



Councilmember Charles Allen

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to the District of Columbia Mental Health Information Act of 1978 to authorize mental health professionals to disclose mental health information when necessary to request an extreme risk protection order and to require the disclosure of mental health information to the Office of Attorney General in response to a court order; to amend the Firearms Control Regulations Act of 1975 to authorize the Mayor to issue rules, subject to Council review, to implement provisions of the Firearms Control Regulations Act of 1975; to amend the Homeland Security, Risk Reduction, and Preparedness Amendment Act of 2006 to create a quorum requirement for the Comprehensive Homicide Elimination Strategy Task Force and extend its report submission deadline; to amend the Act to Regulate Public Conduct on Public Passenger Vehicles to designate certain violations of the act civil pedestrian offenses, and to authorize Metro Transit Police Department officers to issue notices of infractions for alleged civil violations; to amend Title 18 of the District of Columbia Municipal Regulations to include a civil fine schedule for violations of the Act to Regulate Public Conduct on Public Passenger Vehicles; to amend the District of Columbia Traffic Adjudication Act of 1978 to make conforming changes; and to amend the Firearms Safety Omnibus Amendment Act of 2018 to prohibit the issuance of a firearm registration certificate to the subject of an extreme risk protection order, to require the Superior Court for the District of Columbia, for good cause shown, to issue such orders as may be necessary to obtain mental health records and other relevant information for the purposes of petitions for relief from disqualifications from firearm registration, to clarify that the Office of Attorney General may intervene and represent the interests of the District of Columbia with respect to petitions for extreme risk protection orders or provide individual legal representation, upon request, to a petitioner, to broaden the court's ability to place records related to extreme risk protection orders under seal, to establish procedures for computing periods of time relating to an extreme risk protection order, to provide for the use of calendar days instead of business days for timelines related to extreme risk protection orders, to require that the court consider the unlawful or reckless use, display, or brandishing of any weapon by the respondent in determining whether to issue an extreme risk protection order, to require that the initial hearing for a petition for a final extreme risk protection order be held within 14 days after the petition was filed, to require the Superior Court for the District of Columbia, for good cause shown, to issue such orders as may be necessary to obtain mental health records and

47 other relevant information for the purposes of petitions for an extreme risk protection order,
48 to modify the duration of ex parte extreme risk protection orders, to establish procedures
49 for the issuance and execution of search warrants accompanying extreme risk protection
50 orders, to add the Office of Attorney General and the Superior Court for the District of
51 Columbia to the list of entities that shall receive from the Metropolitan Police Department
52 information related to extreme risk protection orders, to require the Mayor or the Mayor's
53 designee to submit information about extreme risk protection orders to the National Instant
54 Criminal Background Check System for the purposes of firearm purchaser background
55 checks.

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57 RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
58 resolution may be cited as the "Firearms Safety Omnibus Clarification Emergency Declaration
59 Resolution of 2019".

60 Sec. 2. (a) On December 18, 2018, the Council passed the Firearms Safety Omnibus
61 Emergency Amendment Act of 2018, enacted on January 30, 2019 (D.C. Act 22-629; 66 DCR
62 1729) ("emergency measure"), which expired on April 30, 2019.

63 (b) On December 18, 2018, the Council also passed the Firearms Safety Omnibus
64 Amendment Act of 2018, enacted on January 30, 2019 (D.C. Act 22-620; 66 DCR 1672)
65 ("permanent measure"), which will make permanent the provisions of the emergency measure.
66 The projected law date of the permanent measure is May 9, 2019.

67 (c) On April 2, 2019, in order to prevent a gap in the law between the expiration of the
68 emergency measure and the effective date of the permanent measure, the Council passed the
69 Firearms Safety Omnibus Congressional Review Emergency Amendment Act of 2019, enacted on
70 April 15, 2019 (D.C. Act 23-41; 66 DCR ____).

71 (d) Since the passage of the previous measures, the Metropolitan Police Department, the
72 Office of Attorney General, and the Superior Court for the District of Columbia have provided
73 additional guidance for improving processes related to petitions for relief from firearms
74 disqualifications and for extreme risk protection orders.

75 (e) It is now necessary to move this emergency legislation in order to promptly incorporate
76 feedback from those entities into the permanent measure.

77 Sec. 3. The Council of the District of Columbia determines that the circumstances
78 enumerated in section 2 constitute emergency circumstances making it necessary that the Firearms
79 Safety Omnibus Clarification Emergency Amendment Act of 2019 be adopted after a single
80 reading.

81 Sec. 4. This resolution shall take effect immediately.