

Brianne K. Nadeau

Councilmember Brianne K. Nadeau

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

1 To amend, on an emergency basis, due to congressional review, the Firearms Control Regulations
2 Act of 1975 to provide for the Chief of Police of the Metropolitan Police Department to
3 have the burden of production and burden of persuasion in an appeal of the Chief’s firearm
4 registration certificate or concealed pistol license determination before the Office of
5 Administrative Hearings.

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

10 Sec. 2. The Firearms Control Regulations Act of 1975, effective September 24, 1976
11 (D.C. Law 1-85; D.C. Official Code § 7-2501.01 *et seq.*), is amended as follows:

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

14 “(b-1) An appeal of the Chief’s denial or revocation of a firearm registration certificate
15 pursuant to subsection (b) of this section shall be made to the Office of Administrative Hearings,
16 pursuant to section 6(b-2)(2) of the Office of Administrative Hearings Establishment Act of
17 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.03(b-2)(2)).

18 Notwithstanding any other provision of law, the burden of production of evidence and the burden

19 of persuasion at a hearing in such an appeal shall be upon the Chief or his designated agent. This
20 provision controls over, and may not be altered by, any rule of procedure or regulation
21 promulgated by either the Office of Administrative Hearings or the Metropolitan Police
22 Department.”.

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

24 “(d)(1) Notwithstanding any other provision of law, the procedures for appeals under this
25 section shall be governed by 1 DCMR § 1200 *et seq.* until such time as the Chief Administrative
26 Law Judge may repeal them or re-establish procedures by rule pursuant to section 8 of the Office
27 of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-
28 76; D.C. Official Code § 2-1831.05).

29 “(2) The burden of production of evidence and the burden of persuasion for an
30 appeal brought under this section shall be upon the Chief of Police of the Metropolitan Police
31 Department of the District of Columbia or his designated agent. This provision controls over, and
32 may not be altered by, any rule of procedure or regulation promulgated by either the Office of
33 Administrative Hearings or the Metropolitan Police Department.”.

34 Sec. 3. Section 3(d)(5) of the Office of Administrative Hearings Jurisdiction Temporary
35 Amendment Act of 2023, enacted on July 10, 2023 (D.C. Act 25-158; 70 DCR 9691), is repealed.

36 Sec. 4. Fiscal impact statement.

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

40 Sec. 5. Effective date.

41 This act shall take effect following approval by the Mayor (or in the event of veto by the
42 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
43 90 days, as provided for emergency acts of the Council of the District of Columbia in section
44 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
45 D.C. Official Code § 1-204.12(a)).