

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, the Office of Administrative Hearings Establishment Act of 2001 to provide for the jurisdiction of the Office of Administrative Hearings to include certain cases to be decided under the Firearms Control Regulations Act of 1975; and to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Office of Administrative Hearings Jurisdiction Emergency Amendment Act of 2023”.

Sec. 2. Section 6 of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03), is amended as follows:

(a) Subsection (b-2) is amended as follows:

(1) Paragraph (4) is repealed.

(2) A new paragraph (5) is added to read as follows:

“(5) A license to carry a concealed pistol pursuant to section 908 of the Firearms Control Regulations Act of 1975, effective June 16, 2015 (D.C. Law 20-279; D.C. Official Code § 7-2509.08), including:

“(A) Any appeal pending at the Concealed Pistol Licensing Review Board as of October 1, 2023; provided, that each such pending appeal shall be transferred to the Office for adjudication and re-docketed in accordance with the procedures of the Office; and

“(B) Any motion for reconsideration of a decision issued by the Concealed Pistol Licensing Review Board prior to October 1, 2023, that is pending on or filed after October 1, 2023; provided that:

“(i) Each such motion filed before October 1, 2023, with the Concealed Pistol Licensing Review Board shall be transferred to and adjudicated by the Office; and

“(ii) Each such motion filed on or after October 1, 2023, shall be filed with and adjudicated by the Office.”.

(b) A new subsection (b-31) is added to read as follows:

“(b-31) This act shall apply to all adjudicated cases involving imposition of a civil fine for violations of An Act To enable the blind and the otherwise physically disabled to participate fully in the social and economic life of the District of Columbia, approved October 21, 1972 (86 Stat. 970; D.C. Official Code § 7-1001 *et seq.*)”.

Sec. 3. Title IX of the Firearms Control Regulations Act of 1975, effective June 16, 2015 (D.C. Law 20-279; D.C. Official Code § 7-2509.01 *et seq.*), is amended as follows:

(a) Section 902(g) (D.C. Official Code § 7-2509.02(g)) is amended by striking the phrase “Concealed Pistol Licensing Review Board established pursuant to section 908” and inserting the phrase “Office of Administrative Hearings pursuant to section 908” in its place.

(b) Section 903(c) (D.C. Official Code § 7-2509.03(c)) is amended by striking the phrase “Concealed Pistol Licensing Review Board established pursuant to section 908” and inserting the phrase “Office of Administrative Hearings pursuant to section 908” in its place.

(c) Section 905 (D.C. Official Code § 7-2509.05) is amended as follows:

(1) Subsection (a)(4) is amended by striking the phrase “Concealed Pistol Licensing Review Board established pursuant to section 908” and inserting the phrase “Office of Administrative Hearings pursuant to section 908” in its place.

(2) Subsection (b)(3) is amended by striking the phrase “Concealed Pistol Licensing Review Board” and inserting the phrase “Office of Administrative Hearings” in its place.

(d) Section 908 (D.C. Official Code § 7-2509.08) is amended as follows:

(1) The section heading is amended to read as follows:
“Sec. 908. Concealed pistol licensing appeals.”

(2) The lead-in language of subsection (a) is amended to read as follows:
“The Office of Administrative Hearings shall hear appeals from.”

(3) Subsection (b) is repealed.

(4) Subsection (c) is repealed.

(5) Subsection (d) is amended to read as follows:

“(d)(1) Notwithstanding any other provision of law, the procedures for appeals under this section shall be governed by 1 DCMR § 1200 *et seq.* until such time as the Chief Administrative Law judge may repeal them and re-establish procedures by rule pursuant to section 8 of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.05).

“(2) Rules adopted by the Chief Administrative Law judge to govern procedures for appeals under this section shall include the manner and time of appeals and shall provide that the burden of production of evidence and the burden of persuasion at a hearing shall be upon the applicant or licensee that is challenging a denial of an application or a renewal application or a limitation or revocation of a license.”

(6) Subsection (e) is amended to read as follows:

“(e) Hearings conducted pursuant to this section shall be confidential and not open to the public.”.

(7) Subsection (f) is repealed.

Sec. 4. Section 6(e) 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. 651; D.C. Official Code § 22-4506(e)), is amended by striking the phrase “Concealed Pistol Licensing Review Board established pursuant to section 908 of the Firearms Control Regulations Act of 1975, passed on 2nd reading on December 17, 2014 (Enrolled version of Bill 20-930) ,” and inserting the phrase “Office of Administrative Hearings pursuant to section 908 of the Firearms Control Regulations Act of 1975, effective June 16, 2015 (D.C. Law 20-279; D.C. Official Code § 7-2509.08),” in its place.

Sec. 5. Section 1108(c-2)(7) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-611.08(c-2)(7)), is repealed.

Sec. 6. The Mayor shall provide for the orderly transfer of all records of pending and adjudicated appeals of the Concealed Pistol Licensing Review Board to the Office of Administrative Hearings.

Sec. 7. Applicability.

This act shall apply as of October 1, 2023.

Sec. 8. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 9. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia