

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, due to congressional review, the Firearms Control Regulations Act of 1975 to permit a person to register a firearm for self-defense in his or her place of business, to provide a Freedom of Information Act exception for pistol registration information, to specify application requirements for applying for a license to carry a concealed pistol, to specify the duration of such licenses and requirements for renewal of licenses, to establish duties of licensees, to provide for revocation of licenses, to create a criminal offense of carrying while consuming alcohol or while impaired, to specify prohibitions on licensees, to establish a Concealed Pistol Licensing Review Board, to provide a Freedom of Information Act exception for license information, to specify penalties for violations, and to require the Mayor to issue rules; and to amend An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes to authorize the Chief of Police to issue licenses to carry a concealed pistol to District residents and non-residents provided certain conditions are met.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “License to Carry a Pistol Congressional Review Emergency Amendment Act of 2015”.

Sec. 2. The Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01 *et seq.*), is amended as follows:

(a) Section 201(b)(4) (D.C. Official Code § 7-2502.01(b)(4)) is amended by striking the phrase “the home” and inserting the phrase “the home or place of business” in its place.

(b) Section 202(a)(4)(C) (D.C. Official Code § 7-2502.02(a)(4)(C)) is amended to read as follows:

“(C) Any person who seeks to register a pistol:

“(i) For use in self-defense within that person’s home or place of business; or

“(ii) As part of the application process for a license to carry a concealed pistol pursuant to section 902; or”.

(c) Section 203(a)(4) (D.C. Official Code § 7-2502.03(a)(4)) is amended as follows:

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(1) Subparagraph (D) is amended by striking the word “or” at the end.

(2) Subparagraph (E) is amended by adding the word “or” at the end.

(3) A new subparagraph (F) is added to read as follows:

“(F) Violation of section 503 of the Omnibus Public Safety and Justice Amendment Act of 2009, effective December 10, 2009 (D.C. Law 18-88; D.C. Official Code § 22-3133);”.

(d) A new section 211a is added to read as follows:

“Sec. 211a. Freedom of information exception.

“Any record regarding a person who has applied for, received, or had revoked any registration issued pursuant to this title shall not be made available as a public record under section 202 of the Freedom of Information Act of 1976, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-532).”.

(e) Section 706(a) (D.C. Official Code § 7-2507.06(a)) is amended by striking the phrase “Except as provided in sections 205, 208, 702, and 807” and inserting the phrase “Except as provided in sections 205, 208, 702, 807, and Title IX” in its place.

(f) A new Title IX is added to read as follows:

“TITLE IX – LICENSES TO CARRY A PISTOL.

“Sec. 901. Definitions.

“For the purposes of this title, the term:

“(1) “Child” means a person under 18 years of age.

“(2) “Concealed pistol” means a loaded or unloaded pistol carried on or about a person entirely hidden from view of the public, or carried on or about a person in a vehicle in such a way as it is entirely hidden from view of the public.

“(3) “Law enforcement officer” means a sworn member of the Metropolitan Police Department or of any other law enforcement agency operating and authorized to make arrests in the District of Columbia, and includes an MPD reserve officer, a special police officer appointed pursuant to section 202 of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred, and for other purposes, approved March 3, 1899 (30 Stat. 1057; D.C. Official Code § 5-129.02), and a campus and a university special police officer appointed pursuant to the College and University Campus Security Amendment Act of 1995, effective October 18, 1995 (D.C. Law 11-63; 6A DCMR § 1200 *et seq.*).

“(4) “License” means a license to carry a concealed pistol issued pursuant to section 6 of the Pistols and Other Dangerous Weapons Act.

“(5) “Licensee” means a person who has been issued a license pursuant to section 6 of the Pistols and Other Dangerous Weapons Act.

“(6) “MPD” means the Metropolitan Police Department.

“(7) “Section 6 of the Pistols and Other Dangerous Weapons Act” means section 6 of An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4506).

“Sec. 902. Application requirements.

