

117TH CONGRESS
1ST SESSION

S. 527

To protect victims of stalking from gun violence.

IN THE SENATE OF THE UNITED STATES

MARCH 2 (legislative day, MARCH 1), 2021

Ms. KLOBUCHAR (for herself, Mrs. FEINSTEIN, Ms. HIRONO, Mr. DURBIN, Mr. LEAHY, Mr. WHITEHOUSE, Mr. COONS, Mr. BLUMENTHAL, Mr. BOOKER, Mr. PADILLA, Ms. BALDWIN, Mr. BENNET, Mr. BROWN, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Ms. DUCKWORTH, Mrs. GILLIBRAND, Ms. HASSAN, Mr. HEINRICH, Mr. KAINE, Mr. KING, Mr. MARKEY, Mr. MENENDEZ, Mr. MERKLEY, Mr. MURPHY, Mr. PETERS, Mr. REED, Ms. ROSEN, Mr. SANDERS, Mrs. SHAHEEN, Ms. SMITH, Ms. STABENOW, Mr. TESTER, Mr. VAN HOLLEN, Mr. WARNER, Ms. WARREN, and Mr. WYDEN) 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 2021”.

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

2 **SUBJECT TO RESTRAINING ORDERS.**

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

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

7 “(32) The term ‘intimate partner’—

8 “(A) means with respect to a person, the spouse
9 of the person, a former spouse of the person, an in-
10 dividual who is a parent of a child of the person, and
11 an individual who cohabitates or has cohabited with
12 the person; and

13 “(B) includes—

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

16 “(ii) any other person similarly situated to
17 a spouse who is protected by the domestic or
18 family violence laws of the State or tribal juris-
19 diction in which the injury occurred or where
20 the victim resides.”;

21 (2) in paragraph (33)(A)—

22 (A) in clause (i), by inserting “municipal,”
23 after “State,”; and

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

1 (3) by redesignating paragraphs (34) and (35)
 2 as paragraphs (35) and (36), respectively; and

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

5 “(34)(A) The term ‘misdemeanor crime of stalking’
 6 means an offense that is—

7 “(i) a misdemeanor crime of stalking under
 8 Federal, State, municipal, or Tribal law; and

9 “(ii) a course of harassment, intimidation or
 10 surveillance of another person that—

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

13 “(aa) that person;

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

16 “(cc) a household member of that per-
 17 son; or

18 “(dd) a spouse or intimate partner of
 19 that person; or

20 “(II) causes, attempts to cause, or would
 21 reasonably be expected to cause emotional dis-
 22 tress to a person described in item (aa), (bb),
 23 (cc), or (dd) of subclause (I).

1 “(B) A person shall not be considered to have been
2 convicted of such an offense for purposes of this chapter,
3 unless—

4 “(i) the person was represented by counsel in
5 the case, or knowingly and intelligently waived the
6 right to counsel in the case; and

7 “(ii) in the case of a prosecution for an offense
8 described in this paragraph for which a person was
9 entitled to a jury trial in the jurisdiction in which
10 the case was tried, either

11 “(I) the case was tried by a jury, or

12 “(II) the person knowingly and intel-
13 ligently waived the right to have the case tried
14 by a jury, by guilty plea or otherwise.

15 “(C) A person shall not be considered to have been
16 convicted of such an offense for purposes of this chapter
17 if the conviction has been expunged or set aside, or is an
18 offense for which the person has been pardoned or has
19 had civil rights restored (if the law of the applicable juris-
20 diction provides for the loss of civil rights under such an
21 offense) unless the pardon, expungement, or restoration
22 of civil rights expressly provides that the person may not
23 ship, transport, possess, or receive firearms.”.

1 **SEC. 3. PROHIBITING STALKERS FROM POSSESSING A**
 2 **FIREARM.**

3 Section 922 of title 18, United States Code, is
 4 amended—

5 (1) in subsection (d)—

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

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

10 (C) by inserting after paragraph (9) the
 11 following:

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

14 (2) in subsection (g)—

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

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

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

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

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