

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, the Firearms Control Regulations Act of 1975 to clarify requirements involving ghost guns, to permit the possession of properly serialized self-manufactured firearms, and to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Ghost Gun Clarification Emergency Amendment Act of 2022”.

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:

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;

31 “(II) Any major component of a firearm that, when subjected
32 to inspection by the types of detection devices commonly used at secure public buildings and
33 transit stations, does not generate an image that accurately depicts the shape of the component; or

34 “(III) A firearm, including a frame or receiver, that lacks a
35 unique serial number engraved or cast on it by a licensed manufacturer or importer in accordance
36 with federal law, assigned by the agency of a State and permanently engraved or cast on the
37 firearm, or otherwise placed on the firearm in compliance with section 202; and

38 “(ii) Does not include:

39 “(I) A firearm that has been rendered permanently
40 inoperable;

41 “(II) A firearm manufactured or imported before December
42 16, 1968; or

43 “(III) A firearm identified as provided for under section 5842
44 of the Internal Revenue Code of 1986.

45 “(B) For the purposes of subparagraph (A)(i)(I) of this paragraph, the term
46 “firearm” does not include the frame or receiver of any such weapon.

47 “(C) For the purposes of subparagraph (A)(i)(II) of this paragraph, the term
48 “major component” with respect to a firearm:

49 “(i) Means the slide or cylinder or the frame or receiver of the
50 firearm; and

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

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

54 “(10A) “Manufacture”:

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

57 “(B) Includes assembling a functional firearm, or molding, machining, or
58 3D printing a frame or receiver; and

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

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

62 “(11A) “Permanently inoperable” means incapable of discharging a shot by means
63 of an explosive and incapable of being readily restored to a firing condition.”.

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

65 “(12B)(A) “Receiver” means a part of a firearm that, when the complete weapon is
66 assembled, is visible from the exterior and provides the housing or structure designed to hold or
67 integrate one or more fire control components, even if pins or other attachments are required to
68 connect those components to the housing or structure. Any such part identified with a serial number
69 shall be presumed, absent an official determination by the Bureau of Alcohol, Tobacco, Firearms,
70 and Explosives or other reliable evidence to the contrary, to be a frame or receiver.

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

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

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

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

83 (5) Paragraph (17B) repealed.

84 (b) Section 202 (D.C. Official Code § 7-2502.02) is amended by adding a new subsection
85 (c) to read as follows:

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

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

90 “(B) A unique serial number is engraved or cast on, or otherwise
91 permanently affixed to, the firearm in a manner that meets or exceeds the requirements imposed
92 on licensed importers and licensed manufacturers of firearms pursuant to subsection (i) of Section
93 923 of Title 18 of the United States Code and regulations issued pursuant thereto; provided, that a
94 serial number or mark of identification exceeds these requirements if the engraving, casting, or
95 stamping (impressing) of the serial number exceeds the required minimum depth or exceeds the
96 minimum print size of that provision.

97 “(2)(A) An applicant who meets the requirements of section 203 may register a
98 self-manufactured firearm that does not bear a serial number as described in paragraph (1)(B) of
99 this subsection, if, prior to finishing the frame or receiver, the applicant has caused a unique serial

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

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

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

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

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

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

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

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

120 “(1) Nothing in this section shall preclude persons not otherwise prohibited from
121 possessing firearms from making their own firearms solely for personal use (not for sale or

122 distribution) in accordance with this act, rules implementing this act, and any applicable federal
123 law or regulation; and

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

127 (f) Section 408(a) (D.C. Official Code § 7-2504.08(a)) is amended as follows:

128 (1) Strike the phrase “No licensee” and insert the phrase “No person or
129 organization” in its place.

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

132 (g) Section 501 (D.C. Official Code § 7-2505.01) is amended by striking the phrase “ghost
133 gun, unfinished frame or receiver, or ammunition” and inserting the phrase “ghost gun, or
134 ammunition” in its place.

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

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

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

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

141 Sec. 3. Fiscal impact statement.

142 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact
143 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
144 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

145 Sec. 4. Effective date.

146 This act shall take effect following approval by the Mayor (or in the event of veto by the
147 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
148 90 days, as provided for emergency acts of the Council of the District of Columbia in section
149 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
150 D.C. Official Code § 1-204.12(a)).