

PALMER V. THE DISTRICT OF COLUMBIA: NEXT STEPS

When the decision in *Palmer v. the District of Columbia* was made public on July 26, 2014, Mayor Vincent C. Gray, Council Chairman Phil Mendelson, and Councilmember Tommy Wells joined together and immediately developed a plan to bring the District of Columbia into compliance with the ruling while the litigation process continues. *Palmer* held for the first time that in the District of Columbia:

- A person's Second Amendment right to keep and bear arms for self-defense extends outside of the home.
- Therefore, the District's complete ban on carrying guns outside the home is unconstitutional.

Palmer's ruling that there is a constitutional right to carry a handgun in public for self-defense goes beyond the 2008 Supreme Court decision in *District of Columbia v. Heller*, which found that there is a constitutional right to have a handgun for self-defense in the home.

LEGISLATIVE RESPONSE

Draft emergency legislation will be circulated September 18th for consideration at the September 23rd additional Legislative Meeting. The legislation provides:

- That anyone applying for a concealed carry license must meet the existing requirements to register a firearm and successfully complete a more extensive gun safety and handling training program.
- A process by which non-residents may obtain of a license to carry a concealed handgun if they meet the same standards as a District resident.
- A criminal penalty for carrying a handgun while impaired by alcohol or drugs.
- The creation of a five member Concealed Handgun Licensing Review Board to review any denial of an application, renewal application, or revocation of a concealed carry license
- Locations where firearms have been traditionally prohibited where a licensee cannot carry, such as government buildings, public transportation, premises where alcohol is served, schools and universities, stadiums and arenas, and in circumstances where protection of public officials, visiting dignitaries, and demonstrators is paramount.
- Criminal and civil penalties for license holders who fail to follow the duties and requirements established by this new law.
- That a license holder cannot carry into a private residence unless permitted by the owner, and that commercial private property owners will have the authority to prohibit handguns from their property.

The emergency bill models states such as New York, New Jersey, and Maryland, all of which have adopted similar licensing schemes that have withstood Constitutional challenges in the U.S. Courts of Appeals for the 2nd, 3rd, and 4th Circuits, and also takes guidance from Illinois. The provisions of the legislation will become effective once the Executive issues emergency rules, no later than October 22, 2014.