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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 any of the following:

“(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;

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58 the firearm; and

59 “(ii) In the case of a rifle or shotgun, includes the barrel of
60 the firearm.”.

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

62 “(10A) “Manufacture”:

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

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

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

69 (3) A new paragraph (11A) is added to read as follows:

70 “(11A) “Permanently inoperable” means incapable of discharging a shot by
71 means of an explosive and incapable of being readily restored to a firing condition.”.

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

73 “(12B)(A) “Receiver” means a part of a firearm that, when the complete
74 weapon is assembled, is visible from the exterior and provides the housing or structure
75 designed to hold or integrate one or more fire control components, even if pins or other
76 attachments are required to connect those components to the housing or structure. **Any such part**
77 **identified with a serial number shall be presumed, absent an official determination by the**
78 **Bureau of Alcohol, Tobacco, Firearms, and Explosives or other reliable evidence to the**
79 **contrary, to be a frame or receiver.**

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80 “(B) For the purposes of this paragraph, the term “fire control component”
81 means a component necessary for the firearm to initiate, complete, or continue the firing
82 sequence, and includes a hammer, bolt, bolt carrier, breechblock, cylinder, trigger mechanism,
83 firing pin, striker, or slide rails.”

84 “(C)(i) The term “receiver” shall not include a receiver that has been
85 destroyed.

86 “(ii) For the purposes of this subparagraph, a receiver is destroyed
87 if it has been permanently altered not to provide housing or a structure that may hold or integrate
88 any fire control or essential internal component, and may not readily be assembled, completed,
89 converted, or restored to a functional state.

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

92 (5) Paragraph (17B) ~~is amended to read as follows:~~ repealed.

93 ~~“(17B)(A) “Unfinished frame or receiver” means any forging, casting,~~
94 ~~printing, extrusion, machined body, or similar article that:~~

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

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

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

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

107 (b) Section 202 (D.C. Official Code § 7-2502.02) is amended by adding a new subsection

108 (c) to read as follows:

109 “(c)(1) Notwithstanding subsection (a)(5) of this section, a registration certificate may be
110 issued for a self-manufactured firearm that is not prohibited under subsection (a)(1) through (4)
111 or (6) through (8) if:

112 “(A) The applicant meets the requirements of section 203; and

113 “(B) A unique serial number is engraved or cast on, or otherwise
114 permanently affixed to, the firearm in a manner that meets or exceeds the requirements imposed
115 on licensed importers and licensed manufacturers of firearms pursuant to subsection (i) of
116 Section 923 of Title 18 of the United States Code and regulations issued pursuant thereto;
117 provided, that a serial number or mark of identification exceeds these requirements if the
118 engraving, casting, or stamping (impressing) of the serial number exceeds the required minimum
119 depth or exceeds the minimum print size of that provision.”.

120 “(2)(A) ~~Beginning 30 days after the effective date of the Ghost Gun~~

121 ~~Clarification Emergency Amendment Act of 2021, effective December 13, 2021 (D.C. Act~~

122 ~~24-237; 68 DCR _____), a~~An applicant who meets the requirements of section 203 may register a

123 self-manufactured firearm that does not bear a serial number as described in paragraph (1)(B) of

124 this section, if, prior to finishing the frame or receiver, the applicant has caused a unique serial

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125 number to be engraved, casted, stamped (impressed), or placed on the ~~unfinished~~ frame or
126 receiver, as set forth in subparagraphs (B) and (C) of this paragraph.

127 “(B) The serial number shall consist of the first and last name of
128 the self-manufacturer, followed by the designation “DC” and then a set of 2 to 5 numbers.

129 “(C) The set of numbers described in subparagraph (B) of this
130 paragraph shall not duplicate any serial number placed by the self-manufacturer on any other
131 firearm. The applicant shall, before engraving, casting, stamping (impressing), or placing a serial
132 number on the ~~unfinished~~ frame or receiver, confirm with the Metropolitan Police Department
133 that the proposed serial number has not already been registered to another firearm.”.

134 (c) Section 203(b)(10) (D.C. Official Code § 7-2502.03(b)(10)) is amended by striking
135 the phrase “The name” and inserting the phrase “For a firearm that is not self-manufactured
136 pursuant to section 202, the name” in its place.

137 (d) Section 206 (D.C. Official Code § 7-2502.06) is amended by adding a new
138 subsection (c) to read as follows:

139 “(c) Notwithstanding subsection (a) of this section, a person seeking a registration
140 certificate for a firearm that the person has self-manufactured shall file a registration application
141 within 5 business days of completing manufacture of the firearm.”.

142 (e) Section 401(a) (D.C. Official Code § 7-2504.01(a)) is amended to read as follows:

143 “(a) No person or organization shall engage in the business of manufacturing any
144 firearm, destructive device or parts thereof, or ammunition, within the District; provided, that:

145 “(1) Nothing in this section shall preclude persons not otherwise prohibited from
146 possessing firearms from making their own firearms solely for personal use (not for sale or
147 distribution) in accordance with this act, rules implementing this act, and any applicable federal

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148 law or regulation; and

149 “(2) A person holding registration certificates may engage in hand loading,
150 reloading, or custom loading ammunition for his or her registered firearms; provided further, that
151 such person may not hand load, reload, or custom load ammunition for others.”.

152 (f) Section 504 (D.C. Official Code § 7-2505.04) is amended by adding a new subsection
153 (b-1) to read as follows:

154 “(b-1) Notwithstanding any other provision of this section, a person may lawfully:

155 “(1) Self-manufacture a pistol; and

156 “(2) Possess and own a pistol that the person self-manufactured pursuant to
157 paragraph (1) of this subsection and registered pursuant to section 202.”.

158 **(g) Section 408(a) (D.C. Official Code § 7-2504.08(a)) is amended as follows:**

159 **(1) Strike the phrase “No licensee” and insert the phrase “No person or**
160 **organization” in its place.**

161 **(2) Strike the phrase “firearm which” and insert the phrase “firearm,**
162 **including a frame or receiver, which” in its place.**

163 **(h) Section 501 (D.C. Official Code § 7-2505.01) is amended by striking the phrase**
164 **“ghost gun, unfinished frame or receiver, or ammunition” and inserting the phrase “ghost**
165 **gun, or ammunition” in its place.**

166 ~~Sec. 3. Section 6 of An Act To control the possession, sale, transfer, and use of pistols~~
167 ~~and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe~~
168 ~~rules of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official~~
169 ~~Code § 22-4506), is amended by adding a new subsection (b-1) to read as follows:~~

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170 ~~“(b-1) The Chief shall not approve an application submitted pursuant to subsection~~
171 ~~(a) of this section for any firearm that was self-manufactured and registered in the District~~
172 ~~of Columbia pursuant to section 202 of the Firearms Control Regulations Act of 1975,~~
173 ~~effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2502.02).”.~~

174 Sec. 4. Fiscal impact statement.

175 The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal
176 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
177 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

178 Sec. 5. Effective date.

179 (a) This act shall take effect following approval by the Mayor (or in the event of veto by
180 the Mayor, action by the Council to override the veto), a 30-day period of congressional review
181 as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
182 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
183 Columbia Register.

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