

A RESOLUTION

20-629

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

October 7, 2014

To declare the existence of an emergency with respect to the need to amend the License to Carry a Pistol Emergency Amendment Act of 2014 to repeal the applicability section.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “License to Carry a Pistol Clarification Emergency Declaration Resolution of 2014”.

Sec. 2. (a) On September 23, 2014, the Council approved the License to Carry a Pistol Emergency Amendment Act of 2014, Bill 20-926.

(b) Passing that act is intended to comply with the July 24, 2014 order of the United States District Court for the District of Columbia in the case of *Palmer v. District of Columbia*, 2014 WL 3702854 (D.D.C. 2014), finding the District’s complete ban on the carrying of handguns in public to be unconstitutional.

(c) The applicability section as written in Bill 20-926, in aiming for immediate prosecution of Carrying a Pistol without a License (“CPWL”) violations, has instead resulted in confusion for prosecutors and law enforcement.

(d) Typically, emergency acts of the Council do not include delayed applicability provisions; they become effective immediately.

(e) Regulation of the ability for individuals to carry pistols outside their home is critical to public safety in the District of Columbia. Indeed, the current law, amended by Bill 20-926, was adopted by Congress in 1932. Gun violence is a primary concern of the Metropolitan Police Department, just as gun violence is a major concern in all big cities in the United States. Almost always, this violence is perpetuated by persons who (illegally) carry guns in public. But the District is different than any other U.S. city because it is the nation’s capital. Due to the District’s unique national security concerns, the right to carry a firearm in public must be more heavily restricted than any place else in the nation. Four U.S. presidents have been assassinated by gunfire, and at least 5 others have been shot at, including Ronald Reagan who was seriously wounded in 1981. Members of Congress have been shot or shot at. There are frequent threats on the foreign diplomatic corps. Neither the Secret Service nor the Capitol Police will disclose all incidents where they have recovered firearms, but they do occur. Two years ago someone hit the White House with gunfire.

(f) The Supreme Court has made clear that “the right secured by the Second Amendment is not unlimited.” It has stated that, for example, “the majority of the 19th-century courts to

consider the question held that prohibitions on carrying concealed weapons were lawful under the Second Amendment or state analogues....” *District of Columbia v. Heller*, 554 U.S. 570, 678 (2008).

(g) The License to Carry a Pistol Clarification Emergency Amendment Act will simplify and therefore clarify the applicability section of Bill 20-926 as adopted.

(h) Enacting the License to Carry a Pistol Clarification Emergency Amendment Act of 2014 is necessary in the interest of public safety and to ensure that carrying a concealed pistol will not be permitted in the District unless a license to do so has been obtained. It is expected that a licensing scheme will be in place, based on rules issued by the Executive, within the month.

(i) Enacting this measure by emergency is necessary to ensure that this clarification is made to Bill 20-926, which has not yet been signed by the Mayor, before the District’s stay granted in the *Palmer* case expires on October 22, 2014.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the License to Carry a Pistol Clarification Emergency Amendment Act of 2014 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.