

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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DICK ANTHONY HELLER, <i>et al.</i>))	
))	
Plaintiffs,))	
))	
v.))	Civil Action No.08-01289 (RMU)
))	
DISTRICT OF COLUMBIA, <i>et al.</i> ,))	
))	
Defendants.))	
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NOTICE

The defendants (“the District”) respectfully alert the Court that Enrolled Bill 17-925, the “Second Firearms Control Emergency Amendment Act of 2008” (copy attached), was enacted by the Council of the District of Columbia, and signed by the Mayor on Tuesday, September 16, 2008. While the legislation has not yet been given an Act number, it is currently effective.

The legislation, *inter alia*, repeals the “Firearms Control Emergency Amendment Act of 2008,” D.C. Act 17-422; 55 D.C. Reg. 8237 (Aug. 1, 2008). The legislation also amends D.C. Official Code § 7-2501.01(10), 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.

The legislation also adds a new subsection (c) to D.C. Official Code § 7-2502.02, to read as follows:

(c) Notwithstanding any other law, a person holding a valid registration for a firearm shall not be required to obtain a license to carry the firearm:

- (1) Within the registrant's home;
- (2) While it is being used for lawful recreational purposes;
- (3) While it is kept at the registrant's place of business; or
- (4) While it is being transported for a lawful purpose as expressly authorized by District or federal statute and in accordance with the requirements of that statute.

The legislation also amends D.C. Official Code § 7-2506.01, designating the existing text as subsection (a), and adding a new subsection (b) to read as follows:

(b) No person in the District shall possess, sell, or transfer any large capacity ammunition feeding device. 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.

The legislation also amends D.C. Official Code § 7-2507.02, to read as follows:

- (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 loaded 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 to any premises by any person.

(d) For the purposes of this section, the term “minor” shall mean a person under the age of 16 years old.

DATE: September 19, 2008 Respectfully submitted,

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AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

*Codification
District of
Columbia
Official
Code*

2001 Edition

**2009 Spring
Supp.**

**West Group
Publisher**

To amend, on an emergency basis, the Firearms Control Regulations Act of 1975 to revise the definition of machine gun, to provide for the registration of pistols for use in self-defense within the home, to provide that a person holding a valid registration for a firearm shall not be required to obtain a license to carry the firearm within the registrant's home or place of business, while being used for lawful recreational purposes, or while being transported for a lawful purpose in accordance with a District or federal statute, to authorize the Chief of the Metropolitan Police Department to require a ballistics identification procedure for registered pistols, to establish a registration limit of one pistol per registrant per 30 days, to prohibit large capacity ammunition feeding devices, to clarify the firearms storage policy, and to establish penalties for the reckless storage of a firearm accessible by a minor; 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 revise the definition of machine gun and to clarify that rifles and shotguns may not be carried within the District unless otherwise provided by law; to provide a savings clause with regard to the revised definition of machine gun; and to repeal the Firearms Control Emergency Amendment Act of 2008.

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

Sec. 2. 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(10) (D.C. Official Code § 7-2501.01(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

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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.” § 7-2501.01

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

(1) Subsection (a)(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;

**Note,
§ 7-2502.02**

“(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.”.

(2) Subsection (b) is repealed.

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

“(c) Notwithstanding any other law, a person holding a valid registration for a firearm shall not be required to obtain a license to carry the firearm:

“(1) Within the registrant’s home;

“(2) While it is being used for lawful recreational purposes;

“(3) While it is kept at the registrant’s place of business; or

“(4) While it is being transported for a lawful purpose as expressly authorized by District or federal statute and in accordance with the requirements of that statute.”.

(c) Section 203 (D.C. Official Code § 7-2502.03) is amended by adding new subsections (d) and (e) to read as follows:

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

“(e) The Chief shall register no more than one pistol per registrant during any 30-day period.”.

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

**Note,
§ 7-2502.03**

(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. 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.”.

**Note,
§ 7-2506.01**

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(e) 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 loaded 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 to any premises by any person.

“(d) For the purposes of this section, the term “minor” shall mean a person under the age of 16 years old.”.

**Note,
§ 7-2507.02**

Sec. 3. 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 rule of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4501 *et seq.*), is amended as follows:

(a) The definition of “Machine gun” in section 1 (D.C. Official Code § 22-4501(c)) is amended to read as follows:

““Machine gun,” as used in this Act, shall have the same meaning as provided in section 101(10) of the Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01(10)).”.

(b) Section 4 (D.C. Official Code § 22-4504) is amended by adding a new subsection (a-1) to read as follows:

“(a-1) Except as otherwise permitted by law, no person shall carry within the District of Columbia a rifle or shotgun.”.

**Note,
§ 22-4501**

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Sec. 4. Savings clause.

Nothing in sections 2(a) and 3(a) shall affect any action, proceeding, or prosecution commenced before the effective date of this act. 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 those sections had not been made.

**Note,
§ 22-4504**

Sec. 5. Repealer.

The Firearms Control Emergency Amendment Act of 2008, effective July 16, 2008 (D.C. Act 17-422; 55 DCR 8237), is repealed.

**Note,
§ 7-2502.02,
7-2502.03,
7-2507.02**

Sec. 6. Fiscal impact statement.

The Council adopts the 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. 7. 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)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia

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Nothing in sections 2(a) and 3(a) shall affect any action, proceeding, or prosecution commenced before the effective date of this act. 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 those sections had not been made.

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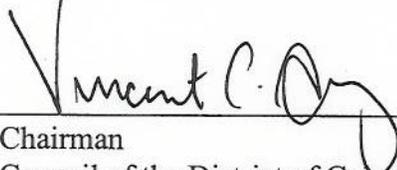
Note,
§§ 7-2502.02,
7-2502.03,
7-2507.02

Sec. 6. Fiscal impact statement.

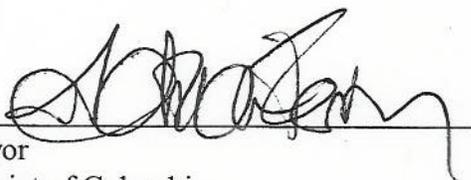
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Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
September 16, 2008