



2018 SEP 17 AM 9:47
OFFICE OF THE
SECRETARY

MURIEL BOWSER
MAYOR
SEP 17 2018

The Honorable Phil Mendelson
Chairman
Council of the District of Columbia
1350 Pennsylvania Avenue, NW, Suite 504
Washington, DC 20004

Dear Chairman Mendelson:

Enclosed for the consideration of the Council of the District of Columbia is the "Ghost Guns Prohibition Emergency Amendment Act of 2018," and the accompanying emergency declaration, temporary, and permanent versions. The bill amends the Firearms Control Regulations Act of 1975 and An act to control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia. Specifically, the legislation would prohibit the registration and possession of ghost guns in the District of Columbia. Ghost guns are defined as firearms that, after the removal of all parts other than a receiver, cannot be detected by a metal detector.

Earlier this year, the federal government reached a settlement allowing for the uploading of electronic files that enable individuals to make printed ghost guns. Recently, court actions have enjoined ghost gun blueprints from being published online. Blueprints, however, can be obtained by direct purchase through sale and shipment via flash drives.

As part of its common sense gun regulation policy, the District of Columbia prohibits the manufacturing of firearms. However, readily available ghost gun blueprints will allow anyone, regardless of whether they are legally disqualified from possessing a firearm, to create and transport these undetectable firearms into and within the District. Because ghost guns can be made of plastic, they often cannot be detected by metal detectors used at security checkpoints such as those located at the District's schools, museums, sports complexes, and government buildings, which increases their threat to public safety. While unregistered firearms are already illegal, this legislation would give law enforcement the possibility of a charging an additional offense, specific to ghost guns, in view of the unique risks such undetectable, and often home-made, weapons pose.

If you have any questions on this matter, please contact Kevin Donahue, Deputy Mayor for Public Safety and Justice at (202) 286-5028.

Sincerely,


Muriel Bowser



Chairman Phil Mendelson
at the request of the Mayor

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7 A BILL
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11 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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15 Chairman Phil Mendelson, at the request of the Mayor, introduced the following bill,
16 which was referred to the Committee on _____.

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18 To amend the Firearms Control Regulations Act of 1975 and An Act to control the
19 possession, sale, transfer, and use of pistols and other dangerous weapons in the District of
20 Columbia to prohibit the registration and possession of ghost guns.

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22 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this
23 act may be cited as the "Ghost Guns Prohibition Amendment Act of 2018."

24 Sec. 2. The Firearms Control Regulations Act of 1975, approved September 24, 1976
25 (D.C. Official Code § 7-2501.01 *et seq.*) is amended to read as follows:

26 (a) Section 101 (D.C. Official Code § 7-2501.01) is amended as follows:

27 (1) A new paragraph (9A)(A) is added to read:

28 "(9A)(A) "Ghost gun" means a firearm that, after the removal of all parts
29 other than a receiver, cannot be detected by a metal detector."

30 (2) A new paragraph (12B) is added to read:

31 "(12B) "Receiver" means the part of the firearm that provides the action or
32 housing for the hammer, bolt, or breechblock and firing mechanism; and includes a frame or
33 lower receiver blank, casting or machined body that may require further machining or molding to
34 be used as part of a functional weapon."

1 (b) Section 202 (D.C. Official Code § 7-2502.02) is amended as follows:

2 (1) Paragraph (a)(6) is amended by deleting the word “or”;

3 (2) Paragraph (a)(7) is amended by striking the period and inserting the phrase “;
4 or”; and

5 (3) A new paragraph (a)(8) is added to read:

6 “(8) Ghost gun.”.

7 Sec. 3. An Act To control the possession, sale, transfer, and use of pistols and other
8 dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of
9 evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-
10 4501 *et seq.*), is amended as follows:

11 (a) Section 1 (D.C. Official Code § 22-4501) is amended by adding a new paragraph (2B)
12 to read as follows:

13 “(2B) “Ghost gun” shall have the same meaning as provided in § 7-
14 2501.01(9A)(A).”.

15 (b) Section 14(a) (D.C. Official Code § 22-4514(a)) is amended as follows:

16 (1) Striking the phrase “sawed-off shotgun, knuckles, or any instrument” and
17 inserting the phrase “sawed-off shotgun, knuckles, ghost gun, or any instrument” in its place; and

18 (2) Striking the phrase “sawed-off shotgun, knuckles, and blackjacks” and
19 inserting the phrase “sawed-off shotgun, knuckles, ghost guns, and blackjacks” in its place.

20 Sec. 4. Fiscal impact statement.

21 The Council adopts the fiscal impact statement in the committee report as the fiscal
22 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
23 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

1 **Sec. 5. Effective date.**

2 **This act shall take effect following approval by the Mayor, a 60-day period of**
3 **congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule**
4 **Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2), and**
5 **publication in the District of Columbia Register.**

Government of the District of Columbia
Office of the Chief Financial Officer



Jeffrey S. DeWitt
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jeffrey S. DeWitt
Chief Financial Officer 

DATE: September 12, 2018

SUBJECT: Fiscal Impact Statement – Ghost Guns Prohibition Emergency
Amendment Act of 2018

REFERENCE: Draft Bill as shared with the Office of Revenue Analysis on September
11, 2018

Conclusion

Funds are sufficient in the fiscal year 2018 budget and the fiscal year 2019 through fiscal year 2022 budget and financial plan to implement the bill.

Background

The bill prohibits the District from issuing a firearms registration certificate for ghost guns. The bill defines ghost guns as those that, after the removal of all parts except the receiver,¹ cannot be detected by a metal detector.

The bill also prohibits any individual's possession, sale, transfer, or use of a ghost gun in the District.²

¹ The receiver is the part of the firearm that provides the action or housing for the hammer, bolt or breechblock, and firing mechanism.

² The bill provides some limited exemptions for members of the military, law enforcement personnel, or others authorized to carry such weapons through 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 § 22-4514).

The Honorable Phil Mendelson

FIS: "Ghost Guns Prohibition Emergency Amendment Act of 2018," Draft Bill as shared with the Office of Revenue Analysis on September 11, 2018

Financial Plan Impact

Funds are sufficient in the fiscal year 2018 budget and fiscal year 2019 through fiscal year 2022 budget and financial plan to implement the bill. The District can enforce the ghost gun prohibition with existing enforcement resources.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL



ATTORNEY GENERAL
KARL A. RACINE

Legal Counsel Division

MEMORANDUM

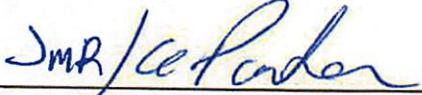
TO: Alana Intrieri
Executive Director
Office of Policy and Legislative Support

FROM: Janet M. Robins
Deputy Attorney General
Legal Counsel Division

DATE: September 11, 2018

SUBJECT: Legal Sufficiency Review of Draft Legislation "Ghost Guns Prohibition Amendment Act of 2018", Temporary and Emergency Versions, and Accompanying Emergency Declaration Resolution (AE-18-484)

This is to Certify that this Office has reviewed the above-referenced draft legislation and found it to be legally sufficient. If you have any questions in this regard, please do not hesitate to call me at 724-5524.



Janet M. Robins