

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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DICK ANTHONY HELLER, <i>et al.</i>))	
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Plaintiffs,))	
))	
v.))	Civil Action No.08-01289 (RMU)
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DISTRICT OF COLUMBIA, <i>et al.</i> ,))	
))	
Defendants.))	
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JOINT STATUS REPORT

Pursuant to the Minute Order of October 3, 2008, the parties hereby submit the following joint status report.

As noted previously by the parties, D.C. Act 17-502, the Second Firearms Control Emergency Amendment Act of 2008, expires December 15, 2008. On information and belief, additional, identical emergency legislation will be moved at an upcoming Council legislative meeting. The parties are in general agreement that Counts I and III of the First Amended Complaint would be moot if, as expected, the provisions of the emergency legislation are enacted permanently.

The temporary version of the legislation (the Firearms Control Temporary Amendment Act of 2008, D.C. Act 17-536) was transmitted to Congress on November 7, 2008. Temporary legislation is effective for 225 days. *See, e.g., Atkinson v. District of Columbia Bd. of Elections & Ethics*, 597 A.2d 863, 865 & n.5 (D.C. 1991) (the use of temporary legislation “was developed to fill a potential “gap” period between emergency legislation and permanent legislation, necessitated by limitations on the ability of the Council to pass successive emergency bills.”) (citing *United States v. Alston*, 580 A.2d 587, 590–91 (D.C.1990)).

Normally, District legislation becomes effective after a 30-day congressional review period. D.C. Official Code § 1-206.02(c)(1). However, because the legislation at issue here implicates criminal penalties, it is subject to a 60-day period of congressional review. *See id.* at § 1-206.02(c)(2). Consequently, the temporary legislation cannot complete the congressional review period by the end of the year, which also is the end of this Congress. Thus, the temporary legislation will have to be re-transmitted to Congress in January to begin the 60-day review period again, and would not likely become effective until March, 2009, at the earliest.

On information and belief, the permanent legislation will be marked up by the Committee on Public Safety and the Judiciary soon, and have first and second readings in December. If approved by the Council and signed by the Mayor, the permanent legislation would be transmitted to Congress (or re-transmitted) in January, 2009. Because of the 60-day review period, the permanent legislation would not likely become law before March or April of next year.

DATE: November 14, 2008

Respectfully submitted,

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