

116TH CONGRESS
1ST SESSION

S. 120

To protect victims of stalking from gun violence.

IN THE SENATE OF THE UNITED STATES

JANUARY 15, 2019

Ms. KLOBUCHAR (for herself, Ms. HIRONO, Mrs. FEINSTEIN, Ms. HARRIS, Mr. CASEY, Mr. BLUMENTHAL, Mr. DURBIN, Mr. WYDEN, Mr. REED, Mr. WHITEHOUSE, Mrs. GILLIBRAND, Mr. VAN HOLLEN, Mr. MARKEY, Mr. UDALL, Mr. MURPHY, Mr. TESTER, Mr. MERKLEY, Mr. COONS, Ms. SMITH, Mr. CARPER, Ms. WARREN, Mr. BOOKER, Ms. STABENOW, Mr. JONES, Mr. BENNET, Mr. PETERS, Mrs. SHAHEEN, Mr. BROWN, Mr. SANDERS, Mr. MENENDEZ, and Mr. CARDIN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To protect victims of stalking from gun violence.

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 “Protecting Domestic
5 Violence and Stalking Victims Act of 2019”.

6 **SEC. 2. ADDITION OF DATING PARTNERS AND INDIVIDUALS**

7 **SUBJECT TO RESTRAINING ORDERS.**

8 (a) DEFINITION.—Section 921(a) of title 18, United
9 States Code, is amended—

1 (1) by striking paragraph (32) and inserting
2 the following:

3 “(32) The term ‘intimate partner’—

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

9 “(B) includes—

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

12 “(ii) any other person similarly situated to
13 a spouse.”;

14 (2) in paragraph (33)(A)—

15 (A) in the matter preceding clause (i), by
16 striking “Except as provided in subparagraph
17 (C), the term” and inserting “The term”;

18 (B) in clause (i), by inserting “municipal,”
19 after “State,”; and

20 (C) in clause (ii)—

21 (i) by inserting “dating partner (as
22 defined in section 2266),” after “former
23 spouse,”; and

1 (ii) by inserting “dating partner (as
2 defined in section 2266),” after “a
3 spouse,” each place it appears;

4 (3) by redesignating paragraphs (34) and (35)
5 as paragraphs (35) and (36), respectively; and

6 (4) by inserting after paragraph (33) the fol-
7 lowing:

8 “(34)(A) The term ‘misdemeanor crime of stalking’
9 means an offense that is a stalking misdemeanor under
10 Federal, State, municipal, or Tribal law.

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

14 “(I) the person was represented by counsel in
15 the case, or knowingly and intelligently waived the
16 right to counsel in the case; and

17 “(II) in the case of a prosecution for an offense
18 described in this paragraph for which a person was
19 entitled to a jury trial in the jurisdiction in which
20 the case was tried, either—

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

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

1 “(ii) A person shall not be considered to have been
2 convicted of such an offense for purposes of this chapter
3 if the conviction has been expunged or set aside, or is an
4 offense for which the person has been pardoned or has
5 had civil rights restored (if the law of the applicable juris-
6 diction provides for the loss of civil rights under such an
7 offense) unless the pardon, expungement, or restoration
8 of civil rights expressly provides that the person may not
9 ship, transport, possess, or receive firearms.”.

10 (b) ADDITION OF STALKING.—Section 922 of title
11 18, United States Code, is amended—

12 (1) in subsection (d)—

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

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

17 (C) by inserting after paragraph (9) the
18 following:

19 “(10) has been convicted in any court of a mis-
20 demeanor crime of stalking.”; and

21 (2) in subsection (g)—

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

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

1 (C) by inserting after paragraph (9) the
2 following:

3 “(10) has been convicted in any court of a mis-
4 demeanor crime of stalking,”.

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