

115TH CONGRESS  
1ST SESSION

# S. 162

To restore Second Amendment rights in the District of Columbia.

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IN THE SENATE OF THE UNITED STATES

JANUARY 17, 2017

Mr. RUBIO introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To restore Second Amendment rights in the District of Columbia.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Second Amendment  
5 Enforcement Act of 2017”.

6 **SEC. 2. CONGRESSIONAL FINDINGS.**

7 Congress finds the following:

8 (1) The Supreme Court of the United States  
9 has confirmed that the Second Amendment to the  
10 Constitution of the United States protects a funda-

1 mental, individual right to keep and bear arms inde-  
2 pendent of service in an organized militia.

3 (2) Federal courts have repeatedly found provi-  
4 sions of the gun control laws of the District of Co-  
5 lumbia to be unconstitutional, most recently in the  
6 case of *Palmer v. District of Columbia*, 59 F. Supp.  
7 3d 173 (D.D.C. 2014), which invalidated on Second  
8 Amendment grounds the District's total ban on car-  
9 rying firearms outside the home for self-defense. De-  
10 spite these reproofs, District officials have repeatedly  
11 and publicly asserted their determination to continue  
12 passing laws aimed at curbing the exercise of the  
13 right to keep and bear arms by law-abiding residents  
14 and visitors.

15 (3) The law-abiding residents of the District of  
16 Columbia are deprived by local laws of handguns, ri-  
17 fles, and shotguns that are commonly kept by law-  
18 abiding persons throughout the United States for  
19 sporting use and for lawful defense of their persons,  
20 homes, businesses, and families.

21 (4) The District of Columbia remains one of the  
22 most dangerous large cities in the United States.  
23 The District's gun control regulations interfere with  
24 the right of law-abiding residents and visitors to pro-  
25 tect themselves from violent crime.

1           (5) Federal law already provides comprehensive  
2 regulation of the manufacture, sale, and possession  
3 of firearms, including the licensing of commercial  
4 conduct. These regulations apply in the District of  
5 Columbia, as elsewhere. The District’s attempt to  
6 expand upon these regulations with its own regula-  
7 tions has created a confusing, onerous, and inhib-  
8 iting environment for individuals in the District who  
9 wish to engage in lawful commercial activities relat-  
10 ing to firearms.

11           (6) Legislation is required to correct the Dis-  
12 trict of Columbia’s laws in order to restore the fun-  
13 damental rights of its residents under the Second  
14 Amendment and thereby enhance public safety.

15 **SEC. 3. REFORMING D.C. COUNCIL’S AUTHORITY TO RE-**  
16 **STRICT FIREARMS.**

17           Section 4 of the Act entitled “An Act to prohibit the  
18 killing of wild birds and wild animals in the District of  
19 Columbia”, approved June 30, 1906 (34 Stat. 809; sec.  
20 1–303.43, D.C. Official Code), is amended by adding at  
21 the end the following: “Nothing in this section or any  
22 other provision of law shall authorize, or shall be con-  
23 strued to permit, the Council, the Mayor, or any govern-  
24 mental or regulatory authority of the District of Columbia  
25 to prohibit, constructively prohibit, or unduly burden the

1 ability of persons not prohibited from possessing firearms  
2 under Federal law from acquiring, possessing in their  
3 homes or businesses, carrying, transporting, or using for  
4 sporting, self-protection, or other lawful purposes, any  
5 firearm neither prohibited by Federal law nor subject to  
6 chapter 53 of the Internal Revenue Code of 1986 (com-  
7 monly referred to as the ‘National Firearms Act’). The  
8 District of Columbia shall not have authority to enact laws  
9 or regulations that discourage or eliminate the private  
10 ownership or use of firearms for legitimate purposes.”.

11 **SEC. 4. REPEAL OF D.C. SEMIAUTOMATIC BAN.**

12 Section 101(10) of the Firearms Control Regulations  
13 Act of 1975 (sec. 7–2501.01(10), D.C. Official Code) is  
14 amended to read as follows:

15 “(10) ‘Machine gun’ means any firearm which  
16 shoots, is designed to shoot, or can be readily re-  
17 stored to shoot, automatically more than one shot,  
18 without manual reloading, by a single function of  
19 the trigger. The term ‘machine gun’ shall also in-  
20 clude the frame or receiver of any such firearm, any  
21 part designed and intended solely and exclusively, or  
22 combination of parts designed and intended, for use  
23 in converting a firearm into a machine gun, and any  
24 combination of parts from which a machine gun can

1 be assembled if such parts are in the possession or  
2 under the control of a person.”.

3 **SEC. 5. REPEAL OF REGISTRATION REQUIREMENT AND AU-**  
4 **THORIZATION OF AMMUNITION SALES.**

5 (a) REPEAL OF REQUIREMENT.—

6 (1) IN GENERAL.—Section 201(a) of the Fire-  
7 arms Control Regulations Act of 1975 (sec. 7-  
8 2502.01(a), D.C. Official Code) is amended by strik-  
9 ing “any firearm, unless” and all that follows  
10 through paragraph (3) and inserting the following:  
11 “any firearm described in subsection (c).”.

12 (2) DESCRIPTION OF FIREARMS REMAINING IL-  
13 LEGAL.—Section 201 of the Firearms Control Regu-  
14 lations Act of 1975 (sec. 7-2502.01, D.C. Official  
15 Code) is amended by adding at the end the fol-  
16 lowing:

17 “(c) A firearm described in this subsection is any of  
18 the following:

19 “(1) A sawed-off shotgun.

20 “(2) A machine gun.

21 “(3) A short-barreled rifle.”.

22 (3) CONFORMING AMENDMENT.—The heading  
23 of section 201 of the Firearms Control Regulations  
24 Act of 1975 (sec. 7-2502.01, D.C. Official Code) is

1 amended by striking “**REGISTRATION REQUIRE-**  
 2 **MENTS**” and inserting “**FIREARM POSSESSION**”.

