METROPOLITAN POLICE DEPARTMENT

NOTICE OF FINAL RULEMAKING

The Chief of the Metropolitan Police Department (Chief), pursuant to the authority under Section 712 of the Firearms Control Regulations Act of 1975 (Act), effective March 31, 2009 (D.C. Law 17-372; D.C. Official Code § 7-2507.11) (2013 Supp.)), hereby gives notice of the adoption of amendments to Chapter 23 (Guns and Other Weapons) of Title 24 (Public Space and Safety) of the District of Columbia Municipal Regulations (DCMR).

The rulemaking establishes a renewal process for firearms that, under the Act, were required to be registered with the Metropolitan Police Department (MPD) before January 1, 2011. MPD records indicate approximately 30,000 firearm registrations would be subject to the renewal requirement. Registrants would renew their firearm registrations over the course of two years, with the renewal dates based on the registrant's date of birth. Under the Act, any firearm registration that fails to renew shall be cancelled.

The rulemaking establishes a simple, streamlined process for renewal in new Section 2326: A registrant would be required to appear in person at MPD headquarters; submit fingerprints; confirm possession of the previously-registered firearm, home address, and continued compliance with the Act's registration requirements.

The rulemaking establishes a three-month window for registrants to renew, with an additional 30-day grace period. Registrants that renew more than 30 days, but fewer than 90 days, after the three-month window would pay twice the amount of the $13 registration fee. Registrants that fail to renew 90 or more days after the end of the three-month renewal window would have their firearm registration cancelled, be treated as a new registrant, and their firearm would be subjected to Section 202 of the Act.

The rulemaking also clarifies the requirements in Section 2319 for executors or administrators of estates that contain a firearm and updates the process and requirements in Section 2320 for registration of a pistol.

In addition, the rulemaking corrects legal citations to the current edition of the D.C. Official Code and updates the fees in Section 2331 related to registration.

A Notice of Proposed Rulemaking was previously published in the *D.C. Register* on November 16, 2013 at 60 DCR 15875. Two comments were received in response to the proposed rulemaking.

The first comment raised a grammatical question regarding the drafting of two sentences. As a result, a minor change to clarify intent was made to Section 2326.4(a) and (b) to delete the phrase "fails to renew" and replace it with the phrase "renews".

The second comment raised concerns with the requirements of Sections 2505.5 and 2309.1(g) regarding registration renewals every three years and disqualification for registration for

violations of D.C. Official Code § 50-2201.05b (2012 Repl.) or any law in the District or other jurisdiction regarding driving under the influence of drugs or alcohol, respectively. However, both of these sections' requirements are found within the Act and cannot be changed or negated by the Notice of Proposed Rulemaking. Additionally, the second comment raised general questions regarding the District's policy on firearms regulation and statutory research. As both sets of issues are beyond the scope of the Notice of Proposed Rulemaking, no additional changes have been made to the proposed rulemaking.

The Chief took final action on these rules on December 18, 2013. These final rules will be effective upon publication of this notice in the *D.C. Register*.

Chapter 23 (Guns and Other Weapons) of Title 24 (Public Space and Safety) of the DCMR is amended as follows:

Section 2305 (REGISTRATION OF FIREARMS: GENERAL PROVISIONS) is amended to read as follows:

2305 REGISTRATION OF FIREARMS: GENERAL PROVISIONS

2305.1 The provisions of §§ 2305 through 2326 are issued by the Chief of Police (the "Chief") pursuant to 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.* (2012 Repl. & 2013 Supp.)) (the "Act"), specifically § 206(b) of the Act, to prescribe procedures for registration of firearms.

2305.2 The Director is authorized by the Act to prescribe all forms required to implement the Act. All the information called for in each form shall be furnished, as indicated by the headings on the form and the instructions that are on each form or that are issued with respect to each form.

2305.3 The Chief shall register no more than one (1) pistol per registrant during any thirty- (30-) day period; provided, that this restriction shall apply only to the initial registration of a pistol and not to the renewal of the registration of a pistol.

2305.4 The Chief may permit a person first becoming a District resident to register more than one (1) pistol if those pistols were lawfully owned in another jurisdiction for a period of six (6) months prior to the date of application.

2505.5 Under § 207a of the Act (D.C. Official Code § 7-2502.07a (2013 Supp.)), a registration certificate issued by the Chief shall be valid for three (3) years from the date of issuance and must be renewed pursuant to § 2326 of this chapter.

Section 2306 (DESTRUCTIVE DEVICES) is amended to read as follows:

2306 DESTRUCTIVE DEVICES

2306.1 Any person may request the Director to make a determination whether a device falls within the exception to the definition of "destructive device" set forth in § 101(7)(E)(iv) of the Act (D.C. Official Code § 7-2501.01(7)(E)(iv) (2013 Supp.)).

2306.2 Each request for a determination shall be in writing, state the name and address of the manufacturer(s) of the device, accurately describe the device, and give the reasons the requestor believes the device qualifies for placement on the list.

2306.3 No person requesting a determination for a device already possessed by the requestor shall be charged with a violation of the Act prior to the adoption of a final rule.

Section 2307 (CRIMINAL DISQUALIFICATIONS FOR REGISTRATION) is amended to read as follows:

2307 CRIMINAL DISQUALIFICATIONS FOR REGISTRATION

2307.1 For the purposes of §§ 203(a)(2), 203(a)(3), and 203(a)(4) of the Act, the following records shall be used to determine whether there is prima facie evidence of a disqualification:

(a) A criminal history record information (as defined in 28 CFR § 20.3(d)) with a disposition showing a conviction or a sentence (including a suspended sentence, probation, incarceration, or a fine); or

(b) A court record showing a conviction or a sentence.

2307.2 Only convictions rendered by the courts of the several states, territories, possessions, and federal tribunals, including those of the military, shall be considered.

2307.3 The pendency of an appeal, or of any other judicial or non-judicial review, shall not be considered until the entry of a final order setting aside the conviction. Non-judicial review includes the pardon authority of the jurisdiction where the conviction was obtained.

2307.4 The time period preceding an application for registration shall be computed by using the date of the applicant's signature on form P.D. 219 as the end of the period of time to be computed.

Section 2309 (OTHER DISQUALIFICATIONS FOR REGISTRATION) is amended to read as follows:

2309 OTHER DISQUALIFICATIONS FOR REGISTRATION

2309.1 A firearm shall not be registered if the applicant meets any of the following conditions:

(a) The entry of a judgment or consent order or decree of negligence in any civil suit concerning the discharge of a firearm resulting in death or serious injury to a human being without regard to the filing of criminal charges, or the finding by a coroner of negligent homicide, shall be considered an adjudication of negligence to establish the disqualifier in § 203(a)(8) of the Act. For the purposes of this subsection, "serious injury"

shall be deemed to have occurred where the victim remains in a hospital in excess of forty-eight (48) hours;

(b) [RESERVED];

(c) The existence of a record described in § 2307.1 showing a conviction which makes a person ineligible to possess a pistol under D.C. Official Code § 22-4503 (2013 Supp.) shall establish that the person is disqualified from possessing a rifle or shotgun under § 203(a)(9) of the Act;

(d) A court record showing the applicant is a respondent in an intrafamily proceeding in which a civil protection order was issued against the applicant, unless the applicant can demonstrate by a certified court record establishing that the order has expired or has been rescinded for a period of five (5) years;

(e) A court record showing the applicant is a respondent in which a foreign protection order (as defined in D.C. Official Code § 16-1041(2) (2012 Repl.)) was issued against the applicant, unless the applicant can demonstrate by a certified court record establishing that the order has expired or has been rescinded for a period of five (5) years;

(f) Arrest records within the five (5) years immediately preceding the application, showing that the applicant has had a history of violent behavior. For purposes of this subsection, "history of violent behavior" includes, but is not limited to, arrests for violation of D.C. Official Code § 22-407 (2012 Repl.), regarding threats to do bodily harm, or D.C. Official Code § 22-404 (2012 Repl.), regarding assaults and threats, any crime of violence as defined in D.C. Official Code § 23-1331(4) (2013 Supp.), or any similar provision of the law of any other jurisdiction so as to indicate a likelihood to make unlawful use of a firearm;

(g) Two (2) or more violations of D.C. Official Code 50-2201.05b (2012 Repl.) or any law in the District or another jurisdiction restricting driving under the influence of drugs or alcohol; or

(h) Any other provision enumerated in D.C. Official Code § 7-2502.03(a) (2013 Supp.).

Section 2311 (KNOWLEDGE OF FIREARMS AND TRAINING REQUIREMENTS) is amended to read as follows:

2311 KNOWLEDGE OF FIREARMS AND TRAINING REQUIREMENTS

2311.1 Knowledge of the laws of the District pertaining to firearms, and knowledge of the safe and responsible use of firearms, shall be tested through a written examination.

2311.2 Under compelling circumstances, an oral test may be administered in place of the written test.

2311.3 The type of test and its content shall be at the sole discretion of the Director.

2311.4 [RESERVED].

2311.5 [RESERVED].

2311.6 Rifles and shotguns shall be considered the same type of firearm for the purposes of testing.

2311.7 If an applicant fails an examination, he or she shall be allowed one (1) retest without charge.

2311.8 A fee equal to that submitted with the original application may, at the discretion of the Director, be assessed for the second retest and for each subsequent retest.

2311.9 An applicant shall complete a firearms training and safety class provided by the Chief or submit evidence of compliance with § 203(a)(13)(B) of the Act.

Section 2312 (FINGERPRINTS AND PHOTOGRAPHS) is amended to read as follows:

2312 FINGERPRINTS AND PHOTOGRAPHS

2312.1 Each person registering a firearm or renewing a registration pursuant to § 2326 shall be fingerprinted, unless all of the following apply:

(a) [RESERVED];

(b) The applicant's fingerprints on file are, in the opinion of the Director, of the required quality; and

(c) The applicant offers sufficient identification to establish the applicant's identity as the same person whose fingerprints are already on file.

2312.2 Each person registering a firearm shall be photographed, at no charge, by the Director and the photograph shall be included as part of the registration application.

Section 2313 (PERSONAL APPEARANCE AND FILING TIME) is amended to read as follows:

2313 PERSONAL APPEARANCE AND FILING TIME

2313.1 In accordance with § 203 of the Act (D.C. Official Code § 7-2502.04(c) (2013 Supp.)), each applicant for a registration certificate shall personally present the required form at the Firearms Registration Section, during operating hours.

2313.2 Multiple applications submitted at one (1) time shall be accepted on the basis of a single personal appearance.

2313.3 The Director may waive the requirement for a personal appearance in emergency situations, including cases where the applicant is out of the country, in the hospital, or not ambulatory; provided, that the application shall be accepted for processing, but shall not be approved until the applicant appears in person.

2313.4 If the condition preventing the personal appearance is permanent or continuing in nature, the Director may, in his or her discretion, satisfy this requirement by interviewing the applicant at a place convenient to the applicant.

2313.5 When a personal appearance is not made, an appropriate notation shall be made on the application showing that fact, together with the name, address, phone number, and relationship to the applicant of the person presenting the application on the person's behalf.

2313.6 A person other than the president or chief executive of an organization may submit an application if that person presents with the application a letter on the organization's official letterhead signed by the president or chief executive of the organization, stating the name of the person appearing, that person's position within the organization, and the identity of the weapon he or she is authorized to present for registration.

2313.7 When submitting an application, an applicant shall not have the firearm to be registered in his or her possession.

2313.8 The Director may require an applicant to return with the firearm if it appears to the Director that any of the following conditions may apply:

(a) That the person is unqualified or incapable of safe and responsible possession or use of the firearm;

(b) That the firearm may be unregisterable, defective, or in a dangerous condition or state of disrepair; or

(c) That the information relating to the weapon on the application is incorrect, misleading, or incomplete.

2313.9 A person shall be deemed to be in compliance with the personal notification requirements of § 206(a) of the Act (D.C. Official Code § 7-2502.06(a) (2013 Supp.)) if he or she, immediately after bringing a firearm into the District, telephonically notifies the Firearms Registration Section at 202-727-4275.

Section 2315 (APPROVAL PERIOD) is amended to read as follows:

2315 APPROVAL PERIOD

2315.1 The sixty- (60-) day period for issuance of a certificate under § 207 of the Act (D.C. Official Code § 7-2502.07(b) (2012 Repl.)) may be extended for good cause in the event that the investigation into the applicant's qualifications has not been completed.

2315.2 Reasons that an extension may be granted for good cause shall include the following:

(a) Non-receipt of the results of an F.B.I. fingerprint check;

(b) Non-receipt of responses from other law enforcement agencies queried about the applicant;

(c) Lost, mutilated, or destroyed records requiring reproduction or replacement; or

(d) A substantial question concerning the applicant's eligibility that requires further inquiry.

2315.3 Any extension taken shall not exceed thirty (30) calendar days.

2315.4 The applicant shall be notified of the extension by letter.

2315.5 An application shall be automatically held in abeyance if the applicant has any other certificate pending, or becomes liable to revocation on any other certificate.

2315.6 An application that has been held under § 2315.5 shall be approved or denied in accordance with the time limits set forth in this section, after the termination of the revocation proceeding.

2315.7 Except as provided in § 2315.5, any application not expressly approved or denied within the following periods shall be deemed to be denied for the purpose of appealing to the Director:

(a) Within the sixty- (60-) day period required in the Act, unless the period is extended for good cause shown in accordance with this section; or

(b) At the end of the thirty- (30-) day extension period under this section.

Section 2317 (LOST, STOLEN, OR DESTROYED CERTIFICATES) is amended to read as follows:

2317 LOST, STOLEN, OR DESTROYED CERTIFICATES

2317.1 Upon discovering the loss, theft, or destruction of a registration certificate or firearm, the holder of the certificate shall immediately communicate this fact in writing or in person to the Firearms Registration Section in accordance with § 208 of the Act (D.C. Official Code § 7-2502.08 (2013 Supp.)).

