

HB0819/868774/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 819
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Repeal” and substitute “Appeals”; strike beginning with “repealing” in line 5 down through “Board;” in line 6; in line 8, strike “Office of Administrative Hearings” and substitute “Handgun Permit Review Board”; strike beginning with “providing” in line 8 down through “changes;” in line 11 and substitute “requiring the Board to review a certain record and hold a certain hearing within a certain period of time; requiring the Board to submit certain information to certain persons in writing within a certain period of time; providing for a de novo appeal of a certain decision by the Board to the Office of Administrative Hearings within a certain period of time; requiring the Office of Administrative Hearings to issue a certain finding of facts and a decision within a certain period of time; authorizing a certain person to appeal a certain decision to the circuit court; requiring the Board to make a certain annual report to the Governor and the General Assembly; providing that the Board is subject to a certain provision of law;”; in line 13, strike “with” and substitute “without”; and in line 15, strike “and 5–312” and substitute “, 5–302, and 5–311”.

On page 2, in line 3, after “repealing” insert “and reenacting, with amendments,”; in line 5, strike “5–302” and substitute “5–312”; and strike in their entirety lines 8 through 12, inclusive.

AMENDMENT NO. 2

On page 2, in lines 18, 19, 21, 23, 25, and 27, in each instance, strike the bracket; and in lines 19, 21, 23, and 25, strike “**(B)**”, “**(C)**”, “**(D)**”, and “**(E)**”, respectively.

On page 3, in lines 13 and 30, in each instance, strike the bracket; in line 30, strike “**TO APPEAL**”; and in line 31, strike “**TO THE OFFICE OF ADMINISTRATIVE HEARINGS**”.

(Over)

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On page 4, in lines 1, 5, 6, and 7, in each instance, strike the bracket; in lines 1 and 6, in each instance, strike “**SECRETARY**”; in line 5, strike “**OFFICE OF ADMINISTRATIVE HEARINGS**”; and in line 9, strike “or” and substitute “AND”.

AMENDMENT NO. 3

On page 4, strike beginning with “If” in line 15 down through “permit,” in line 16 and substitute “WITHIN 60 DAYS AFTER THE LAST HEARING IN THE MATTER CONDUCTED BY THE BOARD,”; in line 17, strike “or” and substitute a comma; in the same line, after “permit” insert “, AND THE SECRETARY”; in the same line, strike “action taken by” and substitute “DECISION OF”; in the same line, strike the bracket; after line 17, insert:

“(E) (1) THE APPLICANT, THE HOLDER OF THE PERMIT, OR THE SECRETARY MAY APPEAL THE DECISION OF THE BOARD TO THE OFFICE OF ADMINISTRATIVE HEARINGS WITHIN 30 DAYS AFTER THE ISSUANCE OF THE BOARD’S REASONS UNDER SUBSECTION (D)(2) OF THIS SECTION.

(2) WITHIN 60 DAYS AFTER THE RECEIPT OF A REQUEST FROM THE APPLICANT, THE HOLDER OF THE PERMIT, OR THE SECRETARY, THE OFFICE OF ADMINISTRATIVE HEARINGS SHALL SCHEDULE AND CONDUCT A DE NOVO HEARING ON THE APPEAL, AT WHICH WITNESS TESTIMONY AND OTHER EVIDENCE MAY BE PROVIDED.

(3) WITHIN 90 DAYS AFTER THE CONCLUSION OF THE LAST HEARING ON THE MATTER, THE OFFICE OF ADMINISTRATIVE HEARINGS SHALL ISSUE A FINDING OF FACTS AND A DECISION.

(4) A PARTY THAT IS AGGRIEVED BY THE DECISION OF THE OFFICE OF ADMINISTRATIVE HEARINGS MAY APPEAL THE DECISION TO THE CIRCUIT COURT.”;

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in line 18, strike “(B)” and substitute “(F)”; in the same line, strike “Any” and substitute “SUBJECT TO SUBSECTIONS (D) AND (E) OF THIS SECTION, ANY”; and after line 22, insert:

“(G) ON OR BEFORE DECEMBER 1 EACH YEAR, THE BOARD SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY:

(1) THE NUMBER OF APPEALS OF DECISIONS BY THE SECRETARY THAT HAVE BEEN FILED WITH THE BOARD WITHIN THE PREVIOUS YEAR;

(2) THE NUMBER OF DECISIONS BY THE SECRETARY THAT HAVE BEEN SUSTAINED, MODIFIED, OR REVERSED BY THE BOARD WITHIN THE PREVIOUS YEAR;

(3) THE NUMBER OF APPEALS THAT ARE PENDING; AND

(4) THE NUMBER OF APPEALS THAT HAVE BEEN WITHDRAWN WITHIN THE PREVIOUS YEAR.

(H) THE BOARD IS SUBJECT TO TITLE 3 (OPEN MEETINGS ACT) OF THE GENERAL PROVISIONS ARTICLE.”.