

**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**COMMITTEE ON PUBLIC SAFETY AND THE JUDICIARY**  
**COMMITTEE REPORT**  
1350 Pennsylvania Ave, NW 20004

2008 DEC -1 PM 12: 24

**TO:** All Councilmembers  
**FROM:** Councilmember Phil Mendelson,  
Chairman, Committee on Public Safety and the Judiciary  
**DATE:** November 25, 2008  
**SUBJECT:** Report on Bill 17-593, "Inoperable Pistol Amendment Act of 2008"

OFFICE OF THE  
SECRETARY  
*Phil Mendell*

The Committee on Public Safety and the Judiciary, to which Bill 17-593, the "Inoperable Pistol Amendment Act of 2008" was referred, reports favorably thereon, with amendments, and recommends approval by the Council.

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**I. BACKGROUND AND NEED**

Bill 17-593, the Inoperable Pistol Amendment Act of 2008, was originally introduced in response to a problem in the prosecution of the common gun offense known as "Carrying a Pistol Without a License" (CPWL). For years the courts have required proof that a firearm is operable as a matter of law, even though the statute is silent as to operability and for many decades operability had not been required as an element of the offense. Not only does the bill address operability, but now it has been amended considerably to address other issues related to the carrying of firearms. These include criminalizing the discharge of a firearm in the District unless otherwise permitted by law, making explicit that no person shall carry a rifle or shotgun unless otherwise permitted by law, clarifying that one may carry their own registered firearm in their home and for lawful recreational purposes in light of the recent Supreme Court case, *Heller*; conforming the transport requirements to federal law, and changing the minimum waiting period to obtain a firearm from 48 hours to 10 days.

Operability of Pistols

Both the Office of the Attorney General for the District of Columbia (“OAG”) and the United States Attorney for the District of Columbia (“USAO”) have detailed a problem arising in presentment court, preliminary hearings, and juvenile detention or shelter care hearings, where the judge or magistrate judge requires proof that a firearm is operable in order to find probable cause that a person has carried a pistol without a license. The necessity of providing the court with a test-fire certificate, generally within 24 hours of the initial arrest, means that the Metropolitan Police Department (“MPD”) has insufficient opportunity to conduct a thorough forensic analysis of the weapon, including using the latest technology for detailed forensic fingerprinting. This dilemma forces the government to make an undesirable choice of either releasing a defendant who should be held in order to process the firearm thoroughly, or going forward with a less compelling case at trial so that the gun can be test fired before presentment.

The D.C. Public Defender Service (“PDS”) has a different take on the extent of the problem described by OAG and USAO. During the September 18<sup>th</sup> public hearing, PDS testified that Bill 17-593, as introduced, was too broad and should be tailored narrowly to address the problem. Bill 17-593, as introduced, amended Title 22, Chapter 45 of the D.C. Official Code to permit a charge of CPWL without determining the operability of the pistol. The bill also redefined “pistol” to ensure that CPWL would not apply to imitation firearms.

PDS testified the problem is not so great as the prosecutors claim, and further, that redefining “pistol” would require citizens to obtain a license to carry an inoperable pistol. During weekdays, MPD’s ballistics section is open and operational, and it is “practically unheard of for the police to be unable to test fire the gun to determine whether it is operable.” According to PDS, the problem occurs only when a defendant is first presented in court on a Saturday or a holiday, the person is only charged with CPWL, and the USAO requests that the defendant is preventively detained at the jail pending trial. PDS further stated that even under these circumstances, it is still rare for the court to release the defendant because the gun’s operability was not established. Rather than amend the CPWL statute, PDS suggested amending D.C. Official Code § 23-1322 to allow the court to find that probable cause on operability is established if the police affirm that the pistol was fully assembled, appeared new or in otherwise good condition, and was loaded. The Committee does not support this amendment.

The USAO and OAG both support changing the code so that the government would no longer have to prove operability for any purpose – not just for a probable cause determination. USAO testified that amending Title 22 by adding the same definition of “firearm” as found in Title 7, (which is the District’s gun registration law), clarified to eliminate the operability requirement, would have three significant benefits to law enforcement. First, the change would provide additional time for forensic technicians to fully process the weapon. Second, eliminating the operability requirement would eliminate the need for a testfire certificate before presentment. This would, in turn, reduce police overtime expenses and get police officers back on the streets more quickly. Third, it would eliminate the loophole that forces the government to dismiss cases against defendants who carry real guns that, for some reason, fail to testfire.

The Committee agrees. In general, persons should not be carrying real weapons on the street regardless of operability. What is the good in allowing someone to carry a Smith and Wesson revolver for instance – especially if it is not working? To everyone else who might see it, the gun still appears completely dangerous. Further, to allow a technical distinction based on operability would complicate law enforcement. And what about a thief who tosses his gun while fleeing, coincidentally rendering the weapon inoperable: suddenly he is no longer guilty of CPWL?

The USAO further testified on the history of the operability requirement. They stated that operability was never an original element of the offense CPWL as written by Congress in 1932. But the Court of Appeals in *Anderson v. United States*, 326 A.2d 807, 811 (D.C. 1974) found that “when a defendant is charged with carrying a pistol without a license, the government must prove that the weapon was operable.” The USAO stated that the court initially made this determination without citation or analysis, but in a subsequent case explained that “[i]n the absence of a definition of the term ‘firearm’ applicable to [§ 22-4504], we looked to the common usage of that term and observed that it was a ‘device capable of propelling a projectile by explosive force.’” *Townsend v. United States*, 559 A.2d 1319, 1320 (D.C. 1989) (emphasis in original). The Committee Print now defines “firearm,” and operability is not a criterion.

Bill 17-593 would amend the D.C. Official Code to reflect that operability is not an element to be proved either at presentment or at trial. With the changes proposed in Bill 17-593, the government would still be required to prove the following elements: 1) the defendant carried a pistol, 2) they did so voluntarily, on purpose, and not by mistake or accident, 3) they did so without a license, and 4) that the pistol was a real firearm.

#### Other Provisions

Bill 17-593 is being recommended by the Committee at the same time as Bill 17-843, the “Firearms Registration Amendment Act of 2008.” This other bill was introduced in response to *District of Columbia v. Heller*, in which the U.S. Supreme Court ruled in June of this year that District citizens have the right to register handguns for the purpose of self defense in their home.<sup>1</sup>

In considering the two bills, the Committee has made some distinction between the two organic statutes: The 1932 Congressional Act dealing with the carrying of weapons and criminal behavior; and the 1975 Council act establishing registration requirements.

The Committee Print for Bill 17-593 includes several provisions, not in the introduced version, resulting from our post-*Heller* work: (1) revising the definitions of “machine gun,” “pistol,” and “shotgun,” in the 1932 act to conform to the definitions being revised in the 1975 act; (2) adding a definition “place of business” so as to limit who may carry a firearm at their place of business (to exclude ordinary employees, to exclude taxicab drivers, etc.); (3) criminalizing the discharge of firearms except as otherwise permitted by law (e.g. at a firing range, or in self-defense in the home); (4) clarifying that no person shall carry a long arm in the

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<sup>1</sup> *District of Columbia v. Heller*, 128 S. Ct 2783 (2008).

District except as otherwise permitted by law (e.g. lawful transportation related to commerce or recreation); (5) clarifying that the restrictions on carrying do not apply within a registrant's home or in certain other limited situations; (6) revising the requirements pertaining to the transportation of firearms to more closely parallel federal law; (7) repealing the provision for issuance of licenses to carry a pistol; and (8) revising the regulation of transfers to apply to all firearms (not just pistols) and to change the waiting period from 48 hours to 10 days.

The Committee has found that the District is unusual in not having a law against the discharge of firearms. And yet the complaint of hearing gunshots is common in some neighborhoods, unfortunately. A cursory review of the law in other jurisdictions reveals that Arlington County and the City of Alexandria both criminalize this activity. So, too, Baltimore, Maryland and New York City. In each of these jurisdictions the unlawful discharge of a firearm is a misdemeanor offense. Criminalization makes sense in a dense, urban jurisdiction. It is not a provision we would expect for rural areas where guns are used for hunting and target practice. However, such sport would be especially dangerous within the close confines of the District.

The committee print revises the requirements pertaining to the transportation of firearms for two reasons. First, the District's current law is not best practice – to require that a gun be in plain view within the passenger compartment of a car, for instance. Second, the District's current law is practically opposite federal law, so that a District resident driving to Virginia for target practice would find they are breaking one law by complying with the other. The committee print is nearly identical to federal law with some exception: First, if transport is by motor vehicle and there is not a separate compartment (e.g. trunk) the print requires that both the firearm and ammunition be in a locked container. Second, the print includes a provision for transportation if other than in a vehicle (e.g. walking or bicycling to MPD for registration, or to/from a gun dealer).

The committee print repeals Section 6 of the 1932 act (§ 22-4506) at the request of the Chief of Police and the Executive. Without repeal, the provision gives the impression that ordinary people (as opposed to law enforcement personnel, the military, certain investigators, etc.) may obtain a license to carry a concealed weapon. Given the unique character of the District, such activity would be unwise.

The District shares the problem of gun violence with other dense, urban jurisdictions – a problem which is quite different than the experience in the rest of suburban and rural America. The District, however, has a unique distinction: as the nation's capital it hosts a large presence of government and diplomatic officials. Sadly, the District is no stranger to attacks on such officials – the assassinations for Presidents Lincoln and Garfield, attempted assassination of President Reagan, the assassination of former Chilean official Letelier, etc. Government officials and diplomats are constantly moving about the District. The threat of gun violence against them is an especial concern, and one of which we are reminded almost daily in the international news.

The committee print also revises the waiting period from 48 hours to 10 days to purchase a firearm. The 48-hour provision was enacted by Congress 76 years ago. We presume that

Congress recognized that a waiting period is tantamount to a cooling off period for some purchases, and such a requirement results in less violence from guns. However, the Committee has surveyed the law in other jurisdictions and found that 10 days is a common waiting period. Some of the states requiring a waiting period of at least 10 days include California and Hawaii. A person feeling suicidal or angry is not as likely to have put that feeling behind them within 48 hours as within 10 days. Indeed, a few states require even longer waiting periods – Hawaii requires 14 days, and Connecticut requires two weeks for long guns.

The revised print with regard to the waiting period out to be read in conjunction with the revised registration law (D.C. Official Code Title 7). While the Committee is concerned that the registration of firearms should not be unduly burdensome and time consuming, the registration law permits the government to take up to 60 days to process a registration application. A 10-day waiting period included within that time frame is reasonable.

The Committee recommends approval of Bill 17-593, the “Inoperable Pistol Amendment Act of 2008” as amended.

## II. LEGISLATIVE CHRONOLOGY

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|--------------------|--|
| January 15, 2008   | Bill 17-593, the “Inoperable Pistol Amendment Act of 2008” is introduced by Councilmember Mendelson, and is co-sponsored by Councilmembers Bowser, Brown, Catania, Cheh, and Schwartz. |
| January 25, 2008   | Notice of Intent to Act on Bill 17-593 is published in the <i>D.C. Register</i> .  |
| February 1, 2008   | Public Hearing on Bill 17-593 scheduled, but cancelled at the request of the Executive and the U.S. Attorney in light of pending litigation.   |
| July 11, 2008      | Notice of a Public Hearing is published in the <i>D.C. Register</i> .  |
| September 18, 2008 | The Committee on Public Safety and the Judiciary holds a public hearing on Bill 17-593.  |
| November 25, 2008  | The Committee on Public Safety and the Judiciary marks-up Bill 17-593.   |

## III. POSITION OF THE EXECUTIVE

Robert Hildum, Deputy Attorney General for Public Safety in the Office of the Attorney General for the District of Columbia, testified on behalf of the Executive regarding operability. His testimony is summarized below. The other provisions of this bill, as amended, were developed in consultation with the D.C. Attorney General and the Chief of Police.

#### IV. SUMMARY OF TESTIMONY

The Committee on Public Safety and the Judiciary held a public hearing on Bill 17-593 on Thursday, September 18, 2008. A copy of the testimony is attached to this report. In addition, the Committee received written comments on Bill 17-593. All of the testimony and comments pertain to the operability issue.

The Committee is recommending Bill 17-593 at the same time as Bill 17-843, the "Firearms Registration Amendment Act of 2008." The Committee held hearings on that bill, and regarding firearms control, on July 2, 2008, September 18, 2008, and October 1, 2008. Although the testimony from those hearings is not summarized in this report, those hearings influenced the expansion of Bill 17-593 in the Committee Print.

*Laura Hankins, Special Counsel to the Director, Public Defender Service*, testified in opposition to Bill 17-593. Ms. Hankins stated that the Committee should not change the definition of 'pistol' in Title 22 so that it more closely tracks the definition of 'firearm' found in Title 7 because the prosecution usually has no problem attempting to prove operability and such a change would change the licensing scheme in the District. Ms. Hankins suggested that the Committee instead amend D.C. Official Code § 23-1322 to allow the court to find that probable cause exists to believe a pistol is operable based on the appearance of the pistol and all the surrounding circumstances of the defendant's alleged possession of the pistol.

*Patricia Riley, Special Counsel to the U.S. Attorney, U.S. Attorney's Office for the District of Columbia*, testified in support of Bill 17-593, with amendments. Ms. Riley testified that the U.S. Attorney's Office has encountered problems in presentment court, preliminary hearings, etc. when the judge requires proof that a firearm is operable in order to find probable cause that a person has carried a pistol without a license. Ms. Riley suggested that the Committee amend D.C. Official Code § 22-2501 by adding a definition of 'firearm' that parallels the definition in D.C. Official Code § 7-2501.01(9) and in which operability is not a factor.

*Robert J. Hildum, Deputy Attorney General, Public Safety Division, Office of the Attorney for the District of Columbia*, testified in support of Bill 17-593, with amendments. Mr. Hildum supported the changes suggested by the USAO, namely amending Title 22, Chapter 45 of the D.C. Official Code to include the definition of 'firearm' found in Title 7. He stated that the Committee should eliminate the operability requirement for all purposes.

*Janae Grant, ANC Commissioner, ANC 5A 11*, submitted written comments in support of Bill 17-593. Ms. Grant stated that the bill is important because it is a good way of closing a loophole that allows attorneys and judges to make agreements, at their discretion, on the threat of an offender's status of being detained.

## V. IMPACT ON EXISTING LAW

Bill 17-593 amends a 1932 Congressional law, “An Act To control the possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of evidence, and for other purposes” (D.C. Official Code § 22-4501.01 *et seq.*) to: (1) add a definition for “firearm” which removes operability as an element to various offenses including carrying a pistol without a license; (2) revises the definitions of “machine gun,” “pistol,” and “shotgun”; (3) adds a definition for “place of business”; (4) criminalizes the discharge of firearms except as otherwise permitted by law; (5) clarifies that no person shall carry a long arm except as otherwise permitted by law; (6) clarifies that restrictions on carrying do not apply within a registrant’s home or in certain other limited situations; (7) revises the requirements pertaining to the transportation of firearms; (8) repeals the provision for the issuance of a license to carry a pistol; (9) applies transfer restrictions to all firearms, not just pistols; and (10) changes the waiting period to 10 days to purchase a firearm.

## VI. FISCAL IMPACT

The Committee has requested a Fiscal Impact Statement from the Chief Financial Officer. The Committee believes that funds are sufficient in the FY 2009 budget and the proposed FY 2010 through FY 2013 budget and financial plan to implement Bill 17-593. The Committee print refines existing criminal law and procedure and, thus, does not add a new government program, or require the hiring of new personnel.

## VII. SECTION-BY-SECTION ANALYSIS

Section 1 States the short title of Bill 17-593.

Section 2 (a) Adds/revises definitions.

(b) Criminalizes discharge.

(c) Clarifies that no person shall carry a long arm except as otherwise permitted by law.

(d) States that the carrying restrictions do not apply within a registrant’s home.

(e) Applies transfer restrictions to all firearms.

(f) Repeals § 22-4506 which provides for the issuance of licenses to carry a pistol. Under D.C. law generally, no executive officer can issue a license without express authority, authority which this subsection repeals.

(g) Changes the waiting period to 10 days to purchase a firearm.

Section 3 Savings Clause.

Section 4 Fiscal impact statement.

Section 5 Effective date, which follows a 60-day period for Congressional review.

### **VIII. COMMITTEE ACTION**

On November 25, 2008, the Committee on Public Safety and the Judiciary met to consider Bill 17-593, the "Inoperable Pistol Amendment Act of 2008." The meeting was called to order at 10:50 a.m., and Bill 17-593 was number six on the agenda. After ascertaining a quorum (Chairman Mendelson and Councilmembers Alexander, Bowser, Cheh, and Evans present), he moved the print with leave for technical changes. During the opportunity for discussion, Councilmember Cheh stated that she wanted to be assured that Bill 17-593 did not implicitly allow firearms outside of the home, absent the limited circumstances as provided by law. Chairman Mendelson reassured the Committee of this fact. After the opportunity for discussion, the vote on the print was unanimous (Chairman Mendelson and Councilmembers Alexander, Bowser, Cheh, and Evans voting aye). He then moved the report with leave for staff to make technical and editorial changes. After opportunity for discussion, the vote was unanimous (Chairman Mendelson and Councilmembers Alexander, Bowser, Cheh, and Evans voting aye). The meeting adjourned at 11:53 a.m.

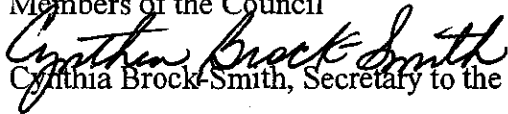
### **IX. ATTACHMENTS**

1. Bill 17-593 as introduced.
2. Written testimony and comments.
3. Committee Print for Bill 17-593.

COUNCIL OF THE DISTRICT OF COLUMBIA  
1350 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004

Memorandum

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To: Members of the Council  
From:   
Cynthia Brock-Smith, Secretary to the Council  
Date: January 16, 2008  
Subject: Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Committee of the Whole on Tuesday, January 15, 2008. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Inoperable Pistol Amendment Act of 2008", B17-0593

INTRODUCED BY: Councilmember Mendelson

CO-SPONSORED BY: Councilmembers Schwartz, Catania, Brown, Cheh  
and Bowser

The Chairman is referring this legislation to the Committee on Public Safety and the Judiciary.

Attachment

cc: General Counsel  
Budget Director  
Legislative Services

  
Councilmember Phil Mendelson

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Councilmember Phil Mendelson introduced the following bill, which was referred to the  
Committee on \_\_\_\_\_.

To amend An Act To control the possession, sale, transfer and use of pistols and other  
dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of  
evidence, and for other purposes, to permit a charge of carrying a pistol without a license  
without determining the operability of the pistol.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
act may be cited as the "Inoperable Pistol Amendment Act of 2008".

Sec. 2. Section 4 of an Act To control the possession, sale, transfer and use of pistols and  
other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules of  
evidence, and for other purposes, approved July 8, 1932 (47 Stat. 650; D.C. Official Code § 22-  
4501 *et seq.*), is amended as follows:

(a) Section 1(a) (D.C. Official Code §23-4501(a)) is amend to read as follows:

"(a)"Pistol," as used in this chapter, means any firearm with a barrel less than 12  
inches in length and which is designed or redesigned, made or remade, readily converted or  
restored, and intended to, expel a projectile or projectiles by the action of an explosive; provided,  
that such term shall not include:

"(A) Antique firearms;

“(B) Destructive devices; 1

(C) Any device used exclusively for line throwing, signaling, or safety, 2  
and required or recommended by the Coast Guard or Interstate Commerce Commission; or 3

(D) Any device used exclusively for firing explosive rivets, stud 4  
cartridges, or similar industrial ammunition and incapable for use as a weapon.” 5

(b) Section 4 (D.C. Official Code §23-4504(a)), is amended by inserting the following 6  
new paragraph (3) to read as follows: 7

“(3) For the purposes of establishing probable cause or a substantial probability 8  
that a person has violated this subsection, it is not necessary for the government to prove that a 9  
pistol is operable.”. 10

Sec. 3. Fiscal impact statement. 11

The Council adopts the attached fiscal impact statement as the fiscal impact statement 12  
required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 13  
24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)). 14

