

SB0741/698976/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 741
(First 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”; in line 15, strike “and 5-312” and substitute “, 5-302, and 5-311”; in line 18, after “repealing” insert “and reenacting, with amendments,”; in line 20, strike “5-302” and substitute “5-312”; and strike in their entirety lines 23 through 26, inclusive.

On page 2, strike line 1 in its entirety.

AMENDMENT NO. 2

On page 2, in lines 7, 8, 10, 12, 14, and 16, in each instance, strike the bracket; and in lines 8, 10, 12, and 14, strike “**(B)**”, “**(C)**”, “**(D)**”, and “**(E)**”, respectively.

On page 3, in lines 5, 22, 24, 28, 29, and 30, in each instance, strike the bracket; in line 22, strike “**TO APPEAL**”; in line 23, strike “**TO THE OFFICE OF ADMINISTRATIVE HEARINGS**”; in lines 24 and 29, in each instance, strike

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“**SECRETARY**”; in line 28, strike “**OFFICE OF ADMINISTRATIVE HEARINGS**”; and in line 32, strike “or” and substitute “**AND**”.

AMENDMENT NO. 3

On page 4, strike beginning with “If” in line 6 down through “permit,” in line 7 and substitute “**WITHIN 60 DAYS AFTER THE LAST HEARING IN THE MATTER CONDUCTED BY THE BOARD,**”; in line 8, 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 8, 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 9, 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 13, 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.”.