

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on a temporary basis, the District of Columbia Mental Health Information Act of 1978 to authorize mental health professionals to disclose mental health information when necessary to request an extreme risk protection order and to require the disclosure of mental health information to the Office of Attorney General in response to a court order; to amend the Firearms Control Regulations Act of 1975 to authorize the Mayor to issue rules, subject to Council review, to implement provisions of the Firearms Control Regulations Act of 1975; to amend the Act to Regulate Public Conduct on Public Passenger Vehicles to establish civil fines for violations of the act, to designate violations of the act a pedestrian offense, to authorize officers with authority to make arrests for violations of the act within the jurisdiction of the Washington Metropolitan Area Transit Authority, to authorize the Office of the Attorney General to prosecute violations of the act, and to revise the District of Columbia Municipal Regulations to include a final schedule for violations of the act; to amend the Firearms Safety Omnibus Congressional Review Emergency Amendment Act of 2019 to require the Superior Court for the District of Columbia, for good cause shown, to issue such orders as may be necessary to obtain mental health records and other relevant information for the purposes of petitions for relief from disqualifications from firearm registration, to clarify that the Office of Attorney General may intervene and represent the interests of the District of Columbia with respect to petitions for extreme risk protection orders or provide individual legal representation, upon request, to a petitioner, to broaden the court's ability to place records related to extreme risk protection orders under seal, to establish procedures for computing periods of time relating to an extreme risk protection order, to provide for the use of calendar days instead of business days for timelines related to extreme risk protection orders, to require that the court consider the unlawful or reckless use, display, or brandishing of any weapon by the respondent in determining whether to issue an extreme risk protection order, to require that the initial hearing for a petition for a final extreme risk protection order be held within 14 days after the petition was filed, to require the Superior Court for the District of Columbia, for good cause shown, to issue such orders as may be necessary to obtain mental health records and other relevant information for the purposes of petitions for an extreme risk protection order, to modify the duration of ex parte extreme risk protection orders, to establish procedures for the issuance and execution of search warrants accompanying extreme risk protection orders, to add the

47 Office of Attorney General and the Superior Court for the District of Columbia to the list  
48 of entities that shall receive from the Metropolitan Police Department information related  
49 to extreme risk protection orders, to require the Mayor or the Mayor’s designee to submit  
50 information about extreme risk protection orders to the National Instant Criminal  
51 Background Check System for the purposes of firearm purchaser background checks; and  
52 to amend the Firearms Safety Omnibus Amendment Act of 2018 to require the Superior  
53 Court for the District of Columbia, for good cause shown, to issue such orders as may be  
54 necessary to obtain mental health records and other relevant information for the purposes  
55 of petitions for relief from disqualifications from firearm registration, to clarify that the  
56 Office of Attorney General may intervene and represent the interests of the District of  
57 Columbia with respect to petitions for extreme risk protection orders or provide  
58 individual legal representation, upon request, to a petitioner, to broaden the court’s ability  
59 to place records related to extreme risk protection orders under seal, to establish  
60 procedures for computing periods of time relating to an extreme risk protection order, to  
61 provide for the use of calendar days instead of business days for timelines related to  
62 extreme risk protection orders, to require that the court consider the unlawful or reckless  
63 use, display, or brandishing of any weapon by the respondent in determining whether to  
64 issue an extreme risk protection order, to require that the initial hearing for a petition for  
65 a final extreme risk protection order be held within 14 days after the petition was filed, to  
66 require the Superior Court for the District of Columbia, for good cause shown, to issue  
67 such orders as may be necessary to obtain mental health records and other relevant  
68 information for the purposes of petitions for an extreme risk protection order, to modify  
69 the duration of ex parte extreme risk protection orders, to establish procedures for the  
70 issuance and execution of search warrants accompanying extreme risk protection orders,  
71 to add the Office of Attorney General and the Superior Court for the District of Columbia  
72 to the list of entities that shall receive from the Metropolitan Police Department  
73 information related to extreme risk protection orders, to require the Mayor or the Mayor’s  
74 designee to submit information about extreme risk protection orders to the National  
75 Instant Criminal Background Check System for the purposes of firearm purchaser  
76 background checks.

77  
78 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this

79 act may be cited as the “Firearms Safety Omnibus Clarification Temporary Amendment Act of  
80 2019”.

81 Sec. 2. The District of Columbia Mental Health Information Act of 1978, effective March  
82 3, 1979 (D.C. Law 2-136; D.C. Official Code § 7-1204.01 *et seq.*), is amended as follows:

83 (a) Section 402 (D.C. Official Code § 7-1204.02) is amended to read as follows:

84 “Sec. 402. Civil commitment proceedings; Extreme risk protection orders.

85           “Mental health information may be disclosed by a mental health professional when and to  
86 the extent necessary to:

87                   “(1) Initiate or seek civil commitment proceedings under D.C. Official Code § 21-  
88 541; or

89                   “(2) Request an extreme risk protection order under Title X of the Firearms  
90 Control Regulations Act of 1975, enacted on January 30, 2019 (D.C. Act 22-620; 66 DCR  
91 1672).”.

92           (b) Section 403 (D.C. Official Code § 7-1204.03) is amended by adding a new  
93 subsection (c) to read as follows:

94                   “(c) Mental health information shall be disclosed to the Office of the Attorney General  
95 for the District of Columbia in response to a court order issued pursuant to section  
96 203(f)(3)(A)(i) of the Firearms Control Regulations Act of 1975, effective September 24, 1976  
97 (D.C. Law 1-85; D.C. Official Code § 7-2502.03(f)(3)(A)(i)), or section 1003(d)(2) of the  
98 Firearms Control Regulations Act of 1975, enacted on January 30, 2019 (D.C. Act 22-620; 66  
99 DCR 1672).”.

100           Sec. 3. Section 712 of the Firearms Control Regulations Act of 1975, effective March 31,  
101 2009 (D.C. Law 17-372; D.C. Official Code § 7-2507.11), is amended to read as follows:

102                   “The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure  
103 Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue  
104 rules to implement the provisions of this act. The proposed rules shall be submitted to the  
105 Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of  
106 Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in

107 part, by resolution within the 45-day review period, the proposed rules shall be deemed  
108 approved.”.

109 Sec. 4. Section 5 of the Act to Regulate Public Conduct on Public Passenger  
110 Vehicles, effective September 23, 1975 (D.C. Law 1-18; D.C. Official Code § 35-254), is  
111 amended as follows:

112 (a) Section 5(a) (D.C. Official Code § 35-254(a)) is amended to read as follows:

113 “(a)(1) Except as provided in subsection (b)(1) of this section, a violation of section  
114 2(b) or section 3 shall be punishable by a civil fine of not more than \$50.

115 “(2) Any violation of this subsection punishable by a civil fine shall be a  
116 pedestrian offense for purposes of section 301 of the District of Columbia Traffic Adjudication  
117 Act, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2303.01), and  
118 notices of infraction may be issued, processed, and adjudicated pursuant to sections 302, 303  
119 through 311, and 401 through 405.

120 “(3) Enforcement of any violation of this subsection punishable by a civil fine  
121 may be done by any police officer with authority to make arrests within the District and within  
122 the jurisdiction of the Washington Metropolitan Area Transit Authority.”.

123 Sec. 5. Title 18 of the District of Columbia Municipal Regulations is amended to add  
124 the initial fine schedule for civil infractions issued pursuant to the act referenced in section 2,  
125 amendable from time to time by the Mayor, as follows:

126 “Section 2603.2 is added to read as follows:

127 “2603.2 The following civil infractions and their respective fines set forth in this section  
128 refer to pedestrian offenses committed within the District and the Washington  
129 Metropolitan Area Transit Authority:  
130

<b>INFRACTION (Regulatory/Statutory Citation)</b>	<b>FINE</b>
Smoke or carry a lighted or smoldering pipe, cigar, or cigarette	\$ 50.00

(D.C. Official Code § 35-251 (b)(1))	
Consume food or beverages (D.C. Official Code § 35-251 (b)(2))	\$ 50.00
Spit (D.C. Official Code § 35-251 (b)(3))	\$ 50.00
Discard Litter (D.C. Official Code § 35-251 (b)(4))	\$ 50.00
Play any radio, musical instrument, or similar device, unless it is connected to an earphone that limits the sound to the individual user (D.C. Official Code § 35-251 (b)(5))	\$ 50.00
Carry any animals, except for guide dogs properly harnessed and small animals properly contained (D.C. Official Code § 35-251 (b)(7))	\$ 50.00
Stand in front of the line marked on the forward end of the floor of any bus or otherwise conduct themselves in such a manner as to obstruct the vision of the operator (D.C. Official Code § 35-251 (b)(8))	\$ 50.00
Operate or chain to any fence, tree, railing, or other structure not specifically designated for such use, skateboards, rollerblades, roller skates, non-motorized scooters, bicycles, tricycles, or unicycles (D.C. Official Code § 35-251 (b)(9))	\$ 50.00
Park, operate, carry, wheel, or chain to any fence, tree, railing, or other structure not specifically designated for such use, mopeds, motorbikes, or any similar vehicle (D.C. Official Code § 35-251 (b)(10))	\$ 50.00
Board a public or private passenger vehicle for hire, including Vehicles owned or operated by the Washington Metropolitan Area Transit Authority without paying the established fare or presenting a valid transfer and without emergency circumstances (D.C. Official Code § 35-252 (a)(1)(A))	\$ 50.00
Board a rail transit car owned or operated by the Washington Metropolitan Area Transit Authority without paying the established fare or presenting a valid transfer and without emergency circumstances (D.C. Official Code § 35-252 (a)(1)(B))	\$ 50.00
Enter or leave the fare-paid area of a rail transit station owned	\$ 50.00

or without paying the established fare or presenting a valid transfer and without emergency circumstances (D.C. Official Code § 35-252 (a)(1)(C))	
Board a public or private passenger vehicle for hire, including vehicles owned or operated by the Washington Area Metropolitan Transit Authority through the rear exit door, unless so directed by an employee or agent of the carrier (D.C. Official Code § 35-252 (a)(2))	\$ 50.00

131

132           Sec. 6. Section 2 of the Firearms Safety Omnibus Congressional Review Emergency  
133 Amendment Act of 2019, passed on 2nd reading on April 2, 2019 (Enrolled version of Bill 23-  
134 218), is amended as follows:

135           (a) The amendatory section 203(f)(3) contained within subsection (a)(2) is amended as  
136 follows:

137                   (1) Subparagraph (A) is amended to read as follows:

138                           “(3)(A)(i) Upon receipt of a petition filed under paragraph (1) of this subsection,  
139 and for good cause shown, the court shall issue such orders as may be necessary to obtain any  
140 mental health records and other information relevant for the purposes of the petition. The order  
141 shall require the disclosure of records to the Office of the Attorney General so that the Office of  
142 the Attorney General can conduct a search of the petitioner’s mental health records and report its  
143 findings to the court as required by subparagraph (B) of this paragraph.

144                                   “(ii) The court shall order the Office of the Attorney General to file  
145 a response to the petition. Within 60 days after the court’s order for a response, the Office of the  
146 Attorney General shall file a response indicating whether the Office of the Attorney General  
147 supports or opposes the petition.

148 “(iii) The court may, for good cause shown, extend in 30-day  
149 increments the date by which the Office of Attorney General must file its response under sub-  
150 subparagraph (ii) of this paragraph.”.

151 (2) Subparagraph (B) is amended by striking the phrase “criminal history” and  
152 inserting the phrase “criminal history and firearms eligibility” in its place.

153 (b) Subsection (c)(2) is amended to read as follows:

154 “(2) Subsection (b) is amended as follows:

155 “(A) Strike the phrase “under this section or pursuant to section 210(c)(1)”  
156 and insert the phrase “under this section, section 210(c)(1), or section 1009(c)” in its place.

157 “(B) Strike the phrase “Corporation Counsel for the District” and insert  
158 the phrase “Office of the Attorney General” in its place.”.

159 (c) Subsection (e) is amended as follows:

160 (1) The amendatory section 1001 is amended as follows:

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

162 “(1A) “Hours of daylight” means between 6:00 a.m. and 9:00 p.m.”.

163 (B) Paragraph (2)(A) is amended by striking the phrase “relationship  
164 rendering the application of this title appropriate” and inserting the word “relationship” in its  
165 place.

166 (2) The amendatory section 1002 is amended as follows:

167 (A) Subsection (c) is amended to read as follows:

168 “(c)(1) The Office of the Attorney General may:

169 “(A) Intervene in the case and represent the interests of the District of  
170 Columbia; or

171                   “(B) At the request of the petitioner, provide individual legal  
172 representation to the petitioner in proceedings under this title.

173                   “(2) If the Office of the Attorney General intervenes in a case under paragraph  
174 (1)(A) of this subsection, the representation shall continue until the earliest of the following:

175                   “(A) The court denies the petition for a final extreme risk protection order  
176 pursuant to section 1003;

177                   “(B) The court terminates a final extreme risk protection order pursuant to  
178 section 1008; or

179                   “(C) The Office of the Attorney General withdraws from representation.”.

180                   (B) Subsection (d) is amended to read as follows:

181                   “(d) The court may place any record or part of a proceeding related to the issuance,  
182 renewal, or termination of an extreme risk protection order under seal for good cause shown.”.

183                   (C) A new subsection (e) is added to read as follows:

184                   “(e) When computing a time period specified in this title, or in an order issued under this  
185 title, if the last day of the time period specified falls on a Saturday, Sunday, a legal holiday, or a  
186 day on which weather or other conditions cause the court to be closed, the time period specified  
187 shall continue to run until the end of the next day that is not a Saturday, Sunday, legal holiday, or  
188 a day on which weather or other conditions cause the court to be closed.”.

189                   (3) The amendatory section 1003 is amended as follows:

190                   (A) Subsection (a)(2) is amended to read as follows:

191                   “(2) The initial hearing shall be held within 14 days after the date the petition was  
192 filed.”.



193 (B) Subsection (b)(1) is amended by striking the phrase “5 business days”  
194 and inserting the phrase “7 days” in its place.

195 (C) Subsection (d) is amended to read as follows:

196 “(d) Upon receipt of a petition filed under section 1002, and for good cause shown, the  
197 court shall issue such orders as may be necessary to obtain any mental health records and other  
198 information relevant for the purposes of the petition. The order shall require the disclosure of  
199 records to the Office of the Attorney General so that it can conduct a search of the respondent’s  
200 mental health records and report its findings to the court as required by this subsection. Before  
201 the hearing for a final extreme risk protection order, the court shall order that the Office of the  
202 Attorney General:

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

205 “(2) Conduct a reasonable search of all available records of the respondent’s  
206 mental health;

207 “(3) Perform a national criminal history and firearms eligibility background check  
208 on the respondent; and

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

210 (D) Subsection (h)(6) is amended by striking the phrase “connected with a  
211 petition filed under this title” and inserting the phrase “connected with this title” in its place.

212 (4) The amendatory section 1004 is amended as follows:

213 (A) Subsection (c)(4) is amended by striking the phrase “firearm by” and  
214 inserting the phrase “firearm or other weapon by” in its place.

215 (B) Subsection (g) is amended as follows:

216 (i) Paragraph (3) is amended to read as follows:

217 “(3) The date and time the order will expire;”.

218 (ii) Paragraph (7) is amended to read as follows:

219 “(7) The procedures for the surrender of firearms, ammunition, registration  
220 certificates, licenses to carry a concealed pistol, or dealer’s licenses in the respondent’s  
221 possession, control, or ownership pursuant to section 1007; and”.

222 (C) Subsection (h) is amended to read as follows:

223 “(h) An ex parte extreme risk protection order issued pursuant to this section shall remain  
224 in effect for an initial period not to exceed 14 days. The court may extend an ex parte extreme  
225 risk protection order in additional 14-day increments for good cause shown.”.

226 (5) The amendatory section 1005(a) is amended as follows:

227 (A) Paragraph (2) is amended by striking the phrase “next business day”  
228 and inserting the phrase “next day” in its place.

229 (B) Paragraph (3) is amended by striking the phrase “5 business days” and  
230 inserting the phrase “7 days” in its place.

231 (C) Paragraph (4) is amended by striking the phrase “one business day”  
232 and inserting the phrase “24 hours” in its place.

233 (6) The amendatory section 1006 is amended as follows:

234 (A) Subsection (c) is amended by striking the phrase “15 business days”  
235 and inserting the phrase “21 days” in its place.

236 (B) Subsection (d)(4) is amended by striking the phrase “firearm by” and  
237 inserting the phrase “firearm or other weapon by” in its place.

238 (7) The amendatory section 1007(a) is repealed.

239 (8) New sections 1007a, 1007b, 1007c, and 1007d are added to read as follows:

240 “Sec. 1007a. Nature and issuance of search warrants.

241 “(a) If the court issues a final extreme risk protection order pursuant to section 1003,  
242 issues an ex parte extreme risk protection order pursuant to section 1004, or renews a final  
243 extreme risk protection order pursuant to section 1006, the court may issue an accompanying  
244 search warrant. The search warrant may authorize a search to be conducted anywhere in the  
245 District of Columbia and shall be executed pursuant to its terms.

246 “(b) A search warrant issued under this section may direct a search of any or all of the  
247 following:

248 “(1) One or more designated or described places or premises;

249 “(2) One or more designated or described vehicles;

250 “(3) One or more designated or described physical objects; or

251 “(4) The respondent.

252 “(c) The search warrant shall authorize the search for, and seizure of, any firearms,  
253 ammunition, registration certificates, licenses to carry a concealed pistol, or dealer’s licenses that  
254 the respondent is prohibited from having possession or control of, purchasing, or receiving  
255 pursuant to the terms of an extreme risk protection order issued or renewed under this title.

256 “(d) A search warrant issued under section 1007a may be addressed to a specific law  
257 enforcement officer or to any classification of officers of the Metropolitan Police Department of  
258 the District of Columbia or other agency authorized to make arrests or execute process in the  
259 District of Columbia.

260 “(e) A search warrant issued under section 1007a shall contain:

261           “(1) The name of the issuing court, the name and signature of the issuing judge,  
262 and the date of issuance;

263           “(2) If the search warrant is addressed to a specific officer, the name of that  
264 officer, otherwise, the classifications of officers to whom the warrant is addressed;

265           “(3) A designation of the premises, vehicles, objects, or persons to be searched,  
266 sufficient for certainty of identification;

267           “(4) A description of the property whose seizure is the object of the search  
268 warrant;

269           “(5) A direction that the search warrant be executed during the hours of daylight  
270 or, where the court has found cause therefor, including one of the grounds set forth in section  
271 1007b(c), an authorization for execution at any time of day or night; and

272           “(6) A direction that the search warrant and an inventory of any property seized  
273 pursuant thereto be returned to the court within 72 hours after its execution.

274           “Sec. 1007b. Time of execution of search warrants.

275           “(a) A search warrant issued under section 1007a shall not be executed after the  
276 expiration of the extreme risk protection order it accompanies, and shall be returned to the court  
277 after its execution or expiration in accordance with section 1007a(e)(6).

278           “(b) A search warrant issued under section 1007a may be executed on any day of the  
279 week and, in the absence of express authorization in the warrant pursuant to subsection (c) of this  
280 section, shall be executed only during the hours of daylight.

281           “(c) If the court finds that there is probable cause to believe that the search warrant  
282 cannot be executed during the hours of daylight, the property sought is likely to be removed or  
283 destroyed if not seized forthwith, or the property sought is not likely to be found except at certain

284 times or in certain circumstances, the court may include in the search warrant an authorization  
285 for execution at any time of day or night.

286 “Sec. 1007c. Execution of search warrants.

287 “(a) An officer executing a search warrant issued under section 1007a directing a search  
288 of a dwelling house or other building or a vehicle shall execute that search warrant in accordance  
289 with 18 U.S.C. § 3109.

290 “(b) An officer executing a search warrant issued under section 1007a directing a search  
291 of a person shall give, or make reasonable effort to give, notice of his identity and purpose to the  
292 person, and, if such person thereafter resists or refuses to permit the search, such person shall be  
293 subject to arrest by such officer pursuant to D.C. Official Code § 23-581(a) for violation of  
294 section 432a of the Revised Statutes of the District of Columbia (D.C. Official Code § 22-  
295 405.01), or other applicable provision of law.

296 “(c)(1) An officer or agent executing a search warrant issued under section 1007a shall  
297 write and subscribe an inventory setting forth the time of the execution of the search warrant and  
298 the property seized under it.

299 “(2) If the search is of a person, a copy of the search warrant and of the return  
300 shall be given to that person.

301 “(3) If the search is of a place, vehicle, or object, a copy of the search warrant and  
302 of the return shall be given to the owner thereof or, if the owner is not present, to an occupant,  
303 custodian, or other person present. If no person is present, the officer shall post a copy of the  
304 warrant and of the return upon the premises, vehicle, or object searched.

305 “(d) A copy of the search warrant shall be filed with the court on the next court day after  
306 its execution, together with a copy of the return.

307 “(e) An officer executing a search warrant issued under section 1007a directing a search  
308 of premises or a vehicle may search any person therein to the extent reasonably necessary to:

309 “(1) Protect himself or others from the use of any weapon which may be  
310 concealed upon the person; or

311 “(2) Find property enumerated in the warrant which may be concealed upon the  
312 person.

313 “Sec 1007d. Disposition of property.

314 “(a) A law enforcement officer or a designated civilian employee of the Metropolitan  
315 Police Department who seizes property in the execution of a search warrant issued under section  
316 1007a shall cause it to be safely kept until the property is returned to:

317 “(1) The respondent, upon the expiration of the extreme risk protection order that  
318 the search warrant accompanied; or

319 “(2) A lawful owner, other than the respondent, claiming title to the property  
320 pursuant to section 1007(d).

321 “(b) Nothing in subsection (a) of this section shall be construed to require the  
322 Metropolitan Police Department to release property seized pursuant to a warrant to a person who  
323 did not legally possess the property at the time it was taken.

324 “(c) No property seized shall be released or destroyed except in accordance with law and  
325 upon order of a court or of the United States Attorney for the District of Columbia or the Office  
326 of the Attorney General.”.

327 (9) The amendatory section 1008 is amended as follows:

328 (A) Subsection (a) is amended by striking the phrase “order in in effect”  
329 and inserting the phrase “order is in effect” in its place.

330 (B) Subsection (c)(4) is amended by striking the phrase “firearm by” and  
331 inserting “firearm or other weapon by” in its place.

332 (C) Subsection (f) is amended as follows:

333 (i) Paragraph (1) is amended as follows:

334 (I) Strike the phrase “upon the petitioner” and insert the  
335 phrase “upon the petitioner and respondent” in its place.

336 (II) A new paragraph (1A) is added to read as follows:

337 “(1A) If the petitioner or respondent was personally served in court when the  
338 motion to terminate an extreme risk protection order was granted, the personal service  
339 requirement of paragraph (1) of this subsection shall be waived with respect to the party served  
340 in court.”.

341 (ii) Paragraph (2) is amended as follows:

342 (I) Strike the phrase “next business day” and insert the  
343 phrase “next day” in its place.

344 (II) Strike the phrase “the respondent” and insert the phrase  
345 “the petitioner” in its place.

346 (iii) Paragraph (3) is amended by striking the phrase “5 business  
347 days” and inserting the phrase “7 days” in its place.

348 (iv) Paragraph (4) is amended by striking the phrase “one business  
349 day” and inserting the phrase “24 hours” in its place.

350 (10) The amendatory section 1010 is amended as follows:

351 (A) Subsection (a)(2) is amended by striking the phrase “available to any”  
352 and inserting the phrase “available to the Superior Court for the District of Columbia, the Office  
353 of the Attorney General, and any” in its place.