2317.2 Each written communication concerning a certificate shall contain sufficient information to identify the holder.

2317.3 The filing of an offense report or complaint of a crime with respect to the loss, theft, or destruction of the certificate or weapon shall be deemed to be in compliance with this section.

2317.4 The holder of a destroyed, lost, or stolen certificate shall be issued a duplicate certificate without charge.

2317.5 The reissued certificate shall be prominently marked as a duplicate, and the issuance of the duplicate certificate shall automatically invalidate the lost, destroyed, or stolen certificate.

Section 2318 (MODIFICATION OF CERTIFICATES) is amended to read as follows:

2318 MODIFICATION OF CERTIFICATES

2318.1 If the information contained in the certificate is no longer accurate due to the holder's changed circumstances, the holder shall, in accordance with § 208 of the Act (D.C. Official Code § 7-2502.08 (2013 Supp.)), submit the certificate and a statement concerning the changes.

2318.2 A duplicate certificate showing the changes as reported shall be issued without charge.

2318.3 Issuance of the duplicate certificate shall automatically invalidate the previously held certificate.

Section 2319 (EXECUTORS AND ADMINISTRATORS) is amended to read as follows:

2319 EXECUTORS AND ADMINISTRATORS

2319.1 The executor or administrator of an estate in the District of Columbia containing a firearm shall notify the Firearm Registration Section of his or her appointment or qualification, as the case may be, not later than thirty (30) days after the appointment or qualification and, until the lawful distribution of any such firearm, shall be subject to § 301(b) of the Act.

2319.2 The notice required under § 2319.1 shall include the following:

(a) The name, mailing address, and telephone number of the executor or administrator;

(b) The registration number of the firearm, if available, or a description of the firearm including, the make, model, and serial number; and

(c) The name and address of the decedent.

2319.3 Persons qualified to file a petition for distribution or for waiver of administration under Chapter 7 of Title 20 of the D.C. Official Code shall be considered to be executor or administrator of the small estate for the purposes of this section.

2319.4 If the Director determines that the firearm was not registered or was otherwise possessed in violation of the Act, the Director shall so notify the executor or administration in writing.

2319.5 If the executor or administrator receives a notification issued under § 2319.4, he or she shall, within seven (7) days of receiving the notification:

(a) Surrender the firearm to the Firearm Registration Section;

(b) Lawfully remove the firearm from the District;

(c) Lawfully dispose of the firearm; or

(d) Submit a written appeal to the Director of the determination issued under § 2319.4.

2319.6 The executor or administrator shall not distribute any firearm in an estate to an heir or legatee that resides in the District unless the person to inherit or receive the

firearm has first obtained a valid registration certification for the firearm. The registration application shall include a statement by the applicant that he or she seeks to gain possession of a firearm which is part of an estate and shall include the information required under § 2319.2.

2319.7 For an heir or legatee that resides outside the District, the executor or administrator shall notify the Firearm Registration Section, in writing, that the firearm in the estate has been distributed to a person living outside the District.

Section 2320 (PROCEDURES AND REQUIREMENTS FOR REGISTRATION OF A PISTOL FOR THE PURPOSE OF SELF-DEFENSE WITHIN APPLICANT'S HOME) is amended to read as follows:

2320 PROCEDURES AND REQUIREMENTS FOR REGISTRATION OF A PISTOL FOR THE PURPOSE OF SELF-DEFENSE WITHIN APPLICANT'S HOME

2320.1 In addition to satisfying all other firearms registration requirements in this chapter, an applicant for a registration certificate for a pistol to be used for the purpose of self-defense within that person's home shall comply with all the procedures and requirements of this section. In the event of any irreconcilable conflict between this section and any other regulations regarding the registration of a pistol, this section shall control.

2320.2 The Director may register a pistol so long as the pistol is not an assault weapon, or a machine gun as those terms are defined in § 101(3A) and (10) of the Act (D.C. Official Code § 7-2501.01(3A) & (10) (2013 Supp.)), or an unsafe firearm prohibited under § 504 of the Act (D.C. Official Code § 7-2504.04 (2012 Repl.)).

