

A RESOLUTION

23-432

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

July 7, 2020

To declare the existence of an emergency with respect to the need to amend, due to congressional review, the Office of Administrative Hearings Establishment Act of 2001 to extend the jurisdiction of the Office of Administrative Hearings to adjudicated cases involving certain civil violations relating to fare evasion and other unlawful conduct on passenger vehicles; 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 for 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 for 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 for the District of Columbia

to the list of entities that shall receive from the Metropolitan Police Department information 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 Background Check System for the purposes of firearm purchaser background checks; 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; 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 fine 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 "Firearms Safety Omnibus Clarification Congressional Review Emergency Declaration Resolution of 2020".

Sec. 2. (a) On April 7, 2020, the Council passed the Firearms Safety Omnibus Clarification Emergency Amendment Act of 2020, effective May 1, 2020 (D.C. Act 23-297; 67 DCR 5037) ("emergency act"), which will expire on July 22, 2020.

(b) On April 21, 2020, the Council passed the Firearms Safety Omnibus Clarification Temporary Amendment Act of 2020, enacted on May 4, 2020 (D.C. Act 23-315; 67 DCR 5103) ("temporary act"), which is pending congressional review and projected to become law on September 10, 2020.

(c) On May 5, 2020, the Council passed the Ghost Guns Prohibition Congressional Review Emergency Amendment Act of 2020, effective May 27, 2020 (D.C. Act 23-324; 67 DCR 6721), which, in part, amended the emergency act to make it apply retroactively to April 23, 2020, in order to avoid a gap in the law after the expiration of the Firearms Safety Omnibus Clarification Temporary Amendment Act of 2019, effective September 11, 2019 (D.C. Law 23-17; 66 DCR 8741), on April 23, 2020.

(d) This congressional review emergency legislation is now necessary to prevent a gap in the law between the expiration of the emergency act and the effective date of the temporary act. It is identical to the temporary act with the exception that it contains language making it apply retroactively to July 22, 2020, the day the emergency act expires.

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 Firearms Safety Omnibus Clarification Congressional Review Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.