

115TH CONGRESS 2D SESSION

H. R. 6629

To authorize the Attorney General to make grants to States and units of local government to implement statutes, rules, policies, or procedures to authorize courts to issue relinquishment orders with respect to individuals charged with or convicted of a crime of domestic violence, or subject to a domestic violence protective order, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

July 26, 2018

Mr. Swalwell of California (for himself, Mr. Nadler, Mr. Cohen, Mr. Raskin, Ms. Clark of Massachusetts, Mrs. Napolitano, Ms. Titus, Mrs. Lawrence, Ms. Norton, Mrs. Watson Coleman, Mr. McNerney, Mr. McGovern, Mr. Brown of Maryland, Mr. Kennedy, Mr. Soto, and Mr. Gutiérrez) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To authorize the Attorney General to make grants to States and units of local government to implement statutes, rules, policies, or procedures to authorize courts to issue relinquishment orders with respect to individuals charged with or convicted of a crime of domestic violence, or subject to a domestic violence protective order, 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,

SECTION 1. SHORT TITLE.

- This Act may be cited as the "No Guns for Abusers
- 3 Act of 2018".
- 4 SEC. 2. GRANTS FOR STATE IMPLEMENTATION OF RELIN-
- 5 QUISHMENT STATUTES.
- 6 (a) AUTHORIZATION.—The Attorney General is au-
- 7 thorized to make grants to States or units of local govern-
- 8 ment that have in place a statute, rule, policy, or practice
- 9 that is the same as or substantially similar to the best
- 10 practices published by the Attorney General under this
- 11 Act, for the purpose of implementing such statute, admin-
- 12 istrative rule, policy, or practice.
- 13 (b) APPLICATION.—A jurisdiction seeking a grant
- 14 under this section shall submit to the Attorney General
- 15 an application at such time, in such manner, and con-
- 16 taining such information as the Attorney General may rea-
- 17 sonably require, and including the applicable statute, rule,
- 18 policy, or practice that the jurisdiction has enacted.
- 19 SEC. 3. REPORT AND RECOMMENDATIONS.
- 20 (a) In General.—Not later than 3 years after the
- 21 date of the enactment of this Act, Attorney General, act-
- 22 ing through the Director of the National Institute of Jus-
- 23 tice, shall prepare and submit a report to Congress on best
- 24 practices for statutes, rules, policies, and practices, which
- 25 provide a process by which individuals who are charged
- 26 with or convicted of a crime of domestic violence, or who

- 1 are subject to, or in violation of a domestic violence protec-
- 2 tive order, may be subject to relinquishment. Such report
- 3 shall include an analysis of the effect of reducing firearm
- 4 access for the individuals described in the previous sen-
- 5 tence on reducing domestic violence and homicide.
- 6 (b) Best Practices.—In preparing the report
- 7 under subsection (a), the Director shall examine and de-
- 8 termine the best practices for each of the following:
- 9 (1) The types of offenses or court orders for
- which relinquishment may be authorized.
- 11 (2) The level of discretion of a court in entering
- 12 a relinquishment order.
- 13 (3) The process courts use in determining
- whether relinquishment is appropriate for a par-
- ticular party.
- 16 (4) The process courts and law enforcement
- agencies use to determine whether an individual is in
- possession or control of firearms.
- 19 (5) The guidance provided to parties subject to
- relinquishment orders, as well as the manner of pro-
- viding guidance.
- 22 (6) The persons or entities to which firearms
- 23 may be relinquished, including whether any entity
- other than a law enforcement officer or licensed

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dealer under section 923 of title 18, United States

2	Code, may receive firearms.
3	(7) The person or entity which may store relin
4	quished firearms, including any criteria such a per
5	son or entity must meet, which may include a back
6	ground check.
7	(8) The period of time provided for an indi
8	vidual subject to a relinquishment order to comply
9	with the order.
10	(9) The manner of proof required to show a re
11	linquishment order is fulfilled.
12	(10) The power granted to a court or law en
13	forcement agency to compel compliance with a relin
14	quishment order.
15	(11) The manner in which relinquished firearms
16	may be safely and securely stored.
17	(12) The duration of a relinquishment order.
18	(13) Fees that may be charged by persons of
19	entities storing relinquished firearms to persons sub
20	ject to relinquishment orders.
21	(14) Considerations for returning, disposing of
22	or selling relinquished firearms.
23	(15) Criteria for returning a firearm to an indi
24	vidual subject to a relinquishment order.

