

Chairman Phil Mendelson

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A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, the Firearms Control Regulations Act of 1975 to permit individuals to register a firearm for self-defense in their place of business, to provide a Freedom of Information Act exception, to specify application requirements for applying to carry a concealed pistol, to specify the duration of such licenses and certain requirements for renewal of licenses, to outline duties of licensees, to provide for revocation of licenses, to create a criminal offense of carrying while impaired, to specify prohibitions on licensees, to establish a Concealed Pistol Licensing Review Board and specify the term and other requirements for the Board, to provide a Freedom of Information Act exception; to specify penalties, to require the Mayor to issue rules, and to make other technical changes; 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 permit 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 Emergency Amendment Act of 2014”.

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:

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

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

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

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

46 “(2) As part of the application process for a license to carry a concealed pistol
47 pursuant to section 902; or”.

48 (c) New section 211a is added to read as follows:

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

50 “Any record regarding individuals who have applied, received, or had revoked any
51 registration issued pursuant to this title shall not be made available as a public record under
52 section 202 of the Freedom of Information Act of 1976, effective March 25, 1977 (D.C. Law 1-
53 96; D.C. Official Code § 2-532).”.

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

57 (e) A new Title IX is added to read as follows:

58 “TITLE IX – LICENSES TO CARRY A PISTOL.

59 “Sec. 901. Definitions.

60 “For purposes of this title:

61 “(1) “Concealed pistol” means a loaded or unloaded pistol carried on or about a person
62 entirely hidden from view of the public, or carried on or about a person in a vehicle in such a
63 way as it is entirely hidden from view of the public.

64 “(2) “Law enforcement officer” means a sworn member of the Metropolitan Police
65 Department (MPD) or of any other law enforcement agency operating and authorized to make
66 arrests in the District of Columbia, and includes any MPD reserve officer, any special police
67 officers appointed pursuant to An Act Making appropriations to provide for the expenses of the
68 government of the District of Columbia for the fiscal year ending June thirtieth, nineteen
69 hundred, and for other purposes, approved March 3, 1899 (30 Stat. 1057; D.C. Official Code § 5-
70 129.02), and campus and university special police officers appointed pursuant to the College and
71 University Campus Security Amendment Act of 1995, effective October 18, 1995 (D.C. Law 11-
72 63; 6A DCMR § 1200.1 *et seq.*).

73 “(3) “License” means a license to carry a concealed pistol issued pursuant to Title 22.

74 “(4) “Licensee” means a person who has been issued a license pursuant to Title 22.

75 “(5) “Title 22” means section 6 of An Act To control the possession, sale, transfer and
76 use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to
77 prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C.
78 Official Code § 22-4506).

79 “Sec. 902. Application requirements.

80 “(a) A person who submits an application pursuant to Title 22 shall certify and
81 demonstrate to the satisfaction of the Chief that he or she:

82 “(1) Is at least 21 years of age;

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

86 “(3) Does not currently suffer nor has suffered in the previous 5 years from any
87 mental illness or condition that creates a substantial risk that he or she is a danger to himself or
88 herself or others;

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

92 “(A) Firearm safety;

93 “(B) Firearm nomenclature;

94 “(C) The basic principles of marksmanship;

95 “(D) The care, cleaning, maintenance, loading, unloading, and storage of
96 pistols;

97 “(E) Situational awareness, conflict management, and moral and ethical
98 decisions on the use of deadly force;

99 “(F) Defensive pistol and ammunition selection; and

100 “(G) All applicable District and federal firearms laws, including the
101 requirements of this act, An Act To control the possession, sale, transfer and use of pistols and
102 other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of
103 evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-
104 4501 *et seq.*), and District law pertaining to self-defense;

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

108 “(6) Follows any procedures the Chief may establish by rule.

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

111 “(1) The applicant demonstrated satisfactory completion of the requirement; and

112 “(2) The applicant possesses the proper knowledge, skills, and attitude to carry a
113 concealed pistol.

114 “(c) An applicant shall be exempt from the requirements of subsection (a)(4) and (5) of
115 this section if he or she has submitted evidence that he or she has received firearms training in
116 the United States military, or has otherwise completed firearms training conducted by a firearms
117 instructor that, as determined by the Chief, is equal to or greater than that required under
118 subsection (a)(4) and (5) of this section.

