

110TH CONGRESS
2^D SESSION

H. R. 6842

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 18 (legislative day, SEPTEMBER 17), 2008

Received and read the first time

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Second Amendment
3 Enforcement Act”.

4 **SEC. 2. CONGRESSIONAL FINDINGS.**

5 Congress finds the following:

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

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

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

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

1 (5) The Federal Gun Control Act of 1968, as
2 amended by the Firearms Owners' Protection Act of
3 1986, and the Brady Handgun Violence Prevention
4 Act of 1993, provide comprehensive Federal regula-
5 tions applicable in the District of Columbia as else-
6 where. In addition, existing District of Columbia
7 criminal laws punish possession and illegal use of
8 firearms by violent criminals and felons. Con-
9 sequently, there is no need for local laws which only
10 affect and disarm law-abiding citizens.

11 (6) Officials of the District of Columbia have
12 indicated their intention to continue to unduly re-
13 strict lawful firearm possession and use by citizens
14 of the District.

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

20 **SEC. 3. REFORM D.C. COUNCIL'S AUTHORITY TO RESTRICT**
21 **FIREARMS.**

22 Section 4 of the Act entitled "An Act to prohibit the
23 killing of wild birds and wild animals in the District of
24 Columbia", approved June 30, 1906 (34 Stat. 809; sec.
25 1-303.43, D.C. Official Code) is amended by adding at

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

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

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

23 “(10) ‘Machine gun’ means any firearm which
24 shoots, is designed to shoot, or readily restored to
25 shoot automatically, more than 1 shot without man-

1 ual reloading by a single function of the trigger, and
2 includes the frame or receiver of any such weapon,
3 any part designed and intended solely and exclu-
4 sively, or combination of parts designed and in-
5 tended, for use in converting a weapon into a ma-
6 chine gun, and any combination of parts from which
7 a machine gun can be assembled if such parts are
8 in the possession or under the control of a person.”.

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

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

16 **SEC. 5. REPEAL REGISTRATION REQUIREMENT.**

17 (a) REPEAL OF REQUIREMENT.—

18 (1) IN GENERAL.—Section 201(a) of the Fire-
19 arms Control Regulations Act of 1975 (sec. 7–
20 2502.01(a), D.C. Official Code) is amended by strik-
21 ing “any firearm, unless” and all that follows
22 through paragraph (3) and inserting the following:
23 “any firearm described in subsection (c).”.

24 (2) DESCRIPTION OF FIREARMS REMAINING IL-
25 LEGAL.—Section 201 of such Act (sec. 7–2502.01,

1 D.C. Official Code) is amended by adding at the end
2 the following new subsection:

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

5 “(1) A sawed-off shotgun.

6 “(2) A machine gun.

7 “(3) A short-barreled rifle.”.

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

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

15 (1) Sections 202 through 211 (secs. 7–2502.02
16 through 7–2502.11, D.C. Official Code) are re-
17 pealed.

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

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

22 (A) in subsection (a), by striking “the Dis-
23 trict;” and all that follows and inserting the fol-
24 lowing: “the District, except that a person may
25 engage in hand loading, reloading, or custom

1 loading of ammunition for firearms lawfully
2 possessed under this Act.”; and

3 (B) in subsection (b), by striking “which
4 are unregistrable under section 202” and in-
5 serting “which are prohibited under section
6 201”.

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

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

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

19 “(1) The applicant’s name;”.

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

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

1 (A) in subparagraph (B)(i), by striking
2 “registration certificate number (if any) of the
3 firearm,”;

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

7 (C) in subparagraph (C)(i), by striking
8 “and registration certificate number (if any) of
9 the firearm”;

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

12 (E) by striking subparagraphs (D) and
13 (E).

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

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

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

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

1 (8) Section 407(b) (sec. 7—2504.07(b), D.C.
2 Official Code) is amended by striking “would not be
3 eligible” and all that follows and inserting “is pro-
4 hibited from possessing or receiving a firearm under
5 Federal or District law.”.

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

8 (A) by amending subsection (a) to read as
9 follows:

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

15 (B) by amending subsection (c) to read as
16 follows:

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

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

23 (D) by striking subsection (e).

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

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

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

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

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

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

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

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

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

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

1 **SEC. 8. REMOVE CRIMINAL PENALTIES FOR POSSESSION**
2 **OF UNREGISTERED FIREARMS.**

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

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

8 (2) by striking paragraph (2).

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

13 **SEC. 9. REMOVE CRIMINAL PENALTIES FOR CARRYING A**
14 **FIREARM IN ONE’S DWELLING OR OTHER**
15 **PREMISES.**

16 (a) IN GENERAL.—Section 4(a) of the Act of July
17 8, 1932 (47 Stat. 651; sec. 22—4504(a), D.C. Official
18 Code) is amended—

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

24 (2) by striking “except that:” and all that fol-
25 lows through “(2) If the violation” and inserting
26 “except that if the violation”.

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

4 (1) by striking “pistol” each place it appears
5 and inserting “firearm”; and

6 (2) by striking “pistols” each place it appears
7 and inserting “firearms”.

8 **SEC. 10. AUTHORIZING PURCHASES OF FIREARMS BY DIS-**
9 **TRICT RESIDENTS.**

10 Section 922 of title 18, United States Code, is
11 amended in paragraph (b)(3) by inserting after “other
12 than a State in which the licensee’s place of business is
13 located” the following: “, or to the sale or delivery of a
14 handgun to a resident of the District of Columbia by a
15 licensee whose place of business is located in Maryland or
16 Virginia,”.

Passed the House of Representatives September 17,
2008.

Attest: LORRAINE C. MILLER,
Clerk.