



OFFICE OF THE  
MAYOR  
2016 SEP 17 PM 4:17

MURIEL BOWSER  
MAYOR  
SEP 17 2016

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

Dear Chairman Mendelson:

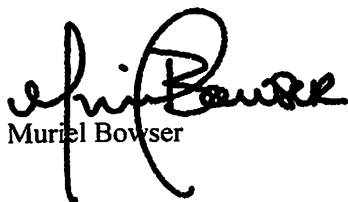
Enclosed for the consideration of the Council of the District of Columbia is the "Ghost Guns Prohibition Emergency Amendment Act of 2018," and the accompanying emergency declaration, temporary, and permanent versions. The bill amends the Firearms Control Regulations Act of 1975 and An act to control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia. Specifically, the legislation would prohibit the registration and possession of ghost guns in the District of Columbia. Ghost guns are defined as firearms that, after the removal of all parts other than a receiver, cannot be detected by a metal detector.

Earlier this year, the federal government reached a settlement allowing for the uploading of electronic files that enable individuals to make printed ghost guns. Recently, court actions have enjoined ghost gun blueprints from being published online. Blueprints, however, can be obtained by direct purchase through sale and shipment via flash drives.

As part of its common sense gun regulation policy, the District of Columbia prohibits the manufacturing of firearms. However, readily available ghost gun blueprints will allow anyone, regardless of whether they are legally disqualified from possessing a firearm, to create and transport these undetectable firearms into and within the District. Because ghost guns can be made of plastic, they often cannot be detected by metal detectors used at security checkpoints such as those located at the District's schools, museums, sports complexes, and government buildings, which increases their threat to public safety. While unregistered firearms are already illegal, this legislation would give law enforcement the possibility of a charging an additional offense, specific to ghost guns, in view of the unique risks such undetectable, and often home-made, weapons pose.

If you have any questions on this matter, please contact Kevin Donahue, Deputy Mayor for Public Safety and Justice at (202) 286-5028.

Sincerely,

  
Muriel Bowser

  
Chairman Phil Mendelson  
at the request of the Mayor

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A BILL

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend, on an emergency basis, the Firearms Control Regulations Act of 1975 and An Act to control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia to prohibit the registration and possession of ghost guns.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this act may be cited as the “Ghost Guns Prohibition Emergency Amendment Act of 2018.”

Sec. 2. The Firearms Control Regulations Act of 1975, approved September 24, 1976 (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) A new paragraph (9A)(A) is added to read:

“(9A)(A) “Ghost gun” means a firearm that, after the removal of all parts other than a receiver, cannot be detected by a metal detector.”.

(2) A new paragraph (12B) is added to read:

“(12B) “Receiver” means the part of the firearm that provides the action or housing for the hammer, bolt, or breechblock and firing mechanism; and includes a frame or lower receiver blank, casting or machined body that may require further machining or molding to be used as part of a functional weapon.”.

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

1 (1) Paragraph (a)(6) is amended by deleting the word “or”;

2 (2) Paragraph (a)(7) is amended by striking the period and inserting the phrase “;

3 or”; and

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

5 “(8) Ghost gun.”.

6 Sec. 3. An Act To control the possession, sale, transfer, and use of pistols and other  
7 dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of  
8 evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-  
9 4501 *et seq.*), is amended as follows:

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

12 “(2B) “Ghost gun” shall have the same meaning as provided in § 7-  
13 2501.01(9A)(A).”.

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

15 (1) Striking the phrase “sawed-off shotgun, knuckles, or any instrument” and  
16 inserting the phrase “sawed-off shotgun, knuckles, ghost gun, or any instrument” in its place; and

17 (2) Striking the phrase “sawed-off shotgun, knuckles, and blackjacks” and  
18 inserting the phrase “sawed-off shotgun, knuckles, ghost guns, and blackjacks” in its place.

19 Sec. 4. Fiscal impact statement.

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

23 Sec. 5. Effective date.

1            This act shall take effect following approval by the Mayor and shall remain in effect for  
2 no longer than 90 days, as provided for emergency acts of the Council of the District of  
3 Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24,  
4 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).


Government of the District of Columbia  
Office of the Chief Financial Officer



Jeffrey S. DeWitt  
Chief Financial Officer

**MEMORANDUM**

**TO:** The Honorable Phil Mendelson  
Chairman, Council of the District of Columbia

**FROM:** Jeffrey S. DeWitt  
Chief Financial Officer 

**DATE:** September 12, 2018

**SUBJECT:** Fiscal Impact Statement - Ghost Guns Prohibition Emergency  
Amendment Act of 2018

**REFERENCE:** Draft Bill as shared with the Office of Revenue Analysis on September  
11, 2018

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**Conclusion**

Funds are sufficient in the fiscal year 2018 budget and the fiscal year 2019 through fiscal year 2022 budget and financial plan to implement the bill.

**Background**

The bill prohibits the District from issuing a firearms registration certificate for ghost guns. The bill defines ghost guns as those that, after the removal of all parts except the receiver,<sup>1</sup> cannot be detected by a metal detector.

The bill also prohibits any individual's possession, sale, transfer, or use of a ghost gun in the District.<sup>2</sup>

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<sup>1</sup> The receiver is the part of the firearm that provides the action or housing for the hammer, bolt or breechblock, and firing mechanism.

<sup>2</sup> The bill provides some limited exemptions for members of the military, law enforcement personnel, or others authorized to carry such weapons through 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 § 22-4514).

The Honorable Phil Mendelson  
FIS: "Ghost Guns Prohibition Emergency Amendment Act of 2018," Draft Bill as shared with the Office of  
Revenue Analysis on September 11, 2018

**Financial Plan Impact**

Funds are sufficient in the fiscal year 2018 budget and fiscal year 2019 through fiscal year 2022 budget and financial plan to implement the bill. The District can enforce the ghost gun prohibition with existing enforcement resources.

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF THE ATTORNEY GENERAL



ATTORNEY GENERAL  
KARL A. RACINE



Legal Counsel Division

MEMORANDUM

**TO:** Alana Intrieri  
Executive Director  
Office of Policy and Legislative Support

**FROM:** Janet M. Robins  
Deputy Attorney General  
Legal Counsel Division

**DATE:** September 11, 2018

**SUBJECT:** Legal Sufficiency Review of Draft Legislation "Ghost Guns Prohibition Amendment Act of 2018", Temporary and Emergency Versions, and Accompanying Emergency Declaration Resolution (AE-18-484)

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**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.

Janet M. Robins