119 “(d) A non-resident applicant for a license may satisfy any component of the
120 requirements of subsection (a)(4) and (5) of this section by demonstrating to the satisfaction of
121 the Chief that the applicant has met that particular component as part of a successful application
122 to carry a pistol concealed upon his or her person issued by the lawful authorities of any state or
123 subdivision of the United States.

124 “(e)(1) An applicant shall sign an oath or affirmation attesting to the truth of all the
125 information required by Title 22 and this section.

126 “(2) Any declaration, certificate, verification, or statement made for purposes of
127 an application for a license to carry a concealed pistol pursuant to this act shall be made under

128 penalty of perjury pursuant to section 401 of the District of Columbia Theft and White Collar
129 Crime Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Code § 22-2402).

130 “(f) An applicant is required to appear for an in-person interview at the Metropolitan
131 Police Department headquarters, for purposes including verification of the applicant’s identity
132 and verification of the information submitted as part of the application process for a license.

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

134 “(a) Licenses shall expire no later than 2 years after the date of issuance unless revoked
135 by the Chief or renewed pursuant to this title.

136 “(b)(1) A licensee shall be eligible for renewal of a license if:

137 “(A) The licensee continues to meet all of the initial standards and
138 application requirements set forth in Title 22 and section 902, except that with regard to section
139 902(a)(4), only 4 hours of such training shall be required;

140 “(B) With regard to section 902(a)(5), the licensee provides proof of 2
141 hours of range practice within the previous 12 months; and

142 “(C) Follows any procedures the Chief may establish by rule.

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

145 “(3) A renewal license shall expire no later than 2 years after the date of issuance
146 unless revoked by the Chief or renewed pursuant to this act.

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

150 “Sec. 904. Duties of licensees.

151 “(a) A licensee shall:

152 “(1) Notify the Chief in writing of the loss, theft, or destruction of the license
153 (including the circumstances if known) immediately upon discovery of such loss, theft, or
154 destruction; and

155 “(2) Notify the Chief in writing within 30 days of a change in the licensee’s name
156 or address as it appears on the license.

157 “(b) A licensee shall have on or about his or her person each time the pistol is carried in
158 the District of Columbia:

159 “(1) The license; and

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

162 “(c) If a law enforcement officer initiates an investigative stop of a person carrying a
163 concealed pistol pursuant to Title 22, the person, and any other licensee who is with the person at
164 the time of the investigative stop, shall:

165 “(1) Disclose to the officer that he or she is carrying a concealed pistol pursuant
166 to Title 22;

167 “(2) Present the license and registration certificate;

168 “(3) Identify the location of the concealed pistol; and

169 “(4) Comply with all lawful orders and directions from the officer, including
170 allowing a pat down of his or her person and permitting the law enforcement officer to take
171 possession of the pistol for so long as is necessary for the safety of the officer or the public.

172 “(d) A licensee shall comply with all limits and conditions stated in the issuance of the
173 license.

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

176 “(f) In addition to any other penalty in the law, any person who violates subsection (c) of
177 this section shall be subject to revocation of his or her license.

178 “Sec. 905. Revocation of Licenses.

179 “(a) The Chief may revoke a license upon a finding that the licensee no longer meets the
180 standards and requirements of Title 22 and this title, or as a penalty as specified in this act.

181 “(b) The United States Attorney for the District of Columbia, the Attorney General for
182 the District of Columbia, or any person may apply to the Metropolitan Police Department at any
183 time for revocation of a license. Any person having knowledge that a licensee no longer meets
184 the requirements of this act or the requirements of Title 22 may so notify the Chief or any other
185 law enforcement officer who may take such action as may be appropriate.

186 “(c) Any person whose license has been revoked may, within 15 days of notice of the
187 revocation, appeal to the Concealed Pistol Licensing Review Board established pursuant to
188 section 908.

189 “Sec. 906. Carrying while impaired.

190 “(a) A licensee may not carry a pistol while impaired.

191 “(b) In addition to any other penalty in the law, any person who violates this section
192 shall be subject to revocation of his or her license.

193 “(c) Upon establishing reasonable suspicion that a licensee has been consuming drugs or
194 alcohol, a licensee’s failure to submit to one or more field sobriety, breathalyzer, or urine tests,
195 administered to determine whether the licensee is impaired while carrying a pistol, shall be
196 grounds for immediate revocation and seizure of the license.

197 “(d) For the purposes of this section, “impaired” means a licensee has consumed alcohol
198 or a drug or a combination thereof and that it has affected the licensee’s behavior in a way that
199 can be perceived or noticed.

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

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

203 “(1) Any building owned or under the control of the District of Columbia, its
204 agencies, and instrumentalities;

205 “(2) The building and grounds, including any adjacent parking lot, of any public,
206 public charter, or private elementary or secondary school; or any public or private college or
207 university;

208 “(3) Any pre-school or child care facility;

209 “(4) Any public or private hospital, or other building where medical or mental
210 health services are the primary services provided;

211 “(5) Any penal institution, secure juvenile residential facility, and any halfway
212 house;

213 “(6) Any public transportation vehicle, such as a bus, train, taxicab, streetcar, and
214 including the Metrorail Transit system, but not including vehicles without passengers such as
215 bicycles, and not including the vehicle operators unless prohibited by his or her employer;

216 “(7) Any premises or portion thereof, licensed under Title 25 of the District of
217 Columbia Official Code, where alcoholic beverages are served, or are sold and consumed on
218 premises, but not including premises with small-sample tasting permits;

218 “(8) Any public gathering or special event conducted on property open to the
219 public that requires the issuance of a permit from the District or federal government or their
220 agencies or instrumentalities, provided that no criminal penalty shall apply unless:

221 “(A) The licensee has been advised by a law enforcement officer that
222 such a public gathering or special event is occurring; and

223 “(B) The licensee has been ordered by the law enforcement officer to
224 leave the area of the special event or gathering until the licensee removes the pistol from his or
225 her possession in compliance with applicable law and the licensee has not complied with the
226 order;

227 “(9) Any stadium or arena;

228 “(10) The public memorials on the National Mall and along the Tidal Basin, and
229 any area where firearms are prohibited under federal law or by a federal agency or entity;

230 “(11) The area around the White House, namely: between Constitution Avenue
231 and H Street and between 15th and 17th Streets, all Northwest;

232 “(12) Within 1,000 feet, or other lesser distance designated by the Chief or his or
233 her designee, when a dignitary or high ranking official of the United States or a state, local, or
234 foreign government is moving under the protection of the Metropolitan Police Department
235 (“MPD”), or other law enforcement agency assisting or working in concert with MPD, provided
236 that no criminal penalty shall apply unless:

237 “(A) The licensee has been advised by a law enforcement officer that
238 such a dignitary or official movement is occurring; and

239 “(B) The licensee has been ordered by the law enforcement officer to
240 leave the area of the movement until the licensee removes the pistol from his or her possession in
241 compliance with applicable law and the licensee has not complied with the order;

242 “(13) Within 1,000 feet, or other lesser distance designated by the Chief or his or
243 her designee, of a demonstration in a public place, provided that no criminal penalty shall apply
244 unless:

245 “(A) The licensee has been advised by a law enforcement officer that a
246 demonstration is occurring at the public place; and

247 “(B) The licensee has been ordered by the law enforcement officer to
248 leave the area of the demonstration until the licensee removes the pistol from his or her
249 possession in compliance with applicable law and the licensee has not complied with the order;
250 and

251 “(14) Any prohibited circumstance that the Chief determines by rule, provided
252 that for spontaneous circumstances, no criminal penalty shall apply unless the licensee has notice
253 of the prohibition and has failed to comply.

254 “(b)(1) Any private residence shall be presumed to prohibit the presence of concealed
255 pistols unless otherwise authorized by the property owner or person in control of the premises
256 and communicated personally to the licensee in advance of entry onto the residential property.

257 “(2) For 90 days immediately following the effective date of the License to Carry
258 a Pistol Emergency Amendment Act of 2014, passed on an emergency basis on September 23,
259 2014 (Enrolled version of Bill 20-X), for any private property not a residence, the owner or
260 person in control of the property shall be presumed to prohibit the presence of concealed pistols
261 unless the owner or person in control of the property authorizes entry by a licensee carrying a

262 pistol; thereafter, for any private property not a residence, the owner or person in control of the
263 private property shall be presumed to permit a licensee carrying a pistol to enter the owner's
264 property unless the property is posted with conspicuous signage prohibiting concealed pistols, or
265 the owner or authorized agent communicates such prohibition personally to the licensee.

