

**AMENDMENT TO THE SENATE AMENDMENT TO THE HOUSE AMENDMENT TO S. 2938**

**OFFERED BY MR. BUDD OF NORTH CAROLINA**

At the end of Title II, insert the following:

**SEC. \_\_. SECOND AMENDMENT RIGHTS IN THE DISTRICT OF COLUMBIA.**

(a) **REPEAL OF SEMIAUTOMATIC BAN.**—Section 101 of the Firearms Control Regulations Act of 1975 (sec. 7–2501.01, D.C. Official Code) is amended by—

- (1) striking paragraph (3A).—
- (2) striking paragraph (8A).
- (3) striking paragraph (13A).

(b) **REPEAL OF REGISTRATION REQUIREMENT AND AUTHORIZATION OF AMMUNITION SALES.**—

(1) **IN GENERAL.**—Section 201(a) of the Firearms Control Regulations Act of 1975 (sec. 7–2502.01(a), D.C. Official Code) is amended by striking “any firearm, unless” and all that follows through paragraph (3) and inserting the following: “any firearm described in subsection (c).”.

(2) **DESCRIPTION OF FIREARMS.**—Section 201 of the Firearms Control Regulations Act of 1975 (sec. 7–2502.01, D.C. Official Code) is amended by adding at the end the following:

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

- “(1) A sawed-off shotgun.
- “(2) A machine gun.

(3) **CONFORMING AMENDMENTS.**—

(A) The heading of section 201 of the Firearms Control Regulations Act of 1975 (sec. 7–2502.01, D.C. Official Code) is amended by striking “**REGISTRATION REQUIREMENTS**” and inserting “**FIREARM POSSESSION**”.

(B) The Firearms Control Regulations Act of 1975 is amended—

- (i) in section 101 (sec. 7–2501.01, D.C. Official Code), by striking paragraph (13); and
- (ii) by repealing sections 202 through 216 (secs. 7–2502.02 through 7–2502.16, D.C. Official Code).

(C) The Stun Gun Regulation Amendment Act of 2016 (D.C. Law 21-281) is amended by repealing section 5.

(D) Section 1 of the Act of July 8, 1932 (47 Stat. 650, chapter 465; sec. 22–4501, D.C. Official Code) is amended by repealing paragraph (7A).

(c) REPEAL OF REDUNDANT DEALER LICENSING REQUIREMENT AND PROVISION FOR THE LAWFUL SALE OF FIREARMS BY FEDERALLY LICENSED DEALERS.—

(1) IN GENERAL.—Section 401 of the Firearms Control Regulations Act of 1975 (sec. 7–2504.01, D.C. Official Code) is amended by striking “(a) No person” and all that follows and inserting the following:

“(a) No person or organization may engage in the business of dealing, importing, or manufacturing firearms without complying with the requirements of Federal law.

“(b) Any dealer who is in compliance with Federal law may sell or otherwise transfer a firearm to any person or organization not otherwise prohibited from possessing or receiving such firearm under Federal law. In the case of a sale or transfer of a handgun to a resident of the District of Columbia, a federally licensed importer, manufacturer, or dealer of firearms in Maryland or Virginia shall be treated as a dealer licensed under the provisions of this Act for purposes of the previous sentence, notwithstanding section 922(b)(3) of title 18, United States Code, if the transferee meets in person with the transferor to accomplish the transfer, and the sale, delivery, and receipt fully comply with the legal conditions of sale in both the District of Columbia and the jurisdiction in which the transfer occurs.”.

(2) PROVIDING FOR THE LAWFUL SALE OF FIREARMS.—Section 501 of the Firearms Control Regulations Act of 1975 (sec. 7–2505.01, D.C. Official Code) is amended by striking “, destructive device or ammunition” and all that follows and inserting the following: “or ammunition to any person if the seller or transferor knows or has reasonable cause to believe that such person is prohibited by Federal law from possessing or receiving a firearm.”.

(3) CONFORMING AMENDMENTS TO FIREARMS CONTROL REGULATIONS ACT.—The Firearms Control Regulations Act of 1975 is amended—

(A) by repealing section 101(6);

(B) by repealing sections 402 through 409 (secs. 7–2504.02 through 7–2504.09, D.C. Official Code);

(C) by repealing sections 502 through 504 (secs. 7–2505.02 through 7–2505.04, D.C. Official Code);

(D) in section 701 (sec. 7–2507.01, D.C. Official Code)—

(i) in subsection (a), by striking “firearm, destructive device, or ammunition” and inserting “destructive device”; and

(ii) in subsection (b), by striking “, any firearm, destructive device, or ammunition.” and inserting “any destructive device.”;

(E) by striking section 704 (sec. 7–2507.04, D.C. Official Code) and inserting:

“SEC. 704. It shall be unlawful for any person purchasing any firearm or ammunition to give false information or offer false evidence of his or her identity”;

(F) by striking section 706 (sec. 7–2507.06, D.C. Official Code) and inserting the following:

“(a) Except as provided in section 205, any person convicted of a violation of any provision of this unit shall be fined not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012 (D.C. Law 19-317) or imprisoned for not more than 1 year, or both, except as follows:

“(1) Except as provided in paragraph (2), any person who is convicted a second time for possessing an unregistered firearm shall be fined not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012 (D.C. Law 19-317) or imprisoned not more than 5 years, or both.

“(2) A person who in the person’s dwelling place, place of business, or on other land possessed by the person, possesses a pistol or firearm that could otherwise be registered, shall be fined not more than the amount set forth in the Criminal Fine Proportionality Amendment Act of 2012 (D.C. Law 19–317) or imprisoned not more than 1 year, or both.”;

(G) by striking section 301 (sec. 7–2503.01, D.C. Official Code); and

(H) by striking section 706a (sec. 7–2507.06a, D.C. Official Code).

(4) OTHER CONFORMING AMENDMENTS.—The Act of July 8, 1932 (47 Stat. 650, chapter 465; sec. 22–4501 et seq., D.C. Official Code), is amended—

(A) in section 3 (sec. 22–4503, D.C. Official Code)—

(i) in subsection (a), by striking “if the person” and all that follows and inserting “if the person is prohibited from possessing a firearm under Federal law.”;

(ii) in subsection (b)(1), by striking “subsection (a)(1)” and inserting “subsection (a)”;

and

(iii) by repealing subsections (c) and (d); and

(B) by striking sections 7 through 10 (secs. 22–4507 through 22–4510, D.C. Official Code).

(d) ALLOWING POSSESSION OF AMMUNITION AND AMMUNITION FEEDING DEVICES.—Section 601 of the Firearms Control Regulations Act of 1975 (sec. 7–2506.01, D.C. Official Code) is amended by striking “(a) No person” and all that follows and inserting the following: “No person who is prohibited by Federal law from possessing a firearm may possess ammunition in the District of Columbia.”.

(e) RESTORATION OF RIGHT OF SELF DEFENSE IN THE HOME.—Section 702 of the Firearms Control Regulations Act of 1975 (sec. 7–2507.02, D.C. Official Code) is repealed.

(f) EQUAL TREATMENT OF FIRING RANGES.—Section 703 of the Firearms Control Regulations Act of 1975 (sec. 7–2507.03, D.C. Official Code) is repealed.

(g) REMOVAL OF CRIMINAL PENALTIES FOR POSSESSION OF UNREGISTERED FIREARMS AND CERTAIN AMMUNITION.—Section 706 of the Firearms Control Regulations Act of 1975 (sec. 7–2507.06, D.C. Official Code) is amended—

(1) by striking “except that” and all that follows through “A person who knowingly” and inserting the following: “except that a person who knowingly”; and

(2) by striking paragraphs (2) and (3).

(h) CONSTITUTIONAL CARRY.—

(1) IN GENERAL.—Section 6 of the Act of July 8, 1932 (47 Stat. 650, chapter 465; sec. 22–4506, D.C. Official Code), is amended by striking subsections (a) through (e) and inserting the following:

“(a) Notwithstanding any provision of the laws applicable only in or to the District of Columbia, and subject only to the requirements of this section, a person who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and who is carrying a valid identification document containing a photograph of the person, may possess or carry a concealed handgun in the District of Columbia (other than a machine gun or destructive device).

“(b) This section shall not be construed to supersede any Federal law restricting the possession of firearms in federal buildings or on federal property not open to the public.

“(c) (1) A person who carries or possesses a concealed handgun in accordance with subsections (a) and (b) may not be arrested or otherwise detained for violation of any law or any rule or regulation applicable only in or to the District of Columbia related to the possession, transportation, or carrying of firearms unless there is probable cause to believe that the person is doing so in a manner not provided for by this section.

“(2) When a person asserts this section as a defense in a criminal proceeding, the prosecution shall bear the burden of proving, beyond a reasonable doubt, that the conduct of the person did not satisfy the conditions set forth in subsections (a) and (b).

“(3) When a person successfully asserts this section as a defense in a criminal proceeding, the court shall award the prevailing defendant a reasonable attorney’s fee.

“(d) (1) A person who is deprived of any right, privilege, or immunity secured by this section, under color of any statute, ordinance, regulation, custom, or usage applicable only in or to the District of Columbia, may bring an action in any appropriate court against any other person, including the District of Columbia or the United States, who causes the person to be subject to the deprivation, for damages or other appropriate relief.

“(2) The court shall award a plaintiff prevailing in an action brought under paragraph (1) damages and such other relief as the court deems appropriate, including a reasonable attorney’s fee.

“(e) In subsection (a)—

“(1) the term ‘identification document’ means a document made or issued by or under the authority of the United States Government, a State, or a political subdivision of a State which, when completed with information concerning a particular individual, is of a type intended or commonly accepted for the purpose of identification of individuals; and

“(2) the term ‘handgun’ includes any magazine for use in a handgun and any ammunition loaded into the handgun or its magazine.

“(f)(1) A person who possesses or carries a concealed handgun under subsection (a) shall not be subject to the prohibitions of section 922(q) of Title 18, U.S. Code with respect to that handgun.

“(2) A person possessing or carrying a concealed handgun in the District of Columbia under subsection (a) may do so in any of the following areas in the District of Columbia that are open to the public:

“(A) A unit of the National Park System.

“(B) A unit of the National Wildlife Refuge System.

“(C) Public land under the jurisdiction of the Bureau of Land Management.

“(D) Land administered and managed by the Army Corps of Engineers.

“(E) Land administered and managed by the Bureau of Reclamation.

“(F) Land administered and managed by the Forest Service.”.

(2) CONFORMING AMENDMENT.—Title IX of the Firearms Control Regulations Act of 1975 (sec. 7–2509.01 et seq., D.C. Official Code) is amended by repealing sections 901 through 911 (secs. 7–2509.01 through 7–2509.11, D.C. Official Code).

(3) VALIDITY OF PREVIOUSLY ISSUED LICENSES.—

(A) Notwithstanding any provision of the Act of July 8, 1932 (47 Stat. 650, chapter 465; sec. 22–4501 et seq., D.C. Official Code), as amended by this Act, a license to carry a pistol issued before the date of enactment of this Act shall be valid until its expiration date and for a period of 1 year after its expiration date if the expiration date is after the date of enactment of this Act.

(B) A license to carry a pistol issued by the District of Columbia shall not be valid under subparagraph (A) if the person becomes ineligible under Federal law to possess a firearm.

(4) CONFORMING AMENDMENT TO HEADING.—Section 6 of the Act of July 8, 1932 (47 Stat. 650, chapter 465; sec. 22–4506, D.C. Official Code), is amended in the heading by striking “**ISSUE OF A LICENSE TO CARRY A PISTOL**” and inserting “**CONSTITUTIONAL CARRY**”;

(i) ALLOWING OPEN CARRY OF PISTOLS AND RIFLES.—Section 4 of the Act of July 8, 1932 (47 Stat. 650, chapter 465; sec. 22–4504, D.C. Official Code), is amended to read as follows:

“POSSESSION OF FIREARM WHILE COMMITTING CRIME OF VIOLENCE OR DANGEROUS CRIME

“SEC. 4. (a) No person shall within the District of Columbia possess a pistol, machine gun, shotgun, rifle, or any other firearm or imitation firearm while committing a crime of violence or dangerous crime as defined in section 1. Upon conviction of a violation of this subsection, the person may be sentenced to imprisonment for a term not to exceed 15 years and shall be sentenced to imprisonment for a mandatory-minimum term of not less than 5 years and shall not be released on parole, or granted probation or suspension of sentence, prior to serving the mandatory-minimum sentence.

“(b) In addition to any other penalty provided under this section, a person may be fined an amount not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012 (D.C. Law 19-317).”.

“(j) AUTHORITY TO CARRY FIREARM IN CERTAIN PLACES AND FOR CERTAIN PURPOSES.—

(1) IN GENERAL.—Section 4a of the Act of July 8, 1932 (47 Stat. 650, chapter 465; sec. 22–4504.01, D.C. Official Code), is amended to read as follows:

“SEC. 4a. Notwithstanding any other law, a person not otherwise prohibited by law from shipping, transporting, possessing, or receiving a firearm may carry such firearm, whether loaded or unloaded—

“(1) in the person’s dwelling house or place of business or on land owned or lawfully possessed by the person;

“(2) on land owned or lawfully possessed by another person unless the other person has notified the person by posting or individual notice that firearms are not permitted on the premises;

“(3) while it is being used for lawful recreational, sporting, educational, or training purposes;

“(4) while it is being transported for a lawful purpose as expressly authorized by District or Federal law and in accordance with the requirements of that law; or

“(5) in any place where possession of a firearm is not otherwise prohibited, in a manner that is not concealed.”.

(2) CONFORMING AMENDMENT.—Section 3b of the Act of July 8, 1932 (47 Stat. 650, chapter 465; secs. 22–4503.02, D.C. Official Code), is repealed.

(k) **LAWFUL TRANSPORTATION OF FIREARMS.**—Section 4b of the Act of July 8, 1932 (47 Stat. 650, chapter 465; sec. 22–4504.02, D.C. Official Code), is amended to read as follows:

“(b)(1) Any person who is not otherwise prohibited by law from shipping, transporting, possessing, or receiving a firearm shall be permitted to transport a firearm for any lawful purpose from any place where he may lawfully possess the firearm to any other place where he may lawfully possess the firearm if the firearm is transported in accordance with this section.

“(2)(A) If the transportation of the firearm is by a vehicle, the firearm shall be unloaded, and neither the firearm nor any ammunition being transported shall be readily accessible or directly accessible from the passenger compartment of the transporting vehicle.

“(B) If the transporting vehicle does not have a compartment separate from the driver's compartment, the firearm or ammunition shall be contained in a locked container other than the glove compartment or console, and the firearm shall be unloaded.

“(3) If the transportation of the firearm is in a manner other than in a vehicle, the firearm shall be—

“(A) unloaded;

“(B) inside a locked container; and

“(C) separate from any ammunition.”.

(l) **EXCEPTIONS TO RESTRICTIONS ON CARRYING CONCEALED WEAPONS.**—Section 5(a) of the Act of July 8, 1932 (47 Stat. 650, chapter 465; sec. 22–4505(a), D.C. Official Code), is amended—

“(1) by striking “section 4(a-1)”;

“(2) by striking “pistol” each place it appears and inserting “firearm”; and

“(2) by adding at the end the following:

“(7) Any person carrying a firearm in accordance with section 6.”

(m) **REPEAL OF GUN OFFENDER REGISTRY.**—Title VIII of the Firearms Control Regulations Act of 1975 (sec. 7–2508.01 et seq., D.C. Official Code), as added by section 205 of the Omnibus Public Safety and Justice Amendment Act of 2009 (D.C. Law 18–88), is repealed.

(n) **ENHANCED GUN PENALTY ZONES.**—Section 2a of the Act of July 8, 1932 (47 Stat. 650, chapter 465; sec. 22–4502.01, D.C. Official Code) is amended—

(1) in the heading by striking “**GUN FREE ZONES; ENHANCED PENALTY**” and inserting “**ENHANCED GUN PENALTY ZONES**”; and

(2) by striking “a gun free zone” and inserting “an enhanced gun penalty zone” in each place it appears.

(o) DEVOLVING REGULATIONS ON FIREARM SUPPRESSORS.—Section 14(a) of the Act of July 8, 1932 (47 Stat. 650, chapter 465; sec. 22–4514(a), D.C. Official Code), is amended by striking “No person” and all that follows through “licensed under section 10” and inserting the following: “No person shall within the District of Columbia possess any machine gun, sawed-off shotgun, knuckles, or any instrument or weapon of the kind commonly known as a blackjack, slungshot, sand club, sand bag, or switchblade knife; provided, however, that machine guns, or sawed-off shotgun, knuckles, and blackjacks may be possessed by the members of the Army, Navy, Air Force, or Marine Corps of the United States, the National Guard, or Organized Reserves when on duty, the Post Office Department or its employees when on duty, marshals, sheriffs, prison or jail wardens, or their deputies, policemen, or other duly-appointed law enforcement officers, including any designated civilian employee of the Metropolitan Police Department, or officers or employees of the United States duly authorized to carry such weapons, banking institutions, public carriers who are engaged in the business of transporting mail, money, securities, or other valuables.”.

(p) REPEALS OF DISTRICT OF COLUMBIA ACTS.—Each of the following Acts is repealed, and any provision of law amended or repealed by any of such Acts is restored or revived as if such Act had not been enacted into law:

- (1) The Assault Weapon Manufacturing Strict Liability Act of 1990 (D.C. Law 8–263).
- (2) The Illegal Firearm Sale and Distribution Strict Liability Act of 1992 (D.C. Law 9–115).
- (3) The Firearms Registration Amendment Act of 2008 (D.C. Law 17–372).
- (4) The Inoperable Pistol Amendment Act of 2008 (D.C. Law 17–388).
- (5) The Firearms Amendment Act of 2012 (D.C. Law 19–170).
- (6) The Administrative Disposition for Weapons Offenses Amendment Act of 2012 (D.C. Law 19–295).
- (7) The License to Carry a Pistol Second Emergency Amendment Act of 2014 (D.C. Act A20–0564).
- (8) The License to Carry a Pistol Temporary Amendment Act of 2014 (D.C. Law 20–169).
- (9) The License to Carry a Pistol Amendment Act of 2014 (D.C. Act A20–0621).
- (10) The Firearms Safety Omnibus Amendment Act of 2018 (D.C. Law 22–314).
- (11) The Omnibus Public Safety and Justice Emergency Amendment Act of 2021 (D.C. Act 24–25).

(q) PREVENTING THE DISTRICT OF COLUMBIA COUNCIL FROM REENACTING PROVISIONS AMENDED BY THIS SECTION.—Section 602(a) of the District of Columbia Home Rule Act (sec. 1–206.02, D.C. Official Code) is amended—

- (1) in paragraph (9) by striking “or”;



(2) in paragraph (10) by striking the period at the end and inserting “; or”;

(3) by adding after paragraph (10) the following:

“(11)(A) amend any provision added or amended by section \_\_\_\_ of the Bipartisan Safer Communities Act; or

“(B) enact any act that contains a provision that is in substantially the same form as a provision repealed by section 12006 of the Bipartisan Safer Communities Act, unless such provision is specifically authorized by a law enacted after the date of enactment of the Bipartisan Safer Communities Act.”

(r) **EFFECTIVE DATE.**— The amendments made by this section shall take effect on the date of the enactment of this Act, except that nothing in this section or the amendments made by this section shall affect any action pending as of the date of the enactment of this Act which is based on conduct occurring before such date.