

METROPOLITAN POLICE DEPARTMENT

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Chief of the Metropolitan Police Department (“Chief”), pursuant to the authority under Section 911(2) of the Firearms Regulations Control Act of 1975, effective June 16, 2015 (D.C. Law 20-279; D.C. Official Code § 7-2509.11(2)) (“Act”), hereby gives notice of the adoption on an emergency basis of an amendment to Section 2343 (Ammunition Carried by Licensee) of Chapter 23 (Guns and Other Weapons) of Title 24 (Public Space and Safety) of the District of Columbia Municipal Regulations (DCMR).

The District’s firearms regulations currently limit the amount of ammunition concealed-carry licensees may carry to 20 rounds. 24 DCMR § 2343.1. In June 2022, this limit was challenged in the U.S. District Court for the District of Columbia in *Heller v. District of Columbia*, Civil Action No. 22-1894 (DLF). Plaintiffs cite a recent U.S. Supreme Court decision, *New York State Rifle & Pistol Association v. Bruen*, 142 S. Ct. 2111 (2022), which altered the framework for considering the constitutionality of firearms regulations. A motion for preliminary injunction to enjoin enforcement of 24 DCMR § 2343.1 is pending before the court in *Heller*.

On review of these developments, this regulation, its enforcement history, and in consideration of other regulations that govern concealed-carry licensees, the Chief has determined that emergency rulemaking action is prudent and necessary for the immediate preservation of the welfare of District residents and to enable the District to avoid accruing liability for attorney fees in legal challenges. The Chief immediately repeals the challenged provision, 24 DCMR § 2343.1, to effect a change in law sooner than otherwise would be possible.

This emergency rulemaking was adopted on September 14, 2022 and became effective immediately, and will remain in effect for up to one hundred twenty (120) days from the date of its adoption, until January 12, 2023, or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first.

In addition, the Chief gives notice of the intent to take final rulemaking action to adopt these amendments in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Section 2343, AMMUNITION CARRIED BY LICENSEE, of Chapter 23, GUNS AND OTHER WEAPONS, of Title 24, PUBLIC SPACE AND SAFETY, of the District of Columbia Municipal Regulations is amended as follows:

Subsection 2343.1 is repealed.

All persons interested in commenting on these proposed rulemaking action may submit comments in writing to Kenneth Chandler, Legislative Analyst, Strategic Change, Metropolitan Police Department, 441 4th Street, NW, Washington, DC 20001, or via e-mail at Regulations.CCL@dc.gov. Comments must be received no later than thirty (30) days after publication of this notice in the *D.C. Register*. Copies of the proposed rules can be obtained

from the address listed above. Copies of this proposal may be obtained, at cost, by writing to the above address.