266 “(c) Whenever a licensee carries a concealed pistol and approaches any prohibited
267 location, or is subject to any prohibited circumstance, the licensee shall:

268 “(1) If the licensee is in a vehicle or if a vehicle is readily available, immediately
269 secure the pistol in the manner prescribed in section 4b(b) of An Act To control the possession,
270 sale, transfer and use of pistols and other dangerous weapons in the District of Columbia, to
271 provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932
272 (47 Stat. 650; D.C. Official Code § 22-4501 *et seq.*); or

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

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

276 “(1) While he or she is traveling along any public street, road, or highway
277 (including any adjacent public sidewalk) that touches the perimeter of any of the premises under
278 subsection (a) of this section or that are prohibited under subsection (b) of this section if the
279 concealed pistol is carried on his or her person in accordance with this act, or is being transported
280 by the licensee in accordance with section 4b of An Act To control the possession, sale, transfer
281 and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties,
282 to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C.
283 Official Code § 22-4504.02); or

284 “(2) While driving a vehicle into and immediately parking at any location listed
285 in subsection (a)(2) or (3) of this section, for the purpose of picking up or dropping off a minor
286 child, provided that the licensee shall secure the concealed weapon in accordance with section
287 4b(b) of An Act To control the possession, sale, transfer and use of pistols and other dangerous
288 weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for
289 other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4504.02(b)) prior
290 to leaving the parked vehicle.

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

293 “(f) In addition to any other penalty in the law, any person who violates this section shall
294 be subject to revocation of his or her license.

295 “(g) For the purposes of this section:

296 “(1) “Demonstration” means one or more persons demonstrating, picketing,
297 speechmaking, marching, holding a vigil, or engaging in any other similar conduct that involves
298 the communication or expression of views or grievances and that has the effect, intent, or
299 propensity to attract a crowd or onlookers. “Demonstration” does not include the casual use of
300 property by visitors or tourists that does not have the effect, intent, or propensity to attract a
301 crowd or onlookers.

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

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

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

308 “(C) A public parking lot;

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

310 “(E) A public park; and

311 “(F) Other public grounds.

312 “(3) “Residence” means an actual dwelling place or abode, and does not include
313 any adjacent common areas or commercial property.”.

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

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

317 “(1) A denial of any application or renewal application for a license to carry a
318 concealed pistol in the District pursuant to this act, or

319 “(2) A revocation of a license to carry a concealed pistol.

320 “(b) The Board’s membership shall be comprised as follows:

321 “(1) A mental health professional employed by the Department of Behavioral
322 Health, appointed by the Mayor;

323 “(2) A representative from the Office of the Attorney General for the District of
324 Columbia, appointed by the Attorney General;

325 “(3) A representative from the United States Attorney’s Office for the District of
326 Columbia (“USAO”), appointed by the United States Attorney for the District of Columbia. If
327 the USAO declines to provide a representative, the Mayor shall appoint a person who is a former
328 employee of the USAO;

329 “(4) The Chief Judge of the Superior Court of the District of Columbia or his or
330 her designee, or if the Chief Judge declines to serve or appoint a designee, a person appointed by
331 the Mayor who is a retired judge of the Superior Court of the District of Columbia; and

332 “(5) One public member appointed by the Mayor, who shall be a current or
333 former sworn officer of a law enforcement agency other than the Metropolitan Police
334 Department.

335 “(c) Each member shall serve a 4-year term.

336 “(d) The initial terms shall begin on the date a majority of the members have
337 been sworn in, which shall become the anniversary date for all subsequent appointments.
338

339 “(e) A vacancy on the Board shall be filled in the same manner in which the original
340 appointment was made.
341

342 “(f) A Board member whose term has expired may continue to serve as a member until a
343 replacement member has been appointed.

344 “(g) A member appointed to replace a member who has resigned, dies, or is no longer
345 able to serve (as determined by the Board) shall serve for the remainder of the unexpired term of
346 the member being replaced.

347 “(h) The Board shall elect a chairperson by majority vote on an annual basis.

