

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Office of Administrative Hearings Establishment Act of 2001 to expand the jurisdiction of the Office of Administrative Hearings to include certain cases to be decided under the Firearms Control Regulations Act of 1975 and 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; to amend the Firearms Control Regulations Act of 1975 to require the Chief of the Metropolitan Police Department to bear the burden of production and of persuasion in an appeal before the Office of Administrative Hearings of the Chief's firearm registration certificate or concealed pistol license determination; 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 Amendment Act of 2024".

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 by adding new paragraph (5) 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

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“(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. The Firearms Control Regulations Act of 1975, effective September 24, 1976 (D.C. Law 1-85; D.C. Official Code § 7-2501.01 *et seq.*), is amended as follows:

(a) Section 210 (D.C. Official Code § 7-2502.10) is amended by adding a new subsection (b-1) to read as follows:

“(b-1) An appeal of the Chief’s denial or revocation of a firearm registration certificate pursuant to subsection (b) of this section shall be made to the Office of Administrative Hearings, pursuant to section 6(b-2)(2) 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(b-2)(2)). Notwithstanding any other provision of law, the burden of production of evidence and the burden of persuasion at a hearing in such an appeal shall be upon the Chief or the Chief’s designated agent. This provision controls over, and may not be altered by, any rule of procedure or regulation promulgated by either the Office of Administrative Hearings or the Metropolitan Police Department.”.

(b) 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.

(c) 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.

(d) 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.

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

(1) The 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 or 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) The burden of production of evidence and the burden of persuasion for an appeal brought under this section shall be upon the Chief of the Metropolitan Police Department or the Chief’s designated agent. This provision controls over, and may not be altered by, any rule of procedure or regulation promulgated by either the Office of Administrative Hearings or the Metropolitan Police Department.”.

(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 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.

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Sec. 8. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report 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. 8. 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 a 60-day period of congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia