

METROPOLITAN POLICE DEPARTMENT

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Chief of the Metropolitan Police Department (Chief), pursuant to the authority under Section 911 of the Firearms Regulations Control Act of 1975 (Act), effective January 6, 2015 (D.C. Act 20-0564; 62 DCR ____), and any substantially similar emergency, temporary, or permanent versions of this legislation, hereby gives notice of the adoption, on an emergency basis, of amendments to Chapter 23 (Guns and Other Weapons) of Title 24 (Public Space and Safety) of the District of Columbia Municipal Regulations (DCMR). In addition, the Chief gives notice of the intent to take final rulemaking action to adopt these amendments in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Emergency rulemaking action is necessary to clarify that the original intent of subsection 2334.1 (23 DCMR § 2334.1) was to include as a proper reason for a concealed carry license to be the need for the protection by a family member of another family member who is physically or mentally incapacitated when the incapacitated family member can demonstrate a good reason to fear injury in the manner required by section 2333.

This rulemaking is part on ongoing process to establish procedures for licensing by the Metropolitan Police Department (MPD) of persons to carry a concealed pistol for self-defense. A recent court decision has determined that such a licensing scheme must be in place before the District of Columbia can enforce its criminal provisions against carrying firearms openly or concealed. As a result of the injunction issued in that decision, there is an immediate need to protect the health, safety, security, and welfare of District residents by having a licensing scheme immediately implemented, as further described in the License to Carry a Pistol Emergency Declaration Resolution, effective September 23, 2014 (Res. 20-615; 61 DCR 10491).

This rulemaking supersedes the emergency and proposed rule for section 2334 as published in the *D.C. Register* at 61 DCR 11519 on October 31, 2014.

This emergency rulemaking was adopted on January 20, 2015, became effective immediately, and will remain in effect for up to one hundred twenty (120) days from the date of its adoption, until May 20, 2015, or upon publication of a Notice of Final Rulemaking in the *D.C. Register*.

Chapter 23 (Guns and Other Weapons) of Title 24 (Public Space and Safety) of the DCMR is amended as follows:

2334 OTHER PROPER REASON FOR CONCEALED CARRY LICENSE

2334.1 A person may allege any other proper reason that the Chief may accept for obtaining a concealed carry license which may include:

- (a) Employment of a type that requires the handling of large amounts of cash or other highly valuable objects that must be transported upon the applicant's person; or

- (b) The need for a parent, son, daughter, sibling, or other adult member of the immediate family to provide protection of a family member who is physically or mentally incapacitated to a point where he or she cannot act in defense of himself or herself, and the family member who is physically or mentally incapacitated can demonstrate a good reason to fear injury to his or her person by showing a special need for self-protection distinguishable from the general community as supported by evidence of specific threats or previous attacks which demonstrate a special danger to the applicant's life in the manner described in § 2333.

All persons interested in commenting on these proposed rulemaking action may submit comments in writing to Kelly O'Meara, Executive Director, Strategic Change, Metropolitan Police Department, 300 Indiana Avenue, NW, Suite 5117, Washington, DC 20001, or via e-mail at Gun.Regulations@dc.gov. Comments must be received no later than thirty (30) days after publication of this notice in the *D.C. Register*. Copies of the proposed rules can be obtained from the address listed above. Copies of this proposal may be obtained, at cost, by writing to the above address.