

110TH CONGRESS
1ST SESSION

H. R. 1399

To restore Second Amendment rights in the District of Columbia.

IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 2007

Mr. ROSS (for himself and Mr. SOUDER) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

A BILL

To restore Second Amendment rights in the District of Columbia.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “District of Columbia
5 Personal Protection Act”.

6 **SEC. 2. CONGRESSIONAL FINDINGS.**

7 Congress finds the following:

8 (1) The Second Amendment to the United
9 States Constitution provides that the right of the
10 people to keep and bear arms shall not be infringed.

1 (2) The Second Amendment to the United
2 States Constitution protects the rights of individ-
3 uals, including those who are not members of a mili-
4 tia or engaged in military service or training, to
5 keep and bear arms.

6 (3) The law-abiding citizens of the District of
7 Columbia are deprived by local laws of handguns, ri-
8 fles, and shotguns that are commonly kept by law-
9 abiding persons throughout the United States for
10 sporting use and for lawful defense of their persons,
11 homes, businesses, and families.

12 (4) The District of Columbia has the highest
13 per capita murder rate in the Nation, which may be
14 attributed in part to local laws prohibiting posses-
15 sion of firearms by law-abiding persons who would
16 otherwise be able to defend themselves and their
17 loved ones in their own homes and businesses.

18 (5) The Federal Gun Control Act of 1968, as
19 amended by the Firearms Owners' Protection Act of
20 1986, and the Brady Handgun Violence Prevention
21 Act of 1993, provide comprehensive Federal regula-
22 tions applicable in the District of Columbia as else-
23 where. In addition, existing District of Columbia
24 criminal laws punish possession and illegal use of
25 firearms by violent criminals and felons. Con-

1 sequently, there is no need for local laws which only
2 affect and disarm law-abiding citizens.

3 (6) Legislation is required to correct the Dis-
4 trict of Columbia’s law in order to restore the funda-
5 mental rights of its citizens under the Second
6 Amendment to the United States Constitution and
7 thereby enhance public safety.

8 **SEC. 3. REFORM D.C. COUNCIL’S AUTHORITY TO RESTRICT**
9 **FIREARMS.**

10 Section 4 of the Act entitled “An Act to prohibit the
11 killing of wild birds and wild animals in the District of
12 Columbia”, approved June 30, 1906 (34 Stat. 809; sec.
13 1–303.43, D.C. Official Code) is amended by adding at
14 the end the following: “Nothing in this section or any
15 other provision of law shall authorize, or shall be con-
16 strued to permit, the Council, the Mayor, or any govern-
17 mental or regulatory authority of the District of Columbia
18 to prohibit, constructively prohibit, or unduly burden the
19 ability of persons not prohibited from possessing firearms
20 under Federal law from acquiring, possessing in their
21 homes or businesses, or using for sporting, self-protection
22 or other lawful purposes, any firearm neither prohibited
23 by Federal law nor subject to the National Firearms Act.
24 The District of Columbia shall not have authority to enact

1 laws or regulations that discourage or eliminate the pri-
2 vate ownership or use of firearms.”.

3 **SEC. 4. REPEAL D.C. SEMIAUTOMATIC BAN.**

4 (a) IN GENERAL.—Section 101(10) of the Firearms
5 Control Regulations Act of 1975 (sec. 7–2501.01(10),
6 D.C. Official Code) is amended to read as follows:

7 “(10) ‘Machine gun’ means any firearm which
8 shoots, is designed to shoot, or can be readily con-
9 verted or restored to shoot automatically, more than
10 1 shot by a single function of the trigger, and in-
11 cludes the frame or receiver of any such weapon, any
12 part designed and intended solely and exclusively, or
13 combination of parts designed and intended, for use
14 in converting a weapon into a machine gun, and any
15 combination of parts from which a machine gun can
16 be assembled if such parts are in the possession or
17 under the control of a person.”.

18 (b) CONFORMING AMENDMENT TO PROVISIONS SET-
19 TING FORTH CRIMINAL PENALTIES.—Section 1(c) of the
20 Act of July 8, 1932 (47 Stat. 651; sec. 22–4501(c), D.C.
21 Official Code) is amended to read as follows:

22 “(c) ‘Machine gun’, as used in this Act, has the
23 meaning given such term in section 101(10) of the Fire-
24 arms Control Regulations Act of 1975.”.

1 **SEC. 5. REPEAL REGISTRATION REQUIREMENT.**

2 (a) REPEAL OF REQUIREMENT.—

3 (1) IN GENERAL.—Section 201(a) of the Fire-
4 arms Control Regulations Act of 1975 (sec. 7–
5 2502.01(a), D.C. Official Code) is amended by strik-
6 ing “any firearm, unless” and all that follows
7 through paragraph (3) and inserting the following:
8 “any firearm described in subsection (c).”.

9 (2) DESCRIPTION OF FIREARMS REMAINING IL-
10 LEGAL.—Section 201 of such Act (sec. 7–2502.01,
11 D.C. Official Code) is amended by adding at the end
12 the following new subsection:

13 “(c) A firearm described in this subsection is any of
14 the following:

15 “(1) A sawed-off shotgun.

16 “(2) A machine gun.

17 “(3) A short-barreled rifle.”.

18 (3) CONFORMING AMENDMENT.—The heading
19 of section 201 of such Act (sec. 7–2502.01, D.C. Of-
20 ficial Code) is amended by striking “Registration re-
21 quirements” and inserting “Firearm Possession”.

22 (b) CONFORMING AMENDMENTS TO FIREARMS CON-
23 TROL REGULATIONS ACT.—The Firearms Control Regu-
24 lations Act of 1975 is amended as follows:

1 (1) Sections 202 through 211 (secs. 7–2502.02
2 through 7–2502.11, D.C. Official Code) are re-
3 pealed.

4 (2) Section 101 (sec. 7–2501.01, D.C. Official
5 Code) is amended by striking paragraph (13).

6 (3) Section 401 (sec. 7–2504.01, D.C. Official
7 Code) is amended—

8 (A) in subsection (a), by striking “the Dis-
9 trict;” and all that follows and inserting the fol-
10 lowing: “the District, except that a person may
11 engage in hand loading, reloading, or custom
12 loading of ammunition for firearms lawfully
13 possessed under this Act.”; and

14 (B) in subsection (b), by striking “which
15 are unregisterable under section 202” and in-
16 serting “which are prohibited under section
17 201”.

18 (4) Section 402 (sec. 7–2504.02, D.C. Official
19 Code) is amended—

20 (A) in subsection (a), by striking “Any
21 person eligible to register a firearm” and all
22 that follows through “such business,” and in-
23 serting the following: “Any person not other-
24 wise prohibited from possessing or receiving a
25 firearm under Federal or District law, or from

1 being licensed under section 923 of title 18,
2 United States Code,”; and

3 (B) in subsection (b), by amending para-
4 graph (1) to read as follows:

5 “(1) The applicant’s name;”.

6 (5) Section 403(b) (sec. 7–2504.03(b), D.C. Of-
7 ficial Code) is amended by striking “registration cer-
8 tificate” and inserting “dealer’s license”.

9 (6) Section 404(a)(3) (sec. 7–2504.04(a)(3)),
10 D.C. Official Code) is amended—

11 (A) in subparagraph (B)(i), by striking
12 “registration certificate number (if any) of the
13 firearm,”;

14 (B) in subparagraph (B)(iv), by striking
15 “holding the registration certificate” and insert-
16 ing “from whom it was received for repair”;

17 (C) in subparagraph (C)(i), by striking
18 “and registration certificate number (if any) of
19 the firearm”;

20 (D) in subparagraph (C)(ii), by striking
21 “registration certificate number or”;

22 (E) in subparagraph (D)(ii), by striking
23 “or registration number”; and

1 (F) in subparagraph (E), by striking
2 clause (iii) and redesignating clauses (iv) and
3 (v) as clauses (iii) and (iv).

4 (7) Section 406(c) (sec. 7-2504.06(c), D.C. Of-
5 ficial Code) is amended to read as follows:

6 “(c) Within 45 days of a decision becoming effective
7 which is unfavorable to a licensee or to an applicant for
8 a dealer’s license, the licensee or application shall—

9 “(1) lawfully remove from the District all de-
10 structive devices in his inventory, or peaceably sur-
11 render to the Chief all destructive devices in his in-
12 ventory in the manner provided in section 705; and

13 “(2) lawfully dispose, to himself or to another,
14 any firearms and ammunition in his inventory.”.

15 (8) Section 407(b) (sec. 7-2504.07(b), D.C. Of-
16 ficial Code) is amended by striking “would not be el-
17 igible” and all that follows and inserting “is prohib-
18 ited from possessing or receiving a firearm under
19 Federal or District law.”.

20 (9) Section 502 (sec. 7-2505.02, D.C. Official
21 Code) is amended—

22 (A) by amending subsection (a) to read as
23 follows:

24 “(a) Any person or organization not prohibited from
25 possessing or receiving a firearm under Federal or District

1 law may sell or otherwise transfer ammunition or any fire-
2 arm, except those which are prohibited under section 201,
3 to a licensed dealer.”;

4 (B) by amending subsection (c) to read as
5 follows:

6 “(c) Any licensed dealer may sell or otherwise trans-
7 fer a firearm to any person or organization not otherwise
8 prohibited from possessing or receiving such firearm under
9 Federal or District law.”;

10 (C) in subsection (d), by striking para-
11 graphs (2) and (3); and

12 (D) by striking subsection (e).

13 (10) Section 704 (sec. 7–2507.04, D.C. Official
14 Code) is amended—

15 (A) in subsection (a), by striking “any reg-
16 istration certificate or” and inserting “a”; and

17 (B) in subsection (b), by striking “reg-
18 istration certificate,”.