354 (B) Subsection (b) is amended by striking the phrase “Superior Court of  
355 the District of Columbia” and inserting the phrase “Mayor, or the Mayor’s designee,” in its  
356 place.

357 Sec. 7. Section 2 of the Firearms Safety Omnibus Amendment Act of 2018, enacted on  
358 January 30, 2019 (D.C. Act 23-620; 66 DCR 1672), is amended as follows:

359 (a) The amendatory section 203(f)(3) contained within subsection (a)(2) is amended as  
360 follows:

361 (1) Subparagraph (A) is amended to read as follows:

362 “(3)(A)(i) Upon receipt of a petition filed under paragraph (1) of this subsection,  
363 and for good cause shown, the court shall issue such orders as may be necessary to obtain any  
364 mental health records and other information relevant for the purposes of the petition. The order  
365 shall require the disclosure of records to the Office of the Attorney General so that the Office of  
366 the Attorney General can conduct a search of the petitioner’s mental health records and report its  
367 findings to the court as required by subparagraph (B) of this paragraph.

368 “(ii) The court shall order the Office of the Attorney General to file  
369 a response to the petition. Within 60 days after the court’s order for a response, the Office of the  
370 Attorney General shall file a response indicating whether the Office of the Attorney General  
371 supports or opposes the petition.



372 “(iii) The court may, for good cause shown, extend in 30-day  
373 increments the date by which the Office of Attorney General must file its response under sub-  
374 subparagraph (ii) of this paragraph.”.

375 (2) Subparagraph (B) is amended by striking the phrase “criminal history” and  
376 inserting the phrase “criminal history and firearms eligibility” in its place.

377 (b) Subsection (c)(2) is amended to read as follows:

378 “(2) Subsection (b) is amended as follows:

379 “(A) Strike the phrase “under this section or pursuant to section 210(c)(1)”  
380 and insert the phrase “under this section, section 210(c)(1), or section 1009(c)” in its place.

381 “(B) Strike the phrase “Corporation Counsel for the District” and insert  
382 the phrase “Office of the Attorney General” in its place.”.

383 (c) Subsection (e) is amended as follows:

384 (1) The amendatory section 1001 is amended as follows:

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

386 “(1A) “Hours of daylight” means between 6:00 a.m. and 9:00 p.m.”.

387 (B) Paragraph (2)(A) is amended by striking the phrase “relationship  
388 rendering the application of this title appropriate” and inserting the word “relationship” in its  
389 place.

390 (2) The amendatory section 1002 is amended as follows:

391 (A) Subsection (c) is amended to read as follows:

392 “(c)(1) The Office of the Attorney General may:

393 “(A) Intervene in the case and represent the interests of the District of  
394 Columbia; or

395                   “(B) At the request of the petitioner, provide individual legal  
396 representation to the petitioner in proceedings under this title.

397                   “(2) If the Office of the Attorney General intervenes in a case under paragraph  
398 (1)(A) of this subsection, the representation shall continue until the earliest of the following:

399                   “(A) The court denies the petition for a final extreme risk protection order  
400 pursuant to section 1003;

401                   “(B) The court terminates a final extreme risk protection order pursuant to  
402 section 1008; or

403                   “(C) The Office of the Attorney General withdraws from representation.”.

404                   (B) Subsection (d) is amended to read as follows:

405                   “(d) The court may place any record or part of a proceeding related to the issuance,  
406 renewal, or termination of an extreme risk protection order under seal for good cause shown.”.

407                   (C) A new subsection (e) is added to read as follows:

408                   “(e) When computing a time period specified in this title, or in an order issued under this  
409 title, if the last day of the time period specified falls on a Saturday, Sunday, a legal holiday, or a  
410 day on which weather or other conditions cause the court to be closed, the time period specified  
411 shall continue to run until the end of the next day that is not a Saturday, Sunday, legal holiday, or  
412 a day on which weather or other conditions cause the court to be closed.”.

413                   (3) The amendatory section 1003 is amended as follows:

414                   (A) Subsection (a)(2) is amended to read as follows:

415                   “(2) The initial hearing shall be held within 14 days after the date the petition was  
416 filed.”.

417 (B) Subsection (b)(1) is amended by striking the phrase “5 business days”  
418 and inserting the phrase “7 days” in its place.

419 (C) Subsection (d) is amended to read as follows:

420 “(d) Upon receipt of a petition filed under section 1002, and for good cause shown, the  
421 court shall issue such orders as may be necessary to obtain any mental health records and other  
422 information relevant for the purposes of the petition. The order shall require the disclosure of  
423 records to the Office of the Attorney General so that it can conduct a search of the respondent’s  
424 mental health records and report its findings to the court as required by this subsection. Before  
425 the hearing for a final extreme risk protection order, the court shall order that the Office of the  
426 Attorney General:

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

429 “(2) Conduct a reasonable search of all available records of the respondent’s  
430 mental health;

431 “(3) Perform a national criminal history and firearms eligibility background check  
432 on the respondent; and

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

434 (D) Subsection (h)(6) is amended by striking the phrase “connected with a  
435 petition filed under this title” and inserting the phrase “connected with this title” in its place.

436 (4) The amendatory section 1004 is amended as follows:

437 (A) Subsection (c)(4) is amended by striking the phrase “firearm by” and  
438 inserting the phrase “firearm or other weapon by” in its place.

439 (B) Subsection (g) is amended as follows:

440 (i) Paragraph (3) is amended to read as follows:

441 “(3) The date and time the order will expire;”.

442 (ii) Paragraph (7) is amended to read as follows:

443 “(7) The procedures for the surrender of firearms, ammunition, registration  
444 certificates, licenses to carry a concealed pistol, or dealer’s licenses in the respondent’s  
445 possession, control, or ownership pursuant to section 1007; and”.

446 (C) Subsection (h) is amended to read as follows:

447 “(h) An ex parte extreme risk protection order issued pursuant to this section shall remain  
448 in effect for an initial period not to exceed 14 days. The court may extend an ex parte extreme  
449 risk protection order in additional 14-day increments for good cause shown.”.

450 (5) The amendatory section 1005(a) is amended as follows:

451 (A) Paragraph (2) is amended by striking the phrase “next business day”  
452 and inserting the phrase “next day” in its place.

453 (B) Paragraph (3) is amended by striking the phrase “5 business days” and  
454 inserting the phrase “7 days” in its place.

455 (C) Paragraph (4) is amended by striking the phrase “one business day”  
456 and inserting the phrase “24 hours” in its place.

457 (6) The amendatory section 1006 is amended as follows:

458 (A) Subsection (c) is amended by striking the phrase “15 business days”  
459 and inserting the phrase “21 days” in its place.

460 (B) Subsection (d)(4) is amended by striking the phrase “firearm by” and  
461 inserting the phrase “firearm or other weapon by” in its place.

462 (7) The amendatory section 1007(a) is repealed.

463 (8) New sections 1007a, 1007b, 1007c, and 1007d are added to read as follows:

464 “Sec. 1007a. Nature and issuance of search warrants.

465 “(a) If the court issues a final extreme risk protection order pursuant to section 1003,  
466 issues an ex parte extreme risk protection order pursuant to section 1004, or renews a final  
467 extreme risk protection order pursuant to section 1006, the court may issue an accompanying  
468 search warrant. The search warrant may authorize a search to be conducted anywhere in the  
469 District of Columbia and shall be executed pursuant to its terms.

470 “(b) A search warrant issued under this section may direct a search of any or all of the  
471 following:

472 “(1) One or more designated or described places or premises;

473 “(2) One or more designated or described vehicles;

474 “(3) One or more designated or described physical objects; or

475 “(4) The respondent.

476 “(c) The search warrant shall authorize the search for, and seizure of, any firearms,  
477 ammunition, registration certificates, licenses to carry a concealed pistol, or dealer’s licenses that  
478 the respondent is prohibited from having possession or control of, purchasing, or receiving  
479 pursuant to the terms of an extreme risk protection order issued or renewed under this title.

480 “(d) A search warrant issued under section 1007a may be addressed to a specific law  
481 enforcement officer or to any classification of officers of the Metropolitan Police Department of  
482 the District of Columbia or other agency authorized to make arrests or execute process in the  
483 District of Columbia.

484 “(e) A search warrant issued under section 1007a shall contain:

485                   “(1) The name of the issuing court, the name and signature of the issuing judge,  
486 and the date of issuance;

487                   “(2) If the search warrant is addressed to a specific officer, the name of that  
488 officer, otherwise, the classifications of officers to whom the warrant is addressed;

489                   “(3) A designation of the premises, vehicles, objects, or persons to be searched,  
490 sufficient for certainty of identification;

491                   “(4) A description of the property whose seizure is the object of the search  
492 warrant;

493                   “(5) A direction that the search warrant be executed during the hours of daylight  
494 or, where the court has found cause therefor, including one of the grounds set forth in section  
495 1007b(c), an authorization for execution at any time of day or night; and

496                   “(6) A direction that the search warrant and an inventory of any property seized  
497 pursuant thereto be returned to the court within 72 hours after its execution.

498                   “Sec. 1007b. Time of execution of search warrants.

499                   “(a) A search warrant issued under section 1007a shall not be executed after the  
500 expiration of the extreme risk protection order it accompanies, and shall be returned to the court  
501 after its execution or expiration in accordance with section 1007a(e)(6).

502                   “(b) A search warrant issued under section 1007a may be executed on any day of the  
503 week and, in the absence of express authorization in the warrant pursuant to subsection (c) of this  
504 section, shall be executed only during the hours of daylight.

505                   “(c) If the court finds that there is probable cause to believe that the search warrant  
506 cannot be executed during the hours of daylight, the property sought is likely to be removed or  
507 destroyed if not seized forthwith, or the property sought is not likely to be found except at certain

508 times or in certain circumstances, the court may include in the search warrant an authorization  
509 for execution at any time of day or night.

510 “Sec. 1007c. Execution of search warrants.

511 “(a) An officer executing a search warrant issued under section 1007a directing a search  
512 of a dwelling house or other building or a vehicle shall execute that search warrant in accordance  
513 with 18 U.S.C. § 3109.

514 “(b) An officer executing a search warrant issued under section 1007a directing a search  
515 of a person shall give, or make reasonable effort to give, notice of his identity and purpose to the  
516 person, and, if such person thereafter resists or refuses to permit the search, such person shall be  
517 subject to arrest by such officer pursuant to D.C. Official Code § 23-581(a) for violation of  
518 section 432a of the Revised Statutes of the District of Columbia (D.C. Official Code § 22-  
519 405.01), or other applicable provision of law.

520 “(c)(1) An officer or agent executing a search warrant issued under section 1007a shall  
521 write and subscribe an inventory setting forth the time of the execution of the search warrant and  
522 the property seized under it.

523 “(2) If the search is of a person, a copy of the search warrant and of the return  
524 shall be given to that person.

525 “(3) If the search is of a place, vehicle, or object, a copy of the search warrant and  
526 of the return shall be given to the owner thereof or, if the owner is not present, to an occupant,  
527 custodian, or other person present. If no person is present, the officer shall post a copy of the  
528 warrant and of the return upon the premises, vehicle, or object searched.

529 “(d) A copy of the search warrant shall be filed with the court on the next court day after  
530 its execution, together with a copy of the return.

531 “(e) An officer executing a search warrant issued under section 1007a directing a search  
532 of premises or a vehicle may search any person therein to the extent reasonably necessary to:

533 “(1) Protect himself or others from the use of any weapon which may be  
534 concealed upon the person; or

535 “(2) Find property enumerated in the warrant which may be concealed upon the  
536 person.

537 “Sec 1007d. Disposition of property.

538 “(a) A law enforcement officer or a designated civilian employee of the Metropolitan  
539 Police Department who seizes property in the execution of a search warrant issued under section  
540 1007a shall cause it to be safely kept until the property is returned to:

541 “(1) The respondent, upon the expiration of the extreme risk protection order that  
542 the search warrant accompanied; or

543 “(2) A lawful owner, other than the respondent, claiming title to the property  
544 pursuant to section 1007(d).

545 “(b) Nothing in subsection (a) of this section shall be construed to require the  
546 Metropolitan Police Department to release property seized pursuant to a warrant to a person who  
547 did not legally possess the property at the time it was taken.

548 “(c) No property seized shall be released or destroyed except in accordance with law and  
549 upon order of a court or of the United States Attorney for the District of Columbia or the Office  
550 of the Attorney General.”.

551 (9) The amendatory section 1008 is amended as follows:

552 (A) Subsection (a) is amended by striking the phrase “order in in effect”  
553 and inserting the phrase “order is in effect” in its place.



554 (B) Subsection (c)(4) is amended by striking the phrase “firearm by” and  
555 inserting “firearm or other weapon by” in its place.

556 (C) Subsection (f) is amended as follows:

557 (i) Paragraph (1) is amended as follows:

558 (I) Strike the phrase “upon the petitioner” and insert the  
559 phrase “upon the petitioner and respondent” in its place.

560 (II) A new paragraph (1A) is added to read as follows:

561 “(1A) If the petitioner or respondent was personally served in court when the  
562 motion to terminate an extreme risk protection order was granted, the personal service  
563 requirement of paragraph (1) of this subsection shall be waived with respect to the party served  
564 in court.”.

565 (ii) Paragraph (2) is amended as follows:

566 (I) Strike the phrase “next business day” and insert the  
567 phrase “next day” in its place.

568 (II) Strike the phrase “the respondent” and insert the phrase  
569 “the petitioner” in its place.

570 (iii) Paragraph (3) is amended by striking the phrase “5 business  
571 days” and inserting the phrase “7 days” in its place.

572 (iv) Paragraph (4) is amended by striking the phrase “one business  
573 day” and inserting the phrase “24 hours” in its place.

574 (10) The amendatory section 1010 is amended as follows:

575 (A) Subsection (a)(2) is amended by striking the phrase “available to any”  
576 and inserting the phrase “available to the Superior Court for the District of Columbia, the Office  
577 of the Attorney General, and any” in its place.

578 Sec. 8. Fiscal impact statement.

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

582 Sec. 9. Effective date.

583 (a) This act shall take effect following approval by the Mayor (or in the event of veto by  
584 the Mayor, action by the Council to override the veto), a 30-day period of congressional review  
585 as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
586 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
587 Columbia Register.

588 (b) This act shall expire after 225 days of its having taken effect.