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16	IN THE COUNTY OF THE DIGTERS OF COLUMN
17 18	IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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21 22 23 24 25 26	To amend the Firearms Control Regulations Act of 1975 to establish a judicial review process for individuals who apply for a firearms registration certificate and have, within the 5-year period preceding the application, been committed to a mental hospital, institution, or facility by the Superior Court of the District of Columbia or a District board, commission or lawful authority, or have been found to be incapacitated.
27	BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
28	act may be cited as the "Relief from Firearms Disqualification Amendment Act of 2017".
29	Sec. 2. Section 203 of the Firearms Control Regulations Act of 1975, effective September
30	24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2502.03), is amended as follows:
31	(a) Subsection (a) is amended as follows:
32 .	(1) Paragraph (6) is amended to read as follows:
33	"(6)(A) Within the 5-year period immediately preceding the application, has not
34	been:
35	"(i) Committed or detained to a mental hospital by the Superior
36	Court of the District of Columbia ("Court") or the District Commission on Mental Health; or

37	"(ii) Determined to be an incapacitated individual as defined in §
38	21-2011(11).
39	"(B) Notwithstanding subparagraph (A) of this paragraph, an applicant may
40	be authorized to register a firearm if:
41	"(i) The applicant is not subject to another firearms restriction or
42	disqualifier under District or federal law; and
43	"(ii) The Court, pursuant to subparagraph (C) of this paragraph,
44	grants the applicant relief from a firearms disqualification under subparagraph (A) of this
45	paragraph.
46	"(C) An applicant who seeks relief under this paragraph shall file a petition
47	for relief with the Clerk of the Court that includes the following:
48	"(i) A complete and accurate statement explaining the reason the
49	applicant was disqualified from registering a firearm in the preceding 5-year period pursuant to
50	subparagraph (A) of this paragraph;
51	"(ii) A statement explaining why the applicant should no longer be
52	disqualified under subparagraph (A) of this paragraph;
53	"(iii) A certificate issued within 30 days prior to submission of the
54	petition for relief on a form approved by the Court and signed by a licensed physician, psychiatrist,
55	or psychologist stating:
56	"(I) The length of time that the applicant has not had
57	symptoms or engaged in behaviors that cause the applicant to be a danger to the applicant or others;

08	"(II) The length of time that the applicant has been compliant
59	with any treatment plans related to the reason the applicant was disqualified from registering a
50	firearm under subparagraph (A) of this paragraph; and
51	"(III) That, in the physician, psychiatrist, or psychologist's
52	opinion, the applicant would not be a danger to the applicant or others if allowed to register a
53	firearm.
54	"(D) The applicant shall also provide to the Court a copy of all records of
55	any guardianship, conservatorship, or commitment proceeding related to the applicant's
56	disqualification under subparagraph (A) of this paragraph.
57	"(E) The Court shall not approve a petition for relief if a determination is
58	made that:
59	"(i) The applicant supplied incomplete or false information or made
70	a false statement;
71	"(ii) The petition is not properly completed; or
72	"(iii) On review of the petition for relief and supporting
73	documentation, the applicant has failed to show by a preponderance of the evidence that:
74	"(I) The applicant will not be likely to act in a manner
75	dangerous to public safety; and
76	"(II) Granting the relief will not be contrary to the public
77	interest.
78	"(F)(i) If the Court grants a petition for relief pursuant to this paragraph, the
79	Clerk of the Court shall immediately forward a copy of the order for relief to the Metropolitan
30	Police Department ("MPD") and to the Office of the Attorney General ("OAG");

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81	"(ii) Immediately after receiving a copy of the order for relief,
82	MPD shall trigger the removal of the record from the National Instant Criminal Background Check
83	System and any local system used to determine firearm registration eligibility.".
84	Sec. 3. Fiscal impact statement.
85	The Council adopts the fiscal impact statement in the committee report as the fiscal impact
86	statement required by section 4a of the General Legislative Procedures Act of 1975, approved
87	October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).
88	Sec. 4. Effective date.
89	This act shall take effect following approval by the Mayor (or in the event of veto by the
90	Mayor, action by the Council to override the veto), a 30-day period of congressional review as
91	provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24,
92	1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(1)), and publication in the District of
93	Columbia Register.

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