

6. Tighten existing provisions prohibiting the possession of a dangerous weapon with intent to use it unlawfully, including establishment of a presumption that the possession of certain weapons, including possession of a pistol without a license, constitutes possession of such weapon with intent to use it unlawfully.

7. Require any person desiring to purchase a pistol, machine gun, sawed-off shotgun, or blackjack within the District to first obtain a permit to purchase any such weapon.

This latter provision, contained in section 2 of the bill and amending section 8 of the act (sec. 22-3208, District of Columbia Code, 1961 edition), has a far-reaching effect in strengthening existing law and is one of the most important features of the bill. The requirement that any purchase of a pistol, or any other prohibited weapon listed, must be preceded by the granting of a permit to purchase such weapon brings the District within the provisions of the Federal Firearms Act (U.S. Code, title 18, ch. 18) governing interstate traffic of firearms. Section 902(c) of such act provides that:

"It shall be unlawful for any licensed manufacturer or dealer to transport or ship any firearm in interstate or foreign commerce to any person other than a licensed manufacturer or dealer in any State the laws of which require that a license be obtained for the purchase of such firearm, *unless such license is exhibited to such manufacturer or dealer by the prospective purchaser*" [Italic supplied].

The Commissioners believe that the permit to purchase provision, in light of the above-quoted provision of the Federal Firearms Act, would eliminate in great part the serious problem of mail-order shipment of handguns to persons in the District. For example, any licensed dealer outside the District (or, in fact, within the District as well, since the Federal Firearms Act defines interstate commerce to include commerce within the District) would be required to see evidence of a permit to purchase issued by the Commissioners or their designated agent before shipping or transporting the weapon in question. Should a dealer fail to comply with this requirement, he would face prosecution under the Federal statute; in addition, under the language of the proposed bill, he would also face prosecution under the strengthened District dangerous weapons statute. The Commissioners have been informed that several States now require a permit (or some equivalent procedure) to purchase firearms bringing them within the Federal Firearms Act, including Hawaii, Massachusetts, Michigan, Missouri, New Jersey, New York, and North Carolina.

In developing the draft bill, the Commissioners' legal staff has had the close cooperation and assistance of various Federal officials, including the Internal Revenue Service which administers the Federal Firearms Act and the National Firearms Act. In addition, Mr. David C. Acheson, U.S. attorney for the District of Columbia, has aided in the drafting of the amendments. Mr. Robert V. Murray, Chief of Police for the District of Columbia, has also given personal attention to this matter and has been in communication with high-ranking officials of the New York Police Department concerning the effectiveness of such provisions as are now being proposed.

In summary, the Commissioners believe that a need exists at this time for strengthening the District's dangerous weapons statute. The bill would, on one hand, continue to allow the possession of firearms by those law-abiding citizens desiring protection of their property and persons, under proper regulation, so that no qualified citizen desiring possession of such weapon need go unarmed. But, on the other hand, the bill provides for close control over the importation and possession of weapons and thus enables the authorities to take necessary steps to prevent these weapons from falling into the hands of criminal elements or persons not qualified to possess them. Accordingly, the Commissioners most strongly urge the enactment of the proposed bill.

The Commissioners have been advised by the Bureau of the Budget that, from the standpoint of the administration's program, there is no objection to the submission of this legislation to the Congress.

Very sincerely yours,

WALTER N. TOBRINER,
President, Board of Commissioners, District of Columbia.

A BILL To amend the Act of July 8, 1932, relating to the control of possession in the District of Columbia of dangerous weapons, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act to control the possession, sale, transfer, and use of pistols and other