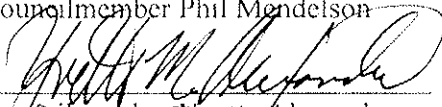
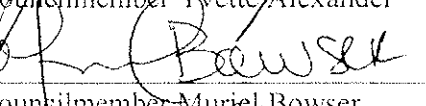

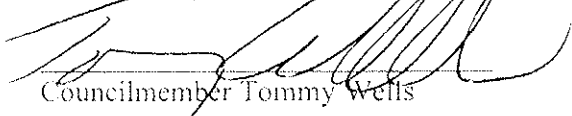
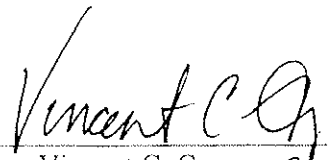
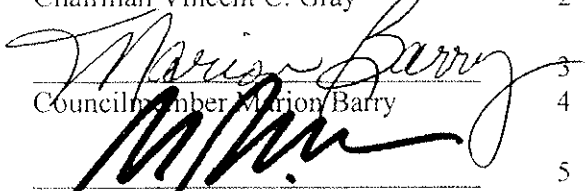

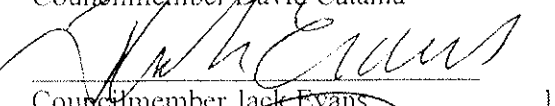
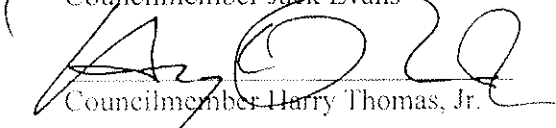

	
Councilmember Phil Mendelson	1
	
Councilmember Yvette Alexander	2
	
Councilmember Muriel Bowser	3
	
Councilmember Kwame Brown	4
	
Councilmember Mary Cheh	5
	
Councilmember Jim Graham	6
	
Councilmember Tommy Wells	7
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Chairman Vincent C. Gray	1
	
Councilmember Marion Barry	2
	
Councilmember Michael Brown	3
	
Councilmember David Catania	4
	
Councilmember Jack Evans	5
	
Councilmember Harry Thomas, Jr.	6

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To Declare the sense of the Council that the United States Congress must not adopt any amendment, the District of Columbia Voting Rights Act restricting the District Government's ability to legislate the regulation of firearms or repealing the Firearms Registration Amendment Act of 2008.

BE IT RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council Against the U.S. Senate Amendment on the District's Gun Regulations Emergency Resolution of 2009".

Sec. 2. On February 26, 2009, the United States Senate adopted S.160, the District of Columbia Voting Rights Act, which included a provision entitled the "Second Amendment Enforcement Act". This provision would "reform" the District government's authority to restrict firearms, stating in part that the District government "shall not have authority to enact laws or regulations that discourage or eliminate the private ownership or use of firearms."

(1) This restriction is so general that it would effectively preclude any regulation of firearms by local authorities.

(2) The effect of this restriction is to reduce the local authority granted to the District in the Home Rule Act.

Sec. 3. The provisions in the District's firearms registration law that drew the greatest controversy last year have already been revised. For instance:

(a) The Senate bill would repeal the District's ban on semiautomatic weapons. But the District has revised its law to permit the registration of semiautomatic weapons, both pistols and long arms.

(b) The Senate bill would revise the District's definition of "machine gun" (which is prohibited) to conform to federal law. But the District has revised its law to conform the definition to federal law.

(c) The Senate bill would restore the right of self defense in the home. But the District has revised its law by repealing already the prohibition that the Senate bill would repeal.

(d) The Senate bill would remove criminal penalties for carrying a firearm in one's dwelling. But the District has revised its law and explicitly permits the carrying of a firearm in one's dwelling.

Sec. 4. In addition, the Senate bill would: 1

(a) Permit the possession and use of firearms in the District by individuals who 2
are not now permitted to possess or use such weapons, including: 3

(1) persons with a history of violent behavior; 4

(2) mentally ill persons committed voluntarily to a mental institution; 5

(3) respondents to a protective order within five years -- e.g., domestic 6
violence; 7

(4) persons with multiple convictions of drunk driving; and 8

(5) persons convicted of an intrafamily offense. 9

(b) Permit the possession and use of assault weapons in the District, including 10
long arms with forward pistol grips or grenade launchers, semiautomatic shotguns with 11
detachable magazines, handguns with two handgrips and heat shrouds, and so forth. 12

(c) Permit the possession and use of .50 caliber firearms in the District. 13

(d) Permit the possession and use of large capacity ammunition magazines in the 14
nation's capital, notwithstanding the testimony of the District's Chief of Police that large 15
capacity magazines are favored in mass shootings (e.g., Columbine and Virginia Tech shootings) 16
and, when in the hands of criminals, put law enforcement at a disadvantage. 17

(e) Permit the carrying of firearms at work ("at the person's ... place of business") 18
and outside one's dwelling place. 19

(f) Permit the purchase of firearms for possession and use in the District from 20
unregistered dealers at gun shows. 21

(g) Repeal the District's "Child Access Prevention" (CAP) law that imposes 22

criminal liability on adults who negligently leave firearms accessible to children or otherwise
allow children access to firearms. Twenty-seven states have a CAP law.

(h) Permit the possession and use of “unsafe” handguns, which are cheap and
therefore favored by criminals, even though their manufacture is of such low quality that they can
be dangerous to use.

(i) Prohibit obtaining ballistics or other identifying information about a firearm
until *after* it has been used in a crime.

(j) Make District residents the only persons in the United States who may
purchase handguns out of state.

(k) Repeal the District’s 30 year old requirement for a fingerprint-based FBI
background check to purchase and possess a firearm in the District. Instead, background checks
would utilize the National Instant Criminal Background Check System, relying only on ID cards,
which is not as accurate.

(l) Prohibit any registration scheme for firearms. Law enforcement will be
adversely affected by this prohibition. Police can more quickly and easily arrest criminals—at a
minimum for possession of unregistered firearms-- if there is a registration requirement, because
criminals, such as gang members, do not register the guns they use to commit crimes.

(m) Undermine provisions in the District’s 1932 firearms law, originally adopted
by Congress, because they are integrally related to provisions in the 1975 registration law which
the Senate would repeal, and the Council will be unable to fix the problems because it will be
prohibited from legislating in this area. For instance, the 10-day waiting period for purchases
would become unenforceable.

Sec. 5. The effect of the Senate bill would be to prohibit the District from having gun laws similar to those adopted in other states. A prohibition on assault weapons is the law in seven states. Seven states require registration of some or all firearms. A prohibition on large capacity ammunition magazines is the law in six states. Twenty-seven states have a “child access prevention” law.

Sec. 6. The “Second Amendment Enforcement Act” denies the District government the authority to legislate in any way that would “unduly burden the ability of persons” to obtain and possess firearms. And yet the provision is attached to a bill intended to expand democracy to District residents – a voting representative in the House of Representatives. This is perverse irony: limiting governance in a bill intended to expand governance.

Sec. 7. The District shares the problem of gun violence with other dense, urban jurisdictions – a problem that is quite different than the experience in suburban and rural America. The District, however, has a unique distinction: as the nation’s capital, it hosts a large presence of government and diplomatic officials. The Council is cognizant of its duty to give law enforcement every tool to protect all citizens from violence, but also to protect national and international officials from assassination. The District’s Chief of Police testified to this fact before Congress on September 9, 2008.

Sec. 8. It is the sense of the Council of the District of Columbia that the United States Congress must not adopt any amendment to the District of Columbia Voting Rights Act that restricts the District Government’s ability to legislate the regulation of firearms, or that repeals D.C. Act 17-708, the Firearms Registration Amendment Act of 2008.

Sec. 9. The Secretary to the Council shall transmit a copy of this resolution, upon its

adoption, to Congresswoman Eleanor Holmes Norton and to the majority and minority leaders of 1

both the House of Representatives and the Senate. 2

Sec. 10 This resolution shall take effect immediately. 3