Sec. 4. Effective date. 15

This act shall take effect following approval by the Mayor (or in the event of veto by the 16  
Mayor, action by the Council to override the veto), a 60-day period of Congressional review as 17  
provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 18  
24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of 19  
Columbia Register. 20

COMMENTS OF THE PUBLIC DEFENDER SERVICE  
FOR THE DISTRICT OF COLUMBIA

concerning

Bill 17-593 – INOPERABLE PISTOL AMENDMENT ACT OF 2008

presented by

Laura E. Hankins  
Special Counsel to the Director

before

THE COMMITTEE ON PUBLIC SAFETY AND THE JUDICIARY  
COUNCIL OF THE DISTRICT OF COLUMBIA

The Honorable Phil Mendelson, Chair

September 18<sup>th</sup>, 2008

Avis E. Buchanan, Director  
Public Defender Service  
633 Indiana Avenue, N.W.  
Washington, D.C. 20004  
(202) 628-1200

Thank you for this opportunity to testify about Bill 17-593, the Inoperable Pistol Amendment Act of 2008. I am Laura Hankins, Special Counsel to the Director of the Public Defender Service. Section (a) of Bill 17-593 would change the definition of “pistol” in Title 22 of the D. C. Code so that it more closely tracks the definition of “firearm” found in Title 7 of the Code.<sup>1</sup> This definitional change would make it a crime for persons to carry a pistol that they know to be inoperable without obtaining a license for it. Section (b) of the bill, in contrast,<sup>2</sup> would merely eliminate the requirement that the government prove a pistol’s operability when establishing probable cause or substantial probability. For example, when the Office of the U.S. Attorney must prove probable cause exists that the defendant committed the offense of carrying a pistol without a license<sup>3</sup> before the judge can detain the defendant at the jail pending trial, it would have to prove every element of the offense of carrying a pistol without a license except that the pistol in question was operable. The Public Defender Service opposes both provisions of Bill 17-593.

The Public Defender Service understands that the Office of the U.S. Attorney requests that the Council change the definition of “pistol” in Title 22 because it does not want to have to prove operability at the initial presentment of defendants charged with carrying a pistol without a license (“CPWL”). PDS urges this Committee not to alter its gun control laws in this manner for this purpose. First, the prosecution usually has no problem attempting to prove operability. The issue has to do with test firing the pistol. On weekdays, the ballistics section of the Metropolitan Police Department is open and it is practically unheard of for the police to be unable to test fire the gun to determine whether it is operable. If a defendant is first presented in court on a Saturday or a holiday,<sup>4</sup> meaning he or she was arrested late the night before or early that morning, and if the person is only charged with CPWL and if the U.S. Attorney’s Office requests that the defendant be preventively detained at the jail pending trial,<sup>5</sup> then proving operability is a challenge because the ballistics section is reportedly closed and the police cannot test fire the pistol. According to the trial lawyers in my office, it is extremely rare in these

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<sup>1</sup> See D.C. Code § 7-2501.01(9).

<sup>2</sup> If section (a) passes, section (b) would be superfluous, as there would be no operability requirement that would need to be established by probable cause.

<sup>3</sup> D.C. Code § 22-4504(a).

<sup>4</sup> D.C. Superior Court is closed on Sundays.

<sup>5</sup> If the prosecution charged another offense that constituted a “crime of violence” or a “dangerous crime” as those terms are defined in D.C. Code § 23-1331, then they could seek to preventively detain the defendant based on establishing probable cause for that offense and not have to establish probable cause for each element of CPWL, including operability, at that first court hearing. For example, if a defendant is initially charged with armed robbery and with CPWL, the prosecution could seek detention by establishing probable cause on the armed robbery charge, which does not require proof of operability. It is entirely within the discretion of the U.S. Attorney’s Office to seek to preventive detention; it is not required to do so in any case. In fact, before the Council amended D.C. Code 23-1322(c) to extend the rebuttable presumption that no condition or combination of conditions of release would reasonably assure the safety of any other person or of the community to persons charged with CPWL, the office only sporadically sought preventive detention based on a CPWL charge alone. Now the office seeks detention in most cases.