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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 for a license to carry a concealed pistol, to specify the duration of such licenses and requirements for renewal of licenses, to establish 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, to provide a Freedom of Information Act exception; to specify penalties for violations, and to require the Mayor to issue rules; 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 authorize 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 Second 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:

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

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

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

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

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

47 (c) Section 203(a)(4) (D.C. Official Code § 7-2502.03(a)(4)) is amended as follows:

48 (1) Subparagraph (D) is amended by striking the word “or” at the end;

49 (2) Subparagraph (E) is amended by adding the word “or” and the end; and

50 (3) A new subparagraph (F) is added to read as follows:

51 “(F) Violation of section 503 of the Omnibus Public Safety and

52 Justice Amendment Act of 2009, effective December 10, 2009 (D.C. Law 18-88; D.C. Official
53 Code § 22-3133);”.

54 (d) A new section 211a is added to read as follows:

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

56 “Any record regarding individuals who have applied, received, or had revoked any
57 registration issued pursuant to this title shall not be made available as a public record under
58 section 202 of the Freedom of Information Act of 1976, effective March 25, 1977 (D.C. Law 1-
59 96; D.C. Official Code § 2-532).”.

60 (e) Section 706(a) (D.C. Official Code § 7-2507.06(a)) is amended by striking the phrase

61 “Except as provided in sections 205, 208, 702, and 807” and inserting the phrase “Except as
62 provided in sections 205, 208, 702, 807, and Title IX” in its place.

63 (f) A new Title IX is added to read as follows:

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64 “TITLE IX – LICENSES TO CARRY A PISTOL.

65 “Sec. 901. Definitions.

66 “For the purposes of this title, the term:

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

70 “(2) “Law enforcement officer” means a sworn member of the Metropolitan
71 Police Department or of any other law enforcement agency operating and authorized to make
72 arrests in the District of Columbia, and includes any MPD reserve officer, any special police
73 officers appointed pursuant to section 202 of An Act Making appropriations to provide for the
74 expenses of the government of the District of Columbia for the fiscal year ending June thirtieth,
75 nineteen hundred, and for other purposes, approved March 3, 1899 (30 Stat. 1057; D.C. Official
76 Code § 5-129.02), and campus and university special police officers appointed pursuant to the
77 College and University Campus Security Amendment Act of 1995, effective October 18, 1995
78 (D.C. Law 11-63; 6A DCMR § 1200 *et seq.*).

79 “(3) “License” means a license to carry a concealed pistol issued pursuant to
80 section 6 of the Pistols and Other Dangerous Weapons Act.

81 “(4) “Licensee” means a person who has been issued a license pursuant to section
82 6 of the Pistols and Other Dangerous Weapons Act.

83 “(5) “Child” means any person under 18 years of age.

84 “(6) “MPD” means the Metropolitan Police Department.

85 “(7) “Section 6 of the Pistols and Other Dangerous Weapons Act” means section
86 6 of An Act To control the possession, sale, transfer, and use of pistols and other dangerous

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87 weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for
88 other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4506).

89 “Sec. 902. Application requirements.

90 “(a) A person who submits an application pursuant to section 6 of the Pistols and Other
91 Dangerous Weapons Act shall certify and demonstrate to the satisfaction of the Chief that he or
92 she:

93 “(1) Is at least 21 years of age;

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

97 “(3)(A) Does not currently suffer from any mental illness or condition that creates
98 a substantial risk that he or she is a danger to himself or herself or others; or

99 (B) If he or she has suffered in the previous 5 years from any mental
100 illness or condition that created a substantial risk that he or she was a danger to himself or herself
101 or others, no longer suffers from any mental illness or condition that creates a substantial risk
102 that he or she is a danger to himself or herself or others;

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

106 “(A) Firearm safety;

107 “(B) Firearm nomenclature;

108 “(C) Basic principles of marksmanship;

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109 “(D) Care, cleaning, maintenance, loading, unloading, and storage of
110 pistols;

111 “(E) Situational awareness, conflict management, and use of deadly force;

112 “(F) Selection of pistols and ammunition for defensive purposes; and

113 “(G) All applicable District and federal firearms laws, including the
114 requirements of this act, An Act To control the possession, sale, transfer, and use of pistols and
115 other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of
116 evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-
117 4501 *et seq.*), and District law pertaining to self-defense);

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

121 “(6) Has complied with any procedures the Chief may establish by rule.

