

AMENDMENT TO H.R. 51, AS REPORTED
OFFERED BY MR. BUDD OF NORTH CAROLINA

Page 26, insert after line 11 the following:

1 **SEC. 114A. SECOND AMENDMENT RIGHTS IN DISTRICT OF**
2 **COLUMBIA AND CAPITAL.**

3 (a) REPEAL OF SEMIAUTOMATIC BAN.—Section 101
4 of the Firearms Control Regulations Act of 1975 (sec. 7–
5 2501.01, D.C. Official Code) is amended by—

6 (1) striking paragraph (3)(A);

7 (2) striking paragraph (8)(A); and

8 (3) striking paragraph (13)(A).

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

11 (1) IN GENERAL.—Section 201(a) of the Fire-
12 arms Control Regulations Act of 1975 (sec. 7–
13 2502.01(a), D.C. Official Code) is amended by strik-
14 ing “any firearm, unless” and all that follows
15 through paragraph (3) and inserting the following:
16 “any firearm described in subsection (c).”.

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

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

3 “(1) A sawed-off shotgun.

4 “(2) A machine gun.”.

5 (3) CONFORMING AMENDMENTS.—

6 (A) The heading of section 201 of the
7 Firearms Control Regulations Act of 1975 (sec.
8 7–2502.01, D.C. Official Code) is amended by
9 striking “REGISTRATION REQUIREMENTS” and
10 inserting “FIREARM POSSESSION”.

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

13 (i) in section 101 (sec. 7–2501.01,
14 D.C. Official Code), by striking paragraph
15 (13); and

16 (ii) by striking sections 202 through
17 216 (sec. 7–2502.02 through 7–2502.16,
18 D.C. Official Code).

19 (C) The Stun Gun Regulation Amendment
20 Act of 2016 (D.C. Law 21–281) is amended by
21 striking section 5.

22 (D) Section 1 of the Act of July 8, 1932
23 (47 Stat. 650, chapter 465; sec. 22–4501, D.C.
24 Official Code) is amended by striking para-
25 graph (7)(A).

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

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

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

12 “(b) Any dealer who is in compliance with Federal
13 law may sell or otherwise transfer a firearm to any person
14 or organization not otherwise prohibited from possessing
15 or receiving such firearm under Federal law. In the case
16 of a sale or transfer of a handgun to a resident of the
17 District of Columbia, a federally licensed importer, manu-
18 facturer, or dealer of firearms in Maryland, Virginia, or
19 the District of Columbia, shall be treated as a dealer li-
20 censed under the provisions of this Act for purposes of
21 the previous sentence, notwithstanding section 922(b)(3)
22 of title 18, United States Code, if the transferee meets
23 in person with the transferor to accomplish the transfer,
24 and the sale, delivery, and receipt fully comply with the

1 legal conditions of sale in both the District of Columbia
2 and the jurisdiction in which the transfer occurs.”

3 (2) PROVIDING FOR THE LAWFUL SALE OF
4 FIREARMS.—Section 501 of the Firearms Control
5 Regulations Act of 1975 (sec. 7–2505.01, D.C. Offi-
6 cial Code) is amended by striking “, destructive de-
7 vice or ammunition” and all that follows and insert-
8 ing the following: “or ammunition to any person if
9 the seller or transferor knows or has reasonable
10 cause to believe that such person is prohibited by
11 Federal law from possessing or receiving a fire-
12 arm.”.

13 (3) CONFORMING AMENDMENTS TO FIREARMS
14 CONTROL REGULATIONS ACT.—The Firearms Con-
15 trol Regulations Act of 1975 is amended—

16 (A) by striking section 101(6) (sec. 7–
17 2501.01(6), D.C. Official Code);

18 (B) by striking sections 402 through 409
19 (sec. 7–2504.02 through 7–2504.09, D.C. Offi-
20 cial Code);

21 (C) by striking sections 502 through 504
22 (sec. 7–2505.02 through 7–2505.04, D.C. Offi-
23 cial Code);

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

1 (i) in subsection (a), by striking “fire-
2 arm, destructive device, or ammunition”
3 and inserting “destructive device”; and

4 (ii) in subsection (b), by striking “,
5 any firearm, destructive device, or ammu-
6 nition.” and inserting “any destructive de-
7 vice.”;

8 (E) by striking section 704 and inserting
9 the following:

10 “SEC. 704. It shall be unlawful for any person pur-
11 chasing any firearm or ammunition to give false informa-
12 tion or offer false evidence of his or her identity.”;

13 (F) by striking section 706(a) (sec. 7-
14 2507.06(a), D.C. Official Code) and inserting
15 the following:

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

22 “(1) Except as provided in paragraph (2), any
23 person who is convicted a second time for possessing
24 an unregistered firearm shall be fined not more than
25 the amount set forth in section 101 of the Criminal

1 Fine Proportionality Amendment Act of 2012 (D.C.
2 Law 19-317) or imprisoned not more than 5 years,
3 or both.

4 “(2) A person who in the person’s dwelling
5 place, place of business, or on other land possessed
6 by the person, possesses a pistol or firearm that
7 could otherwise be registered, shall be fined not
8 more than the amount set forth in the Criminal Fine
9 Proportionality Amendment Act of 2012 (D.C. Law
10 19–317) or imprisoned not more than 1 year, or
11 both.”;

12 (G) by striking section 301 (sec. 7–
13 2503.01, D.C. Official Code); and

14 (H) by striking section 706a (sec. 7–
15 2507.06a, D.C. Official Code).

16 (4) OTHER CONFORMING AMENDMENTS.—The
17 Act of July 8, 1932 (47 Stat. 650, chapter 465; sec.
18 22–4501 et seq., D.C. Official Code), is amended—

19 (A) in section 3 (sec. 22–4503, D.C. Offi-
20 cial Code)—

21 (i) in subsection (a), by striking “if
22 the person” and all that follows and insert-
23 ing “if the person is prohibited from pos-
24 sessing a firearm under Federal law.”;

1 (ii) in subsection (b)(1), by striking
2 “subsection (a)(1)” and inserting “sub-
3 section (a)”;

4 (iii) by striking subsections (c) and
5 (d); and

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

8 (d) ALLOWING POSSESSION OF AMMUNITION AND
9 AMMUNITION FEEDING DEVICES.—Section 601 of the
10 Firearms Control Regulations Act of 1975 (sec. 7–
11 2506.01, D.C. Official Code) is amended by striking “(a)
12 No person” and all that follows and inserting the fol-
13 lowing: “No person who is prohibited by Federal law from
14 possessing a firearm shall possess ammunition in the Dis-
15 trict of Columbia.”.

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

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

23 (g) REMOVAL OF CRIMINAL PENALTIES FOR POSSES-
24 SION OF UNREGISTERED FIREARMS AND CERTAIN AMMU-
25 NITION.—Section 706 of the Firearms Control Regula-

1 tions Act of 1975 (sec. 7–2507.06, D.C. Official Code) is
2 amended—

3 (1) by striking “except that” and all that fol-
4 lows through “A person who knowingly” and insert-
5 ing the following: “except that a person who know-
6 ingly”; and

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

8 (h) CONSTITUTIONAL CARRY.—

9 (1) IN GENERAL.—Section 6 of the Act of July
10 8, 1932 (47 Stat. 650, chapter 465; sec. 22–4506,
11 D.C. Official Code), is amended by striking sub-
12 sections (a) through (e) and inserting the following:

13 “(a) Notwithstanding any provision of the laws appli-
14 cable only in or to the District of Columbia, and subject
15 only to the requirements of this section, a person who is
16 not prohibited by Federal law from possessing, trans-
17 porting, shipping, or receiving a firearm, and who is car-
18 rying a valid identification document containing a photo-
19 graph of the person, may possess or carry a concealed
20 handgun in the District of Columbia (other than a ma-
21 chine gun or destructive device).

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

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

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

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

18 “(d)(1) A person who is deprived of any right, privi-
19 lege, or immunity secured by this section, under color of
20 any statute, ordinance, regulation, custom, or usage appli-
21 cable only in or to the District of Columbia, may bring
22 an action in any appropriate court against any other per-
23 son, including the District of Columbia, who causes the
24 person to be subject to the deprivation, for damages or
25 other appropriate relief.

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

5 “(e) In subsection (a)—

6 “(1) the term ‘identification document’ means a
7 document made or issued by or under the authority
8 of the United States Government, a State, or a po-
9 litical subdivision of a State which, when completed
10 with information concerning a particular individual,
11 is of a type intended or commonly accepted for the
12 purpose of identification of individuals; and

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

16 “(f)(1) A person who possesses or carries a concealed
17 handgun under subsection (a) shall not be subject to the
18 prohibitions of section 922(q) of title 18, United States
19 Code with respect to that handgun.

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

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

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

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

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

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

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

11 (2) CONFORMING AMENDMENT.—Title IX of
12 the Firearms Control Regulations Act of 1975 (sec.
13 7–2509.01 et seq., D.C. Official Code) is amended
14 by striking sections 901 through 911 (sec. 7–
15 2509.01 through 7–2509.11, D.C. Official Code).

16 (3) VALIDITY OF PREVIOUSLY ISSUED LI-
17 CENSES.—

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

1 the expiration date is after the date of enact-
2 ment of this Act.

3 (B) A license to carry a pistol issued by
4 the District of Columbia shall not be valid
5 under subparagraph (A) if the person becomes
6 ineligible under Federal law to possess a fire-
7 arm.

8 (4) CONFORMING AMENDMENT TO HEADING.—
9 Section 6 of the Act of July 8, 1932 (47 Stat. 650,
10 chapter 465; sec. 22–4506, D.C. Official Code), is
11 amended in the heading by striking “ISSUE OF A LI-
12 CENSE TO CARRY A PISTOL” and inserting “CON-
13 STITUTIONAL CARRY”;

14 (i) ALLOWING OPEN CARRY OF PISTOLS AND RI-
15 FLES.—Section 4 of the Act of July 8, 1932 (47 Stat.
16 650, chapter 465; sec. 22–4504, D.C. Official Code), is
17 amended to read as follows:

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

20 “SEC. 4. (a) No person shall within the District of
21 Columbia possess a pistol, machine gun, shotgun, rifle, or
22 any other firearm or imitation firearm while committing
23 a crime of violence or dangerous crime as defined in sec-
24 tion 1. Upon conviction of a violation of this subsection,
25 the person may be sentenced to imprisonment for a term
26 not to exceed 15 years and shall be sentenced to imprison-

1 ment for a mandatory-minimum term of not less than 5
2 years and shall not be released on parole, or granted pro-
3 bation or suspension of sentence, prior to serving the man-
4 datory-minimum sentence.

5 “(b) In addition to any other penalty provided under
6 this section, a person may be fined an amount not more
7 than the amount set forth in section 101 of the Criminal
8 Fine Proportionality Amendment Act of 2012 (D.C. Law
9 19–317).”.

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

12 (1) IN GENERAL.—Section 4a of the Act of
13 July 8, 1932 (47 Stat. 650, chapter 465; sec. 22–
14 4504.01, D.C. Official Code), is amended to read as
15 follows:

16 “SEC. 4a. Notwithstanding any other law, a person
17 not otherwise prohibited by law from shipping, trans-
18 porting, possessing, or receiving a firearm may carry such
19 firearm, whether loaded or unloaded—

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

23 “(2) on land owned or lawfully possessed by an-
24 other person unless the other person has notified the

1 person by posting or individual notice that firearms
2 are not permitted on the premises;

3 “(3) while it is being used for lawful rec-
4 reational, sporting, educational, or training pur-
5 poses;

6 “(4) while it is being transported for a lawful
7 purpose as expressly authorized by District or Fed-
8 eral law and in accordance with the requirements of
9 that law; or

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

13 (2) CONFORMING AMENDMENT.—Section 3(b)
14 of the Act of July 8, 1932 (47 Stat. 650, chapter
15 465; sec. 22–4503.02, D.C. Official Code), is re-
16 pealed.

17 (k) LAWFUL TRANSPORTATION OF FIREARMS.—Sec-
18 tion 4(b) of the Act of July 8, 1932 (47 Stat. 650, chapter
19 465; sec. 22–4504.02(b), D.C. Official Code), is amended
20 to read as follows:

21 “(b)(1) Any person who is not otherwise prohibited
22 by law from shipping, transporting, possessing, or receiv-
23 ing a firearm shall be permitted to transport a firearm
24 for any lawful purpose from any place where he may law-
25 fully possess the firearm to any other place where he may

1 lawfully possess the firearm if the firearm is transported
2 in accordance with this section.

3 “(2)(A) If the transportation of the firearm is by a
4 vehicle, the firearm shall be unloaded, and neither the fire-
5 arm nor any ammunition being transported shall be read-
6 ily accessible or directly accessible from the passenger
7 compartment of the transporting vehicle.

8 “(B) If the transporting vehicle does not have a com-
9 partment separate from the driver’s compartment, the
10 firearm or ammunition shall be contained in a locked con-
11 tainer other than the glove compartment or console, and
12 the firearm shall be unloaded.

13 “(3) If the transportation of the firearm is in a man-
14 ner other than in a vehicle, the firearm shall be—

15 “(A) unloaded;

16 “(B) inside a locked container; and

17 “(C) separate from any ammunition.”.

18 (I) EXCEPTIONS TO RESTRICTIONS ON CARRYING
19 CONCEALED WEAPONS.—Section 5(a) of the Act of July
20 8, 1932 (47 Stat. 650, chapter 465; sec. 22–4505(a), D.C.
21 Official Code), is amended—

22 (1) by striking “section 4(a–1)”;

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

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

1 “(7) Any person carrying a firearm in accord-
2 ance with section 6.”.

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

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

11 (1) in the heading, by striking “GUN FREE
12 ZONES; ENHANCED PENALTY” and inserting “EN-
13 HANCED GUN PENALTY ZONES”; and

14 (2) by striking “a gun free zone” and inserting
15 “an enhanced gun penalty zone” in each place it ap-
16 pears.

17 (o) DEVOLVING REGULATIONS ON FIREARM SUP-
18 PRESSORS.—Section 14(a) of the Act of July 8, 1932 (47
19 Stat. 650, chapter 465; sec. 22–4514(a), D.C. Official
20 Code), is amended by striking “No person” and all that
21 follows through “licensed under section 10” and inserting
22 the following: “No person shall within the District of Co-
23 lumbia possess any machine gun, sawed-off shotgun,
24 knuckles, or any instrument or weapon of the kind com-
25 monly known as a blackjack, slungshot, sand club, sand-

1 bag, or switchblade knife; provided, however, that machine
2 guns, or sawed-off shotgun, knuckles, and blackjacks may
3 be possessed by the members of the Army, Navy, Air
4 Force, or Marine Corps of the United States, the National
5 Guard, or Organized Reserves when on duty, the Post Of-
6 fice Department or its employees when on duty, marshals,
7 sheriffs, prison or jail wardens, or their deputies, police-
8 men, or other duly-appointed law enforcement officers, in-
9 cluding any designated civilian employee of the Metropoli-
10 tan Police Department, or officers or employees of the
11 United States duly authorized to carry such weapons,
12 banking institutions, public carriers who are engaged in
13 the business of transporting mail, money, securities, or
14 other valuables.”.

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

19 (1) The Assault Weapon Manufacturing Strict
20 Liability Act of 1990 (D.C. Law 8–263).

21 (2) The Illegal Firearm Sale and Distribution
22 Strict Liability Act of 1992 (D.C. Law 9–115).

23 (3) The Firearms Registration Amendment Act
24 of 2008 (D.C. Law 17–372).

1 (4) The Inoperable Pistol Amendment Act of
2 2008 (D.C. Law 17–388).

3 (5) The Firearms Amendment Act of 2012
4 (D.C. Law 19–170).

5 (6) The Administrative Disposition for Weapons
6 Offenses Amendment Act of 2012 (D.C. Law 19–
7 295).

8 (7) The License to Carry a Pistol Second
9 Emergency Amendment Act of 2014 (D.C. Act 20–
10 564).

11 (8) The License to Carry a Pistol Temporary
12 Amendment Act of 2014 (D.C. Law 20–169).

13 (9) The License to Carry a Pistol Amendment
14 Act of 2014 (D.C. Law 20–279).

15 (10) The Firearms Safety Omnibus Amend-
16 ment Act of 2018 (D.C. Law 22–314).

17 (11) The Omnibus Public Safety and Justice
18 Emergency Amendment Act of 2021 (D.C. Act 24–
19 25).

20 (q) EFFECTIVE DATE.—The amendments made by
21 this section shall take effect on the date of the enactment
22 of this Act, except that nothing in this section or the
23 amendments made by this section shall affect any action

- 1 pending as of the date of the enactment of this Act which
- 2 is based on conduct occurring before such date.