348 “(i) Three members of the Board shall constitute a quorum, except that the Board may
349 only take official action when at least one of the following members is present:

350 “(1) The representative from the Office of the Attorney General for the District of
351 Columbia designated pursuant to subsection (b)(2) of this section;

352 “(2) The representative from the United States Attorney’s Office for the District
353 of Columbia designated pursuant to subsection (b)(3) of this section; or

354 “(3) The current or former sworn officer of a law enforcement agency other than
355 the Metropolitan Police Department representative designated pursuant to subsection (b)(5) of
356 this section.

357 “(j) Members shall serve without compensation, but shall receive actual and necessary
358 expenses incurred in the performance of their official duties.

359 “(k) The Mayor shall provide hearing facilities and administrative support for the Board
360 from existing resources for the current fiscal year.

361 “(l)(1) Within 30 days after the date that a majority of the Board members are sworn in
362 pursuant to subsection (d) of this section, the Mayor, by rule, shall establish hearing procedures
363 for a contested case review of any appeal from a denial of an application or renewal application
364 for a license or revocation of a license, including procedures for the Board to assign panels of 3
365 Board members to conduct such hearings pursuant to subsection (i) of this section.

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

369 “(m) The meetings and hearings conducted by the Board shall be confidential and not
370 open to the public.

371 “Sec. 909. Freedom of information exception.

372 “Any record regarding individuals who have applied, received, or had revoked any
373 license shall not be made available as a public record under section 202 of the Freedom of
374 Information Act of 1976, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-
375 532).”.

376 “Sec. 910. Rules.

377 “(a) The Chief of the Metropolitan Police Department, pursuant to Title I of the District
378 of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C.
379 Official Code § 2-501 *et seq.*), shall, by October 22, 2014, issue rules to implement the
380 provisions of this act, including rules:

381 “(1) To establish criteria for determining when an applicant has, pursuant to
382 section 6 of An Act To control the possession, sale, transfer and use of pistols and other
383 dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of
384 evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-
385 4506):

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

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

393 “(C) Demonstrated the applicant’s suitability to carry a concealed pistol,
394 which shall at a minimum include evidence that the applicant meets the requirements of section
395 902;

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

398 “(3) To establish the methods by which a pistol may be carried concealed
399 including any standards for safe holstering;

400 “(4) To establish all application forms, investigation procedures, background
401 checks, and fees necessary to process an application for a license;

402 “(5) To specify any procedures or requirements specific to non-residents, who
403 apply to carry a concealed pistol pursuant to Title 22, with regard to the registration requirements
404 in this act;

405 “(6) To specify requirements for signage on any private premises where the
406 owner or person in control of the premises prohibits carrying concealed pistols, pursuant to
407 section 907(b); and

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

409 “Sec. 911. Penalties.

410 “(a)(1) Except as otherwise provided in this title, a person convicted of a violation of a
411 provision of this title, or rules or regulations issued under the authority of this title, shall be fined
412 not more than the amount set forth in section 101 of the Criminal Fine Proportionality
413 Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-
414 3571.01), or imprisoned for not more than 180 days.

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

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

421 Sec. 3. An Act To control the possession, sale, transfer and use of pistols and other
422 dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of

423 evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-
424 4501 *et seq.*) is amended as follows:

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

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

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

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

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

433 (b) Section 6 (D.C. Official Code § 22-4506) is revived as of the effective date of the
434 “License to Carry a Pistol Emergency Amendment Act of 2014,” passed on an emergency basis
435 on September 23, 2014 (Enrolled version of Bill 20-X), and is amended to read as follows:

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

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

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

450 “(c) For any person issued a license pursuant to this section, or renewed pursuant to
451 section 903 of The Firearms Control Regulations Act of 1975, effective September 24, 1976
452 (D.C. Law 1-85, D.C. Official Code § 7-2501.01 *et seq.*), the Chief may limit the geographic
453 area, circumstances, or times of the day, week, month, or year in which the license is effective,
454 and may revoke the license for good cause.

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

458 “(e) Any person whose application has been denied or license revoked may, within 15
459 days of notice of the denial, appeal to the Concealed Pistol Licensing Review Board established
460 pursuant to section 908 of The Firearms Control Regulations Act of 1975, effective September
461 24, 1976 (D.C. Law 1-85, D.C. Official Code § 7-2501.01 *et seq.*)”.

