

Council of the District of Columbia
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY
MEMORANDUM

1350 Pennsylvania Avenue, NW, Washington, DC 20004

TO: Nyasha Smith, Secretary to the Council
FROM: Councilmember Charles Allen *CA*
Chairman Phil Mendelson
RE: Request to Agendize Emergency Measures for the November 16, 2021 Additional
Legislative Meeting
DATE: November 10, 2021

We are requesting that the following emergency measures be agendized for the November 16, 2021 Additional Legislative Meeting:

Emergency Legislation at the Request of the Attorney General

- “Ghost Gun Clarification Emergency Declaration Resolution of 2021”
- “Ghost Gun Clarification Emergency Amendment Act of 2021”
- “Ghost Gun Clarification Temporary Amendment Act of 2021”

District law currently prohibits the registration and possession of ghost guns. Recently, however, this prohibition, and a pre-*Heller* provision categorically prohibiting the manufacture of firearms, has been challenged in federal district court as violative of the Second Amendment. Consequently, there is an immediate need for clarifications to these laws in order to ensure that they prohibit only undetectable and untraceable firearms—true ghost guns—while permitting the self-manufacture of serialized registered firearms. Specifically, there is an immediate need for clarifications to the current definition of “ghost gun” to ensure that only undetectable firearms are captured within it, and that excepted from the definition and the District’s prohibition on manufacture, are self-manufactured firearms, made solely for personal use, that have unique serial numbers and are lawfully registered. This emergency legislation would preserve the District’s strong prohibitions on ghost guns but clarify the law’s reach. The amendments are consistent with federal law and the best practices of other states.

These measures will be filed timely by the Attorney General, and copies are attached. Please contact Kevin Whitfield, Policy Advisor, at kwhitfield@dccouncil.us with any questions.

cc: Members, Council of the District of Columbia
Office of the Budget Director
Office of the General Counsel
Office of the Secretary
Mayor’s Office of Policy and Legislative Affairs