

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 create a judicial process through which individuals who have been disqualified from receiving a firearms registration certificate due to having been voluntarily admitted or involuntarily committed to a mental health facility, determined to be an incapacitated individual, adjudicated as a mental defective, or committed to a mental institution, can petition the Superior Court of the District of Columbia for relief from that disqualification, to increase the penalty for possessing a large capacity ammunition feeding device, to allow persons to petition the Superior Court of the District of Columbia for an extreme risk protection order, which would prohibit the respondent from having possession or control of, purchasing, or receiving any firearm, ammunition, registration certificate, license to carry a concealed pistol, or dealer's license, if the court finds that the subject poses a significant danger of causing bodily injury to self or others, to establish a process for the personal service, renewal, and termination of extreme risk protection orders, to establish procedures for the surrender, storage, assessment of fees for storage, and return of firearms and ammunition that are recovered pursuant to an extreme risk protection order, and to establish a penalty for a violation of an extreme risk protection order; 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 prohibit the possession of bump stocks.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Firearms Safety Omnibus Congressional Review Emergency Amendment Act of 2019".

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

(1) Subsection (a) is amended as follows:

(A) The lead-in language is amended by striking the phrase "and his" and inserting the phrase "and the person's" in its place.

(B) Paragraph (1)(A) is amended by striking the phrase “his parent” and inserting the phrase “the applicant’s parent” in its place.

(C) Paragraph (4) is amended as follows:

(i) Subparagraph (E) is amended by striking the phrase “; or” and inserting a semicolon in its place.

(ii) Subparagraph (F) is amended by striking the semicolon and inserting the phrase “; or” in its place.

(iii) A new subparagraph (G) is added to read as follows:

“(G) Violation of an extreme risk protection order pursuant to section 1011;”.

(D) Paragraph (6) is amended to read as follows:

“(6)(A) Within the 5-year period immediately preceding the application, has not been:

“(1) Voluntarily admitted to a mental health facility;

“(2) Involuntarily committed to a mental health facility by the Superior Court of the District of Columbia, another court of competent jurisdiction, the Commission on Mental Health, or a similar commission in another jurisdiction;

“(3) Determined by the Superior Court of the District of Columbia or another court of competent jurisdiction to be an incapacitated individual, as that term is defined in D.C. Official Code § 21-2011(11);

“(4) Adjudicated as a mental defective, as that term is defined in 27 C.F.R. § 478.11; or

“(5) Committed to a mental institution, as that term is defined in 27 C.F.R. § 478.11;

“(B) Subparagraph (A) of this paragraph shall not apply if the court has granted the applicant relief pursuant to subsection (f) of this section, unless the applicant, since the court granted the applicant relief pursuant to subsection (f) of this section, is again disqualified under subparagraph (A) of this paragraph.”.

(E) Paragraph (13)(B)(iii) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(F) Paragraph (14) is amended by striking the period and inserting the phrase “; and” in its place.

(G) A new paragraph (15) is added to read as follows:

“(15) Is not the subject of a final extreme risk protection order issued pursuant to section 1003 or renewed pursuant to section 1006.”.

(2) A new subsection (f) is added to read as follows:

“(f)(1) A person disqualified under subsection (a)(6)(A) of this section, or 18 U.S.C. § 922(g)(4) as a result of a commitment or adjudication that occurred in the District, may petition the Superior Court for the District of Columbia for relief from disqualification.

“(2) A petition filed pursuant to paragraph (1) of this subsection shall:

“(A) Be in writing;

“(B) State the reason the petitioner was disqualified;

“(C) State facts in support of the petitioner’s claim that the petitioner should no longer be disqualified;

“(D) Include a statement, on a form approved by the court, signed by a licensed physician, psychiatrist, or qualified psychologist within the 30-day period immediately preceding the filing of the petition for relief, stating:

“(i) The symptoms or behaviors for which the petitioner has been disqualified;

“(ii) The length of time that the petitioner has no longer experienced those symptoms or behaviors;

“(iii) The length of time that the petitioner has been compliant with any applicable treatment plans related to the reason the petitioner was disqualified; and

“(iv) That, in the physician, psychiatrist, or psychologist’s opinion, the petitioner would not be likely to act in a manner dangerous to public safety if allowed to register a firearm;

“(E) Be accompanied by any appropriate exhibits, affidavits, or supporting documents, including records of any guardianship, conservatorship, or commitment proceeding related to the petitioner’s disqualification;

“(F) Include 2 statements from individuals who are not related to the petitioner by blood, adoption, guardianship, marriage, domestic partnership, having a child in common, cohabitating, or maintaining a romantic, dating, or sexual relationship and have known the petitioner for at least 3 years. The individuals’ statements shall:

“(i) Be on a form approved by the court, and signed by the individual within the 30-day period immediately preceding the filing of the petition for relief;

“(ii) Describe the petitioner’s reputation and character; and

“(iii) State that, in the individual’s opinion, the petitioner would not be likely to act in a manner dangerous to public safety if allowed to register a firearm; and

“(G) Be served upon the Office of the Attorney General.

“(3)(A) Upon receipt of a petition filed under paragraph (1) of this subsection, the court shall order the Office of the Attorney General to file a response to the petition within 60 days after the court’s order. The response shall indicate whether the Office of the Attorney General supports or opposes the petition.

“(B) The Office of Attorney General shall:

“(i) Conduct a reasonable search of all available records of the petitioner’s mental health;

“(ii) Perform a national criminal history background check on the petitioner; and

“(iii) Include its findings under this subparagraph in its response to the court.

“(C) The Metropolitan Police Department shall, upon request, provide to the Office of Attorney General any records related to the petitioner it has in its possession or could obtain after conducting a reasonable search.

“(4)(A) The court shall hold a hearing on a petition filed under paragraph (1) of this subsection within 60 days after the date on which the Office of Attorney General files its response.

“(B) In determining whether to grant a petition filed pursuant to paragraph (1) of this subsection, the court shall consider all relevant evidence, including:

“(i) The reason the petitioner was disqualified;

“(ii) The petitioner’s mental health and criminal history records;

and

“(iii) Evidence of the petitioner’s reputation.

“(5) The court shall grant a petition filed pursuant to paragraph (1) of this subsection if the petitioner establishes, by a preponderance of the evidence, that:

“(A) The petitioner would not be likely to act in a manner dangerous to public safety; and

“(B) Granting the relief would not be contrary to the public interest.

“(6) If the court grants a petition for relief pursuant to paragraph (5) of this subsection, the court shall issue an order that:

“(A) States the petitioner is no longer disqualified under subsection (a)(6)(A) of this section;

“(B) Orders the Clerk of the Court to submit a copy of the order to the Metropolitan Police Department, the Office of the Attorney General, and any other relevant law enforcement, pretrial, corrections, or community supervision agency; and

“(C) Requires that the petitioner’s record be updated in the National Instant Criminal Background Check System and any other system used to determine firearm registration eligibility to reflect that the petitioner is no longer disqualified.

“(7) If the court denies a petition for relief, the court shall state the reasons for its denial in writing.

“(8) An order granting or denying a petition filed under paragraph (1) of this subsection shall be a final order for the purposes of appeal.”.

(b) Section 501 (D.C. Official Code § 7-2505.01) is amended by striking the phrase “sections 210(c), 502, or 705 of this act” and inserting the phrase “section 210(c), section 502, section 705, section 1007, or section 1009” in its place.

(c) Section 705 (D.C. Official Code § 7-2507.05) is amended to read as follows:

(1) Subsection (a) is amended to read as follows:

“(a)(1) If a person or organization within the District voluntarily and peaceably delivers and abandons to the Chief any firearm, destructive device, or ammunition at any time, such delivery shall preclude the arrest and prosecution of such person on a charge of violating any

provision of this act, with respect to the firearm, destructive device, or ammunition delivered and abandoned.

“(2) Delivery and abandonment under this section may be made at any police district, station, or central headquarters, or by summoning a police officer to the person’s residence or place of business.

“(3) Every firearm to be delivered and abandoned to the Chief under this section shall be transported 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).

“(4) No person who delivers and abandons a firearm, destructive device, or ammunition under this section shall be required to furnish identification, photographs, or fingerprints.

“(5) No amount of money shall be paid for any firearm, destructive device, or ammunition delivered and abandoned under this section.”.

(2) Subsection (b) is amended by striking the phrase “under this section or pursuant to section 210(c)(1)” and inserting the phrase “under this section, section 210(c)(1), or section 1009(c)” in its place.

(d) Section 706(a) (D.C. Official Code § 7-2507.06(a)) is amended as follows:

(1) The lead-in language is amended by striking the phrase “and Title IX” and inserting the phrase “Title IX, and section 1011” in its place.

(2) A new paragraph (4) is added to read as follows:

“(4) A person convicted of possessing a large capacity ammunition feeding device in violation of section 601(b) shall be fined no 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 incarcerated for no more than 3 years, or both.”.

(e) A new Title X is added to read as follows:

“TITLE X – EXTREME RISK PROTECTION ORDERS.

“Sec. 1001. Definitions.

“For the purposes of this title, the term:

“(1) “Extreme risk protection order” means an order issued, pursuant to this title, by a judge of the Superior Court of the District of Columbia prohibiting a respondent from having possession or control of, purchasing, or receiving any firearm, ammunition, registration certificate, license to carry a concealed pistol, or dealer’s license.

“(2) “Petitioner” means a person who petitions the Superior Court of the District of Columbia for an extreme risk protection order under this title and is:

“(A) Related to the respondent by blood, adoption, guardianship, marriage, domestic partnership, having a child in common, cohabitating, or maintaining a romantic, dating, or sexual relationship rendering the application of this title appropriate;

“(B) A sworn member of the Metropolitan Police Department; or

“(C) A mental health professional, as that term is defined in section 101(11) of the District of Columbia Mental Health Information Act of 1978, effective March 3, 1979 (D.C. Law 2-136; D.C. Official Code § 7-1201.01(11)).

“(3) “Respondent” means a person against whom an extreme risk protection order is sought.

“Sec. 1002. Petitions for extreme risk protection orders.

“(a) A petitioner may petition the Superior Court for the District of Columbia for a final extreme risk protection order. A petition filed under this section shall:

“(1) Be in writing;

“(2) State facts in support of the claim that the respondent poses a significant danger of causing bodily injury to self or others by having possession or control of, purchasing, or receiving any firearm or ammunition;

“(3) To the best of the petitioner’s knowledge, identify the number, types, and locations of any firearms or ammunition the petitioner believes to be in the respondent’s possession, control, or ownership;

“(4) Be accompanied by any appropriate exhibits, affidavits, and supporting documents; and

“(5) Be served on the Office of the Attorney General.

“(b) A petitioner may file a petition under this section regardless of whether there is any other pending suit, complaint, petition, or other action between the parties.

“(c) The Office of Attorney General may provide individual legal representation to a petitioner. If the Office of Attorney General decides to provide individual legal representation to a petitioner, the representation shall continue until the earliest of:

“(1) The court denies the petition for a final extreme risk protection order pursuant to section 1003;

“(2) The court terminates a final extreme risk protection order pursuant to section 1008; or

“(3) The Office of the Attorney General withdraws from representation.

“(d) At the request of the petitioner or respondent, the court may place any record or part of a proceeding related to the issuance, renewal, or termination of an extreme risk protection order under seal while the petition is pending.

“Sec. 1003. Final extreme risk protection orders.

“(a)(1) Upon receipt of a petition filed pursuant section 1002, the court shall order that a hearing be held to determine whether to issue a final extreme risk protection order against the respondent.

“(2) The hearing shall be held within 10 days after the date the petition was filed.

“(b)(1) Personal service of the notice of hearing and petition shall be made upon the respondent by a Metropolitan Police Department officer not fewer than 5 business days before the hearing.

“(2) If the respondent is unable to be personally served, the court shall set a new hearing date and require additional attempts to accomplish personal service.

“(c) If the court issues an ex parte extreme risk protection order pursuant to section 1004, the ex parte extreme risk protection order shall be served concurrently with the notice of hearing and petition described in subsection (b)(1) of this section.

“(d) Before the hearing for a final extreme risk protection order, the court shall order that the Office of the Attorney General:

“(1) Conduct a reasonable search of all available records to determine whether the respondent owns any firearms or ammunition;

“(2) Conduct a reasonable search of all available records of the petitioner’s mental health;

“(3) Perform a national criminal history background check; and

“(4) Submit its findings under this subsection to the court.

“(e) In determining whether to issue a final extreme risk protection order pursuant to this section, the court shall consider all relevant evidence, including:

“(1) Any history or pattern of threats of violence, or acts of violence, by the respondent directed toward themselves or others;

“(2) Any recent threats of violence, or acts of violence, by the respondent directed toward themselves or others;

“(3) The respondent’s acquisition of any firearms, ammunition, or other deadly or dangerous weapons within one year before the filing of the petition;

“(4) The unlawful or reckless use, display, or brandishing of a firearm or other weapon by the respondent;

“(5) Respondent’s criminal history;

“(6) Respondent’s violation of a court order;

“(7) Evidence of the respondent experiencing a mental health crisis, or other dangerous mental health issues; and

“(8) Respondent’s use of a controlled substance, as that term is defined in section 102(4) of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-901.02(4)).

“(f) The court shall, before issuing a final extreme risk protection order, examine any witnesses under oath.

“(g) The court shall issue a final extreme risk protection order if the petitioner establishes by a preponderance of the evidence that the respondent poses a significant danger of causing bodily injury to self or others by having possession or control of, purchasing, or receiving any firearm or ammunition.

“(h) A final extreme risk protection order issued under this section shall state:

“(1) That the respondent is prohibited from having possession or control of, purchasing, or receiving any firearm, ammunition, registration certificate, license to carry a concealed pistol, or dealer’s license for one year after the date and time the order was issued;

- “(2) The date and time the order was issued;
- “(3) The date and time the order will expire;
- “(4) The grounds upon which the order was issued;
- “(5) The procedures for the:

“(A) Renewal of a final extreme risk protection order pursuant to section 1006;

“(B) Surrender of firearms, ammunition, registration certificates, licenses to carry a concealed pistol, or dealer’s licenses in the respondent’s possession, control, or ownership pursuant to section 1007; and

“(C) Termination of a final extreme risk protection order pursuant to section 1008; and

“(6) That the respondent may seek the advice of an attorney as to any matter connected with a petition filed under this title.

“(i) A final extreme risk protection order issued pursuant to this section shall expire one year after the issuance of the order, unless the order is terminated pursuant to section 1008 before its expiration.

“Sec. 1004. Ex parte extreme risk protection orders.

“(a) When filing a petition for a final extreme risk protection order, a petitioner may also request that an ex parte extreme risk protection order be issued without notice to the respondent.

“(b) The court may hold a hearing on any request for an ex parte extreme risk protection order filed under this section.

“(c) In determining whether to issue an ex parte extreme risk protection order pursuant to this section, the court shall consider all relevant evidence, including:

“(1) Any history or pattern of threats of violence, or acts of violence, by the respondent directed toward themselves or others;

“(2) Any recent threats of violence, or acts of violence, by the respondent directed toward themselves or others;

“(3) The respondent’s acquisition of any firearms, ammunition, or other deadly or dangerous weapons within one year before the filing of the petition;

“(4) The unlawful or reckless use, display, or brandishing of a firearm by the respondent;

“(5) Respondent’s criminal history;

“(6) Respondent’s violation of a court order;

“(7) Evidence of the respondent experiencing a mental health crisis, or other dangerous mental health issues; and

“(8) Respondent’s use of a controlled substance, as that term is defined in section 102 of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-901.02).

“(d) The court may grant a request under this section based solely on an affidavit or sworn testimony of the petitioner.

“(e) The court shall issue an ex parte extreme risk protection order if the petitioner establishes that there is probable cause to believe that the respondent poses a significant danger of causing bodily injury to self or others by having possession or control of, purchasing, or receiving any firearm or ammunition.

“(f) If the petitioner requests that the court issue an ex parte extreme risk protection order pursuant to section, the court shall grant or deny the request on the same day that the request was made, unless the request is filed too late in the day to permit effective review, in which case the court shall grant or deny the request the next day the court is open.

“(g) An ex parte extreme risk protection order shall state:

“(1) That the respondent is prohibited from having possession or control of, purchasing, or receiving any firearm, ammunition, registration certificate, license to carry a concealed pistol, or dealer’s license while the order is in effect;

“(2) The date and time the order was issued;

“(3) That the ex parte extreme risk protection order will be in effect until the court rules on whether to issue a final extreme risk protection order;

“(4) The grounds upon which the order was issued;

“(5) The time and place of the hearing to determine whether to issue a final extreme risk protection order;

“(6) That following the hearing, the court may issue a final extreme risk protection order that will be in effect for up to one year;

“(7) The procedures for the:

“(A) Renewal of a final extreme risk protection order pursuant to section 1006;

“(B) Surrender of firearms, ammunition, registration certificates, licenses to carry a concealed pistol, or dealer’s licenses in the respondent’s possession, control, or ownership pursuant to section 1007; and

“(C) Termination of a final extreme risk protection order pursuant to section 1008; and

“(8) That the respondent may seek the advice of an attorney as to any matter connected with this title, and that the attorney should be consulted promptly so that the attorney may assist the respondent in any matter connected with the ex parte extreme risk protection order.

“(h) An ex parte extreme risk protection order issued pursuant to this section shall expire 10 days after the date and time the order was issued, unless the court set a new hearing date pursuant to section 1003(b)(2), in which case, the court may extend the duration of the ex parte extreme risk protection order to not exceed 15 days.

“(i) The court shall terminate an ex parte extreme risk protection order in effect against the respondent at the time the court grants or denies the petition for a final extreme risk protection order.

“Sec. 1005. Service of extreme risk protection orders.

“(a)(1) Except as provided in subsection (b) of this section, an extreme risk protection order issued pursuant to section 1003 or section 1004, or renewed pursuant to section 1006, shall be personally served upon the respondent by a sworn member of the Metropolitan Police Department.

“(2) The court shall submit a copy of extreme risk protection order to the Metropolitan Police Department on or before the next business day after the issuance of the order for service upon the respondent. Service of an extreme risk protection order shall take precedence over the service of other documents, unless the other documents are of a similar emergency nature.

“(3) If the Metropolitan Police Department cannot complete personal service upon the respondent within 5 business days after receiving an order from the court under paragraph (2) of this subsection, the Metropolitan Police Department shall notify the petitioner.

“(4) Within one business day after service, the Metropolitan Police Department shall submit proof of service to the court.

“(b) If the respondent was personally served in court when the extreme risk protection order was issued, the requirements of subsection (a) of this section shall be waived.

“Sec. 1006. Renewal of final extreme risk protection orders.

“(a) At least 120 days before the expiration of a final extreme risk protection order, the court shall notify the petitioner of the date that the order is set to expire and advise the petitioner of the procedures for seeking a renewal of the order.

“(b) A petitioner may request a renewal of a final extreme risk protection order, including an order previously renewed under this section, at any time within the 120-day period immediately preceding the expiration of the order.

“(c) Personal service of the notice of hearing and request for renewal shall be made upon the respondent by a Metropolitan Police Department officer not fewer than 15 business days before the hearing.

“(d) In determining whether to renew an extreme risk protection order pursuant to this section, the court shall consider all relevant evidence, including:

“(1) Any history or pattern of threats of violence, or acts of violence, by the respondent directed toward themselves or others;

“(2) Any recent threats of violence, or acts of violence, by the respondent directed toward themselves or others;

“(3) The respondent’s acquisition of any firearms, ammunition, or other deadly or dangerous weapons within one year before the filing of the petition;

“(4) The unlawful or reckless use, display, or brandishing of a firearm by the respondent;

“(5) Respondent’s criminal history;

“(6) Respondent’s violation of a court order;

“(7) Evidence of the respondent experiencing a mental health crisis, or other dangerous mental health issues; and

“(8) Respondent’s use of a controlled substance, as that term is defined in section 102 of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48–901.02).

“(e) The court shall, before renewing a final extreme risk protection order, examine any witnesses under oath.

“(f) The court shall, after notice and a hearing, renew a final extreme risk protection order if the court finds, by a preponderance of the evidence, that the respondent continues to pose a significant danger of causing bodily injury to self or others by having possession or control of, purchasing, or receiving any firearm or ammunition.

“(g) A final extreme risk protection order renewed pursuant to this section, shall state:

“(1) That the respondent is prohibited from having possession or control of, purchasing, or receiving any firearm, ammunition, registration certificate, license to carry a concealed pistol, or dealer’s license for one year after the date and time the order was renewed;

“(2) The date and time the order was renewed;

“(3) The date and time the order will expire;

“(4) The grounds upon which the order was renewed;

“(5) The procedures for the:

“(A) Renewal of a final extreme risk protection order pursuant to section 1006;

“(B) Surrender of firearms, ammunition, registration certificates, licenses to carry a concealed pistol, or dealer’s licenses in the respondent’s possession, control, or ownership pursuant to section 1007; and

“(C) Termination of a final extreme risk protection order pursuant to section 1008; and

“(6) That the petitioner may seek the advice of an attorney as to any matter connected with this title.

“(h) An extreme risk protection order renewed pursuant to this section shall expire one year after the issuance of the order, unless that order is terminated pursuant to section 1008 before its expiration.

“Sec. 1007. Surrender of firearms, ammunition, registration certificates, licenses to carry a concealed pistol, and dealer’s licenses.

“(a) If the court issues a final extreme risk protection order pursuant to section 1003, issues an ex parte extreme risk protection order pursuant to section 1004, or renews a final extreme risk protection order pursuant to section 1006, the court may issue a search warrant that:

“(1) Describes the number and types of firearms and ammunition to be seized;

“(2) Describes any registration certificates, licenses to carry a concealed pistol, and dealer’s licenses to be seized;

“(3) Describes the location where the firearms, ammunition, registration certificates, licenses to carry a concealed pistol, and dealer’s licenses are believed to be located; and

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“(4) Authorizes the seizure of any firearms, ammunition, registration certificates, licenses to carry a concealed pistol, and dealer’s licenses discovered pursuant to such a search.

“(b) A Metropolitan Police Department officer serving an extreme risk protection order shall:

“(1) Request that all firearms, ammunition, registration certificates, licenses to carry a concealed pistol, and dealer’s licenses be immediately surrendered; and

“(2) Take possession of all firearms, ammunition, registration certificates, licenses to carry a concealed pistol, and dealer’s licenses in the respondent’s possession, control, or ownership that are surrendered or discovered pursuant to a lawful search.

“(c)(1) At the time of surrender or removal, the Metropolitan Police Department officer taking possession of a firearm, ammunition, registration certificate, license to carry a concealed pistol, or dealer’s license pursuant to an extreme risk protection order shall make a record identifying all firearms, ammunition, registration certificates, licenses to carry a concealed pistol, and dealer’s licenses that have been surrendered or removed and provide a receipt to the respondent.

“(2) Within 72 hours after serving an extreme risk protection order, the officer shall file a copy of the receipt provided to the respondent pursuant to paragraph (1) of this subsection with the court and the Chief of Police.

“(d) If a person other than the respondent claims title to any firearm or ammunition surrendered or removed pursuant to this section, and he or she is determined by the Metropolitan Police Department to be the lawful owner of the firearm or ammunition, the firearm or ammunition shall be returned to him or her; provided, that the firearm or ammunition is removed from the respondent’s possession or control, and the lawful owner agrees to store the firearm or ammunition in a manner such that the respondent does not have possession or control of the firearm or ammunition.

“(e) The Metropolitan Police Department may charge the respondent a fee not to exceed the actual costs incurred by the Metropolitan Police Department for storing any firearms or ammunition surrendered or removed pursuant to this section for the duration of the extreme risk protection order, including a renewal of the extreme risk protection order, and up to 6 months after the date the order expires or is terminated.

“(f)(1) If a respondent peaceably surrenders any firearms or ammunition pursuant to this section, such surrender shall preclude the arrest and prosecution of the respondent for violating, with respect to the firearms or ammunition surrendered:

“(A) Section 601 of The Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-25061.01); and

“(B) Sections 3 and 4(a) and (a-1) 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. 651; D.C. Official Code §§ 22-4503 and 22-4504(a) and (a-1)).

“(2) The surrender of any firearm or ammunition pursuant to this section shall not constitute a voluntary surrender for the purposes of section 705.

“Sec. 1008. Termination of extreme risk protection orders.

“(a) Any respondent against whom a final extreme risk protection order, including a renewal of the extreme risk protection order, was issued may, on one occasion during the one-year period the order is in effect, submit a written motion to the Superior Court for the District of Columbia requesting that the order be terminated.

“(b) Upon receipt of the motion for termination, the court shall set a date for a hearing, and notice of the request shall be served on the petitioner. The hearing shall occur at least 14 days after the date of service of the motion upon the petitioner.

“(c) In determining whether to terminate a final extreme risk protection order pursuant to this section, the court shall consider all relevant evidence, including:

“(1) Any history or pattern of threats of violence, or acts of violence, by the respondent directed toward themselves or others;

“(2) Any recent threats of violence, or acts of violence, by the respondent directed toward themselves or others;

“(3) The respondent’s acquisition of any firearms, ammunition, or other deadly or dangerous weapons within one year before the filing of the petition;

“(4) The unlawful or reckless use, display, or brandishing of a firearm by the respondent;

“(5) Respondent’s criminal history;

“(6) Respondent’s violation of a court order;

“(7) Evidence of the respondent experiencing a mental health crisis, or other dangerous mental health issues; and

“(8) Respondent’s use of a controlled substance, as that term is defined in section 102 of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-901.02).

“(d) The court shall, before terminating a final extreme risk protection order, examine any witnesses under oath.

“(e) The court shall terminate a final extreme risk protection order if the respondent establishes by a preponderance of the evidence that the respondent does not pose a significant danger of causing bodily injury to self or others by having possession or control of, purchasing, or receiving any firearm or ammunition.

“(f)(1) If the court grants a motion to terminate pursuant to this section, notice of the termination shall be personally served upon the petitioner by a sworn member of the Metropolitan Police Department and sent to the petitioner by electronic mail.

“(2) The court shall submit a copy of the order issued under this section to the Metropolitan Police Department on or before the next business day for service upon the respondent. Service of a notice of termination shall take precedence over the service of other documents, unless the other documents are of a similar emergency nature.

“(3) If the Metropolitan Police Department cannot complete personal service upon the petitioner within 5 business days after receiving an order from the court under paragraph (2) of this subsection, the Metropolitan Police Department shall notify the court.