3 (b) CONFORMING AMENDMENTS TO FIREARMS CON-  
 4 TROL REGULATIONS ACT.—The Firearms Control Regu-  
 5 lations Act of 1975 is amended—

6 (1) in section 101 (sec. 7–2501.01, D.C. Offi-  
 7 cial Code), by striking paragraph (13); and

8 (2) by repealing sections 202 through 211  
 9 (secs. 7–2502.02 through 7–2502.11, D.C. Official  
 10 Code).

11 **SEC. 6. REPEAL OF REDUNDANT DEALER LICENSING RE-**  
 12 **QUIREMENT AND PROVISION FOR THE LAW-**  
 13 **FUL SALE OF FIREARMS BY FEDERALLY LI-**  
 14 **CENSED DEALERS.**

15 (a) REPEAL OF REQUIREMENT.—

16 (1) IN GENERAL.—Section 401 of the Firearms  
 17 Control Regulations Act of 1975 (sec. 7–2504.01,  
 18 D.C. Official Code) is amended by striking “(a) No  
 19 person” and all that follows and inserting the fol-  
 20 lowing:

21 “(a) No person or organization shall engage in the  
 22 business of dealing, importing, or manufacturing firearms  
 23 without complying with the requirements of Federal law.

24 “(b) Any dealer who is in compliance with Federal  
 25 law may sell or otherwise transfer a firearm to any person

1 or organization not otherwise prohibited from possessing  
2 or receiving such firearm under Federal law. In the case  
3 of a sale or transfer of a handgun to a resident of the  
4 District of Columbia, a federally licensed importer, manu-  
5 facturer, or dealer of firearms in Maryland or Virginia  
6 shall be treated as a dealer licensed under the provisions  
7 of this Act for purposes of the previous sentence, notwith-  
8 standing section 922(b)(3) of title 18, United States Code,  
9 if the transferee meets in person with the transferor to  
10 accomplish the transfer, and the sale, delivery, and receipt  
11 fully comply with the legal conditions of sale in both the  
12 District of Columbia and the jurisdiction in which the  
13 transfer occurs.”.

14 (2) PROVIDING FOR THE LAWFUL SALE OF  
15 FIREARMS.—Section 501 of the Firearms Control  
16 Regulations Act of 1975 (sec. 7–2505.01, D.C. Offi-  
17 cial Code) is amended by striking “, destructive de-  
18 vice or ammunition” and all that follows and insert-  
19 ing the following: “or ammunition to any person if  
20 the seller or transferor knows or has reasonable  
21 cause to believe that such person is prohibited by  
22 Federal law from possessing or receiving a fire-  
23 arm.”.

1 (b) CONFORMING AMENDMENTS TO FIREARMS CON-  
2 TROL REGULATIONS ACT.—The Firearms Control Regu-  
3 lations Act of 1975 is amended—

4 (1) by repealing sections 402 through 409  
5 (secs. 7–2504.02 through 7–2504.09, D.C. Official  
6 Code);

7 (2) by repealing section 502 (sec. 7–2505.02,  
8 D.C. Official Code);

9 (3) in section 701 (sec. 7–2507.01, D.C. Offi-  
10 cial Code)—

11 (A) in subsection (a), by striking “firearm,  
12 destructive device, or ammunition” and insert-  
13 ing “destructive device”; and

14 (B) in subsection (b), by striking “, any  
15 firearm, destructive device, or ammunition.”  
16 and inserting “any destructive device.”; and

17 (4) by repealing section 704 (sec. 7–2507.04,  
18 D.C. Official Code).

19 (c) OTHER CONFORMING AMENDMENTS.—The Act of  
20 July 8, 1932 (47 Stat. 650, chapter 465; sec. 22–4501  
21 et seq., D.C. Official Code), is amended—

22 (1) in section 3 (sec. 22–4503, D.C. Official  
23 Code)—

24 (A) in subsection (a), by striking “if the  
25 person” and all that follows and inserting “if



1 the person is prohibited from possessing a fire-  
2 arm under Federal law.”;

3 (B) in subsection (b)(1), by striking “sub-  
4 section (a)(1)” and inserting “subsection (a)”;  
5 and

6 (C) by repealing subsections (c) and (d);  
7 and

8 (2) by repealing sections 7 through 10 (secs.  
9 22–4507 through 22–4510, D.C. Official Code).

10 **SEC. 7. HARMONIZATION OF D.C. LAW AND FEDERAL LAW**  
11 **REGARDING THE POSSESSION OF AMMUNI-**  
12 **TION AND AMMUNITION FEEDING DEVICES.**

13 Section 601 of the Firearms Control Regulations Act  
14 of 1975 (sec. 7–2506.01, D.C. Official Code) is amended  
15 by striking “(a) No person” and all that follows and in-  
16 serting the following: “No person who is prohibited by  
17 Federal law from possessing a firearm shall possess am-  
18 munition in the District of Columbia.”.

19 **SEC. 8. RESTORATION OF RIGHT OF SELF DEFENSE IN THE**  
20 **HOME.**

21 Section 702 of the Firearms Control Regulations Act  
22 of 1975 (sec. 7–2507.02, D.C. Official Code) is repealed.

1 **SEC. 9. REMOVAL OF CRIMINAL PENALTIES FOR POSSES-**  
2 **SION OF UNREGISTERED FIREARMS AND**  
3 **CERTAIN AMMUNITION.**

4 (a) IN GENERAL.—Section 706 of the Firearms Con-  
5 trol Regulations Act of 1975 (sec. 7–2507.06, D.C. Offi-  
6 cial Code) is amended—

7 (1) by striking “except that” and all that fol-  
8 lows through “A person who knowingly” and insert-  
9 ing the following: “except that a person who know-  
10 ingly”; and

11 (2) by striking paragraphs (2) and (3).

12 (b) EFFECTIVE DATE.—The amendment made by  
13 subsection (a) shall apply with respect to any violation  
14 that occurs after the date that is 60 days after the date  
15 of enactment of this Act.

16 **SEC. 10. REGULATING INOPERABLE PISTOLS AND HARMO-**  
17 **NIZING DEFINITIONS FOR CERTAIN TYPES OF**  
18 **FIREARMS.**

19 Section 1 of the Act of July 8, 1932 (47 Stat. 650,  
20 chapter 465; sec. 22–4501, D.C. Official Code), is amend-  
21 ed—

22 (1) by redesignating paragraph (1) as para-  
23 graph (1)(A);

24 (2) by inserting before paragraph (1)(A), as re-  
25 designated, the following:

1           “(1) ‘Chief’ shall have the same meaning as  
2 provided in section 101(4) of the Firearms Control  
3 Regulations Act of 1975 (sec. 7–2501.01(4), D.C.  
4 Official Code).”;

5           (3) by inserting after paragraph (2) the fol-  
6 lowing:

7           “(2A) ‘Firearm’—

8           “(A) means any weapon, regardless of  
9 operability, which will, or is designed or rede-  
10 signed, made or remade, readily converted, re-  
11 stored, or repaired, or is intended to, expel a  
12 projectile or projectiles by the action of an ex-  
13 plosive; and

14           “(B) does not include—

15           “(i) a destructive device, as defined in  
16 section 101(7) of the Firearms Control  
17 Regulations Act of 1975 (sec. 7–  
18 2501.01(7), D.C. Official Code);

19           “(ii) a device used exclusively for line  
20 throwing, signaling, or safety, and required  
21 or recommended by the Coast Guard or  
22 Interstate Commerce Commission; or

23           “(iii) a device used exclusively for fir-  
24 ing explosive rivets, stud cartridges, or

1 similar industrial ammunition and incapa-  
2 ble for use as a weapon.”;

3 (4) by inserting after paragraph (3) the fol-  
4 lowing:

5 “(3A) ‘Licensee’ means an individual holding a  
6 valid license issued under the provisions of section 6  
7 of the Act of July 8, 1932 (sec. 22–4506, D.C. Offi-  
8 cial Code).”;

9 (5) by striking paragraph (4) and inserting the  
10 following:

11 “(4) ‘Machine gun’ shall have the same mean-  
12 ing as provided in section 101(10) of the Firearms  
13 Control Regulations Act of 1975 (sec. 7–  
14 2501.01(10), D.C. Official Code).”;

15 (6) by inserting after paragraph (4) the fol-  
16 lowing:

17 “(4A) ‘Motor vehicle’ shall have the meaning  
18 provided in section 101(4) of the Department of  
19 Motor Vehicles Reform Amendment Act of 2004  
20 (sec. 50–1331.01(4), D.C. Official Code).

21 “(4B) ‘Out-of-state license’ means a valid per-  
22 mit, license, approval, or other authorization issued  
23 by a state or territory of the United States that au-  
24 thORIZES the licensee to carry a pistol concealed on  
25 or about the person.

1           “(4C) ‘Out-of-state licensee’ means an indi-  
2           vidual who is 21 years of age or over, who is not a  
3           District resident, and who has been issued an out-  
4           of-state license.”;

5           (7) by striking paragraph (6) and inserting the  
6           following:

7           “(6) ‘Pistol’ shall have the same meaning as  
8           provided in section 101(12) of the Firearms Control  
9           Regulations Act of 1975 (sec. 7–2501.01(12), D.C.  
10          Official Code).”;

11          (8) by inserting after paragraph (6) the fol-  
12          lowing:

13          “(6A) ‘Place of business’ shall have the same  
14          meaning as provided in section 101(12A) of the  
15          Firearms Control Regulations Act of 1975 (sec. 7–  
16          2501.01(12A), D.C. Official Code).”;

17          (9) by striking paragraph (8) and inserting the  
18          following:

19          “(8) ‘Sawed-off shotgun’ shall have the same  
20          meaning as provided in section 101(15) of the Fire-  
21          arms Control Regulations Act of 1975 (sec. 7–  
22          2501.01(15), D.C. Official Code).”; and

23          (10) by inserting after paragraph (9) the fol-  
24          lowing:

1           “(9A) ‘Shotgun’ shall have the same meaning  
2           as provided in section 101(16) of the Firearms Con-  
3           trol Regulations Act of 1975 (sec. 7–2501.01(16),  
4           D.C. Official Code).”.

5 **SEC. 11. PROHIBITIONS OF FIREARMS FROM PRIVATE AND**  
6 **SENSITIVE PUBLIC PROPERTY.**

7           The Act of July 8, 1932 (47 Stat. 650, chapter 465;  
8           sec. 22–4501 et seq., D.C. Official Code), is amended by  
9           inserting after section 3 the following:

10 **“SEC. 3A. PROHIBITIONS OF FIREARMS FROM PRIVATE**  
11 **AND SENSITIVE PUBLIC PROPERTY.**

12           “(a) Private persons or entities owning property in  
13           the District of Columbia may prohibit or restrict the pos-  
14           session of firearms on their property by any persons, other  
15           than law enforcement personnel when lawfully authorized  
16           to enter onto the property or lessees occupying residential  
17           or business premises.

18           “(b) The District of Columbia may prohibit or re-  
19           strict the possession of firearms within any building or  
20           structure under its control, or in any area of such building  
21           or structure, that has implemented security measures (in-  
22           cluding guard posts, metal detection devices, x-ray or  
23           other scanning devices, or card-based or biometric access  
24           devices) to identify and exclude unauthorized or hazardous  
25           persons or articles, except that no such prohibition or re-

1 striction may apply to lessees occupying residential or  
2 business premises.”.

3 **SEC. 12. RECOGNIZING THE RIGHT OF LAW-ABIDING INDI-**  
4 **VIDUALS TO CARRY AND TRANSPORT FIRE-**  
5 **ARMS FOR LEGITIMATE PURPOSES.**

6 (a) LICENSES TO CARRY PISTOLS.—Section 6 of the  
7 Act of July 8, 1932 (47 Stat. 650, chapter 465; sec. 22–  
8 4506, D.C. Official Code), is amended to read as follows:

9 **“SEC. 6. ISSUE OF LICENSES TO CARRY PISTOL.**

10 **“(a) ISSUANCE AND SCOPE OF LICENSE.—**

11 **“(1) IN GENERAL.—**The Chief shall issue a li-  
12 cense to carry a pistol concealed on or about the  
13 person to any individual who—

14 **“(A)** is not disqualified under subsection  
15 **(d); and**

16 **“(B)** completes the application process  
17 specified in subsection (g).

18 **“(2) REQUIREMENTS FOR LICENSE.—**A license  
19 to carry a pistol issued under this section shall meet  
20 the requirements specified in subsection (c).

21 **“(3) PROTECTION FROM OTHER CONDITIONS,**  
22 **LIMITATIONS, AND REQUIREMENTS.—**The Chief may  
23 not impose conditions, limitations, or requirements  
24 that are not expressly provided for in this section on  
25 the issuance, scope, effect, or content of a license.

1           “(4) SCHOOL ZONES.—For purposes of section  
2           922(q)(2)(B)(ii) of title 18, United States Code, an  
3           individual who possesses a firearm in a school zone  
4           in the District of Columbia and who is licensed  
5           under this section or is an out-of-state licensee shall  
6           be considered licensed by the District of Columbia.

7           “(b) CARRYING A PISTOL; POSSESSION AND DISPLAY  
8           OF LICENSE DOCUMENT OR AUTHORIZATION.—

9           “(1) CARRYING A PISTOL.—A licensee or an  
10          out-of-state licensee may carry a pistol anywhere in  
11          the District of Columbia except as otherwise prohib-  
12          ited by law or by a limitation or prohibition estab-  
13          lished pursuant to section 11 of this Act (sec. 22-  
14          4511, D.C. Official Code).

15          “(2) POSSESSION AND DISPLAY OF LICENSE  
16          DOCUMENT OR AUTHORIZATION.—A licensee shall  
17          have with him or her his or her license document  
18          and government-issued photographic identification  
19          card and an out-of-state licensee shall have with him  
20          or her his or her out-of-state license and govern-  
21          ment-issued photographic identification card at all  
22          times during which he or she is carrying a pistol in  
23          any location other than on or in real property owned  
24          or leased by the licensee or out-of-state licensee.

25          “(c) LICENSE DOCUMENT; CONTENT OF LICENSE.—



1           “(1) DESIGN OF LICENSE DOCUMENT.—Subject  
2 to paragraphs (2) and (3), the Chief shall—

3           “(A) design a single license document for  
4 licenses issued and renewed under this section;  
5 and

6           “(B) complete the design of the license  
7 document not later than 60 days after the date  
8 of enactment of the Second Amendment En-  
9 forcement Act of 2017.

10          “(2) REQUIRED CONTENT OF LICENSE.—A li-  
11 cense document for a license issued under this sec-  
12 tion shall contain all of the following on one side:

13           “(A) The full name, date of birth, and res-  
14 idence address of the licensee.

15           “(B) A physical description of the licensee,  
16 including sex, height, and eye color.

17           “(C) The date on which the license was  
18 issued.

19           “(D) The date on which the license ex-  
20 pires.

21           “(E) The words ‘District of Columbia’.

22           “(F) A unique identification number for  
23 the licensee.

24          “(3) PROHIBITED CONTENT OF LICENSE.—A li-  
25 cense document for a license issued under this sec-

1       tion may not contain the licensee’s social security  
2       number.

3       “(d) RESTRICTIONS ON ISSUING A LICENSE.—The  
4 Chief shall issue a license under this section to an indi-  
5 vidual who submits an application under subsection (g)  
6 unless the individual—

7               “(1) is less than 21 years of age;

8               “(2) is prohibited under Federal law or court  
9 order from possessing or receiving a firearm; or

10              “(3) has not provided proof of training as de-  
11 scribed under subsection (e).

12       “(e) TRAINING REQUIREMENTS.—An individual may  
13 meet proof of training requirement under subsection  
14 (d)(3) by providing—

15              “(1) a copy of a document, or an affidavit from  
16 an instructor or organization that conducted the  
17 course or program, that indicates the individual  
18 completed—

19                      “(A) a hunter education program;

20                      “(B) a firearms safety or training course  
21 that is conducted by a national or state organi-  
22 zation that certifies firearms instructors;

23                      “(C) a firearms safety or training course  
24 that—

25                              “(i) is available to the public; and

1 “(ii)(I) is offered by a law enforce-  
2 ment agency; or

3 “(II) if taught by an instructor who is  
4 certified by a national or state organization  
5 that certifies firearms instructors, is of-  
6 fered by—

7 “(aa) a technical college;

8 “(bb) a college or a university;

9 “(cc) a private or public institu-  
10 tion or organization; or

11 “(dd) a firearms training school;

12 “(D) a firearms safety or training course  
13 that is offered to—

14 “(i) law enforcement officers; or

15 “(ii) owners and employees of licensed  
16 private detective and security agencies; or

17 “(E) a firearms safety or training course  
18 that is conducted by a firearms instructor who  
19 is certified by—

20 “(i) a national or state organization  
21 that certifies firearms instructors; or

22 “(ii) the Chief;

23 “(2) documentation that the individual com-  
24 pleted military, law enforcement, or security training  
25 that gave the individual experience with firearms

1 that is substantially equivalent to a course or pro-  
2 gram under paragraph (1);

3 “(3) a current or expired license, or a photo-  
4 copy of a current or expired license, that the indi-  
5 vidual holds or has held that indicates that the indi-  
6 vidual is licensed or has been licensed to carry a  
7 firearm in the District of Columbia or in another  
8 state unless the license has been revoked for cause;  
9 or

10 “(4) documentation of completion of small arms  
11 training while serving in the Armed Forces of the  
12 United States, including the National Guard and re-  
13 serve components, as demonstrated by—

14 “(A) documentation that the individual  
15 was discharged or released from the Armed  
16 Forces under honorable conditions; or

17 “(B) a certificate of completion of basic  
18 training with a service record of successful com-  
19 pletion of small arms training and certification.

