19 of the Social Security Act, approved July 30, 1965 (79 Stat. 343; 42 U.S.C. § 1396 *et seq.*), or where a person is alleged to have defrauded a health care benefit program.

(c) For the purposes of this section, the term:

(1) "Health care benefit program" means any public or private plan or contract under which a medical benefit, item, or service is or may be provided to an individual, and includes an individual or entity who provides a medical benefit, item, or service for which payment may be made under the plan or contract.

(2) "Injury" includes, in addition to physical damage to the body, a sexual act or sexual contact prohibited by Chapter 30 of Title 22.

CREDIT(S)

(Dec. 23, 1963, 77 Stat. 519, Pub. L. 88-241, § 1; July 29, 1970, 84 Stat. 552, Pub. L. 91-358, title I, § 143(3); Mar. 3, 1979, D.C. Law 2-136, § 805(b), 25 DCR 5055; Mar. 16, 1985, D.C. Law 5-193, § 7, 32 DCR 1010; Mar. 25, 1986, D.C. Law 6-99, § 1101(a), 33 DCR 729; Apr. 30, 1988, D.C. Law 7-104, § 3, 35 DCR 147; Mar. 13, 2004, D.C. Law 15-105, § 99, 51 DCR 881; Mar. 2, 2007, D.C. Law 16-204, § 3(b), 53 DCR 9059; Apr. 24, 2007, D.C. Law 16-305, § 32, 53 DCR 6198; Dec. 10, 2009, D.C. Law 18-88, § 207, 56 DCR 7413; Oct. 23, 2010, D.C. Law 18-239, § 203(b), 57 DCR 5405.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § ~~14~~ ~~307~~.

1973 Ed., § ~~14~~ ~~307~~.

Effect of Amendments

D.C. Law 15-105, in subsec. (a), substituted "§ 7-1201.01(11)" for "the District of Columbia Mental Health Information Act of 1978 (D.C. Official Code, sec. 7-1201.01 *et seq.*)".

D.C. Law 16-204, in subsec. (a), substituted "as defined in § 7-1201.01(11) or a domestic violence counselor as defined in § 14-310(a)(2)" for "as defined in § 7-1201.01(11)".

D.C. Law 16-305, in subsec. (a), substituted "client" for "person afflicted".

D.C. Law 18-88, in subsec. (b)(1), substituted "evidence in a grand jury, criminal, delinquency, family, or domestic violence proceeding where a person is targeted for or charged with causing the death of or injuring a human being, or with attempting or threatening to kill or injure a human being, or a report has been filed with the police pursuant to § 7-2601," for "evidence in criminal cases where the accused is charged with causing the death of, or inflicting injuries upon, a human being,"; in subsec. (b)(4), substituted "in a grand jury, criminal, delinquency, or civil proceeding" for "in criminal or civil cases" and substituted "approved July 30, 1965 (79 Stat. 343; 42 U.S.C. § 1396 *et seq.*), or where a person is alleged to have defrauded a health care benefit program." for "approved July 30, 1965 (79 Stat. 343; 42 U.S.C. sec. 1396 *et seq.*)"; and added subsec. (c).

D.C. Law 18-239, in subsec. (b), substituted "defined in § 14-310(a)(2), or a human trafficking counselor as defined in § 14-311(a)(2)" for "defined in § 14-310(a)(2)".

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 207 of Omnibus Public Safety and Justice Emergency Amendment Act of 2009 (D.C. Act 18-181, August 6, 2009, 56 DCR 6903).

For temporary (90 day) amendment of section, see § 207 of Omnibus Public Safety and Justice Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-227, October 21, 2009, 56 DCR 8668).

Legislative History of Laws

Law 2-136, the "District of Columbia Mental Health Information Act of 1978," was introduced in Council and assigned Bill No. 2-144, which was referred to the Committee on the Judiciary. The Bill was adopted on first, amended first, second amended first, and second readings on July 11, 1978, July 25, 1978, September 19, 1978 and October 3, 1978, respectively. Signed by the Mayor on November 1, 1978, it was assigned Act No. 2-292 and transmitted to both Houses of Congress for its review.

Law 5-193, the "Medicaid Provider Fraud Prevention Amendments Act of 1984," was introduced in Council

and assigned Bill No. 5-511, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on December 4, 1984 and December 18, 1984, respectively. Signed by the Mayor on January 11, 1985, it was assigned Act No. 5-258 and transmitted to both Houses of Congress for its review.

Law 6-99, the "District of Columbia Health Occupations Revision Act of 1985," was introduced in Council and assigned Bill No. 6-317, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on December 17, 1985, and January 14, 1986, respectively. Signed by the Mayor on January 28, 1986, it was assigned Act No. 6-127 and transmitted to both Houses of Congress for its review.

Law 7-104, the "Technical Amendments Act of 1987," was introduced in Council and assigned Bill No. 7-346, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 24, 1987, and December 8, 1987, respectively. Signed by the Mayor on December 22, 1987, it was assigned Act No. 7-124 and transmitted to both Houses of Congress for its review.

Law 15-105, the "Technical Amendments Act of 2003", was introduced in Council and assigned Bill No. 15-437, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 4, 2003, and December 2, 2003, respectively. Signed by the Mayor on January 6, 2004, it was assigned Act No. 15-291 and transmitted to both Houses of Congress for its review. D.C. Law 15-105 became effective on March 13, 2004.

Law 16-204, the "Domestic Violence Amendment Act of 2006", was introduced in Council and assigned Bill No. 16-466, which was referred to the Committee on Judiciary. The Bill was adopted on first and second readings on July 11, 2006, and October 3, 2006, respectively. Signed by the Mayor on October 25, 2006, it was assigned Act No. 16-504 and transmitted to both Houses of Congress for its review. D.C. Law 16-204 became effective on March 2, 2007.

Law 16-305, the "People First Respectful Language Modernization Act of 2006", was introduced in Council and assigned Bill No. 16-664, which was referred to Committee on the Whole. The Bill was adopted on first and second readings on June 20, 2006, and July 11, 2006, respectively. Signed by the Mayor on July 17, 2006, it was assigned Act No. 16-437 and transmitted to both Houses of Congress for its review. D.C. Law 16-305 became effective on April 24, 2007.

For Law 18-88, see notes following § 14-306.

Law 18-239 , the "Prohibition Against Human Trafficking Amendment Act of 2010", was introduced in Council and assigned Bill No. 18-70, which was referred to the Committee on Public Safety and the Judiciary. The Bill was adopted on first and second readings on March 16, 2010, and June 1, 2010, respectively. Signed by the Mayor on June 21, 2010, it was assigned Act No. 18-444 and transmitted to both Houses of Congress for its review. D.C. Law 18-239 became effective on October 23, 2010.

DC CODE § 14-307

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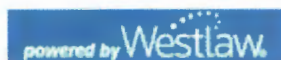
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Division II. Judiciary and Judicial Procedure

[Title 14](#). Proof. [Chapter 3](#). Competency of Witnesses. **§ 14-308. Assessment officials as expert witnesses in condemnation proceedings.**

In an action for the condemnation of lands, an official or other employee of the District, charged with the duty of appraising real property for assessment purposes, is not disqualified, by reason of the fact that he is so employed, from testifying as an expert witness to the market value of lands, and as to benefits.

CREDIT(S)

(Dec. 23, 1963, 77 Stat. 520, Pub. L. 88-241, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 14 308 .

1973 Ed., § 14 308 .

DC CODE § 14 308

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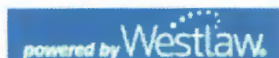
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District of Columbia Official Code 2001 Edition [Currentness](#)

Division II. Judiciary and Judicial Procedure

[Title 14](#). Proof. [Chapter 3](#). Competency of Witnesses. **§ 14-309. Clergy.**

A priest, clergyman, rabbi, or other duly licensed, ordained, or consecrated minister of a religion authorized to perform a marriage ceremony in the District of Columbia or duly accredited practitioner of Christian Science may not be examined in any civil or criminal proceedings in the Federal courts in the District of Columbia and District of Columbia courts with respect to any --

- (1) confession, or communication, made to him, in his professional capacity in the course of discipline enjoined by the church or other religious body to which he belongs, without the consent of the person making the confession or communication; or
 - (2) communication made to him, in his professional capacity in the course of giving religious or spiritual advice, without the consent of the person seeking the advice; or
 - (3)(A) communication made to him, in his professional capacity, by either spouse or domestic partner, in connection with an effort to reconcile estranged spouses or domestic partners, without the consent of the spouse or domestic partner making the communication.
- (B) for the purposes of this paragraph, the term "domestic partner" shall have the same meaning as provided in § 32-701(3).

CREDIT(S)

(Dec. 23, 1963, 77 Stat. 520, Pub. L. 88-241, § 1; July 29, 1970, 84 Stat. 553, Pub. L. 91-358, title I, § 143(4); Apr. 4, 2006, D.C. Law 16-79, § 2(c), 53 DCR 1035.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 14 309 .

1973 Ed., § 14 309 .

Effect of Amendments

D.C. Law 16-79 rewrote par. (3) which had read as follows:

"(3) communication made to him, in his professional capacity, by either spouse, in connection with an effort to reconcile estranged spouses, without the consent of the spouse making the communication."

