

Calendar No. 117

110TH CONGRESS
2D SESSION

H. R. 6842

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 18 (legislative day, SEPTEMBER 17), 2008

Received and read the first time

NOVEMBER 18, 2008

Read the second time and placed on the calendar under authority of the order
of the Senate of November 17 (legislative day, September 17), 2008

AN ACT

To restore Second Amendment rights in the District of
Columbia.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Second Amendment
5 Enforcement Act”.

6 **SEC. 2. CONGRESSIONAL FINDINGS.**

7 Congress finds the following:

1 (1) The Second Amendment to the United
2 States Constitution provides that the right of the
3 people to keep and bear arms shall not be infringed.

4 (2) As the Congress and the Supreme Court of
5 the United States have recognized, the Second
6 Amendment to the United States Constitution pro-
7 tects the rights of individuals, including those who
8 are not members of a militia or engaged in military
9 service or training, to keep and bear arms.

10 (3) The law-abiding citizens of the District of
11 Columbia are deprived by local laws of handguns, ri-
12 fles, and shotguns that are commonly kept by law-
13 abiding persons throughout the United States for
14 sporting use and for lawful defense of their persons,
15 homes, businesses, and families.

16 (4) The District of Columbia has the highest
17 per capita murder rate in the Nation, which may be
18 attributed in part to local laws prohibiting posses-
19 sion of firearms by law-abiding persons who would
20 otherwise be able to defend themselves and their
21 loved ones in their own homes and businesses.

22 (5) The Federal Gun Control Act of 1968, as
23 amended by the Firearms Owners' Protection Act of
24 1986, and the Brady Handgun Violence Prevention
25 Act of 1993, provide comprehensive Federal regula-

1 tions applicable in the District of Columbia as else-
2 where. In addition, existing District of Columbia
3 criminal laws punish possession and illegal use of
4 firearms by violent criminals and felons. Con-
5 sequently, there is no need for local laws which only
6 affect and disarm law-abiding citizens.

7 (6) Officials of the District of Columbia have
8 indicated their intention to continue to unduly re-
9 strict lawful firearm possession and use by citizens
10 of the District.

11 (7) Legislation is required to correct the Dis-
12 trict of Columbia's law in order to restore the funda-
13 mental rights of its citizens under the Second
14 Amendment to the United States Constitution and
15 thereby enhance public safety.

16 **SEC. 3. REFORM D.C. COUNCIL'S AUTHORITY TO RESTRICT**
17 **FIREARMS.**

18 Section 4 of the Act entitled "An Act to prohibit the
19 killing of wild birds and wild animals in the District of
20 Columbia", approved June 30, 1906 (34 Stat. 809; sec.
21 1-303.43, D.C. Official Code) is amended by adding at
22 the end the following: "Nothing in this section or any
23 other provision of law shall authorize, or shall be con-
24 strued to permit, the Council, the Mayor, or any govern-
25 mental or regulatory authority of the District of Columbia

1 to prohibit, constructively prohibit, or unduly burden the
2 ability of persons not prohibited from possessing firearms
3 under Federal law from acquiring, possessing in their
4 homes or businesses, or using for sporting, self-protection
5 or other lawful purposes, any firearm neither prohibited
6 by Federal law nor subject to the National Firearms Act.
7 The District of Columbia shall not have authority to enact
8 laws or regulations that discourage or eliminate the pri-
9 vate ownership or use of firearms. Nothing in the previous
10 two sentences shall be construed to prohibit the District
11 of Columbia from regulating or prohibiting the carrying
12 of firearms by a person, either concealed or openly, other
13 than at the person’s dwelling place, place of business, or
14 on other land possessed by the person.”.

15 **SEC. 4. REPEAL D.C. SEMIAUTOMATIC BAN.**

16 (a) IN GENERAL.—Section 101(10) of the Firearms
17 Control Regulations Act of 1975 (sec. 7–2501.01(10),
18 D.C. Official Code) is amended to read as follows:

19 “(10) ‘Machine gun’ means any firearm which
20 shoots, is designed to shoot, or readily restored to
21 shoot automatically, more than 1 shot without man-
22 ual reloading by a single function of the trigger, and
23 includes the frame or receiver of any such weapon,
24 any part designed and intended solely and exclu-
25 sively, or combination of parts designed and in-

1 tended, for use in converting a weapon into a ma-
2 chine gun, and any combination of parts from which
3 a machine gun can be assembled if such parts are
4 in the possession or under the control of a person.”.

