


Chairman Phil Mendelson

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A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, due to congressional review, the Firearms Control Regulations Act of 1975 to permit a person to register a firearm for self-defense in their place of business, to provide a Freedom of Information Act exception for pistol registration information, to specify application requirements for applying for a license to carry a concealed pistol, to specify the duration of such licenses and requirements for renewal of licenses, to establish duties of licensees, to provide for revocation of licenses, to create a criminal offense of carrying while consuming alcohol or while impaired, to specify prohibitions on licensees, to establish a Concealed Pistol Licensing Review Board, to provide a Freedom of Information Act exception for license information, to specify penalties for violations, and to require the Mayor to issue rules; and 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 authorize the Chief of Police to issue licenses to carry a concealed pistol to District residents and non-residents provided certain conditions are met.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "License to Carry a Pistol Congressional Review Emergency Amendment Act of 2015".

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.201(b)(4) (D.C. Official Code § 7-2502.01(b)(4)) is amended by striking the phrase "the home" and inserting the phrase "the home or place of business" in its place.

43 (b) Section 202(a)(4)(C) (D.C. Official Code § 7-2502.02(a)(4)(C)) is amended to read
44 as follows:

45 “(C) Any person who seeks to register a pistol:

46 “(i) For use in self-defense within that person’s home or place of
47 business; or

48 “(ii) As part of the application process for a license to carry a
49 concealed pistol pursuant to section 902; or”.

50 (c) Section 203(a)(4) (D.C. Official Code § 7-2502.03(a)(4)) is amended as follows:

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

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

53 (3) A new subparagraph (F) is added to read as follows:

54 “(F) Violation of section 503 of the Omnibus Public Safety and Justice
55 Amendment Act of 2009, effective December 10, 2009 (D.C. Law 18-88; D.C. Official Code §
56 22-3133);”.

57 (d) A new section 211a is added to read as follows:

58 “Sec. 211a. Freedom of information exception.

59 “Any record regarding a person who has applied for, received, or had revoked any
60 registration issued pursuant to this title shall not be made available as a public record
61 under section 202 of the Freedom of Information Act of 1976, effective March 25, 1977 (D.C.
62 Law 1-96; D.C. Official Code § 2-532).”.

63 (e) Section 706(a) (D.C. Official Code § 7-2507.06(a)) is amended by striking the
64 phrase “Except as provided in sections 205, 208, 702, and 807” and inserting the phrase
65 “Except as provided in sections 205, 208, 702, 807, and Title IX” in its place.

66 (f) A new Title IX is added to read as follows:

67 “TITLE IX – LICENSES TO CARRY A PISTOL.

68 “Sec. 901. Definitions.

69 “For the purposes of this title, the term:

70 “(1) “Child” means a person under 18 years of age.

71 “(2) “Concealed pistol” means a loaded or unloaded pistol carried on or about
72 a person entirely hidden from view of the public, or carried on or about a person in a vehicle
73 in such a way as it is entirely hidden from view of the public.

74 “(3) “Law enforcement officer” means a sworn member of the Metropolitan
75 Police Department or of any other law enforcement agency operating and authorized to
76 make arrests in the District of Columbia, and includes an MPD reserve officer, a special
77 police officer appointed pursuant to section 202 of An Act Making appropriations to provide
78 for the expenses of the government of the District of Columbia for the fiscal year ending
79 June thirtieth, nineteen hundred, and for other purposes, approved March 3, 1899 (30 Stat.
80 1057; D.C. Official Code § 5-129.02), and a campus and a university special police officer
81 appointed pursuant to the College and University Campus Security Amendment Act of
82 1995, effective October 18, 1995 (D.C. Law 11-63; 6A DCMR § 1200 *et seq.*).

83 “(4) “License” means a license to carry a concealed pistol issued pursuant to
84 section 6 of the Pistols and Other Dangerous Weapons Act.

85 “(5) “Licensee” means a person who has been issued a license pursuant to
86 section 6 of the Pistols and Other Dangerous Weapons Act.

87 “(6) “MPD” means the Metropolitan Police Department.

88 “(7) “Section 6 of the Pistols and Other Dangerous Weapons Act” means
89 section 6 of An Act To control the possession, sale, transfer, and use of pistols and other
90 dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of
91 evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code §
92 22-4506).

93 “Sec. 902. Application requirements.

94 “(a) A person who submits an application pursuant to section 6 of the Pistols and
95 Other Dangerous Weapons Act shall certify and demonstrate to the satisfaction of the Chief
96 that he or she:

97 “(1) Is at least 21 years of age;

98 “(2) Meets all of the requirements for a person registering a firearm pursuant
99 to this act, and has obtained a registration certificate for the pistol that the person is
100 applying to carry concealed;

101 “(3)(A) Does not currently suffer from any mental illness or condition that
102 creates a substantial risk that he or she is a danger to himself or herself or others; or

103 “(B) If he or she has suffered in the previous 5 years from a mental
104 illness or condition that created a substantial risk that he or she was a danger to himself or
105 herself or others, no longer suffers from a mental illness or condition that creates a
106 substantial risk that he or she is a danger to himself or herself or others;

107 “(4) Has completed a firearms training course or combination of courses,
108 conducted by an instructor (or instructors) certified by the Chief, which includes at least 16
109 hours of training, and covers the following:

110 “(A) Firearm safety;

111 “(B) Firearm nomenclature;

112 “(C) Basic principles of marksmanship;

113 “(D) Care, cleaning, maintenance, loading, unloading, and storage of
114 pistols;

115 “(E) Situational awareness, conflict management, and use of deadly
116 force;

117 “(F) Selection of pistols and ammunition for defensive purposes; and

118 “(G) All applicable District and federal firearms laws, including the
119 requirements of this act, An Act To control the possession, sale, transfer, and use of pistols
120 and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe
121 rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official
122 Code § 22-4501 *et seq.*), and District law pertaining to self-defense;

123 “(5) Has completed at least 2 hours of range training, conducted by an
124 instructor certified by the Chief, including shooting a qualification course of 50 rounds of
125 ammunition from a maximum distance of 15 yards (45 feet); and

126 “(6) Has complied with any procedures the Chief may establish by rule.

127 “(b) An applicant shall satisfy the requirements of subsection (a)(4) and (a)(5) of this
128 section with a certification from a firearms instructor that the applicant:

129 “(1) Demonstrated satisfactory completion of the requirements of subsection
130 (a)(4) and (a)(5) of this section; and

131 “(2) Possesses the proper knowledge, skills, and attitude to carry a concealed
132 pistol.

133 “(c) An applicant may be exempt from some or all of the requirements of subsection
134 (a)(4) and (a)(5) of this section if the applicant has submitted evidence that he or she has
135 received firearms training in the United States military or has otherwise completed
136 firearms training conducted by a firearms instructor that, as determined by the Chief, is
137 equal to or greater than that required under subsection (a)(4) and (a)(5) of this section.

138 “(d) An applicant for a license may satisfy any component of the requirements of
139 subsection (a)(4) and (a)(5) of this section by demonstrating to the satisfaction of the Chief
140 that the applicant has met that particular component as part of a successful application to
141 carry a concealed pistol issued by the lawful authorities of any state or subdivision of the
142 United States.

143 “(e)(1) An applicant shall sign an oath or affirmation attesting to the truth of all the
144 information required by section 6 of the Pistols and Other Dangerous Weapons Act and this
145 section.

146 “(2) Any declaration, certificate, verification, or statement made for purposes
147 of an application for a license to carry a concealed pistol pursuant to this act shall be made
148 under penalty of perjury pursuant to section 401 of the District of Columbia Theft and
149 White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official
150 Code § 22-2402).

151 “(f) An applicant is required to appear for an in-person interview at the MPD
152 headquarters for purposes including verification of the applicant’s identity and verification
153 of the information submitted as part of the application process for a license.

154 “(g) Any person whose application has been denied may, within 15 days after the
155 date of the notice of denial, appeal to the Concealed Pistol Licensing Review Board
156 established pursuant to section 908.

157 “Sec. 903. Expiration and renewal of licenses.

158 “(a) A license shall expire no later than 2 years after the date of issuance unless
159 revoked by the Chief or renewed pursuant to this title.

160 “(b)(1) A license shall be eligible for renewal if:

161 “(A) The licensee continues to meet the requirements of section 6 of
162 the Pistols and Other Dangerous Weapons Act and section 902, except that:

163 “(i) With regard to section 902(a)(4), only 4 hours of such
164 training shall be required for renewal; and

165 “(ii) With regard to section 902(a)(5), the licensee shall provide
166 proof of 2 hours of range practice within the previous 12 months; and

167 “(B) The licensee follows any procedures the Chief may establish by
168 rule.

169 “(2) Timely renewal shall be the responsibility of the licensee, pursuant to
170 any procedures the Chief may establish by rule.

171 “(c) Any person whose renewal application has been denied may, within 15 days
172 after the date of the notice of denial, appeal to the Concealed Pistol Licensing Review
173 Board established pursuant to section 908.

174 “Sec. 904. Duties of licensees.

175 “(a) A licensee shall comply with all limits and conditions of the license.

176 “(b) A licensee shall notify the Chief in writing:

177 “(1) Immediately upon discovery of the loss, theft, or destruction of the license
178 and include the circumstances of the loss, theft, or destruction, if known; and

179 “(2) Within 30 days after a change in the licensee’s name or address as it
180 appears on the license.

181 “(c) A licensee shall have on or about his or her person each time the pistol is carried
182 in the District:

183 “(1) The license; and

184 “(2) The registration certificate for the pistol being carried, issued pursuant
185 to this act.

186 “(d) If a law enforcement officer initiates an investigative stop of a licensee carrying
187 a concealed pistol pursuant to section 6 of the Pistols and Other Dangerous Weapons Act,
188 the licensee, and any other licensee carrying a concealed pistol pursuant to section 6 of the
189 Pistols and Other Dangerous Weapons Act who is with the stopped licensee at the time of
190 the investigative stop, shall:

191 “(1) Disclose to the officer that he or she is carrying a concealed pistol;

192 “(2) Present the license and registration certificate;
193 “(3) Identify the location of the concealed pistol; and
194 “(4) Comply with all lawful orders and directions from the officer, including
195 allowing a pat down of his or her person and permitting the law enforcement officer to take
196 possession of the pistol for so long as is necessary for the safety of the officer or the public.

197 “(e) The duties set forth in this section are in addition to any other requirements
198 imposed by this act or applicable law.

199 “(f) In addition to any other penalty provided by law, a person who violates this
200 section shall be subject to revocation of his or her license.

201 “Sec. 905. Revocation and suspension of licenses.

202 “(a)(1) The Chief may limit or revoke a license upon a finding that the licensee no
203 longer meets the requirements of section 6 of the Pistols and Other Dangerous Weapons Act
204 and this title, or as a penalty as specified in this act.

205 “(2) The United States Attorney for the District of Columbia, the Attorney
206 General for the District of Columbia, or any person may apply to the MPD at any time for
207 limitation or revocation of a license.

208 “(3) Any person having knowledge that a licensee no longer meets the
209 requirements of this act or the requirements of section 6 of the Pistols and Other
210 Dangerous Weapons Act may so notify the Chief or any other law enforcement officer who
211 may take such action as may be appropriate.

212 “(4) Before a limitation or revocation taking effect, the Chief shall serve a
213 notice of intent to limit or revoke the license. The limitation or revocation shall take effect
214 unless the licensee requests an appeal to the Concealed Pistol Licensing Review Board
215 established pursuant to section 908 no later than 15 days after the date of the notice of
216 intent.

217 “(b)(1) The Chief may summarily suspend or limit, without a hearing, a license,
218 when the Chief has determined that the conduct of a licensee presents an imminent danger
219 to the health and safety of a person or the public.

220 “(2) At the time of the summary suspension or limitation of a license, the
221 Chief shall provide the licensee with written notice stating the action that is being taken,
222 the basis for the action, and the right of the licensee to request a hearing.

223 “(3) A licensee shall have the right to request a hearing within 72 hours after
224 service of notice of the summary suspension or limitation of the license. The Concealed
225 Pistol Licensing Review Board shall hold a hearing within 72 hours after receipt of a timely
226 request, and shall issue a written decision within 72 hours after the hearing.

227 “Sec. 906. Carrying a pistol while impaired.

228 “(a) A licensee shall not carry a pistol while he or she is consuming alcohol.

229 “(b) A licensee shall not carry a pistol while impaired.

230 “(c) Upon establishing reasonable suspicion that a licensee has been consuming
231 drugs or alcohol, a licensee’s failure to submit to one or more field sobriety, breathalyzer, or
232 urine tests, administered to determine whether the licensee is impaired while carrying a
233 pistol, shall be grounds for summary suspension of the license pursuant to section 905(b).

234 “(d) In addition to any other penalty provided by law, any person who violates this
235 section shall be subject to revocation of his or her license.

236 “(e) For the purposes of this section, the term “impaired” means a licensee has
237 consumed alcohol or other drug or drugs and that it has affected the licensee’s behavior in a
238 way that can be perceived or noticed.

239 “Sec. 907. Prohibitions on carrying licensed pistols.

240 “(a) No person holding a license shall carry a pistol in the following locations or
241 under the following circumstances:

242 “(1) A building or office occupied by the District of Columbia, its agencies, or
243 instrumentalities;

244 “(2) The building and grounds, including any adjacent parking lot, of a
245 childcare facility, preschool, public or private elementary or secondary school; or a public or
246 private college or university;

247 “(3) A hospital, or an office where medical or mental health services are the
248 primary services provided;

249 “(4) A penal institution, secure juvenile residential facility, or halfway house;

250 “(5) A polling place while voting is occurring;

251 “(6) A public transportation vehicle, including the Metrorail transit system
252 and its stations;

253 “(7) Any premises, or portion thereof, where alcohol is served, or sold and
254 consumed on the premises, pursuant to a license issued under Title 25 of the District of
255 Columbia Official Code; provided, that this prohibition shall not apply to premises
256 operating under a temporary license issued pursuant to D.C. Official Code § 25-115, a C/R,
257 D/R, C/H, D/H, or caterer license issued pursuant to D.C. Official Code § 25-113, or
258 premises with small-sample tasting permits issued pursuant to D.C. Official Code § 25-118,
259 unless otherwise prohibited pursuant to subsection (b)(3) of this section;

260 “(8) A stadium or arena;

261 “(9) A gathering or special event open to the public; provided, that no licensee
262 shall be criminally prosecuted unless:

263 “(A) The organizer or the District has provided notice prohibiting the
264 carrying of pistols in advance of the gathering or special event and by posted signage at the
265 gathering or special event; or

266 “(B) The licensee has been ordered by a law enforcement officer to
267 leave the area of the gathering or special event and the licensee has not complied with the
268 order;

269 “(10) The public memorials on the National Mall and along the Tidal Basin,
270 and any area where firearms are prohibited under federal law or by a federal agency or
271 entity, including U.S. Capitol buildings and grounds;

272 “(11) The area around the White House between Constitution Avenue, N.W.,
273 and H Street, N.W., and between 15th Street, N.W., and 17th Street, N.W.;

274 “(12) The U.S. Naval Observatory and its grounds, and from the perimeter of
275 its fence to the curb of Massachusetts Avenue, N.W., from 34th Street, N.W., south on
276 Massachusetts Avenue, N.W., to Observatory Circle, N.W.;

277 “(13)(A) When a dignitary or high-ranking official of the United States or a
278 state, local, or foreign government is moving under the protection of the MPD, the U.S.
279 Secret Service, the U.S. Capitol Police, or other law enforcement agency assisting or
280 working in concert with MPD, within an area designated by the Chief, the Chief of the U.S.
281 Secret Service, or the Chief of the U.S. Capitol Police, or a designee of any of the forgoing,
282 that does not include any point at a distance greater than 1,000 feet from the moving
283 dignitary or high-ranking official; provided, that no licensee shall be criminally prosecuted
284 unless:

285 “(i) The law enforcement agency provides notice of the
286 designated area by the presence of signs, law enforcement vehicles or officers acting as a
287 perimeter, or other means to make the designated area of protection obvious;

288 “(ii) The District or federal government has provided notice
289 prohibiting the carrying of pistols along a designated route or in a designated area in

290 advance of the event, if possible, and by posted signage along a route or in a designated
291 area; or

292 “(iii) The licensee has been ordered by a law enforcement officer
293 to leave the designated area and the licensee has not complied with the order.

294 “(B) For the purposes of this paragraph, the term “moving” shall
295 include any planned or unplanned stops, including temporary stops, in locations open to the
296 public.

297 “(14) When demonstration in a public place is occurring, within a perimeter
298 designated by the Chief or his or her designee, or other law enforcement agency, that does
299 not include any point at a distance great than 1,000 feet from the demonstration; provided,
300 that no licensee shall be criminally prosecuted unless:

301 “(A) The law enforcement agency provides notice of the designated
302 area by the presence of signs, law enforcement vehicles or officers acting as a perimeter, or
303 other means to make the designated area of the demonstration obvious;

304 “(B) The District or federal government has provided notice
305 prohibiting the carrying of pistols along or within a demonstration route or designated area
306 in advance of the event, if possible, and by posted signage along a demonstration route or
307 designated area; or

308 “(C) The licensee has been ordered by a law enforcement officer to
309 leave the designated area and the licensee has not complied with the order;

310 “(15) Any prohibited location or circumstance that the Chief determines by
311 rule; provided, that for spontaneous circumstances, no criminal penalty shall apply unless
312 the licensee has notice of the prohibition and has failed to comply.

313 “(b)(1) The carrying of a concealed pistol on private residential property shall be
314 presumed to be prohibited unless otherwise authorized by the property owner or person in

315 control of the premises and communicated personally to the licensee in advance of entry
316 onto the residential property.

317 “(2) The carrying of a concealed pistol in a church, synagogue, mosque, or
318 other place where people regularly assemble for religious worship shall be presumed to be
319 prohibited unless the property is posted with conspicuous signage allowing the carrying of a
320 concealed pistol, or the owner or authorized agent communicates such allowance personally
321 to the licensee in advance of entry onto the property; provided, that such places may not
322 authorize the carrying of a concealed pistol where services are conducted in locations listed
323 in subsection (a) of this section.

324 “(3) The carrying of a concealed pistol on private property that is not a
325 residence shall be presumed to be permitted unless the property is posted with conspicuous
326 signage prohibiting the carrying of a concealed pistol, or the owner or authorized agent
327 communicates such prohibition personally to the licensee.

328 “(c) Whenever a licensee carries a concealed pistol and approaches any prohibited
329 location, or is subject to any prohibited circumstance, under subsection (a) or (b) of this
330 section, the licensee shall:

331 “(1) If the licensee is in a vehicle or if a vehicle is readily available,
332 immediately secure the pistol in the manner prescribed in section 4b(b) of An Act To control
333 the possession, sale, transfer, and use of pistols and other dangerous weapons in the
334 District of Columbia, to provide penalties, to prescribe rules of evidence, and for other
335 purposes, effective May 20, 2009 (D.C. Law 17-388; D.C. Official Code § 22-4504.02(b)); or

336 “(2) If the licensee does not have a vehicle available, immediately leave the
337 prohibited location or circumstance.

338 “(d) A licensee shall not be in violation of this section:

339 “(1) While he or she is traveling along a public street, road, or highway,
340 including an adjacent public sidewalk that touches the perimeter of any of the premises
341 where the carrying of a concealed pistol is prohibited under subsection (a) or (b) of this
342 section if the concealed pistol is carried on his or her person in accordance with this act, or
343 is being transported by the licensee in accordance with section 4b of An Act To control the
344 possession, sale, transfer, and use of pistols and other dangerous weapons in the District of
345 Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes,
346 effective May 20, 2009 (D.C. Law 17-388; D.C. Official Code § 22-4504.02); or

347 “(2) While driving a vehicle into and immediately parking at any location
348 listed in subsection (a)(2) of this section for the purpose of picking up or dropping off a
349 student or a child; provided, that the licensee shall secure the concealed pistol in
350 accordance with section 4b(b) of An Act To control the possession, sale, transfer, and use of
351 pistols and other dangerous weapons in the District of Columbia, to provide penalties, to
352 prescribe rules of evidence, and for other purposes, effective May 20, 2009 (D.C. Law 17-
353 388; D.C. Official Code § 22-4504.02(b)), before leaving the parked vehicle.

354 “(e) A licensee shall not carry a pistol openly or otherwise in a manner that is not
355 concealed.

356 “(f) In addition to any other penalty provided by law, any person who violates this
357 section shall be subject to revocation of his or her license.

358 “(g) For the purposes of this section, the term:

359 “(1) “Demonstration” means one or more persons demonstrating, picketing,
360 speechmaking, marching, holding a vigil, or engaging in any other similar conduct that
361 involves the communication or expression of views or grievances and that has the effect,
362 intent, or propensity to attract a crowd or onlookers. The term “demonstration” does not

363 include the casual use of property by visitors or tourists that does not have the effect,
364 intent, or propensity to attract a crowd or onlookers.

