


Councilmember Phil Mendelson

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, the Firearms Control Regulations Act of 1975 to define “firearms instructor” and allow a person to temporarily possess a firearm while participating in a firearms training and safety class; to clarify that a registration certificate may be issued to a firearms instructor or organization employing a firearms instructor, or to a person who complies with the registration requirements; to provide that a firearms instructor or organization that employs a firearms instructor may register a pistol; to clarify that the requirement to demonstrate knowledge of the District’s firearms laws is a one-time requirement per applicant; to repeal the requirement for a vision test and provide that an individual who is legally blind may not register a firearm; to revise the training requirement for firearms registration and provide for certain exceptions; to repeal the requirement that each pistol be submitted for ballistic identification as part of the registration process; to eliminate the requirement that registrants produce photographs and instead require the Chief of Police to take a digitalized photograph and fingerprints at the time of registration; to eliminate the requirement that registrants submit to a background check every 6 years; to clarify that registration may be renewed online, by mail, or in person; to require the creation of a system for registration renewal by January 1, 2014; permit the District to temporarily act as a federal firearms licensee when one is not commercially available; to extend to January 1, 2014 the date by when semiautomatic pistols must be microstamp-ready; to exempt a person who has lawfully registered a firearm from certain prohibitions against unregistered ammunition; to allow for temporary possession of ammunition while participating in a firearms training and safety class; to harmonize various provisions in the laws pertaining to firearms; and to make other technical corrections and clarifications; to amend 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in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes to remove outdated language regarding the granting of licenses to carry weapons, to clarify that law enforcement officers are not excepted from the provision prohibiting possession of a

1 firearm while committing certain crimes, and to make other technical corrections and
2 clarifications; and to amend section 23-1331 of the District of Columbia Official Code to
3 make a technical correction.
4

5 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
6 act may be cited as the “Firearms Amendment Congressional Review Emergency Act of 2012”.

7 Sec. 2. The Firearms Control Regulations Act of 1975, effective September 24, 1976
8 (D.C. Law 1-85; D.C. Official Code § 7-2501.01 *et seq.*), is amended as follows:

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

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

11 “(5) “Crime of violence” shall have the same meaning as provided in D.C.
12 Official Code § 23-1331(4).”.

13 (2) Paragraph (9A) is redesignated as paragraph (9B).

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

15 “(9A) “Firearms instructor” means an individual who is certified by the Chief to
16 be qualified to teach firearms training and safety courses.”.

17 (4) Paragraph (13a) is redesignated as paragraph (13A).

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

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

20 (A) Paragraph (2) is amended by striking the word “or” at the end.

21 (B) Paragraph (3) is amended by striking the period at the end and
22 inserting a semicolon in its place.

23 (C) New paragraphs (4) and (5) are added to read as follows:

24 “(4) To a firearms instructor, or to an organization that employs a firearms
25 instructor, for the purpose of conducting firearms training; or

1 “(5) To a person who complies with, and meets the requirements of, this act.”.

2 (2) Subsection (b) is amended as follows:

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

4 (B) Paragraph (4) is amended by striking the period at the end and
5 inserting a semicolon followed by the word “or” in its place.

6 (C) A new paragraph (5) is added to read as follows:

7 “(5) Any person who temporarily possesses a firearm while participating in a
8 firearms training and safety class conducted by a firearms instructor.”.

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

10 “(c) For the purposes of subsection (b)(3) of this section, the term “recreational firearm-
11 related activity” includes a firearms training and safety class.”.

12 (c) Section 202(a)(4) (D.C. Official Code § 7-2502.02(a)(4)) is amended as follows:

13 (1) Subparagraph (B) is amended by striking the word “or” at the end.

14 (2) Subparagraph (C) is amended by adding the word “or” at the end.

15 (3) A new subparagraph (D) is added to read as follows:

16 “(D) A firearms instructor, or an organization that employs a firearms
17 instructor, for the purpose of conducting firearms training.”.

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

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

20 (A) Paragraph (2) is amended to read as follows:

21 “(2) Has not been convicted of a weapons offense (but not an infraction or
22 misdemeanor violation under sections 208, 702, 706, or 807) or a felony in this or any other
23 jurisdiction (including a crime punishable by imprisonment for a term exceeding one year);”.

1 (B) Paragraph (4) is amended as follows:

2 (i) Subparagraphs (B), (C), and (D) are amended to read as
3 follows:

4 “(B) A violation of section 806 of An Act To establish a code of law for
5 the District of Columbia, approved March 3, 1901 (31 Stat. 1322; D.C. Official Code § 22-404),
6 regarding assaults and threats, or section 2 of An Act To confer concurrent jurisdiction on the
7 police court of the District of Columbia in certain cases, approved July 16, 1912 (37 Stat. 193;
8 D.C. Official Code § 22-407), regarding threats to do bodily harm, or a violation of any similar
9 provision of the law of another jurisdiction;

10 “(C) Two or more violations of section 10(b) of An Act To provide for
11 the regulation of motor-vehicle traffic in the District of Columbia, increase the number of judges
12 in police court, and for other purposes, approved March 3, 1925 (43 Stat. 1124; D.C. Official
13 Code § 50-2201.05(b)), or, in this or any other jurisdiction, any law restricting driving under the
14 influence of alcohol or drugs;

15 “(D) Intrafamily offense punishable as a misdemeanor, including any
16 similar provision in the law of another jurisdiction; or”.

17 (ii) A new subparagraph (E) is added to read as follows:

18 “(E) Misdemeanor violation pursuant to sections 702 or 706;”.

19 (C) Paragraph (10) is amended to read as follows:

20 “(10) Has not failed to demonstrate satisfactorily, in accordance with a test
21 prescribed by the Chief, a knowledge of the laws of the District of Columbia pertaining to
22 firearms and, in particular, the requirements of this act, the responsibilities regarding storage, and
23 the requirements for transport; provided, that once this determination is made with respect to a

1 given applicant for a particular firearm, it need not be made again for the same applicant with
2 respect to a subsequent application for a firearm or for the renewal of a registration certificate
3 pursuant to section 207a;”.

4 (D) Paragraph (11) is amended to read as follows:

5 “(11) Is not blind, as defined in section 8(1) of An Act To enable the blind and
6 the otherwise physically disabled to participate fully in the social and economic life of the
7 District of Columbia, approved October 21, 1972 (86 Stat. 971; D.C. Official Code § 7-
8 1009(1));”.

9 (E) Paragraph (13) is amended as follows:

10 (i) Subparagraph (A) is amended to read as follows:

11 “(A) Has completed a firearms training and safety class provided free of
12 charge by the Chief; or”.

13 (ii) Subparagraph (B) is amended to read as follows:

14 “(B) Has submitted evidence of any of the following:

15 “(i) That the applicant has received firearms training in the United
16 States military;

17 “(ii) A license from another state for which firearms training is
18 required, where the training, as determined by the Chief, is equal to or greater than that provided
19 under subparagraph (A) of this paragraph; or

20 “(iii) That the applicant has otherwise completed a firearms
21 training or safety course conducted by a firearms instructor that, as determined by the Chief, is
22 equal to or greater than that conducted under subparagraph (A) of this paragraph; and”.

23 (2) Subsection (d) is repealed.

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

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

3 “(a) The Chief shall require any person applying for a registration certificate to be
4 fingerprinted in order to conduct an efficient and adequate investigation into the matters
5 described in section 203 and to effectuate the purposes of this act. The Chief shall maintain a
6 record of the fingerprints of sufficient quality to enable periodic investigation to ensure
7 compliance with section 203.”.

8 (2) Subsection (b) is amended to read as follows:

9 “(b) The Chief shall take a digitalized, full-face photograph of each applicant, other than
10 an organization, to be included as part of a person’s firearms registration application. The photo
11 shall be taken simultaneously with the filing of the application.”.

12 (f) Section 205 (D.C. Official Code § 7-2502.05) is amended by adding a new subsection
13 (c) to read as follows:

14 “(c) Any declaration, certificate, verification, or statement made for purposes of firearm
15 registration under this title shall be made under penalty of perjury pursuant to section 401 of the
16 District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982
17 (D.C. Law 4-164; D.C. Official Code § 22-2402). Except as required in section 203(a)(1), no
18 document shall be required to be notarized.”.

19 (g) Section 206(b) (D.C. Official Code § 7-2502.06(b)) is repealed.

20 (h) Section 207a (D.C. Official Code § 7-2502.07a) is amended as follows:

21 (1) Subsection (c) is amended as follows:

22 (A) Designate the existing text as paragraph (1) and redesignate
23 paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C) .

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

2 “(2) The statement submitted pursuant to paragraph (1) of this subsection shall be on
3 a form provided by the Chief that can be submitted online via the Metropolitan Police
4 Department website, by mail, or in person.”.

5 (2) Subsection (d) is repealed.

6 (3) Subsection (f) is repealed.

7 (4) Subsection (g) is amended to read as follows:

8 “(g) The Chief shall establish, by rule, a method for conducting the renewal of
9 registration certificates for all firearms registered before January 1, 2011. This method
10 shall be established before January 1, 2014.”.

11 (5) A new subsection (h) is added to read as follows:

12 “(h) Notwithstanding subsection (a) of this section, no registration certificate shall expire
13 and no renewal of a registration certificate shall be required earlier than provided in the rule
14 established pursuant to subsection (g) of this section.”.

15 (i) The heading of section 208 (D.C. Official Code § 7-2502.08) is amended to read as
16 follows:

17 “Sec. 208. Duties of registrants; penalties.”.

18 (j) Section 405(4) (D.C. Official Code § 7-2504.05(4)) is amended by striking the word
19 “unit” and inserting the word “title” in its place.

20 (k) Section 408(b) (D.C. Official Code § 7-2504.08(b)) is amended by striking the
21 phrase “January 1, 2013” wherever it appears and inserting the phrase “January 1, 2014” in its
22 place.

23 (l) A new section 410 is added to read as follows:

1 “Sec. 410. District as federal firearms licensee.

2 “(a) Whenever there is no active federal firearms licensee in the District of Columbia,
3 the Mayor may seek from federal authorities a license for the District to act as a federal firearms
4 licensee solely for the benefit of any District resident eligible and seeking to obtain a lawful
5 handgun.

6 “(b) The Mayor shall delegate the authority under subsection (a) of this section to a
7 subordinate agency.

8 “(c) The District shall act under the license obtained pursuant to subsection (a) of this
9 section only until such time as there is an active federal firearms licensee in the District of
10 Columbia.

11 “(d) The District may charge a fee to recover the cost of acting as a federal firearms
12 licensee pursuant to subsection (a) of this section by charging \$125 or its actual costs, whichever
13 is less, for each handgun.

14 “(e) For the purposes of this section, the term “active federal firearms licensee” means a
15 person or business that has applied for and received a federal firearms license pursuant to 18
16 U.S.C. § 923 for the purpose of interstate transfer of handguns, and is operating commercially in
17 the District of Columbia.”.

18 (m) Section 503 (D.C. Official Code § 7-2505.03) is amended as follows:

19 (1) Subsection (b) is amended by striking the phrase “January 1, 2013” wherever
20 it appears and inserting the phrase “January 1, 2014” in its place.

21 (2) Subsection (c)(1) is amended as follows:

22 (A) Strike the phrase “2013 that” and insert the phrase “2014, that” in its
23 place.

1 (B) Strike the word “unit” and insert the word “act” in its place.

2 (3) Subsection (e) is amended by striking the phrase “January 1, 2013” wherever
3 it appears and inserting the phrase “January 1, 2014” in its place.

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

5 (1) Paragraph (3) is amended to read as follows:

6 “(3) He is the holder of a valid registration certificate for a firearm pursuant to
7 Title II of this act; except, that no such person shall possess restricted pistol bullets;”.

8 (2) Paragraph (4) is amended by striking the period at the end and inserting a
9 semicolon followed by the word “or” in its place.

10 (3) A new paragraph (5) is added to read as follows:

11 “(5) He temporarily possesses ammunition while participating in a firearms
12 training and safety class conducted by a firearms instructor.”.

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

14 (1) The heading is amended to read as follows:

15 “Sec. 702. Responsibilities regarding storage offirearms; penalties.”.

16 (2) A new subsection (c-1) is added to read as follows:

17 “(c-1) The provisions of section 706 shall not apply to this section.”.

18 (p) Section 706 (D.C. Official Code § 7-2507.06) is amended by striking the phrase
19 “Any person convicted of a violation of any provision of this act” and inserting the phrase
20 “Except as provided in sections 205, 208, 702, and 807, any person convicted of a violation of
21 any provision of this act” in its place.

22 (q) Section 712 (D.C. Official Code § 7-2507.11) is amended by striking the word “unit”
23 and inserting the word “act” in its place.

1 (r) Section 801(3) (D.C. Official Code § 7-2508.01(3)) is amended as follows:

2 (1) Subparagraph (B) is amended by striking the word “or” at the end.

3 (2) A new subparagraph (B-i) is added to read as follows:

4 “(B-i) A conviction for a firearms-related violation of the provisions in
5 section 804 of An Act To establish a code of law for the District of Columbia, approved March
6 3, 1901 (31 Stat. 1321; D.C. Official Code § 22-402) (assault with a dangerous weapon), section
7 3 of An Act To prohibit the introduction of contraband into the District of Columbia penal
8 institutions, approved December 15, 1941 (55 Stat. 800; D.C. Official Code § 22-2603.02))
9 (unlawful possession of contraband), or section 811a(b) of An Act To establish a code of law for
10 the District of Columbia, effective May 8, 1993 (D.C. Law 9-270; D.C. Official Code § 22-
11 2803(b)) (carjacking); or”.

12 (3) Subparagraph (C) is amended by striking the phrase “subparagraph (A) or
13 (B)” and inserting the phrase “subparagraphs (A), (B), or (B-i)” in its place.

14 Sec. 3. An Act To control the possession, sale, transfer and use of pistols and other
15 dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of
16 evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-
17 4501 *et seq.*), is amended as follows:

18 (a) Section 1(2A) (D.C. Official Code § 22-4501(2A)) is amended as follows:

19 (1) Strike the paragraph designation “(1)” and insert the subparagraph
20 designation “(A)” in its place.

21 (2) Strike the paragraph designation “(2)” and insert the subparagraph
22 designation “(B)” in its place.

23 (3) Strike the paragraph designation “(3)” and insert the subparagraph

1 designation “(C)” in its place.

2 (b) Section 2(c) (D.C. Official Code § 22-4502(c)) is amended by adding the phrase “or
3 a dangerous crime” after the phrase “a crime of violence”.

4 (c) Section 3(a)(6) (D.C. Official Code § 22-4503(a)(6)) is amended to read as follows:

5 “(6) Has been convicted within the past 5 years of an intrafamily offense, as
6 defined in D.C. Official Code § 16-1001(8), punishable as a misdemeanor, or any similar
7 provision in the law of another jurisdiction.”.

8 (d) Section 4(a) (D.C. Official Code § 22-4504(a)) is amended by striking the phrase
9 “without a license issued pursuant to District of Columbia law,” wherever it appears.

10 (e) Section 5 (D.C. Official Code § 22-4505) is amended to read as follows:

11 “Sec. 5. Exceptions.

12 “(a) The provisions of sections 4(a) and 4(a-1) shall not apply to:

13 “(1) Marshals, sheriffs, prison or jail wardens, or their deputies, policemen or
14 other duly appointed law enforcement officers, including special agents of the Office of Tax and
15 Revenue, authorized in writing by the Deputy Chief Financial Officer for the Office of Tax and
16 Revenue to carry a firearm while engaged in the performance of their official duties, and
17 criminal investigators of the Office of the Inspector General, designated in writing by the
18 Inspector General, while engaged in the performance of their official duties;

19 “(2) Special police officers and campus police officers who carry a firearm in
20 accordance with an An Act Making appropriations to provide for the expenses of the government
21 of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred, and for
22 other purposes, approved March 3, 1899 (30 Stat. 1057; D.C. Official Code § 5-129.02), and
23 rules promulgated pursuant to that act;

1 “(3) Members of the Army, Navy, Air Force, or Marine Corps of the United
2 States or of the National Guard or Organized Reserves when on duty, or to the regularly enrolled
3 members of any organization duly authorized to purchase or receive such weapons from the
4 United States; provided, that such members are at or are going to or from their places of
5 assembly or target practice;

6 “(4) Officers or employees of the United States duly authorized to carry a
7 concealed pistol;

8 “(5) Any person engaged in the business of manufacturing, repairing, or dealing
9 in firearms, or the agent or representative of any such person having in his or her possession,
10 using, or carrying a pistol in the usual or ordinary course of such business; and

11 “(6) Any person while carrying a pistol, transported in accordance with section
12 4b, from the place of purchase to his or her home or place of business or to a place of repair or
13 back to his or her home or place of business or in moving goods from one place of abode or
14 business to another, or to or from any lawful recreational firearm-related activity.

15 “(b) The provisions of section 4(a) with respect to pistols shall not apply to a police
16 officer who has retired from the Metropolitan Police Department, if the police officer has
17 registered a pistol and it is concealed on or about the police officer.

18 “(c) For the purposes of subsection (a)(6) of this section, the term “recreational firearm-
19 related activity” includes a firearms training and safety class.”.

20 (f) Section 8 (D.C. Official Code § 22-4508) is amended to read as follows:

21 “Sec. 8. Transfers of firearms regulated.

22 “No seller shall within the District of Columbia deliver a firearm to the purchaser thereof
23 until 10 days shall have elapsed from the date of the purchase thereof, except in the case of sales

1 to marshals, sheriffs, prison or jail wardens or their deputies, policemen, or other duly appointed
2 law enforcement officers, and, when delivered, said firearm shall be transported in accordance
3 with section 4b. At the time of purchase, the purchaser shall sign in duplicate and deliver to the
4 seller a statement containing his or her full name, address, occupation, date and place of birth,
5 the date of purchase, the caliber, make, model, and manufacturer's number of the firearm and a
6 statement that the purchaser is not forbidden by section 3 to possess a firearm. The seller shall,
7 within 6 hours after purchase, sign and attach his or her address and deliver one copy to such
8 person or persons as the Chief of Police of the District of Columbia may designate, and shall
9 retain the other copy for 6 years. No machine gun, sawed-off shotgun, or blackjack shall be sold
10 to any person other than the persons designated in section 14 as entitled to possess the same, and
11 then only after permission to make such sale has been obtained from the Chief of Police of the
12 District of Columbia. This section shall not apply to sales at wholesale to licensed dealers.”.

13 Sec. 4. Section 23-1331(3)(A) of the District of Columbia Official Code is amended to
14 read as follows:

15 “(A) Any felony offense under Chapter 45 of Title 22 (Weapons) or Unit
16 A of Chapter 25 of Title 7 (Firearms control);”.

17 Sec. 5. Fiscal impact statement.

18 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact
19 statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved
20 December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

21 Sec. 6. Effective date.

22 This act shall take effect following approval by the Mayor (or in the event of veto by the
23 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than

- 1 90 days, as provided for emergency acts of the Council of the District of Columbia in section
- 2 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
- 3 D.C. Official Code § 1-204.12(a)).