

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, due to congressional review, 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 Congressional Review 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(1) Paragraph (4) is repealed.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

33 “(B) Any motion for reconsideration of a decision issued by the Concealed
34 Pistol Licensing Review Board prior to October 1, 2023, that is pending on or filed after October
35 1, 2023; provided that:

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

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

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

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

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

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

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

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

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

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

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

62 (1) The section heading is amended to read as follows:

63 “Sec. 908. Concealed pistol licensing appeals.”.

64 (2) The lead-in language of subsection (a) is amended to read as follows:

65 “The Office of Administrative Hearings shall hear appeals from:”.

66 (3) Subsection (b) is repealed.

67 (4) Subsection (c) is repealed.

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

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

74 “(2) Rules adopted by the Chief Administrative Law judge to govern
75 procedures for appeals under this section shall include the manner and time of appeals and shall
76 provide that the burden of production of evidence and the burden of persuasion at a hearing shall

77 be upon the applicant or licensee that is challenging a denial of an application or a renewal
78 application or a limitation or revocation of a license.”.

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

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

82 (7) Subsection (f) is repealed.

83 Sec. 4. Section 6(e) of An Act To Control the possession sale, transfer, and use of pistols
84 and other dangerous weapons in the District of Columbia, to provide penalties, to prescribe rules
85 of evidence, and for other purposes, approved July 8, 1932 (47 Stat. 651; D.C. Official Code §
86 22-4506(e)), is amended by striking the phrase “Concealed Pistol Licensing Review Board
87 established pursuant to section 908 of the Firearms Control Regulations Act of 1975, passed on
88 2nd reading on December 17, 2014 (Enrolled version of Bill 20-930) ,” and inserting the phrase
89 “Office of Administrative Hearings pursuant to section 908 of the Firearms Control Regulations
90 Act of 1975, effective June 16, 2015 (D.C. Law 20-279; D.C. Official Code § 7-2509.08),” in its
91 place.

92 Sec. 5. Section 1108(c-2)(7) of the District of Columbia Government Comprehensive
93 Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-
94 611.08(c-2)(7)), is repealed.

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

98 Sec. 7. Applicability.

99 This act shall apply as of October 1, 2023.

100 Sec. 8. Fiscal impact statement.

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

104 Sec. 9. Effective date.

105 This act shall take effect following approval by the Mayor (or in the event of veto by the
106 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
107 90 days, as provided for emergency acts of the Council of the District of Columbia in section
108 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
109 D.C. Official Code § 1-204.12(a)).