

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, the Firearms Control Regulations Act of 1975 to create a judicial process through which individuals who have been disqualified from receiving a firearms registration certificate due to having been voluntarily admitted or involuntarily committed to a mental health facility, determined to be an incapacitated individual, adjudicated as a mental defective, or committed to a mental institution, can petition the Superior Court of the District of Columbia for relief from that disqualification, to expand the number of offenses for which an individual can surrender unlawfully possessed firearms or ammunition to the Metropolitan Police Department without arrest or prosecution, to increase the penalty for possessing a large capacity ammunition feeding device to not more than 3 years' imprisonment, a fine, or both, to allow persons to petition the Superior Court of the District of Columbia for an extreme risk protection order, which would prohibit the respondent from possessing firearms or ammunition if the court finds that the subject poses a significant danger of causing bodily injury to self or others, to establish a process for the personal service, renewal, and termination of extreme risk protection orders, to establish procedures for the surrender, storage, assessment of fees for storage, and return of firearms and ammunition that are recovered pursuant to an extreme risk protection order, and to establish a penalty for a violation of an extreme risk protection order; 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 prohibit the possession of bump stocks.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Firearms Safety Omnibus Emergency Amendment Act of 2018".

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 203 (D.C. Official Code § 7-2502.03) is amended as follows:

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

43 (A) The lead-in language is amended by striking the phrase “and his” and
44 inserting the phrase “and the person’s” in its place.

45 (B) Paragraph (1)(A) is amended by striking the phrase “his parent” and
46 inserting the phrase “the applicant’s parent” in its place.

47 (C) Paragraph (4) is amended as follows:

48 (i) Subparagraph (E) is amended by striking the phrase “; or” and
49 inserting a semicolon in its place.

50 (ii) Subparagraph (F) is amended by striking the phrase “D.C.
51 Official Code § 22-3133);” and inserting the phrase “D.C. Official Code § 22-3133); or” in its
52 place.

53 (ii) A new subparagraph (G) is added to read as follows:

54 “(G) Violation of an extreme risk protection order pursuant to section
55 1011;”.

56 (D) Paragraph (6) is amended to read as follows:

57 “(6)(A) Within the 5-year period immediately preceding the application, has not
58 been:

59 “(1) Voluntarily admitted to a mental health facility;

60 “(2) Involuntarily committed to a mental health facility by the
61 Superior Court of the District of Columbia, another court of competent jurisdiction, the
62 Commission on Mental Health, or a similar commission in another jurisdiction;

63 “(3) Determined by the Superior Court of the District of Columbia
64 or another court of competent jurisdiction to be an incapacitated individual, as that term is
65 defined in D.C. Official Code § 21-2011(11);

66 “(4) Adjudicated as a mental defective, as that term is defined in
67 27 C.F.R. § 478.11; or

68 “(5) Committed to a mental institution, as that term is defined in 27
69 C.F.R. § 478.11;

70 “(B) Subparagraph (A) of this paragraph shall not apply if the court has
71 granted the applicant relief pursuant to subsection (f) of this section, unless the applicant, since
72 the court granted the applicant relief pursuant to subsection (f) of this section, is again
73 disqualified under subparagraph (A) of this paragraph.”.

74 (E) Paragraph (13)(B)(iii) is amended by striking the phrase “; and” and
75 inserting a semicolon in its place.

76 (F) Paragraph (14) is amended by striking the period and inserting the
77 phrase “; and” in its place.

78 (G) A new paragraph (15) is added to read as follows:

79 “(15) Is not the subject of a final extreme risk protection order issued pursuant to
80 section 1003 or renewed pursuant to section 1006.”.

81 (2) A new subsection (f) is added to read as follows:

82 “(f)(1) A person disqualified under subsection (a)(6)(A) of this section or 18 U.S.C. §
83 922(g)(4) as a result of a commitment or adjudication that occurred in the District may petition
84 the Superior Court for the District of Columbia for relief from disqualification.

85 “(2) A petition for relief from disqualification filed under this subsection shall:

86 “(A) Be in writing;

87 “(B) State the reason the petitioner was disqualified;

88 “(C) State facts in support of the petitioner’s claim that the petitioner
89 should no longer be disqualified;

90 “(D) Include a statement, on a form approved by the court, signed by a
91 licensed physician, psychiatrist, or qualified psychologist within the 30-day period immediately
92 preceding the filing of the petition for relief, stating:

93 “(i) The symptoms or behaviors for which the petitioner has been
94 disqualified;

95 “(ii) The length of time that the petitioner has no longer
96 experienced those symptoms or behaviors;

97 “(iii) The length of time that the petitioner has been compliant with
98 any applicable treatment plans related to the reason the petitioner was disqualified; and

99 “(iv) That, in the physician, psychiatrist, or psychologist’s opinion,
100 the petitioner would not be likely to act in a manner dangerous to public safety if allowed to
101 register a firearm;

102 “(E) Be accompanied by any appropriate exhibits, affidavits, or supporting
103 documents, including records of any guardianship, conservatorship, or commitment proceeding
104 related to the petitioner’s disqualification;

105 “(F) Include two statements from individuals who are not related to the
106 petitioner by blood, adoption, guardianship, marriage, domestic partnership, having a child in
107 common, cohabitating, or maintaining a romantic, dating, or sexual relationship and have known
108 the petitioner for at least 3 years. The individuals’ statements must:

109 “(i) Be on a form approved by the court, and signed by the
110 individual within the 30-day period immediately preceding the filing of the petition for relief;

111 “(ii) Describe the petitioner’s reputation and character; and

112 “(iii) State that, in the individual’s opinion, the petitioner would
113 not be likely to act in a manner dangerous to public safety if allowed to register a firearm; and

114 “(G) Be served upon the Office of the Attorney General.

115 “(3)(A) Upon receipt of a petition filed under paragraph (1) of this subsection, the
116 court shall order the Office of the Attorney General to file a response to the petition within 60
117 days after the court’s order. The response shall indicate whether the Office of the Attorney
118 General supports or opposes the petition.

119 “(B) The Office of Attorney General shall:

120 “(i) Conduct a reasonable search of all available records of the
121 petitioner’s mental health;

122 “(ii) Perform a national criminal history background check on the
123 petitioner; and

124 “(iii) Include its findings under this subparagraph in its response to
125 the court.

126 “(C) The Metropolitan Police Department shall, upon request, provide to
127 the Office of Attorney General any records related to the petitioner it has in its possession, or
128 could obtain after conducting a reasonable search.

129 “(4)(A) The court shall hold a hearing on a petition filed under paragraph (1) of
130 this subsection within 60 days after the date on which the Office of Attorney General files its
131 response.

132 “(B) In determining whether to grant a petition for relief, the court shall
133 consider all relevant evidence, including:

134 “(i) The reason the petitioner was disqualified;

135 “(ii) The petitioner’s mental health and criminal history records;

136 and

137 “(iii) Evidence of the petitioner’s reputation.

138 “(5) The court shall grant a petition filed pursuant to paragraph (1) of this
139 subsection if the petitioner establishes, by a preponderance of the evidence, that:

140 “(A) The petitioner would not be likely to act in a manner dangerous to
141 public safety; and

142 “(B) Granting the relief would not be contrary to the public interest.

143 “(6)(A) If the court grants a petition for relief pursuant to paragraph (5) of this
144 subsection, the court shall issue an order that:

145 “(i) States the petitioner is no longer disqualified under subsection
146 (a)(6)(A) of this section;

147 “(ii) Orders the Clerk of the Court to submit a copy of the order to
148 the Metropolitan Police Department, the Office of the Attorney General, and any other relevant
149 law enforcement, pretrial, corrections, or community supervision agency; and

150 “(iii) Requires that the petitioner’s record be updated in the
151 National Instant Criminal Background Check System and any other system used to determine
152 firearm registration eligibility to reflect that the petitioner is no longer disqualified.

153 “(7) If the court denies a petition for relief, the court shall state the reasons for its
154 denial in writing.

155 “(8) An order granting or denying a petition filed under paragraph (1) of this
156 subsection shall be a final order for the purposes of appeal.”.

157 (b) Section 501 (D.C. Official Code § 7–2505.01) is amended by striking the phrase “or
158 705” and inserting the phrase “705, 1007, or 1009” in its place.

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

160 (1) Subsection (a) is amended to read as follows:

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

165 “(A) Any provision of this act; or

166 “(B) Section 3 or 4 of An Act To control the possession, sale, transfer, and
167 use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to
168 prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 651; D.C.
169 Official Code § 22-4503 or 22-4504).

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

173 “(3) Every firearm to be delivered and abandoned to the Chief under this section
174 shall be transported in accordance with section 4b of An Act To control the possession, sale,
175 transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide
176 penalties, to prescribe rules of evidence, and for other purposes, effective May 20, 2009 (D.C.
177 Law 17-388; D.C. Official Code § 22-4504.02).

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

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

183 (2) Subsection (b) is amended by striking the phrase “section 210(c)(1)” and
184 inserting the phrase “section 210(c)(1) or section 1009(c)” in its place.

185 (f) Section 706(a) (D.C. Official Code § 7-2507.06(a)) is amended as follows:

186 (1) The lead-in language is amended by striking the phrase “and Title IX” and
187 inserting “Title IX, and section 1011” in its place.

188 (2) A new paragraph (4) is added to read as follows:

189 “(4) A person convicted of possessing a large capacity ammunition feeding device
190 in violation of section 601(b) shall be fined no more than the amount set forth in section 101 of
191 the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law
192 19-317; D.C. Official Code § 22-3571.01), or incarcerated for no more than 3 years, or both.”.

193 (g) A new Title X is added to read as follows:

194 “TITLE X – EXTREME RISK PROTECTION ORDERS.

195 “Sec. 1001. Definitions.

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

197 “(1) “Extreme risk protection order” means an order issued, pursuant to this title,
198 by a judge of the Superior Court of the District of Columbia prohibiting a respondent from
199 having possession or control of, purchasing, or receiving any firearm, ammunition, registration
200 certificate, license to carry a concealed pistol, or dealer’s license.

201 “(2) “Petitioner” means a person who petitions the Superior Court of the District
202 of Columbia for an extreme risk protection order under this title and is:

203 “(A) Related to the respondent by blood, adoption, guardianship,
204 marriage, domestic partnership, having a child in common, cohabitating, or maintaining a
205 romantic, dating, or sexual relationship rendering the application of this title appropriate;

206 “(B) A sworn member of the Metropolitan Police Department; or

207 “(C) A mental health professional, as that term is defined in section
208 101(11) of the District of Columbia Mental Health Information Act of 1978, effective March 3,
209 1979 (D.C. Law 2-136; D.C. Official Code § 7-1201.01(11)).

210 “(3) “Respondent” means a person against whom an extreme risk protection order
211 is sought.

212 “Sec. 1002. Petitions for extreme risk protection orders.

213 “(a) A petitioner may petition the Superior Court for the District of Columbia for a final
214 extreme risk protection order. A petition filed under this section shall:

215 “(1) Be in writing;

216 “(2) State facts in support of the claim that the respondent poses a significant
217 danger of causing bodily injury to self or others by having possession or control of, purchasing,
218 or receiving any firearm or ammunition;

219 “(3) To the best of the petitioner’s knowledge, identify the number, types, and
220 locations of any firearms or ammunition the petitioner believes to be in the respondent’s
221 possession, control, or ownership;

222 “(4) Be accompanied by any appropriate exhibits, affidavits, and supporting
223 documents; and

224 “(5) Be served on the Office of the Attorney General.

225 “(b) A petitioner may file a petition under this section regardless of whether there is any
226 other pending suit, complaint, petition, or other action between the parties.

227 “(c) The Office of Attorney General may provide individual legal representation to a
228 petitioner. If the Office of Attorney General decides to provide individual legal representation to
229 a petitioner, the representation shall continue until the earliest of:

230 “(1) The court denies the petition for a final extreme risk protection order
231 pursuant to section 1003;

232 “(2) The court terminates a final extreme risk protection order pursuant to section
233 1008; or

234 “(3) The Office of the Attorney General withdraws from representation.

235 “(d) At the request of the petitioner or respondent, the court may place any record or part
236 of a proceeding related to the issuance, renewal, or termination of an extreme risk protection
237 order under seal while the petition is pending.

238 “Sec. 1003. Final extreme risk protection orders.

239 “(a)(1) Upon receipt of a petition filed pursuant section 1002, the court shall order that a
240 hearing be held to determine whether to issue a final extreme risk protection order against the
241 respondent.

242 “(2) The hearing shall be held within 10 days after the date the petition was filed.

243 “(b)(1) Personal service of the notice of hearing and petition shall be made upon the
244 respondent by a Metropolitan Police Department officer not fewer than 5 business days before
245 the hearing.

246 “(2) If the respondent is unable to be personally served, the court shall set a new
247 hearing date and require additional attempts to accomplish personal service.

