

113TH CONGRESS
1ST SESSION

H. RES. 40

Expressing the sense of the House of Representatives that active duty military personnel who are stationed or residing in the District of Columbia should be permitted to exercise fully their rights under the Second Amendment to the Constitution of the United States.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 22, 2013

Mr. GINGREY of Georgia submitted the following resolution; which was referred to the Committee on Oversight and Government Reform

RESOLUTION

Expressing the sense of the House of Representatives that active duty military personnel who are stationed or residing in the District of Columbia should be permitted to exercise fully their rights under the Second Amendment to the Constitution of the United States.

Whereas the Second Amendment to the United States Constitution provides: ‘A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed.’;

Whereas approximately 40,000 servicemen and women across all branches of the Armed Forces either live in or are stationed on active duty within the Washington, DC metropolitan area, and unless these individuals are granted a waiver as serving in a law enforcement role, they are sub-

ject to the District of Columbia's onerous and highly restrictive laws on the possession of firearms;

Whereas military personnel, despite being extensively trained in the proper and safe use of firearms, are therefore deprived by the laws of the District of Columbia of handguns, rifles, and shotguns that are commonly kept by law-abiding persons throughout the United States for sporting use and for lawful defense of their persons, homes, businesses, and families;

Whereas the District of Columbia has one of the highest per capita murder rates in the Nation, which may be attributed in part to previous local laws prohibiting possession of firearms by law-abiding persons who would have otherwise been able to defend themselves and their loved ones in their own homes and businesses;

Whereas the Gun Control Act of 1968, as amended by the Firearms Owners' Protection Act, and the Brady Handgun Violence Prevention Act, provide comprehensive Federal regulations applicable in the District of Columbia as elsewhere, and existing District of Columbia criminal laws punish possession and illegal use of firearms by violent criminals and felons; consequently, there is no need for local laws that only affect and disarm law-abiding citizens;

Whereas, on June 26, 2008, the Supreme Court of the United States in the case of *District of Columbia v. Heller* held that the Second Amendment protects an individual's right to possess a firearm for traditionally lawful purposes, and thus ruled that the District of Columbia's handgun ban and requirements that rifles and shotguns in the home be kept unloaded and disassembled or outfitted with a trigger lock to be unconstitutional;

Whereas, on July 16, 2008, the District of Columbia enacted the Firearms Control Emergency Amendment Act of 2008 (D.C. Act 17–422; 55 DCR 8237), which places onerous restrictions on the ability of law-abiding citizens from possessing firearms, thus violating the spirit by which the Supreme Court of the United States ruled in *District of Columbia v. Heller*; and

Whereas, on February 26, 2009, the United States Senate adopted an amendment on a bipartisan vote of 62–36 by Senator John Ensign to S. 160, the District of Columbia House Voting Rights Act of 2009, which would fully restore Second Amendment rights to the citizens of the District of Columbia: Now, therefore, be it

1 *Resolved*, That it is the sense of the House of Rep-
2 resentatives that active duty military personnel who are
3 stationed or residing in the District of Columbia should
4 be permitted to exercise fully their rights under the Sec-
5 ond Amendment to the Constitution of the United States
6 and therefore should be exempt from the District of Co-
7 lumbia’s restrictions on the possession of firearms.

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