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A BILL

22-588

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend the Firearms Control Regulations Act of 1975 to create a judicial process through which individuals who have been disqualified from receiving a firearms registration certificate due to having been voluntarily admitted or involuntarily committed to a mental health facility, determined to be an incapacitated individual, adjudicated as a mental defective, or committed to a mental institution, can petition the Superior Court of the District of Columbia for relief from that disqualification, to expand the number of offenses for which an individual can surrender unlawfully possessed firearms or ammunition to the Metropolitan Police Department without arrest or prosecution, to increase the penalty for possessing a large capacity ammunition feeding device to not more than 3 years’ imprisonment, a fine, or both, to allow persons to petition the Superior Court of the District of Columbia for an extreme risk protection order, which would prohibit the respondent from possessing firearms or ammunition if the court finds that the subject poses a significant danger of causing bodily injury to self or others, to establish a process for the personal service, renewal, and termination of extreme risk protection orders, to establish procedures for the surrender, storage, assessment of fees for storage, and return of firearms and ammunition that are recovered pursuant to an extreme risk protection order, and to establish a penalty for a violation of an extreme risk protection order; 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 prohibit the possession of bump stocks.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Firearms Safety Omnibus Amendment Act of 2018”.

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 203 (D.C. Official Code § 7-2502.03) is amended as follows:

(1) Subsection (a) is amended as follows:

**ENGROSSED ORIGINAL**

38 (A) The lead-in language is amended by striking the phrase “and his” and  
39 inserting the phrase “and the person’s” in its place.

40 (B) Paragraph (1)(A) is amended by striking the phrase “his parent” and  
41 inserting the phrase “the applicant’s parent” in its place.

42 (C) Paragraph (4) is amended as follows:

43 (i) Subparagraph (E) is amended by striking the phrase “; or” and  
44 inserting a semicolon in its place.

45 (ii) Subparagraph (F) is amended by striking the phrase “D.C.  
46 Official Code § 22-3133;” and inserting the phrase “D.C. Official Code § 22-3133); and” in its  
47 place.

48 (ii) A new subparagraph (G) is added to read as follows:

49 “(G) Violation of an extreme risk protection order pursuant to section  
50 1011;”.

51 (D) Paragraph (6) is amended to read as follows:

52 “(6)(A) Within the 5-year period immediately preceding the application, has not  
53 been:

54 “(1) Voluntarily admitted to a mental health facility;

55 “(2) Involuntarily committed to a mental health facility by the  
56 Superior Court of the District of Columbia, another court of competent jurisdiction, the  
57 Commission on Mental Health, or a similar commission in another jurisdiction;

58                                   “(3) Determined by the Superior Court of the District of Columbia  
59 or another court of competent jurisdiction to be an incapacitated individual, as that term is  
60 defined in D.C. Official Code § 21-2011(11); or

61                                   “(4) Adjudicated as a mental defective, as that term is defined in  
62 27 C.F.R. § 478.11; or

63                                   “(5) Committed to a mental institution, as that term is defined in 27  
64 C.F.R. § 478.11;

65                                   “(B) Subparagraph (A) of this paragraph shall not apply if the court has  
66 granted the applicant relief pursuant to subsection (f) of this section, unless the applicant, since  
67 the court granted the applicant relief pursuant to subsection (f) of this section, is again  
68 disqualified under subparagraph (A) of this paragraph.”.

69                                   (E) Paragraph (13)(B)(iii) is amended by striking the phrase “; and” and  
70 inserting a semicolon in its place.

71                                   (F) Paragraph (14) is amended by striking the period and inserting the  
72 phrase “; and” in its place.

73                                   (G) A new paragraph (15) is added to read as follows:

74                                   “(15) Is not the subject of a final extreme risk protection order issued pursuant to  
75 section 1003 or renewed pursuant to section 1006.”.

76                                   (2) A new subsection (f) is added to read as follows:

77           “(f)(1) A person disqualified under subsection (a)(6)(A) of this section or 18 U.S.C. §  
78 922(g)(4) may petition the Superior Court for the District of Columbia for relief from  
79 disqualification.

80           “(2) A petition for relief from disqualification filed under this subsection shall:

81                   “(A) Be in writing;

82                   “(B) State the reason the petitioner was disqualified;

83                   “(C) State facts in support of the petitioner’s claim that the petitioner  
84 should no longer be disqualified;

85                   “(D) Include a statement, on a form approved by the court, signed by a  
86 licensed physician, psychiatrist, or qualified psychologist within the 30-day period immediately  
87 preceding the filing of the petition for relief, stating:

88                           “(i) The symptoms or behaviors for which the petitioner has been  
89 disqualified;

90                           “(ii) The length of time that the petitioner has no longer  
91 experienced those symptoms or behaviors;

92                           “(iii) The length of time that the petitioner has been compliant with  
93 any applicable treatment plans related to the reason the petitioner was disqualified; and

94                           “(iv) That, in the physician, psychiatrist, or psychologist’s opinion,  
95 the petitioner would not be likely to act in a manner dangerous to public safety if allowed to  
96 register a firearm;

97                   “(E) Be accompanied by any appropriate exhibits, affidavits, or supporting  
98 documents, including records of any guardianship, conservatorship, or commitment proceeding  
99 related to the petitioner’s disqualification; ~~and~~

100                   “(F) Include two statements from individuals who are not related to the  
101 petitioner by blood, adoption, guardianship, marriage, domestic partnership, having a child in  
102 common, cohabitating, or maintaining a romantic, dating, or sexual relationship and have known  
103 the petitioner for at least 3 years. The individuals’ statements must:

104                   “(i) Be on a form approved by the court, and signed by the  
105 individual within the 30-day period immediately preceding the filing of the petition for relief;

106                   “(ii) Describe the petitioner’s reputation and character; and

107                   “(iii) State that, in the individual’s opinion, the petitioner would  
108 not be likely to act in a manner dangerous to public safety if allowed to register a firearm; and

109                   “(G) Be served upon the Office of the Attorney General.

110                   “(3)(A) Upon receipt of a petition filed under paragraph (1) of this subsection, the  
111 court shall order the Office of the Attorney General to file a response to the petition within 60  
112 days after the court’s order. The response shall indicate whether the Office of the Attorney  
113 General supports or opposes the petition.

114                   “(B) The Office of Attorney General shall:

115                   “(i) Conduct a reasonable search of all available records of the  
116 petitioner’s mental health;

117                                   “(ii) Perform a national criminal history background check on the  
118 petitioner; and

119                                   “(iii) Include its findings under this subparagraph in its response to  
120 the court.

121                                   “(C) The Metropolitan Police Department shall, upon request, provide to  
122 the Office of Attorney General any records related to the petitioner it has in its possession, or  
123 could obtain after conducting a reasonable search.

124                                   “(4)(A) The court shall hold a hearing on a petition filed under paragraph (1) of  
125 this subsection within 60 days after the date on which the Office of Attorney General files its  
126 response.

127                                   “(B) In determining whether to grant a petition for relief, the court shall  
128 consider all relevant evidence, including:

129                                   “(i) The reason the petitioner was disqualified;

130                                   “(ii) The petitioner’s mental health and criminal history records;

131 and

132                                   “(iii) Evidence of the petitioner’s reputation.

133                                   “(5) The court shall grant a petition filed pursuant to paragraph (1) of this  
134 subsection if the petitioner establishes, by a preponderance of the evidence, that:

135                                   “(A) The petitioner would not be likely to act in a manner dangerous to  
136 public safety; and

137                                   “(B) Granting the relief would not be contrary to the public interest.

138                   “(6)(A) If the court grants a petition for relief pursuant to paragraph (5) of this  
139 subsection, the court shall issue an order that:

140                                 “(i) States the petitioner is no longer disqualified under subsection  
141 (a)(6)(A) of this section; ~~and~~

142                                 “(ii) Orders the Clerk of the Court to submit a copy of the order to  
143 the Metropolitan Police Department, the Office of the Attorney General, and any other relevant  
144 law enforcement, pretrial, corrections, or community supervision agency; and

145                                 “(iii) Requires that the petitioner’s record be updated in the  
146 National Instant Criminal Background Check System and any other system used to determine  
147 firearm registration eligibility to reflect that the petitioner is no longer disqualified.

148                   “(7) If the court denies a petition for relief, the court shall state the reasons for its  
149 denial in writing.

150                   “(8) An order granting or denying a petition filed under paragraph (1) of this  
151 subsection shall be a final order for the purposes of appeal.”.

152           (b) Section 501 (D.C. Official Code § 7–2505.01) is amended by striking the phrase “or  
153 705” and inserting the phrase “705, 1007, or 1009” in its place.

154           (c) Section 705 (D.C. Official Code § 7-2507.05) is amended to read as follows:

155                   (1) Subsection (a) is amended to read as follows:

156                                 “(a)(1) If a person or organization within the District voluntarily and peaceably delivers  
157 and abandons to the Chief any firearm, destructive device, or ammunition at any time, such

158 delivery shall preclude the arrest and prosecution of such person on a charge of violating, with  
159 respect to the firearm, destructive device, or ammunition delivered and abandoned:

160                   “(A) Any provision of this act; or

161                   “(B) Section 3 or 4 of An Act To control the possession, sale, transfer, and  
162 use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to  
163 prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 651; D.C.  
164 Official Code § 22-4503 or 22-4504).

165                   “(2) Delivery and abandonment under this section may be made at any police  
166 district, station, or central headquarters, or by summoning a police officer to the person’s  
167 residence or place of business.

168                   “(3) Every firearm to be delivered and abandoned to the Chief under this section  
169 shall be transported in accordance with section 4b of An Act To control the possession, sale,  
170 transfer, and use of pistols and other dangerous weapons in the District of Columbia, to provide  
171 penalties, to prescribe rules of evidence, and for other purposes, effective May 20, 2009 (D.C.  
172 Law 17-388; D.C. Official Code § 22-4504.02).

173                   “(4) No person who delivers and abandons a firearm, destructive device, or  
174 ammunition under this section shall be required to furnish identification, photographs, or  
175 fingerprints.

176                   “(5) No amount of money shall be paid for any firearm, destructive device, or  
177 ammunition delivered and abandoned under this section.”.



178 (2) Subsection (b) is amended by striking the phrase “section 210(c)(1)” and  
179 inserting the phrase “section 210(c)(1) or section 1009(c)” in its place.

180 (f) Section 706(a) (D.C. Official Code § 7-2507.06(a)) is amended as follows:

181 (1) The lead-in language is amended by striking the phrase “and Title IX” and  
182 inserting “Title IX, and section 1011” in its place.

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

184 “(4) A person convicted of possessing a large capacity ammunition feeding device  
185 in violation of section 601(b) shall be fined no more than the amount set forth in section 101 of  
186 the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law  
187 19-317; D.C. Official Code § 22-3571.01), or incarcerated for no more than 3 years, or both.”.

188 (g) A new Title X is added to read as follows:

189 “TITLE X – EXTREME RISK PROTECTION ORDERS.

190 “Sec. 1001. Definitions.

191 “For the purposes of this title, the term:

192 “(1) “Extreme risk protection order” means an order issued, pursuant to this title,  
193 by a judge of the Superior Court of the District of Columbia prohibiting a respondent from  
194 having possession or control of, purchasing, or receiving any firearm, ammunition, registration  
195 certificate, license to carry a concealed pistol, or dealer’s license.

196 “(2) “Petitioner” means a person who petitions the Superior Court of the District  
197 of Columbia for an extreme risk protection order under this title and is:

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198                   “(A) Related to the respondent by blood, adoption, guardianship,  
199 marriage, domestic partnership, having a child in common, cohabitating, or maintaining a  
200 romantic, dating, or sexual relationship rendering the application of this title appropriate;

201                   “(B) A sworn member of the Metropolitan Police Department; or

202                   “(C) A mental health professional, as that term is defined in section  
203 101(11) of the District of Columbia Mental Health Information Act of 1978, effective March 3,  
204 1979 (D.C. Law 2-136; D.C. Official Code § 7-1201.01(11)).

205                   “(3) “Respondent” means a person against whom an extreme risk protection order  
206 is sought.

207                   “Sec. 1002. Petitions for extreme risk protection orders.

208                   “(a) A petitioner may petition the Superior Court for the District of Columbia for a final  
209 extreme risk protection order. A petition filed under this section shall:

210                   “(1) Be in writing;

211                   “(2) State facts in support of the claim that the respondent poses a significant  
212 danger of causing bodily injury to self or others by having possession or control of, purchasing,  
213 or receiving any firearm or ammunition;

214                   “(3) To the best of the petitioner’s knowledge, identify the number, types, and  
215 locations of any firearms or ammunition the petitioner believes to be in the respondent’s  
216 possession, control, or ownership;

217                   “(4) Be accompanied by any appropriate exhibits, affidavits, and supporting  
218 documents; and

219 “(5) Be served on the Office of the Attorney General.

220 “(b) A petitioner may file a petition under this section regardless of whether there is any  
221 other pending suit, complaint, petition, or other action between the parties.

222 “(c) The Office of Attorney General may provide individual legal representation to a  
223 petitioner. If the Office of Attorney General decides to provide individual legal representation to  
224 a petitioner, the representation shall continue until the earliest of:

225 “(1) The court denies the petition for a final extreme risk protection order  
226 pursuant to section 1003;

227 “(2) The court terminates a final extreme risk protection order pursuant to section  
228 1008; or

229 “(3) The Office of the Attorney General withdraws from representation.

230 “(d) At the request of the petitioner or respondent, the court may place any record or part  
231 of a proceeding related to the issuance, renewal, or termination of an extreme risk protection  
232 order under seal while the petition is pending.

233 “Sec. 1003. Final extreme risk protection orders.

234 “(a)(1) Upon receipt of a petition filed pursuant section 1002, the court shall order that a  
235 hearing be held to determine whether to issue a final extreme risk protection order against the  
236 respondent.

237 “(2) The hearing shall be held within ~~14~~ 10 days after the date the petition was  
238 filed.

239           “(b)(1) Personal service of the notice of hearing and petition shall be made upon the  
240 respondent by a Metropolitan Police Department officer not fewer than 5 business days before  
241 the hearing.

242           “(2) If the respondent is unable to be personally served, the court shall set a new  
243 hearing date and require additional attempts to accomplish personal service.

244           “(c) If the court issues an ex parte extreme risk protection order pursuant to section 1004,  
245 the ex parte extreme risk protection order shall be served concurrently with the notice of hearing  
246 and petition described in subsection (b)(1) of this section.

247           “(d) Before the hearing for a final extreme risk protection order, the court shall order that  
248 the Office of the Attorney General:

249           “(1) Conduct a reasonable search of all available records to determine whether the  
250 respondent owns any firearms or ammunition;

251           “(2) Conduct a reasonable search of all available records of the petitioner’s mental  
252 health;

253           “(3) Perform a national criminal history background check; and

254           “(4) Submit its findings under this subsection to the court.

255           “(e) In determining whether to issue a final extreme risk protection order pursuant to this  
256 section, the court shall consider all relevant evidence, including:

257           “(1) Any history or pattern of threats of violence, or acts of violence, by the  
258 respondent directed toward themselves or others;

259                   “(2) Any recent threats of violence, or acts of violence, by the respondent directed  
260 toward themselves or others;

261                   “(3) The respondent’s acquisition of any firearms, ammunition, or other deadly or  
262 dangerous weapons within one year before the filing of the petition;

263                   “(4) The unlawful or reckless use, display, or brandishing of a firearm or other  
264 weapon by the respondent;

265                   “(5) Respondent’s criminal history;

266                   “(6) Respondent’s violation of a court order;

267                   “(7) Evidence of the respondent experiencing a mental health crisis, or other  
268 dangerous mental health issues; and

269                   “(8) Respondent’s use of a controlled substance, as that term is defined in section  
270 102(4) of the District of Columbia Uniform Controlled Substances Act of 1981, effective August  
271 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-901.02(4)).

272                   “(f) The court shall, before issuing a final extreme risk protection order, examine any  
273 witnesses under oath.

274                   “(g) The court shall issue a final extreme risk protection order if the petitioner establishes  
275 by a preponderance of the evidence that the respondent poses a significant danger of causing  
276 bodily injury to self or others by having possession or control of, purchasing, or receiving any  
277 firearm or ammunition.

278                   “(h) A final extreme risk protection order issued under this section shall state:

279                   “(1) That the respondent is prohibited from having possession or control of,  
280 purchasing, or receiving any firearm, ~~or~~ ammunition, registration certificate, license to carry a  
281 concealed pistol, or dealer’s license for one year from the date and time the order was issued;

282                   “(2) The date and time the order was issued;

283                   “(3) The date and time the order will expire;

284                   “(4) The grounds upon which the order was issued;

285                   “(5) The procedures for the:

286                                 “(i) Renewal of a final extreme risk protection order pursuant to section  
287 1006;

288                                 “(ii) Surrender of firearms, ammunition, registration certificates, licenses  
289 to carry a concealed pistol, or dealer’s licenses in the respondent’s possession, control, or  
290 ownership pursuant to section 1007; and

291                                 “(iii) Termination of a final extreme risk protection order pursuant to  
292 section 1008; and

293                   “(6) That the respondent may seek the advice of an attorney as to any matter  
294 connected with a petition filed under this title.

295                   “(i) A final extreme risk protection order issued pursuant to this section shall expire one  
296 year after the issuance of the order, unless the order is terminated pursuant to section 1008 before  
297 its expiration.

298                   “Sec. 1004. Ex parte extreme risk protection orders.

299           “(a) When filing a petition for a final extreme risk protection order, a petitioner may also  
300 request that an ex parte extreme risk protection order be issued without notice to the respondent.

301           “(b) The court may hold a hearing on any request for an ex parte extreme risk protection  
302 order filed under this section.

303           “(c) In determining whether to issue an ex parte extreme risk protection order pursuant to  
304 this section, the court shall consider all relevant evidence, including:

305                   “(1) Any history or pattern of threats of violence, or acts of violence, by the  
306 respondent directed toward themselves or others;

307                   “(2) Any recent threats of violence, or acts of violence, by the respondent directed  
308 toward themselves or others;

309                   “(3) The respondent’s acquisition of any firearms, ammunition, or other deadly or  
310 dangerous weapons within one year before the filing of the petition;

311                   “(4) The unlawful or reckless use, display, or brandishing of a firearm by the  
312 respondent;

313                   “(5) Respondent’s criminal history;

314                   “(6) Respondent’s violation of a court order;

315                   “(7) Evidence of the respondent experiencing a mental health crisis, or other  
316 dangerous mental health issues; and

317                   “(8) Respondent’s use of a controlled substance, as that term is defined in section  
318 102 of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5,  
319 1981 (D.C. Law 4-29; D.C. Official Code § 48-901.02).

320           “(d) The court may grant a request under this section based solely on an affidavit or  
321 sworn testimony of the petitioner.

322           “(e) The court shall issue an ex parte extreme risk protection order if the petitioner  
323 establishes that there is probable cause to believe that the respondent poses a significant danger  
324 of causing bodily injury to self or others by having possession or control of, purchasing, or  
325 receiving any firearm or ammunition.

326           “(f) If the petitioner requests that the court issue an ex parte extreme risk protection order  
327 pursuant to section, the court shall grant or deny the request on the same day that the request was  
328 made, unless the request is filed too late in the day to permit effective review, in which case the  
329 court shall grant or deny the request the next day the court is open.

330           “(g) An ex parte extreme risk protection order shall state:

331                   “(1) That the respondent is prohibited from having possession or control of,  
332 purchasing, or receiving any firearm, ~~or~~ ammunition, registration certificate, license to carry a  
333 concealed pistol, or dealer’s license while the order is in effect;

334                   “(2) The date and time the order was issued;

335                   “(3) That the ex parte extreme risk protection order will be in effect until the court  
336 rules on whether to issue a final extreme risk protection order;

337                   “(4) The grounds upon which the order was issued;

338                   “(5) The time and place of the hearing to determine whether to issue a final  
339 extreme risk protection order;



340                   “(6) That following the hearing, the court may issue a final extreme risk  
341 protection order that will be in effect for up to one year;

342                   “(7) The procedures for the:

343                               “(i) Renewal of a final extreme risk protection order pursuant to section  
344 1006;

345                               “(ii) Surrender of firearms, ammunition, registration certificates, licenses  
346 to carry a concealed pistol, or dealer’s licenses in the respondent’s possession, control, or  
347 ownership pursuant to section 1007; and

348                               “(iii) Termination of a final extreme risk protection order pursuant to  
349 section 1008; and

350                   “(8) That the respondent may seek the advice of an attorney as to any matter  
351 connected with this title, and that the attorney should be consulted promptly so that the attorney  
352 may assist the respondent in any matter connected with the ex parte extreme risk protection  
353 order.

354                   “(h) An ex parte extreme risk protection order issued pursuant to this section shall expire  
355 10 days from the date and time the order was issued, unless the court set a new hearing date  
356 pursuant to section 1003(b)(2), in which case, the court may extend the duration of the ex parte  
357 extreme risk protection order to not exceed 15 days.

358                   “(i) The court shall terminate an ex parte extreme risk protection order in effect against  
359 the respondent at the time the court grants or denies the petition for a final extreme risk  
360 protection order.

361 “Sec. 1005. Service of extreme risk protection orders.

362 “(a)(1) Except as provided in subsection (b) of this section, an extreme risk protection  
363 order issued pursuant to section 1003 or section 1004, or renewed pursuant to section 1006 shall  
364 be personally served upon the respondent by a sworn member of the Metropolitan Police  
365 Department.

366 “(2) The court shall submit a copy of extreme risk protection order to the  
367 Metropolitan Police Department on or before the next business day after the issuance of the order  
368 for service upon the respondent. Service of an extreme risk protection order shall take  
369 precedence over the service of other documents, unless the other documents are of a similar  
370 emergency nature.

371 “(3) If the Metropolitan Police Department cannot complete personal service upon  
372 the respondent within 5 business days after receiving an order from the court under paragraph (2)  
373 of this subsection, the Metropolitan Police Department shall notify the petitioner.

374 “(5) Within one business day after service, the Metropolitan Police Department  
375 shall submit proof of service to the court.

376 “(b) If the respondent was personally served in court when the extreme risk protection  
377 order was issued, the requirements of subsection (a) of this section shall be waived.

378 “Sec. 1006. Renewal of final extreme risk protection orders.

379 “(a) At least 120 days before the expiration of a final extreme risk protection order, the  
380 court shall notify the petitioner of the date that the order is set to expire and advise the petitioner  
381 of the procedures for seeking a renewal of the order.

382           “(b) A petitioner may request a renewal of a final extreme risk protection order, including  
383 an order previously renewed under this section, at any time within the 120-day period  
384 immediately preceding the expiration of the order.

