

117TH CONGRESS
2D SESSION

H. R. 6717

To ensure that the background check system used for firearms purchasers denies a firearm to a person prohibited from possessing guns by a lawful court order governing the pretrial release of the person.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 11, 2022

Mrs. CAROLYN B. MALONEY of New York (for herself, Mr. AUCHINCLOSS, Mrs. WATSON COLEMAN, Ms. NORTON, Mr. CASE, Mr. ESPAILLAT, Ms. MENG, Mr. RUSH, Mr. SUOZZI, Mr. DEUTCH, Mr. CARSON, Ms. SCHAKOWSKY, Mr. MORELLE, Ms. JACOBS of California, Mr. DAVID SCOTT of Georgia, Ms. TITUS, Mr. DANNY K. DAVIS of Illinois, Mrs. HAYES, Ms. BONAMICI, Ms. DEAN, Mr. EVANS, Ms. MANNING, Mr. DESAULNIER, Ms. STRICKLAND, Ms. NEWMAN, and Ms. SCANLON) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To ensure that the background check system used for firearms purchasers denies a firearm to a person prohibited from possessing guns by a lawful court order governing the pretrial release of the person.

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 “Preventing Pretrial
5 Gun Purchases Act”.

1 **SEC. 2. AMENDMENTS TO THE GUN CONTROL ACT OF 1968.**

2 (a) Section 921(a) of title 18, United States Code,
3 is amended by adding at the end the following:

4 “(36) The term ‘pretrial release order’ means an
5 order of a Federal, State, tribal, or local court that gov-
6 erns the release of an arrested person pending the trial
7 of the person for a crime.”.

8 (b) Section 922(d) of such title is amended—

9 (1) in paragraph (8), by striking “or” at the
10 end;

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

13 (3) by inserting after paragraph (9) the fol-
14 lowing:

15 “(10) is subject to a pretrial release order that
16 prohibits the person from purchasing, possessing, or
17 receiving firearms.”.

18 (c) Section 922(t) of such title is amended—

19 (1) in paragraph (1)(B)(ii), by striking “receipt
20 of a firearm” and all that follows through “section”
21 and inserting “knowing sale or disposition of a fire-
22 arm by the licensee to such other person or the re-
23 ceipt of a firearm by such other person would violate
24 subsection (d), (g), or (n) of this section”;

25 (2) in paragraph (2), by striking “receipt” and
26 all that follows through “(n)” and inserting “the

1 knowing sale or disposition of a firearm to the per-
2 son, or the receipt of a firearm by the person would
3 not violate subsection (d), (g), or (n)”;

4 (3) in paragraph (3)(A)(ii), by striking “that
5 possession” and inserting “that knowing sale or dis-
6 position of a firearm by a licensee to such other per-
7 son or that possession”;

8 (4) in paragraph (4), by striking “receipt” and
9 all that follows through “(n)” and inserting “know-
10 ing sale or disposition of a firearm by a licensee to
11 such other person or the receipt of a firearm by such
12 other person would violate subsection (d), (g), or
13 (n)”; and

14 (5) in paragraph (5), by striking “receipt” and
15 all that follows through “(n)” and inserting “know-
16 ing sale or disposition of a firearm by a licensee to
17 such other person or receipt of a firearm by such
18 other person would violate subsection (d), (g), or
19 (n)”.

20 **SEC. 3. CONFORMING AMENDMENTS.**

21 (a) SECTION 923.—Section 923(d)(1)(B) of title 18,
22 United States Code, is amended by striking “under section
23 922(g) and (n) of this chapter” and inserting “by sub-
24 section (g) or (n) of section 922 and is not a person to

1 whom the knowing sale or disposition of any firearm or
2 ammunition is prohibited by section 922(d)”.

3 (b) SECTION 925A.—Section 925A(2) of title 18,
4 United States Code, is amended by inserting “and to
5 whom the knowing sale or disposition of a firearm was
6 not prohibited by section 922(d) or State law” before the
7 comma.