248 “(c) If the court issues an ex parte extreme risk protection order pursuant to section 1004,
249 the ex parte extreme risk protection order shall be served concurrently with the notice of hearing
250 and petition described in subsection (b)(1) of this section.

251 “(d) Before the hearing for a final extreme risk protection order, the court shall order that
252 the Office of the Attorney General:

253 “(1) Conduct a reasonable search of all available records to determine whether the
254 respondent owns any firearms or ammunition;

255 “(2) Conduct a reasonable search of all available records of the petitioner’s mental
256 health;

257 “(3) Perform a national criminal history background check; and

258 “(4) Submit its findings under this subsection to the court.

259 “(e) In determining whether to issue a final extreme risk protection order pursuant to this
260 section, the court shall consider all relevant evidence, including:

261 “(1) Any history or pattern of threats of violence, or acts of violence, by the
262 respondent directed toward themselves or others;

263 “(2) Any recent threats of violence, or acts of violence, by the respondent directed
264 toward themselves or others;

265 “(3) The respondent’s acquisition of any firearms, ammunition, or other deadly or
266 dangerous weapons within one year before the filing of the petition;

267 “(4) The unlawful or reckless use, display, or brandishing of a firearm or other
268 weapon by the respondent;

269 “(5) Respondent’s criminal history;

270 “(6) Respondent’s violation of a court order;

271 “(7) Evidence of the respondent experiencing a mental health crisis, or other
272 dangerous mental health issues; and

273 “(8) Respondent’s use of a controlled substance, as that term is defined in section
274 102(4) of the District of Columbia Uniform Controlled Substances Act of 1981, effective August
275 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-901.02(4)).

276 “(f) The court shall, before issuing a final extreme risk protection order, examine any
277 witnesses under oath.

278 “(g) The court shall issue a final extreme risk protection order if the petitioner establishes
279 by a preponderance of the evidence that the respondent poses a significant danger of causing
280 bodily injury to self or others by having possession or control of, purchasing, or receiving any
281 firearm or ammunition.

282 “(h) A final extreme risk protection order issued under this section shall state:

283 “(1) That the respondent is prohibited from having possession or control of,
284 purchasing, or receiving any firearm, ammunition, registration certificate, license to carry a
285 concealed pistol, or dealer’s license for one year from the date and time the order was issued;

286 “(2) The date and time the order was issued;

287 “(3) The date and time the order will expire;

288 “(4) The grounds upon which the order was issued;

289 “(5) The procedures for the:

290 “(i) Renewal of a final extreme risk protection order pursuant to section
291 1006;

292 “(ii) Surrender of firearms, ammunition, registration certificates, licenses
293 to carry a concealed pistol, or dealer’s licenses in the respondent’s possession, control, or
294 ownership pursuant to section 1007; and

295 “(iii) Termination of a final extreme risk protection order pursuant to
296 section 1008; and

297 “(6) That the respondent may seek the advice of an attorney as to any matter
298 connected with a petition filed under this title.

299 “(i) A final extreme risk protection order issued pursuant to this section shall expire one
300 year after the issuance of the order, unless the order is terminated pursuant to section 1008 before
301 its expiration.

302 “Sec. 1004. Ex parte extreme risk protection orders.

303 “(a) When filing a petition for a final extreme risk protection order, a petitioner may also
304 request that an ex parte extreme risk protection order be issued without notice to the respondent.

305 “(b) The court may hold a hearing on any request for an ex parte extreme risk protection
306 order filed under this section.

307 “(c) In determining whether to issue an ex parte extreme risk protection order pursuant to
308 this section, the court shall consider all relevant evidence, including:

309 “(1) Any history or pattern of threats of violence, or acts of violence, by the
310 respondent directed toward themselves or others;

311 “(2) Any recent threats of violence, or acts of violence, by the respondent directed
312 toward themselves or others;

313 “(3) The respondent’s acquisition of any firearms, ammunition, or other deadly or
314 dangerous weapons within one year before the filing of the petition;

315 “(4) The unlawful or reckless use, display, or brandishing of a firearm by the
316 respondent;

317 “(5) Respondent’s criminal history;

318 “(6) Respondent’s violation of a court order;

319 “(7) Evidence of the respondent experiencing a mental health crisis, or other
320 dangerous mental health issues; and

321 “(8) Respondent’s use of a controlled substance, as that term is defined in section
322 102 of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5,
323 1981 (D.C. Law 4-29; D.C. Official Code § 48–901.02).

