

## Caalendar No. 95

110TH CONGRESS  
1ST SESSION

# S. 1001

To restore Second Amendment rights in the District of Columbia.

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## IN THE SENATE OF THE UNITED STATES

MARCH 27, 2007

Mrs. HUTCHISON (for herself, Mr. ALEXANDER, Mr. ALLARD, Mr. BAUCUS, Mr. BOND, Mr. BROWNBACK, Mr. BURR, Mr. BUNNING, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mrs. DOLE, Mr. DOMENICI, Mr. ENSIGN, Mr. ENZI, Mr. GRAHAM, Mr. GRASSLEY, Mr. HATCH, Mr. HAGEL, Mr. INHOFE, Mr. ISAKSON, Mr. KYL, Mr. LOTT, Mr. MARTINEZ, Mr. McCAIN, Ms. MURKOWSKI, Mr. NELSON of Nebraska, Mr. ROBERTS, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THOMAS, Mr. THUNE, and Mr. VITTER) introduced the following bill; which was read the first time

MARCH 28, 2007

Read the second time and placed on the calendar

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## 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 “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 individuals,  
11 including those who are not members of a militia  
12 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 United States for  
18 sporting use and for lawful defense of their persons,  
19 homes, businesses, and families.

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

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; section  
21 1–303.43, D.C. Official Code) is amended by adding at  
22 the end the following: “Nothing in this section or any  
23 other provision of law shall authorize, or shall be con-  
24 strued to permit, the Council, the Mayor, or any govern-  
25 mental or regulatory authority of the District of Columbia

1 to prohibit, constructively prohibit, or unduly burden the  
2 ability of persons not prohibited from possessing firearms  
3 under Federal law from acquiring, possessing in their  
4 homes or businesses, or using for sporting, self-protection  
5 or other lawful purposes, any firearm neither prohibited  
6 by Federal law nor subject to the National Firearms Act.  
7 The District of Columbia shall not have authority to enact  
8 laws or regulations that discourage or eliminate the pri-  
9 vate ownership or use of firearms.”.

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

11 (a) IN GENERAL.—Section 101(10) of the Firearms  
12 Control Regulations Act of 1975 (section 7-2501.01(10),  
13 D.C. Official Code) is amended to read as follows:

14 “(10) ‘Machine gun’ means any firearm which  
15 shoots, is designed to shoot, or can be readily con-  
16 verted or restored to shoot automatically, more than  
17 1 shot by a single function of the trigger, and in-  
18 cludes the frame or receiver of any such weapon, any  
19 part designed and intended solely and exclusively, or  
20 combination of parts designed and intended, for use  
21 in converting a weapon into a machine gun, and any  
22 combination of parts from which a machine gun can  
23 be assembled if such parts are in the possession or  
24 under the control of a person.”.

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

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

8       **SEC. 5. REPEAL REGISTRATION REQUIREMENT.**

9       (a) REPEAL OF REQUIREMENT.—

10       (1) IN GENERAL.—Section 201(a) of the Fire-  
11       arms Control Regulations Act of 1975 (section 7–  
12       2502.01(a), D.C. Official Code) is amended by strik-  
13       ing “any firearm, unless” and all that follows  
14       through paragraph (3) and inserting the following:  
15       “any firearm described in subsection (c).”.

16       (2) DESCRIPTION OF FIREARMS REMAINING IL-  
17       LEGAL.—Section 201 of such Act (section 7–  
18       2502.01, D.C. Official Code) is amended by adding  
19       at the end the following new subsection:

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

22       “(1) A sawed-off shotgun.

23       “(2) A machine gun.

24       “(3) A short-barreled rifle.”.

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

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

21 (B) in subsection (b), by striking “which  
22 are unregisterable under section 202” and in-  
23 serting “which are prohibited under section  
24 201”.

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

13                             “(1) The applicant’s name;”.

14 (5) Section 403(b) (section 7-2504.03(b), D.C.  
15 Official Code) is amended by striking “registration  
16 certificate” and inserting “dealer’s license”.

17 (6) Section 404(a)(3) (section 7–  
18 2504.04(a)(3)), D.C. Official Code) is amended—

19 (A) in subparagraph (B)(i), by striking  
20 “registration certificate number (if any) of the  
21 firearm.”;

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

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 applicant 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) (section 7-2504.07(b), D.C.  
23 Official Code) is amended by striking “would not be  
24 eligible” and all that follows and inserting “is pro-

1       hibited from possessing or receiving a firearm under  
2       Federal or District law.”.

3                   (9) Section 502 (section 7–2505.02, D.C. Offi-  
4       cial 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 (section 7–2507.04, D.C. Offi-  
22       cial 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 (section 7–2531.01(2)(4), D.C. Offi-  
6 cial Code) is amended—

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

## 12 SEC. 6. REPEAL HANDGUN AMMUNITION BAN.

13 (a) DEFINITION OF RESTRICTED PISTOL BULLET.—  
14 Section 101(13a) of the Firearms Control Regulations Act  
15 of 1975 (section 7–2501.01(13a)) is amended to read as  
16 follows:

17                   “(13)(A) ‘Restricted pistol bullet’ means—

18                             “(i) a projectile or projectile core which  
19                             may be used in a handgun and which is con-  
20                             structed entirely (excluding the presence of  
21                             traces of other substances) from one or a com-  
22                             bination of tungsten alloys, steel, iron, brass,  
23                             bronze, beryllium copper, or depleted uranium;  
24                             or

1                     “(ii) a full-jacketed projectile larger than  
2                     .22 caliber designed and intended for use in a  
3                     handgun and whose jacket has a weight of more  
4                     than 25 percent of the total weight of the pro-  
5                     jectile.

6                     “(B) The term ‘restricted pistol bullet’ does not  
7                     include shotgun shot required by Federal or State  
8                     environmental or game regulations for hunting pur-  
9                     poses, a frangible projectile designed for target  
10                    shooting, a projectile which the Attorney General of  
11                    the United States (pursuant to section 921(a)(17) of  
12                    title 18, United States Code) finds is primarily in-  
13                    tended to be used for sporting purposes, or any  
14                    other projectile or projectile core which the Attorney  
15                    General finds is intended to be used for industrial  
16                    purposes, including a charge used in an oil and gas  
17                    well perforating device.”.

18                    (b) REPEAL OF BAN.—Section 601 of the Firearms  
19                    Control Regulations Act of 1975 (section 7-2506.01, D.C.  
20                    Official Code) is amended—

21                    (1) by striking “ammunition” each place it ap-  
22                    pears (other than paragraph (4)) and inserting “re-  
23                    stricted pistol bullets”; and

24                    (2) by striking paragraph (3) and redesignating  
25                    paragraph (4) as paragraph (3).

1   **1 SEC. 7. RESTORE RIGHT OF SELF DEFENSE IN THE HOME.**

2       Section 702 of the Firearms Control Regulations Act  
3   of 1975 (section 7-2507.02, D.C. Official Code) is re-  
4   pealed.

5   **5 SEC. 8. REMOVE CRIMINAL PENALTIES FOR POSSESSION**  
6                   **OF UNREGISTERED FIREARMS.**

7       (a) **IN GENERAL.**—Section 706 of the Firearms Con-  
8   trol Regulations Act of 1975 (section 7-2507.06, D.C. Of-  
9   ficial Code) is amended—

10               (1) by striking “that:” and all that follows  
11       through “(1) A” and inserting “that a”; and  
12               (2) by striking paragraph (2).

13       (b) **EFFECTIVE DATE.**—The amendments made by  
14   subsection (a) shall apply with respect to violations occur-  
15   ring after the 60-day period which begins on the date of  
16   the enactment of this Act.

17   **17 SEC. 9. REMOVE CRIMINAL PENALTIES FOR CARRYING A**  
18                   **FIREARM IN ONE'S DWELLING OR OTHER**  
19                   **PREMISES.**

20       (a) **IN GENERAL.**—Section 4(a) of the Act of July  
21   8, 1932 (47 Stat. 651; section 22-4504(a), D.C. Official  
22   Code) is amended—

23               (1) in the matter before paragraph (1), by  
24       striking “a pistol,” and inserting the following: “ex-  
25       cept in his dwelling house or place of business or on

1 other land possessed by that person, whether loaded  
2 or unloaded, a firearm,"; and

3 (2) by striking "except that:" and all that fol-  
4 lows through "(2) If the violation" and inserting  
5 "except that if the violation".

6 (b) TREATMENT OF CERTAIN EXCEPTIONS.—Section  
7 5(a) of such Act (47 Stat. 651; section 22-4505(a), D.C.  
8 Official Code) is amended—

9 (1) by striking "pistol" each place it appears  
10 and inserting "firearm"; and

11 (2) by striking the period at the end and insert-  
12 ing the following: ", or to any person while carrying  
13 or transporting a firearm used in connection with an  
14 organized military activity, a target shoot, formal or  
15 informal target practice, sport shooting event, hunt-  
16 ing, a firearms or hunter safety class, trapping, or  
17 a dog obedience training class or show, or the mov-  
18 ing by a bona fide gun collector of part or all of the  
19 collector's gun collection from place to place for pub-  
20 lic or private exhibition while the person is engaged  
21 in, on the way to, or returning from that activity if  
22 each firearm is unloaded and carried in an enclosed  
23 case or an enclosed holster, or to any person car-  
24 rying or transporting a firearm in compliance with

1       sections 926A, 926B or 926C of title 18, United  
2       States Code.”.

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



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110<sup>th</sup> CONGRESS  
1<sup>st</sup> SESSION  
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To restore Second Amendment rights in the  
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