

110TH CONGRESS
2D SESSION

H. R. 6691

To restore Second Amendment rights in the District of Columbia.

IN THE HOUSE OF REPRESENTATIVES

JULY 31, 2008

Mr. CHILDERS (for himself, Mr. ALTMIRE, Mr. CAZAYOUX, Mr. DINGELL, Mr. ROSS, Mr. TANNER, Mr. STUPAK, Ms. HERSETH SANDLIN, Mr. ELLSWORTH, Mr. MELANCON, Mr. CHANDLER, Mr. LINCOLN DAVIS of Tennessee, Mr. BOYD of Florida, Mr. MATHESON, Mr. CARDOZA, Mr. CARNEY, Mr. KAGEN, Mr. HOLDEN, Mr. SHULER, Mr. LAMPSON, Mr. HILL, Mr. CRAMER, Mr. SPACE, Mr. BARROW, Mr. MCINTYRE, Mr. BISHOP of Georgia, Mr. GENE GREEN of Texas, Mr. GORDON of Tennessee, Mr. PETERSON of Minnesota, Mr. BOREN, Mr. DONNELLY, Mr. WALZ of Minnesota, Mrs. BOYDA of Kansas, Mrs. GILLIBRAND, Mr. SOUDER, Mr. HAYES, Mr. SALL, Mr. WALBERG, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. COOPER, Mr. BOUCHER, Mr. MURTHA, Mr. BOSWELL, Mr. BERRY, Mr. DAVIS of Alabama, Mr. KANJORSKI, Mr. SALAZAR, Mr. MAHONEY of Florida, Mr. MARSHALL, Mr. MCNERNEY, Mr. HODES, Mr. SESSIONS, and Ms. SHEA-PORTER) introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

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.”.

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

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

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

1 chine gun, and any combination of parts from which
2 a machine gun can be assembled if such parts are
3 in the possession or under the control of a person.”.

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

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

11 **SEC. 5. REPEAL REGISTRATION REQUIREMENT.**

12 (a) REPEAL OF REQUIREMENT.—

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

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

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

25 “(1) A sawed-off shotgun.

1 “(2) A machine gun.

2 “(3) A short-barreled rifle.”.

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

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

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

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

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

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

23 (B) in subsection (b), by striking “which
24 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. Of-
17 ficial Code) is amended by striking “registration cer-
18 tificate” 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. Of-
12 ficial 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. Of-
23 ficial Code) is amended by striking “would not be el-
24 igible” and all that follows and inserting “is prohib-

1 ited 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. Official
22 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. Official
6 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 Section 4(a) of the Act of July 8, 1932 (47 Stat. 651;
12 sec. 22–4504(a), D.C. Official Code) is amended—

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

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

21 **SEC. 10. AUTHORIZING PURCHASES OF FIREARMS BY DIS-**
22 **TRICT RESIDENTS.**

23 Section 922 of title 18, United States Code, is
24 amended in paragraph (b)(3) by inserting after “other
25 than a State in which the licensee’s place of business is

1 located” the following: “, or to the sale or delivery of a
2 handgun to a resident of the District of Columbia by a
3 licensee whose place of business is located in Maryland or
4 Virginia,”.

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