

117TH CONGRESS  
1ST SESSION

# H. R. 5878

To amend title 18, United States Code, to prohibit the sale or other disposition of any firearm or ammunition to any person who has been convicted of a violent misdemeanor, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 4, 2021

Mr. NEGUSE (for himself, Mr. AUCHINCLOSS, Ms. KELLY of Illinois, Mrs. MCBATH, Mr. CORREA, Mr. RASKIN, Mr. DEUTCH, Mr. LIEU, and Mr. CROW) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend title 18, United States Code, to prohibit the sale or other disposition of any firearm or ammunition to any person who has been convicted of a violent misdemeanor, 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 referred to as the “End Gun Vio-  
5 lence Act of 2021”.

1 **SEC. 2. PROHIBITION ON SALE OR OTHER DISPOSITION OF**  
2 **A FIREARM OR AMMUNITION TO A PERSON**  
3 **CONVICTED OF A VIOLENT MISDEMEANOR.**

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

6 (1) in paragraph (8)(B)(ii), by striking “or” at  
7 the end;

8 (2) in paragraph (9), by striking the period and  
9 inserting “; or”; and

10 (3) by inserting after paragraph (9) the fol-  
11 lowing:

12 “(10) has been convicted in any court of a vio-  
13 lent misdemeanor within the preceding 5 years.”.

14 **SEC. 3. DEFINITION OF VIOLENT MISDEMEANOR.**

15 Section 921 of title 18, United States Code, is  
16 amended by adding at the end the following:

17 “(36)(A) The term ‘violent misdemeanor’ means an  
18 offense that—

19 “(i) is a misdemeanor under Federal, State,  
20 tribal, or local law; and

21 “(ii) has as an element—

22 “(I) the use, attempted use, or threatened  
23 use of—

24 “(aa) physical force; or

25 “(bb) a deadly weapon;

26 “(II) the intent to cause physical injury; or

1                   “(III) knowingly causing physical injury.

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

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

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

12                           “(aa) the case was tried by a jury, or

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

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

1 **SEC. 4. CONFORMING AMENDMENTS.**

2 (a) Paragraphs (1)(B)(ii), (2), (4), and (5) of section  
3 922(t) of title 18, United States Code, are each amended  
4 by striking “receipt” and all that follows through “sub-  
5 section (g)” and inserting “knowing sale or disposition of  
6 a firearm by the licensee to such other person, or the re-  
7 ceipt of a firearm by such other person would violate sub-  
8 section (d), (g),”.

9 (b) Section 923(d)(1)(B) of such title is amended by  
10 striking “section 922(g) and (n) of this chapter” and in-  
11 serting “subsection (g) or (n) of section 922, and is not  
12 a person to whom the knowing sale or disposition of a  
13 firearm or ammunition is prohibited by section 922(d)”.

14 (c) Section 925A of such title is amended in para-  
15 graph (2), by inserting “and to whom the knowing sale  
16 or disposition of a firearm was not prohibited pursuant  
17 to subsection (d) of such section” after “section 922”.

18 (d) Section 103 of the Brady Handgun Violence Pre-  
19 vention Act (34 U.S.C. 40901) is amended—

20 (1) in subsection (e)(1)—

21 (A) in subparagraph (A), by striking “for  
22 whom” and all that follows through “subsection  
23 (g)” and inserting “to whom the knowing sale  
24 or disposition of a firearm, or for whom receipt  
25 of a firearm, would violate subsection (d), (g),”;  
26 and

1 (B) in each of subparagraphs (F)(iii)(I)  
2 and (G)(i), by striking “(g)” and inserting “(d),  
3 (g),”;

4 (2) in subsection (g), by striking “receipt of a  
5 firearm by a prospective transferee would violate  
6 subsection (g)” and inserting “the knowing sale or  
7 disposition of a firearm to, or the possession or re-  
8 ceipt of a firearm by, a prospective transferee would  
9 violate subsection (d), (g),”; and

10 (3) in subsection (i)(2), by striking “prohibited  
11 by section 922 (g) or (n) of title 18, United States  
12 Code or State law, from receiving a firearm.” and  
13 inserting “to whom the knowing sale or disposition  
14 of, or for whom the possession or receipt of, a fire-  
15 arm is prohibited by subsection (d), (g), or (n) of  
16 section 922 of title 18, United States Code, or State  
17 law.”.

18 (e) Section 101(b) of the NICS Improvement Amend-  
19 ments Act of 2007 (34 U.S.C. 40911(b)) is amended—

20 (1) in paragraph (1)(A), by striking “a person  
21 is disqualified from possessing or receiving a firearm  
22 under subsection (g)” and inserting “the knowing  
23 sale or disposition of a firearm to, or the possession  
24 or receipt of a firearm by, a person is prohibited  
25 under subsection (d), (g),”; and

1           (2) in paragraph (2)(A), by striking “a member  
2 of the Armed Forces involved in such proceeding is  
3 disqualified from possessing or receiving a firearm  
4 under subsection (g)” and inserting “the knowing  
5 sale or disposition of a firearm to, or the possession  
6 or receipt of a firearm by, a member of the Armed  
7 Forces is prohibited under subsection (d), (g),”.

8           (f) Section 102 of the NICS Improvement Amend-  
9 ments Act of 2007 (34 U.S.C. 40912) is amended—

10           (1) in subsection (b)(3)—

11           (A) by inserting “, or to whom the know-  
12 ing sale or disposition of a firearm is prohib-  
13 ited,” after “firearm”; and

14           (B) by striking “subsection (g)” and in-  
15 serting “subsection (d), (g),”; and

16           (2) in subsection (c)(1)(A), by inserting “, or is  
17 a person to whom the knowing sale or disposition of  
18 a firearm is prohibited by subsection (d) of such sec-  
19 tion” before the period.

20 **SEC. 5. APPLICABILITY.**

21           The amendments made by this Act shall not apply  
22 with respect to convictions occurring before the date that  
23 is 6 months after the date of enactment of this Act.

24 **SEC. 6. RULE OF CONSTRUCTION.**

25           Nothing in this Act shall—

1           (1) alter the requirements of subsections (d)(8)  
2           or (g)(8) of section 922 of title 18, United States  
3           Code; or

4           (2) have a limiting effect on State, tribal law.

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