

116TH CONGRESS  
1ST SESSION

# H. R. 1287

To authorize the Attorney General to make grants to States and units of local government to implement statutes, rules, policies, or procedures to authorize courts to issue relinquishment orders with respect to individuals charged with or convicted of a crime of domestic violence, or subject to a domestic violence protective order, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2019

Mr. SWALWELL of California (for himself, Mr. COHEN, Ms. DEAN, Mr. RASKIN, Mr. CISNEROS, Ms. CLARK of Massachusetts, Ms. CLARKE of New York, Mr. CRIST, Mr. ESPAILLAT, Ms. HAALAND, Mr. HASTINGS, Mr. KENNEDY, Mr. KHANNA, Mr. MCNERNEY, Ms. MENG, Mrs. NAPOLITANO, Ms. NORTON, Ms. ROYBAL-ALLARD, Mr. RYAN, Ms. SCHAKOWSKY, Mr. SOTO, Ms. VELÁZQUEZ, and Ms. WILSON of Florida) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To authorize the Attorney General to make grants to States and units of local government to implement statutes, rules, policies, or procedures to authorize courts to issue relinquishment orders with respect to individuals charged with or convicted of a crime of domestic violence, or subject to a domestic violence protective order, 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 “No Guns for Abusers  
3 Act of 2019”.

4 **SEC. 2. GRANTS FOR STATE IMPLEMENTATION OF RELIN-**  
5 **QUISHMENT STATUTES.**

6 (a) **AUTHORIZATION.**—The Attorney General is au-  
7 thorized to make grants to States or units of local govern-  
8 ment that have in place a statute, rule, policy, or practice  
9 that is the same as or substantially similar to the best  
10 practices published by the Attorney General under this  
11 Act, for the purpose of implementing such statute, admin-  
12 istrative rule, policy, or practice.

13 (b) **APPLICATION.**—A jurisdiction seeking a grant  
14 under this section shall submit to the Attorney General  
15 an application at such time, in such manner, and con-  
16 taining such information as the Attorney General may rea-  
17 sonably require, and including the applicable statute, rule,  
18 policy, or practice that the jurisdiction has enacted.

19 **SEC. 3. REPORT AND RECOMMENDATIONS.**

20 (a) **IN GENERAL.**—Not later than 3 years after the  
21 date of the enactment of this Act, Attorney General, act-  
22 ing through the Director of the National Institute of Jus-  
23 tice, shall prepare and submit a report to Congress on best  
24 practices for statutes, rules, policies, and practices, which  
25 provide a process by which individuals who are charged  
26 with or convicted of a crime of domestic violence, or who

1 are subject to, or in violation of a domestic violence protec-  
2 tive order, may be subject to relinquishment. Such report  
3 shall include an analysis of the effect of reducing firearm  
4 access for the individuals described in the previous sen-  
5 tence on reducing domestic violence and homicide.

6 (b) BEST PRACTICES.—In preparing the report  
7 under subsection (a), the Director shall examine and de-  
8 termine the best practices for each of the following:

9 (1) The types of offenses or court orders for  
10 which relinquishment may be authorized.

11 (2) The level of discretion of a court in entering  
12 a relinquishment order.

13 (3) The process courts use in determining  
14 whether relinquishment is appropriate for a par-  
15 ticular party.

16 (4) The process courts and law enforcement  
17 agencies use to determine whether an individual is in  
18 possession or control of firearms.

19 (5) The guidance provided to parties subject to  
20 relinquishment orders, as well as the manner of pro-  
21 viding guidance.

22 (6) The persons or entities to which firearms  
23 may be relinquished, including whether any entity  
24 other than a law enforcement officer or licensed

1 dealer under section 923 of title 18, United States  
2 Code, may receive firearms.

3 (7) The person or entity which may store relin-  
4 quished firearms, including any criteria such a per-  
5 son or entity must meet, which may include a back-  
6 ground check.

7 (8) The period of time provided for an indi-  
8 vidual subject to a relinquishment order to comply  
9 with the order.

10 (9) The manner of proof required to show a re-  
11 linquishment order is fulfilled.

12 (10) The power granted to a court or law en-  
13 forcement agency to compel compliance with a relin-  
14 quishment order.

15 (11) The manner in which relinquished firearms  
16 may be safely and securely stored.

17 (12) The duration of a relinquishment order.

18 (13) Fees that may be charged by persons or  
19 entities storing relinquished firearms to persons sub-  
20 ject to relinquishment orders.

21 (14) Considerations for returning, disposing of,  
22 or selling relinquished firearms.

23 (15) Criteria for returning a firearm to an indi-  
24 vidual subject to a relinquishment order.

1           (16) The extent to which victims of offenses  
2           committed by the individual subject to the relin-  
3           quishment order, or individuals who are protected  
4           from an individual subject to a domestic violence  
5           protective order, should be notified when a firearm  
6           is returned to the individual subject to the relin-  
7           quishment order.

8           (17) Precautions taken to ensure victim safety  
9           as a court gathers information necessary to issue a  
10          relinquishment order and a law enforcement officer  
11          executes the order.

12          (18) Procedural protections that are required to  
13          ensure that individuals who may be subject to a re-  
14          linquishment order are provided due process at each  
15          stage of the process.

16          (c) REVIEW AND CONSULTATION.—In preparing the  
17          report required under this section, the Director shall, at  
18          a minimum—

19                (1) review Federal, State, and local statutes,  
20                rules, policies, and practices that provide authority  
21                for courts to enter relinquishment orders in effect on  
22                the date of the enactment of this Act;

23                (2) review academic studies, including studies  
24                analyzing the effectiveness of statutes, rules, poli-  
25                cies, and practices described in paragraph (1); and

1           (3) meet with, and consider any facts and anal-  
2       yses offered by, prosecutors, defense attorneys,  
3       judges, nonprofit organizations, Federal, State, and  
4       local courts, Federal, State, and local law enforce-  
5       ment agencies, and individuals with academic exper-  
6       tise in relinquishment.

7       (d) IDENTIFICATION OF ITEMS FOR FURTHER  
8       STUDY.—In the report under this section, the Director  
9       shall identify items for further study, relating to the effec-  
10      tiveness of the best practices developed under subsection  
11      (b).

12      **SEC. 4. FURTHER STUDIES.**

13           The Attorney General, acting through the Director  
14      of the National Institute of Justice, shall enter into con-  
15      tracts with nongovernmental entities to conduct studies  
16      comparing statutes, administrative rules, policies and  
17      practices to determine the relative effectiveness of such  
18      statutes, rules, policies, and procedures in effectively pro-  
19      viding for relinquishment. Not later than the date that is  
20      10 years after the submission of the report under section  
21      3, the Director shall submit to Congress not less than one  
22      report including updates to the best practices based on  
23      the studies conducted under this section.

1 **SEC. 5. FEDERAL ADOPTION.**

2 (a) STATUTE.—The Attorney General shall prepare  
3 and submit to Congress recommendations for Federal leg-  
4 islation in accordance with section 3.

5 (b) RULES; POLICIES AND PRACTICES.—To the ex-  
6 tent authorized by law, the Attorney General shall make  
7 rules, policies, and practices in accordance with the best  
8 practices described in section 3.

9 **SEC. 6. DEFINITIONS.**

10 In this Act:

11 (1) The term “intimate partner” has the mean-  
12 ing given that term in section 921 of title 18, United  
13 States Code.

14 (2) The term “dating partner” has the meaning  
15 given that term in section 2266 of title 18, United  
16 States Code.

17 (3) The term “crime of domestic violence”  
18 means an offense that has, as an element, the use  
19 or attempted use of physical force, or the threatened  
20 use of a deadly weapon, committed by a current or  
21 former spouse, intimate partner, dating partner,  
22 parent, or guardian of the victim, by a person with  
23 whom the victim shares a child in common, by a per-  
24 son who is cohabiting with or has cohabited with the  
25 victim as a spouse, intimate partner, dating partner,  
26 parent, or guardian, or by a person similarly situ-

1       ated to a spouse, intimate partner, dating partner,  
2       parent, or guardian of the victim.

3           (4) The term “domestic violence protective  
4       order” means a court order that restrains a person  
5       from harassing, stalking, or threatening an intimate  
6       partner or dating partner of such person or child of  
7       such intimate partner or dating partner or person,  
8       or engaging in other conduct that would place an in-  
9       timate partner or dating partner in reasonable fear  
10      of bodily injury to the partner or child.

11          (5) The term “relinquishment” means the re-  
12      moval of a firearm (as such term is defined in sec-  
13      tion 921 of title 18, United States Code) or ammu-  
14      nition (as such term is defined in section 921 of title  
15      18, United States Code) from a person’s possession  
16      or control.

17          (6) The term “relinquishment order” means  
18      any mandate from a court requiring a person to be  
19      subject to relinquishment.

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