

HB1343/282712/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1343

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert "EMERGENCY BILL"; in line 11, after "Hearings;" insert "requiring the Office of Administrative Hearings to make a certain annual report to the Governor and the General Assembly;"; and in the same line, after "changes;" insert "requiring the Department of Public Safety and Correctional Services, within a certain period of time, to provide certain notice to certain individuals; authorizing certain individuals to file a certain request for a hearing before the Office of Administrative Hearings under certain circumstances; requiring the Office of Administrative Hearings to schedule a certain hearing within a certain period of time under certain circumstances; making this Act an emergency measure;".

AMENDMENT NO. 2

On page 3, in lines 23 and 28, in each instance, after "**SECRETARY**" insert "**AND THE OFFICE OF ADMINISTRATIVE HEARINGS**".

On pages 3 and 4, strike in their entirety the lines beginning with line 29 on page 3 through line 10 on page 4, inclusive.

On page 4, in line 11, strike "(2)" and substitute "**(B)** **(1)**"; in the same line, after "request" insert "**UNDER SUBSECTION (A) OF THIS SECTION**"; in the same line, strike the comma and substitute "**OR**"; in line 12, strike "or the Secretary,"; in line 13, strike "appeal" and substitute "**MATTER**"; in lines 15 and 17, strike "(3)" and "(4)", respectively, and substitute "**(2)**" and "**(3)**", respectively; in line 18, strike the bracket; in line 19, strike "**(B)**" and substitute "**(C)**"; in the same line, strike "**ANY**" and substitute "**SUBJECT TO SUBSECTION (B) OF THIS SECTION, ANY**"; in line 25, strike "[g]" and

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substitute “**(D)**”; in the same line, strike “December 1 each year” and substitute “**JANUARY 1, 2019, 2020, 2021, AND 2022**”; and in lines 25, 28, and 30, in each instance, strike “Board” and substitute “**OFFICE OF ADMINISTRATIVE HEARINGS**”.

AMENDMENT NO. 3

On page 5, strike in their entirety lines 1 and 2; and in lines 3 and 4, strike “this Act shall take effect October 1, 2019” and substitute “:

(a) (1) Subject to paragraph (2) of this subsection, within 30 days after this Act takes effect, the Department of Public Safety and Correctional Services shall provide written notice to each individual whose request to review a decision of the Secretary of State Police under § 5–312 of the Public Safety Article remains pending before the Handgun Permit Review Board on the taking effect of this Act.

(2) The notice required under paragraph (1) of this subsection shall inform the individual that the individual, within 30 days of receipt of the notice, may file an amended request that the matter pending before the Handgun Permit Review Board be heard by the Office of Administrative Hearings in accordance with § 5–312(b) of the Public Safety Article, as enacted by Section 1 of this Act.

(b) Within 30 days after receiving the notice described under subsection (a) of this section, the individual may file an amended request that the matter be heard by the Office of Administrative Hearings in accordance with § 5–312(b) of the Public Safety Article, as enacted by Section 1 of this Act.

(c) Notwithstanding § 5–312(b)(1) of the Public Safety Article, as enacted by Section 1 of this Act, within 45 days after the receipt of an amended request under this section, the Office of Administrative Hearings shall schedule and conduct a de novo hearing on the matter, at which witness testimony and other evidence may be provided.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has

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been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted”.