19 (c) OTHER CONFORMING AMENDMENTS.—Section
20 2(4) of the Illegal Firearm Sale and Distribution Strict
21 Liability Act of 1992 (sec. 7–2531.01(2)(4), D.C. Official
22 Code) is amended—

23 (1) in subparagraph (A), by striking “or ignor-
24 ing proof of the purchaser’s residence in the District
25 of Columbia”; and

1 (2) in subparagraph (B), by striking “registra-
2 tion and”.

3 **SEC. 6. REPEAL HANDGUN AMMUNITION BAN.**

4 (a) DEFINITION OF RESTRICTED PISTOL BULLET.—
5 Section 101(13a) of the Firearms Control Regulations Act
6 of 1975 (sec. 7–2501.01(13a)) is amended to read as fol-
7 lows:

8 “(13a)(A) ‘Restricted pistol bullet’ means—

9 “(i) a projectile or projectile core which
10 may be used in a handgun and which is con-
11 structed entirely (excluding the presence of
12 traces of other substances) from one or a com-
13 bination of tungsten alloys, steel, iron, brass,
14 bronze, beryllium copper, or depleted uranium;
15 or

16 “(ii) a full-jacketed projectile larger than
17 .22 caliber designed and intended for use in a
18 handgun and whose jacket has a weight of more
19 than 25 percent of the total weight of the pro-
20 jectile.

21 “(B) The term ‘restricted pistol bullet’ does not
22 include shotgun shot required by Federal or State
23 environmental or game regulations for hunting pur-
24 poses, a frangible projectile designed for target
25 shooting, a projectile which the Attorney General of

1 the United States (pursuant to section 921(a)(17) of
2 title 18, United States Code) finds is primarily in-
3 tended to be used for sporting purposes, or any
4 other projectile or projectile core which the Attorney
5 General finds is intended to be used for industrial
6 purposes, including a charge used in an oil and gas
7 well perforating device.”.

8 (b) REPEAL OF BAN.—Section 601 of the Firearms
9 Control Regulations Act of 1975 (sec. 7–2506.01, D.C.
10 Official Code) is amended—

11 (1) by striking “ammunition” each place it ap-
12 pears (other than paragraph (4)) and inserting “re-
13 stricted pistol bullets”; and

14 (2) by striking paragraph (3) and redesignating
15 paragraph (4) as paragraph (3).

16 **SEC. 7. RESTORE RIGHT OF SELF DEFENSE IN THE HOME.**

17 Section 702 of the Firearms Control Regulations Act
18 of 1975 (sec. 7–2507.02, D.C. Official Code) is repealed.

19 **SEC. 8. REMOVE CRIMINAL PENALTIES FOR POSSESSION**
20 **OF UNREGISTERED FIREARMS.**

21 (a) IN GENERAL.—Section 706 of the Firearms Con-
22 trol Regulations Act of 1975 (sec. 7–2507.06, D.C. Offi-
23 cial Code) is amended—

24 (1) by striking “that:” and all that follows
25 through “(1) A” and inserting “that a”; and

1 (2) by striking paragraph (2).

2 (b) EFFECTIVE DATE.—The amendments made by
3 subsection (a) shall apply with respect to violations occur-
4 ring after the 60-day period which begins on the date of
5 the enactment of this Act.

6 **SEC. 9. REMOVE CRIMINAL PENALTIES FOR CARRYING A**
7 **FIREARM IN ONE'S DWELLING OR OTHER**
8 **PREMISES.**

9 (a) IN GENERAL.—Section 4(a) of the Act of July
10 8, 1932 (47 Stat. 651; sec. 22-4504(a), D.C. Official
11 Code) is amended—

12 (1) in the matter before paragraph (1), by
13 striking “a pistol,” and inserting the following: “ex-
14 cept in his dwelling house or place of business or on
15 other land possessed by that person, whether loaded
16 or unloaded, a firearm,”; and

17 (2) by striking “except that:” and all that fol-
18 lows through “(2) If the violation” and inserting
19 “except that if the violation”.

20 (b) TREATMENT OF CERTAIN EXCEPTIONS.—Section
21 5(a) of such Act (47 Stat. 651; sec. 22-4505(a), D.C. Of-
22 ficial Code) is amended—

23 (1) by striking “pistol” each place it appears
24 and inserting “firearm”; and

1 (2) by striking the period at the end and insert-
2 ing the following: “, or to any person while carrying
3 or transporting a firearm used in connection with an
4 organized military activity, a target shoot, formal or
5 informal target practice, sport shooting event, hunt-
6 ing, a firearms or hunter safety class, trapping, or
7 a dog obedience training class or show, or the mov-
8 ing by a bona fide gun collector of part or all of the
9 collector’s gun collection from place to place for pub-
10 lic or private exhibition while the person is engaged
11 in, on the way to, or returning from that activity if
12 each firearm is unloaded and carried in an enclosed
13 case or an enclosed holster, or to any person car-
14 rying or transporting a firearm in compliance with
15 sections 926A, 926B or 926C of title 18, United
16 States Code.”.

17 (c) EFFECTIVE DATE.—The amendments made by
18 this section shall apply with respect to violations occurring
19 after the 60-day period which begins on the date of the
20 enactment of this Act.

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