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A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Councilmember Phil Mendelson introduced the following bill, which was referred to the Committee on _____.

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 permit a charge of carrying a pistol without a license without determining the operability of the pistol.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Inoperable Pistol Amendment Act of 2008”.

Sec. 2. Section 4 of 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, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-4501 *et seq.*), is amended as follows:

(a) Section 1(a) (D.C. Official Code §23-4501(a)) is amend to read as follows:

“(a)"Pistol," as used in this chapter, means any firearm with a barrel less than 12 inches in length and which is designed or redesigned, made or remade, readily converted or restored, and intended to, expel a projectile or projectiles by the action of an explosive; provided, that such term shall not include:

“(A) Antique firearms;

“(B) Destructive devices; 1

(C) Any device used exclusively for line throwing, signaling, or safety, 2
and required or recommended by the Coast Guard or Interstate Commerce Commission; or 3

(D) Any device used exclusively for firing explosive rivets, stud 4
cartridges, or similar industrial ammunition and incapable for use as a weapon.” 5

(b) Section 4 (D.C. Official Code §23-4504(a)), is amended by inserting the following 6
new paragraph (3) to read as follows: 7

“(3) For the purposes of establishing probable cause or a substantial probability 8
that a person has violated this subsection, it is not necessary for the government to prove that a 9
pistol is operable.”. 10

Sec. 3. Fiscal impact statement. 11

The Council adopts the attached fiscal impact statement as the fiscal impact statement 12
required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 13
24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)). 14

Sec. 4. Effective date. 15

This act shall take effect following approval by the Mayor (or in the event of veto by the 16
Mayor, action by the Council to override the veto), a 60-day period of Congressional review as 17
provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 18
24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of 19
Columbia Register. 20