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

124 “(1) Demonstrated satisfactory completion of the requirements of subsections
125 (a)(4) and (a)(5) of this section; and

126 “(2) Possesses the proper knowledge, skills, and attitude to carry a concealed
127 pistol.

128 “(c) An applicant may be exempt from some or all of the requirements of subsections
129 (a)(4) and (a)(5) of this section if the applicant has submitted evidence that he or she has
130 received firearms training in the United States military or has otherwise completed firearms

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131 training conducted by a firearms instructor that, as determined by the Chief, is equal to or greater
132 than that required under subsections (a)(4) and (a)(5) of this section.

133 “(d) An applicant for a license may satisfy any component of the requirements of
134 subsections (a)(4) and (a)(5) of this section by demonstrating to the satisfaction of the Chief that
135 the applicant has met that particular component as part of a successful application to carry a
136 concealed pistol issued by the lawful authorities of any state or subdivision of the United States.

137 “(e)(1) An applicant shall sign an oath or affirmation attesting to the truth of all the
138 information required by section 6 of the Pistols and Other Dangerous Weapons Act and this
139 section.

140 “(2) Any declaration, certificate, verification, or statement made for purposes of
141 an application for a license to carry a concealed pistol pursuant to this act shall be made under
142 penalty of perjury pursuant to section 401 of the District of Columbia Theft and White Collar
143 Crime Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-
144 2402).

145 “(f) An applicant is required to appear for an in-person interview at the MPD
146 headquarters, for purposes including verification of the applicant’s identity and verification of
147 the information submitted as part of the application process for a license.

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

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

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

152 “(A) The licensee continues to meet the requirements of section 6 of the
153 Pistols and Other Dangerous Weapons Act and section 902, except that:

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154 “(i) With regard to section 902(a)(4), only 4 hours of such training
155 shall be required for renewal; and

156 “(ii) With regard to section 902(a)(5), the licensee shall provide
157 proof of 2 hours of range practice within the previous 12 months; and

158 “(B) Follows any procedures the Chief may establish by rule.

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

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

164 “Sec. 904. Duties of licensees.

165 “(a) A licensee shall comply with all limits and conditions stated in the issuance of the
166 license.

167 “(b) A licensee shall notify the Chief in writing:

168 “(1) Immediately upon discovery of the loss, theft, or destruction of the license
169 and include the circumstances of the loss, theft, or destruction, if known; and

170 “(2) Within 30 days after a change in the licensee’s name or address as it appears
171 on the license.

172 “(c) A licensee shall have on or about his or her person each time the pistol is carried in
173 the District:

174 “(1) The license; and

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

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177 “(d) If a law enforcement officer initiates an investigative stop of a person carrying a
178 concealed pistol pursuant to section 6 of the Pistols and Other Dangerous Weapons Act, the
179 person, and any other licensee who is with the person at the time of the investigative stop, shall:

180 “(1) Disclose to the officer that he or she is carrying a concealed pistol;

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

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

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

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

188 “(f) In addition to any other penalty provided by law, a person who violates this section
189 shall be subject to revocation of his or her license.

190 “Sec. 905. Revocation and suspension of licenses.

191 “(a)(1) The Chief may revoke a license upon a finding that the licensee no longer meets
192 the requirements of section 6 of the Pistols and Other Dangerous Weapons Act and this title, or
193 as a penalty as specified in this act.

194 “(2) The United States Attorney for the District of Columbia, the Attorney
195 General for the District of Columbia, or any person may apply to the MPD at any time for
196 revocation of a license.

197 “(3) Any person having knowledge that a licensee no longer meets the
198 requirements of this act or the requirements of section 6 of the Pistols and Other Dangerous

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199 Weapons Act may so notify the Chief or any other law enforcement officer who may take such
200 action as may be appropriate.

201 “(4) Any person whose license has been revoked may, within 15 days of notice of
202 the revocation, appeal to the Concealed Pistol Licensing Review Board established pursuant to
203 section 908.

204 “(b)(1) The Chief may summarily suspend or restrict, without a hearing, a license, when
205 the Chief has determined that the conduct of a licensee presents an imminent danger to the health
206 and safety of a person or the public.

207 “(2) At the time of the summary suspension or restriction of a license, the Chief
208 shall provide the licensee with written notice stating the action that is being taken, the basis for
209 the action, and the right of the licensee to request a hearing.

210 “(3) A licensee shall have the right to request a hearing within 72 hours after
211 service of notice of the summary suspension or restriction of the license. The Concealed Pistol
212 Licensing Review Board shall hold a hearing within 72 hours of receipt of a timely request, and
213 shall issue a written decision within 72 hours after the hearing.

214 “Sec. 906. Carrying a pistol while impaired.

215 “(a) A licensee shall not carrying a pistol while he or she is consuming alcohol, or while
216 the licensee has remaining in his or her blood, urine, or breath any previously consumed alcohol.

217 “(b) A licensee shall not carry a pistol while impaired.

218 “(c) Upon establishing reasonable suspicion that a licensee has been consuming drugs or
219 alcohol, a licensee’s failure to submit to one or more field sobriety, breathalyzer, or urine tests,
220 administered to determine whether the licensee is impaired while carrying a pistol, shall be
221 grounds for summary suspension of the license pursuant to section 905(b).

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222 “(d) In addition to any other penalty provided by law, any person who violates this
223 section shall be subject to revocation of his or her license.

224 “(e) For the purposes of this section, the term “impaired” means a licensee has consumed
225 a drug or drugs and that it has affected the licensee’s behavior in a way that can be perceived or
226 noticed.

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

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

230 “(1) Any building or office occupied by the District of Columbia, its agencies, or
231 instrumentalities;

232 “(2) The building and grounds, including any adjacent parking lot, of any
233 childcare facility, preschool, public or private elementary or secondary school; or any public or
234 private college or university;

235 “(3) Any hospital, or any office where medical or mental health services are the
236 primary services provided;

237 “(4) Any penal institution, secure juvenile residential facility, or halfway house;

238 “(5) Any polling place while voting takes place;

239 “(6) Any public transportation vehicle, including the Metrorail transit system and
240 its stations;

241 “(7) Any premises, or portion thereof, where alcohol is served, or sold and
242 consumed on the premises, pursuant to a license issued under Title 25 of the District of
243 Columbia Code; provided, that this prohibition shall not apply to premises operating under a CR,
244 DR, CH, DH, temporary, or caterer license, or premises with small-sample tasting permits issued

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245 pursuant to D.C. Official Code § 25-118, unless otherwise prohibited pursuant to section
246 907(b)(3) of this act;

247 “(8) Any stadium or arena;

248 “(9) Any gathering or special event open to the public; provided, that no licensee
249 shall be criminally prosecuted unless:

250 “(A) The organizer or the District has provided notice prohibiting the
251 carrying of pistols in advance of the gathering or special event and by posted signage at the
252 gathering or special event; or

253 “(B) The licensee has been ordered by a law enforcement officer to leave
254 the area of the gathering or special event and the licensee has not complied with the order;

255 “(10) The public memorials on the National Mall and along the Tidal Basin, and
256 any area where firearms are prohibited under federal law or by a federal agency or entity,
257 including U.S. Capitol buildings and grounds;

258 “(11) The area around the White House between Constitution Avenue, N.W., and
259 H Street, N.W., and between 15th Street, N.W., and 17th Street, N.W.;

260 “(12) The U.S. Naval Observatory and its grounds, and from the perimeter of its
261 fence to the curb of Massachusetts Avenue, N.W. from 34th Street, N.W. south on Massachusetts
262 Avenue, N.W. to Observatory Circle, N.W.;

263 “(13)(A) Within a perimeter designated by the Chief or his or her designee, the
264 Chief of the U.S. Secret Service or his or her designee, or the Chief of the U.S. Capitol Police or
265 his or her designee, but not more than 1,000 feet, when a dignitary or high-ranking official of the
266 United States or a state, local, or foreign government is moving under the protection of the MPD,

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267 the U.S. Secret Service, the U.S. Capitol Police, or other law enforcement agency assisting or
268 working in concert with MPD; provided, that no licensee shall be criminally prosecuted unless:

269 “(i) The law enforcement agency provides notice of the perimeter
270 by the presence of signs, law enforcement vehicles or officers acting as a perimeter, or other
271 means to make the area of protection obvious;

272 “(ii) The District or federal government has provided notice
273 prohibiting the carrying of pistols along a designated route or in a designated area in advance of
274 the event, if possible, and by posted signage along a route or in a designated area; or

275 “(iii) The licensee has been ordered by a law enforcement officer
276 to leave the area and the licensee has not complied with the order.