20 “(f) APPLICATION AND RENEWAL FORMS.—

21 “(1) DESIGN.—The Chief shall design an appli-  
22 cation form for use by individuals who apply for a  
23 license under this section and a renewal form for use  
24 by individuals applying for renewal of a license  
25 under subsection (o).

1           “(2) DEADLINES.—The Chief shall complete  
2 the design of—

3           “(A) the application form not later than  
4 60 days after the date of enactment of the Sec-  
5 ond Amendment Enforcement Act of 2017; and

6           “(B) the renewal form not later than 4  
7 years from the date of enactment of the Second  
8 Amendment Enforcement Act of 2017.

9           “(3) CONTENTS.—The forms described in this  
10 subsection shall—

11           “(A) require the applicant to provide only  
12 his or her name, address, date of birth, state  
13 identification card number, race, sex, height,  
14 eye color, and, if the applicant is not a United  
15 States citizen, his or her alien or admission  
16 number; and

17           “(B) include—

18           “(i) a statement that the applicant is  
19 ineligible for a license if subsection (d) ap-  
20 plies to the applicant;

21           “(ii) a statement explaining the laws  
22 of self-defense and defense of others in the  
23 District of Columbia, with a place for the  
24 applicant to sign his or her name to indi-

1           cate that he or she has read and under-  
2           stands the statement;

3           “(iii) a statement, with a place for the  
4           applicant to sign his or her name, to indi-  
5           cate that the applicant has read and un-  
6           derstands the requirements of this section;

7           “(iv) a statement that the applicant  
8           may be prosecuted if he or she inten-  
9           tionally gives a false answer to any ques-  
10          tion on the application or intentionally sub-  
11          mits a falsified document with the applica-  
12          tion;

13          “(v) a statement of the penalties for  
14          intentionally giving a false answer to any  
15          question on the application or intentionally  
16          submitting a falsified document with the  
17          application; and

18          “(vi) a statement describing the  
19          places in which a person may be prohibited  
20          from carrying a pistol even with a license,  
21          with a place for the applicant to sign his  
22          or her name to indicate that he or she has  
23          read and understands the statement.

1           “(4) AVAILABILITY OF FORMS.—The Chief  
2 shall make the forms described in this subsection  
3 available on the Internet and, upon request, by mail.

4           “(g) SUBMISSION OF APPLICATION.—An individual  
5 may apply to the Chief for a license under this section  
6 by submitting to the Chief, by mail or other means made  
7 available by the Chief—

8           “(1) a completed application in the form pre-  
9 scribed under subsection (f);

10           “(2) a statement that states that the informa-  
11 tion that the individual is providing in the applica-  
12 tion submitted under paragraph (1) and any docu-  
13 ment submitted with the application is true and  
14 complete to the best of his or her knowledge;

15           “(3) a license fee in an amount that is equal to  
16 the lesser of—

17           “(A) the cost of issuing the license; or

18           “(B) \$50;

19           “(4) a fee for a background check under sub-  
20 section (i) that is not greater than \$25; and

21           “(5) proof of training as described under sub-  
22 section (e).

23           “(h) PROCESSING OF APPLICATION.—

24           “(1) BACKGROUND CHECK.—If a person sub-  
25 mits a complete application under subsection (g) and

1 is not prohibited from obtaining a license under  
2 paragraph (1) or (3) of subsection (d), the Chief  
3 shall conduct a background check in accordance with  
4 subsection (i) upon receiving the application.

5 “(2) DEADLINE.—Not later than 21 days after  
6 the date on which the Chief receives a complete ap-  
7 plication submitted under subsection (g), the Chief  
8 shall—

9 “(A) except as provided in subparagraph  
10 (B), issue the license and promptly send the li-  
11 censee his or her license document by first-class  
12 mail; or

13 “(B) if subsection (d) applies to the appli-  
14 cant, deny the application in accordance with  
15 paragraph (3).

16 “(3) DENIAL.—If the Chief denies an applica-  
17 tion submitted under subsection (g), the Chief shall  
18 inform the applicant of the denial in writing, stating  
19 the reason and factual basis for the denial and the  
20 availability of an appeal under subsections (m) and  
21 (n).

22 “(i) BACKGROUND CHECKS.—

23 “(1) IN GENERAL.—The Chief shall conduct a  
24 background check on an applicant by contacting the  
25 National Instant Criminal Background Check Sys-



1       tem to determine whether subsection (d)(2) applies  
2       to the applicant.

3           “(2) CONFIRMATION NUMBER.—The Chief shall  
4       create a confirmation number associated with each  
5       applicant.

6           “(3) RESULT.—As soon as practicable after  
7       conducting a background check under paragraph  
8       (1), the Chief shall—

9           “(A) if the background check indicates  
10       that subsection (d)(2) applies to the applicant,  
11       create a unique nonapproval number for the ap-  
12       plicant; or

13          “(B) if the background check does not in-  
14       dicate that subsection (d)(2) applies to the ap-  
15       plicant, create a unique approval number for  
16       the applicant.

17          “(4) RECORD.—The Chief shall maintain—

18          “(A) a record of all complete application  
19       forms submitted under subsection (g); and

20          “(B) a record of all approval or non-  
21       approval numbers regarding background checks  
22       conducted under this subsection.

23          “(j) MAINTENANCE, USE, AND PUBLICATION OF  
24       RECORDS BY THE CHIEF.—

25          “(1) MAINTENANCE OF RECORD.—

1           “(A) IN GENERAL.—The Chief shall main-  
2           tain a computerized record listing the name and  
3           application information of each individual who  
4           has been issued a license under this section.

5           “(B) RESTRICTION.—Subject to paragraph  
6           (3), the Chief may not store, maintain, format,  
7           sort, or access the information described in  
8           paragraph (1) in any manner other than by—

9                   “(i) the names, dates of birth, or sex  
10                  of licensees; or

11                   “(ii) the identification numbers as-  
12                  signed to licensees under subsection (i).