462 Sec. 4. Applicability.

463 (a) Section 3(b) of this act shall apply as of the effective date of this act to persons who
464 have not obtained a registration certificate pursuant to section 203 of the Firearms Control
465 Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85, D.C. Official Code § 7-
466 2502.03), and shall apply beginning on the date established by subsection (c) of this section to
467 persons who have obtained a registration certificate.

468 (b) Section 910 of The Firearms Control Regulations Act of 1975, passed on September
469 23, 2014 (Enrolled version of this act), shall apply as of the effective date of this act.

470 (c) All other provisions of this act shall apply on the date that rules issued pursuant to
471 section 910 of The Firearms Control Regulations Act of 1975, passed on September 23, 2014
472 (Enrolled version of this act), have become effective.

473 Sec. 5. Fiscal impact.

474 The Council adopts the fiscal impact statement in the committee report as the fiscal
475 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
476 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

477 Sec. 6. Effective date.

478 This act shall take effect following approval by the Mayor (or in the event of veto by the
479 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
480 90 days, as provided for emergency acts of the Council of the District of Columbia in section
481 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
482 D.C. Official Code § 1-204.12(a)).


COUNCIL OF THE DISTRICT OF COLUMBIA
Office of the Budget Director



Jennifer Budoff
Budget Director

FISCAL IMPACT STATEMENT

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

FROM: Jennifer Budoff - Budget Director 

DATE: September 23, 2014

SHORT TITLE: "License to Carry a Pistol Emergency Amendment Act of 2014"

TYPE: Emergency/Temporary

REQUESTED BY: Chairman Phil Mendelson

Conclusion

Funds are sufficient to implement this legislation. Although the exact cost of this legislation cannot be precisely estimated at this time, the Metropolitan Police Department (MPD) has indicated that it is able to absorb the costs of implementing the legislation. Close monitoring will be required to ensure that the number of applications and appeals involved do not outpace available budget.

Background

This emergency legislation would permit the Chief of Police to issue licenses to individuals to carry a concealed pistol under certain conditions. The applicant must appear, in the eyes of the Chief, to have "good reason to fear injury to his or her person or property" or have "any other proper reason" to carry a pistol. The bill requires the Chief to establish rules to set specific procedures for the application process, including the amount of the fee to be paid along with an application. In order to attain a concealed-carry license, an individual would first be required to register his or her pistol pursuant to the existing registration permit process. A concealed-carry license would last for no less than 2 years before renewal would be required. The license would not entitle the individual to carry the pistol in certain situations, e.g., when the licensee is impaired or at a school, university, hospital, or correctional facility. Violations of the act would result in criminal or civil penalties.

The emergency legislation also establishes the Concealed Pistol Licensing Review Board to hear appeals from denials of applications for, and revocations of, concealed-carry licenses. Members of the Board will serve without compensation. Administrative support and meeting space would be provided by the District. The Office of the Attorney General, which will staff the Board, has confirmed that these costs will be absorbed.

Although the affected agencies have indicated their ability to absorb the costs of this legislation, at least in the near term, reliable data or projections of the number of potential applicants for the concealed-carry license are not currently available. MPD has monitored the number of registrations of handguns by District residents. Approximately 3250 handguns have been registered to non-law-enforcement individuals since the *Heller v. District of Columbia* decision. MPD also estimates that roughly 2500 individuals may renew their handgun registrations for firearms registered prior to *Heller*. It is unknown how many of those handgun owners would apply for concealed-carry licenses. Adding more uncertainty is the fact that the concealed-carry license would also be available to non-residents. MPD is uncertain how many non-residents would apply for concealed-carry licenses. The lack of data, particularly on the latter question, necessitates close review in the months ahead as MPD begins to implement the licensing program.

Analysis of Impact on Spending

MPD has stated that the approved FY15 budget is sufficient to absorb the costs of implementing this emergency legislation. However, close monitoring of the number of applications – and other aspects of implementation – will be required to ensure that the program can be undertaken using existing resources. Similarly, if the number of appeals is higher than anticipated, the Board may require additional resources to function effectively.

Analysis of Impact on Revenue

This emergency legislation will not materially affect revenue. The bill authorizes the Chief of Police to establish a fee for the concealed-carry applications. Revenues from the fees would be deposited in the General Fund. The amount of the fee is yet to be determined but is not anticipated to have a substantial impact on District revenues.