

116TH CONGRESS
1ST SESSION

H. R. 511

To amend title 18, United States Code, to protect more victims of domestic violence by preventing their abusers from possessing or receiving firearms, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 11, 2019

Mr. BROWN of Maryland (for himself, Mr. BEYER, Ms. BLUNT ROCHESTER, Ms. BONAMICI, Mr. BRENDAN F. BOYLE of Pennsylvania, Ms. BROWNLEY of California, Mr. CARBAJAL, Mr. CÁRDENAS, Ms. CLARK of Massachusetts, Ms. CLARKE of New York, Mr. COHEN, Mr. CONNOLLY, Mrs. DAVIS of California, Mr. ESPAILLAT, Mr. FOSTER, Ms. HAALAND, Mrs. HAYES, Mr. KHANNA, Mr. KRISHNAMOORTHY, Ms. KUSTER of New Hampshire, Mr. LAWSON of Florida, Ms. LOFGREN, Mr. LYNCH, Mr. SEAN PATRICK MALONEY of New York, Mrs. CAROLYN B. MALONEY of New York, Ms. MATSUI, Ms. MCCOLLUM, Mr. MCNERNEY, Mr. MEEKS, Ms. MOORE, Mr. MORELLE, Mr. MOULTON, Mrs. NAPOLITANO, Ms. NORTON, Ms. OMAR, Mr. PALLONE, Mr. PANETTA, Mr. PETERS, Mr. PRICE of North Carolina, Mr. QUIGLEY, Mr. RASKIN, Ms. ROYBAL-ALLARD, Mr. RUPPERSBERGER, Mr. SIRES, Mr. SUOZZI, Mr. SWALWELL of California, Ms. WASSERMAN SCHULTZ, Ms. WILSON of Florida, Mr. YARMUTH, Mr. HIMES, and Mr. GARCÍA of Illinois) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to protect more victims of domestic violence by preventing their abusers from possessing or receiving firearms, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting Domestic
 5 Violence and Stalking Victims Act”.

6 **SEC. 2. DEFINITIONS OF “INTIMATE PARTNER” AND “MIS-**
 7 **DEMEANOR CRIME OF DOMESTIC VIOLENCE”**
 8 **EXPANDED.**

9 Section 921(a) of title 18, United States Code, is
 10 amended—

11 (1) in paragraph (32)—

12 (A) by striking “and an individual” and in-
 13 serting “an individual”; and

14 (B) by inserting “, or a dating partner (as
 15 defined in section 2266)” before the period at
 16 the end; and

17 (2) in paragraph (33)(A)—

18 (A) by striking “Except as provided in
 19 subparagraph (C), the” and inserting “The”;

20 (B) in clause (i), by inserting “municipal,”
 21 after “State,”; and

22 (C) in clause (ii)—

23 (i) by striking “or by” and inserting
 24 “by”; and

1 (ii) by inserting “, or by a dating
 2 partner (as defined in section 2266) of the
 3 victim” before the period at the end.

4 **SEC. 3. EXPANSION OF LIST OF PERSONS SUBJECT TO A**
 5 **RESTRAINING OR SIMILAR ORDER TO WHOM**
 6 **A FIREARM IS PROHIBITED FROM BEING**
 7 **SOLD OR DISPOSED.**

8 Section 922(d)(8) of title 18, United States Code, is
 9 amended—

10 (1) in the matter preceding subparagraph (A),
 11 by striking “that”;

12 (2) by striking subparagraphs (A) and (B) and
 13 inserting the following:

14 “(A)(i) that was issued after a hearing of
 15 which such person received actual notice, and at
 16 which such person had an opportunity to par-
 17 ticipate; or

18 “(ii) in the case of an ex parte order, relat-
 19 ing to which notice and opportunity to be heard
 20 are provided—

21 “(I) within the time required by
 22 State, tribal, or territorial law; and

23 “(II) in any event within a reasonable
 24 time after the order is issued, sufficient to
 25 protect the person’s right to due process;

