



MURIEL BOWSER
MAYOR

June 1, 2023

The Honorable Phil Mendelson
Chairman
Council of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue, NW, Suite 504
Washington, DC 20004

Dear Chairman Mendelson:

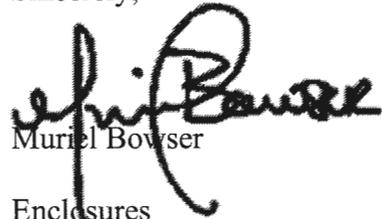
Enclosed for consideration and enactment by the Council of the District of Columbia are the Office of Administrative Hearings Jurisdiction Amendment Act of 2023, the Office of Administrative Hearings Jurisdiction Temporary Amendment Act of 2023, and the Office of Administrative Hearings Jurisdiction Emergency Amendment Act of 2023, along with an accompanying emergency declaration resolution.

This legislation will transfer the authority to hear certain concealed pistol licensing appeals from the Concealed Pistol Licensing Review Board ("CPLRB") to the Office of Administrative Hearings ("OAH") and would dissolve the CPLRB effective October 1, 2023. Cases currently pending at the CPLRB would be transferred to OAH. The bill also authorizes OAH to use CPLRB's current administrative procedures for appeals until OAH issues new rules on this subject matter.

The legislation streamlines the process of adjudicating appeals of concealed pistol licensing issues with one entity and aligns with the agency funding included in the pending Fiscal Year 2024 budget and financial plan.

I urge the Council to take prompt and favorable action on the enclosed legislation.

Sincerely,


Muriel Bowser

Enclosures


Chairman Phil Mendelson
at the request of the Mayor

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A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on a temporary 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 Temporary 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) Paragraph (b-2) is amended as follows:

(1) Paragraph (4) is repealed.

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

“(5) Adjudicated cases 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:

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

34 “(B) Any motion for reconsideration of a decision issued by the Concealed
35 Pistol Licensing Review Board prior to October 1, 2023 that is pending on or filed after October
36 1, 2023; provided that:

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

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

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

43 “(b-31) This act shall apply to all adjudicated cases involving imposition of a civil fine
44 for violations of An Act To enable the blind and the otherwise physically disabled to participate
45 fully in the social and economic life of the District of Columbia, approved October 21, 1972 (86
46 Stat. 972; D.C. Official Code § 7-1001 *et seq.*)”.

47 Sec. 3. The Firearms Control Regulations Act of 1975, effective September 24, 1976
48 (D.C. Law 1-85; D.C. Official Code § 7-2501.01 *et seq.*), is amended as follows:

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

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

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

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

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

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

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

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

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

66 “(a) The Office of Administrative Hearings shall hear appeals from:”.

67 (3) Subsection (b) is repealed.

68 (4) Subsection (c) is repealed.

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

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

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

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

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

83 (7) Subsection (f) is repealed.

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

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

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

99 Sec. 7. Applicability.

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

101 Sec. 8. Fiscal impact statement.

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

105 Sec. 9. Effective date.

106 (a) This act shall take effect following approval by the Mayor (or in the event of veto by
107 the Mayor, action by the Council to override the veto), a 60-day period of congressional review
108 as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December
109 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of
110 Columbia Register.

111 (b) This act shall expire after 225 days of its having taken effect.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL



BRIAN L. SCHWALB
ATTORNEY GENERAL

Legal Counsel Division

MEMORANDUM

TO: Tommy Wells
Director
Office of Policy and Legislative Affairs

FROM: Megan D. Browder
Deputy Attorney General
Legal Counsel Division

DATE: May 9, 2023

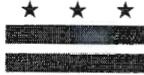
SUBJECT: Legal Sufficiency Review of Draft Bill, the “Office of Administrative Hearings Jurisdiction Amendment Act of 2023”, Emergency and Temporary Versions, and Accompanying Emergency Declaration Resolution (AE-23-301)

This is to Certify that this Office has reviewed the above-referenced legislation and has found it to be legally sufficient. If you have any questions regarding this certification, please do not hesitate to contact me at (202) 724-5524.

A handwritten signature in black ink that reads "Megan D. Browder".

Megan D. Browder

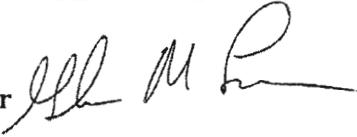
Government of the District of Columbia
Office of the Chief Financial Officer



Glen Lee
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Glen Lee
Chief Financial Officer 

DATE: May 9, 2023

SUBJECT: Fiscal Impact Statement – Office of Administrative Hearings
Jurisdiction Amendment Act of 2023 (and accompanying emergency
and temporary versions)

REFERENCE: Draft bill as provided to the Office of Revenue Analysis on April 24,
2023

Conclusion

Funds are sufficient in the fiscal year 2023 budget and proposed fiscal year 2024 through fiscal year 2027 budget and financial plan to implement the bill.

Background

Concealed pistol licenses are issued by the Metropolitan Police Department, and an individual who is denied a concealed pistol license or has an existing concealed pistol license revoked or suspended may file an appeal with the Concealed Pistol Licensing Review Board (CPLRB).

The bill would move this appeals caseload from the Office of the Deputy Mayor for Public Safety and Justice (DMPSJ) to the Office of Administrative Hearings (OAH) and would disband the CPLRB, effective October 1, 2023. Cases currently pending at the CPLRB would be transferred to OAH, along with any reconsideration requests of CPLRB decisions. The draft bill also permits OAH to use CPLRB's current administrative procedures for appeals until OAH issues new rules. The bill was included as a subtitle in the Mayor's Fiscal Year 2024's Budget Support Act (BSA) of 2023¹ and is being moved separately from the BSA.

¹ [B25-0203-Introduction.pdf \(dccouncil.gov\)](#)

The Honorable Phil Mendelson

FIS: "Office of Administrative Hearings Jurisdiction Amendment Act of 2023" (and accompanying emergency and temporary versions), Draft bill as provided to the Office of Revenue Analysis on April 24, 2023

Financial Plan Impact

Funds are sufficient in the fiscal year 2023 budget and proposed fiscal year 2024 through fiscal year 2027 budget and financial plan to implement the bill.

The Mayor's proposed budget and financial plan includes an enhancement of \$218,000 in fiscal year 2024 and \$895,000 from fiscal year 2024 through fiscal year 2027 for OAH to hire one administrative law judge to carry out the bill. The transfer of license appeal responsibilities to OAH and the elimination of the CPLRB also allows for savings at the DMPSJ. The DMPSJ had two employees working on license appeals in 2023 and \$108,000 of recurring funding for CPLRB board member stipends. In total, the net impact of the bill is \$64,000 in savings in fiscal year 2024 and \$253,000 in savings through fiscal year 2027.

| Office of Administrative Hearings Jurisdiction Amendment Act of 2023 | | | | | | |
|---|----------------|----------------|----------------|----------------|----------------|----------------|
| (\$ thousands) | | | | | | |
| | FY 2023 | FY 2024 | FY 2025 | FY 2026 | FY 2027 | Total |
| Costs at OAH | \$0 | \$218 | \$222 | \$226 | \$230 | \$895 |
| Less: Savings at DMPSJ | \$0 | (\$282) | (\$285) | (\$289) | (\$292) | (\$1,148) |
| Total (Savings) | \$0 | (\$64) | (\$64) | (\$63) | (\$62) | (\$253) |