

114TH CONGRESS
1ST SESSION

H. R. 2216

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

MAY 1, 2015

Mrs. CAPPS (for herself, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. CICILLINE, Ms. CLARK of Massachusetts, Ms. ESTY, Mr. FARR, Mr. GRIJALVA, Mr. HASTINGS, Mr. HIMES, Ms. KELLY of Illinois, Mr. LARSEN of Washington, Mr. TED LIEU of California, Mrs. CAROLYN B. MALONEY of New York, Ms. MCCOLLUM, Ms. MOORE, Mrs. NAPOLITANO, Ms. SCHAKOWSKY, Ms. SLAUGHTER, and Mr. TAKANO) 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”.

1 **SEC. 2. DEFINITIONS OF “INTIMATE PARTNER” AND “MIS-**
2 **DEMEANOR CRIME OF DOMESTIC VIOLENCE”**
3 **EXPANDED.**

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

6 (1) in paragraph (32)—

7 (A) by striking “and an individual” and in-
8 serting “an individual”; and

9 (B) by inserting “, or a dating partner (as
10 defined in section 2266) or former dating part-
11 ner” before the period at the end; and

12 (2) in paragraph (33)(A)(ii)—

13 (A) by striking “or by” and inserting
14 “by”; and

15 (B) by inserting “, or by a dating partner
16 (as defined in section 2266) or former dating
17 partner of the victim” before the period at the
18 end.

19 **SEC. 3. UNLAWFUL SALE OF FIREARM TO A PERSON SUB-**
20 **JECT TO COURT ORDER.**

21 Section 922(d)(8) of title 18, United States Code, is
22 amended to read as follows:

23 “(8) is subject to a court order described in
24 subsection (g)(8); or”.

1 **SEC. 4. LIST OF PERSONS SUBJECT TO A RESTRAINING OR**
2 **SIMILAR ORDER PROHIBITED FROM POS-**
3 **SESSING OR RECEIVING A FIREARM EX-**
4 **PANDED.**

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

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

9 (2) by striking subparagraphs (A) and (B) and
10 inserting the following:

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

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

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

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

23 “(B) that restrains such person from—

24 “(i) harassing, stalking, threatening,
25 or engaging in other conduct that would
26 put an individual in reasonable fear of bod-

ily injury to such individual, including an order that was issued at the request of an employer on behalf of its employee or at the request of an institution of higher education on behalf of its student; or

“(ii) intimidating or dissuading a witness from testifying in court; and”; and

(3) in subparagraph (C)—

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

(B) in clause (i), by inserting “that” before “includes”; and

(C) in clause (ii), by inserting “that” before “by its”.

SEC. 5. STALKING PROHIBITIONS.

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

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

(2) by striking the period at the end of paragraph (9) and inserting “; or”; and

1 (3) by inserting after paragraph (9) the fol-
2 lowing:

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

4 “(A) a misdemeanor crime of stalking
5 under Federal, State, territorial, or tribal law;
6 or

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

11 (b) POSSESSION, ETC., OF FIREARMS OR AMMUNI-
12 TION.—Section 922(g) of such title, as amended by section
13 4 of this Act, is amended—

14 (1) by striking “or” at the end of paragraph
15 (8);

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

18 (3) by inserting after paragraph (9) the fol-
19 lowing:

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

21 “(A) a misdemeanor crime of stalking
22 under Federal, State, territorial, or tribal law;
23 or

24 “(B) a crime that involves conduct which
25 would be prohibited by section 2261A if com-

1 mitted within the special maritime and terri-
2 torial jurisdiction of the United States,”.

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