

Calendar No. 95

110TH CONGRESS
1ST SESSION

S. 1001

To restore Second Amendment rights in the District of Columbia.

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

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 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 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.

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) Legislation is required to correct the Dis-
 12 trict of Columbia's law in order to restore the funda-
 13 mental rights of its citizens under the Second
 14 Amendment to the United States Constitution and
 15 thereby enhance 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; 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.”.

1 (3) CONFORMING AMENDMENT.—The heading
 2 of section 201 of such Act (section 7–2502.01, D.C.
 3 Official Code) is amended by striking “Registration
 4 requirements” and inserting “Firearm Possession”.

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

8 (1) Sections 202 through 211 (section 7–
 9 2502.02 through 7–2502.11, D.C. Official Code) are
 10 repealed.

11 (2) Section 101 (section 7–2501.01, D.C. Offi-
 12 cial Code) is amended by striking paragraph (13).

13 (3) Section 401 (section 7–2504.01, D.C. Offi-
 14 cial Code) is amended—

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 unregistrable under section 202” and in-
 23 serting “which are prohibited under section
 24 201”.

(4) Section 402 (section 7–2504.02, D.C. Official Code) is amended—

(A) in subsection (a), by striking “Any person eligible to register a firearm” and all that follows through “such business,” and inserting the following: “Any person not otherwise prohibited from possessing or receiving a firearm under Federal or District law, or from being licensed under section 923 of title 18, United States Code,”; and

(B) in subsection (b), by amending paragraph (1) to read as follows:

“(1) The applicant’s name;”.

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

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

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

(B) in subparagraph (B)(iv), by striking “holding the registration certificate” and inserting “from whom it was received for repair”;

1 (C) in subparagraph (C)(i), by striking
 2 “and registration certificate number (if any) of
 3 the firearm”;

4 (D) in subparagraph (C)(ii), by striking
 5 “registration certificate number or”;

6 (E) in subparagraph (D)(ii), by striking
 7 “or registration number”; and

8 (F) in subparagraph (E), by striking
 9 clause (iii) and redesignating clauses (iv) and
 10 (v) as clauses (iii) and (iv).

11 (7) Section 406(c) (section 7–2504.06(c), D.C.
 12 Official 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) (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—

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 (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 **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 **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 **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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