



2017 NOV -9 AM 11:02
OFFICE OF THE
SECRETARY

MURIEL BOWSER
MAYOR

NOV 9 2017

The Honorable Phil Mendelson
Chairman, Council of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Ave., NW, Suite 504
Washington, DC 20004

Dear Chairman Mendelson:

Enclosed for consideration and approval by the Council of the District of Columbia is a bill entitled the "Possession of Firearms and Ammunition Penalties Amendment Act of 2017."

The legislation amends Title 22 of the District of Columbia Official Code and the Firearms Control Regulations Act of 1975 (D.C. Law 1-85; D.C. Official Code § 7-2501.01 et seq.) by making it unlawful to possess or receive any firearm that has had the importer's or manufacturer's serial number removed, obliterated, or altered. It also establishes that it is unlawful to knowingly receive, possess, conceal, store, barter, sell, or dispose of any stolen firearm or ammunition. It prohibits the possession of ammunition by previously convicted felons, increases the penalty for carrying a high-capacity magazine, prohibits trafficking in firearms or ammunition, and eliminates an existing administrative alternative to criminal sanctions for anyone previously convicted of a felony. At the same time, the bill amends the immunity provision in Title 7 (D.C. Official Code § 7-2507.05) so that it would also apply to those individuals who for a brief time possess a firearm with obliterated serial numbers, a stolen firearm, or stolen ammunition in order to surrender them to the Metropolitan Police Department.

By making it unlawful to knowingly possess or receive firearms where the serial numbers have been tampered or to possess a stolen firearm or ammunition, we would bring the District's laws in line with the federal law. In 2009, the Council enacted legislation to model certain parts of the District firearms law after federal law to allow for charges to be filed in the Superior Court because of the lower likelihood of cases being brought to United States District Court. This would be a continuation of that effort. The proposed penalty of not less than two years nor more than five years is consistent with other enhanced firearms possession charges.

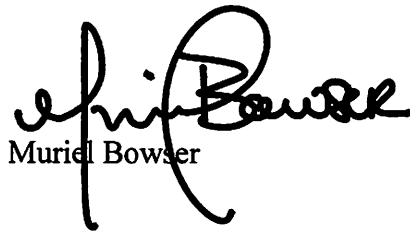
Additionally, by establishing an offense for the possession of ammunition by previously convicted felons, the bill penalizes those who are already on notice that they are prohibited from

possessing firearms and ammunition. While the District currently prohibits the possession of high capacity magazines, the penalty is the same as for possessing other ammunition, ranging from a civil penalty up to one year imprisonment. This proposal attaches a penalty that better reflects the nature of the crime.

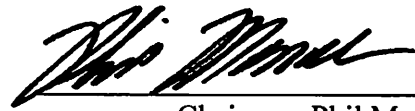
Finally, by establishing a charge for trafficking guns and/or ammunition, we would increase the likelihood that a strong case is prosecuted. Currently there is limited recourse for prosecution even when there is strong evidence of intent to traffic.

If you have any questions on this matter, please contact Kelly O'Meara, Director for Strategic Change at the Metropolitan Police Department, at 202.727.9680.

Sincerely,

A handwritten signature in black ink, appearing to read "Muriel Bowser". The signature is fluid and cursive, with a large initial "M" and "B".

Muriel Bowser



Chairman Phil Mendelson
at the request of the Mayor

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Chairman Phil Mendelson, at the request of the Mayor, introduced the following bill which was referred to the Committee on _____.

To prohibit a person from knowingly possessing or receiving any firearm with a tampered serial number; to prohibit a person from possessing a stolen firearm or stolen ammunition; to prohibit the possession of ammunition by previously convicted felons; to increase the penalty for possession of a high-capacity magazine; to prohibit trafficking firearms or ammunition; and to permit persons to surrender to the Metropolitan Police Department firearms or ammunition that this act prohibits.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Possession of Firearm and Ammunition Penalties Amendment Act of 2017."

Sec. 2. Section 3 of 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, approved July 8, 1932 (47 Stat. 651; D.C. Official Code § 22-4503) is amended as follows:

(a) A new subsection (a-1) is added to read as follows:

"(a-1)(1) It shall be unlawful for any person knowingly to possess or receive any firearm which has had the importer's or manufacturer's serial number removed, obliterated, or altered.

"(2) It shall be unlawful for any person to receive, possess, conceal, store, barter, sell, or dispose of any stolen firearm or stolen ammunition, or pledge or accept as security for a

39 loan any stolen firearm or stolen ammunition, knowing or having reasonable cause to believe
40 that the firearm or ammunition was stolen.”.

41 (b) A new subsection (c-1) is added to read as follows:

42 “(c-1) A person who violates subsection (a-1) of this section shall be sentenced to not less
43 than 2 years nor more than 5 years, fined not more than the amount set forth in section 101 of the
44 Crime Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317;
45 D.C. Official Code § 22-3571.01), or both.”.

46 Sec. 3. The Firearms Control Regulations Act of 1975, effective September 24, 1976
47 (D.C. Law 1-85; D.C. Official Code § 7-2501.01 *et seq.*) is amended as follows:

48 (a) Section 705(a) (D.C. Official Code § 7-2507.05(a)) is amended to read as follows:

49 “(a)(1) If a person or organization within the District voluntarily and peaceably delivers
50 and abandons to the Chief any firearm, destructive device or ammunition at any time, such
51 delivery shall preclude the arrest and prosecution of such person on a charge of violating, with
52 respect to the firearm, destructive device, or ammunition voluntarily delivered:

53 “(A) Any provision of this act; or

54 “(B) Section 3(a-1) of An Act to control the possession, sale, transfer,
55 and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties,
56 to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 651; D.C.
57 Official Code § 22-4503(a-1)).

58 “(2) Delivery under this section may be made at any police district, station, or
59 central headquarters, or by summoning a police officer to the person’s residence or place of
60 business.

61 “(3) Every firearm and destructive device to be delivered and abandoned to the
62 Chief under this section shall be transported in accordance with section 4b of An Act to control
63 the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of
64 Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved
65 July 8, 1932 (47 Stat. 651; D.C. Official Code § 22-4504.02). In the case of delivery to a police
66 facility, the package shall be carried in open view.

67 “(4) No person who delivers and abandons a firearm, destructive device, or
68 ammunition under this section shall be required to furnish identification, photographs, or
69 fingerprints.

70 “(5) No amount of money shall be paid for any firearm, destructive device, or
71 ammunition delivered and abandoned under this section.”.

72 (b) Section 706 (D.C. Official Code § 7-2507.06) is amended as follows:

73 (1) Subsection (a) is amended as follows:

74 (A) Paragraph (3) is amended as follows:

75 (i) Subparagraph (A) is amended by striking the phrase “A person”
76 and inserting the phrase “Notwithstanding paragraph (4) of this subsection, a person” in its place.

77 (ii) Subparagraph (B) is repealed.

78 (B) New paragraphs (4), (5), and (6) are added to read as follows:

79 “(4) A person convicted of possessing ammunition in violation of section 601(a)
80 after having been convicted in any court of a crime punishable by imprisonment for a term
81 exceeding one year shall be fined not more than the amount set forth in section 101 of the Crime
82 Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C.
83 Official Code § 22-3571.01), imprisoned for not more than 1 year, or both.

84 “(5) A person convicted of possessing a large capacity ammunition feeding device
85 in violation of section 601(b) shall be fined not more than the amount set forth in section 101 of
86 the Crime Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-
87 317; D.C. Official Code § 22-3571.01), imprisoned for not more than 5 years, or both.

88 “(6) A person convicted of possessing a firearm with an intent to sell, offer for
89 sale, or make available for sale, in violation of section 501 shall be sentenced to not less than 2
90 years nor more than 10 years, fined not more than the amount set forth in section 101 of the
91 Crime Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317;
92 D.C. Official Code § 22-3571.01), or both.”.

93 (2) Subsection (b) is amended by adding a new paragraph (1A) to read as follows:

94 “(1A) The administrative disposition provided for in this subsection shall not be
95 available to any person who has previously been convicted of any felony in the District or
96 elsewhere.”.

97 Sec. 4. Fiscal impact statement.

98 The Council adopts the fiscal impact statement in the committee report as the fiscal
99 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
100 approved October 16, 2006, approved December 24, 1973 (120 Stat. 2038; D.C. Official Code §
101 1-301.47a).

102 Sec. 5. Effective date.

103 This act shall take effect following approval by the Mayor (or in the event of veto by the
104 Mayor, action by the Council to override the veto), a 60-day period of Congressional review as
105 provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December

106 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of
107 Columbia Register.

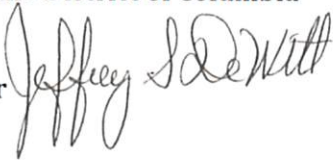
Government of the District of Columbia
Office of the Chief Financial Officer



Jeffrey S. DeWitt
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jeffrey S. DeWitt
Chief Financial Officer 

DATE: October 11, 2017

SUBJECT: Fiscal Impact Statement - Possession of Firearm and Ammunition
Penalties Amendment Act of 2017

REFERENCE: Draft Bill as shared with the Office of Revenue Analysis on September
22, 2017

Conclusion

Funds are sufficient in the fiscal year 2018 through fiscal year 2021 budget and financial plan to implement the bill.

Background

The bill makes it illegal to knowingly possess or receive a firearm where the serial number has been altered, removed, or obliterated and to possess, receive, conceal, store, barter, sell, or dispose of a stolen firearm or stolen ammunition. The bill also prohibits the use of a stolen firearm or stolen ammunition as a security pledge for a loan. The penalty for conviction of either of these offenses is not less than two years, but not more than five years imprisonment, assessment of the proportional fine,¹ or both. The bill ensures that any person or organization that voluntarily delivers and abandons to the Chief of Police any firearm, destructive device, or ammunition will not be charged for violating any of these proposed restrictions.

The bill sets or enhances the penalties and prison terms for three gun- or ammunition-related convictions. A conviction of an ammunition-related violation, where the offender has any previous felony conviction that was punishable by a year or more in prison, shall be imprisonment for not more than one year, assessment of the proportional fine,² or both. The bill enhances the penalty for a person convicted of possessing a large capacity ammunition device from not more than one year

¹ Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01).

² D.C. Official Code § 22-3571.01.

The Honorable Phil Mendelson

FIS: "Possession of Firearm and Ammunition Penalties Amendment Act of 2017," Draft Bill as shared with the Office of Revenue Analysis on September 22, 2017

to not more than five years imprisonment, assessment of the proportional fine,³ or both. The bill also sets the penalty for a person convicted of possessing a firearm with the intent to sell at not less than two years, but not more than ten years imprisonment, assessment of the proportional fine,⁴ or both.

The bill also prohibits the prosecutor in certain weapons cases from offering an administrative disposition to the offender if the offender has any prior felony convictions. The weapons cases include possession of an unregistered firearm; possession of a single restricted pistol bullet; and unlawful possession of ammunition, self-defense sprays, or a stun gun.

Financial Plan Impact

Funds are sufficient in the fiscal year 2018 through fiscal year 2021 budget and financial plan to implement the bill. Any new or additional fines that are received from convictions related to the new violations will be directed to the Crime Victims Compensation Fund⁵ which is managed by the DC Courts and is not a part of the District's budget. There are no additional impacts on the District's budget associated with implementation of the new violations or penalties.

³ D.C. Official Code § 22-3571.01.

⁴ D.C. Official Code § 22-3571.01.

⁵ Victims of Violent Crime Compensation Act of 1996, effective April 9, 1997 (D.C. Law 11-243; D.C. Official Code § 4-515).

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General

ATTORNEY GENERAL
KARL A. RACINE



Legal Counsel Division

MEMORANDUM

TO: Alana Intrieri
Executive Director
Office of Policy and Legislative Affairs

FROM: Janet M. Robins
Deputy Attorney General
Legal Counsel Division

DATE: September 22, 2017

SUBJECT: Legal Sufficiency Review – Draft “Possession of Firearms and Ammunition Penalties Amendment Act of 2017”
(AE-17-486)

This is to Certify that this Office has reviewed the above-referenced proposed legislation and found it to be legally sufficient. If you have any questions in this regard, please do not hesitate to call me at 724-5524.

Janet M. Robins