“(a) A person who submits an application pursuant to section 6 of the Pistols and Other Dangerous Weapons Act shall certify and demonstrate to the satisfaction of the Chief that he or she:

“(1) Is at least 21 years of age;

“(2) Meets all of the requirements for a person registering a firearm pursuant to this act, and has obtained a registration certificate for the pistol that the person is applying to carry concealed;

“(3)(A) Does not currently suffer from a mental illness or condition that creates a substantial risk that he or she is a danger to himself or herself or others; or

“(B) If he or she has suffered in the previous 5 years from a mental illness or condition that created a substantial risk that he or she was a danger to himself or herself or others, no longer suffers from a mental illness or condition that creates a substantial risk that he or she is a danger to himself or herself or others;

“(4) Has completed a firearms training course or combination of courses, conducted by an instructor (or instructors) certified by the Chief, which includes at least 16 hours of training, and covers the following:

“(A) Firearm safety;

“(B) Firearm nomenclature;

“(C) Basic principles of marksmanship;

“(D) Care, cleaning, maintenance, loading, unloading, and storage of pistols;

“(E) Situational awareness, conflict management, and use of deadly force;

“(F) Selection of pistols and ammunition for defensive purposes; and

“(G) All applicable District and federal firearms laws, including the requirements of this act, An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4501 *et seq.*), and District law pertaining to self-defense;

“(5) Has completed at least 2 hours of range training, conducted by an instructor certified by the Chief, including shooting a qualification course of 50 rounds of ammunition from a maximum distance of 15 yards (45 feet); and

“(6) Has complied with any procedures the Chief may establish by rule.

“(b) An applicant shall satisfy the requirements of subsection (a)(4) and (a)(5) of this section with a certification from a firearms instructor that the applicant:

“(1) Demonstrated satisfactory completion of the requirements of subsection (a)(4) and (a)(5) of this section; and

“(2) Possesses the proper knowledge, skills, and attitude to carry a concealed pistol.

“(c) An applicant may be exempt from some or all of the requirements of subsection (a)(4) and (a)(5) of this section if the applicant has submitted evidence that he or she has received firearms training in the United States military or has otherwise completed firearms

training conducted by a firearms instructor that, as determined by the Chief, is equal to or greater than that required under subsection (a)(4) and (a)(5) of this section.

“(d) An applicant for a license may satisfy any component of the requirements of subsection (a)(4) and (a)(5) of this section by demonstrating to the satisfaction of the Chief that the applicant has met that particular component as part of a successful application to carry a concealed pistol issued by the lawful authorities of any state or subdivision of the United States.

“(e)(1) An applicant shall sign an oath or affirmation attesting to the truth of all the information required by section 6 of the Pistols and Other Dangerous Weapons Act and this section.

“(2) Any declaration, certificate, verification, or statement made for purposes of an application for a license to carry a concealed pistol pursuant to this act shall be made under penalty of perjury pursuant to section 401 of the District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-2402).

“(f) An applicant is required to appear for an in-person interview at the MPD headquarters for purposes including verification of the applicant’s identity and verification of the information submitted as part of the application process for a license.

“(g) Any person whose application has been denied may, within 15 days after the date of the notice of denial, appeal to the Concealed Pistol Licensing Review Board established pursuant to section 908.

“Sec. 903. Expiration and renewal of licenses.

“(a) A license shall expire no later than 2 years after the date of issuance unless revoked by the Chief or renewed pursuant to this title.

“(b)(1) A license shall be eligible for renewal if:

“(A) The licensee continues to meet the requirements of section 6 of the Pistols and Other Dangerous Weapons Act and section 902, except that:

“(i) With regard to section 902(a)(4), only 4 hours of such training shall be required for renewal; and

“(ii) With regard to section 902(a)(5), the licensee shall provide proof of 2 hours of range practice within the previous 12 months; and

“(B) The licensee follows any procedures the Chief may establish by rule.

“(2) Timely renewal shall be the responsibility of the licensee, pursuant to any procedures the Chief may establish by rule.

“(c) Any person whose renewal application has been denied may, within 15 days after the date of the notice of denial, appeal to the Concealed Pistol Licensing Review Board established pursuant to section 908.

“Sec. 904. Duties of licensees.

“(a) A licensee shall comply with all limits and conditions of the license.

“(b) A licensee shall notify the Chief in writing:

“(1) Immediately upon discovery of the loss, theft, or destruction of the license and include the circumstances of the loss, theft, or destruction, if known; and

“(2) Within 30 days after a change in the licensee’s name or address as it appears on the license.

“(c) A licensee shall have on or about his or her person each time the pistol is carried in the District:

“(1) The license; and

“(2) The registration certificate for the pistol being carried, issued pursuant to this act.

“(d) If a law enforcement officer initiates an investigative stop of a licensee carrying a concealed pistol pursuant to section 6 of the Pistols and Other Dangerous Weapons Act, the licensee, and any other licensee carrying a concealed pistol pursuant to section 6 of the Pistols and Other Dangerous Weapons Act who is with the stopped licensee at the time of the investigative stop, shall:

“(1) Disclose to the officer that he or she is carrying a concealed pistol;

“(2) Present the license and registration certificate;

“(3) Identify the location of the concealed pistol; and

“(4) Comply with all lawful orders and directions from the officer, including allowing a pat down of his or her person and permitting the law enforcement officer to take possession of the pistol for so long as is necessary for the safety of the officer or the public.

“(e) The duties set forth in this section are in addition to any other requirements imposed by this act or applicable law.

“(f) In addition to any other penalty provided by law, a person who violates this section shall be subject to revocation of his or her license.

“Sec. 905. Revocation and suspension of licenses.

“(a)(1) The Chief may limit or revoke a license upon a finding that the licensee no longer meets the requirements of section 6 of the Pistols and Other Dangerous Weapons Act and this title, or as a penalty as specified in this act.

“(2) The United States Attorney for the District of Columbia, the Attorney General for the District of Columbia, or any person may apply to the MPD at any time for limitation or revocation of a license.

“(3) Any person having knowledge that a licensee no longer meets the requirements of this act or the requirements of section 6 of the Pistols and Other Dangerous Weapons Act may so notify the Chief or any other law enforcement officer who may take such action as may be appropriate.

“(4) Before a limitation or revocation taking effect, the Chief shall serve a notice of intent to limit or revoke the license. The limitation or revocation shall take effect unless the licensee requests an appeal to the Concealed Pistol Licensing Review Board established pursuant to section 908 no later than 15 days after the date of the notice of intent.

“(b)(1) The Chief may summarily suspend or limit, without a hearing, a license, when the Chief has determined that the conduct of a licensee presents an imminent danger to the health and safety of a person or the public.

“(2) At the time of the summary suspension or limitation of a license, the Chief shall provide the licensee with written notice stating the action that is being taken, the basis for

the action, and the right of the licensee to request a hearing.

“(3) A licensee shall have the right to request a hearing within 72 hours after service of notice of the summary suspension or limitation of the license. The Concealed Pistol Licensing Review Board shall hold a hearing within 72 hours after receipt of a timely request, and shall issue a written decision within 72 hours after the hearing.

“Sec. 906. Carrying a pistol while impaired.

“(a) A licensee shall not carry a pistol while he or she is consuming alcohol.

“(b) A licensee shall not carry a pistol while impaired.

“(c) Upon establishing reasonable suspicion that a licensee has been consuming drugs or alcohol, a licensee’s failure to submit to one or more field sobriety, breathalyzer, or urine tests, administered to determine whether the licensee is impaired while carrying a pistol, shall be grounds for summary suspension of the license pursuant to section 905(b).

“(d) In addition to any other penalty provided by law, any person who violates this section shall be subject to revocation of his or her license.

“(e) For the purposes of this section, the term “impaired” means a licensee has consumed alcohol or other drug or drugs and that it has affected the licensee’s behavior in a way that can be perceived or noticed.

“Sec. 907. Prohibitions on carrying licensed pistols.

“(a) No person holding a license shall carry a pistol in the following locations or under the following circumstances:

“(1) A building or office occupied by the District of Columbia, its agencies, or instrumentalities;

“(2) The building and grounds, including any adjacent parking lot, of a childcare facility, preschool, public or private elementary or secondary school; or a public or private college or university;

“(3) A hospital, or an office where medical or mental health services are the primary services provided;

“(4) A penal institution, secure juvenile residential facility, or halfway house;

“(5) A polling place while voting is occurring;

“(6) A public transportation vehicle, including the Metrorail transit system and its stations;

“(7) Any premises, or portion thereof, where alcohol is served, or sold and consumed on the premises, pursuant to a license issued under Title 25 of the District of Columbia Official Code; provided, that this prohibition shall not apply to premises operating under a temporary license issued pursuant to D.C. Official Code § 25-115, a C/R, D/R, C/H, D/H, or caterer license issued pursuant to D.C. Official Code § 25-113, or premises with small-sample tasting permits issued pursuant to D.C. Official Code § 25-118, unless otherwise prohibited pursuant to subsection (b)(3) of this section;

