

A RESOLUTION

24-32

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

February 2, 2021

To declare the existence of an emergency with respect to the need to amend the Office of Administrative Hearings Establishment Act of 2001 to make a conforming change; to amend the District of Columbia Mental Health Information Act of 1978 to authorize mental health professionals to disclose mental health information when necessary to request an extreme risk protection order and to require the disclosure of mental health information to the Office of Attorney General in response to a court order; to amend the Firearms Control Regulations Act of 1975 to prohibit the issuance of a firearm registration certificate to the subject of an extreme risk protection order, to require the Superior Court of the District of Columbia, for good cause shown, to issue such orders as may be necessary to obtain mental health records and other relevant information for the purposes of petitions for relief from disqualifications from firearm registration, to authorize the Mayor to issue rules, subject to Council review, to implement the provisions of the Firearms Control Regulations Act of 1975, to clarify that the Office of Attorney General may intervene and represent the interests of the District of Columbia with respect to petitions for extreme risk protection orders or provide individual legal representation, upon request, to a petitioner, to broaden the court's ability to place records related to extreme risk protection orders under seal, to establish procedures for computing periods of time relating to an extreme risk protection order, to provide for the use of calendar days instead of business days for timelines related to extreme risk protection orders, to require that the court consider the unlawful or reckless use, display, or brandishing of any weapon by the respondent in determining whether to issue an extreme risk protection order, to require that the initial hearing for a petition for a final extreme risk protection order be held within 14 days after the petition was filed, to require the Superior Court of the District of Columbia, for good cause shown, to issue such orders as may be necessary to obtain mental health records and other relevant information for the purposes of petitions for an extreme risk protection order, to modify the duration of ex parte extreme risk protection orders, to establish procedures for the issuance and execution of search warrants accompanying extreme risk protection orders, to add the Office of Attorney General and the Superior Court of the District of Columbia to the list of entities that shall receive information from the Metropolitan Police Department related to extreme risk protection orders, to require the Mayor or the Mayor's designee to submit information about extreme risk protection orders to the National Instant Criminal

ENROLLED ORIGINAL

Background Check System for the purposes of firearm purchaser background checks, to prohibit the issuance of a registration certificate for ghost guns, and to prohibit the sale or transfer of ghost guns; to amend the Homeland Security, Risk Reduction, and Preparedness Amendment Act of 2006 to create a quorum requirement for the Comprehensive Homicide Elimination Strategy Task Force and extend its report submission deadline; 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 prohibit the possession of ghost guns; and to amend the Act to Regulate Public Conduct on Public Passenger Vehicles to provide that certain violations of the act shall be punishable by civil fines and adjudicated by the Office of Administrative Hearings, and to authorize Metro Transit Police Department officers to issue notices of infractions for alleged civil violations.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Omnibus Public Safety and Justice Emergency Declaration Resolution of 2021”.

Sec. 2. (a) On March 17, 2020, the Council passed the Ghost Guns Prohibition Temporary Amendment Act of 2020, effective July 30, 2020 (D.C. Law 23-125; 67 DCR 3945) (“ghost guns temporary act”), which expires on March 11, 2021.

(b) On April 21, 2020, the Council passed the Firearms Safety Omnibus Clarification Temporary Amendment Act of 2020, effective August 6, 2020 (D.C. Law 23-123; 67 DCR 5103) (“firearms safety temporary act”), which expires on March 18, 2021.

(c) On December 15, 2020, the Council passed the Omnibus Public Safety and Justice Amendment Act of 2020, enacted on January 13, 2021 (D.C. Act 23-568; 68 DCR 1034) (“permanent act”), which is pending congressional review. The permanent act includes, among its many provisions, the final language of the ghost guns temporary act and the firearms safety temporary act.

(d) This emergency legislation is now necessary to prevent a gap in the law between the expiration of the ghost guns temporary act and the firearms safety temporary act and the effective date of the permanent act. This emergency legislation contains the final language of the ghost guns temporary act and the firearms safety temporary act, as provided in the permanent act, but does not include the other provisions of the permanent act.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Omnibus Public Safety and Justice Emergency Amendment Act of 2021 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately