

Brianne K. Nadeau

Councilmember Brianne K. Nadeau

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to amend the Firearms Control Regulations Act of 1975 to provide for the Chief of Police of the Metropolitan Police Department to have the burden of production and burden of persuasion in an appeal of the Chief’s firearm registration certificate or concealed pistol license determination before the Office of Administrative Hearings.

RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Office of Administrative Hearings Jurisdiction Clarification Emergency Declaration Resolution of 2023”.

Sec. 2. (a) On June 6, 2023, the Council adopted Bill 25-310, the Office of Administrative Hearings Jurisdiction Emergency Amendment Act of 2023, which transferred jurisdiction of appeals of the Chief’s denial or revocation of a concealed pistol license (“CPL”) to the Office of Administrative Hearings, effective October 1, 2023. Temporary legislation is expected to become law on November 9, 2023, and permanent legislation has been introduced.

(b) Upon review of the current licensing scheme, the Council believes it is most appropriate for the burden of proof in appeals of the Chief’s decisions regarding firearm registration certificates and concealed pistol licenses to be on the Chief, rather than the applicant or licensee/registrant, as currently required by law.

33 (c) Emergency action is necessary so that the appropriate burden of proof is in place
34 when the Office of Administrative Hearings takes jurisdiction of CPL appeals on October 1
35 while the Council considers permanent legislation.

36 Sec. 3. The Council of the District of Columbia determines that the circumstances
37 enumerated in section 2 constitute emergency circumstances making it necessary that the Office
38 of Administrative Hearings Jurisdiction Clarification Emergency Amendment Act of 2023 be
39 adopted after a single reading.

40 Sec. 4. This resolution shall take effect immediately.