8 (c) BRADY HANDGUN VIOLENCE PREVENTION
9 ACT.—Section 103 of the Brady Handgun Violence Pre-
10 vention Act (34 U.S.C. 40901) is amended—

11 (1) in subsection (e)(1)—

12 (A) in subparagraph (A), by striking “for
13 whom receipt” and all that follows through
14 “(g)” and inserting “to whom the knowing sale
15 or disposition of or for whom receipt of a fire-
16 arm would violate subsection (d), (g),”;

17 (B) in subparagraph (C), by striking “(g)”
18 or inserting “(d), (g),”;

19 (C) in subparagraph (F)(iii)(I), by striking
20 “(g) or (n)” and inserting “(d), (g), or (n)”;
21 and

22 (D) in subparagraph (G)(i), by striking
23 “(g) or (n)” and inserting “(d), (g), or (n)”;

24 (2) in subsection (g), by striking “receipt of a
25 firearm by a prospective transferee would violate

1 subsection (g) or (n)” and inserting “the knowing
2 sale or disposition of a firearm to or receipt of a
3 firearm by a prospective transferee would violate
4 subsection (d), (g), or (n)”;

5 (3) in subsection (i)(2), by striking all that fol-
6 lows after “respect to persons,” and inserting “to
7 whom the knowing sale or disposition of, or for
8 whom receipt of, a firearm is prohibited by sub-
9 section (d), (g), or (n) of section 922 of title 18,
10 United States Code, or State law.”.

11 (d) NICS IMPROVEMENT AMENDMENTS ACT OF
12 2007.—Title I of the NICS Improvement Amendments
13 Act of 2007 (34 U.S.C. 40911 et seq.) is amended—

14 (1) in section 101 (34 U.S.C. 40911)—

15 (A) in subsection (b)(1)(A), by striking “a
16 person is disqualified from possessing or receiv-
17 ing a firearm under subsection (g)” and insert-
18 ing “the knowing sale or disposition of a fire-
19 arm to a person or receipt of a firearm by a
20 person is prohibited by subsection (d), (g),”;
21 and

22 (B) in subsection (b)(2)(A)—

23 (i) by striking “after the” and insert-
24 ing “after a court martial imposes a pre-
25 trial release order or the”; and

1 (ii) by striking “a member of the
2 Armed Forces involved in such proceeding
3 is disqualified from possessing or receiving
4 a firearm under subsection (g) or (n)” and
5 inserting “the knowing sale or disposition
6 of a firearm to or receipt of a firearm by
7 a member of the Armed Forces is prohib-
8 ited by subsection (d), (g), or (n)”;

9 (2) in section 102 (34 U.S.C. 40912)—

10 (A) in subsection (b)(3), by striking “are
11 prohibited from possessing or receiving a fire-
12 arm under subsection (g)” and inserting “are
13 described in one of the categories under sub-
14 section (d), (g),”; and

15 (B) in subsection (c)(1)(A), by inserting
16 “the knowing sale or disposition of a firearm to
17 a person would be prohibited under subsection
18 (d) of section 922 of title 18, United States
19 Code, or applicable State law or whether” after
20 “determination of whether”.

21 **SEC. 4. FUNDS FOR STATES THAT REPORT PRETRIAL OR-**
22 **DERS RESTRICTING FIREARM POSSESSION**
23 **TO NICS.**

24 (a) AUTHORIZATION.—The Attorney General is au-
25 thorized to make grants to States and Indian tribes for

1 the purpose of reporting information about covered pre-
2 trial release orders to the national instant criminal back-
3 ground check system.

4 (b) APPLICATIONS.—The chief executive of a State
5 or Indian tribe seeking a grant under this section shall
6 submit to the Attorney General an application at such
7 time, in such manner, and containing such information as
8 the Attorney General may reasonably require.

9 (c) COVERED PRETRIAL RELEASE ORDER DE-
10 FINED.—The term “covered pretrial release order” means
11 an order of a State, Tribal, or local court that governs
12 the release of an arrested person pending the trial of the
13 person for a crime, and which prohibits the individual
14 from possessing a firearm or ammunition (as such terms
15 are defined in section 921 of title 18, United States Code).

16 (d) CLARIFICATION.—Grants made under this section
17 shall be in addition to any amount that the State receives
18 pursuant to section 302(c)(19) of the Omnibus Crime
19 Control and Safe Streets Act of 1968 (34 U.S.C.
20 10132(c)(19)) (commonly referred to as the “National
21 Criminal History Improvement Program”) and section
22 103 of the NICS Improvement Amendments Act of 2007
23 (34 U.S.C. 40913) (commonly referred to as the “NICS
24 Act Record Improvement Program”).

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated \$25,000,000 for each of fis-
3 cal years 2023 through 2027 to carry out this section.

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