13           “(2) USE BY LAW ENFORCEMENT.—A law en-  
14           forcement officer may not request or be provided in-  
15           formation maintained in the record under paragraph  
16           (1) concerning a specific individual except for one of  
17           the following purposes:

18                   “(A) To confirm that a license produced by  
19                  an individual is valid.

20                   “(B) If an individual is carrying a pistol  
21                  and claims to hold a valid license issued under  
22                  this section, but does not have his or her license  
23                  document, to confirm that the individual holds  
24                  a valid license.

1           “(C) To investigate whether an individual  
2 submitted an intentionally false statement.

3           “(D) To investigate whether an individual  
4 complied with a requirement to surrender his or  
5 her license in accordance with this section.

6           “(3) FREEDOM OF INFORMATION.—Notwith-  
7 standing the Freedom of Information Act of 1976  
8 (sec. 2–531 et seq., D.C. Official Code), information  
9 obtained under this section may not be made avail-  
10 able to the public except—

11           “(A) in the context of a prosecution for an  
12 offense in which a person’s status as a licensee  
13 is relevant; or

14           “(B) through a report created by the Chief  
15 that shows the number of licenses issued, re-  
16 voked, or suspended, but excludes any identi-  
17 fying information about individual licensees.

18           “(k) LOST OR DESTROYED LICENSE.—

19           “(1) IN GENERAL.—If a license document is  
20 lost, a licensee no longer has possession of his or her  
21 license document, or a license document is de-  
22 stroyed, unreadable, or unusable, a licensee who  
23 wishes to obtain a replacement license document  
24 shall submit to the Chief—

1           “(A) a statement requesting a replacement  
2           license document;

3           “(B) the license document or any portions  
4           of the license document that remain; and

5           “(C) a \$12 replacement fee.

6           “(2) ISSUANCE.—Not later than 14 days after  
7           the date on which the Chief receives a statement, li-  
8           cense document or portions thereof (if any), and fee  
9           submitted by a licensee under paragraph (1), the  
10          Chief shall issue a replacement license document to  
11          the licensee.

12          “(3) ABSENCE OF ORIGINAL LICENSE DOCU-  
13          MENT.—If a licensee does not submit the original li-  
14          cense document to the Chief under paragraph (1),  
15          the Chief shall terminate the unique approval num-  
16          ber of the original request and issue a new unique  
17          approval number for the replacement license docu-  
18          ment.

19          “(1) LICENSE REVOCATION AND SUSPENSION.—

20                 “(1) REVOCATION.—The Chief shall revoke a li-  
21                 cense issued under this section if the Chief deter-  
22                 mines that subsection (d) applies to the licensee.

23                 “(2) SUSPENSION.—

24                         “(A) IN GENERAL.—The Chief shall sus-  
25                         pend a license issued under this section if a

1 court prohibits the licensee from possessing a  
2 firearm.

3 “(B) RESTORATION.—The Chief shall re-  
4 store a suspended license not later than 5 busi-  
5 ness days after the date on which the Chief is  
6 notified that the licensee is no longer subject to  
7 the prohibition described in subparagraph (A)  
8 if—

9 “(i) subsection (d) does not apply to  
10 the individual; and

11 “(ii) the suspended license has not ex-  
12 pired under subsection (o).

13 “(3) PROCEDURES.—

14 “(A) NOTICE.—If the Chief suspends or  
15 revokes a license under this subsection, the  
16 Chief shall send by mail to the individual whose  
17 license has been suspended or revoked notice of  
18 the suspension or revocation not later than 1  
19 day after the suspension or revocation.

20 “(B) EFFECTIVE DATE.—If the Chief sus-  
21 pends or revokes a license under this sub-  
22 section, the suspension or revocation shall take  
23 effect on the date on which the individual whose  
24 license has been suspended or revoked receives  
25 the notice under subparagraph (A).

1           “(C) DELIVERY OF LICENSE DOCUMENT  
2 TO CHIEF.—Not later than 7 days after the  
3 date on which an individual whose license has  
4 been suspended or revoked receives the notice  
5 under subparagraph (A), the individual shall—

6                   “(i) deliver the license document per-  
7 sonally or by certified mail to the Chief; or

8                   “(ii) mail a signed statement to the  
9 Chief stating—

10                           “(I) that the individual no longer  
11 has possession of his or her license  
12 document; and

13                           “(II) the reasons why the indi-  
14 vidual no longer has possession of the  
15 license document.

16           “(m) DEPARTMENTAL REVIEW.—The Chief shall  
17 promulgate rules providing for the review of any action  
18 by the Chief denying an application for, or suspending or  
19 revoking, a license under this section.

20           “(n) APPEALS TO THE SUPERIOR COURT.—

21                   “(1) RIGHT TO APPEAL.—An individual ag-  
22 grieved by any action by the Chief denying an appli-  
23 cation for, or suspending or revoking, a license  
24 under this section, may appeal directly to the Supe-  
25 rior Court of the District of Columbia without re-

1       gard to whether the individual has sought review  
2       under the process established under subsection (m).

3           “(2) COMMENCEMENT OF APPEAL.—

4           “(A) IN GENERAL.—To begin an appeal  
5       under this subsection, the aggrieved individual  
6       shall file a petition for review with the clerk of  
7       the Superior Court of the District of Columbia  
8       not later than 30 days after the date on which  
9       the individual receives notice of denial of an ap-  
10      plication for a license or of suspension or rev-  
11      ocation of a license.

12          “(B) CONTENTS; SUPPORTING DOCU-  
13      MENTS.—A petition filed under subparagraph  
14      (A)—

15           “(i) shall state the substance of the  
16           Chief’s action from which the individual is  
17           appealing and the grounds upon which the  
18           individual believes the Chief’s action to be  
19           improper; and

20           “(ii) may include a copy of any  
21           records or documents that are relevant to  
22           the grounds upon which the individual be-  
23           lieves the Chief’s action to be improper.

24          “(3) SERVICE UPON CHIEF.—A copy of a peti-  
25      tion filed under paragraph (2) shall be served upon

1 the Chief either personally or by registered or cer-  
2 tified mail not later than 5 days after the date on  
3 which the individual files the petition.

4 “(4) ANSWER.—

5 “(A) IN GENERAL.—The Chief shall file an  
6 answer to a petition filed under paragraph (2)  
7 not later than 15 days after the date on which  
8 the Chief is served with the petition under  
9 paragraph (3).

10 “(B) CONTENTS; SUPPORTING DOCU-  
11 MENTS.—An answer filed under subparagraph  
12 (A) shall include—

13 “(i) a brief statement of the actions  
14 taken by the Chief; and

15 “(ii) a copy of any documents or  
16 records on which the Chief based his or  
17 her action.

18 “(5) REVIEW BY COURT.—

19 “(A) IN GENERAL.—The court shall review  
20 the petition, the answer, and any records or  
21 documents submitted with the petition or the  
22 answer.

23 “(B) CONDUCT OF REVIEW.—The court  
24 shall conduct the review under this paragraph



1 without a jury but may schedule a hearing and  
2 take testimony.

3 “(6) REVERSAL.—The court shall reverse the  
4 Chief’s action if the court finds—

5 “(A) that the Chief failed to follow any  
6 procedure, or take any action, prescribed under  
7 this section;

8 “(B) that the Chief erroneously interpreted  
9 a provision of law and a correct interpretation  
10 compels a different action;

11 “(C) that the Chief’s action depends on a  
12 finding of fact that is not supported by sub-  
13 stantial evidence in the record;

14 “(D) if the appeal is regarding a denial,  
15 that the denial was based on factors other than  
16 the factors under subsection (d); or

17 “(E) if the appeal is regarding a suspen-  
18 sion or revocation, that the suspension or rev-  
19 ocation was based on criteria other than the cri-  
20 teria under subsection (l).

21 “(7) RELIEF.—

22 “(A) IN GENERAL.—The court shall pro-  
23 vide whatever relief is appropriate regardless of  
24 the original form of the petition.

1           “(B) COSTS AND FEES.—If the court re-  
2           verses the Chief’s action, the court shall order  
3           the Chief to pay the aggrieved individual all  
4           court costs and reasonable attorney fees.

5           “(o) LICENSE EXPIRATION AND RENEWAL.—

6           “(1) PERIOD OF VALIDITY.—A license issued  
7           under this section shall be valid for the 5-year period  
8           beginning on the date on which the license is issued  
9           unless the license is suspended or revoked under  
10          subsection (l).

11          “(2) NOTICE OF EXPIRATION.—

12                 “(A) FORM.—The Chief shall design a no-  
13                 tice of expiration form.

14                 “(B) MAILING OF NOTICE.—Not later than  
15                 90 days before the expiration date of a license  
16                 issued under this section, the Chief shall mail  
17                 to the licensee—

18                         “(i) the notice of expiration form; and

19                         “(ii) a form for renewing the license.

20          “(3) RENEWAL.—

21                 “(A) IN GENERAL.—The Chief shall renew  
22                 the license of a licensee if—

23                         “(i) not later than 90 days after the  
24                         expiration date of the license, the licensee  
25                         submits the renewal application, statement,

1 and fees required under subparagraph (B);

2 and

3 “(ii) the background check required  
4 under subparagraph (C) indicates that  
5 subsection (d) does not apply to the li-  
6 censee.

7 “(B) RENEWAL APPLICATION; STATEMENT;  
8 FEES.—A licensee seeking to renew his or her  
9 license shall submit to the Chief—

10 “(i) a renewal application on the form  
11 provided by the Chief;

12 “(ii) a statement reporting that—

13 “(I) the information provided  
14 under clause (i) is true and complete  
15 to the best of the licensee’s knowl-  
16 edge; and

17 “(II) the licensee is not disquali-  
18 fied under subsection (d); and

19 “(iii) payment of—

20 “(I) a renewal fee in an amount  
21 that is equal to the lesser of—

22 “(aa) the cost of renewing  
23 the license; or

24 “(bb) \$25; and

1                   “(II) a fee for a background  
2                   check that does not exceed \$25.

3                   “(C) BACKGROUND CHECK.—The chief  
4                   shall conduct a background check of a licensee  
5                   as provided under subsection (i) before renew-  
6                   ing the licensee’s license.

7                   “(D) ISSUANCE OF RENEWAL LICENSE.—  
8                   Unless a renewal applicant is ineligible under  
9                   subsection (d), not later than 21 days after the  
10                  date on which the Chief receives a renewal ap-  
11                  plication, statement, and fees from the appli-  
12                  cant under subparagraph (B), the Chief shall  
13                  issue a renewal license and send it to the appli-  
14                  cant by first-class mail.

15                  “(E) MEMBERS OF THE ARMED FORCES.—  
16                  Notwithstanding paragraph (1), the license of a  
17                  member of the Armed Forces of the United  
18                  States, including the National Guard and re-  
19                  serve components, who is deployed overseas  
20                  while on active duty shall not expire before the  
21                  date that is 90 days after the end of the licens-  
22                  ee’s overseas deployment unless the license is  
23                  suspended or revoked under subsection (l).

24                  “(p) RECIPROCITY AGREEMENTS.—The Chief shall  
25                  enter into reciprocity agreements with each other state

1 that requires such an agreement to grant recognition to  
 2 a license to carry a concealed firearm issued by another  
 3 state.

4 “(q) IMMUNITY.—

5 “(1) IN GENERAL.—The Chief and any des-  
 6 ignee or employee who carries out the provisions of  
 7 this section shall be immune from liability arising  
 8 from any act or omission under this section, if the  
 9 act or omission is in good faith.

10 “(2) PROVIDERS OF TRAINING COURSES.—A  
 11 person providing a firearms training course in good  
 12 faith shall be immune from liability arising from any  
 13 act or omission related to the course if the course  
 14 is one described in subsection (e).”

15 (b) AUTHORITY TO CARRY FIREARM IN CERTAIN  
 16 PLACES AND FOR CERTAIN PURPOSES; LAWFUL TRANS-  
 17 PORTATION OF FIREARMS.—The Act of July 8, 1932 (sec.  
 18 22–4501 et seq., D.C. Official Code), is amended by in-  
 19 serting after section 4 the following:

20 **“SEC. 4A. AUTHORITY TO CARRY FIREARM IN CERTAIN**  
 21 **PLACES AND FOR CERTAIN PURPOSES.**

22 “Notwithstanding any other law, a person not other-  
 23 wise prohibited by law from shipping, transporting, pos-  
 24 sessed, or receiving a firearm may carry such firearm,  
 25 whether loaded or unloaded—

1           “(1) in the person’s dwelling house or place of  
2           business or on land owned or lawfully possessed by  
3           the person;

4           “(2) on land owned or lawfully possessed by an-  
5           other person unless the other person has notified the  
6           person by posting or individual notice that firearms  
7           are not permitted on the premises;

8           “(3) while it is being used for lawful rec-  
9           reational, sporting, educational, or training pur-  
10          poses; or

11          “(4) while it is being transported for a lawful  
12          purpose as expressly authorized by District or Fed-  
13          eral law and in accordance with the requirements of  
14          that law.

15       **“SEC. 4B. LAWFUL TRANSPORTATION OF FIREARMS.**

16          “(a) Any person who is not otherwise prohibited by  
17          law from shipping, transporting, possessing, or receiving  
18          a firearm shall be permitted to transport a firearm for  
19          any lawful purpose from any place where he may lawfully  
20          possess the firearm to any other place where he may law-  
21          fully possess the firearm if the firearm is transported in  
22          accordance with this section.

23          “(b)(1) If the transportation of the firearm is by a  
24          vehicle, the firearm shall be unloaded, and neither the fire-  
25          arm nor any ammunition being transported shall be read-

1 ily accessible or directly accessible from the passenger  
2 compartment of the transporting vehicle.

3 “(2) If the transporting vehicle does not have a com-  
4 partment separate from the driver’s compartment, the  
5 firearm or ammunition shall be contained in a locked con-  
6 tainer other than the glove compartment or console, and  
7 the firearm shall be unloaded.

8 “(c) If the transportation of the firearm is in a man-  
9 ner other than in a vehicle, the firearm shall be—

10 “(1) unloaded;

11 “(2) inside a locked container; and

12 “(3) separate from any ammunition.”.

13 (c) EXCEPTIONS TO RESTRICTIONS ON CARRYING  
14 CONCEALED WEAPONS.—Section 5(a) of the Act of July  
15 8, 1932 (47 Stat. 650, chapter 465; sec. 22–4505(a), D.C.  
16 Official Code), is amended—

17 (1) by striking “pistol unloaded and in a secure  
18 wrapper from” and inserting “firearm, transported  
19 in accordance with section 4B, from”;

20 (2) by striking “pistol” each place it appears  
21 and inserting “firearm”; and

22 (3) by adding at the end the following:

23 “(7) Any person carrying a pistol who holds—

24 “(A) a valid license issued under section 6;

25 or

1                   “(B) any out-of-state license, as defined in  
2                   section 1.”.

3 **SEC. 13. INCLUDING TOY AND ANTIQUE PISTOLS IN PROHI-**  
4 **BITION AGAINST USING AN IMITATION FIRE-**  
5 **ARM TO COMMIT A VIOLENT OR DANGEROUS**  
6 **CRIME.**

7           Section 13 of the Act of July 8, 1932 (sec. 22–4513,  
8 D.C. Official Code), is amended by striking “section 2 and  
9 section 14(b)” and inserting “sections 2, 4(b), and 14(b)”.

10 **SEC. 14. REPEAL OF GUN OFFENDER REGISTRY.**

11           Title VIII of the Firearms Control Regulations Act  
12 of 1975 (sec. 7–2508.01 et seq., D.C. Official Code), as  
13 added by section 205 of the Omnibus Public Safety and  
14 Justice Amendment Act of 2009 (D.C. Law 18–88), is re-  
15 pealed.

16 **SEC. 15. REPEALS OF DISTRICT OF COLUMBIA ACTS.**

17           Effective on the day before the date of the enactment  
18 of this Act, each of the following Acts is repealed, and  
19 any provision of law amended or repealed by any of such  
20 Acts is restored or revived as if such Act had not been  
21 enacted into law:

22                   (1) The Assault Weapon Manufacturing Strict  
23                   Liability Act of 1990 (D.C. Law 8–263).

24                   (2) The Illegal Firearm Sale and Distribution  
25                   Strict Liability Act of 1992 (D.C. Law 9–115).



1           (3) The Firearms Registration Amendment Act  
2 of 2008 (D.C. Law 17–372).

3           (4) The Inoperable Pistol Amendment Act of  
4 2008 (D.C. Law 17–388).

5           (5) The Firearms Amendment Act of 2012  
6 (D.C. Law 19–170).

7           (6) The Administrative Disposition for Weapons  
8 Offenses Amendment Act of 2012 (D.C. Law 19–  
9 295).

10          (7) The License to Carry a Pistol Second  
11 Emergency Amendment Act of 2014 (D.C. Act A20–  
12 0564).

13          (8) The License to Carry a Pistol Temporary  
14 Amendment Act of 2014 (D.C. Law 20–169).

15          (9) The License to Carry a Pistol Amendment  
16 Act of 2014 (D.C. Act A20–0621).

17 **SEC. 16. SEVERABILITY.**

18          Notwithstanding any other provision of this Act, if  
19 any provision of this Act, or any amendment made by this  
20 Act, or the application of such provision or amendment  
21 to any person or circumstance is held to be unconstitu-  
22 tional, the other provisions of this Act and any other  
23 amendments made by this Act, and the application of such

1 provision or amendment to other persons or cir-  
2 cumstances, shall not be affected thereby.

○