2320.3 An applicant seeking to register a pistol he or she will purchase from a firearms dealer pursuant to this section shall:

(a) Acquire the firearm registration application (P.D. 219) either from any licensed firearms dealer in the District of Columbia, or in person at the Firearms Registration Section at the Metropolitan Police Department headquarters, or by mailing a request with a self-addressed, stamped envelope to Firearms Registration Section, Metropolitan Police Department, 300 Indiana Avenue, NW, Washington, D.C. 20001;

(b) Obtain assistance necessary to complete the application by presenting the firearm registration application to a firearms dealer licensed under federal law either:

(1) Located inside the District if the firearm is purchased within the District; or

(2) Located outside the District if the firearm is purchased outside the District;

(c) Appear in person at MPD headquarters to take these steps:

(1) Report to the Firearms Registration Section with the completed firearm registration application and provide the following:

(A) [RESERVED];

(B) A valid driver's license or a letter from a physician attesting that the applicant has vision at least as good as that required for a driver's license; and

(C) Residency verification, such as a District of Columbia driver's license or identification card, a current rental agreement, or a deed to property that includes a home;

(2) Complete a firearm registration test;

(3) If successful on the test, pay all applicable fees at the MPD cashier, including thirty-five dollars ($35) for fingerprinting and thirteen dollars ($13) for a firearm registration; and

(4) Present a fee receipt and submit to fingerprinting.

(d) Await notification from the Firearms Registration Section via mail, telephone, or other electronic communication on whether all statutory and regulatory requirements for registration have been satisfied;

(e) Upon notification that all statutory and regulatory requirements for registration have been satisfied, an applicant shall either:

(1) Return to the Firearms Registration Section to complete the registration process and obtain the approved firearms registration certificate; or

(2) Choose to receive the completed firearms registration certificate by mail; and

(f) Present the approved firearm registration application to the dealer licensed under federal law or, if federal law such as 18 U.S.C. § 922 prohibits the dealer from delivering the pistol to the applicant because the dealer is not within the District of Columbia, have that firearms dealer transport the pistol to a dealer located within the District, where the applicant will take delivery of the pistol.

2320.4 [RESERVED].

2320.5 An applicant seeking to register a pistol legally possessed in another jurisdiction pursuant to this section shall follow the procedure laid out in Paragraphs (a), (c), (d), and (e) of § 2320.3, in that order. If the applicant does not transport the pistol immediately to the Firearms Registration Section upon bringing it into the District, the applicant shall contact the Firearms Registration Section by calling 202-727-4275, providing notification that a pistol from another jurisdiction has been brought into the District, and then begin the application process within forty-eight (48) hours of such notification.

2320.6 [RESERVED].

2320.7 In the event of the loss, theft, or destruction of the registration certificate or of a registered pistol, a registrant shall immediately file a police report and shall also:

(a) Immediately notify the Firearms Registration Section in writing of the loss, theft, or destruction of the registration certificate or of the registered pistol (including the circumstances, if known) upon discovery of such loss, theft, or destruction; and

(b) Immediately return to the Firearms Registration Section the registration certificate for any pistol which is lost, stolen, or destroyed.

2320.8 [RESERVED].

2320.9 When permitted under this section to transport a pistol, the pistol shall be unloaded, and neither the pistol nor any ammunition being transported shall be readily accessible or directly accessible from the passenger compartment of the transporting vehicle.

2320.10 If the transporting vehicle does not have a compartment separate from the driver's compartment, the pistol or ammunition shall be contained in a locked container other than the glove compartment or console, and the pistol shall be unloaded.

2320.11 If the transportation is in a manner other than in a vehicle, the pistol shall be:

(a) Unloaded;

(b) Inside a locked container; and

(c) Separate from any ammunition.

Section 2321 (QUALIFICATIONS AND PROCEDURES TO OBTAIN A FIREARMS DEALER'S LICENSE) is amended to read as follows:

2321 QUALIFICATIONS AND PROCEDURES TO OBTAIN A FIREARMS DEALER'S LICENSE

2321.1 A person is eligible to become a licensed dealer of firearms if that person:

(a) Is eligible to register a firearm under this chapter;

(b) Is eligible under federal law to engage in such business; and

(c) Has not previously violated any statutory duty of a licensed dealer if that person earlier was a licensed dealer.

2321.2 The license issued to a firearms dealer shall be valid for a period of not more than one (1) year from the date of issuance.

2321.3 To deal firearms lawfully, the holder of a firearms dealer's license must also comply with any other license or zoning procedures required by law, including having a certificate of occupancy and a basic business license issued by the Department of Consumer and Regulatory Affairs in accordance with applicable provisions in the District of Columbia Municipal Regulations.

2321.4 Prior to applying to the Firearms Registration Section for a firearm dealer's license, an applicant must first obtain a Federal Firearms Dealer's License issued by the Bureau of Alcohol, Tobacco, and Firearms.

