

117TH CONGRESS
1ST SESSION

H. R. 1906

To amend title 18, United States Code to prohibit persons convicted of misdemeanor crimes against dating partners and persons subject to protection orders from possessing firearms, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 2021

Mr. BROWN introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code to prohibit persons convicted of misdemeanor crimes against dating partners and persons subject to protection orders from possessing 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 of 2021”.

1 **SEC. 2. PROHIBITING PERSONS CONVICTED OF MIS-**
2 **DEMEANOR CRIMES AGAINST DATING PART-**
3 **NERS AND PERSONS SUBJECT TO PROTEC-**
4 **TION ORDERS.**

5 Section 921(a) of title 18, United States Code, is
6 amended—

7 (1) in paragraph (32), by striking all that fol-
8 lows after “The term ‘intimate partner’” and insert-
9 ing the following: “—

10 “(A) means, with respect to a person, the
11 spouse of the person, a former spouse of the
12 person, an individual who is a parent of a child
13 of the person, and an individual who cohabi-
14 tates or has cohabited with the person; and

15 “(B) includes—

16 “(i) a dating partner or former dating
17 partner (as defined in section 2266); and

18 “(ii) any other person similarly situ-
19 ated to a spouse who is protected by the
20 domestic or family violence laws of the
21 State or Tribal jurisdiction in which the
22 injury occurred or where the victim re-
23 sides.”;

24 (2) in paragraph (33)(A)—

25 (A) in clause (i), by inserting after “Fed-
26 eral, State,” the following: “municipal,”; and

1 (B) in clause (ii), by inserting “intimate
2 partner,” after “spouse,” each place it appears;
3 (3) by redesignating paragraphs (34) and (35)
4 as paragraphs (35) and (36) respectively; and
5 (4) by inserting after paragraph (33) the fol-
6 lowing:

7 “(34)(A) The term ‘misdemeanor crime of stalking’
8 means an offense that—

9 “(i) is a misdemeanor crime of stalking under
10 Federal, State, Tribal, or municipal law; and

11 “(ii) is a course of harassment, intimidation, or
12 surveillance of another person that—

13 “(I) places that person in reasonable fear
14 of material harm to the health or safety of—

15 “(aa) that person;

16 “(bb) an immediate family member
17 (as defined in section 115) of that person;

18 “(cc) a household member of that per-
19 son; or

20 “(dd) a spouse or intimate partner of
21 that person; or

22 “(II) causes, attempts to cause, or would
23 reasonably be expected to cause emotional dis-
24 tress to a person described in item (aa), (bb),
25 (cc), or (dd) of subclause (I).

1 “(B) A person shall not be considered to have been
2 convicted of such an offense for purposes of this chapter,
3 unless—

4 “(i) the person was represented by counsel in
5 the case, or knowingly and intelligently waived the
6 right to counsel in the case; and

7 “(ii) in the case of a prosecution for an offense
8 described in this paragraph for which a person was
9 entitled to a jury trial in the jurisdiction in which
10 the case was tried, either—

11 “(I) the case was tried by a jury; or

12 “(II) the person knowingly and intel-
13 ligently waived the right to have the case tried
14 by a jury, by guilty plea or otherwise.

15 “(C) A person shall not be considered to have been
16 convicted of such an offense for purposes of this chapter
17 if the conviction has been expunged or set aside, or is an
18 offense for which the person has been pardoned or has
19 had civil rights restored (if the law of the applicable juris-
20 diction provides for the loss of civil rights under such an
21 offense) unless the pardon, expungement, or restoration
22 of civil rights expressly provides that the person may not
23 ship, transport, possess, or receive firearms.”.

1 **SEC. 3. PROHIBITING STALKERS AND INDIVIDUALS SUB-**
2 **JECT TO COURT ORDER FROM POSSESSING A**
3 **FIREARM.**

4 Section 922 of title 18, United States Code, is
5 amended—

6 (1) in subsection (d)—

7 (A) in paragraph (8), by striking “that re-
8 strains such person” and all that follows, and
9 inserting “described in subsection (g)(8);”;

10 (B) in paragraph (9), by striking the pe-
11 riod at the end and inserting “; or”; and

12 (C) by inserting after paragraph (9) the
13 following:

14 “(10) who has been convicted in any court of
15 a misdemeanor crime of stalking.”; and

16 (2) in subsection (g)—

17 (A) by amending paragraph (8) to read as
18 follows:

19 “(8) who is subject to a court order—

20 “(A) that was issued—

21 “(i) after a hearing of which such per-
22 son received actual notice, and at which
23 such person had an opportunity to partici-
24 pate; or

1 “(ii) in the case of an ex parte order,
2 relative to which notice and opportunity to
3 be heard are provided—

4 “(I) within the time required by
5 State, Tribal, or territorial law; and

6 “(II) in any event within a rea-
7 sonable time after the order is issued,
8 sufficient to protect the due process
9 rights of the person;

10 “(B) that restrains such person from—

11 “(i) harassing, stalking, or threat-
12 ening an intimate partner of such person
13 or child of such intimate partner or person,
14 or engaging in other conduct that would
15 place an intimate partner in reasonable
16 fear of bodily injury to the partner or
17 child; or

18 “(ii) intimidating or dissuading a wit-
19 ness from testifying in court; and

20 “(C) that—

21 “(i) includes a finding that such per-
22 son represents a credible threat to the
23 physical safety of such individual described
24 in subparagraph (B); or

1 “(ii) by its terms explicitly prohibits
2 the use, attempted use, or threatened use
3 of physical force against such individual
4 described in subparagraph (B) that would
5 reasonably be expected to cause bodily in-
6 jury;”;

7 (B) in paragraph (9), by striking the
8 comma at the end and inserting “; or”; and

9 (C) by inserting after paragraph (9) the
10 following:

11 “(10) who has been convicted in any court of
12 a misdemeanor crime of stalking,”.

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