365 “(2) “Public place” means a place to which the general public has access and a
366 right to occupy for business, entertainment, or other lawful purpose. The term “public
367 place” is not limited to a place devoted solely to the uses of the public, and includes:

368 “(A) The front or immediate area or parking lot of a store, restaurant,
369 tavern, shopping center, or other place of business;

370 “(B) A public building, including its grounds and curtilage;

371 “(C) A public parking lot;

372 “(D) A public street, sidewalk, or right-of-way;

373 “(E) A public park; and

374 “(F) Other public grounds.

375 “(3) “Public transportation vehicle” means any publicly owned or operated
376 commercial vehicle, including any DC Circulator bus, DC Streetcar, MetroAccess vehicle,
377 Metrobus, or Metrorail train.

378 “(4) “Residence” means a building wholly or partly used or intended to be
379 used for living and sleeping by human occupants, together with any fences, walls, sheds,
380 garages, or other accessory buildings appurtenant to the building, and the area of land
381 surrounding the building and actually or by legal construction forming one enclosure in
382 which such a building is located, but does not include adjacent common areas or commercial
383 property contained in any part of the building.

384 “Sec. 908. Concealed Pistol Licensing Review Board.

385 “(a) There is established a Concealed Pistol Licensing Review Board (“Board”) for the
386 purpose of hearing appeals from:

387 “(1) A denial of an application or renewal application for a license to carry a
388 concealed pistol in the District pursuant to this act;

389 “(2) A summary suspension or limitation of a license to carry a concealed
390 pistol; or

391 “(3) A limitation or revocation of a license to carry a concealed pistol.

392 “(b)(1) The Board shall consist of 7 members as follows:

393 “(A) The United States Attorney (“USAO”) for the District of Columbia
394 or his or her designee; provided, that if the USAO declines to provide a representative, the
395 Mayor shall appoint a person who is a former employee of the USAO;

396 “(B) The Attorney General for the District of Columbia or his or her
397 designee;

398 “(C) A mental health professional employed by the Department of
399 Behavioral Health, appointed by the Mayor;

400 “(D) A former sworn officer of a law enforcement agency other than
401 the MPD, appointed by the Mayor;

402 “(E) Three public members appointed by the Mayor, as follows:

403 “(i) One mental health professional; and

404 “(ii) Two District residents with experience in the operation,
405 care, and handling of firearms.

406 “(2) The appointment of members designated by subsection (b)(1)(D) and
407 (b)(1)(E) of this section shall be made in accordance with the following provisions:

408 “(A) Each member shall be appointed for a term of 4 years, and shall
409 continue to serve during that time as long as the member remains eligible for the
410 appointment;

411 “(B) A member may be reappointed;

412 “(C) A Board member whose term has expired may continue to serve
413 as a member until a replacement member has been appointed;

414 “(D) A person appointed to fill a vacancy occurring before the
415 expiration of a term shall serve for the remainder of the term or until a successor has been
416 appointed; and

417 “(E) A member may be removed by the appointing authority only for
418 incompetence, neglect of duty, or misconduct.

419 “(3) The Mayor shall select a chairperson.

420 “(4) Members shall serve without compensation, but shall be compensated for
421 actual and necessary expenses incurred in the performance of their official duties.

422 “(c) Four members of the Board shall constitute a quorum, except that 2 members
423 shall be a quorum when hearing panels of 3 members are assigned by the Board to conduct
424 a hearing and make a final decision required by this section. Each hearing panel shall
425 contain at least one member designated by subsection (b)(1)(A), (B), or (D) of this section.

426 “(d)(1) Within 30 days after the effective date of the License to Carry a Pistol
427 Second Emergency Amendment Act of 2014, effective January 6, 2015 (D.C. Act 20-564; 62
428 DCR 866), the Mayor, by rule, shall establish hearing procedures for a contested case
429 review of any appeal, including the manner and time of appeals, and procedures for the
430 Board to assign panels of 3 Board members to conduct such hearings and issue final
431 decisions, pursuant to subsection (c) of this section.

432 “(2) The rules shall include that the burden of production of evidence, and the
433 burden of persuasion, at a hearing before the Board shall be upon the applicant or licensee
434 that is challenging a denial of an application or renewal application or limitation or
435 revocation of a license.

436 “(e) The meetings and hearings conducted by the Board shall be confidential and not
437 open to the public.

438 “(f) Any person, including the Chief, aggrieved by a final action of the Board may file
439 an appeal in accordance with Title I of the District of Columbia Administrative Procedure
440 Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*).