385           “(c) Personal service of the notice of hearing and request for renewal shall be made upon  
386 the respondent by a Metropolitan Police Department officer not fewer than 15 business days  
387 before the hearing.

388           “(d) In determining whether renew an extreme risk protection order pursuant to this  
389 section, the court shall consider all relevant evidence, including:

390                   “(1) Any history or pattern of threats of violence, or acts of violence, by the  
391 respondent directed toward themselves or others;

392                   “(2) Any recent threats of violence, or acts of violence, by the respondent directed  
393 toward themselves or others;

394                   “(3) The respondent’s acquisition of any firearms, ammunition, or other deadly or  
395 dangerous weapons within one year before the filing of the petition;

396                   “(4) The unlawful or reckless use, display, or brandishing of a firearm by the  
397 respondent;

398                   “(5) Respondent’s criminal history;

399                   “(6) Respondent’s violation of a court order;

400                   “(7) Evidence of the respondent experiencing a mental health crisis, or other  
401 dangerous mental health issues; and

402                   “(8) Respondent’s use of a controlled substance, as that term is defined in section  
403 102 of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5,  
404 1981 (D.C. Law 4-29; D.C. Official Code § 48–901.02).

405                   “(e) The court shall, before renewing a final extreme risk protection order, examine any  
406 witnesses under oath.

407                   “(f) The court shall, after notice and a hearing, renew a final extreme risk protection order  
408 if the court finds, by a preponderance of the evidence, that the respondent continues to pose a  
409 significant danger of causing bodily injury to self or others by having possession or control of,  
410 purchasing, or receiving any firearm or ammunition.

411                   “(g) A final extreme risk protection order renewed pursuant to this section, shall state:

412                   “(1) That the respondent is prohibited from having possession or control of,  
413 purchasing, or receiving any firearm, ~~or~~ ammunition, registration certificate, license to carry a  
414 concealed pistol, or dealer’s license for one year from the date and time the order was renewed;

415                   “(2) The date and time the order was renewed;

416                   “(3) The date and time the order will expire;

417                   “(4) The grounds upon which the order was renewed;

418                   “(5) The procedures for the:

419                   “(i) Renewal of a final extreme risk protection order pursuant to section  
420 1006;

421                   “(ii) Surrender of firearms, ammunition, registration certificates, licenses  
422 to carry a concealed pistol or dealer’s licenses in the respondent’s possession, control, or  
423 ownership pursuant to section 1007; and

424                   “(iii) Termination of a final extreme risk protection order pursuant to  
425 section 1008; and

426                   “(6) That the petitioner may seek the advice of an attorney as to any matter  
427 connected with this title.

428                   “(h) An extreme risk protection order renewed pursuant to this section shall expire one  
429 year after the issuance of the order, unless that order is terminated pursuant to section 1008  
430 before its expiration.

431                   “Sec. 1007. Surrender of firearms, ~~and~~ ammunition, registration certificates, and dealer’s  
432 licenses.

433                   “(a) If the court issues a final extreme risk protection order pursuant to section 1003,  
434 issues an ex parte extreme risk protection order pursuant to section 1004, or renews a final  
435 extreme risk protection order pursuant to section 1006, the court may issue a search warrant that:

436                   “(1) Describes the number and types of firearms and ammunition to be seized;

437                   “(2) Describes any registration certificates and dealer’s licenses to be seized;

438                   “(3) Describes the location where the firearms, ammunition, registration  
439 certificates, and dealer’s licenses are believed to be located; and

440                   “(4) Authorizes the seizure of any firearms, ammunition, registration certificates,  
441 and dealer’s licenses discovered pursuant to such a search.

442           “(b) A Metropolitan Police Department officer serving an extreme risk protection order  
443 shall:

444                   “(1) Request that all firearms, ~~and~~ ammunition, registration certificates, and  
445 dealer’s licenses be immediately surrendered; and

446                   “(2) Take possession of all firearms, ~~and~~ ammunition, registration certificates, and  
447 dealer’s licenses in the respondent’s possession, control, or ownership that are surrendered or  
448 discovered pursuant to a lawful search.

449           “(c)(1) At the time of surrender or removal, the Metropolitan Police Department officer  
450 taking possession of a firearm, ~~and~~ ammunition, registration certificate, or dealer’s license  
451 pursuant to an extreme risk protection order shall make a record identifying all firearms,  
452 ammunition, registration certificates, and dealer’s licenses that have been surrendered or  
453 removed and provide a receipt to the respondent.

454                   “(2) Within 72 hours after serving an extreme risk protection order, the officer  
455 shall file a copy of the receipt provided to the respondent pursuant to paragraph (1) of this  
456 subsection with the court and the Chief of Police.

457           “(d) If a person other than the respondent claims title to any firearm or ammunition  
458 surrendered or removed pursuant to this section, and he or she is determined by the Metropolitan  
459 Police Department to be the lawful owner of the firearm or ammunition, the firearm or  
460 ammunition shall be returned to him or her; provided, that the firearm or ammunition is removed  
461 from the respondent’s possession or control, and the lawful owner agrees to store the firearm or

462 ammunition in a manner such that the respondent does not have possession or control of the  
463 firearm or ammunition.

464           “(e) The Metropolitan Police Department may charge the respondent a fee not to exceed  
465 the actual costs incurred by the Metropolitan Police Department for storing any firearms or  
466 ammunition surrendered or removed pursuant to this section for the duration of the extreme risk  
467 protection order, including a renewal of the extreme risk protection order, and up to 6 months  
468 after the date the order expires or is terminated.

469           “(f)(1) If a respondent peaceably surrenders any firearms or ammunition pursuant to this  
470 section, such surrender shall preclude the arrest and prosecution of the respondent for violating,  
471 with respect to the firearms or ammunition surrendered:

472                           “(A) Section 601 of The Firearms Control Regulations Act of 1975,  
473 effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2506~~4~~.01); and

474                           “(B) Sections 3 and 4 of An Act To control the possession, sale, transfer,  
475 and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties,  
476 to prescribe rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 651; D.C.  
477 Official Code §§ 22-4503 and 22-4504).

478           “(2) The surrender of any firearm or ammunition pursuant to this section shall not  
479 constitute a voluntary surrender for the purposes of section 705.

480           “Sec. 1008. Termination of extreme risk protection orders.

481           “(a) Any respondent against whom a final extreme risk protection order, including a  
482 renewal of the extreme risk protection order, was issued may, on one occasion during the one-

483 year period the order in in effect, submit a written motion to the Superior Court for the District of  
484 Columbia requesting that the order be terminated.

485 “(b) Upon receipt of the motion for termination, the court shall set a date for a hearing,  
486 and notice of the request shall be served on the petitioner. The hearing shall occur at least 14  
487 days after the date of service of the motion upon the petitioner.

488 “(c) In determining whether terminate a final extreme risk protection order pursuant to  
489 this section, the court shall consider all relevant evidence, including:

490 “(1) Any history or pattern of threats of violence, or acts of violence, by the  
491 respondent directed toward themselves or others;

492 “(2) Any recent threats of violence, or acts of violence, by the respondent directed  
493 toward themselves or others;

494 “(3) The respondent’s acquisition of any firearms, ammunition, or other deadly or  
495 dangerous weapons within one year before the filing of the petition;

496 “(4) The unlawful or reckless use, display, or brandishing of a firearm by the  
497 respondent;

498 “(5) Respondent’s criminal history;

499 “(6) Respondent’s violation of a court order;

500 “(7) Evidence of the respondent experiencing a mental health crisis, or other  
501 dangerous mental health issues; and



502                   “(8) Respondent’s use of a controlled substance, as that term is defined in section  
503 102 of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5,  
504 1981 (D.C. Law 4-29; D.C. Official Code § 48–901.02).

505                   “(d) The court shall, before terminating a final extreme risk protection order, examine  
506 any witnesses under oath.

507                   “(e) The court shall terminate a final extreme risk protection order if the respondent  
508 establishes by a preponderance of the evidence that the respondent does not pose a significant  
509 danger of causing bodily injury to self or others by having possession or control of, purchasing,  
510 or receiving any firearm or ammunition.

511                   “(f)(1) If the court grants a motion to terminate pursuant to this section, notice of the  
512 termination shall be personally served upon the petitioner by a sworn member of the  
513 Metropolitan Police Department and sent to the petitioner by electronic mail.

514                   “(2) The court shall submit a copy of the order issued under this section to the  
515 Metropolitan Police Department on or before the next business day for service upon the  
516 respondent. Service of a notice of termination shall take precedence over the service of other  
517 documents, unless the other documents are of a similar emergency nature.

518                   “(3) If the Metropolitan Police Department cannot complete personal service upon  
519 the petitioner within 5 business days after receiving an order from the court under paragraph (2)  
520 of this subsection, the Metropolitan Police Department shall notify the court.

521                   “(4) Within one business day after service, the Metropolitan Police Department  
522 shall submit proof of service to the court.

523 “Sec. 1009. Return or disposal of firearms or ammunition.

524 “(a)(1) If an extreme risk protection order is terminated, or expires and is not renewed,  
525 the Metropolitan Police Department shall notify the respondent that he or she may request the  
526 return of any firearm or ammunition surrendered or removed if that firearm or ammunition had  
527 been lawfully possessed.

528 “(2) The Metropolitan Police Department shall return any surrendered or removed  
529 firearm or ammunition requested by a respondent only after confirming that:

530 “(A) The respondent is eligible to own or possess the firearms and  
531 ammunition;

532 “(B) The firearm or ammunition was lawfully possessed; and

533 “(C) The respondent has paid any applicable fee charged against the  
534 respondent by the Metropolitan Police Department pursuant to subsection 1007(e).

535 “(b)(1) If a respondent who lawfully possessed a firearm or ammunition does not wish to  
536 have the firearm or ammunition returned, or the respondent is no longer eligible to own or  
537 possess firearms or ammunition, the respondent may sell or transfer title of the firearm or  
538 ammunition in accordance with applicable law.

539 “(2) The Metropolitan Police Department shall transfer possession of a firearm or  
540 ammunition through a licensed firearm dealer to a purchaser or recipient, but only after the  
541 licensed firearms dealer has displayed written proof of the sale or transfer of the firearm or  
542 ammunition from the respondent to the dealer, and the Metropolitan Police Department has  
543 verified the transfer with the respondent.

544           “(c) If the respondent does not request return of a firearm or ammunition under  
545 subsection (a) of this section, or sell or transfer a firearm or ammunition under subsection (b) of  
546 this section, within 6 months after the date the extreme risk protection order is terminated, or  
547 expires and is not renewed, the Metropolitan Police Department shall treat the firearm or  
548 ammunition as surrendered and the firearm or ammunition shall be subject to section 705(b).

549           “Sec. 1010. Recording requirements.

550           “(a) The Metropolitan Police Department shall:

551                   “(1) Maintain a searchable database of extreme risk protection orders issued,  
552 terminated, and renewed pursuant to this title; and

553                   “(2) Make the information maintained in paragraph (1) of this subsection  
554 available to any other relevant law enforcement, pretrial, corrections, or community supervision  
555 agency upon request.

556           “(b) The Superior Court of the District of Columbia shall immediately submit  
557 information about extreme risk protection orders issued, renewed, or terminated pursuant to this  
558 title to the National Instant Criminal Background Check System for the purposes of firearm  
559 purchaser background checks.

560           “Sec. 1011. Violation of an extreme risk protection order.

561           “(a) A person violates an extreme risk protection order if, after receiving actual notice of  
562 being subject to an extreme risk protection order, the person knowingly has custody or control  
563 of, keeps, owns, purchases, possesses, or receives a firearm or ammunition.

564           “(b) A person convicted of violating an extreme risk protection order shall be:

565                   “(1) Fined no more than the amount set forth in section 101 of the Criminal Fine  
566 Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C.  
567 Official Code § 22-3571.01), or incarcerated for no more than 180 days, or both; and

568                   “(2) Prohibited from having possession or control of, purchasing, or receiving a  
569 firearm or ammunition for a period of 5 years after the date of conviction.

570                   “(c) A violation of an extreme risk protection order shall not be considered a:

571                   “(1) Weapons offense; or

572                   “(2) Gun offense, as that term is defined in section 801(3).

573                   “Sec. 1012. Law enforcement to retain other authority.

574                   “Nothing in this title shall be construed to affect the ability of a law enforcement officer,  
575 as that term is defined in section 901(3), to remove firearms or ammunition from any person  
576 pursuant to other lawful authority.”.

577                   Sec. 3. An Act To control the possession, sale, transfer, and use of pistols and other  
578 dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of  
579 evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-  
580 4501 *et seq.*), is amended as follows:

581                   (a) Section 1 (D.C. Official Code § 22-4501) is amended as follows:

582                   (1) Paragraph (1) is redesignated as paragraph (1A).

583                   (2) A new paragraph (1) is added to read as follows:

584                   “(1) “Bump stock” means any object that, when installed in or attached to a  
585 firearm, increases the rate of fire of the firearm by using energy from the recoil of the firearm to  
586 generate a reciprocating action that facilitates repeated activation of the trigger.”.

587                   (b) Section 14(a) (D.C. Official Code § 22-4514(a)) is amended by striking the phrase  
588 “sawed-off shotgun, knuckles” both times it appears and inserting the phrase “sawed-off  
589 shotgun, bump stock, knuckles” in its place.”.

590                   Sec. 4. Fiscal impact statement.

591                   The Council adopts the fiscal impact statement in the committee report as the fiscal  
592 impact statement required by section 4a of the General Legislative Procedures Act of 1975,  
593 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

594                   Sec. 5. Effective date.

595                   This act shall take effect following approval by the Mayor (or in the event of veto by the  
596 Mayor, action by the Council to override the veto), a 60-day period of congressional review as  
597 provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December  
598 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of  
599 Columbia Register.