

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Firearms Control Regulations Act of 1975 to clarify requirements involving ghost guns and permit the possession of properly serialized self-manufactured firearms that are not otherwise prohibited, to regulate carrying of firearms by off-duty law enforcement officers, and to expand the prohibition on carrying a pistol while impaired; 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 apply the same rules to stay-away orders that apply to orders prohibiting assault, harassment, stalking, and threats, to clarify restrictions on the lawful transportation of firearms, and to authorize and limit the carrying of pistols by off-duty law enforcement officers, other United States officers and employees while on duty, manufacturers, and those transporting firearms for limited purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Omnibus Firearm and Ghost Gun Clarification Amendment Act of 2022”.

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 (9A) is amended to read as follows:

“(9A)(A) “Frame” or “receiver” means a part of a firearm that when the complete weapon is assembled is visible from the exterior and provides the housing or structure designed to hold or integrate one or more fire control components, even if pins or other attachments are required to connect those components to the housing or structure.

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

“(C)(i) For a firearm model that has multiple parts that could be deemed a “frame” or “receiver” under subparagraph (A) of this paragraph, the term “frame” or “receiver” shall not include “non-primary frames” or “non-primary receivers”.

“(ii) A part that would otherwise be deemed a “frame” or “receiver” under subparagraph (A) of this paragraph shall be deemed a “non-primary frame” or “non-primary receiver” if federal law:

“(I) Does not require serialization of that part; and

“(II) Requires serialization of another part that is a frame or receiver, as those terms are defined in this section.

“(D)(i) The term “frame” or “receiver” shall not include a frame or receiver that has been destroyed.

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

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

“(9B)(A) “Ghost gun” means any:

“(i) 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;

“(ii) Major component of a firearm that, when subjected to inspection by the types of detection devices commonly used at secure public buildings and transit stations, does not generate an image that accurately depicts the shape of the component; or

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

“(B) The term “ghost gun” does not include any:

“(i) Firearm that has been rendered permanently inoperable;

“(ii) Firearm manufactured or imported before December 16, 1968;

or

“(iii) Firearm identified as provided for under section 5842 of the Internal Revenue Code of 1986.

“(C) For the purposes of subparagraph (A)(i) of this paragraph, the term “firearm” does not include the frame or receiver of any such weapon.

“(D) For the purposes of subparagraph (A)(ii) of this paragraph, the term “major component” with respect to a firearm:

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

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

(3) A new paragraph (9D) is added to read as follows:

“(9D) “Intrafamily offense” shall have the same meaning as provided in D.C. Official Code § 16-1001(8).”.

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

“(10A)(A) “Manufacture” means to:

“(i) Fabricate, make, form, produce, or construct, by manual labor or by machinery;

“(ii) Assemble a functional firearm; or

“(iii) Mold, machine, or 3D print a frame or receiver; and

“(B) The term “manufacture” does not include making or fitting special barrels, stocks, or trigger mechanisms to firearms.”.

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

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

(6) Paragraph (17B) is repealed.

(b) Section 201(b)(1) (D.C. Official Code § 7-2502.01(b)(1)) is amended to read as follows:

“(1)(A) Qualified law enforcement officers, as that phrase is defined in 18 U.S.C. § 926B(c) and (f), who are carrying the identification required by 18 U.S.C. § 926B(d);

“(B) Qualified retired law enforcement officers, as that phrase is defined in 18 U.S.C. §926C(c) and (e)(2), who are carrying the identification required by 18 U.S.C. § 926C(d);

“(C) Members of the Army, Navy, Air Force, or Marine Corps of the United States, or of the National Guard or Organized Reserves, when on duty and duly authorized to carry a firearm;

“(D) Officers or employees of the United States, when duly authorized to carry a firearm; or

“(E) State law enforcement officers who lawfully enter the District of Columbia in hot pursuit of a person suspected of having committed a crime;”.

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

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

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

“(B) A unique serial number is engraved or cast on, or otherwise permanently affixed to, the firearm in a manner that meets or exceeds the requirements imposed on licensed importers and licensed manufacturers of firearms pursuant to 18 U.S.C. § 923(i) and

regulations issued pursuant thereto; provided, that a serial number or mark of identification exceeds these requirements if the engraving, casting, or stamping (also known as impressing) of the serial number exceeds the required minimum depth or exceeds the minimum print size of that provision.

“(2)(A) An applicant who meets the requirements of section 203 may register a self-manufactured firearm that does not bear a serial number as described in paragraph (1)(B) of this subsection, if, prior to finishing the frame or receiver, the applicant has caused a unique serial number to be engraved, casted, stamped (impressed), or placed on the frame or receiver, as set forth in subparagraphs (B) and (C) of this paragraph.

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

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

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

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

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

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

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

“(1) Nothing in this section shall preclude persons not otherwise prohibited from possessing firearms from making their own firearms solely for personal use (not for sale or distribution) in accordance with this act, rules issued pursuant to this act, and any applicable federal law or regulation; and

“(2) A person holding registration certificates may engage in hand loading, reloading, or custom loading ammunition for the person’s registered firearms; except, that a person may not hand load, reload, or custom load ammunition for others.”.

(g) Section 408(a) (D.C. Official Code § 7-2504.08(a)) is amended as follows:

(1) Strike the phrase “No licensee” and insert the phrase “No person or organization” in its place

(2) Strike the phrase “firearm which” and insert the phrase “firearm, including a frame or receiver, which” in its place.

ENROLLED ORIGINAL

(h) Section 501 (D.C. Official Code § 7-2505.01) is amended by striking the phrase “ghost gun, unfinished frame or receiver, or ammunition” and inserting the phrase “ghost gun, or ammunition” in its place.

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

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

“(1) Self-manufacture a pistol; and

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

(j) Section 801(3)(B) (D.C. Official Code § 7-2508.01(3)(B)) is amended to read as follows:

“(B) A conviction for violating section 201, 401, 501, 601, or 906, or an attempt or conspiracy to commit any of those offenses;”.

(k) Section 906(b) (D.C. Official Code § 7-2509.06(b)) is amended by striking the phrase “A licensee shall not” and inserting the phrase “No person shall” in its place.

(l) Section 907(b) (D.C. Official Code § 7-2509.07(b)) is amended to read as follows:

(b) “Except to the extent of any inconsistency with 18 U.S.C. §§ 926B and 926C, the carrying of a concealed pistol:

“(1) On private residential property shall be presumed to be prohibited unless otherwise authorized by the property owner or person in control of the premises and communicated personally to the licensee in advance of entry onto the residential property;

“(2) In a church, synagogue, mosque, or other place where people regularly assemble for religious worship shall be presumed to be prohibited unless the property is posted with conspicuous signage allowing the carrying of a concealed pistol, or the owner or authorized agent communicates allowance personally to the licensee in advance of entry onto the property; provided, that such places may not authorize the carrying of a concealed pistol where services are conducted in locations listed in subsection (a) of this section; and

“(3) On private property that is not a residence shall be presumed to be permitted unless the property is posted with conspicuous signage prohibiting the carrying of a concealed pistol, or the owner or authorized agent communicates such prohibition personally to the licensee.”.

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(2B) (D.C. Official Code § 22-4501(2B)) is amended by striking the phrase “section 101(9B) of the Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01(9B))” and inserting the

ENROLLED ORIGINAL

phrase “section 101(9B) of the Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01(9B))” in its place.

(b) Section 3(a)(5)(B) (D.C. Official Code § 22-4503(a)(5)(B)) is amended to read as follows:

“(B) Restrains the person from assaulting, harassing, stalking, or threatening any person named in the order, or requires the person to stay away from, or have no contact with, any other person or a location; and”.

(c) Section 4b (D.C. Official Code § 22-4504.02) is amended as follows:

(1) The section heading is amended by striking the phrase “Lawful transportation of” and inserting the phrase “Transportation of” in its place.

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

“(a) A person may not transport a firearm unless the person:

“(1) Is not otherwise prohibited by law from transporting, shipping, or receiving the firearm;

“(2) Is transporting the firearm for a lawful purpose from a place where the person may lawfully possess and carry the firearm to another place where the person may lawfully possess and carry the firearm; and

“(3) Transports the firearm in accordance with this section.”.

(3) New subsections (d), (e), and (f) are added to read as follows:

“(d) The requirements of subsection (b) of this section shall not apply to a person who has a license to carry a pistol concealed upon their person pursuant to section 6 and who is transporting the firearm concealed upon their person.

“(e) The requirements of subsection (c) of this section shall not apply to a person who has a license to carry a pistol concealed upon their person pursuant to section 6 and who is transporting the firearm concealed upon their person.

“(f) Prosecutions for violations of this section shall be brought by the Attorney General for the District of Columbia in the name of the District of Columbia.”.

(d) Section 5 (D.C. Official Code § 22-4505) is amended to read as follows:

“Sec. 5. Exceptions to section 4.

“(a) The provisions of section 4(a), as they pertain to a pistol, and (a-1), shall not apply to:

“(1) A person engaged in the business of manufacturing, repairing, or dealing in firearms, or their agents, employees, and representatives, who possess, carry, or use a pistol in the ordinary course of that business; or

“(2) A person while carrying a pistol, transported in accordance with section 4b:

“(A) From the place of purchase to the person’s home or place of business;

“(B) To a place of repair, or back from that place to the person’s home or place of business;

“(C) While moving goods from one place of abode or business to another;
or

“(D) To or from any lawful recreational firearm-related activity.

“(b) The provisions of section 4(a) and (a-1) shall not apply to:

“(1) The concealed carrying of a firearm by a qualified law enforcement officers who is carrying the identification required by 18 U.S.C. § 926B(d);

“(2) The concealed carrying of a firearm by a qualified retired law enforcement officers who is carrying the identification required by 18 U.S.C. § 926C(d);

“(3) Members of the Army, Navy, Air Force, or Marine Corp of the United States, or of the National Guard or Organized Reserves when on duty and duly authorized to carry a firearm; and

“(4) Officers or employees of the United States when duly authorized to carry a firearm.

“(c) For the purposes of this section, the term:

“(1) “Qualified law enforcement officer” shall have the same meaning as provided in 18 U.S.C. § 926B(c) and (f).

“(2) “Qualified retired law enforcement officer” shall have the same meaning as provided in 18 U.S.C. § 926C(c) and (e)(2).

“(3) “Recreational firearm-related activity” includes a firearms training and safety class.”.

(e) A new section 5a is added to read as follows:

“Sec. 5a. Off-duty law enforcement officers carrying restrictions.

“(a) Notwithstanding section 5 or any other law, no off-duty law enforcement officer shall carry any firearm, openly or concealed, in the following locations or under the following circumstances:

“(1) A building or office occupied by the government of the District of Columbia, its agencies, or its instrumentalities;

“(2) A District government property or park;

“(3) Any private residential property other than the officer’s own residence, if:

“(A) The property displays clear and conspicuous signage indicating that firearms are prohibited; or

“(B) The property owner or person in control of the premises directly communicates, orally or in writing, to the law enforcement officer in advance of entry onto the residential property that the carrying of pistols is prohibited;

“(4) Any private property that does not belong to the law enforcement officer and that is not a residence, including private property open to the public, if:

“(A) The property is posted with conspicuous signage prohibiting the carrying of a pistol; or

“(B) The owner or authorized agent personally communicates to the law enforcement officer that the carrying of pistols is prohibited; and

“(5) In a church, synagogue, mosque, or other place where people regularly assemble for religious worship and that is not otherwise covered by paragraph (1) or (2) of this subsection, if:

“(A) The property is posted with conspicuous signage prohibiting the carrying of a pistol; or

“(B) The owner or authorized agent communicates to the law enforcement officer that carrying a pistol is prohibited.

“(b) For the purposes of this section:

“(1) A law enforcement officer shall be off-duty law enforcement officer when the officer is not performing an official duty for the governmental agency that authorizes the officer to carry a firearm.

“(2) A Metropolitan Police Department officer’s authorized service weapon includes the officer’s authorized off-duty service weapon.

“(c) This section shall not apply to the carrying of authorized service weapons by:

“(1) Law enforcement officers employed by the District, including members of the Metropolitan Police Department; or

“(2) An officer, agent, or employee of the United States, a State, or political subdivision thereof, who is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of law and who is engaged in the lawful performance of their official duties, including travel to or from any official activity and participation in an authorized honor guard.”.

Sec. 4. The Ghost Gun Clarification Temporary Amendment Act of 2022, effective December 21, 2022 (D.C. Law 24-221; 69 DCR 13966), is repealed.

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report 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. 6. 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), a 60-day period of congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia