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

DEC 2 2 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,

Vincent C. Gray

Vincent C. Gray
Chairman

Enclosure

ENROLLED ORIGINAL

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

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:

"(1) Made in China AK, AKM, AKS, AK47, AK47S, 56, 56S, 84S, and 86S;

"(2) Norinco (all models);

"(3) Poly Technologies (all models);

"(4) MAADI AK47 and ARM; and

"(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,

and AR110 C;

"(gg) Fabrique Nationale FAL, LAR, FNC, 308

Match, and Sporter;

"(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;

and

"(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-

11;

"(dd) Intratec TEC-9 and TEC-DC9;
"(ee) Sites Spectre;
"(ff) Sterling MK-7;
"(gg) Calico M-950; and

"(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

"(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:

"(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.

(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.

(2) Subsection (c) is amended by striking the phrase "shall be unloaded and securely wrapped, and carried in open view" and inserting the phrase "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)," in its place.

(f) Section 205(a) (D.C. Official Code § 7-2502.05(a)) is amended by striking the phrase "section 203" and inserting the phrase "sections 203 or 207a" in its place.

(g) A new section 207a is added to read as follows:

"Sec. 207a. Expiration and renewal of registration certificate.

"(a) Registration certificates shall expire 3 years after the date of issuance unless renewed in accordance with this section for subsequent 3-year periods.

"(b) A registrant shall be eligible for renewal of registration of a firearm if the registrant continues to meet all of the initial registration requirements set forth in section 203 and follows any procedures the Chief may establish by rule.

"(c) For each renewal, a registrant shall submit a statement to the Metropolitan Police Department attesting to:

"(1) Possession of the registered firearm;

"(2) The registrant's address; and

"(3) The registrant's continued compliance with all registration requirements set forth in section 203.

"(d) A registrant shall submit to a background check once every 6 years to confirm that the registrant continues to qualify for registration under section 203.

"(e)(1) The Metropolitan Police Department shall mail a renewal notice to each registrant at least 90 days prior to the expiration of the registration certificate.

"(2) A renewal application shall be received by the Metropolitan Police Department at least 60 days prior to the expiration of the current registration certificate to ensure timely renewal.

"(3) It is the duty of the registrant to timely renew a registration before its expiration date and a failure of the Metropolitan Police Department to mail or the registrant to receive the notice required under paragraph (1) of this subsection shall not prevent a registration from expiring as of that date.

"(f) An applicant for the renewal of a registration certificate may be charged a reasonable fee to cover the administrative costs incurred by the Metropolitan Police Department in connection with the renewal.

"(g) The Chief shall establish, by rule, a method for conducting the renewal of registrations for all firearms registered prior to the effective date of the Firearms Registration Amendment Act of 2008, passed on 2nd reading on December 16, 2008 (Enrolled version of Bill

17-843) ("Firearms Act"). The renewals of all firearms registered prior to the effective date of the Firearms Act, shall be completed within 3 years of the effective date of the Firearms Act.".

(h) Section 209 (D.C. Official Code § 7-2502.09) is amended as follows:

(1) Designate the existing text as subsection (a).

(2) The newly designated subsection (a) is amended as follows:

(A) Paragraph (2) is amended by adding the word "or" at the end.

(B) Paragraph (3) is amended by striking the phrase "false; or" and inserting the phrase "false." in its place.

(C) Paragraph (4) is repealed.

(3) A new subsection (b) is added to read as follows:

"(b) In addition to any other criminal or civil sanctions that may be imposed, including section 706:

"(1) A registrant shall be subject to a civil fine of $100 for the 1st violation or omission of the duties, obligations, or requirements imposed by section 208.

"(2) A registrant shall be subject to a civil fine of $500 for the 2nd violation or omission of the duties, obligations, or requirements imposed by section 208, a registrant's registration shall be revoked, and the registrant shall be prohibited from possessing or registering any firearm for a period of 5 years.

"(3) A registrant shall be subject to a civil fine of $500 for the 3rd violation or omission of the duties, obligations, or requirements imposed by section 208, a registrant's registration shall be revoked, and the registrant shall be prohibited from possessing or registering any firearm.".

(i) Section 210 (D.C. Official Code § 7-2502.10) is amended as follows:

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

"(a) If it appears to the Chief that an application for a registration certificate should be denied or that a registration certificate should be revoked, the Chief shall notify the applicant or registrant of the proposed denial or revocation, briefly stating the reason or reasons therefor. Service may be made by delivering a copy of the notice to the applicant or registrant personally, or by leaving a copy thereof at the place of residence identified on the application or registration with some person of suitable age and discretion then residing therein, or by mailing a copy of the notice first class mail, postage prepaid, to the residence address identified on the application or certificate. In the case of an organization, service may be made upon the president, chief executive, or other officer, managing agent or person authorized by appointment or law to receive such notice as described in the preceding sentence at the business address of the organization identified in the application or registration certificate. The person serving the notice shall make proof thereof by preparing an affidavit identifying the person served and stating the time, place, and manner of service. The applicant or registrant shall have 15 days from the date the notice is served in which to submit further evidence in support of the application or qualifications to continue to hold a registration certificate, as the case may be; provided, that if

the applicant does not make such a submission within 15 days from the date of service, the applicant or registrant shall be deemed to have conceded the validity of the reason or reasons stated in the notice, and the denial or revocation shall become final.".

(2) A new subsection (d) is added to read as follows:

"(d) If a firearm is in the possession of the Chief, the Chief may maintain possession of the firearm for which the registrant is temporarily or permanently prohibited from having lawful possession until final disposition of the matter.".

(j) Section 404 (D.C. Official Code § 7-2504.04) is amended as follows:

(1) Subsection (a)(2)(A) is amended by striking the semicolon and inserting the phrase "or of the loss, theft, or destruction of any firearms or ammunition in the dealer's inventory;" in its place.

(2) Subsection (b) is amended by adding at the end a new sentence to read as follows:

"In addition, the records required by subsection (a) of this section shall be submitted upon demand with the dealer's application for license renewal.".

(k) Section 405 (D.C. Official Code § 7-2504.05) is amended as follows:

(1) Paragraphs (1) and (2) are amended by striking the word "or" at the end.

(2) Paragraph (3) is amended by striking the period and inserting the phrase "; or" in its place.

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

"(4) The license holder no longer meets any of the criteria required by this unit .".

(l) Section 408 (D.C. Official Code § 7-2504.08) is amended as follows:

(1) Designate the existing text as subsection (a).

(2) A new subsection (b) is added to read as follows:

"(b) Beginning on January 1, 2011, no licensee shall sell or offer for sale any semiautomatic pistol manufactured on or after January 1, 2011 that is not microstamp-ready as required by and in accordance with section 503.".

(m) New sections 503 and 504 are added to read as follows:

"Sec. 503. Microstamping.

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

"(1) "Firearms dealer" means a person or organization possessing a dealer's license under authority of Title IV.

"(2) "Manufacturer" means any person in business to manufacture or assemble a firearm, for sale or distribution.

"(3) "Microstamp-ready" means a semiautomatic pistol that is manufactured to produce a unique alpha-numeric or geometric code on at least 2 locations on each expended cartridge case that identifies the make, model, and serial number of the pistol.

"(4) "Semiautomatic pistol" means a pistol capable of utilizing a portion of the energy of a firing cartridge to extract the fired cartridge case and automatically chamber the next

round, and that requires a separate pull of the trigger to fire each successive round.

"(b) Except as provided in subsection (c) of this section, beginning on January 1, 2011, a semiautomatic pistol shall be microstamp-ready if it is:

"(1) Manufactured in the District of Columbia;

"(2) Manufactured on or after January 1, 2011, and delivered or caused to be delivered by any manufacturer to a firearms dealer in the District of Columbia; or

"(3) Manufactured on or after January 1, 2011, and sold, offered for sale, loaned, given, or transferred by a firearms dealer in the District of Columbia.

"(c)(1) A semiautomatic pistol manufactured after January 1, 2011 that is not microstamp-ready and that was acquired outside of the District by a person who was not a District resident at the time of acquisition but who subsequently moved to the District shall be registered if the requirements of this unit are met, and may be sold, transferred, or given away; provided, that the pistol shall be sold, transferred, or given away only through a firearms dealer.

"(2) If a firearms dealer lawfully acquires a microstamp-ready semiautomatic pistol that was originally purchased by a non-dealer resident of the District of Columbia, the firearms dealer shall not sell, offer for sale, loan, give, or transfer that pistol if he or she knows or reasonably should have known that the unique alphanumeric or geometric code associated with that pistol has been changed, altered, removed, or obliterated, excepting for normal wear.

"(d)(1) Except as provided in paragraph (2) of this subsection, and except for normal wear, no person shall change, alter, remove, or obliterate the unique alpha-numeric or geometric code associated with that pistol.

"(2) Replacing a firing pin that has been damaged or worn and is in need of replacement for the safe use of the semiautomatic pistol or for a legitimate sporting purpose shall not alone be evidence that someone has violated this subsection.

"(e) Beginning January 1, 2011, a manufacturer that delivers a semiautomatic pistol, or causes a semiautomatic pistol to be delivered, to a firearms dealer for sale in the District of Columbia shall certify whether the pistol was manufactured on or after January 1, 2011 and, if it was, that:

"(1) The semiautomatic pistol will produce a unique alpha-numeric code or a geometric code on each cartridge case that identifies the make, model, and serial number of the semiautomatic pistol that expended the cartridge casing; and

"(2) The manufacturer will supply the Chief with the make, model, and serial number of the semiautomatic pistol that expended the cartridge case, when presented with an alpha-numeric or geometric code from a cartridge case; provided, that the cartridge case was recovered as part of a legitimate law enforcement investigation.

"(f) The Chief, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this section.

"Sec. 504. Prohibition on sale, transfer, ownership, or possession of designated unsafe

pistol.

"(a) Except as provided in subsections (c), (d), or (e) of this section, beginning January 1, 2009, a pistol that is not on the California Roster of Handguns Certified for Sale, (also known as the California Roster of Handguns Determined Not to be Unsafe), pursuant to California Penal Code § 12131, as of January 1, 2009, may not be manufactured, sold, given, loaned, exposed for sale, transferred, or imported into the District of Columbia.

"(b) Except as provided in subsection (e) of this section, beginning January 1, 2009, a pistol that is not on the California Roster of Handguns Certified for Sale as of January 1, 2009, may not be owned or possessed within the District of Columbia unless that pistol was lawfully owned and registered prior to January 1, 2009.

"(c) Except as provided in subsection (e) of this section, a District of Columbia resident who is the owner of a pistol lawfully registered prior to January 1, 2009, that is not on the California Roster of Handguns Certified for Sale as of January 1, 2009, and who wishes to sell or transfer that pistol after January 1, 2009, may do so only by selling or transferring ownership of the handgun to a licensed firearm dealer.

"(d) Except as provided in subsection (e) of this section, beginning January 1, 2009, a licensed firearm dealer who retains in the dealer's inventory, or who otherwise lawfully acquires, any pistol not on the California Roster of Handguns Certified for Sale as of January 1, 2009, may sell, loan, give, trade, or otherwise transfer the firearm only to another licensed firearm dealer.

"(e) This section shall not apply to:

"(1) Firearms defined as curios or relics, as defined in 27 C.F.R. § 478.11;

"(2) The purchase of any firearm by any law enforcement officer or agent of the District or the United States.

"(3) Pistols that are designed expressly for use in Olympic target shooting events, as defined by rule;

"(4) Certain single-action revolvers, as defined by rule;

"(5) The sale, loan, or transfer of any firearm that is to be used solely as a prop during the course of a motion picture, television, or video production by an authorized participant in the course of making that production or event or by an authorized employee or agent of the entity producing that production or event;

"(6) The temporary transfer of a lawfully owned and registered firearm for the purposes of cleaning, repair, or servicing of the firearm by a licensed firearm dealer; or

"(7) The possession of a firearm by a non-resident of the District of Columbia while temporarily traveling through the District; provided, that the firearm 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).

"(f) The Chief shall review any additions or deletions to the California Roster of

Handguns Certified for Sale at least annually. For purposes of District law, the Chief is authorized to revise, by rule, the roster of handguns determined not to be unsafe prescribed by subsection (a) of this section and to prescribe by rule the firearms permissible pursuant to subsection (e) of this section.

"(g) The Chief shall provide to the licensed firearm dealers within the District information about how to obtain a copy of the California Roster of Handguns Certified for Sale and any revisions to it made the Chief.

(n) Section 601 (D.C. Official Code § 7-2506.01) is amended as follows:

(1) Designate the existing text as subsection (a).

(2) A new subsection (b) is added to read as follows:

"(b) No person in the District shall possess, sell, or transfer any large capacity ammunition feeding device regardless of whether the device is attached to a firearm. For the purposes of this subsection, the term "large capacity ammunition feeding device" means a magazine, belt, drum, feed strip, or similar device that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition. The term "large capacity ammunition feeding device" shall not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition.".

(o) Section 702 (D.C. Official Code § 7-2507.02) is amended to read as follows:

"Sec. 702. Responsibilities regarding storage of firearms.

