

108TH CONGRESS
1ST SESSION

H. R. 1895

To amend Federal crime grant programs relating to domestic violence to encourage States and localities to implement gun confiscation policies, reform stalking laws, create integrated domestic violence courts, and hire additional personnel for entering protection orders, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 30, 2003

Mr. ROTHMAN (for himself, Mr. HOLT, Ms. NORTON, Mr. PALLONE, Ms. CORRINE BROWN of Florida, Mr. WEXLER, Ms. KILPATRICK, Ms. SLAUGHTER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CROWLEY, Mr. McNULTY, Ms. BALDWIN, Mrs. CAPPs, Mr. BROWN of Ohio, Mr. SERRANO, Mr. MCGOVERN, Mr. RANGEL, Ms. MCCOLLUM, Ms. MILLENDER-McDONALD, Ms. LINDA T. SÁNCHEZ of California, Mr. DOGGETT, Mr. UDALL of New Mexico, and Mr. CUMMINGS) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend Federal crime grant programs relating to domestic violence to encourage States and localities to implement gun confiscation policies, reform stalking laws, create integrated domestic violence courts, and hire additional personnel for entering protection orders, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Domestic Violence Vic-
3 tim Protection Act”.

4 **SEC. 2. ENCOURAGEMENT OF GUN CONFISCATION POLI-
5 CIES IN DOMESTIC VIOLENCE CASES.**

6 Section 2101(e) of the Omnibus Crime Control and
7 Safe Streets Act of 1968 (42 U.S.C. 3796hh(e)) is amend-
8 ed—

9 (1) by striking “and” at the end of paragraph
10 (3);

11 (2) by striking the period at the end of para-
12 graph (4) and inserting “; and”; and

13 (3) by adding at the end the following new
14 paragraph:

15 “(5) certify that their laws or official policies—

16 “(A) provide that a law enforcement officer
17 who has probable cause that an act of domestic
18 violence has been committed may—

19 “(i) question persons present to deter-
20 mine whether there are weapons on the
21 premises; and

22 “(ii) upon observing or learning that a
23 weapon is present on the premises, seize
24 any weapon that the officer reasonably be-
25 lieves would expose the victim or any other

1 household member to a risk of serious bod-
 2 ily injury;

3 “(B) provide that a court, as part of the
 4 relief provided in a protection order—

5 “(i) may order that the defendant is
 6 prohibited from possessing any firearm or
 7 other weapon; and

8 “(ii) may order that any location may
 9 be searched for such a weapon, and such
 10 weapon may be seized, if the court has rea-
 11 sonable cause to believe that a firearm or
 12 other weapon of the defendant is at that
 13 location.”.

14 **SEC. 3. ELIMINATION OF SPECIFIC INTENT TO CAUSE FEAR**
 15 **FROM THE ELEMENTS OF THE OFFENSE OF**
 16 **STALKING.**

17 Section 40602 of the Violence Against Women Act
 18 of 1994 (42 U.S.C. 14031) is amended by adding at the
 19 end the following new subsection:

20 “(c) ELEMENTS OF STALKING OFFENSE.—To be eli-
 21 gible to receive a grant under subsection (a), a State or
 22 unit of local government shall, in addition to the require-
 23 ments of subsection (b), certify that its laws or official
 24 policies relating to the offense of stalking require, as ele-
 25 ments of the offense, not more than the following: that

1 the defendant has on more than one occasion harassed or
2 threatened the victim.”.

3 **SEC. 4. ENCOURAGEMENT OF INTEGRATED DOMESTIC VIO-**
4 **LENCE COURTS.**

5 Section 40412 of the Violence Against Women Act
6 of 1994 (42 U.S.C. 13992) is amended—

7 (1) by inserting “(a) IN GENERAL.—” at the
8 beginning; and

9 (2) by adding at the end the following new sub-
10 section:

11 “(b) INTEGRATED DOMESTIC VIOLENCE COURTS.—
12 Training provided pursuant to grants made under this
13 subtitle may include training in the context of establishing
14 and maintaining courts that provide, wherever practicable,
15 for domestic matters (whether civil or criminal) that arise
16 out of the same family or domestic circumstance to be as-
17 signed to a judicial unit for the processing of those mat-
18 ters on a coordinated basis.”.

19 **SEC. 5. HIRING AND MAINTAINING OF ADDITIONAL PER-**
20 **SONNEL FOR ENTERING PROTECTION OR-**
21 **DERS.**

22 (a) GRANTS TO ENCOURAGE ARREST POLICIES.—
23 Section 2101(b) of the Omnibus Crime Control and Safe
24 Streets Act of 1968 (42 U.S.C. 3796hh(b)) is amended
25 by adding at the end the following new paragraph:

1 “(9) To hire and maintain additional personnel
2 for entering information relating to protection or-
3 ders.”.

4 (b) GRANTS RELATING TO STALKING AND DOMESTIC
5 VIOLENCE.—Section 40602 of the Violence Against
6 Women Act of 1994 (42 U.S.C. 14031) is amended by
7 striking the period at the end of subsection (a) and insert-
8 ing the following: “, which may include hiring and main-
9 taining additional personnel for entering such data.”.

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