Legislative History of Laws

For Law 16-79, see notes following § 14-306.

DC CODE § **14-309**

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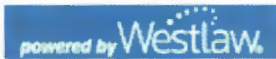
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DC ST § 14-310

§ 14-310. Domestic violence counselors.

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Division II. Judiciary and Judicial Procedure

▶ [Title 14](#). Proof.▶ [Chapter 3](#). Competency of Witnesses.▶ **§ 14-310. Domestic violence counselors.**

(a) For the purposes of this section, the term:

(1) "Confidential communication" means information exchanged between a victim and a domestic violence counselor during the course of the counselor providing counseling, support, and assistance to a victim, including all records kept by the counselor and the domestic violence program concerning the victim and services provided to the victim.

(2) "Domestic violence counselor" means an employee, contractor, or volunteer of a domestic violence program who:

(A) Is rendering support, counseling, or assistance to a victim;

(B) Has undergone not less than 40 hours of domestic violence counselor training conducted by a domestic violence program that includes dynamics of domestic violence, trauma resulting from domestic violence, crisis intervention, personal safety, risk management, criminal and civil court processes, and resources available to victims; and

(C)(i) Is or is under the supervision of a licensed social worker, nurse, physician, psychologist, or psychotherapist; or

(ii) Is or is under the supervision of a person who has a minimum of 5 years of experience rendering support, counseling, or assistance to persons against whom severe emotional abuse or a criminal offense has been committed or is alleged to have been committed, of which at least 2 years of experience involves victims.

(3) "Domestic violence program" means a nonprofit, non-governmental organization that supports, counsels, and assists victims, including domestic violence hotlines, domestic violence shelters, and domestic violence intake centers.

(4) "Intrafamily offense" shall have the same meaning as provided in § 16-1001(8).

(5) "Victim" means a person against whom severe emotional abuse or an intrafamily offense has been committed or is alleged to have been committed.

(b)(1) A domestic violence counselor shall not disclose a confidential communication except:

(A) As required by statute or by a court of law;

(B) As voluntarily authorized in writing by the victim;

(C) To other individuals employed at the domestic violence program and third party providers when and to the extent necessary to facilitate the delivery of services to the victim;

(D) To the Metropolitan Police Department or other law enforcement agency to the extent necessary to protect the victim or another individual from a substantial risk of imminent and serious physical injury;

(E) To compile statistical or anecdotal information, without personal identifying information, for research or public information purposes; or

(F) For any confidential communications relevant to a claim or defense if the victim files a lawsuit against a domestic violence counselor or a domestic violence program.

(2) Unless the disclosure is public, confidential communications disclosed pursuant to paragraph (1) of this subsection shall not be further disclosed by the recipient except as authorized in paragraph (1) of this subsection.

(3) Confidential communications are not waived by the presence of a sign language or foreign language interpreter. Such an interpreter is subject to the same disclosure limitations set forth in paragraph (1) of this subsection and the same privilege set forth in subsection (c) of this section.

(c)(1) Except as provided in paragraph (2) of this subsection, when a victim is under 12 years of age, has been adjudicated incompetent by a court of competent jurisdiction for the purpose of asserting or waiving the privilege established by this section, or is deceased, the victim's parent, guardian, or personal representative may assert or waive the privilege.

(2) If the parent, guardian, or personal representative of a victim described in paragraph (1) of this subsection has been charged with an intrafamily offense or has had a protection order or a neglect petition entered against him or her at the request of or on behalf of the victim, or otherwise has interests adverse to those of the victim with respect to the assertion or waiver of the privilege, the court shall appoint an attorney for purposes of asserting or waiving the privilege.

(d) The assertion of any privilege under this section is not admissible in evidence.

CREDIT(S)

(Mar. 2, 2007, D.C. Law 16-204, § 3(c), 53 DCR 9059; Mar. 25, 2009, D.C. Law 17-368, § 4(d), 56 DCR 1338.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 17-368, in subsec. (a)(4), substituted "§ 16-1001(8)" for "§ 16-1001(5)".

Legislative History of Laws

For Law 16-204, see notes following § 14-307.

Law 17-368, the "Intrafamily Offenses Act of 2008", was introduced in Council and assigned Bill No. 17-55 which was referred to the Committee on Public Safety and Judiciary. The Bill was adopted on first and second readings on December 2, 2008, and December 16, 2008, respectively. Signed by the Mayor on January 22, 2009, it was assigned Act No. 17-703 and transmitted to both Houses of Congress for its review. D.C. Law 17-368 became effective on March 25, 2009.

DC CODE § ~~14-307~~ **31C**

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