441 “Sec. 909. Freedom of information exception; report.

442 “(a) Any record regarding a person who has applied for, received, or had revoked a
443 license shall not be made available as a public record under section 202 of the Freedom of
444 Information Act of 1976, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-
445 532); provided, that aggregate data, excluding any personal identifying information, may be
446 used for the purposes of the public report in subsection (b) of this section.

447 “(b) Every 2 years, the Metropolitan Police Department shall make public a report
448 that includes the following information:

449 “(1) The total number of valid licenses; and

450 “(2) For the most recent 2-year period:

451 “(A) The number of applications for a license received;

452 “(B) The number of licenses issued;

453 “(C) The number of licenses renewed, suspended, revoked, or denied;

454 “(D) The number of licensees convicted of a crime involving a pistol,
455 classified by type of crime;

456 “(E) The number of pistols for which a license was issued that were
457 reported lost or stolen; and

458 “(F) The number of pistols for which a license was issued that were
459 found or recovered as stolen that were unreported by a licensee as lost or stolen.

460 “Sec. 910. Penalties.

461 “(a)(1) Except as otherwise provided in this title, a person convicted of a violation of
462 a provision of this title, or rules or regulations issued under the authority of this title, shall
463 be fined not more than the amount set forth in section 101 of the Criminal Fine
464 Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C.
465 Official Code § 22-3571.01), or imprisoned for not more than 180 days.

466 “(2) Civil fines, penalties, and fees may be imposed as alternative sanctions
467 for any infraction of the provisions of this title, or any rules or regulations issued under the
468 authority of this title.

469 “(b) All prosecutions for violations of this title shall be brought in the name of the
470 District of Columbia and prosecuted by the Office of the Attorney General for the District of
471 Columbia.

472 “Sec. 911. Rules.

473 “The Chief of the MPD, pursuant to Title I of the District of Columbia
474 Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code
475 § 2-501 *et seq.*), shall issue rules to implement the provisions of the License to Carry a
476 Pistol Second Emergency Amendment Act of 2014, effective January 6, 2015 (D.C. Act 20-
477 564; 62 DCR 866), and the License to Carry a Pistol Congressional Review Emergency
478 Amendment Act of 2015, including rules:

479 “(1) To establish criteria for determining when an applicant has, pursuant to section
480 6 of the Pistols and Other Dangerous Weapons Act:

481 “(A) Demonstrated a good reason to fear injury to his or her person, which
482 shall at a minimum require a showing of a special need for self-protection distinguishable
483 from the general community as supported by evidence of specific threats or previous attacks
484 that demonstrate a special danger to the applicant’s life;

485 “(B) Demonstrated any other proper reason for carrying a concealed pistol,
486 which shall at a minimum include types of employment that require the handling of cash or
487 other valuable objects that may be transported upon the applicant’s person; and

488 “(C) Demonstrated the applicant’s suitability to carry a concealed pistol,
489 which shall at a minimum include evidence that the applicant meets the requirements of
490 section 902;

491 “(2) To establish the type and amount of ammunition that may be carried concealed
492 by a licensee;

493 “(3) To establish the methods by which a pistol may be carried, including any
494 standards for safe holstering;

495 “(4) To establish all application forms, investigation procedures, background checks,
496 and fees necessary to process an application for a license to carry a concealed pistol;

497 “(5) To specify any procedures or requirements specific to non-residents who apply to
498 carry a concealed pistol pursuant to section 6 of the Pistols and Other Dangerous Weapons
499 Act, with regard to the registration requirements in this act;

500 “(6) To specify requirements for signage on any private premises where the owner or
501 person in control of the premises prohibits the carrying of a concealed pistol pursuant to
502 section 907(b); and

503 “(7) To establish procedures for the renewal of licenses.”.

504 Sec. 3. An Act To control the possession, sale, transfer, and use of pistols and other
505 dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of
506 evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code §
507 22-4501 *et seq.*), is amended as follows:

508 (a) Section 4(a) (D.C. Official Code § 22-4504(a)) is amended as follows:

509 (1) The lead-in language is amended as follows:

510 (A) Strike the phrase “a pistol” and insert the phrase “a pistol, without
511 a license issued pursuant to District of Columbia law” in its place.

512 (B) Strike the phrase “capable of being so concealed”.

