

AN ACT

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; 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 provide that the Chief of Police shall not approve an application for a license to carry a pistol for any firearm that was self-manufactured and registered in the District.

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;

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

“(III) Any 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

“(IV) A 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; and

“(ii) Does not include:

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

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

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

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

“(C) For the purposes of subparagraph (A)(i)(II) and (III) 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.”.

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

“(10A) “Manufacture”:

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

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

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

(3) 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.”.

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

“(12B)(A) “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) The term “receiver” shall not include a receiver that has been destroyed.

“(ii) For the purposes of this subparagraph, a 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.

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

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

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

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

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

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

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

(b) 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) 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 subsection (i) of Section 923 of Title 18 of the United States Code and regulations issued pursuant thereto; provided, that a serial number or mark of identification exceeds these requirements if the engraving, casting, or stamping (impressing) of the serial number exceeds the required minimum depth or exceeds the minimum print size of that provision.”.

“(2)(A) Beginning 30 days after the effective date of the Ghost Gun Clarification Emergency Amendment Act of 2021, effective December 13, 2021 (D.C Act 24-237; 68 DCR ____), 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 section, 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 unfinished 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 unfinished frame or receiver, confirm with the Metropolitan Police Department that the proposed serial number has not already been registered to another firearm.”.

(c) 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.

(d) 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 of completing manufacture of the firearm.”.

(e) 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 implementing 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 his or her registered firearms; provided further, that such person may not hand load, reload, or custom load ammunition for others.”.

(f) 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.”.

Sec. 3. Section 6 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. 650; D.C. Official Code § 22-4506), is amended by adding a new subsection (b-1) to read as follows:

“(b-1) The Chief shall not approve an application submitted pursuant to subsection (a) of this section for any firearm that was self-manufactured and registered in the District of Columbia

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pursuant to section 202 of the Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2502.02).”.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer 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.

(a) 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 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia