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A BILL

24-506

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on a temporary basis, the Firearms Control Regulations Act of 1975 to clarify requirements involving ghost guns and permit the possession of properly serialized self-manufactured firearms; and to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this

act may be cited as the “Ghost Gun Clarification Temporary Amendment Act of 2021”.

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

(1) Paragraph (9B) is amended to read as follows:

“(9B)(A) “Ghost gun”:

“(i) Means:

“(I) A firearm that, after the removal of grips, stocks, and magazines, is not as detectable as the Security Exemplar by walk-through metal detectors calibrated and operated to detect the Security Exemplar;

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25 “(II) A firearm of which no major component is as
26 detectable as the Security Exemplar by walk-through metal detectors calibrated and operated to
27 detect the Security Exemplar;

28 “(III) Any major component of a firearm that, when
29 subjected to inspection by the types of detection devices commonly used at secure public
30 buildings and transit stations, does not generate an image that accurately depicts the shape of the
31 component;

32 “(IV) A firearm, including a frame or receiver, that lacks a
33 unique serial number engraved or cast on it by a licensed manufacturer or importer in accordance
34 with federal law, assigned by the agency of a State and permanently engraved or cast on the
35 firearm, or otherwise placed on the firearm in compliance with section 202; and

36 “(ii) Does not include:

37 “(I) A firearm that has been rendered permanently
38 inoperable;

39 “(II) A firearm manufactured or imported before December
40 16, 1968; or

41 “(III) A firearm identified as provided for under section
42 5842 of the Internal Revenue Code of 1986.

43 “(B) For purposes of subparagraph (i)(I), the term “firearm” does
44 not include the frame or receiver of any such weapon.

45 “(C) For purposes of subparagraphs (i)(II) and (i)(III), the term
46 “major component” with respect to a firearm:

47 “(i) Means the slide or cylinder or the frame or receiver of
48 the firearm; and

49 “(ii) In the case of a rifle or shotgun, includes the barrel of
50 the firearm.”.

51 (3) A new paragraph (10A) is added to read as follows:

52 “(10A) “Manufacture”:

53 “(A) Means to fabricate, make, form, produce or construct, by
54 manual labor or by machinery;

55 “(B) Includes assembling a functional firearm, or molding,
56 machining, or 3D printing a frame or receiver; and

57 “(C) Does not include making or fitting special barrels, stocks, or
58 trigger mechanisms to firearms.”.

59 (4) A new paragraph (11A) is added to read as follows:

60 “(11A) “Permanently inoperable” means incapable of discharging a shot
61 by means of an explosive and incapable of being readily restored to a firing condition.”.

62 (5) Paragraph (12B) is amended to read as follows:

63 “(12B)(A) “Receiver” means a part of a firearm that, when the complete
64 weapon is assembled, is visible from the exterior and provides the housing or structure

65 designed to hold or integrate one or more fire control components, even if pins or other
66 attachments are required to connect those components to the housing or structure.

67 “(B) For purposes of this paragraph, the term “fire control
68 component” means a component necessary for the firearm to initiate, complete, or
69 continue the firing sequence, and includes a hammer, bolt, bolt carrier, breechblock,
70 cylinder, trigger mechanism, firing pin, striker, or slide rails.

71 “(C)(i) The term “receiver” shall not include a receiver that has
72 been destroyed.

73 “(ii) For the purposes of this subparagraph, a receiver is
74 destroyed if it has been permanently altered not to provide housing or a structure that
75 may hold or integrate any fire control or essential internal component, and may not
76 readily be assembled, completed, converted, or restored to a functional state.

77 “(D) For the purposes of this act, the word “frame” is synonymous
78 with the term “receiver.””.

79 (6) Paragraph (17B) is amended to read as follows:

80 “(17B)(A) “Unfinished frame or receiver” means any forging, casting,
81 printing, extrusion, machined body, or similar article that:

82 “(i) Has reached a stage in manufacture where it may
83 readily be completed, assembled or converted to be a functional frame or receiver when
84 combined with other parts; or

85 “(ii) Is marketed or sold to the public to become or be used
86 as the frame or receiver of a functional firearm once the frame or receiver has been
87 completed.

88 “(B) For the purposes of this paragraph, the term “Assemble”
89 means to fit together component parts.

90 “(C) In determining whether a forging, casting, printing, extrusion,
91 machined body, or similar article may readily be completed, assembled, or converted to a
92 functional state, the Chief may consider any available instructions, guides, templates,
93 jigs, equipment, tools, or marketing materials.”.

94 (b) Section 202 (D.C. Official Code § 7-2502.02) is amended by adding a new subsection
95 (c) to read as follows:

96 ~~“(c)(1) Notwithstanding any other provision of this section, a registration certificate may
97 be issued for a self-manufactured firearm if the applicant meets the requirements of section 203,
98 as well as the following:~~

99 ~~“(A) If the firearm is manufactured from polymer plastic, 3.7 ounces of
100 material type 17-4 PH stainless steel shall have been embedded within the plastic; and~~

101 ~~“(B) A unique serial number is engraved or cast on, or otherwise
102 permanently affixed to, the firearm in a manner that meets or exceeds the requirements imposed
103 on licensed importers and licensed manufacturers of firearms pursuant to subsection (i) of
104 Section 923 of Title 18 of the United States Code and regulations issued pursuant thereto;~~

105 ~~provided, that a serial number or mark of identification exceeds these requirements if the~~
106 ~~engraving, casting, or stamping (impressing) of the serial number exceeds the required minimum~~
107 ~~depth or exceeds the minimum print size of that provision.~~

108 “(c)(1) Notwithstanding subsection (a)(5) of this section, a registration certificate may be
109 issued for a self-manufactured firearm that is not prohibited under subsection (a)(1)–(4) or (6)–(8)
110 if:

111 “(A) The applicant meets the requirements of section 203; and

112 “(B) A unique serial number is engraved or cast on, or otherwise
113 permanently affixed to, the firearm in a manner that meets or exceeds the requirements imposed
114 on licensed importers and licensed manufacturers of firearms pursuant to subsection (i) of Section
115 923 of Title 18 of the United States Code and regulations issued pursuant thereto; provided, that a
116 serial number or mark of identification exceeds these requirements if the engraving, casting, or
117 stamping (impressing) of the serial number exceeds the required minimum depth or exceeds the
118 minimum print size of that provision.”.

119 “(2) Beginning 30 days after the effective date of the Emergency Ghost Gun
120 Clarification Act of 2021, as introduced on November __, 2021 (Bill 24-__), an applicant may
121 an applicant who meets the requirements of section 203 may register a self-manufactured firearm
122 that does not bear a serial number described in subsection (c)(1)(B), if, prior to finishing the
123 frame or receiver, the applicant has caused a unique serial number to be engraved, casted,
124 stamped (impressed), or placed on the unfinished frame or receiver, as set forth below.

125 “(A) The serial number shall consist of the first and last name of the self-
126 manufacturer, followed by the designation “DC”, and then a set of 2 to 5 numbers.

127 “(B) The set of numbers described in paragraph (A) shall not duplicate any
128 serial number placed by the self-manufacturer on any other firearm. The applicant shall, before
129 engraving, casting, stamping (impressing), or placing a serial number on the unfinished frame or
130 receiver, confirm with the Metropolitan Police Department that the proposed serial number has
131 not already been registered to another firearm.”.

132 (c) Section 203(b)(10) (D.C. Official Code § 7-2502.03(b)(10)) is amended by striking
133 the phrase “The name” and inserting the phrase “For a firearm that is not self-manufactured
134 pursuant to section 202, the name” in its place.

135 (d) Section 206 (D.C. Official Code § 7-2502.06) is amended by adding a new
136 subsection (c) to read as follows:

137 “(c) Notwithstanding subsection (a) of this section, a person seeking a registration
138 certificate for a firearm that the person has self-manufactured shall file a registration application
139 within 5 business days of completing manufacture of the firearm.”.

140 (e) Section 401(a) (D.C. Official Code § 7-2504.01(a)) is amended to read as follows:

141 “(a) No person or organization shall engage in the business of manufacturing any
142 firearm, destructive device or parts thereof, or ammunition, within the District; provided that:

143 “(1) Nothing in this section shall preclude persons not otherwise prohibited from
144 possessing firearms from making their own firearms solely for personal use (not for sale or

145 distribution) in accordance with this act, rules implementing this act, and any applicable federal
146 law or regulation; and

147 “(2) A person holding registration certificates may engage in hand loading,
148 reloading, or custom loading ammunition for his or her registered firearms; provided further, that
149 such person may not hand load, reload, or custom load ammunition for others.”.

150 (f) Section 504 (D.C. Official Code § 7-2505.04) is amended by adding a new subsection
151 (b-1) to read as follows:

152 ~~“(b-1) Notwithstanding any other provisions of this section, a person may lawfully own a~~
153 ~~pistol that is:~~

154 ~~“(1) Self-manufactured; and~~

155 ~~“(2) Registered pursuant to section 202.”.~~

156 “(b-1) Notwithstanding any other provisions of this section, a person may lawfully:

157 “(1) Self-manufacture a pistol; and

158 “(2) Possess and own a pistol that the person self-manufactured pursuant to
159 paragraph (1) of this subsection and registered pursuant to section 202.”.

160 Sec. 3. Section 6 of An Act To control the possession, sale, transfer, and use of pistols
161 and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules
162 of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code
163 § 22-4506), is amended by adding a new subsection (b-1) to read as follows:

164 “(b-1) The Chief shall not approve an application submitted pursuant to subsection (a) of
165 this section for any firearm that was self-manufactured and registered in the District of Columbia
166 pursuant to section 202 of the Firearms Control Regulations Act of 1975, effective
167 September 24, 1976 (D.C. Law 1-85; (D.C. Official Code § 7-2502).”.

168 Sec. 4. Fiscal impact statement.

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

172 Sec. 5. Effective date.

173 (a) This act shall take effect following approval by the Mayor (or in the event of veto by
174 the Mayor, action by the Council to override the veto), a 30-day period of congressional review
175 as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
176 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
177 Columbia Register.

178 (b) This act shall expire after 225 days of its having taken effect.