



COUNCIL OF THE DISTRICT OF COLUMBIA
THE JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004

DEC 22 2008

The Honorable Adrian Fenty
Mayor
District of Columbia
1350 Pennsylvania Avenue, N.W., 3rd Floor
Washington, D.C. 20004

Re: Transmittal of D.C. BILL 17-1073, "Firearms Registration Emergency Amendment Act of 2008".

Date of Council Action: 12-16-08

Dear Mayor Fenty:

The above named enacted bill is hereby transmitted in accordance with section 404(e) of the District of Columbia Home Rule Act, P.L. 93-198.

To facilitate your review, I am forwarding the accompanying emergency declaration resolution.

Sincerely,

A handwritten signature in black ink that reads "Vincent C. Gray". The signature is written in a cursive style.

Vincent C. Gray
Chairman

Enclosure



AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, the Office of Administrative Hearings Establishment Act of 2001 to provide jurisdiction to the Office of Administrative Hearings to hear cases pertaining to firearm registration procedures and requirements; to amend the Firearms Control Regulations Act of 1975 to revise the definitions of the terms firearm, machine gun, pistol, and sawed-off shotgun, to add definitions for the terms assault weapon, intrafamily offense, magazine, and place of business, to provide a self-defense exemption for temporary possession of a firearm registered to another person within the registrant's home, to provide for the registration of pistols for use in self-defense within the home, to prohibit the registration of assault weapons and certain designated unsafe firearms, to provide that a person who has been convicted of an intrafamily offense within 5 years of application shall be ineligible to register a firearm, to provide that a person with multiple alcohol-related offenses within 5 years of application shall be ineligible to register a firearm, to provide that a person who within 5 years of application has had a history of violence shall be ineligible to register a firearm, to clarify that the Chief of Police may require an applicant for registration to receive training and pass testing on the use, handling, and storage of firearms, to require an applicant for registration to complete one hour of firing training and 4 hours of classroom instruction, to provide that applicants who have had civil protection or foreign protection orders entered against them shall be ineligible to register a firearm for 5 years, to establish a registration limit of one pistol per registrant per 30 days, to require a ballistics identification procedure as part of the registration process and to authorize the Chief of Police to assess a reasonable fee for the procedure, to clarify the process of revocation of a registration certificate, to provide a process for the renewal of registration certificates, to prohibit large capacity ammunition feeding devices, to provide that firearms dealers must notify the Chief of the theft or loss of any firearms or ammunition from their inventory, to provide that a dealers license shall be revoked if the dealer falls out of compliance with any of the duties or requirements, to provide that semiautomatic pistols manufactured and sold in the District be microstamped, to prohibit the sale, transfer, ownership, or possession of designated

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unsafe handguns, to clarify the firearms storage policy, to establish penalties for the reckless storage of a firearm accessible by a minor, and to provide the Mayor with rulemaking authority to implement the provisions of this act; to amend the Assault Weapon Manufacturing Strict Liability Act of 1990 to change the definition of the term assault weapon to conform it with the definition used in the Firearms Control Regulations Act of 1975; to provide a savings clause for actions, proceedings, and prosecutions commenced before amendments made by this act; and to repeal the Second Firearms Control Congressional Review Emergency Amendment Act of 2008.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Firearms Registration Emergency Amendment Act of 2008".

Sec. 2. Section 6 of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03), is amended by adding a new subsection (b-2) to read as follows:

"(b-2) In addition to those adjudicated cases listed in subsections (a), (b), and (b-1) of this section, as of January 1, 2009, this act shall apply to all adjudicated cases involving:

"(1) The imposition of a civil fine for violation of firearm registrant requirements pursuant to section 209(b) of the Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official § 7-2502.09(b))("Firearms Act");

"(2) The denial or revocation of a firearm registration certificate pursuant to section 210 of the Firearms Act; or

"(3) The denial or revocation of a dealer license pursuant to section 406 of the Firearms Act.".

Sec. 3. The Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 7-2501.01) is amended as follows:

(1) A new paragraph (3A) is added to read as follows:

"(3A)(A) "Assault weapon" means:

"(i) The following semiautomatic firearms:

"(I) All of the following specified rifles:

"(aa) All AK series including, but not limited to,

the models identified as follows:

AK47, AK47S, 56, 56S, 84S, and 86S;

"(1) Made in China AK, AKM, AKS,

"(2) Norinco (all models);

"(3) Poly Technologies (all models);

"(4) MAADI AK47 and ARM; and

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and AR110 C;
Match, and Sporter;

and

11;

- “(5) Mitchell (all models).
- “(bb) UZI and Galil;
- “(cc) Beretta AR-70;
- “(dd) CETME Sporter;
- “(ee) Colt AR-15 series;
- “(ff) Daewoo K-1, K-2, Max 1, Max 2, AR 100,
- “(gg) Fabrique Nationale FAL, LAR, FNC, 308
- “(hh) MAS 223.
- “(ii) HK-91, HK-93, HK-94, and HK-PSG-1;
- “(jj) The following MAC types:
 - “(1) RPB Industries Inc. sM10 and sM11;
 - “(2) SWD Incorporated M11;
- “(kk) SKS with detachable magazine;
- “(ll) SIG AMT, PE-57, SG 550, and SG 551;
- “(mm) Springfield Armory BM59 and SAR-48;
- “(nn) Sterling MK-6;
- “(oo) Steyer AUG, Steyr AUG;
- “(pp) Valmet M62S, M71S, and M78S;
- “(qq) Armalite AR-180;
- “(rr) Bushmaster Assault Rifle;
- “(ss) Calico —900;
- “(tt) J&R ENG —68; and
- “(uu) Weaver Arms Nighthawk.
- “(II) All of the following specified pistols:
 - “(aa) UZI;
 - “(bb) Encom MP-9 and MP-45;
 - “(cc) The following MAC types:
 - “(1) RPB Industries Inc. sM10 and sM11;
 - “(2) SWD Incorporated -11;
 - “(3) Advance Armament Inc. —11; and
 - “(4) Military Armament Corp. Ingram M-
 - “(dd) Intratec TEC-9 and TEC-DC9;
 - “(ee) Sites Spectre;
 - “(ff) Sterling MK-7;
 - “(gg) Calico M-950; and

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“(hh) Bushmaster Pistol.

“(III) All of the following specified shotguns:

“(aa) Franchi SPAS 12 and LAW 12; and

“(bb) Striker 12. The Streetsweeper type S/S Inc.

SS/12;

“(IV) A semiautomatic, rifle that has the capacity to accept a detachable magazine and any one of the following:

“(aa) A pistol grip that protrudes conspicuously beneath the action of the weapon;

“(bb) A thumbhole stock;

“(cc) A folding or telescoping stock;

“(dd) A grenade launcher or flare launcher;

“(ee) A flash suppressor; or

“(ff) A forward pistol grip;

“(V) A semiautomatic pistol that has the capacity to accept a detachable magazine and any one of the following:

“(aa) A threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer;

“(bb) A second handgrip;

“(cc) A shroud that is attached to, or partially or completely encircles, the barrel that allows the bearer to fire the weapon without burning his or her hand, except a slide that encloses the barrel; or

“(dd) The capacity to accept a detachable magazine at some location outside of the pistol grip;

“(VI) A semiautomatic shotgun that has one or more of the following:

“(aa) A folding or telescoping stock;

“(bb) A pistol grip that protrudes conspicuously beneath the action of the weapon;

“(cc) A thumbhole stock; or

“(dd) A vertical handgrip; and

“(VII) A semiautomatic shotgun that has the ability to accept a detachable magazine; and

“(VIII) All other models within a series that are variations, with minor differences, of those models listed in subparagraph (A) of this paragraph, regardless of the manufacturer;

“(ii) Any shotgun with a revolving cylinder; provided, that this sub-subparagraph shall not apply to a weapon with an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition; and

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“(iii) Any firearm that the Chief may designate as an assault weapon by rule, based on a determination that the firearm would reasonably pose the same or similar danger to the health, safety, and security of the residents of the District as those weapons enumerated in this paragraph.

“(B) The term "assault weapon" shall not include:

“(i) Any antique firearm; or

“(ii) Any of the following pistols, which are designed expressly for use in Olympic target shooting events, sanctioned by the International Olympic Committee and by USA Shooting, the national governing body for international shooting competition in the United States, and used for Olympic target shooting purposes:

MANUFACTURER	MODEL	CALIBER
BENELLI	MP90	.22LR
BENELLI	MP90	.32 S&W LONG
BENELLI	MP95	.22LR
BENELLI	MP95	.32 S&W LONG
HAMMERLI	280	.22LR
HAMMERLI	280	.32 S&W LONG
HAMMERLI	SP20	.22LR
HAMMERLI	SP20	.32 S&W LONG
PARDINI	GPO	.22 SHORT
PARDINI	GP-SCHUMANN	.22 SHORT
PARDINI	HP	.32 S&W LONG
PARDINI	MP	.32 S&W LONG
PARDINI	SP	.22LR
PARDINI	SPE	.22LR
WALTHER	GSP	.22LR
WALTHER	GSP	.32 S&W LONG
WALTHER	OSP	.22 SHORT
WALTHER	OSP-2000	.22 SHORT

“(C) The Chief may exempt, by rule, new models of competitive pistols that would otherwise fall within the definition of "assault weapon" pursuant to this section from being classified as an assault weapon. The exemption of competitive pistols shall be based either on recommendations by USA Shooting consistent with the regulations contained in the USA Shooting Official Rules or on the recommendation or rules of any other organization that the Chief considers relevant.”.

(2) A new paragraph (8A) is added to read as follows:

“(8A) “.50 BMG rifle” means:

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“(A) A rifle capable of firing a center-fire cartridge in .50 BMG caliber, including a 12.7 mm equivalent of .50 BMG and any other metric equivalent; or

“(B) A copy or duplicate of any rifle described in subparagraph (A) of this paragraph, or any other rifle developed and manufactured after the effective date of the Firearms Registration Emergency Amendment Act of 2008, passed on emergency basis on December 16, 2008 (Enrolled version of Bill 17-1073), regardless of caliber, if such rifle is capable of firing a projectile that attains a muzzle energy of 12,000 foot-pounds or greater in any combination of bullet, propellant, case, or primer.”

(3) Paragraph (9) is amended by striking the phrase “any weapon which will, or is designed or redesigned, made or remade, readily converted or restored, and intended to,” and inserting the phrase “any weapon, regardless of operability, which will, or is designed or redesigned, made or remade, readily converted, restored, or repaired, or is intended to,” in its place.

(4) A new paragraph (9A) is added to read as follows:

“(9A) “Intrafamily offense” shall have the same meaning as provided in D.C. Official Code § 16-1001(8).”

(5) Paragraph (10) is amended to read as follows:

“(10) “Machine gun” means any firearm which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term “machine gun” shall also include the frame or receiver of any such firearm, any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a firearm into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.”

(6) Paragraph (12) is amended by striking the word “hand” and inserting the phrase “hand or with a barrel less than 12 inches in length” in its place.

(7) A new paragraph (12A) is added to read as follows:

“(12A) “Place of business” means a business that is located in an immovable structure at a fixed location and that is operated and owned entirely, or in substantial part, by the firearm registrant.”

(8) Paragraph (15) is amended by striking the phrase “20 inches in length” both times it appears and inserting the phrase “18 inches in length” in its place.

(b) Section 201(b) (D.C. Official Code § 7-2502.01(b)) is amended as follows:

(1) Paragraph (3) is amended by striking the phrase “that such weapon shall be unloaded, securely wrapped, and carried in open view” and inserting the phrase “that such weapon shall be transported in accordance with section 4b of An Act To control the possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, passed on emergency basis on December 16, 2008 (Enrolled version of Bill 17-1074); or” in its place.

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(2) A new paragraph (4) is added to read as follows:

“(4) Any person who temporarily possesses a firearm registered to another person while in the home of the registrant; provided, that the person is not otherwise prohibited from possessing firearms and the person reasonably believes that possession of the firearm is necessary to prevent imminent death or great bodily harm to himself or herself.”.

(c) Section 202 (D.C. Official Code § 7-2502.02) is amended as follows:

(1) Subsection (a) is amended as follows:

(A) Paragraph (3) is amended by striking the word “or” at the end.

(B) Paragraph (4) is amended to read as follows:

“(4) Pistol not validly registered to the current registrant in the District prior to September 24, 1976, except that the prohibition on registering a pistol shall not apply to:

“(A) Any organization that employs at least one commissioned special police officer or other employee licensed to carry a firearm and that arms the employee with a firearm during the employee’s duty hours;

“(B) A police officer who has retired from the Metropolitan Police Department; or

“(C) Any person who seeks to register a pistol for use in self-defense within that person’s home;”.

(C) New paragraphs (5), (6), and (7) are added to read as follows:

“(5) An unsafe firearm prohibited under section 504;

“(6) An assault weapon; or

“(7) A .50 BMG rifle.”.

(2) Subsection (b) is repealed.

(d) Section 203 (D.C. Official Code § 7-2502.03) is amended as follows:

(1) Subsection (a) is amended as follows:

(A) Paragraph (4) is amended as follows:

(i) Subparagraph (A) is amended by striking the word “or” at the end.

(ii) New subparagraphs (C) and (D) are added to read as follows:

“(C) Two or more violations of section 10(b) of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1124; D.C. Official Code § 50-2201.05(b)), or, in any other jurisdiction, any law restricting driving under the influence of alcohol or drugs; or

“(D) Intrafamily offense;”

(B) A new paragraph (6A) is added to read as follows:

“(6A) Within the 5 years immediately preceding the application, has not had a history of violent behavior.”.

(C) Paragraph (10) is amended as follows:

(i) Strike the phrase “and the safe and responsible use of the same

in accordance with tests and standards” and insert the phrase “and, in particular, the safe and responsible use, handling, and storage of the same in accordance with training, tests, and standards” in its place.

(ii) Strike the word “and” at the end.

(D) Paragraph (11) is amended by striking the period at the end and inserting a semicolon in its place.

(E) New paragraphs (12), (13), and (14) are added to read as follows:

“(12)(A) Has not been the respondent in an intrafamily proceeding in which a civil protection order was issued against the applicant pursuant to D.C. Official Code § 16-1005; provided, that an applicant who has been the subject of such an order shall be eligible for registration if the applicant has submitted to the Chief a certified court record establishing that the order has expired or has been rescinded for a period of 5 years or more; or

“(B) Has not been the respondent in a proceeding in which a foreign protection order, as that term is defined in D.C. Official Code § 16-1041, was issued against the applicant; provided, that an applicant who has been the subject of such an order shall be eligible for registration if the applicant has submitted to the Chief a certified court record establishing that the order has expired or has been rescinded for a period of 5 years;

“(13)(A) Has completed a firearms training or safety course or class conducted by a state-certified firearms instructor or a certified military firearms instructor that provides, at a minimum, a total of at least one hour of firing training at a firing range and a total of at least 4 hours of classroom instruction.

“(B) An affidavit signed by the certified firearms instructor who conducted or taught the course, providing the name, address, and phone number of the instructor and attesting to the successful completion of the course by the applicant shall constitute evidence of certified successful completion under this paragraph.”

“(14) Has not been prohibited from possessing or registering a firearm pursuant to section 209(b).”

(2) New subsections (d) and (e) are added to read as follows:

“(d) The Chief shall require any registered pistol to be submitted for a ballistics identification procedure and shall establish a reasonable fee for the procedure.

“(e) The Chief shall register no more than one pistol per registrant during any 30-day period; provided, that the Chief may permit a person first becoming a District resident to register more than one pistol if those pistols were lawfully owned in another jurisdiction for a period of 6 months prior to the date of the application.”

(e) Section 204 (D.C. Official Code § 7-2502.04) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “5 years” and inserting the phrase “6 years” in its place.