"(a) It shall be the policy of the District of Columbia that each registrant should keep any firearm in his or her possession unloaded and either disassembled or secured by a trigger lock, gun safe, locked box, or other secure device.

"(b) No person shall store or keep any firearm on any premises under his control if he knows or reasonably should know that a minor is likely to gain access to the firearm without the permission of the parent or guardian of the minor unless such person:

"(1) Keeps the firearm in a securely locked box, secured container, or in a location which a reasonable person would believe to be secure; or

"(2) Carries the firearm on his person or within such close proximity that he can readily retrieve and use it as if he carried it on his person.

"(c)(1) A person who violates subsection (b) of this section is guilty of criminally negligent storage of a firearm and, except as provided in paragraph (2) of this subsection, shall be fined not more than $1,000, imprisoned not more than 180 days, or both.

"(2) A person who violates subsection (b) of this section and the minor causes injury or death to himself or another shall be fined not more than $5,000, imprisoned not more than 5 years, or both.

"(3) The provisions of paragraphs (1) and (2) of this subsection shall not apply if the minor obtains the firearm as a result of an unlawful entry or burglary to any premises by any person.

"(d) For the purposes of this section, the term "minor" shall mean a person under

the age of 18 years.".

(p) Section 705(a) (D.C. Official Code § 7-2507.05(a)) is amended by striking the phrase "shall be unloaded and securely wrapped in a package" and inserting the phrase "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)," in its place.

(q) A new section 712 is added to read as follows:

"Sec. 712. Rules.

"The Chief, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this unit.".

Sec. 4. Section 3(1) of the Assault Weapon Manufacturing Strict Liability Act of 1990, effective March 6, 1991 (D.C. Law 8-263; D.C. Official Code § 7-2551.01(1)), is amended to read as follows:

"(1) "Assault weapon" shall have the same meaning as provided in section 101(3A) of the Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01(3A)).".

Sec. 5. Savings clause.

Nothing in section 2 shall affect any action, proceeding, or prosecution commenced before September 16, 2008. Any such action, proceeding, or prosecution shall continue, or may be enforced, in the same manner and to the same extent as if the amendments made by that section had not been made.

Sec. 6. Repealer.

The Second Firearms Control Congressional Review Emergency Amendment Act of 2008, effective December 12, 2008 (D.C. Act 127-601; 55 DCR ____), is repealed.

Sec. 7. Fiscal impact statement.

The Council adopts the December 16, 2008 fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1974 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 8. 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), and shall remain in effect for no longer than

90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Vincent C. Gray

Chairman
Council of the District of Columbia

Mayor
District of Columbia

COUNCIL OF THE DISTRICT OF COLUMBIA

WASHINGTON, D.C. 20004

Docket No. **B17-1073**

[ ] ITEM ON CONSENT CALENDAR

[X] ACTION & DATE — **ADOPTED FINAL READING, 12-16-08**

[X] VOICE VOTE
RECORDED VOTE ON REQUEST — **APPROVED**

ABSENT — **ALL PRESENT**

[ ]ROLL CALL VOTE – Result ( )

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn Gray	X				Catania	X				Schwartz	X			
Alexander	X				Cheh	X				Thomas, Jr.	X			
Barry	X				Evans	X				Wells	X			
Bowser	X				Graham	X								
Brown	X				Mendelson	X								

X – Indicate Vote AB – Absent NV – Present, Not Voting

CERTIFICATION RECORD

Cynthia Brock Smith — Secretary to the Council

December 19 2008 — Date

[ ] ITEM ON CONSENT CALENDAR

[ ] ACTION & DATE

[ ] VOICE VOTE
RECORDED VOTE ON REQUEST

ABSENT

[ ]ROLL CALL VOTE – Result ( )

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn Gray					Catania					Schwartz				
Alexander					Cheh					Thomas, Jr.				
Barry					Evans					Wells				
Bowser					Graham									
Brown					Mendelson									

X – Indicate Vote AB – Absent NV – Present, Not Voting

CERTIFICATION RECORD

Secretary to the Council — Date

[ ]ITEM ON CONSENT CALENDAR

[ ]ACTION & DATE

[ ]VOICE VOTE
RECORDED VOTE ON REQUEST

ABSENT

[ ]ROLL CALL VOTE – Result ( )

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn Gray					Catania					Schwartz				
Alexander					Cheh					Thomas, Jr.				
Barry					Evans					Wells				
Bowser					Graham									
Brown					Mendelson									

X – Indicate Vote AB – Absent NV – Present, Not Voting

CERTIFICATION RECORD

Secretary to the Council — Date