“(8) A stadium or arena;

“(9) A gathering or special event open to the public; provided, that no licensee shall be criminally prosecuted unless:

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“(A) The organizer or the District has provided notice prohibiting the carrying of pistols in advance of the gathering or special event and by posted signage at the gathering or special event; or

“(B) The licensee has been ordered by a law enforcement officer to leave the area of the gathering or special event and the licensee has not complied with the order;

“(10) The public memorials on the National Mall and along the Tidal Basin, and any area where firearms are prohibited under federal law or by a federal agency or entity, including U.S. Capitol buildings and grounds;

“(11) The area around the White House between Constitution Avenue, N.W., and H Street, N.W., and between 15th Street, N.W., and 17th Street, N.W.;

“(12) The U.S. Naval Observatory and its grounds, and from the perimeter of its fence to the curb of Massachusetts Avenue, N.W., from 34th Street, N.W., south on Massachusetts Avenue, N.W., to Observatory Circle, N.W.;

“(13)(A) When a dignitary or high-ranking official of the United States or a state, local, or foreign government is moving under the protection of the MPD, the U.S. Secret Service, the U.S. Capitol Police, or other law enforcement agency assisting or working in concert with MPD, within an area designated by the Chief, the Chief of the U.S. Secret Service, or the Chief of the U.S. Capitol Police, or a designee of any of the forgoing, that does not include any point at a distance greater than 1,000 feet from the moving dignitary or high-ranking official; provided, that no licensee shall be criminally prosecuted unless:

“(i) The law enforcement agency provides notice of the designated area by the presence of signs, law enforcement vehicles or officers acting as a perimeter, or other means to make the designated area of protection obvious;

“(ii) The District or federal government has provided notice prohibiting the carrying of pistols along a designated route or in a designated area in advance of the event, if possible, and by posted signage along a route or in a designated area; or

“(iii) The licensee has been ordered by a law enforcement officer to leave the designated area and the licensee has not complied with the order.

“(B) For the purposes of this paragraph, the term “moving” shall include any planned or unplanned stops, including temporary stops, in locations open to the public.

“(14) When demonstration in a public place is occurring, within an area designated by the Chief or his or her designee, or other law enforcement agency, that does not include any point at a distance greater than 1,000 feet from the demonstration; provided, that no licensee shall be criminally prosecuted unless:

“(A) The law enforcement agency provides notice of the designated area by the presence of signs, law enforcement vehicles or officers acting as a perimeter, or other means to make the designated area of the demonstration obvious;

“(B) The District or federal government has provided notice prohibiting the carrying of pistols along or within a demonstration route or designated area in advance of the event, if possible, and by posted signage along a demonstration route or designated area; or

“(C) The licensee has been ordered by a law enforcement officer to leave the designated area and the licensee has not complied with the order; or

“(15) Any prohibited location or circumstance that the Chief determines by rule; provided, that for spontaneous circumstances, no criminal penalty shall apply unless the licensee has notice of the prohibition and has failed to comply.

“(b)(1) The carrying of a concealed pistol on private residential property shall be presumed to be prohibited unless otherwise authorized by the property owner or person in control of the premises and communicated personally to the licensee in advance of entry onto the residential property.

“(2) The carrying of a concealed pistol in a church, synagogue, mosque, or other place where people regularly assemble for religious worship shall be presumed to be prohibited unless the property is posted with conspicuous signage allowing the carrying of a concealed pistol, or the owner or authorized agent communicates such allowance personally to the licensee in advance of entry onto the property; provided, that such places may not authorize the carrying of a concealed pistol where services are conducted in locations listed in subsection (a) of this section.

“(3) The carrying of a concealed pistol on private property that is not a residence shall be presumed to be permitted unless the property is posted with conspicuous signage prohibiting the carrying of a concealed pistol, or the owner or authorized agent communicates such prohibition personally to the licensee.

“(c) Whenever a licensee carries a concealed pistol and approaches any prohibited location, or is subject to any prohibited circumstance, under subsection (a) or subsection (b) of this section, the licensee shall:

“(1) If the licensee is in a vehicle or if a vehicle is readily available, immediately secure the pistol in the manner prescribed in section 4b(b) of An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, effective May 20, 2009 (D.C. Law 17-388; D.C. Official Code § 22-4504.02(b)); or

“(2) If the licensee does not have a vehicle available, immediately leave the prohibited location or circumstance.

“(d) A licensee shall not be in violation of this section:

“(1) While he or she is traveling along a public street, road, or highway, including an adjacent public sidewalk that touches the perimeter of any of the premises where the carrying of a concealed pistol is prohibited under subsection (a) or (b) of this section if the concealed pistol is carried on his or her person in accordance with this act, or is being transported by the licensee in accordance with section 4b of An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, effective May 20, 2009 (D.C. Law 17-388; D.C. Official Code § 22-4504.02); or

“(2) While driving a vehicle into and immediately parking at any location listed in subsection (a)(2) of this section for the purpose of picking up or dropping off a student or a child; provided, that the licensee shall secure the concealed pistol in accordance with section 4b(b) of An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other

purposes, effective May 20, 2009 (D.C. Law 17-388; D.C. Official Code § 22-4504.02(b)), before leaving the parked vehicle.

“(e) A licensee shall not carry a pistol openly or otherwise in a manner that is not concealed.

“(f) In addition to any other penalty provided by law, any person who violates this section shall be subject to revocation of his or her license.

“(g) For the purposes of this section, the term:

“(1) “Demonstration” means one or more persons demonstrating, picketing, speechmaking, marching, holding a vigil, or engaging in any other similar conduct that involves the communication or expression of views or grievances and that has the effect, intent, or propensity to attract a crowd or onlookers. The term “demonstration” does not include the casual use of property by visitors or tourists that does not have the effect, intent, or propensity to attract a crowd or onlookers.

“(2) “Public place” means a place to which the general public has access and a right to occupy for business, entertainment, or other lawful purpose. The term “public place” is not limited to a place devoted solely to the uses of the public, and includes:

“(A) The front or immediate area or parking lot of a store, restaurant, tavern, shopping center, or other place of business;

“(B) A public building, including its grounds and curtilage;

“(C) A public parking lot;

“(D) A public street, sidewalk, or right-of-way;

“(E) A public park; and

“(F) Other public grounds.

“(3) “Public transportation vehicle” means any publicly owned or operated commercial vehicle, including any DC Circulator bus, DC Streetcar, MetroAccess vehicle, Metrobus, or Metrorail train.

“(4) “Residence” means a building wholly or partly used or intended to be used for living and sleeping by human occupants, together with any fences, walls, sheds, garages, or other accessory buildings appurtenant to the building, and the area of land surrounding the building and actually or by legal construction forming one enclosure in which such a building is located, but does not include adjacent common areas or commercial property contained in any part of the building.

“Sec. 908. Concealed Pistol Licensing Review Board.

“(a) There is established a Concealed Pistol Licensing Review Board (“Board”) for the purpose of hearing appeals from:

“(1) A denial of an application or renewal application for a license to carry a concealed pistol in the District pursuant to this act;

“(2) A summary suspension or limitation of a license to carry a concealed pistol;

or

“(3) A limitation or revocation of a license to carry a concealed pistol.

“(b)(1) The Board shall consist of 7 members as follows:

“(A) The United States Attorney (“USAO”) for the District of Columbia or his or her designee; provided, that if the USAO declines to provide a representative, the Mayor shall appoint a person who is a former employee of the USAO;

“(B) The Attorney General for the District of Columbia or his or her designee;

“(C) A mental health professional employed by the Department of Behavioral Health, appointed by the Mayor;

“(D) A former sworn officer of a law enforcement agency other than the MPD, appointed by the Mayor;

“(E) Three public members appointed by the Mayor, as follows:

“(i) One mental health professional; and

“(ii) Two District residents with experience in the operation, care, and handling of firearms.

“(2) The appointment of members designated by subsection (b)(1)(D) and (b)(1)(E) of this section shall be made in accordance with the following provisions:

“(A) Each member shall be appointed for a term of 4 years, and shall continue to serve during that time as long as the member remains eligible for the appointment;

“(B) A member may be reappointed;

“(C) A Board member whose term has expired may continue to serve as a member until a replacement member has been appointed;

“(D) A person appointed to fill a vacancy occurring before the expiration of a term shall serve for the remainder of the term or until a successor has been appointed; and

“(E) A member may be removed by the appointing authority only for incompetence, neglect of duty, or misconduct.

“(3) The Mayor shall select a chairperson.

“(4) Members shall serve without compensation, but shall be compensated for actual and necessary expenses incurred in the performance of their official duties.

“(c) Four members of the Board shall constitute a quorum, except that 2 members shall be a quorum when hearing panels of 3 members are assigned by the Board to conduct a hearing and make a final decision required by this section. Each hearing panel shall contain at least one member designated by subsection (b)(1)(A), (B), or (D) of this section.

“(d)(1) Within 30 days after the effective date of the License to Carry a Pistol Second Emergency Amendment Act of 2014, effective January 6, 2015 (D.C. Act 20-564; 62 DCR 866), the Mayor, by rule, shall establish hearing procedures for a contested case review of any appeal, including the manner and time of appeals, and procedures for the Board to assign panels of 3 Board members to conduct such hearings and issue final decisions, pursuant to subsection (c) of this section.

“(2) The rules shall include that the burden of production of evidence, and the burden of persuasion, at a hearing before the Board shall be upon the applicant or licensee that is challenging a denial of an application or renewal application or limitation or revocation of a license.

“(e) The meetings and hearings conducted by the Board shall be confidential and not open to the public.

“(f) Any person, including the Chief, aggrieved by a final action of the Board may file an appeal in accordance with Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*).

“Sec. 909. Freedom of information exception; report.

“(a) Any record regarding a person who has applied for, received, or had revoked a license shall not be made available as a public record under section 202 of the Freedom of Information Act of 1976, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-532); provided, that aggregate data, excluding any personal identifying information, may be used for the purposes of the public report in subsection (b) of this section.

“(b) Every 2 years, the MPD shall make public a report that includes the following information:

“(1) The total number of valid licenses; and

“(2) For the most recent 2-year period:

“(A) The number of applications for a license received;

“(B) The number of licenses issued;

“(C) The number of licenses renewed, suspended, revoked, or denied;

“(D) The number of licensees convicted of a crime involving a pistol, classified by type of crime;

“(E) The number of pistols for which a license was issued that were reported lost or stolen; and

“(F) The number of pistols for which a license was issued that were found or recovered as stolen that were unreported by a licensee as lost or stolen.

“Sec. 910. Penalties.

“(a)(1) Except as otherwise provided in this title, a person convicted of a violation of a provision of this title, or rules or regulations issued under the authority of this title, shall be fined not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or imprisoned for not more than 180 days.

“(2) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this title, or any rules or regulations issued under the authority of this title.

“(b) All prosecutions for violations of this title shall be brought in the name of the District of Columbia and prosecuted by the Office of the Attorney General for the District of Columbia.

“Sec. 911. Rules.

“The Chief of the MPD, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of the License to Carry a Pistol Second Emergency Amendment Act of 2014, effective January 6, 2015 (D.C. Act 20-564; 62 DCR 866), and the

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License to Carry a Pistol Congressional Review Emergency Amendment Act of 2015, passed on emergency basis on June 2, 2015 (Enrolled version of Bill 21-221), including rules:

“(1) To establish criteria for determining when an applicant has, pursuant to section 6 of the Pistols and Other Dangerous Weapons Act:

“(A) Demonstrated a good reason to fear injury to his or her person, which shall at a minimum require a showing of a special need for self-protection distinguishable from the general community as supported by evidence of specific threats or previous attacks that demonstrate a special danger to the applicant’s life;

“(B) Demonstrated any other proper reason for carrying a concealed pistol, which shall at a minimum include types of employment that require the handling of cash or other valuable objects that may be transported upon the applicant’s person; and

“(C) Demonstrated the applicant’s suitability to carry a concealed pistol, which shall at a minimum include evidence that the applicant meets the requirements of section 902;

“(2) To establish the type and amount of ammunition that may be carried concealed by a licensee;

“(3) To establish the methods by which a pistol may be carried, including any standards for safe holstering;

“(4) To establish all application forms, investigation procedures, background checks, and fees necessary to process an application for a license to carry a concealed pistol;

“(5) To specify any procedures or requirements specific to non-residents who apply to carry a concealed pistol pursuant to section 6 of the Pistols and Other Dangerous Weapons Act, with regard to the registration requirements in this act;

“(6) To specify requirements for signage on any private premises where the owner or person in control of the premises prohibits the carrying of a concealed pistol pursuant to section 907(b); and

“(7) To establish procedures for the renewal of licenses.”.

Sec. 3. An Act To control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4501 *et seq.*), is amended as follows:

(a) Section 4(a) (D.C. Official Code § 22-4504(a)) is amended as follows:

(1) The lead-in language is amended as follows:

(A) Strike the phrase “a pistol” and insert the phrase “a pistol, without a license issued pursuant to District of Columbia law” in its place.

(B) Strike the phrase “capable of being so concealed”.

(2) Paragraph (1) is amended by striking the phrase “a pistol” and inserting the phrase “a pistol, without a license issued pursuant to District of Columbia law” in its place.

(b) Section 6 (D.C. Official Code § 22-4506) is revived as of the effective date of the License to Carry a Pistol Emergency Amendment Act of 2014, effective October 9, 2014 (D.C. Act 20-447; 61 DCR 10765), and is amended to read as follows:

“Sec. 6. Issuance of a license to carry a pistol.

“(a) The Chief of the Metropolitan Police Department (“Chief”) may, upon the application of a person having a bona fide residence or place of business within the District of Columbia, or of a person having a bona fide residence or place of business within the United States and a license to carry a pistol concealed upon his or her person issued by the lawful authorities of any State or subdivision of the United States, issue a license to such person to carry a pistol concealed upon his or her person within the District of Columbia for not more than 2 years from the date of issue, if it appears that the applicant has good reason to fear injury to his or her person or property or has any other proper reason for carrying a pistol, and that he or she is a suitable person to be so licensed.

“(b) A non-resident who lives in a state that does not require a license to carry a concealed pistol may apply to the Chief for a license to carry a pistol concealed upon his or her person within the District of Columbia for not more than 2 years from the date of issue; provided, that he or she meets the same reasons and requirements set forth in subsection (a) of this section.

“(c) For any person issued a license pursuant to this section, or renewed pursuant to section 903 of the Firearms Control Regulations Act of 1975, passed on emergency basis on June 2, 2015 (Enrolled version of Bill 21-221), the Chief may limit the geographic area, circumstances, or times of the day, week, month, or year in which the license is effective, and may subsequently limit, suspend, or revoke the license as provided under section 905 of the Firearms Control Regulations Act of 1975, passed on emergency basis on June 2, 2015 (Enrolled version of Bill 21-221).

“(d) The application for a license to carry shall be on a form prescribed by the Chief and shall bear the name, address, description and photograph of the licensee.

“(e) Except as provided in section 905(b) of the Firearms Control Regulations Act of 1975, passed on emergency basis on June 2, 2015 (Enrolled version of Bill 21-221), any person whose application has been denied or whose license has been limited or revoked may, within 15 days after the date of the notice of the denial or notice of intent, appeal to the Concealed Pistol Licensing Review Board established pursuant to section 908 of the Firearms Control Regulations Act of 1975, passed on emergency basis on June 2, 2015 (Enrolled version of Bill 21-221).”.

Sec. 4. Repealers.

(a) Section 101 of the Omnibus Public Safety and Justice Amendment Act of 2009, effective December 10, 2009 (D.C. Law 18-88; D.C. Official Code § 22-2511), is repealed.

(b) The License to Carry a Pistol Temporary Amendment Act of 2014, effective May 5, 2015 (D.C. Law 20-169; 61 DCR 11814), is repealed.

Sec. 5. Rules, orders, and administrative actions.

Any rules or orders issued, or administrative actions taken, under the authority of the License to Carry a Pistol Second Emergency Amendment Act of 2014, effective January 6, 2015 (D.C. Act 20-564; 62 DCR 866), are affirmed and ratified and shall remain in effect until

repealed or superseded, and the authority for such rules or orders issued, or administrative actions taken, shall have not have lapsed during the period of time which elapsed from April 7, 2015, to the effective date of this act.

Sec. 6. Applicability.

This act shall apply as of April 7, 2015.

Sec. 7. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the License to Carry a Pistol Amendment Act of 2014, enacted on February 6, 2015 (D.C. Act 20-621; 62 DCR 1944), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 8. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia