

OFFICE OF THE SECRETARY



2020 FEB 28 AM 10:54

MURIEL BOWSER
MAYOR

FEB 28 2020

The Honorable Phil Mendelson
Chairman, Council of the District of Columbia
1350 Pennsylvania Avenue, NW
Suite 504
Washington, DC 20004

Dear Chairman Mendelson:

Enclosed for consideration and approval by the Council of the District of Columbia proposed legislation entitled, the "Ghost Guns Prohibition Emergency/Temporary Amendment Act of 2020." The bill amends D.C. Official Code §7-2501.01 to include definitions of a ghost gun, a receiver, and an unfinished frame or receiver to the D.C. Code. In addition, the legislation would prohibit the registration and possession of ghost guns.

The term "ghost gun" may be used to refer generally to guns that are undetectable, untraceable, or both. It includes firearms built to avoid detection, missing serial numbers, able to be manufactured using 3-D printers and other cutting-edge technology, or able to be manufactured or assembled through commercially available kits and without the expenditure of substantial time and effort. Undetectable guns pose an imminent threat to public safety because they may thwart security screening systems and endanger people, particularly in any building or at any event requiring visitors to be screened to gain entrance. Untraceable guns pose a threat because they are readily available to individuals prohibited from purchasing or possessing a commercially-manufactured firearm and because untraceable gun trafficking occurs outside the scope of existing background checks, serial numbering, waiting periods, manufacturing quality control, and other established means of firearm regulation.

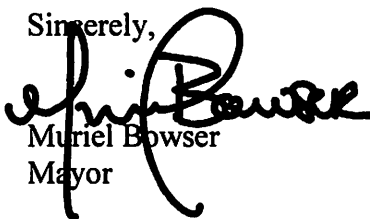
In just one year, between 2018 and 2019, the District saw a 364 percent increase in the recovery of ghost guns. In 2017, the Metropolitan Police Department recovered three ghost guns in the District; in 2018, 25 ghost guns were recovered; and in 2019, 116 ghost guns were recovered. In just the first two months of this year, 38 ghost guns have already been recovered. The types of

ghost guns recovered in the District include handguns and rifles, including AR-15-type weapons. Ghost guns have been used in the commission of violent crimes, including at least three homicides and one instance where Metropolitan Police Department officers were intentionally targeted by gunfire.

I urge prompt consideration and approval of this measure.

If you have any questions on this matter, please contact Deputy Mayor Kevin Donahue at (202) 724-5400.

Sincerely,



Muriel Bowser
Mayor



Chairman Phil Mendelson
at the request of the Mayor

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7 A BILL
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11 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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15 To amend, on a temporary basis, the Firearms Control Regulations Act of 1975 and An Act to
16 control the possession, sale, transfer, and use of pistols and other dangerous weapons in
17 the District of Columbia to amend the definition of firearm; to define the terms ghost gun,
18 security exemplar, receiver, and unfinished frame or receiver; and to prohibit the
19 registration and possession of ghost guns.
20

21 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
22 act may be cited as the “Ghost Guns Prohibition Temporary Amendment Act of 2020”.

23 Sec. 2. The Firearms Control Regulations Act of 1975, effective September 24, 1976
24 (D.C. Law 1-85; D.C. Official Code § 7-2501.01 *et seq.*), is amended as follows:

25 (a) Section 101 (D.C. Official Code § 7-2501.01) is amended as follows:

26 (1) Paragraph (9) is amended by striking the phrase “the frame or receiver of any
27 such device;” and inserting the phrase “the frame or receiver, whether finished or unfinished, of
28 any such device;” in its place.

29 (2) A new paragraph (9A-i) is added to read as follows:

30 “(9A-i) “Ghost gun” means a firearm that, after the removal of all parts other than a
31 receiver, is not as detectable as the security exemplar, by walk-through metal detectors calibrated
32 and operated to detect the security exemplar; or any major component of which, when subjected
33 to inspection by the types of detection devices commonly used at secure federal government

1 buildings and airports, does not generate an image that accurately depicts the shape of the
2 component. The term “ghost gun” includes an unfinished frame or receiver.”.

3 (3) A new paragraph (12B) is added to read as follows:

4 “(12B) “Receiver” means the part of a firearm that provides the action or housing for the
5 hammer, bolt, or breechblock and firing mechanism.

6 (4) A new paragraph (14-A) is added to read as follows:

7 “(14-A) “Security exemplar” means an object, to be fabricated at the direction of the
8 Mayor, that is:

9 “(1) Constructed of 3.7 ounces of material type 17-4 PH stainless steel in a shape
10 resembling a handgun; and

11 “(2) Suitable for testing and calibrating metal detectors.”.

12 (5) A new paragraph (17A-i) is added to read as follows:

13 “(17A-i) “Unfinished frame or receiver” means a frame or receiver of a firearm,
14 rifle or shotgun which is not yet a component part of a firearm, but which may without the
15 expenditure of substantial time and effort be readily made into an operable frame or receiver
16 through milling, drilling, or other means. “Unfinished frame or receiver” includes any
17 manufactured object, any incompletely manufactured component part of a firearm, or any
18 combination thereof which is not a functional frame or receiver but is designed, manufactured,
19 assembled, marketed, or intended to be used for that purpose, and can be readily made into a
20 functional frame or receiver. For purposes of this paragraph, the word “manufacture” means to
21 fabricate, make, form, produce or construct, by manual labor or by machinery, and the word
22 “assemble” means to fit together component parts.”.

23 (b) Section 202(a) (D.C. Official Code § 7-2502.02(a)) is amended as follows:

1 (1) Paragraph (6) is amended by striking the word “or”.

2 (2) Paragraph (7) is amended by striking the period and inserting the phrase “; or”
3 in its place.

4 (3) A new paragraph (8) is added to read as follows:

5 “(8) Ghost gun.”.

6 (c) Section 501 (D.C. Official Code § 7-2505.01) is amended to read as follows:

7 “No person or organization shall sell, transfer or otherwise dispose of any firearm,
8 destructive device, ghost gun, unfinished frame or receiver, or ammunition in the District except
9 as provided in D.C. Official Code §§ 7-2502.10(c), 7-2505.02, 7-2507.05, 7-2510.07, or 7-
10 2510.09.”.

11 Sec. 3. An Act To control the possession, sale, transfer, and use of pistols and other
12 dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of
13 evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-
14 4501 *et seq.*), is amended as follows:

15 (a) Section 1 (D.C. Official Code § 22-4501) is amended by adding a new paragraph (2B)
16 to read as follows:

17 “(2B) “Ghost gun” shall have the same meaning as provided in section 101(9A-i)
18 of the Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85;
19 D.C. Official Code § 7-2501.01(9A-i))”.

20 (b) Section 14(a) (D.C. Official Code § 22-4514(a)) is amended by:

21 (1) Striking the phrase “sawed-off shotgun, bump stock, knuckles, or any
22 instrument” and inserting the phrase “sawed-off shotgun, bump stock, knuckles, ghost gun, or
23 any instrument” in its place; and

1 (2) Striking the phrase “sawed-off shotgun, bump stock, knuckles, and
2 blackjacks” and inserting the phrase “sawed-off shotgun, bump stock, knuckles, ghost guns, and
3 blackjacks” in its place.

4 Sec. 4. Fiscal impact statement.

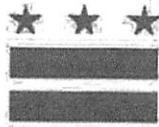
5 The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal
6 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
7 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

8 Sec. 5. Effective date.

9 (a) This act shall take effect following approval by the Mayor, a 60-day period of
10 Congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule
11 Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)).

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL



ATTORNEY GENERAL
KARL A. RACINE

Legal Counsel Division

MEMORANDUM

TO: Ronan Gulstone
Executive Director
Office of Policy and Legislative Affairs

FROM: Brian K. Flowers
Deputy Attorney General
Legal Counsel Division

DATE: February 27, 2020

SUBJECT: Legal Sufficiency Review of Draft Legislation "Ghost Guns Prohibition
Emergency Amendment Act of 2020", Temporary Version, and
Accompanying Emergency Declaration Resolution
(AE-20-100B)

This is to Certify that this Office has reviewed the above-referenced draft legislation and found it to be legally sufficient. If you have any questions in this regard, please do not hesitate to call me at 724-5524.



Brian K. Flowers