

A RESOLUTION

21-753

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 20, 2016

To declare an emergency with respect to the need to amend the Firearms Control Regulations Act of 1975 to permit and regulate the possession and sale of stun guns, to repeal the age requirement for the possession and use of self-defense sprays, and to repeal the registration requirement for self-defense sprays; to amend An Act To prohibit the introduction of contraband into the District of Columbia penal institutions to conform the definition of stun gun; 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 provide for an enhanced penalty for committing a crime while armed with a stun gun; and to amend section 47-2851.03 to require vendors to obtain an endorsement to the basic business license to sell stun guns.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Stun Gun Regulation Emergency Declaration Resolution of 2016”.

Sec. 2. (a) District law currently prohibits the private possession of stun guns. In August, the District’s categorical ban on the private possession of stun guns was challenged in the U.S. District Court case of *Wright v. District of Columbia*, Civil Action No. 1:16-1556. There, the plaintiffs cite to a recent U.S. Supreme Court decision, *Caetano v. Massachusetts*, 136 S.Ct. 1027 (2016), that calls into question the constitutionality of a categorical ban on stun gun possession.

(b) A motion for preliminary injunction to enjoin the enforcement of the District’s stun gun laws is pending before the court in *Wright*. The parties have filed status reports advising the court that the Council has been considering amendments to the District’s stun gun laws.

(c) The Council has acted to adopt permanent revisions to the law in the Stun Gun Regulation Amendment Act of 2016, passed on 2nd reading on December 20, 2016 (Enrolled version of Bill 21-886).

(d) This emergency is necessary to effect changes to the law sooner than otherwise possible with a 60-day congressional review period.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Stun Gun Regulation Emergency Amendment Act of 2016 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.