

S. 1

To protect the Second Amendment in the District of Columbia, to repeal laws that infringe thereon, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 21, 2022

Mr. NOAH (for himself and Mr. ROSS) introduced the following bill;

A BILL

To protect the Second Amendment in the District of Columbia, to repeal laws that infringe thereon, and
for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of
America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the “Protection of Freedom in the District of Columbia Act”.

SEC. 2. RESTRICTION OF DC COUNCIL’S ABILITY TO RESTRICT FIREARMS.

- (a) IN GENERAL.—[§ 1–303.43](#), DC Official Code is amended by striking the period and appending the following: “: *Provided*, That nothing in this section or any other provision of law shall authorize, or shall be construed to permit, the Council, the Mayor, or any governmental or regulatory authority of the District of Columbia to prohibit, constructively prohibit, or unduly burden the ability of persons not prohibited from possessing firearms under Federal law from

acquiring, possessing in their homes or businesses, carrying, transporting, or using for sporting, self-protection, or other lawful purposes, any firearm in any manner not authorised or specified in Federal law: *Provided further*, That the District of Columbia shall not have authority to enact laws or regulations that discourage or eliminate the private ownership or use of firearms for legal or legitimate purposes.”.

SEC. 3. REPEAL OF GOVERNMENT REGISTRATION OF FIREARMS AND AUTHORIZATION OF AMMUNITION SALES.

- (a) REPEAL OF REGISTRATION AND TRACKING OF AMMUNITION.—[§ 7-2502.01](#), DC Official Code is amended by striking “, unless the person or organization” and all that follows and replacing it with “any firearm in violation of federal law.”.
- (b) CONFORMING AMENDMENTS.—
 - (i) The heading of the section amended in subsection (a) is amended by striking “REGISTRATION REQUIREMENTS” and inserting “FIREARM POSSESSION”;
 - (ii) [§ 7-2501.01](#), DC Official Code is amended by striking paragraph (13); and
 - (iii) [Title 7, Chapter 25, Subchapter II](#), DC Official Code is amended by repealing § 7-2502.02 – § 7-2502.11.

SEC. 4. REPEAL OF EXCESSIVE LICENSING REQUIREMENT; PROVISION FOR THE SALE OF FIREARMS BY FEDERALLY-LICENSED FIREARMS DEALERS; MANDATORY MINIMUMS REPEALED.

- (a) REPEAL OF CERTAIN REQUIREMENT.—[§ 7-2504.01](#), DC Official Code is amended to read the following:
 - “(a) No person or organization shall engage in the business of dealing, importing, or manufacturing firearms without complying with the requirements of Federal law.
 - “(b) Any person or dealer who is in compliance with Federal law may sell or otherwise transfer a firearm to any person or organization not otherwise prohibited from possessing or receiving such firearm under Federal law. In the case of a sale or transfer of a handgun to a resident of the District of Columbia, a federally licensed importer, manufacturer, or dealer of firearms in Maryland or Virginia shall be treated as a dealer licensed under the provisions of this Act for purposes of the previous sentence,

notwithstanding paragraph [922\(b\)\(3\)](#) of title 18, United States Code, if the transferee meets in person with the transferor to accomplish the transfer, and the sale, delivery, and receipt fully comply with the legal conditions of sale in both the District of Columbia and the jurisdiction in which the transfer occurs.”.

(b) **LAWFUL SALE PERMITTED.**—[§ 7-2505.01](#), DC Official Code is amended to read the following:

“No person or organization shall sell, transfer or otherwise dispose of any firearm or ammunition to any person if the seller or transferor knows or has reasonable cause to believe that such person is prohibited by Federal law from possessing or receiving a firearm.”.

(c) **CONFORMING AMENDMENTS.**—

- (i) [Title 7, Chapter 25, Subchapter IV](#), DC Official Code is amended by repealing § 7-2504.02 – § 7-2504.09;
- (ii) [Title 7, Chapter 25, Subchapter V](#), DC Official Code is amended by repealing [§ 7-2505.02](#);
- (iii) [Title 7, Chapter 25, Subchapter VII](#), DC Official Code is amended by repealing [§ 7-2507.01](#) and [§ 7-2507.04](#); and
- (iv) [§ 22-4503](#), DC Official Code is amended—
 - (1) in subsection (a), by striking “if the person” and all that follows and inserting “if the person is prohibited from possessing a firearm under Federal law.”;
 - (2) in subsection (b)(1)—
 - a) by striking “subsection (a)(1)” and inserting “subsection (a)”;
 - b) by striking “and shall be sentenced to imprisonment for a mandatory-minimum term of 1 year”, and “and shall be sentenced to a mandatory-minimum term of 3 years”;
 - c) by repealing paragraph (b)(2); and
 - (3) by repealing subsections (c) and (d).

SEC. 5. LIBERALIZING OF LAW GOVERNING POSSESSION OF AMMUNITION AND MAGAZINES.

(a) **IN GENERAL.**—[§ 7-2506.01](#), DC Official Code is amended to read the following:

“No person who is prohibited by Federal law from possessing a firearm shall possess ammunition in the District of Columbia.”.

SEC. 6. PROVISION FOR LEGAL STORAGE OF FIREARMS THAT PROTECTS THE RIGHT TO SELF-DEFENSE AT ONE’S HOME.

(a) IN GENERAL.—[§ 7-2507.02](#), DC Official Code is repealed.

SEC. 7. REMOVAL OF CERTAIN CRIMINAL PENALTIES FOR FIREARM AND AMMUNITION POSSESSION.

(a) IN GENERAL.—[§ 7-2507.06](#), DC Official Code is amended—

(i) in subsection (a)—

(1) in paragraph (1), by striking “10” and replacing it with “3”; and

(2) by striking paragraphs (2), (3), and (4); and

(ii) in paragraph (b)(1)—

(1) by striking subparagraphs (A), (B), and (C).

SEC. 8. REPEAL OF GUN OFFENDER REGISTRY.

(a) IN GENERAL.—[Title 7, Chapter 25](#), DC Official Code is amended by repealing [subchapter VIII](#) (§ 7-2508.01 – § 7-2508.07).

SEC. 9. REPEAL OF EXCESSIVELY BURDENSOME TORT LAW.

(a) IN GENERAL.—[Title 7, Chapter 25](#), DC Official Code is amended by repealing § 7-2551.01 – § 7-2551.03).

SEC. 10. REPEAL OF CERTAIN RED FLAG LAWS.

(a) IN GENERAL.—[Title 7, Chapter 25](#), DC Official Code is amended by repealing [subchapter X](#) (§ 7-2510.01 – § 7-2510.12).

SEC. 11. REPEAL OF CERTAIN ACTS OF THE DISTRICT OF COLUMBIA.

(a) IN GENERAL.—Each of the following Acts is repealed and any provision of law amended or repealed by any of such Acts is restored as if such Act had not been enacted into law:

- (i) The Firearms Registration Amendment Act of 2008 ([D.C. Law 17–372](#));
- (ii) The Inoperable Pistol Amendment Act of 2008 ([D.C. Law 17–388](#)); and
- (iii) The Administrative Disposition for Weapons Offenses Amendment Act of 2012 ([D.C. Law 19–295](#)).

SEC. 12. SUPREMACY.

Any provision of law in conflict with the provisions of this Act is hereby repealed.

SEC. 13. SEVERABILITY.

The provisions of this Act are severable; should any provision of this Act be found unconstitutional or unenforceable, or be otherwise stricken, the remainder of this Act shall remain in full force and effect.