

  
Chairman Phil Mendelson

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A PROPOSED RESOLUTION

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To declare the existence of an emergency with respect to the need to amend the License to Carry a Pistol Emergency Amendment Act of 2014 to repeal the applicability section.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “License to Carry a Pistol Clarification Emergency Declaration Resolution of 2014”.

Sec. 2. (a) On September 23, 2014, the Council approved the License to Carry a Pistol Emergency Amendment Act of 2014, Bill 20-926.

(b) Passing that Act is intended to comply with the July 24, 2014 order of the United States District Court for the District of Columbia in the case of *Palmer v. District of Columbia*, finding the District’s complete ban on the carrying of handguns in public to be unconstitutional.

(c) The applicability section as written in Bill 20-926, in aiming for immediate prosecution of Carrying a Pistol without a License (CPWL) violations, has instead resulted in confusion for prosecutors and law enforcement.

34 (d) Typically, emergency acts of the Council do not include delayed applicability  
35 provisions; they become effective immediately.

36 (e) Regulation of the ability for individuals to carry pistols outside their home is critical  
37 to public safety in the District of Columbia. Indeed, the current law, amended by Bill 20-926,  
38 was adopted by Congress in 1932. Gun violence is a primary concern of the Metropolitan Police  
39 Department, just as gun violence is a major concern in all big cities in the United States. Almost  
40 always, this violence is perpetuated by persons who (illegally) carry guns in public. But the  
41 District is different than any other U.S. city because it is the nation's capital. Due to the  
42 District's unique national security concerns, the right to carry a firearm in public must be more  
43 heavily restricted than any place else in the nation. Four U.S. presidents have been assassinated  
44 by gunfire, and at least five others have been shot at, including Ronald Regan who was seriously  
45 wounded in 1981. Members of Congress have been shot or shot at. There are frequent threats on  
46 the foreign diplomatic corps. Neither the Secret Service nor the Capitol Police will disclose all  
47 incidents where they have recovered firearms, but they do occur. Two years ago someone hit the  
48 White House with gunfire.

49 (f) The Supreme Court has made clear that "the right secured by the Second Amendment  
50 is not unlimited." It has stated that, for example, "the majority of the 19<sup>th</sup>-century courts to  
51 consider the question held that prohibitions on carrying concealed weapons were lawful under  
52 the Second Amendment or state analogues..." *District of Columbia v. Heller*, 554 U.S. 570,  
53 678 (2008).

54 (g) The License to Carry a Pistol Clarification Emergency Amendment Act will simplify  
55 and therefore clarify the applicability section of Bill 20-926 as adopted.

56 (h) Enacting the License to Carry a Pistol Clarification Emergency Amendment Act of  
57 2014 is necessary in the interest of public safety and to ensure that carrying a concealed pistol  
58 will not be permitted in the District unless a license to do so has been obtained. It is expected  
59 that a licensing scheme will be in place, based on rules issued by the Executive, within the  
60 month.

61 (i) Enacting this measure by emergency is necessary to ensure that this clarification is  
62 made to Bill 20-926, which has not yet been signed by the Mayor, before the District's stay  
63 granted in the *Palmer* case expires on October 22, 2014.

64 Sec. 3. The Council of the District of Columbia determines that the circumstances  
65 enumerated in section 2 constitute emergency circumstances making it necessary that the License  
66 to Carry a Pistol Clarification Emergency Amendment Act of 2014 be adopted after a single  
67 reading.

68 Sec. 4. This resolution shall take effect immediately.