“(4) Within one business day after service, the Metropolitan Police Department shall submit proof of service to the court.

“Sec. 1009. Return or disposal of firearms or ammunition.

“(a)(1) If an extreme risk protection order is terminated, or expires and is not renewed, the Metropolitan Police Department shall notify the respondent that he or she may request the return of any firearm or ammunition surrendered or removed if that firearm or ammunition had been lawfully possessed.

“(2) The Metropolitan Police Department shall return any surrendered or removed firearm or ammunition requested by a respondent only after confirming that:

“(A) The respondent is eligible to own or possess the firearms and ammunition;

“(B) The firearm or ammunition was lawfully possessed; and

“(C) The respondent has paid any applicable fee charged against the respondent by the Metropolitan Police Department pursuant to subsection 1007(e).

“(b)(1) If a respondent who lawfully possessed a firearm or ammunition does not wish to have the firearm or ammunition returned, or the respondent is no longer eligible to own or possess firearms or ammunition, the respondent may sell or transfer title of the firearm or ammunition in accordance with applicable law.

“(2) The Metropolitan Police Department shall transfer possession of a firearm or ammunition through a licensed firearm dealer to a purchaser or recipient, but only after the licensed firearms dealer has displayed written proof of the sale or transfer of the firearm or ammunition from the respondent to the dealer, and the Metropolitan Police Department has verified the transfer with the respondent.

“(c) If the respondent does not request return of a firearm or ammunition under subsection (a) of this section, or sell or transfer a firearm or ammunition under subsection (b) of this section, within 6 months after the date the extreme risk protection order is terminated, or expires and is not renewed, the Metropolitan Police Department shall treat the firearm or ammunition as surrendered and the firearm or ammunition shall be subject to section 705(b).

“Sec. 1010. Recording requirements.

“(a) The Metropolitan Police Department shall:

“(1) Maintain a searchable database of extreme risk protection orders issued, terminated, and renewed pursuant to this title; and

“(2) Make the information maintained in paragraph (1) of this subsection available to any other relevant law enforcement, pretrial, corrections, or community supervision agency upon request.

“(b) The Superior Court of the District of Columbia shall immediately submit information about extreme risk protection orders issued, renewed, or terminated pursuant to this

title to the National Instant Criminal Background Check System for the purposes of firearm purchaser background checks.

“Sec. 1011. Violation of an extreme risk protection order.

“(a) A person violates an extreme risk protection order if, after receiving actual notice of being subject to an extreme risk protection order, the person knowingly has possession or control of, purchases, or receives a firearm or ammunition.

“(b) A person convicted of violating an extreme risk protection order shall be:

“(1) Fined no 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 incarcerated for no more than 180 days, or both; and

“(2) Prohibited from having possession or control of, purchasing, or receiving a firearm or ammunition for a period of 5 years after the date of conviction.

“(c) A violation of an extreme risk protection order shall not be considered a:

“(1) Weapons offense; or

“(2) Gun offense, as that term is defined in section 801(3).

“Sec. 1012. Law enforcement to retain other authority.

“Nothing in this title shall be construed to affect the ability of a law enforcement officer, as that term is defined in section 901(3), to remove firearms or ammunition from any person pursuant to other lawful authority.”.

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 1 (D.C. Official Code § 22-4501) is amended as follows:

(1) Paragraph (1) is redesignated as paragraph (1A).

(2) A new paragraph (1) is added to read as follows:

“(1) “Bump stock” means any object that, when installed in or attached to a firearm, increases the rate of fire of the firearm by using energy from the recoil of the firearm to generate a reciprocating action that facilitates repeated activation of the trigger.”.

(b) Section 14(a) (D.C. Official Code § 22-4514(a)) is amended by striking the phrase “sawed-off shotgun, knuckles” both times it appears and inserting the phrase “sawed-off shotgun, bump stock, knuckles” in its place.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. 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