5 (b) CONFORMING AMENDMENT TO PROVISIONS SET-
6 TING FORTH CRIMINAL PENALTIES.—Section 1(c) of the
7 Act of July 8, 1932 (47 Stat. 651; sec. 22—4501(c), D.C.
8 Official Code) is amended to read as follows:

9 “(c) ‘Machine gun’, as used in this Act, has the
10 meaning given such term in section 101(10) of the Fire-
11 arms Control Regulations Act of 1975.”.

12 **SEC. 5. REPEAL REGISTRATION REQUIREMENT.**

13 (a) REPEAL OF REQUIREMENT.—

14 (1) IN GENERAL.—Section 201(a) of the Fire-
15 arms Control Regulations Act of 1975 (sec. 7–
16 2502.01(a), D.C. Official Code) is amended by strik-
17 ing “any firearm, unless” and all that follows
18 through paragraph (3) and inserting the following:
19 “any firearm described in subsection (c).”.

20 (2) DESCRIPTION OF FIREARMS REMAINING IL-
21 LEGAL.—Section 201 of such Act (sec. 7–2502.01,
22 D.C. Official Code) is amended by adding at the end
23 the following new subsection:

24 “(c) A firearm described in this subsection is any of
25 the following:

1 “(1) A sawed-off shotgun.

2 “(2) A machine gun.

3 “(3) A short-barreled rifle.”.

4 (3) CONFORMING AMENDMENT.—The heading
5 of section 201 of such Act (sec. 7—2502.01, D.C.
6 Official Code) is amended by striking “Registration
7 requirements” and inserting “Firearm Possession”.

8 (b) CONFORMING AMENDMENTS TO FIREARMS CON-
9 TROL REGULATIONS ACT.—The Firearms Control Regu-
10 lations Act of 1975 is amended as follows:

11 (1) Sections 202 through 211 (secs. 7–2502.02
12 through 7–2502.11, D.C. Official Code) are re-
13 pealed.

14 (2) Section 101 (sec. 7—2501.01, D.C. Official
15 Code) is amended by striking paragraph (13).

16 (3) Section 401 (sec. 7—2504.01, D.C. Official
17 Code) is amended—

18 (A) in subsection (a), by striking “the Dis-
19 trict;” and all that follows and inserting the fol-
20 lowing: “the District, except that a person may
21 engage in hand loading, reloading, or custom
22 loading of ammunition for firearms lawfully
23 possessed under this Act.”; and

24 (B) in subsection (b), by striking “which
25 are unregistrable under section 202” and in-

1 serting “which are prohibited under section
2 201”.

3 (4) Section 402 (sec. 7—2504.02, D.C. Official
4 Code) is amended—

5 (A) in subsection (a), by striking “Any
6 person eligible to register a firearm” and all
7 that follows through “such business,” and in-
8 serting the following: “Any person not other-
9 wise prohibited from possessing or receiving a
10 firearm under Federal or District law, or from
11 being licensed under section 923 of title 18,
12 United States Code,”; and

13 (B) in subsection (b), by amending para-
14 graph (1) to read as follows:

15 “(1) The applicant’s name;”.

16 (5) Section 403(b) (sec. 7—2504.03(b), D.C.
17 Official Code) is amended by striking “registration
18 certificate” and inserting “dealer’s license”.

19 (6) Section 404(a)(3) (sec. 7—2504.04(a)(3)),
20 D.C. Official Code) is amended—

21 (A) in subparagraph (B)(i), by striking
22 “registration certificate number (if any) of the
23 firearm,”;

1 (B) in subparagraph (B)(iv), by striking
2 “holding the registration certificate” and insert-
3 ing “from whom it was received for repair”;

4 (C) in subparagraph (C)(i), by striking
5 “and registration certificate number (if any) of
6 the firearm”;

7 (D) in subparagraph (C)(ii), by striking
8 “registration certificate number or”;

9 (E) by striking subparagraphs (D) and
10 (E).

11 (7) Section 406(c) (sec. 7—2504.06(c), D.C.
12 Official Code) is amended to read as follows:

13 “(c) Within 45 days of a decision becoming effective
14 which is unfavorable to a licensee or to an applicant for
15 a dealer’s license, the licensee or application shall—

16 “(1) lawfully remove from the District all de-
17 structive devices in his inventory, or peaceably sur-
18 render to the Chief all destructive devices in his in-
19 ventory in the manner provided in section 705; and

20 “(2) lawfully dispose, to himself or to another,
21 any firearms and ammunition in his inventory.”.

22 (8) Section 407(b) (sec. 7—2504.07(b), D.C.
23 Official Code) is amended by striking “would not be
24 eligible” and all that follows and inserting “is pro-

1 hibited from possessing or receiving a firearm under
2 Federal or District law.”.

3 (9) Section 502 (sec. 7—2505.02, D.C. Official
4 Code) is amended—

5 (A) by amending subsection (a) to read as
6 follows:

7 “(a) Any person or organization not prohibited from
8 possessing or receiving a firearm under Federal or District
9 law may sell or otherwise transfer ammunition or any fire-
10 arm, except those which are prohibited under section 201,
11 to a licensed dealer.”;

12 (B) by amending subsection (c) to read as
13 follows:

14 “(c) Any licensed dealer may sell or otherwise trans-
15 fer a firearm to any person or organization not otherwise
16 prohibited from possessing or receiving such firearm under
17 Federal or District law.”;

18 (C) in subsection (d), by striking para-
19 graphs (2) and (3); and

20 (D) by striking subsection (e).

21 (10) Section 704 (sec. 7—2507.04, D.C. Offi-
22 cial Code) is amended—

23 (A) in subsection (a), by striking “any reg-
24 istration certificate or” and inserting “a”; and

1 (B) in subsection (b), by striking “reg-
2 istration certificate,”.

3 (c) OTHER CONFORMING AMENDMENTS.—Section
4 2(4) of the Illegal Firearm Sale and Distribution Strict
5 Liability Act of 1992 (sec. 7—2531.01(2)(4), D.C. Offi-
6 cial Code) is amended—

7 (1) in subparagraph (A), by striking “or ignor-
8 ing proof of the purchaser’s residence in the District
9 of Columbia”; and

10 (2) in subparagraph (B), by striking “registra-
11 tion and”.

12 **SEC. 6. REPEAL HANDGUN AMMUNITION BAN.**

13 Section 601(3) of the Firearms Control Regulations
14 Act of 1975 (sec. 7–2506.01(3), D.C. Official Code) is
15 amended by striking “is the holder of the valid registration
16 certificate for” and inserting “owns”.

17 **SEC. 7. RESTORE RIGHT OF SELF DEFENSE IN THE HOME.**

18 Section 702 of the Firearms Control Regulations Act
19 of 1975 (sec. 7–2507.02, D.C. Official Code) is repealed.

20 **SEC. 8. REMOVE CRIMINAL PENALTIES FOR POSSESSION
21 OF UNREGISTERED FIREARMS.**

22 (a) IN GENERAL.—Section 706 of the Firearms Con-
23 trol Regulations Act of 1975 (sec. 7–2507.06, D.C. Offi-
24 cial Code) is amended—

1 (1) by striking “that:” and all that follows
2 through “(1) A” and inserting “that a”; and

3 (2) by striking paragraph (2).

4 (b) EFFECTIVE DATE.—The amendments made by
5 subsection (a) shall apply with respect to violations occur-
6 ring after the 60-day period which begins on the date of
7 the enactment of this Act.

8 **SEC. 9. REMOVE CRIMINAL PENALTIES FOR CARRYING A**
9 **FIREARM IN ONE’S DWELLING OR OTHER**
10 **PREMISES.**

11 (a) IN GENERAL.—Section 4(a) of the Act of July
12 8, 1932 (47 Stat. 651; sec. 22—4504(a), D.C. Official
13 Code) is amended—

14 (1) in the matter before paragraph (1), by
15 striking “a pistol,” and inserting the following: “ex-
16 cept in his dwelling house or place of business or on
17 other land possessed by that person, whether loaded
18 or unloaded, a firearm,”; and

19 (2) by striking “except that:” and all that fol-
20 lows through “(2) If the violation” and inserting
21 “except that if the violation”.

22 (b) CONFORMING AMENDMENT.—Section 5 of such
23 Act (47 Stat. 651; sec. 22—4505, D.C. Official Code) is
24 amended—

Calendar No. 117

110TH CONGRESS
2^D SESSION

H. R. 6842

AN ACT

To restore Second Amendment rights in the
District of Columbia.

NOVEMBER 18, 2008

Read the second time and placed on the calendar