324 “(d) The court may grant a request under this section based solely on an affidavit or
325 sworn testimony of the petitioner.

326 “(e) The court shall issue an ex parte extreme risk protection order if the petitioner
327 establishes that there is probable cause to believe that the respondent poses a significant danger
328 of causing bodily injury to self or others by having possession or control of, purchasing, or
329 receiving any firearm or ammunition.

330 “(f) If the petitioner requests that the court issue an ex parte extreme risk protection order
331 pursuant to section, the court shall grant or deny the request on the same day that the request was
332 made, unless the request is filed too late in the day to permit effective review, in which case the
333 court shall grant or deny the request the next day the court is open.

334 “(g) An ex parte extreme risk protection order shall state:

335 “(1) That the respondent is prohibited from having possession or control of,
336 purchasing, or receiving any firearm, ammunition, registration certificate, license to carry a
337 concealed pistol, or dealer’s license while the order is in effect;

338 “(2) The date and time the order was issued;

339 “(3) That the ex parte extreme risk protection order will be in effect until the court
340 rules on whether to issue a final extreme risk protection order;

341 “(4) The grounds upon which the order was issued;

342 “(5) The time and place of the hearing to determine whether to issue a final
343 extreme risk protection order;

344 “(6) That following the hearing, the court may issue a final extreme risk
345 protection order that will be in effect for up to one year;

346 “(7) The procedures for the:

347 “(i) Renewal of a final extreme risk protection order pursuant to section
348 1006;

349 “(ii) Surrender of firearms, ammunition, registration certificates, licenses
350 to carry a concealed pistol, or dealer’s licenses in the respondent’s possession, control, or
351 ownership pursuant to section 1007; and

352 “(iii) Termination of a final extreme risk protection order pursuant to
353 section 1008; and

354 “(8) That the respondent may seek the advice of an attorney as to any matter
355 connected with this title, and that the attorney should be consulted promptly so that the attorney
356 may assist the respondent in any matter connected with the ex parte extreme risk protection
357 order.

358 “(h) An ex parte extreme risk protection order issued pursuant to this section shall expire
359 10 days from the date and time the order was issued, unless the court set a new hearing date

360 pursuant to section 1003(b)(2), in which case, the court may extend the duration of the ex parte
361 extreme risk protection order to not exceed 15 days.

362 “(i) The court shall terminate an ex parte extreme risk protection order in effect against
363 the respondent at the time the court grants or denies the petition for a final extreme risk
364 protection order.

365 “Sec. 1005. Service of extreme risk protection orders.

366 “(a)(1) Except as provided in subsection (b) of this section, an extreme risk protection
367 order issued pursuant to section 1003 or section 1004, or renewed pursuant to section 1006 shall
368 be personally served upon the respondent by a sworn member of the Metropolitan Police
369 Department.

370 “(2) The court shall submit a copy of extreme risk protection order to the
371 Metropolitan Police Department on or before the next business day after the issuance of the order
372 for service upon the respondent. Service of an extreme risk protection order shall take
373 precedence over the service of other documents, unless the other documents are of a similar
374 emergency nature.

375 “(3) If the Metropolitan Police Department cannot complete personal service upon
376 the respondent within 5 business days after receiving an order from the court under paragraph (2)
377 of this subsection, the Metropolitan Police Department shall notify the petitioner.

378 “(5) Within one business day after service, the Metropolitan Police Department
379 shall submit proof of service to the court.

380 “(b) If the respondent was personally served in court when the extreme risk protection
381 order was issued, the requirements of subsection (a) of this section shall be waived.

382 “Sec. 1006. Renewal of final extreme risk protection orders.

383 “(a) At least 120 days before the expiration of a final extreme risk protection order, the
384 court shall notify the petitioner of the date that the order is set to expire and advise the petitioner
385 of the procedures for seeking a renewal of the order.

386 “(b) A petitioner may request a renewal of a final extreme risk protection order, including
387 an order previously renewed under this section, at any time within the 120-day period
388 immediately preceding the expiration of the order.

389 “(c) Personal service of the notice of hearing and request for renewal shall be made upon
390 the respondent by a Metropolitan Police Department officer not fewer than 15 business days
391 before the hearing.

392 “(d) In determining whether renew an extreme risk protection order pursuant to this
393 section, the court shall consider all relevant evidence, including:

394 “(1) Any history or pattern of threats of violence, or acts of violence, by the
395 respondent directed toward themselves or others;

396 “(2) Any recent threats of violence, or acts of violence, by the respondent directed
397 toward themselves or others;

398 “(3) The respondent’s acquisition of any firearms, ammunition, or other deadly or
399 dangerous weapons within one year before the filing of the petition;

400 “(4) The unlawful or reckless use, display, or brandishing of a firearm by the
401 respondent;

402 “(5) Respondent’s criminal history;

403 “(6) Respondent’s violation of a court order;

404 “(7) Evidence of the respondent experiencing a mental health crisis, or other
405 dangerous mental health issues; and

406 “(8) Respondent’s use of a controlled substance, as that term is defined in section
407 102 of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5,
408 1981 (D.C. Law 4-29; D.C. Official Code § 48–901.02).

409 “(e) The court shall, before renewing a final extreme risk protection order, examine any
410 witnesses under oath.

411 “(f) The court shall, after notice and a hearing, renew a final extreme risk protection order
412 if the court finds, by a preponderance of the evidence, that the respondent continues to pose a
413 significant danger of causing bodily injury to self or others by having possession or control of,
414 purchasing, or receiving any firearm or ammunition.

415 “(g) A final extreme risk protection order renewed pursuant to this section, shall state:

416 “(1) That the respondent is prohibited from having possession or control of,
417 purchasing, or receiving any firearm, ammunition, registration certificate, license to carry a
418 concealed pistol, or dealer’s license for one year from the date and time the order was renewed;

419 “(2) The date and time the order was renewed;

420 “(3) The date and time the order will expire;

421 “(4) The grounds upon which the order was renewed;

422 “(5) The procedures for the:

423 “(i) Renewal of a final extreme risk protection order pursuant to section
424 1006;

425 “(ii) Surrender of firearms, ammunition, registration certificates, licenses
426 to carry a concealed pistol or dealer’s licenses in the respondent’s possession, control, or
427 ownership pursuant to section 1007; and

428 “(iii) Termination of a final extreme risk protection order pursuant to
429 section 1008; and

430 “(6) That the petitioner may seek the advice of an attorney as to any matter
431 connected with this title.

432 “(h) An extreme risk protection order renewed pursuant to this section shall expire one
433 year after the issuance of the order, unless that order is terminated pursuant to section 1008
434 before its expiration.

435 “Sec. 1007. Surrender of firearms, ammunition, registration certificates, and dealer’s
436 licenses.

437 “(a) If the court issues a final extreme risk protection order pursuant to section 1003,
438 issues an ex parte extreme risk protection order pursuant to section 1004, or renews a final
439 extreme risk protection order pursuant to section 1006, the court may issue a search warrant that:

440 “(1) Describes the number and types of firearms and ammunition to be seized;

441 “(2) Describes any registration certificates and dealer’s licenses to be seized;

442 “(3) Describes the location where the firearms, ammunition, registration
443 certificates, and dealer’s licenses are believed to be located; and

444 “(4) Authorizes the seizure of any firearms, ammunition, registration certificates,
445 and dealer’s licenses discovered pursuant to such a search.

446 “(b) A Metropolitan Police Department officer serving an extreme risk protection order
447 shall:

448 “(1) Request that all firearms, ammunition, registration certificates, and dealer’s
449 licenses be immediately surrendered; and

450 “(2) Take possession of all firearms, ammunition, registration certificates, and
451 dealer’s licenses in the respondent’s possession, control, or ownership that are surrendered or
452 discovered pursuant to a lawful search.

453 “(c)(1) At the time of surrender or removal, the Metropolitan Police Department officer
454 taking possession of a firearm, ammunition, registration certificate, or dealer’s license pursuant
455 to an extreme risk protection order shall make a record identifying all firearms, ammunition,
456 registration certificates, and dealer’s licenses that have been surrendered or removed and provide
457 a receipt to the respondent.

458 “(2) Within 72 hours after serving an extreme risk protection order, the officer
459 shall file a copy of the receipt provided to the respondent pursuant to paragraph (1) of this
460 subsection with the court and the Chief of Police.

461 “(d) If a person other than the respondent claims title to any firearm or ammunition
462 surrendered or removed pursuant to this section, and he or she is determined by the Metropolitan
463 Police Department to be the lawful owner of the firearm or ammunition, the firearm or
464 ammunition shall be returned to him or her; provided, that the firearm or ammunition is removed
465 from the respondent’s possession or control, and the lawful owner agrees to store the firearm or
466 ammunition in a manner such that the respondent does not have possession or control of the
467 firearm or ammunition.

468 “(e) The Metropolitan Police Department may charge the respondent a fee not to exceed
469 the actual costs incurred by the Metropolitan Police Department for storing any firearms or
470 ammunition surrendered or removed pursuant to this section for the duration of the extreme risk
471 protection order, including a renewal of the extreme risk protection order, and up to 6 months
472 after the date the order expires or is terminated.

473 “(f)(1) If a respondent peaceably surrenders any firearms or ammunition pursuant to this
474 section, such surrender shall preclude the arrest and prosecution of the respondent for violating,
475 with respect to the firearms or ammunition surrendered:

476 “(A) Section 601 of The Firearms Control Regulations Act of 1975,
477 effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2506.01); and

478 “(B) Sections 3 and 4 of An Act To control the possession, sale, transfer,
479 and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties,
480 to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 651; D.C.
481 Official Code §§ 22-4503 and 22-4504).

482 “(2) The surrender of any firearm or ammunition pursuant to this section shall not
483 constitute a voluntary surrender for the purposes of section 705.

484 “Sec. 1008. Termination of extreme risk protection orders.

485 “(a) Any respondent against whom a final extreme risk protection order, including a
486 renewal of the extreme risk protection order, was issued may, on one occasion during the one-
487 year period the order is in effect, submit a written motion to the Superior Court for the District of
488 Columbia requesting that the order be terminated.

489 “(b) Upon receipt of the motion for termination, the court shall set a date for a hearing,
490 and notice of the request shall be served on the petitioner. The hearing shall occur at least 14
491 days after the date of service of the motion upon the petitioner.

492 “(c) In determining whether to terminate a final extreme risk protection order pursuant to
493 this section, the court shall consider all relevant evidence, including:

494 “(1) Any history or pattern of threats of violence, or acts of violence, by the
495 respondent directed toward themselves or others;

496 “(2) Any recent threats of violence, or acts of violence, by the respondent directed
497 toward themselves or others;

498 “(3) The respondent’s acquisition of any firearms, ammunition, or other deadly or
499 dangerous weapons within one year before the filing of the petition;

500 “(4) The unlawful or reckless use, display, or brandishing of a firearm by the
501 respondent;

502 “(5) Respondent’s criminal history;

503 “(6) Respondent’s violation of a court order;

504 “(7) Evidence of the respondent experiencing a mental health crisis, or other
505 dangerous mental health issues; and

506 “(8) Respondent’s use of a controlled substance, as that term is defined in section
507 102 of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5,
508 1981 (D.C. Law 4-29; D.C. Official Code § 48–901.02).

509 “(d) The court shall, before terminating a final extreme risk protection order, examine
510 any witnesses under oath.

511 “(e) The court shall terminate a final extreme risk protection order if the respondent
512 establishes by a preponderance of the evidence that the respondent does not pose a significant
513 danger of causing bodily injury to self or others by having possession or control of, purchasing,
514 or receiving any firearm or ammunition.

515 “(f)(1) If the court grants a motion to terminate pursuant to this section, notice of the
516 termination shall be personally served upon the petitioner by a sworn member of the
517 Metropolitan Police Department and sent to the petitioner by electronic mail.

518 “(2) The court shall submit a copy of the order issued under this section to the
519 Metropolitan Police Department on or before the next business day for service upon the
520 respondent. Service of a notice of termination shall take precedence over the service of other
521 documents, unless the other documents are of a similar emergency nature.

522 “(3) If the Metropolitan Police Department cannot complete personal service upon
523 the petitioner within 5 business days after receiving an order from the court under paragraph (2)
524 of this subsection, the Metropolitan Police Department shall notify the court.

525 “(4) Within one business day after service, the Metropolitan Police Department
526 shall submit proof of service to the court.

527 “Sec. 1009. Return or disposal of firearms or ammunition.

528 “(a)(1) If an extreme risk protection order is terminated, or expires and is not renewed,
529 the Metropolitan Police Department shall notify the respondent that he or she may request the
530 return of any firearm or ammunition surrendered or removed if that firearm or ammunition had
531 been lawfully possessed.

532 “(2) The Metropolitan Police Department shall return any surrendered or removed
533 firearm or ammunition requested by a respondent only after confirming that:

534 “(A) The respondent is eligible to own or possess the firearms and
535 ammunition;

536 “(B) The firearm or ammunition was lawfully possessed; and

537 “(C) The respondent has paid any applicable fee charged against the
538 respondent by the Metropolitan Police Department pursuant to subsection 1007(e).

539 “(b)(1) If a respondent who lawfully possessed a firearm or ammunition does not wish to
540 have the firearm or ammunition returned, or the respondent is no longer eligible to own or

541 possess firearms or ammunition, the respondent may sell or transfer title of the firearm or
542 ammunition in accordance with applicable law.

543 “(2) The Metropolitan Police Department shall transfer possession of a firearm or
544 ammunition through a licensed firearm dealer to a purchaser or recipient, but only after the
545 licensed firearms dealer has displayed written proof of the sale or transfer of the firearm or
546 ammunition from the respondent to the dealer, and the Metropolitan Police Department has
547 verified the transfer with the respondent.

548 “(c) If the respondent does not request return of a firearm or ammunition under
549 subsection (a) of this section, or sell or transfer a firearm or ammunition under subsection (b) of
550 this section, within 6 months after the date the extreme risk protection order is terminated, or
551 expires and is not renewed, the Metropolitan Police Department shall treat the firearm or
552 ammunition as surrendered and the firearm or ammunition shall be subject to section 705(b).

553 “Sec. 1010. Recording requirements.

554 “(a) The Metropolitan Police Department shall:

555 “(1) Maintain a searchable database of extreme risk protection orders issued,
556 terminated, and renewed pursuant to this title; and

557 “(2) Make the information maintained in paragraph (1) of this subsection
558 available to any other relevant law enforcement, pretrial, corrections, or community supervision
559 agency upon request.

560 “(b) The Superior Court of the District of Columbia shall immediately submit
561 information about extreme risk protection orders issued, renewed, or terminated pursuant to this
562 title to the National Instant Criminal Background Check System for the purposes of firearm
563 purchaser background checks.

564 “Sec. 1011. Violation of an extreme risk protection order.

565 “(a) A person violates an extreme risk protection order if, after receiving actual notice of
566 being subject to an extreme risk protection order, the person knowingly has custody or control
567 of, keeps, owns, purchases, possesses, or receives a firearm or ammunition.

568 “(b) A person convicted of violating an extreme risk protection order shall be:

569 “(1) Fined no more than the amount set forth in section 101 of the Criminal Fine
570 Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C.
571 Official Code § 22-3571.01), or incarcerated for no more than 180 days, or both; and

572 “(2) Prohibited from having possession or control of, purchasing, or receiving a
573 firearm or ammunition for a period of 5 years after the date of conviction.

574 “(c) A violation of an extreme risk protection order shall not be considered a:

575 “(1) Weapons offense; or

576 “(2) Gun offense, as that term is defined in section 801(3).

577 “Sec. 1012. Law enforcement to retain other authority.

578 “Nothing in this title shall be construed to affect the ability of a law enforcement officer,
579 as that term is defined in section 901(3), to remove firearms or ammunition from any person
580 pursuant to other lawful authority.”.

581 Sec. 3. An Act To control the possession, sale, transfer, and use of pistols and other
582 dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of
583 evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-
584 4501 *et seq.*), is amended as follows:

585 (a) Section 1 (D.C. Official Code § 22-4501) is amended as follows:

586 (1) Paragraph (1) is redesignated as paragraph (1A).

587 (2) A new paragraph (1) is added to read as follows:

588 “(1) “Bump stock” means any object that, when installed in or attached to a
589 firearm, increases the rate of fire of the firearm by using energy from the recoil of the firearm to
590 generate a reciprocating action that facilitates repeated activation of the trigger.”.

591 (b) Section 14(a) (D.C. Official Code § 22-4514(a)) is amended by striking the phrase
592 “sawed-off shotgun, knuckles” both times it appears and inserting the phrase “sawed-off
593 shotgun, bump stock, knuckles” in its place.”.

594 Sec. 4. Fiscal impact statement.

595 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact
596 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
597 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

598 Sec. 5. Effective date.

599 This act shall take effect following approval by the Mayor (or in the event of veto by the
600 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
601 90 days, as provided for emergency acts of the Council of the District of Columbia in section
602 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
603 D.C. Official Code § 1-204.12(a)).