- 1 (16) The extent to which victims of offenses 2 committed by the individual subject to the relin-3 quishment order, or individuals who are protected 4 from an individual subject to a domestic violence 5 protective order, should be notified when a firearm 6 is returned to the individual subject to the relin-7 quishment order.
 - (17) Precautions taken to ensure victim safety as a court gathers information necessary to issue a relinquishment order and a law enforcement officer executes the order.
 - (18) Procedural protections that are required to ensure that individuals who may be subject to a relinquishment order are provided due process at each stage of the process.
- 16 (c) REVIEW AND CONSULTATION.—In preparing the 17 report required under this section, the Director shall, at 18 a minimum—
- 19 (1) review Federal, State, and local statutes, 20 rules, policies, and practices that provide authority 21 for courts to enter relinquishment orders in effect on 22 the date of the enactment of this Act;
- 23 (2) review academic studies, including studies 24 analyzing the effectiveness of statutes, rules, poli-25 cies, and practices described in paragraph (1); and

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- 1 (3) meet with, and consider any facts and anal-
- 2 yses offered by, prosecutors, defense attorneys,
- judges, nonprofit organizations, Federal, State, and
- 4 local courts, Federal, State, and local law enforce-
- 5 ment agencies, and individuals with academic exper-
- 6 tise in relinquishment.
- 7 (d) Identification of Items for Further
- 8 Study.—In the report under this section, the Director
- 9 shall identify items for further study, relating to the effec-
- 10 tiveness of the best practices developed under subsection
- 11 (b).

12 SEC. 4. FURTHER STUDIES.

- 13 The Attorney General, acting through the Director
- 14 of the National Institute of Justice, shall enter into con-
- 15 tracts with nongovernmental entities to conduct studies
- 16 comparing statutes, administrative rules, policies and
- 17 practices to determine the relative effectiveness of such
- 18 statutes, rules, policies, and procedures in effectively pro-
- 19 viding for relinquishment. Not later than the date that is
- 20 10 years after the submission of the report under section
- 21 3, the Director shall submit to Congress not less than one
- 22 report including updates to the best practices based on
- 23 the studies conducted under this section.

SEC. 5. FEDERAL ADOPTION.

- 2 (a) STATUTE.—The Attorney General shall prepare
- 3 and submit to Congress recommendations for Federal leg-
- 4 islation in accordance with section 3.
- 5 (b) Rules; Policies and Practices.—To the ex-
- 6 tent authorized by law, the Attorney General shall make
- 7 rules, policies, and practices in accordance with the best
- 8 practices described in section 3.

9 SEC. 6. DEFINITIONS.

- 10 In this Act:
- 11 (1) The term "intimate partner" has the mean-
- ing given that term in section 921 of title 18, United
- 13 States Code.
- 14 (2) The term "dating partner" has the meaning
- given that term in section 2266 of title 18, United
- 16 States Code.
- 17 (3) The term "crime of domestic violence"
- means an offense that has, as an element, the use
- or attempted use of physical force, or the threatened
- use of a deadly weapon, committed by a current or
- 21 former spouse, intimate partner, dating partner,
- parent, or guardian of the victim, by a person with
- 23 whom the victim shares a child in common, by a per-
- son who is cohabiting with or has cohabited with the
- victim as a spouse, intimate partner, dating partner,
- parent, or guardian, or by a person similarly situ-

- ated to a spouse, intimate partner, dating partner,
 parent, or guardian of the victim.
 - (4) The term "domestic violence protective order" means a court order that restrains a person from harassing, stalking, or threatening an intimate partner or dating partner of such person or child of such intimate partner or dating partner or person, or engaging in other conduct that would place an intimate partner or dating partner in reasonable fear of bodily injury to the partner or child.
 - (5) The term "relinquishment" means the removal of a firearm (as such term is defined in section 921 of title 18, United States Code) or ammunition (as such term is defined in section 921 of title 18, United States Code) from a person's possession or control.
 - (6) The term "relinquishment order" means any mandate from a court requiring a person to be subject to relinquishment.

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