

108TH CONGRESS
2D SESSION

H. R. 3193

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 30, 2004

Received

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 “District of Columbia
3 Personal Protection 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) The Second Amendment to the United
10 States Constitution protects the rights of individ-
11 uals, including those who are not members of a mili-
12 tia or engaged in military service or training, to
13 keep and bear arms.

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

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

11 (6) Legislation is required to correct the Dis-
12 trict of Columbia's law in order to restore the rights
13 of its citizens under the Second Amendment to the
14 United States Constitution and thereby enhance
15 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: "This section shall not be construed
23 to permit the Council, the Mayor, or any governmental
24 or regulatory authority of the District of Columbia to pro-
25 hibit, constructively prohibit, or unduly burden the ability

1 of persons otherwise permitted to possess firearms under
 2 Federal law from acquiring, possessing in their homes or
 3 businesses, or using for sporting, self-protection or other
 4 lawful purposes, any firearm neither prohibited by Federal
 5 law nor regulated by the National Firearms Act. The Dis-
 6 trict of Columbia shall not have authority to enact laws
 7 or regulations that discourage or eliminate the private
 8 ownership or use of firearms.”.

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

10 Section 101(10) of the Firearms Control Regulations
 11 Act of 1975 (sec. 7–2501.01(10), D.C. Official Code) is
 12 amended to read as follows:

13 “(10) Machine gun means any firearm which
 14 shoots, is designed to shoot, or can be readily con-
 15 verted or restored to shoot automatically, more than
 16 1 shot by a single function of the trigger.”.

17 **SEC. 5. REPEAL REGISTRATION REQUIREMENT.**

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

24 (b) DESCRIPTION OF FIREARMS REMAINING ILLE-
 25 GAL.—Section 201 of such Act (sec. 7–2502.01, D.C. Offi-

1 cial Code) is amended by adding at the end the following
 2 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 **SEC. 6. REPEAL HANDGUN AMMUNITION BAN.**

9 Section 601 of the Firearms Control Regulations Act
 10 of 1975 (sec. 7–2506.01, D.C. Official Code) is repealed.

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

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

14 **SEC. 8. ADDITIONAL REPEALS.**

15 Sections 202 through 211 of the Firearms Control
 16 Regulations Act of 1975 (secs. 7–2502.02 through 7–
 17 2502.11, D.C. Official Code) are repealed.

18 **SEC. 9. REMOVE CRIMINAL PENALTIES FOR POSSESSION
 19 OF UNREGISTERED FIREARMS.**

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

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

25 (2) by striking paragraph (2).

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

5 **SEC. 10. REMOVE CRIMINAL PENALTIES FOR CARRYING A**
6 **FIREARM IN ONE’S DWELLING OR OTHER**
7 **PREMISES.**

8 (a) IN GENERAL.—Section 4(a) of the Act of July
9 8, 1932 (47 Stat. 651; sec. 22—4504(a), D.C. Official
10 Code) is amended—

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

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

19 (b) TREATMENT OF CERTAIN EXCEPTIONS.—Section
20 5(a) of such Act (47 Stat. 651; sec. 22—4505(a), D.C.
21 Official Code) is amended—

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

24 (2) by striking the period at the end and insert-
25 ing the following: “, or to any person while carrying

1 or transporting a firearm used in connection with an
2 organized military activity, a target shoot, formal or
3 informal target practice, sport shooting event, hunt-
4 ing, a firearms or hunter safety class, trapping, or
5 a dog obedience training class or show, or the mov-
6 ing by a bona fide gun collector of part or all of the
7 collector's gun collection from place to place for pub-
8 lic or private exhibition while the person is engaged
9 in, on the way to, or returning from that activity if
10 each firearm is unloaded and carried in an enclosed
11 case or an enclosed holster, or to any person car-
12 rying or transporting a firearm in compliance with
13 sections 926A, 926B or 926C of title 18, United
14 States Code.”.

15 (c) EFFECTIVE DATE.—The amendments made by
16 this section shall apply with respect to violations occurring
17 after the 60-day period which begins on the date of the
18 enactment of this Act.

Passed the House of Representatives September 29,
2004.

Attest:

JEFF TRANDAHL,

Clerk.