

117TH CONGRESS  
1ST SESSION

# S. 1155

To reform Federal firearms laws, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

APRIL 15, 2021

Mr. KAINE (for himself and Mr. WARNER) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To reform Federal firearms laws, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Virginia Plan to Reduce Gun Violence Act of 2021”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
7 this Act is as follows:

Sec. 1. Short title; table of contents.

### TITLE I—FIREARM SALES

Sec. 101. Firearms transfers.

Sec. 102. Handgun sales.

### TITLE II—EXTREME RISK PROTECTION ORDERS

Sec. 201. Definitions.

Sec. 202. Extreme risk protection grant program.

- Sec. 203. National extreme risk protection order law.  
 Sec. 204. Federal firearms prohibition.  
 Sec. 205. Full faith and credit.

### TITLE III—FIREARM SAFETY REQUIREMENTS

- Sec. 301. Reporting lost or stolen firearms.  
 Sec. 302. Access to firearms by minors.  
 Sec. 303. Prohibiting persons convicted of misdemeanor crimes against dating partners and persons subject to protection orders.  
 Sec. 304. Prohibiting stalkers and individuals subject to court order from possessing a firearm.

## 1           **TITLE I—FIREARM SALES**

### 2   **SEC. 101. FIREARMS TRANSFERS.**

3           (a) OFFENSE.—Section 922 of title 18, United States  
 4 Code, is amended by adding at the end the following:

5           “(aa)(1)(A) It shall be unlawful for any person who  
 6 is not a licensed importer, licensed manufacturer, or li-  
 7 censed dealer to transfer a firearm to any other person  
 8 who is not so licensed, unless a licensed importer, licensed  
 9 manufacturer, or licensed dealer has first taken possession  
 10 of the firearm for the purpose of complying with sub-  
 11 section (t).

12           “(B) Upon taking possession of a firearm under sub-  
 13 paragraph (A), a licensee shall comply with all require-  
 14 ments of this chapter as if the licensee were transferring  
 15 the firearm from the inventory of the licensee to the unli-  
 16 censed transferee.

17           “(C) If a transfer of a firearm described in subpara-  
 18 graph (A) will not be completed for any reason after a  
 19 licensee takes possession of the firearm (including because  
 20 the transfer of the firearm to, or receipt of the firearm

1 by, the transferee would violate this chapter), the return  
2 of the firearm to the transferor by the licensee shall not  
3 constitute the transfer of a firearm for purposes of this  
4 chapter.

5 “(2) Paragraph (1) shall not apply to—

6 “(A) a law enforcement agency or any law en-  
7 forcement officer, armed private security profes-  
8 sional, or member of the armed forces, to the extent  
9 the officer, professional, or member is acting within  
10 the course and scope of employment and official du-  
11 ties;

12 “(B) a transfer that is a loan or bona fide gift  
13 between spouses, between domestic partners, be-  
14 tween parents and their children, including step-par-  
15 ents and their step-children, between siblings, be-  
16 tween aunts or uncles and their nieces or nephews,  
17 or between grandparents and their grandchildren;

18 “(C) a transfer to an executor, administrator,  
19 trustee, or personal representative of an estate or a  
20 trust that occurs by operation of law upon the death  
21 of another person;

22 “(D) a temporary transfer that is necessary to  
23 prevent imminent death or great bodily harm, if the  
24 possession by the transferee lasts only as long as im-  
25 mediately necessary to prevent the imminent death

1 or great bodily harm, including the harm of domestic  
2 violence, dating partner violence, sexual assault,  
3 stalking, and domestic abuse;

4 “(E) a transfer that is approved by the Attor-  
5 ney General under section 5812 of the Internal Rev-  
6 enue Code of 1986; or

7 “(F) a temporary transfer if the transferor has  
8 no reason to believe that the transferee will use or  
9 intends to use the firearm in a crime or is prohibited  
10 from possessing firearms under State or Federal  
11 law, and the transfer takes place and the trans-  
12 feree’s possession of the firearm is exclusively—

13 “(i) at a shooting range or in a shooting  
14 gallery or other area designated for the purpose  
15 of target shooting;

16 “(ii) while reasonably necessary for the  
17 purposes of hunting, trapping, or fishing, if the  
18 transferor—

19 “(I) has no reason to believe that the  
20 transferee intends to use the firearm in a  
21 place where it is illegal; and

22 “(II) has reason to believe that the  
23 transferee will comply with all licensing  
24 and permit requirements for such hunting,  
25 trapping, or fishing; or

1                   “(iii) while in the presence of the trans-  
2                   feror.

3           “(3)(A) Notwithstanding any other provision of this  
4 chapter, the Attorney General may implement this sub-  
5 section with regulations.

6           “(B) Regulations promulgated under this paragraph  
7 may not include any provision requiring licensees to facili-  
8 tate transfers in accordance with paragraph (1).

9           “(C) Regulations promulgated under this paragraph  
10 may not include any provision requiring persons not li-  
11 censed under this chapter to keep records of background  
12 checks or firearms transfers.

13           “(D) Regulations promulgated under this paragraph  
14 may not include any provision placing a cap on the fee  
15 licensees may charge to facilitate transfers in accordance  
16 with paragraph (1).

17           “(4) It shall be unlawful for a licensed importer, li-  
18 censed manufacturer, or licensed dealer to transfer posses-  
19 sion of, or title to, a firearm to another person who is  
20 not so licensed unless the importer, manufacturer, or deal-  
21 er has provided such other person with a notice of the  
22 prohibition under paragraph (1), and such other person  
23 has certified that such other person has been provided  
24 with this notice on a form prescribed by the Attorney Gen-  
25 eral.”.

1 (b) EFFECTIVE DATE.—The amendment made by  
2 subsection (a) shall take effect 180 days after the date  
3 of enactment of this Act.

4 **SEC. 102. HANDGUN SALES.**

5 (a) LIMITATION ON MULTIPLE HANDGUN PUR-  
6 CHASES.—Section 922 of title 18, United States Code, as  
7 amended by section 101, is amended by adding at the end  
8 the following:

9 “(bb)(1) Except as provided in paragraph (2), it shall  
10 be unlawful for any person who is not a licensed importer,  
11 licensed manufacturer, or licensed dealer to purchase more  
12 than 1 handgun in a 30-day period.

13 “(2) Paragraph (1) shall not apply to—

14 “(A) an individual with a certificate issued by  
15 a law enforcement agency of the State in which the  
16 individual resides certifying the individual has  
17 passed an enhanced background check;

18 “(B) a law enforcement agency or law enforce-  
19 ment officer or member of the armed forces, to the  
20 extent the officer, professional, or member is acting  
21 within the course and scope of employment and offi-  
22 cial duties;

23 “(C) a State or local correctional facility;

1           “(D) a private security company licensed by the  
2 State or unit of local government in which the com-  
3 pany operates; or

4           “(E) the purchase of a handgun that is—

5                 “(i) an antique firearm; or

6                 “(ii) listed as a curio or relic by the Attor-  
7 ney General pursuant to section 921(a)(13) by  
8 a licensed collector.”.

9           (b) EFFECTIVE DATE.—The amendment made by  
10 subsection (a) shall take effect 180 days after the date  
11 of enactment of this Act.

12           **TITLE II—EXTREME RISK**  
13           **PROTECTION ORDERS**

14           **SEC. 201. DEFINITIONS.**

15           In this title:

16                 (1) ELIGIBLE ENTITY.—The term “eligible enti-  
17 ty” means—

18                     (A) a State or Indian Tribe—

19                         (i) that enacts legislation described in  
20 section 203;

21                         (ii) with respect to which the Attorney  
22 General determines that the legislation de-  
23 scribed in clause (i) complies with the re-  
24 quirements of section 203; and

1 (iii) that certifies to the Attorney  
2 General that the State or Indian Tribe  
3 shall—

4 (I) use a grant under section 202  
5 for the purposes described in section  
6 202(b); and

7 (II) allocate not less than 25 per-  
8 cent of the amount received under the  
9 grant for training for law enforcement  
10 officers; or

11 (B) a unit of local government or other  
12 public or private entity that—

13 (i) is located in a State or in the terri-  
14 tory under the jurisdiction of an Indian  
15 Tribe that meets the requirements de-  
16 scribed in clauses (i) and (ii) of subpara-  
17 graph (A); and

18 (ii) certifies to the Attorney General  
19 that the unit of local government or entity  
20 shall—

21 (I) use a grant under section 202  
22 for the purposes described in section  
23 202(b); and

24 (II) allocate not less than 25 per-  
25 cent of the amount received under the

1 grant for training for law enforcement  
2 officers.

3 (2) EXTREME RISK PROTECTION ORDER.—The  
4 term “extreme risk protection order” means a writ-  
5 ten order or warrant, issued by a State or Tribal  
6 court or signed by a magistrate (or other com-  
7 parable judicial officer), the primary purpose of  
8 which is to reduce the risk of firearm-related death  
9 or injury by doing 1 or more of the following:

10 (A) Prohibiting a named individual from  
11 having under the custody or control of the indi-  
12 vidual, owning, purchasing, possessing, or re-  
13 ceiving a firearm.

14 (B) Having a firearm removed or requiring  
15 the surrender of firearms from a named indi-  
16 vidual.

17 (3) FIREARM.—The term “firearm” has the  
18 meaning given the term in section 921 of title 18,  
19 United States Code.

20 (4) INDIAN TRIBE.—The term “Indian Tribe”  
21 has the meaning given the term “Indian tribe” in  
22 section 1709 of the Public Safety and Community  
23 Policing Act of 1994 (34 U.S.C. 10389).

24 (5) LAW ENFORCEMENT OFFICER.—The term  
25 “law enforcement officer” means a public servant

1 authorized by State, local, or Tribal law or by a  
 2 State, local, or Tribal government agency to—

3 (A) engage in or supervise the prevention,  
 4 detection, investigation, or prosecution of an of-  
 5 fense; or

6 (B) supervise sentenced criminal offenders.

7 (6) PETITIONER.—The term “petitioner”  
 8 means an individual authorized under State or Trib-  
 9 al law to petition for an extreme risk protection  
 10 order.

11 (7) STATE.—The term “State” means—

12 (A) a State;

13 (B) the District of Columbia;

14 (C) the Commonwealth of Puerto Rico;

15 and

16 (D) any other territory or possession of the  
 17 United States.

18 (8) UNIT OF LOCAL GOVERNMENT.—The term  
 19 “unit of local government” has the meaning given  
 20 the term in section 901 of title I of the Omnibus  
 21 Crime Control and Safe Streets Act of 1968 (34  
 22 U.S.C. 10251).

23 **SEC. 202. EXTREME RISK PROTECTION GRANT PROGRAM.**

24 (a) IN GENERAL.—The Director of the Office of  
 25 Community Oriented Policing Services of the Department

1 of Justice shall establish a program under which, from  
2 amounts made available to carry out this section, the Di-  
3 rector may make grants to eligible entities to assist in car-  
4 rying out the provisions of the legislation described in sec-  
5 tion 203.

6 (b) USE OF FUNDS.—Funds awarded under this sec-  
7 tion may be used by an applicant to—

8 (1) enhance the capacity of law enforcement  
9 agencies and the courts of a State, unit of local gov-  
10 ernment, or Indian Tribe by providing personnel,  
11 training, technical assistance, data collection, and  
12 other resources to carry out legislation described in  
13 section 203;

14 (2) train judges, court personnel, and law en-  
15 forcement officers to more accurately identify indi-  
16 viduals whose access to firearms poses a danger of  
17 causing harm to themselves or others by increasing  
18 the risk of firearms suicide or interpersonal violence;

19 (3) develop and implement law enforcement and  
20 court protocols, forms, and orders so that law en-  
21 forcement agencies and the courts may carry out the  
22 provisions of the legislation described in section 203  
23 in a safe and effective manner, including through  
24 the removal and storage of firearms pursuant to ex-

1       treme risk protection orders under the legislation;  
2       and

3               (4) raise public awareness and understanding of  
4       the legislation described in section 203 so that ex-  
5       treme risk protection orders may be issued in appro-  
6       priate situations to reduce the risk of firearms-re-  
7       lated death and injury.

8       (c) APPLICATION.—An eligible entity desiring a grant  
9       under this section shall submit to the Attorney General  
10      an application at such time, in such manner, and con-  
11      taining or accompanied by such information as the Attor-  
12      ney General may reasonably require.

13      (d) INCENTIVES.—For each of fiscal years 2021  
14      through 2025, the Attorney General shall give affirmative  
15      preference in awarding any discretionary grant awarded  
16      by the Bureau of Justice Assistance to a State or Indian  
17      Tribe that has enacted legislation described in section 203.

18      (e) AUTHORIZATION OF APPROPRIATIONS.—There  
19      are authorized to be appropriated such sums as are nec-  
20      essary to carry out this section.

21      **SEC. 203. NATIONAL EXTREME RISK PROTECTION ORDER**

22                                      **LAW.**

23      (a) REQUIREMENTS.—Legislation described in this  
24      section is legislation that establishes requirements that are  
25      substantially similar to the following:

1           (1) APPLICATION FOR EXTREME RISK PROTEC-  
2           TION ORDER.—A petitioner, including a law enforce-  
3           ment officer, may submit an application to a State  
4           or Tribal court, on a form designed by the court or  
5           a State or Tribal agency, that—

6                   (A) describes the facts and circumstances  
7                   justifying that an extreme risk protection order  
8                   be issued against the named individual; and

9                   (B) is signed by the applicant, under oath.

10          (2) NOTICE.—The individual named in an ap-  
11          plication for an extreme risk protection order as de-  
12          scribed in paragraph (1) shall be given—

13                   (A) written notice of the application;

14                   (B) an opportunity to be heard on the  
15                   matter in accordance with this section; and

16                   (C) an opportunity to voluntarily surrender  
17                   any firearm in the possession of the individual.

18          (3) ISSUANCE OF EXTREME RISK PROTECTION  
19          ORDERS.—

20                   (A) HEARING.—

21                           (i) IN GENERAL.—Upon receipt of an  
22                           application described in paragraph (1), or  
23                           request of an individual named in such ap-  
24                           plication, the court shall order a hearing to

1 be held not later than 30 days after the  
2 date of such application or request.

3 (ii) DETERMINATION.—After a hear-  
4 ing described in clause (i), if the court  
5 finds by a preponderance of the evidence  
6 that the respondent poses a danger of  
7 causing harm to himself or herself or to  
8 another individual by having access to a  
9 firearm, the court may issue an extreme  
10 risk protection order.

11 (B) LENGTH OF EXTREME RISK PROTEC-  
12 TION ORDER.—An extreme risk protection order  
13 shall be in effect until—

14 (i) an order is entered terminating or  
15 superseding the extreme risk protection  
16 order; or

17 (ii) the date, if any, specified in the  
18 extreme risk protection order.

19 (C) RETURN OF FIREARMS.—After a hear-  
20 ing conducted under this paragraph, if the  
21 Court finds that the respondent does not pose  
22 a substantial risk of personal injury to himself  
23 or herself or to another individual by having ac-  
24 cess to a firearm, the court shall order that  
25 each firearm surrendered, transferred, or re-

1 moved under paragraph (5) shall be returned to  
2 the respondent.

3 (4) EX PARTE EXTREME RISK PROTECTION OR-  
4 DERS.—

5 (A) IN GENERAL.—Upon receipt of an ap-  
6 plication described in paragraph (1), the court  
7 may issue an ex parte extreme risk protection  
8 order before conducting the hearing required  
9 under paragraph (3), if—

10 (i) the application for an extreme risk  
11 protection order alleges that the respond-  
12 ent poses a danger of causing harm to  
13 himself, herself, or others in the near fu-  
14 ture by having access to a firearm; and

15 (ii) the court finds there is reasonable  
16 cause to believe that the respondent poses  
17 a danger of causing harm to himself, her-  
18 self, or others in the near future by having  
19 access to a firearm.

20 (B) LENGTH OF EX PARTE EXTREME RISK  
21 PROTECTION ORDER.—An ex parte extreme risk  
22 protection order shall be in effect for a period  
23 not to exceed 30 days, unless continued for  
24 good cause.

1           (5) SURRENDER AND REMOVAL OF FIRE-  
2 ARMS.—

3           (A) IN GENERAL.—Upon receipt of notice  
4 under paragraph (1), the individual who is the  
5 subject of an extreme risk protection order ap-  
6 plication shall surrender to a law enforcement  
7 agency, or transfer to a third party, all firearms  
8 in the possession of the individual.

9           (B) REMOVAL.—If an individual described  
10 in subparagraph (A) does not surrender or  
11 transfer all firearms in the possession of the in-  
12 dividual, the firearms shall be removed by a law  
13 enforcement officer with appropriate jurisdic-  
14 tion.

15           (6) STORAGE OF REMOVED FIREARMS.—All  
16 firearms removed by, or surrendered to, a law en-  
17 forcement officer under paragraph (5) shall be re-  
18 tained by the law enforcement officer or appropriate  
19 law enforcement agency until the named individual  
20 regains his or her eligibility to possess firearms, ex-  
21 cept that the legislation may authorize a law en-  
22 forcement agency to—

23           (A) contract with a manufacturer, dealer,  
24 or importer licensed under chapter 44 of title

1 18, United States Code, for the secure storage  
2 of firearms; and

3 (B) transfer the firearm upon proof that  
4 the named individual will no longer have access  
5 to the firearm.

6 (7) NOTIFICATION.—

7 (A) IN GENERAL.—A State or tribal court  
8 that issues an extreme risk protection order  
9 shall notify the Department of Justice or the  
10 comparable State or Tribal agency, as applica-  
11 ble, of the order as soon as practicable. Such  
12 notice shall be submitted in an electronic for-  
13 mat, in a manner prescribed by the Department  
14 of Justice or the comparable State or Tribal  
15 agency.

16 (B) UPDATE OF DATABASES.—As soon as  
17 practicable after receiving a notification under  
18 subparagraph (A), the Department of Justice  
19 or the comparable State or Tribal agency shall  
20 ensure the extreme risk protection order is re-  
21 flected in the National Instant Criminal Back-  
22 ground Check System.

23 (8) CONFIDENTIALITY PROTECTIONS.—All per-  
24 sonally identifiable information provided to the  
25 court, the Department of Justice, and comparable

1 State or Tribal agencies shall be kept confidential,  
2 as required by the laws of the jurisdiction, except as  
3 necessary to carry out the legislation.

4 (b) ADDITIONAL AUTHORITIES.—Legislation de-  
5 scribed in this section may—

6 (1) provide procedures for the termination of an  
7 extreme risk protection order;

8 (2) provide procedures for the renewal of an ex-  
9 treme risk protection order;

10 (3) establish burdens of proof for issuance of  
11 orders described in paragraphs (3) and (4) of sub-  
12 section (a) that are higher than the burdens of proof  
13 required under those paragraphs;

14 (4) limit the individuals who may submit an ap-  
15 plication described in subsection (a)(1), provided  
16 that, at a minimum, law enforcement officers are  
17 authorized to do so; and

18 (5) include other authorizations or requirements  
19 that the State or Indian Tribe determines appro-  
20 priate.

21 **SEC. 204. FEDERAL FIREARMS PROHIBITION.**

22 (a) IN GENERAL.—Section 922 of title 18, United  
23 States Code, is amended—

24 (1) in subsection (d)—

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

3 (B) in paragraph (9), by striking the pe-  
4 riod at the end and inserting “; or”; and

5 (C) by inserting after paragraph (9) the  
6 following:

7 “(10) is subject to a court order that prohibits  
8 such person from having under his or her custody or  
9 control, owning, purchasing, possessing, or receiving  
10 any firearms, or requires the surrender or removal  
11 of firearms from the person, provided that the  
12 order—

13 “(A) is issued in a manner consistent with  
14 the due process rights of the person; and

15 “(B) is based on a finding that the person  
16 poses a danger of causing harm to himself, her-  
17 self, or others by having access to a firearm.”;  
18 and

19 (2) in subsection (g)—

20 (A) in paragraph (8)(C)(ii), by striking  
21 “or” at the end;

22 (B) in paragraph (9), by striking the  
23 comma at the end and inserting “; or”; and

24 (C) by inserting after paragraph (9) the  
25 following:

1           “(10) is subject to a court order that prohibits  
2           such person from having under his or her custody or  
3           control, owning, purchasing, possessing, or receiving  
4           any firearms, or requires the surrender or removal  
5           of firearms from the person, provided that the  
6           order—

7                   “(A) is issued in a manner consistent with  
8                   the due process rights of the person; and

9                   “(B) is based on a finding that the person  
10                  poses a danger of causing harm to himself, her-  
11                  self, or others by having access to a firearm,”.

12           (b) CONFORMING AMENDMENT.—Section 3(1) of the  
13           NICS Improvement Amendments Act of 2007 (34 U.S.C.  
14           40903(1)) is amended by striking “section 922(g)(8)” and  
15           inserting “paragraph (8) or (10) of section 922(g)”.

16           **SEC. 205. FULL FAITH AND CREDIT.**

17           Any extreme risk protection order issued under a  
18           State or Tribal law enacted in accordance with this title  
19           shall be accorded the same full faith and credit by the  
20           court of another State or Indian Tribe (the enforcing  
21           State or Indian Tribe) and enforced by the court and law  
22           enforcement personnel of the other State or Tribal govern-  
23           ment as if it were the order of the enforcing State or  
24           Tribe.

1           **TITLE III—FIREARM SAFETY**  
2                           **REQUIREMENTS**

3 **SEC. 301. REPORTING LOST OR STOLEN FIREARMS.**

4           (a) OFFENSE.—

5                   (1) IN GENERAL.—Section 922 of title 18,  
6           United States Code, as amended by section 102, is  
7           amended by adding at the end the following:

8           “(cc)(1) It shall be unlawful for a person to fail to  
9           provide notice to an appropriate State or local law enforce-  
10          ment agency of a firearm of the individual, other than an  
11          antique firearm, that was lost or stolen within 48 hours  
12          after the person discovers the loss or theft or is informed  
13          by another person with knowledge of the loss or theft.

14          “(2) Except as provided in paragraph (3), a person  
15          who, in good faith, reports the loss or theft of a firearm  
16          under this subsection shall not be liable for any acts or  
17          omissions that result from the theft or loss of the firearm.

18          “(3) Paragraph (2) shall not apply to any person  
19          who—

20                   “(A) knowingly reports false loss or theft under  
21                  this subsection; or

22                   “(B) stored the firearm in a reckless or neg-  
23                  ligent manner under this subsection.”.

24                   (2) PENALTY.—Section 924 of title 18, United  
25                  States Code, is amended—

1 (A) in subsection (a)(1), by striking “or  
2 (p)” and inserting “(p), or (q)”; and

3 (B) by adding at the end the following:

4 “(q) A person who violates section 922(cc) shall be  
5 subject to a civil penalty of not more than \$250.”.

6 (b) EFFECTIVE DATE.—The amendments made by  
7 subsection (a) shall take effect 180 days after the date  
8 of enactment of this Act.

9 (c) REPORTING.—

10 (1) IN GENERAL.—Each State and local law en-  
11 forcement agency shall report to the National Crime  
12 Information Center any lost or stolen firearm that is  
13 reported to the agency under section 922(cc) of title  
14 18, United States Code, as amended by subsection  
15 (a).

16 (2) USE OF FUNDS REQUIREMENTS.—Section  
17 502(a) of title I of the Omnibus Crime Control and  
18 Safe Streets Act of 1968 (34 U.S.C. 10153(a)) is  
19 amended by adding at the end the following:

20 “(7) An assurance that, for each fiscal year  
21 covered by an application, the applicant will use not  
22 less than 5 percent of the total amount of the grant  
23 award for the fiscal year to study and implement ef-  
24 fective management and collection of data relating to  
25 lost or stolen firearms reported to the a law enforce-

1       ment agency of the applicant under section 922(cc)  
 2       of title 18, United States Code, unless the applicant  
 3       has ensured, and the Attorney General has certified,  
 4       that the applicant and each local law enforcement  
 5       agency of the applicant is in substantial compliance  
 6       with the reporting requirement in section 301(c)(1)  
 7       of the Virginia Plan to Reduce Gun Violence Act of  
 8       2021.”.

9       **SEC. 302. ACCESS TO FIREARMS BY MINORS.**

10       (a) OFFENSE.—Section 922(z) of title 18, United  
 11 States Code, is amended by adding at the end the fol-  
 12 lowing:

13               “(4) MINORS.—

14                       “(A) IN GENERAL.—It shall be unlawful  
 15                       for a person to recklessly leave a loaded and un-  
 16                       secured firearm, which has moved in, or that  
 17                       has otherwise affected, interstate or foreign  
 18                       commerce, in such a manner as to endanger the  
 19                       life or limb of any other person who is under  
 20                       the age of 14.

21                       “(B) EXCEPTIONS.—Subparagraph (A)  
 22 shall not apply to a person if the person—

23                               “(i) keeps the firearm—

24                                       “(I) secure using a secure gun  
 25                                       storage or safety device; or

1                   “(II) in a location which a rea-  
2                   sonable person would believe to be se-  
3                   cure; or

4                   “(ii) carries the firearm on his or her  
5                   person or within such close proximity  
6                   thereto that the person can readily retrieve  
7                   and use the firearm as if the person car-  
8                   ried the firearm on his or her person.”.

9           (b) PENALTY.—Section 924 of title 18, United States  
10 Code, as amended by section 301, is amended—

11           (1) in subsection (a)(1), by striking “or (q)”  
12           and inserting “(q), or (r)”; and

13           (2) by adding at the end the following:

14           “(r) A person who violates section 922(z)(4) shall be  
15 imprisoned for not more than 1 year, fined not more than  
16 \$2,500, or both.”.

17           (c) EFFECTIVE DATE.—The amendment made by  
18 subsection (a) shall take effect 180 days after the date  
19 of enactment of this Act.

20 **SEC. 303. PROHIBITING PERSONS CONVICTED OF MIS-**  
21 **DEMEANOR CRIMES AGAINST DATING PART-**  
22 **NERS AND PERSONS SUBJECT TO PROTEC-**  
23 **TION ORDERS.**

24           Section 921(a) of title 18, United States Code, is  
25 amended—

1 (1) in paragraph (32), by striking all that fol-  
2 lows after “The term ‘intimate partner’” and insert-  
3 ing the following: “—

4 “(A) means, with respect to a person, the  
5 spouse of the person, a former spouse of the  
6 person, an individual who is a parent of a child  
7 of the person, and an individual who cohabi-  
8 tates or has cohabited with the person; and

9 “(B) includes—

10 “(i) a dating partner or former dating  
11 partner (as defined in section 2266); and

12 “(ii) any other person similarly situ-  
13 ated to a spouse who is protected by the  
14 domestic or family violence laws of the  
15 State or tribal jurisdiction in which the in-  
16 jury occurred or where the victim resides.”;

17 (2) in paragraph (33)(A)—

18 (A) in clause (i), by inserting after “Fed-  
19 eral, State,” the following: “municipal,”; and

20 (B) in clause (ii), by inserting “dating  
21 partner (as defined in section 2266),” after  
22 “spouse,” each place it appears;

23 (3) by redesignating paragraphs (34) and (35)  
24 as paragraphs (35) and (36) respectively; and

1           (4) by inserting after paragraph (33) the fol-  
2           lowing:

3           “(34)(A) The term ‘misdemeanor crime of  
4           stalking’ means an offense that—

5                   “(i) is a misdemeanor crime of stalk-  
6                   ing under Federal, State, Tribal, or munic-  
7                   ipal law; and

8                   “(ii) is a course of harassment, intimi-  
9                   dation, or surveillance of another person  
10                  that—

11                           “(I) places that person in reason-  
12                           able fear of material harm to the  
13                           health or safety of—

14                                   “(aa) that person;

15                                   “(bb) an immediate family  
16                           member (as defined in section  
17                           115) of that person;

18                                   “(cc) a household member of  
19                           that person; or

20                                   “(dd) a spouse or intimate  
21                           partner of that person; or

22                           “(II) causes, attempts to cause,  
23                           or would reasonably be expected to  
24                           cause emotional distress to a person

1                   described in item (aa), (bb), (cc), or  
2                   (dd) of subclause (I).

3                   “(B) A person shall not be considered to  
4                   have been convicted of such an offense for pur-  
5                   poses of this chapter, unless—

6                   “(i) the person was represented by  
7                   counsel in the case, or knowingly and intel-  
8                   ligently waived the right to counsel in the  
9                   case; and

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

15                         “(I) the case was tried by a jury;  
16                         or

17                         “(II) the person knowingly and  
18                         intelligently waived the right to have  
19                         the case tried by a jury, by guilty plea  
20                         or otherwise.

21                  “(C) A person shall not be considered to  
22                  have been convicted of such an offense for pur-  
23                  poses of this chapter if the conviction has been  
24                  expunged or set aside, or is an offense for  
25                  which the person has been pardoned or has had

1 civil rights restored (if the law of the applicable  
 2 jurisdiction provides for the loss of civil rights  
 3 under such an offense) unless the pardon,  
 4 expungement, or restoration of civil rights ex-  
 5 pressly provides that the person may not ship,  
 6 transport, possess, or receive firearms.”.

7 **SEC. 304. PROHIBITING STALKERS AND INDIVIDUALS SUB-**  
 8 **JECT TO COURT ORDER FROM POSSESSING A**  
 9 **FIREARM.**

10 Section 922 of title 18, United States Code, as  
 11 amended by section 204 of this Act, is amended—

12 (1) in subsection (d)—

13 (A) in paragraph (8), by striking “that re-  
 14 strains such person” and all that follows, and  
 15 inserting “described in subsection (g)(8);”;

16 (B) in paragraph (9), by striking “or” at  
 17 the end;

18 (C) in paragraph (10), by striking the pe-  
 19 riod at the end and inserting “; or”; and

20 (D) by inserting after paragraph (10) the  
 21 following:

22 “(11) who has been convicted in any court of  
 23 a misdemeanor crime of stalking.”; and

24 (2) in subsection (g)—

1 (A) by amending paragraph (8) to read as  
2 follows:

3 “(8) who is subject to a court order—

4 “(A) that was issued—

5 “(i) after a hearing of which such per-  
6 son received actual notice, and at which  
7 such person had an opportunity to partici-  
8 pate; or

9 “(ii) in the case of an ex parte order,  
10 relative to which notice and opportunity to  
11 be heard are provided—

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

14 “(II) in any event within a rea-  
15 sonable time after the order is issued,  
16 sufficient to protect the due process  
17 rights of the person;

18 “(B) that restrains such person from—

19 “(i) harassing, stalking, or threat-  
20 ening an intimate partner of such person  
21 or child of such intimate partner or person,  
22 or engaging in other conduct that would  
23 place an intimate partner in reasonable  
24 fear of bodily injury to the partner or  
25 child; or

1                   “(ii) intimidating or dissuading a wit-  
2                   ness from testifying in court; and

3                   “(C) that—

4                   “(i) includes a finding that such per-  
5                   son represents a credible threat to the  
6                   physical safety of such individual described  
7                   in subparagraph (B); or

8                   “(ii) by its terms explicitly prohibits  
9                   the use, attempted use, or threatened use  
10                  of physical force against such individual  
11                  described in subparagraph (B) that would  
12                  reasonably be expected to cause bodily in-  
13                  jury;”;

14                  (B) in paragraph (9), by striking “or” at  
15                  the end;

16                  (C) in paragraph (10), by striking the  
17                  comma at the end and inserting “; or”; and

18                  (D) by inserting after paragraph (10) the  
19                  following:

20                  “(11) who has been convicted in any court of  
21                  a misdemeanor crime of stalking,”.

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