277 “(B) For the purposes of this paragraph, the term “moving” shall include any
278 planned or unplanned stops, including temporary stops, in locations open to the public.

279 “(14) Within a perimeter designated by the Chief or his or her designee, or other
280 law enforcement agency, but not more than 1,000 feet, of a demonstration in a public place;
281 provided, that no licensee shall be criminally prosecuted unless:

282 “(A) The law enforcement agency provides notice of the perimeter by the
283 presence of signs, law enforcement vehicles or officers acting as a perimeter, or other means to
284 make the area of the demonstration obvious;

285 “(B) The District or federal government has provided notice prohibiting
286 the carrying of pistols along or within a demonstration route or area in advance of the event, if
287 possible, and by posted signage along a demonstration route or area; or

288 “(C) The licensee has been ordered by a law enforcement officer to leave
289 the area and the licensee has not complied with the order;

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290 “(15) Any prohibited location or circumstance that the Chief determines by rule;
291 provided, that for spontaneous circumstances, no criminal penalty pursuant to section 910 shall
292 apply unless the licensee has notice of the prohibition and has failed to comply.

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

296 “(2) A church, synagogue, mosque, or other place where people regularly
297 assemble for religious worship shall be presumed to prohibit the presence of concealed pistols
298 unless the property is posted with conspicuous signage allowing concealed pistols, or the owner
299 or authorized agent communicates such allowance personally to the licensee in advance of entry
300 onto the property; provided, that such places may not authorize concealed pistols where services
301 are conducted in locations listed in subsection (a) of this section.

302 “(3) With regard to a private property that is not a residence, the owner or person
303 in control of the premises shall be presumed to permit a licensee carrying a concealed pistol to
304 enter the owner’s property unless the property is posted with conspicuous signage prohibiting
305 concealed pistols, or the owner or authorized agent communicates such prohibition personally to
306 the licensee.

307 “(c) Whenever a licensee carries a concealed pistol and approaches any prohibited
308 location, or is subject to any prohibited circumstance, under subsection (a) or (b) of this section,
309 the licensee shall:

310 “(1) If the licensee is in a vehicle or if a vehicle is readily available, immediately
311 secure the pistol in the manner prescribed in section 4b(b) of An Act To control the possession,
312 sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to

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313 provide penalties, to prescribe rules of evidence, and for other purposes, effective May 20, 2009
314 (D.C. Law 17-388; D.C. Official Code § 22-4504.02(b); or

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

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

318 “(1) While he or she is traveling along any public street, road, or highway,
319 including any adjacent public sidewalk that touches the perimeter of any of the premises under
320 subsection (a) of this section or that are prohibited under subsection (b) of this section if the
321 concealed pistol is carried on his or her person in accordance with this act, or is being transported
322 by the licensee in accordance with section 4b of An Act To control the possession, sale, transfer,
323 and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties,
324 to prescribe rules of evidence, and for other purposes, effective May 20, 2009 (D.C. Law 17-
325 388; D.C. Official Code § 22-4504.02); or

326 “(2) While driving a vehicle into and immediately parking at any location listed in
327 subsection (a)(2) of this section, for the purpose of picking up or dropping off a student or a
328 child; provided, that the licensee shall secure the concealed pistol in accordance with section
329 4b(b) of An Act To control the possession, sale, transfer, and use of pistols and other dangerous
330 weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for
331 other purposes, effective May 20, 2009 (D.C. Law 17-388; D.C. Official Code § 22-4504.02(b)),
332 before leaving the parked vehicle.

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

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335 “(f) In addition to any other penalty provided by law, any person who violates this section
336 shall be subject to revocation of his or her license.

337 “(g) For the purposes of this section, the term:

338 “(1) “Demonstration” means one or more persons demonstrating, picketing,
339 speechmaking, marching, holding a vigil, or engaging in any other similar conduct that involves
340 the communication or expression of views or grievances and that has the effect, intent, or
341 propensity to attract a crowd or onlookers. The term “demonstration” does not include the casual
342 use of property by visitors or tourists that does not have the effect, intent, or propensity to attract
343 a crowd or onlookers.

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

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

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

350 “(C) A public parking lot;

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

352 “(E) A public park; and

353 “(F) Other public grounds.

354 “(3) “Public transportation vehicle” means any publicly owned or operated
355 commercial vehicle, including any DC Circulator bus, DC Streetcar, MetroAccess vehicle,
356 Metrobus, or Metrorail train.

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357 “(4) “Residence” means any building wholly or partly used or intended to be used
358 for living and sleeping by human occupants, together with any fences, walls, sheds, garages, or
359 other accessory buildings appurtenant to the building, and the area of land surrounding the
360 building and actually or by legal construction forming one enclosure in which such a building is
361 located, but does not include any adjacent common areas or commercial property contained in
362 any part of the building.

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

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

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

368 “(2) A summary suspension or restriction of a license to carry a concealed pistol;
369 or

370 “(3) A revocation of a license to carry a concealed pistol.

371 “(b)(1) The Board shall consist of 7 members as follows:

372 “(A) The United States Attorney (“USAO”) for the District of Columbia
373 or his or her designee. If the USAO declines to provide a representative, the Mayor shall appoint
374 a person who is a former employee of the USAO;

375 “(B) The Attorney General for the District of Columbia or his or her
376 designee;

377 “(C) A mental health professional employed by the Department of
378 Behavioral Health, appointed by the Mayor;

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379 “(D) A former sworn officer of a law enforcement agency other than the
380 MPD, appointed by the Mayor;

381 “(E) Three public members appointed by the Mayor, as follows:

382 “(i) One mental health professional; and

383 “(ii) Two District residents with experience in the operation, care,
384 and handling of firearms.

385 “(2) The appointment of members designated by subsections (b)(1)(D) and
386 (b)(1)(E) of this section shall be made in accordance with the following provisions:

387 “(A) Each member shall be appointed for a term of 4 years, and shall
388 continue to serve during that time as long as the member remains eligible for the appointment;

389 “(B) A member may be reappointed;

390 “(C) A Board member whose term has expired may continue to serve as a
391 member until a replacement member has been appointed;

392 “(D) A person appointed to fill a vacancy occurring prior the expiration of
393 a term shall serve for the remainder of the term or until a successor has been appointed; and

394 “(E) A member may be removed only for incompetence, neglect of duty,
395 or misconduct.

396 “(3) The Mayor shall select a chairperson.

397 “(4) Members shall serve without compensation, but shall be compensated for
398 actual and necessary expenses incurred in the performance of their official duties.

399 “(c) Four members of the Board shall constitute a quorum, except that 2 members shall
400 be a quorum when hearing panels of 3 members are assigned by the Board to conduct a hearing

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401 and make a final decision required by this section. Each hearing panel shall contain at least one
402 member designated by subsection (b)(1)(A), (B), or (D) of this section.

403 “(d)(1) Within 30 days after the date that a majority of the Board members are sworn in,
404 the Mayor, by rule, shall establish hearing procedures for a contested case review of any appeal,
405 including the manner and time of appeals, and procedures for the Board to assign panels of 3
406 Board members to conduct such hearings and issue final decisions, pursuant to subsection (c) of
407 this section.

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

411 “(e) The meetings and hearings conducted by the Board shall be confidential and not
412 open to the public.

413 “(f) Any person, or the Chief, aggrieved by a final action of the Board may file an
414 appeal in accordance with subchapter I of the District of Columbia Administrative Procedure
415 Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*). For
416 purposes of this subsection, the definition of the term “person” shall include the Chief of the
417 MPD.

418 “Sec. 909. Freedom of information exception; report.

419 “(a) Any record regarding individuals who have applied, received, or had revoked any
420 license shall not be made available as a public record under section 202 of the Freedom of
421 Information Act of 1976, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-
422 532); provided, that aggregate data may be used for the purposes of the public report in
423 subsection (b) of this section.

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424 “(b) Every 2 years, the Metropolitan Police Department shall make public a report that
425 includes the following information:

426 “(1) The total number of valid licenses; and

427 “(2) For the most recent 2-year period:

428 “(A) The number of applications for a license received;

429 “(B) The number of licenses issued;

430 “(C) The number of licenses renewed, suspended, revoked, or denied;

431 “(D) The number of licensees convicted of a crime involving a pistol,
432 classified by type of crime;

433 “(E) The number of pistols for which a license was issued that were
434 reported lost or stolen; and

435 “(F) The number of pistols for which a license was issued that were found
436 or recovered as stolen that were unreported by a licensee as lost or stolen.