1 “(B) that restrains such person from—

2 “(i) harassing, stalking, threatening,
3 or engaging in other conduct that would
4 put an individual in reasonable fear of bod-
5 ily injury to such individual, including an
6 order that was issued at the request of an
7 employer on behalf of its employee or at
8 the request of an institution of higher edu-
9 cation on behalf of its student; or

10 “(ii) intimidating or dissuading a wit-
11 ness from testifying in court; and”; and

12 (3) in subparagraph (C)—

13 (A) by striking “intimate partner or child”
14 each place it appears and inserting “individual
15 described in subparagraph (B)”;

16 (B) in clause (i), by inserting “that” be-
17 fore “includes”; and

18 (C) in clause (ii), by inserting “that” be-
19 fore “by its”.

20 **SEC. 4. EXPANSION OF LIST OF PERSONS SUBJECT TO A**
21 **RESTRAINING OR SIMILAR ORDER PROHIB-**
22 **ITED FROM POSSESSING OR RECEIVING A**
23 **FIREARM.**

24 Section 922(g)(8) of title 18, United States Code, is
25 amended—

1 (1) in the matter preceding subparagraph (A),
2 by striking “that”;

3 (2) by striking subparagraphs (A) and (B) and
4 inserting the following:

5 “(A)(i) that was issued after a hearing of
6 which such person received actual notice, and at
7 which such person had an opportunity to par-
8 ticipate; or

9 “(ii) in the case of an ex parte order, relat-
10 ing to which notice and opportunity to be heard
11 are provided—

12 “(I) within the time required by
13 State, tribal, or territorial law; and

14 “(II) in any event within a reasonable
15 time after the order is issued, sufficient to
16 protect the person’s right to due process;

17 “(B) that restrains such person from—

18 “(i) harassing, stalking, threatening,
19 or engaging in other conduct that would
20 put an individual in reasonable fear of bod-
21 ily injury to such individual, including an
22 order that was issued at the request of an
23 employer on behalf of its employee or at
24 the request of an institution of higher edu-
25 cation on behalf of its student; or

1 “(ii) intimidating or dissuading a wit-
 2 ness from testifying in court; and”; and

3 (3) in subparagraph (C)—

4 (A) by striking “intimate partner or child”
 5 each place it appears and inserting “individual
 6 described in subparagraph (B)”;

7 (B) in clause (i), by inserting “that” be-
 8 fore “includes”; and

9 (C) in clause (ii), by inserting “that” be-
 10 fore “by its”.

11 **SEC. 5. STALKING PROHIBITIONS.**

12 (a) SALES OR OTHER DISPOSITIONS OF FIREARMS
 13 OR AMMUNITION.—Section 922(d) of title 18, United
 14 States Code, as amended by section 3 of this Act, is
 15 amended—

16 (1) by striking “or” at the end of paragraph
 17 (8);

18 (2) by striking the period at the end of para-
 19 graph (9) and inserting “; or”; and

20 (3) by inserting after paragraph (9) the fol-
 21 lowing:

22 “(10) has been convicted in any court of—

23 “(A) a misdemeanor crime of stalking
 24 under Federal, State, municipal, territorial, or
 25 tribal law; or

1 “(B) a crime that involves conduct which
2 would be prohibited by section 2261A if com-
3 mitted within the special maritime and terri-
4 torial jurisdiction of the United States.”.

5 (b) POSSESSION, ETC., OF FIREARMS OR AMMUNI-
6 TION.—Section 922(g) of such title, as amended by section
7 4 of this Act, is amended—

8 (1) by striking “or” at the end of paragraph
9 (8);

10 (2) by striking the comma at the end of para-
11 graph (9) and inserting “; or”; and

12 (3) by inserting after paragraph (9) the fol-
13 lowing:

14 “(10) has been convicted in any court of—

15 “(A) a misdemeanor crime of stalking
16 under Federal, State, municipal, territorial, or
17 tribal law; or

18 “(B) a crime that involves conduct which
19 would be prohibited by section 2261A if com-
20 mitted within the special maritime and terri-
21 torial jurisdiction of the United States,”.

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