

116TH CONGRESS
1ST SESSION

H. R. 1745

To amend title 18, United States Code, to provide that persons subject to firearm restraining orders and persons convicted of violent misdemeanors are prohibited from possessing firearms, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 13, 2019

Mr. THOMPSON of California introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to provide that persons subject to firearm restraining orders and persons convicted of violent misdemeanors are prohibited from possessing 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 “Gun Violence Preven-
5 tion Act of 2019”.

1 **SEC. 2. PERSONS SUBJECT TO FIREARM RESTRAINING OR-**
2 **DERS AND PERSONS CONVICTED OF VIOLENT**
3 **MISDEMEANORS PROHIBITED FROM POS-**
4 **SESSING FIREARMS.**

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

7 (1) in subsection (d)—

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

10 (B) in paragraph (9), by striking the pe-
11 riod at the end and inserting a semicolon; and

12 (C) by inserting after paragraph (9) the
13 following:

14 “(10) is subject to a court order that—

15 “(A) is temporary in nature, and may be
16 renewed for additional temporary periods;

17 “(B) requires the removal of firearms from
18 the subject of the order, including requiring the
19 subject to surrender firearms in his or her con-
20 trol, ownership, or possession to a law enforce-
21 ment officer, a federally licensed firearm dealer,
22 or third party;

23 “(C) includes a finding that the subject of
24 the order poses a risk of personal injury to such
25 person or other persons; and

1 “(D) was initiated by a law enforcement
2 officer, a prosecutor, a current or former
3 spouse, parent, or guardian of the subject of
4 the order, by a person with whom the subject
5 shares a child in common, by a person who has
6 cohabited with the subject as a spouse, parent,
7 or guardian, by a person similarly situated to a
8 spouse, parent, or guardian of the subject, or
9 by a person with whom the subject of the order
10 cohabits; or

11 “(11) except as provided in paragraph (9), dur-
12 ing the previous 5-year period, has been convicted of
13 a misdemeanor crime of violence.”;

14 (2) in subsection (g)—

15 (A) in paragraph (8), by striking “or” at
16 the end;

17 (B) in paragraph (9), by striking the
18 comma at the end and inserting a semicolon;
19 and

20 (C) by inserting after paragraph (9) the
21 following:

22 “(10) who is subject to a court order that—

23 “(A) is temporary in nature, and may be
24 renewed for additional temporary periods;

1 “(B) requires the removal of firearms from
2 the subject of the order, including requiring the
3 subject to surrender firearms in his or her con-
4 trol, ownership, or possession to a law enforce-
5 ment officer, a federally licensed firearm dealer,
6 or third party;

7 “(C) includes a finding that the subject of
8 the order poses a risk of personal injury to such
9 person or other persons; and

10 “(D) was initiated by a law enforcement
11 officer, a prosecutor, a current or former
12 spouse, parent, or guardian of the subject of
13 the order, by a person with whom the subject
14 shares a child in common, by a person who has
15 cohabited with the subject as a spouse, parent,
16 or guardian, by a person similarly situated to a
17 spouse, parent, or guardian of the subject, or
18 by a person with whom the subject of the order
19 cohabits; or

20 “(11) except as provided in paragraph (9), dur-
21 ing the previous 5-year period, has been convicted of
22 a misdemeanor crime of violence,”; and

23 (3) in subsection (s)—

1 (A) in paragraph (1)(B), by striking
2 “member of the household” and inserting “fam-
3 ily or household member”; and

4 (B) in paragraph (8)—

5 (i) by striking “subsection” and all
6 that follows through “such individual.”
7 and inserting “subsection—”; and

8 (ii) by adding at the end the fol-
9 lowing:

10 “(A) the term ‘chief law enforcement officer’
11 means the chief of police, the sheriff, or an equiva-
12 lent officer or the designee of any such individual;
13 and

14 “(B) the term ‘family or household member’
15 means, with respect to a transferee, any—

16 “(i) parent, spouse, sibling, or child related
17 by blood, marriage, or adoption to the trans-
18 feree;

19 “(ii) dating partner of the transferee;

20 “(iii) individual who has a child in common
21 with the transferee, regardless of whether the
22 individual has—

23 “(I) been married to the transferee; or

24 “(II) lived together with the trans-
25 feree at any time;

1 “(iv) individual who resides or has resided
2 with the transferee during the past year;

3 “(v) domestic partner of the transferee;

4 “(vi) individual who has a legal parent-
5 child relationship with the transferee, including
6 a stepparent-stepchild and grandparent-grand-
7 child relationship; and

8 “(vii) individual who is acting or has acted
9 as the legal guardian of the transferee.”.

10 (b) MISDEMEANOR CRIME OF VIOLENCE DE-
11 FINED.—Section 921(a) of title 18, United States Code,
12 is amended by adding at the end the following:

13 “(36) The term ‘misdemeanor crime of violence’
14 means a crime of violence (as such term is defined in sec-
15 tion 16(a)), which is a misdemeanor under Federal, State,
16 or Tribal law.”.

17 (c) APPLICABILITY.—The amendments made by this
18 section shall apply with respect to court orders entered
19 on or after the date of the enactment of this Act.

20 **SEC. 3. INELIGIBILITY DUE TO DISQUALIFYING MENTAL**
21 **STATUS.**

22 (a) UNLAWFUL ACTS RELATED TO FIREARMS.—Sec-
23 tion 922 of title 18, United States Code, is amended by
24 striking “adjudicated as a mental defective” each place

1 such term appears and inserting “adjudicated as ineligible
2 due to disqualifying mental status”.

3 (b) POSSESSION BY RESTRICTED PERSONS.—Section
4 175b(d)(2) of title 18, United States Code, is amended
5 by striking “adjudicated as a mental defective” and insert-
6 ing “adjudicated as ineligible due to disqualifying mental
7 status”.

8 (c) UNLAWFUL ACTS RELATED TO EXPLOSIVES.—
9 Section 842 of title 18, United States Code, is amended—

10 (1) in subsection (d)(6), by striking “adju-
11 dicated a mental defective” and inserting “adju-
12 dicated as ineligible due to disqualifying mental sta-
13 tus”; and

14 (2) in subsection (i)(4), by striking “adju-
15 dicated as a mental defective” and inserting “adju-
16 dicated as ineligible due to disqualifying mental sta-
17 tus”.

18 (d) NICS IMPROVEMENT AMENDMENTS ACT OF
19 2007.—The NICS Improvement Amendments Act of 2007
20 (34 U.S.C. 40902 et seq.) is amended—

21 (1) by striking “adjudicated as a mental defec-
22 tive” each place such term appears and inserting
23 “adjudicated as ineligible due to disqualifying men-
24 tal status”;

25 (2) in section 101(e)(3)—

1 (A) in the matter preceding subparagraph
2 (A), by striking “adjudicate a person as a men-
3 tal defective” and inserting “adjudicate a per-
4 son as ineligible due to disqualifying mental
5 status”; and

6 (B) in subparagraph (A), by striking “ad-
7 judicate the person as a mental defective” and
8 inserting “adjudicate the person as ineligible
9 due to disqualifying mental status”.

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