

# Brady Campaign



To Prevent Gun Violence

**SENSIBLE GUN LAWS SAVE LIVES**

## **TESTER/MCCAIN LEGISLATION TO REPEAL D.C. GUN LAWS WOULD ENDANGER PUBLIC SAFETY AND THREATEN HOMELAND SECURITY**

S. 3265, a bill introduced by Senators Jon Tester (D-MT) and John McCain (R-AZ) (along with companion House legislation, H.R. 5162 introduced by Rep. Travis Childers (D-MS)) is a dangerous attempt to repeal D.C. gun laws that would go far beyond authorizing gun possession for self-defense in the home, and instead create serious threats to public safety and homeland security.

While the gun lobby claims this legislation is needed to restore Second Amendment rights in D.C., the District's laws have already been rewritten to comply with the Supreme Court's Second Amendment decision in *D.C. v. Heller*. A federal court recently ruled that D.C. gun laws are constitutional under the Second Amendment. **Under current D.C. law, residents have the right to possess semiautomatic handguns and use firearms in self-defense in their homes.** D.C. no longer bans handguns in the home, which was struck down in *Heller*. Yet S. 3265 would eliminate many common sense laws that Justice Scalia stated are "presumptively lawful" in his *Heller* opinion.

S. 3265 would undermine federal anti-trafficking laws, repeal D.C.'s ban on dangerous military-style weapons, allow teenagers to possess semiautomatic assault rifles, trample the rights of private property owners, and prohibit D.C. from passing laws that could "discourage" gun possession or use, even by felons, children or other dangerous persons. **At a time when terrorists continue to look for ways to attack our nation, this legislation would be reckless and irresponsible.** The Senate should reject this bill.

### **PROBLEMS WITH S. 3265**

- **Undermines federal anti-trafficking laws** – The bill would allow D.C. residents to cross state lines to buy handguns in neighboring states, undermining federal anti-trafficking laws (§5). For decades, federal law has barred gun dealers from selling handguns directly to out of state buyers (other than licensed dealers) because of the high risk this creates for interstate gun trafficking (18 U.S.C. § 922(b)(3)). **This means that gun traffickers could more easily obtain large quantities of guns outside D.C. to illegally distribute to criminals in D.C.**
- **Tramples property rights** – The bill would trample property rights by **prohibiting private property owners and the D.C. government from restricting the possession of firearms on their own property** by anyone who leases space on that property (§10). For example, if a family wanted to rent out a room in its home, it would be required to allow the renter to possess assault weapons, sniper rifles, or other firearms. If the D.C. Courthouse leased space within the Courthouse for a sandwich shop, D.C. could not restrict the shop owner from

possessing firearms in the Courthouse shop. This mandate would be unique to D.C. - no state prohibits private landowners from restricting lessees' gun possession.

- **Prohibits D.C. from enacting common sense gun laws** – The bill would bar D.C. from passing any law that would “prohibit, constructively prohibit, or **unduly burden**” gun ownership by anyone not barred by already weak federal gun laws (§§ 3, 5). It would even bar D.C. from enacting laws or regulations that may “**discourage**” private gun ownership or use, even by felons, children or other dangerous persons (*Id.*). This bill would prohibit even basic safe storage requirements. **D.C. could not pass laws requiring shooting proficiency to use a gun, educating parents about the dangers to children of guns in the home, or even restricting teenage gang members without criminal records from possessing assault rifles.**
- **Repeals D.C.’s ban on dangerous, military-style weapons** – The bill repeals D.C.’s ban on .50 caliber sniper rifles that can pierce armor plating up to a mile away and its ban on dangerous military-style semiautomatic assault weapons and high capacity ammunition magazines (§ 14).
- **Repeals laws that help solve gun crimes** – The bill repeals D.C.’s requirements, modeled on a California law strongly supported by law enforcement, that semiautomatic pistols manufactured after January 1, 2011, be microstamp-ready. Microstamping is a proven law enforcement tool that helps solve gun crimes by imprinting shell casings with a unique identifier so that they can quickly be matched to the handguns that fired them (§ 14).
- **Repeals common sense restrictions on gun possession by dangerous or unqualified persons** – The bill repeals common sense restrictions on gun possession in D.C. including:
  - repealing the prohibition on most persons under age 21 from possessing firearms (§ 5(b)(1)). It replaces current D.C. law with weaker federal limits that only bar anyone under 18 from possessing handguns (18 U.S.C. §922(x)). Current D.C. law bars the registration of firearms by anyone under 21 without parental consent, but this bill repeals D.C.’s registration requirement, and by doing so it **repeals all age limits for the possession of long guns, including assault rifles.**
  - repealing the prohibition on gun possession by anyone who has committed a violent crime or recent drug crime (§ 5(b)(1)). It replaces this current D.C. law with the weaker federal ban that **allows gun possession by many persons who have committed violent or drug-related misdemeanor crimes** unrelated to domestic violence.
  - repealing the prohibition on gun possession by anyone **voluntarily** committed to a mental institution in the last 5 years (unless they have a doctor’s certification) (§ 5(b)(1)). It replaces this current D.C. law with the weaker federal law that **allows many persons who are dangerously mentally ill to obtain firearms.**
  - repealing the prohibition in D.C. law on gun possession by anyone who does not pass a vision test, including if they are blind (§ 5(b)(1)). D.C. would be **barred from having any vision requirement for gun use.**
- **Repeals registration requirements for firearms** – The bill would repeal even the most basic gun registration requirements (§ 5). **This means police could no longer easily trace crime guns by tracing them to their registered owner.**