437 “Sec. 910. Penalties.

438 “(a)(1) Except as otherwise provided in this title, a person convicted of a violation of a
439 provision of this title, or rules or regulations issued under the authority of this title, shall be fined
440 not more than the amount set forth in section 101 of the Criminal Fine Proportionality
441 Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-
442 3571.01), or imprisoned for not more than 180 days.

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

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

449 “Sec. 911. Rules.

450 “The Chief of the MPD, pursuant to Title I of the District of Columbia Administrative
451 Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*),
452 shall issue rules to implement the provisions of the License to Carry a Pistol Amendment Act of
453 2014, passed on 1st reading on December 2, 2014 (Engrossed version of Bill 20-930), including
454 rules:

455 “(1) To establish criteria for determining when an applicant has, pursuant to
456 section 6 of the Pistols and Other Dangerous Weapons Act:

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

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

464 “(C) Demonstrated the applicant’s suitability to carry a concealed pistol,
465 which shall at a minimum include evidence that the applicant meets the requirements of section
466 902;

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

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469 “(3) To establish the methods by which a pistol may be carried, including any
470 standards for safe holstering;

471 “(4) To establish all application forms, investigation procedures, background
472 checks, and fees necessary to process an application for a license to carry a concealed pistol;

473 “(5) To specify any procedures or requirements specific to non-residents who
474 apply to carry a concealed pistol pursuant to section 6 of the Pistols and Other Dangerous
475 Weapons Act, with regard to the registration requirements in this act;

476 “(6) To specify requirements for signage on any private premises where the owner
477 or person in control of the premises prohibits carrying concealed pistols, pursuant to section
478 907(b); and

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

480 Sec. 3. An Act To control the possession, sale, transfer, and use of pistols and other
481 dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of
482 evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-
483 4501 *et seq.*), is amended as follows:

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

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

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

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

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

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492 (b) Section 6 (D.C. Official Code § 22-4506) is revived as of the effective date of the
493 License to Carry a Pistol Emergency Amendment Act of 2014, effective October 9, 2014 (D.C.
494 Act 20-447; 61 DCR 10765), and is amended to read as follows:

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

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

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

510 “(c) For any person issued a license pursuant to this section, or renewed pursuant to
511 section 903 of the Firearms Control Regulations Act of 1975, passed on 1st reading on December
512 2, 2014 (Engrossed version of Bill 20-930), the Chief may limit the geographic area,
513 circumstances, or times of the day, week, month, or year in which the license is effective, and
514 may suspend or revoke the license as provided under Section 905 of the Firearms Control

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515 Regulations Act of 1975, passed on 1st reading on December 2, 2014 (Engrossed version of Bill
516 20-930).

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

520 “(e) Except as provided in section 905(b) of the Firearms Control Regulations Act of
521 1975, passed on 1st reading on December 2, 2014 (Engrossed version of Bill 20-930), any person
522 whose application has been denied or whose license has been revoked may, within 15 days of
523 notice of the denial, appeal to the Concealed Pistol Licensing Review Board established pursuant
524 to section 908 of the Firearms Control Regulations Act of 1975, passed on 1st reading on
525 December 2, 2014 (Engrossed version of Bill 20-930).”.

526 Sec. 4. Section 101 of the Omnibus Public Safety and Justice Amendment act of 2009,
527 effective Dec. 10, 2009 (D.C. Law 18-88; D.C. Official Code § 22-2511), is repealed.

528 Sec. 5. The License to Carry a Pistol Emergency Amendment Act of 2014 (D.C. Act 20-
529 447), is repealed.

530 Sec. 6. The License to Carry a Pistol Temporary Amendment Act of 2014 (D.C. Act 20-
531 462), is repealed.

532 Sec. 7. The rules issued under the authority of the License to Carry a Pistol Emergency
533 Amendment Act of 2014, effective October 9, 2014 (D.C. Act 20-447; 61 DCR 10765), shall
534 remain in effect until repealed or superseded.

535 Sec. 8. Fiscal impact statement.

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

539 Sec. 9. Effective date.

540 This act shall take effect following approval by the Mayor (or in the event of veto by the
541 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
542 90 days, as provided for emergency acts of the Council of the District of Columbia in section
543 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
544 D.C. Official Code § 1-204.12(a)).