2321.5 Each application for a dealer's license and renewal shall be made on a form prescribed by the Chief, shall be sworn to or affirmed by the applicant, and shall contain:

(a) All information required by § 203 of the Act (D.C. Official Code § 7-2502.03 (2013 Supp.));

(b) The address where the applicant conducts or intends to conduct his/her business;

(c) Whether the applicant, prior to September 24, 1976, held a license to deal in deadly weapons in the District; and

(d) Such other information as the Chief may require including, but not limited to, fingerprints and photographs of the applicant.

Section 2323 (DISTRICT ROSTER OF HANDGUNS DETERMINED NOT TO BE UNSAFE) is amended to read as follows:

2323 DISTRICT ROSTER OF HANDGUNS DETERMINED NOT TO BE UNSAFE

2323.1 The Metropolitan Police Department shall establish the District Roster of Handguns Determined Not to be Unsafe (District Roster). Pursuant to § 504(e)(4) and 504(f) of the Act (D.C. Official Code § 7-2505.04 (e)(4) & (f) (2012 Repl.)), the District Roster shall constitute the roster of pistols that may be manufactured, sold, given, loaned, exposed for sale, transferred, or imported into the District of Columbia notwithstanding § 504(a) of the Act, and that may be owned or possessed within the District of Columbia notwithstanding § 504(b) of the Act.

2323.2 The District Roster shall include:

(a) Any pistol that is on the California Roster of Handguns Certified for Sale (also known as the California Roster of Handguns Determined Not to be Unsafe) (California Roster), pursuant to California Penal Code § 12131, as of January 1, 2009, unless such pistol is an unregisterable firearm pursuant to § 202 of the Act (D.C. Official Code § 7-2502.02 (2013 Supp.));

(b) Any pistol that was listed on the California Roster prior to January 1, 2009, which was, or is subsequently, removed from the California Roster for any reason not related to the pistol's safety;

(c) Any pistol listed on the January 1, 2009, Maryland Department of State Police Official Handgun Roster, as of January 1, 2009, published as Attachment A to this section, unless such pistol is an unregisterable firearm pursuant to § 202 of the Act (D.C. Official Code § 7-2502.02 (2013 Supp.)); and

(d) Any pistol listed on the Commonwealth of Massachusetts Executive Office of Public Safety and Security Approved Firearms Roster, as of April 2, 2009, published as Attachment B to this section, unless such pistol is an unregisterable firearm pursuant to § 202 of the Act (D.C. Official Code § 7-2502.02 (2013 Supp.)).

2323.3 A pistol shall be deemed to be included on the District Roster if another pistol made by the same manufacturer is already listed and the unlisted pistol differs from the listed firearm only in one (1) or more of the following features:

(a) Finish, including, but not limited to, bluing, chrome-plating, oiling, or engraving.

(b) The material from which the grips are made.

(c) The shape or texture of the grips, so long as the difference in grip shape or texture does not in any way alter the dimensions, material, linkage, or functioning of the magazine well, the barrel, the chamber, or any of the components of the firing mechanism of the pistol.

(d) Any other purely cosmetic feature that does not in any way alter the dimensions, material, linkage, or functioning of the magazine well, the barrel, the chamber, or any of the components of the firing mechanism of the pistol.

2323.4 Any applicant seeking to have a pistol registered under § 2323.3 shall provide to the Chief all of the following:

(a) The model designation of the listed firearm.

(b) The model designation of each firearm that the applicant seeks to have registered under this section.

(c) A statement, under oath, that each unlisted pistol for which registration is sought differs from the listed pistol only in one (1) or more of the ways identified in § 2323.3 and is in all other respects identical to the listed pistol.

2323.5 Any decision refusing registration pursuant to this section may be appealed to the Chief pursuant to § 210 of the Act (D.C. Official Code § 7-2502.10 (2012 Repl.)), and thereafter to the Office of Administrative Hearings, pursuant to D.C. Official Code § 2-1831.03(b-2) (2012 Repl.). In any such appeal, the applicant shall bear the burden of demonstrating that the Chief's decision should be reversed and registration permitted.

2323.6 The make and model of any pistol registered pursuant to §§ 2323.3 through 2323.5 shall be recorded by the Metropolitan Police Department in such a manner to allow the Chief to waive the requirements of § 2323.4 in the event an additional applicant seeks registration for an identical pistol.

Section 2324 (INTERPRETATION OF ASSAULT WEAPONS DEFINITION) is amended to read as follows:

2324 INTERPRETATION OF ASSAULT WEAPONS DEFINITION

2324.1 Section 101 Paragraph 3A of the Act (D.C. Official Code § 7-2501.01(3A) (2013 Supp.)) defined the term "assault weapon" and § 202(a)(6) of the Act (D.C. Official Code § 7-2502.02(a)(6) (2013 Supp.)) declared that an "assault weapon" may not be registered in the District.

2324.2 In those instances where the definition of "assault weapon" refers to a firearms manufacturer or description without including a specific model reference, the term "assault weapon" shall be interpreted to include only those firearms produced by such manufacturer, or possessing such description, that share characteristics similar to the firearms enumerated in § 101 Paragraph 3A(A)(i)(I) through (III) of the Act (D.C. Official Code § 7-2501.01 (3A)(A)(i)(I) through (III) (2013 Supp.)), or possess any of the enumerated characteristics listed in § 101 Paragraph 3A(A)(i)(IV) through (VIII) and 3A(A)(ii) through (iii) of the Act (D.C. Official Code § 7-2501.01(3A)(A)(i)(IV) through (VIII) and (3A)(A)(ii) through (iii) (2013 Supp.)).

2324.3 A firearm that is produced by a manufacturer or possesses a description that is included in the definition of "assault weapon" referred to in § 2324.1, but which does not share characteristics similar to the enumerated firearms or the enumerated characteristics described in § 2324.2, may be registered; provided, that the firearm is not otherwise prohibited from registration under District or Federal law or regulation.

Section 2325 (PRE-1985 PISTOLS) is amended to read as follows:

2325 PRE-1985 PISTOLS

2325.1 Any pistol with a single action firing mechanism manufactured prior to 1985 shall be exempt from the application of § 504 of the Act (D.C. Official Code § 7-2505.04 (2012 Repl.)).

2325.2 Any pistol manufactured prior to 1985, not subject to § 2325.1, shall be deemed included on the District Roster established pursuant to § 2323.

A new Section 2326 is added to read as follows:

2326 RENEWAL OF FIREARM REGISTRATION

2326.1 Pursuant to § 207a of the Act, a registration certificate shall expire three (3) years after the date of issuance, unless renewed in accordance with the Act and this section or otherwise stated in law or regulation.

2326.2 Firearms registered before January 1, 2011 shall be renewed as follows:

(a) A registrant shall appear in person at the Firearms Registration Section and submit an attestation containing the following information:

(1) Confirmation that the registrant continues to possess the firearm or firearms that were previously registered;

(2) The registrant's current residential address; and

(3) Confirmation that the registrant is compliant with each of the registration requirements under § 203(a) of the Act (D.C. Official Code § 7-2502.03(a) (2013 Supp.)).

(b) A registrant shall also submit to being fingerprinted.

2326.3 Registrants subject to § 2326.2 shall be required to renew their registration pursuant to the following schedule based on the registrant's date of birth:

(a) If born between January 1 and February 15, the renewal period is between January 1, 2014 and March 31, 2014;

(b) If born between February 16 and March 31, the renewal period is between April 1, 2014 and June 30, 2014;

(c) If born between April 1 and May 15, the renewal period is between July 1, 2014 and September 30, 2014;

(d) If born between May 16 and June 30, the renewal period is between October 1, 2014 and December 31, 2014;

(e) If born between July 1 and August 15, the renewal period is between January 1, 2015 and March 31, 2015;

(f) If born between August 16 and September 30, the renewal period is between April 1, 2015 and June 30, 2015;

(g) If born between October 1 and November 15, the renewal period is between July 1, 2015 and September 30, 2015; and

(h) If born between November 16 and December 31, the renewal period is between October 1, 2015 and December 31, 2015.

2326.4 If a registrant fails to renew his or her registration during the renewal period listed in § 2326.3, the registrant shall be subject to the following:

(a) If the registrant renews within thirty (30) days of the end of renewal period listed in § 2326.3, the renewal shall be processed as if submitted on time;

(b) If the registrant renews more than thirty (30) days but fewer than ninety (90) days after the end of the renewal period listed in § 2326.3, the registrant shall pay twice the amount of the firearm registration fee listed in § 2331.1; and

(c) If the registrant fails to renew ninety (90) days or more after the end of the renewal period listed in § 2326.3:

(1) The registrant's registration shall be cancelled;

(2) The registrant shall be treated as a new registrant subject to §§ 2305 through 2313; and

(3) The firearm shall be subject to § 202 of the Act.

Section 2331 (FEES) is amended to read as follows:

2331 FEES

2331.1 The following fees shall be charged in connection with the services provided under this chapter:

(a) Accident reports – $ 3.00;

(b) Arrest records – $7.00;

(c) Fingerprints – $35.00;

(d) Firearm registration – $13.00;

(e) [RESERVED]; and

(f) Transcript of records – $3.00.

Section 2399 (DEFINITIONS) is amended to read as follows:

2399 DEFINITIONS

2399.1 When used in this chapter, and in forms prescribed under this chapter, where not otherwise distinctly expressed or manifestly incompatible with the intent of the Act or this chapter, the following terms shall have the meanings ascribed:

Act – 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*. (2012 Repl. and 2013 Supp.)).

Chief – the Chief of the Metropolitan Police Department.

Dealer – any person engaged in the business of buying, selling, or otherwise dealing in firearms, ammunition, or destructive devices at wholesale or retail; any person engaged in the business of repairing, testing, or analyzing firearms; any person engaged in the business of making or fitting special barrels, stocks, or trigger mechanisms for firearms or destructive devices; or any person repairing, testing, analyzing, or making any destructive device or ammunition.

Director – the commanding officer or acting commanding officer of the Police Business Services Division of the Metropolitan Police Department or their delegates.

Explosive or explosives – any chemical compound or mechanical mixture that contains any oxidizing and combustible units, or other ingredients, in such proportion, quantities, or packing that an ignition by fire, friction, concussion, percussion, or detonator, or any part of the compound or mixture, may cause a sudden generation of highly heated gasses that results in gaseous pressures capable of producing destructive effects on

contiguous objects or of destroying life or limb. (Art. 9, § 3 of the Police Regulations).

Firearms Registration Section – a part of the Police Business Services Division of the Metropolitan Police Department, located in 300 Indiana Avenue, N.W., Washington, D.C. 20001.

Home – the principal place of residence of an individual in the District and limited to the interior of a house, condominium unit, cooperative unit, apartment, houseboat, or a mobile home, so long as that structure is not capable of unassisted movement. The term home does not include any common areas of any condominium unit, cooperative unit, or apartment.

Intrafamily offense – shall have the same meaning as provided in D.C. Official Code § 16-1001(8) (2012 Repl.).

Licensed dealer – a deadly weapons dealer licensed under the Act and this chapter.

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.

Pistol – any firearm originally designed to be fired by use of a single hand or with a barrel less than 12 inches in length.

Supervisor – the person in charge of the Firearms Registration Section.

DATE AND TIME RECEIVED
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RULEMAKING TRANSMITTAL FORM

TYPE OF RULEMAKING ACTION: _____ EMERGENCY RULES
___X___ FINAL RULES_____ PROPOSED RULES_____COMBINED
AGENCY: METROPOLITAN POLICE DEPARTMENT
ADDRESS: 300 Indiana Avenue, NW, Room 5117
Washington, DC 20001

AGENCY REPRESENTATIVE: Kelly O'Meara, Executive Director, Strategic Change

TELEPHONE: (202) 727-9680

TITLE AND DESCRIPTION OF RULES: The Notice of Final Rulemaking establishes a renewal process for firearms that, under the Firearms Regulations Control Act of 1975, were required to be registered with the Metropolitan Police Department before January 1, 2011; corrects legal citations to the current edition of the D.C. Official Code; and updates the fees related to registration.

COMPLETE CITATION: (If this rulemaking will amend or repeal existing rules, give a complete citation to the rules being amended or repealed)
24 DCMR Chapter 23.

FINAL RULES ONLY: Give the D.C. Register citation and date of publication of the Notice of Proposed Rulemaking for these rules: 60 DCR 15875 (November 15, 2013).

COMPLETE CITATION to the statute, regulation, or other legal authority which specifically authorizes the issuance of the substance of these rules: Section 712 of the Firearms Regulations Control Act of 1975 (Act), effective March 31, 2009 (D.C. Law 17-372; D.C. Official Code § 7-2507.11) (2013 Supp.)).

LEGAL CERTIFICATION: I certify that I have reviewed the attached rulemaking, and, in my opinion, the substance of the text of the rules is legally sufficient.

NAME: _____ TITLE: _____ ☐ **FINAL**

PHONE: _____ SIGNATURE: _____ ☐ **CONDITIONAL**

PROMULGATOR: Name and title of the person, Board or other entity legally authorized to promulgate these rules or authorized to adopt rules by vote:
NAME: **Cathy L. Lanier** TITLE: **Chief of Police**

COMPLETE CITATION: Section 712 of the Firearms Regulations Control Act of 1975 (Act), effective March 31, 2009 (D.C. Law 17-372; D.C. Official Code § 7-2507.11) (2013 Supp.)).

SIGNATURE OF THE PERSON AUTHORIZED TO ADOPT RULES OR ATTEST TO THE ADOPTION OF RULES

DATE OF APPROVAL OR VOTE: 12/18/13

APPROVAL OR ATTEST: Cathy L. Lanier

TITLE: Chief of Police TELEPHONE: 727-4218

Office of Documents use only:
THIS NOTICE PUBLISHED AT: VOL. _____ D C R _____ DATE:_____