

108th CONGRESS
1st Session
H. R. 3193

To restore second amendment rights in the District of Columbia.

IN THE HOUSE OF REPRESENTATIVES

September 25, 2003

Mr. SOUDER (for himself, Mr. ROSS, Mr. DEMINT, Mr. BURTON of Indiana, Mr. STENHOLM, Mr. SAM JOHNSON of Texas, Mr. GOODE, Mr. HOLDEN, Mr. SESSIONS, Mr. BERRY, Mr. JOHNSON of Illinois, Mr. BISHOP of Georgia, Mr. CANNON, Mr. CRAMER, Mr. WILSON of South Carolina, Mr. JOHN, Mrs. JO ANN DAVIS of Virginia, Mr. PLATTS, Mr. REYES, Mr. LEWIS of Kentucky, Mr. PUTNAM, Mr. MATHESON, Mr. PAUL, Mr. HALL, Mr. MICHAUD, Mr. ORTIZ, Mrs. BLACKBURN, Mr. MICA, Mr. DEAL of Georgia, Mr. ISTOOK, Mr. NEY, Mr. GOODLATTE, Mr. SCHROCK, Mr. PORTER, Mr. HENSARLING, Mr. CARTER, Mr. SANDLIN, Mr. BRADY of Texas, Mr. BURGESS, Mr. REHBERG, Mr. SMITH of Texas, Mr. VITTER, Mr. EVERETT, Mr. SULLIVAN, Mrs. MILLER of Michigan, Mr. PETERSON of Minnesota, Mr. CARSON of Oklahoma, Mr. ALEXANDER, Mr. TURNER of Texas, Mr. DAVIS of Tennessee, Mr. OTTER, Mr. GREEN of Texas, Mr. BARTON of Texas, Mr. GINGREY, Mrs. CUBIN, Mr. BACHUS, Mr. DUNCAN, Mr. JANKLOW, Mr. BOUCHER, Mr. MARSHALL, Mr. RYAN of Ohio, and Mr. TOOMEY) introduced the following bill; which was referred to the Committee on Government Reform

A BILL

To restore second amendment rights in the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ‘District of Columbia Personal Protection Act’.

SEC. 2. CONGRESSIONAL FINDINGS.

Congress finds the following:

- (1) The Second Amendment to the United States Constitution provides that the right of the people to keep and bear arms shall not be infringed.

(2) The Second Amendment to the United States Constitution protects the rights of individuals, including those who are not members of a militia or engaged in military service or training, to keep and bear arms.

(3) The law-abiding citizens of the District of Columbia are deprived by local laws of handguns, rifles, and shotguns that are commonly kept by law-abiding persons throughout the rest of the United States for sporting use and for lawful defense of persons, homes, and families.

(4) The District of Columbia has the highest per capita murder rate in the Nation, which may be attributed in part to local laws prohibiting possession of firearms by law-abiding persons who would otherwise be able to defend themselves and their loved ones in their own homes and businesses.

(5) The Federal Gun Control Act of 1968, as amended by the Firearms Owners' Protection Act of 1986, and the Brady Handgun Violence Prevention Act of 1993, provide comprehensive Federal regulations applicable in the District of Columbia as elsewhere. In addition, existing District of Columbia criminal laws punish possession and illegal use of firearms by violent criminals and felons. Consequently, there is no need for local laws which only disarm law-abiding citizens.

(6) Legislation is required to correct the District of Columbia's law in order to restore the rights of its citizens under the Second Amendment to the United States Constitution and thereby enhance public safety.

SEC. 3. REFORM D.C. COUNCIL'S AUTHORITY TO RESTRICT FIREARMS.

Section 4 of the Act entitled 'An Act to prohibit the killing of wild birds and wild animals in the District of Columbia', approved June 30, 1906 (34 Stat. 809; sec. 1-303.43, D.C. Official Code) is amended by adding at the end the following: 'This section shall not be construed to permit the Council, the Mayor, or any governmental or regulatory authority of the District of Columbia to prohibit, constructively prohibit, or unduly burden the ability of persons otherwise permitted to possess firearms under Federal law from acquiring, possessing in their homes or businesses, or using for sporting, self-protection or other lawful purposes, any firearm neither prohibited by Federal law nor regulated by the National Firearms Act. The District of Columbia shall not have authority to enact laws or regulations that discourage or eliminate the private ownership or use of firearms.'

SEC. 4. REPEAL D.C. SEMIAUTOMATIC BAN.

Section 101(10) of the Firearms Control Regulations Act of 1975 (sec. 7-2501.01(10), D.C. Official Code) is amended to read as follows:

'(10) Machine gun means any firearm which shoots, is designed to shoot, or can be readily converted or restored to shoot automatically, more than 1 shot by a single function of the trigger.'

SEC. 5. REPEAL REGISTRATION REQUIREMENT.

(a) IN GENERAL- Section 201(a) of the Firearms Control Regulations Act of 1975 (sec. 7-2502.01(a), D.C. Official Code) is amended by striking ‘any firearm, unless’ and all that follows through paragraph (3) and inserting the following: ‘any firearm described in subsection (c).’.

(b) DESCRIPTION OF FIREARMS REMAINING ILLEGAL - Section 201 of such Act (sec. 7-2502.01, D.C. Official Code) is amended by adding at the end the following new subsection:

‘(c) A firearm described in this subsection is any of the following:

‘(1) A sawed-off shotgun.

‘(2) A machine gun.

‘(3) A short-barreled rifle.’.

SEC. 6. REPEAL HANDGUN AMMUNITION BAN.

Section 601 of the Firearms Control Regulations Act of 1975 (sec. 7-2506.01, D.C. Official Code) is repealed.

SEC. 7. RESTORE RIGHT OF SELF DEFENSE IN THE HOME.

Section 702 of the Firearms Control Regulations Act of 1975 (sec. 7-2507.02, D.C. Official Code) is repealed.

SEC. 8. ADDITIONAL REPEALS.

Sections 202 through 211 of the Firearms Control Regulations Act of 1975 (secs. 7-2502.02 through 7-2502.11, D.C. Official Code) are repealed.

SEC. 9. REMOVE CRIMINAL PENALTIES FOR POSSESSION OF UNREGISTERED FIREARMS.

(a) IN GENERAL- Section 706 of the Firearms Control Regulations Act of 1975 (sec. 7-2507.06, D.C. Official Code) is amended –

(1) by striking ‘that:’ and all that follows through ‘(1) A’ and inserting ‘that a’; and

(2) by striking paragraph (2).

(b) EFFECTIVE DATE- The amendments made by subsection (a) shall apply with respect to violations occurring after the 60-day period which begins on the date of the enactment of this Act.

SEC. 10. REMOVE CRIMINAL PENALTIES FOR CARRYING A PISTOL IN ONE'S DWELLING OR OTHER PREMISES.

(a) IN GENERAL- Section 4(a) of the Act of July 8, 1932 (47 Stat. 651; sec. 22-4504(a), D.C. Official Code) is amended –

(1) in the matter before paragraph (1), by inserting ‘, except in his dwelling house or place of business or on other land possessed by that person, whether loaded or unloaded,’ before ‘a pistol’; and

(2) by striking ‘except that:’ and all that follows through ‘(2) If the violation’ and inserting ‘except that if the violation’.

(b) EFFECTIVE DATE- The amendments made by subsection (a) shall apply with respect to violations occurring after the 60-day period which begins on the date of the enactment of this Act.

END