513 (2) Paragraph (1) is amended by striking the phrase “a pistol” and inserting
514 the phrase “a pistol, without a license issued therefor pursuant to District of Columbia law”
515 in its place.

516 (b) Section 6 (D.C. Official Code § 22-4506) is revived as of the effective date of the
517 License to Carry a Pistol Emergency Amendment Act of 2014, effective October 9, 2014
518 (D.C. Act 20-447; 61 DCR 10765), and is amended to read as follows:

519 “Sec. 6. Issuance of a license to carry a pistol.

520 “(a) The Chief of the Metropolitan Police Department (“Chief”) may, upon the
521 application of a person having a bona fide residence or place of business within the District
522 of Columbia, or of a person having a bona fide residence or place of business within the
523 United States and a license to carry a pistol concealed upon his or her person issued by the
524 lawful authorities of any State or subdivision of the United States, issue a license to such
525 person to carry a pistol concealed upon his or her person within the District of Columbia for
526 not more than 2 years from the date of issue, if it appears that the applicant has good
527 reason to fear injury to his or her person or property or has any other proper reason for
528 carrying a pistol, and that he or she is a suitable person to be so licensed.

529 “(b) A non-resident who lives in a state that does not require a license to carry a
530 concealed pistol may apply to the Chief for a license to carry a pistol concealed upon his or
531 her person within the District of Columbia for not more than 2 years from the date of issue;
532 provided, that he or she meets the same reasons and requirements set forth in subsection
533 (a) of this section.

534 “(c) For any person issued a license pursuant to this section, or renewed pursuant to
535 section 903 of the Firearms Control Regulations Act of 1975, passed on emergency basis on
536 December 17, 2014 (Enrolled version of Bill 20-1045), the Chief may limit the geographic
537 area, circumstances, or times of the day, week, month, or year in which the license is
538 effective, and may subsequently limit, suspend, or revoke the license as provided under
539 section 905 of the Firearms Control Regulations Act of 1975, passed on emergency basis on
540 December 17, 2014 (Enrolled version of Bill 20-1045).

541 “(d) The application for a license to carry shall be on a form prescribed by the Chief
542 and shall bear the name, address, description and photograph of the licensee.

543 “(e) Except as provided in section 905(b) of the Firearms Control Regulations Act of
544 1975, passed on emergency basis on December 17, 2014 (Enrolled version of Bill 20-1045),
545 any person whose application has been denied or whose license has been limited or revoked
546 may, within 15 days after the date of the notice of the denial or notice of intent, appeal to
547 the Concealed Pistol Licensing Review Board established pursuant to section 908 of the
548 Firearms Control Regulations Act of 1975, passed on emergency basis on December 17,
549 2014 (Enrolled version of Bill 20-1045).”.

550 Sec. 4. Repealers.

551 (a) Section 101 of the Omnibus Public Safety and Justice Amendment Act of 2009,
552 effective December 10, 2009 (D.C. Law 18-88; D.C. Official Code § 22-2511), is repealed.

553 (b) The License to Carry a Pistol Temporary Amendment Act of 2014, effective May
554 5, 2015 (D.C. Law 20-169; 61 DCR 11814), is repealed.

555 Sec. 5. Rules, orders, and administrative actions.

556 Any rules or orders issued, or administrative actions taken, under the authority of
557 the License to Carry a Pistol Second Emergency Amendment Act of 2014, effective January
558 6, 2015 (D.C. Act 20-564; 62 DCR 866), are affirmed and ratified and shall remain in effect

559 until repealed or superseded, and the authority for such rules or orders issued, or
560 administrative actions taken, shall have not have lapsed during the period of time which
561 elapsed from April 7, 2015, to the effective date of this act.

562 Sec. 6. Applicability.

563 This act shall apply as of April 7, 2015.

564 Sec. 7. Fiscal impact statement.

565 The Council adopts the fiscal impact statement in the committee report for the
566 License to Carry a Pistol Amendment Act of 2014, enacted on February 6, 2015 (D.C. Act
567 20-621; 62 DCR 1944), as the fiscal impact statement required by section 602(c)(3) of the
568 District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C.
569 Official Code § 1-206.02(c)(3)).

570 Sec. 8. Effective date.

571 This act shall take effect following approval by the Mayor (or in the event of veto by
572 the Mayor, action by the Council to override the veto), and shall remain in effect for no
573 longer than 90 days, as provided for emergency acts of the Council of the District of
574 Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December
575 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).