



Chairman Phil Mendelson

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A PROPOSED RESOLUTION

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To declare the existence of an emergency with respect to the need to amend the Firearms Control Regulations Act of 1975 to permit individuals to register a firearm for self-defense in their place of business, to provide a Freedom of Information Act exception, to specify application requirements for applying for a license to carry a concealed pistol, to specify the duration of such licenses and requirements for renewal of licenses, to establish duties of licensees, to provide for revocation of licenses, to create a criminal offense of carrying while impaired, to specify prohibitions on licensees, to establish a Concealed Pistol Licensing Review Board, to provide a Freedom of Information Act exception; to specify penalties for violations, and to require the Mayor to issue rules; and 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 authorize the Chief of Police to issue licenses to carry a concealed pistol to District residents and non-residents provided certain conditions are met.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “License to Carry a Pistol Second Emergency Declaration Resolution of 2014”.

Sec. 2. (a) On July 24, 2014, the United States District Court for the District of Columbia issued a decision in the case of *Palmer v. District of Columbia*, 2014 WL3702854

39 (D.D.C. 2014), finding the District's complete ban on the carrying of handguns in public is  
40 unconstitutional. This order was made public on July 26, 2014.

41 (b) The Court's ruling enjoined the District from enforcing local law prohibiting the  
42 carrying of firearms in public by District residents, and by non-residents based solely on the fact  
43 that they are not residents of the District of Columbia.

44 (c) On July 28, 2014, the District filed a motion to stay the Court's ruling pending appeal  
45 or, in the alternative, for 180 days. The District also asked the Court to grant an immediate stay  
46 of its ruling while it evaluated this motion.

47 (d) In response, on July 29, 2014, the Court granted the District's motion for a stay, for  
48 90 days or until October 22, 2014, in order to allow the Council an opportunity to enact  
49 legislation consistent with the *Palmer* ruling.

50 (e) On September 23, 2014, the Council approved Bill 20-926, the License to Carry a  
51 Pistol Emergency Amendment Act of 2014 (D.C. Act 20-447; 61 DCR 10765) which reflected  
52 the Council's response to the *Palmer* case, and put into place, on an emergency basis, a scheme  
53 for the Chief of Police to issue licenses to carry concealed pistols in the District to both residents  
54 and nonresidents.

55 (f) Bill 20-930, the License to Carry a Pistol Amendment Act of 2014, a permanent  
56 version of Bill 20-926, was introduced simultaneously with Bill 20-926 in order to allow the  
57 public opportunity to comment on the measure with sufficient time for Council approval before  
58 the end of the Council Period.

59 (g) On October 7, 2014, the Council approved Bill 20-965, the License to Carry a Pistol  
60 Clarification Emergency Amendment Act of 2014 (D.C. Act 20-448) to correct an issue with the  
61 applicability of D.C. Act 20-447. Enacting Bill 20-965 was necessary in the interest of public

62 safety and to ensure that carrying a concealed pistol will not be permitted in the District unless a  
63 license to do so has been obtained.

64 (h) On October 7, 2014, the Council also approved Bill 20-927, the License to Carry a  
65 Pistol Temporary Amendment Act of 2014 (D.C. Act 20-462), which enacted, on a temporary  
66 basis, the provisions of D.C. Act 20-447, as amended by D.C. Act 20-448.

67 (i) The permanent legislation has moved through the committee process, and on  
68 November 25, 2014, the Committee on the Judiciary and Public Safety approved Bill 20-930,  
69 with amendments.

70 (j) On December 2, 2014, the Committee of the Whole, to which Bill 20-930 was  
71 sequentially referred, approved Bill 20-930, with additional amendments.

72 (k) On December 2, 2014, the Council approved Bill 20-930, as amended by the  
73 Committee on the Judiciary and Public Safety and the Committee of the Whole, on 1<sup>st</sup> reading.

74 (l) Bill 20-930 is scheduled for 2<sup>nd</sup> reading on December 16, 2014.

75 (m) There exists an immediate need to implement the provisions of Bill 20-930, and to  
76 supersede D.C. Act 20-447 and D.C. Act 20-462, so that the legislation in place on an emergency  
77 basis reflects Bill 20-930 as approved by the Council.

78 (n) Enacting the License to Carry a Pistol Second Emergency Amendment Act of 2014  
79 immediately will ensure implementation of a licensing scheme and enforcement on an immediate  
80 basis that is consistent with the provisions of Bill 20-930, and will continue to ensure that the  
81 District has a system in place for law-abiding and qualifying residents and non-residents of the  
82 District to apply to carry a concealed pistol in compliance with the Court's order in *Palmer*.

83           Sec. 3. The Council of the District of Columbia determines that the circumstances  
84 enumerated in section 2 constitute emergency circumstances making it necessary that the License  
85 to Carry a Pistol Second Emergency Amendment Act of 2014 be adopted after a single reading.

86           Sec. 4. This resolution shall take effect immediately.