

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON THE JUDICIARY AND PUBLIC SAFETY
BROOKE PINTO, CHAIR

NOTICE OF PUBLIC HEARING ON

**B25-41, the Forbid Lewd Activity and Sexual Harassment (“FLASH”) Act of 2023; and
B25-51, the District of Columbia Crime Victimization Survey Act of 2023**

Wednesday, May 17, 2023, at 2:00 PM

Councilmember Pinto’s Youtube Page (www.youtube.com/@cmbrookepinto)
DC Council Website (dccouncil.gov)
Council Channel 13 (Cable Television Providers)
Office of Cable Television Website (entertainment.dc.gov)

On Wednesday, May 17, 2023, Councilmember Brooke Pinto, Chairperson of the Committee on the Judiciary and Public Safety, will hold a hearing on Bill 25-41, the Forbid Lewd Activity and Sexual Harassment (“FLASH”) Act of 2023 and Bill 25-51, the District of Columbia Crime Victimization Survey Act of 2023. The hearing will begin at 2:00 PM and be broadcast live on DC Council Channel 13 and streamed live at dccouncil.gov, www.youtube.com/@cmbrookepinto, and entertainment.dc.gov.

Bill 25-41, the Forbid Lewd Activity and Sexual Harassment (“FLASH”) Act of 2023, would update the District’s existing civil code to support victims of a technologically novel form of online sexual harassment. The legislation would establish a private right of action against any adult who knowingly sends another adult an obscene image through electronic means without the recipient’s consent (“cyberflashing”). Bill 25-41 would permit victims of cyberflashing who receive obscene images while residing in the District, or who receive obscene images from a sender residing in the District, to seek statutory damages (ranging from \$500 to \$1500) as well as economic, noneconomic, and punitive damages; reasonable attorney fees and costs; and injunctive or other kinds of relief. The legislation would also ensure that liability falls squarely on the shoulders of the sender, rather than on the electronic or Internet service provider, and would allow for justified exceptions (such the transmission of an obscene image by a healthcare provider for a legitimate medical purpose).

Bill 25-51, the District of Columbia Crime Victimization Survey Act of 2023, would direct the Office of Victim Services and Justices Grants (“OVSJG”) to contract with a nationally recognized and experienced survey research entity to conduct a victimization survey in the District twice a year. OVSJG serves a pivotal role in the District in addressing and redressing the harms suffered by victims. This legislation would add a key resource to OVSJG’s data collection by requiring that OVSJG contract with a recognized and experienced survey entity and by ensuring that OVSJG conducts internal and external reviews of its data-collection and survey methods. The contracting entity would be required to account for the project personnel overseeing the survey, sample sizes, coding, and statistical procedures, and to produce a publicly accessible report on the survey’s findings. Bill 25-51 would thus formalize and regularize the victimization survey, including the samples, questions, kinds of incident reports within the last 12 months (reported to the police or not), and any actions taken by those surveyed in response to their victimization.

Due to the imminent threat to the health, safety, and welfare of District residents posed by the spread of the coronavirus, the Council has adapted the methods by which committees may hold public hearings and roundtables to comply with social distancing, large public gatherings, and other public health and safety requirements. Therefore, this public hearing will be held remotely through the Zoom teleconferencing platform.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official record. Anyone wishing to testify should contact Ms. Aukima Benjamin, Committee Manager to the Committee on the Judiciary and Public Safety, at least 24 hours prior to the start of the hearing at (202) 724-8058 or via e-mail at judiciary@dccouncil.gov; witnesses will receive information on how to join the hearing at that time. Witnesses who anticipate needing language interpretation, or requiring sign language interpretation, are requested to inform the Committee of the need as soon as possible but no later than five business days before the hearing, which is Wednesday, May 10, 2023. We will make every effort to fulfill timely requests; however, requests received in less than five business days may not be fulfilled and alternatives may be offered.

If you are unable to testify at the public hearing, written statements are encouraged and will be made a part of the official record; testimony may be submitted to judiciary@dccouncil.gov. The public may also leave voicemail testimony for the Committees by calling (202) 630-7585, which will be transcribed and made part of the hearing record. Members of the public leaving voicemail testimony should speak slowly and clearly, state their full name and the organization they represent, if any, and note the bill, hearing, or agency that they are submitting testimony on. Members of the public are asked to not provide an e-mail, phone number, or other personal contact information in voicemail testimony.

The record will close at the end of the business day on Wednesday, May 31, 2023.