

116TH CONGRESS
1ST SESSION

H. R. 569

To protect victims of stalking from gun violence.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 15, 2019

Mrs. DINGELL (for herself, Mr. FITZPATRICK, Mr. TAKANO, Mr. TONKO, Mr. VARGAS, Ms. VELÁZQUEZ, Ms. WASSERMAN SCHULTZ, Mr. WELCH, Mr. SWALWELL of California, Mr. DESAULNIER, Miss GONZÁLEZ-COLÓN of Puerto Rico, Ms. WILSON of Florida, Ms. ADAMS, Mrs. BEATTY, Mr. BERA, Mr. BEYER, Mr. BLUMENAUER, Mr. BRENDAN F. BOYLE of Pennsylvania, Ms. BROWNLEY of California, Mr. CARBAJAL, Mr. CARSON of Indiana, Mr. CARTWRIGHT, Ms. CASTOR of Florida, Mr. CICILLINE, Ms. CLARK of Massachusetts, Ms. CLARKE of New York, Mr. CLEAVER, Mr. COHEN, Mr. COOPER, Mr. CORREA, Mr. COURTNEY, Mr. CRIST, Mr. CUMMINGS, Mrs. DAVIS of California, Mr. DEFazio, Ms. DELAURO, Ms. DELBENE, Mrs. DEMINGS, Mr. DEUTCH, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. ENGEL, Ms. ESHOO, Mr. ESPAILLAT, Mr. FOSTER, Ms. FRANKEL, Mr. GOMEZ, Mr. GRIJALVA, Mr. HASTINGS, Mr. HIGGINS of New York, Ms. NORTON, Ms. JAYAPAL, Mr. JEFFRIES, Mr. JOHNSON of Georgia, Ms. KAPTUR, Ms. KELLY of Illinois, Mr. KENNEDY, Mr. KHANNA, Mr. KING of New York, Mr. KRISHNAMOORTHY, Ms. KUSTER of New Hampshire, Mr. LAMB, Mr. LANGEVIN, Mr. LEWIS, Mr. TED LIEU of California, Mr. LIPINSKI, Ms. LOFGREN, Mr. LOWENTHAL, Mrs. LOWEY, Mr. LUJÁN, Mr. LYNCH, Mrs. CAROLYN B. MALONEY of New York, Mr. SEAN PATRICK MALONEY of New York, Mr. MAST, Ms. MATSUI, Ms. MCCOLLUM, Mr. MCEACHIN, Mr. MCGOVERN, Mr. MCNERNEY, Mr. MEEKS, Ms. MENG, Ms. MOORE, Mr. MOULTON, Mr. NADLER, Mrs. NAPOLITANO, Mr. O'HALLERAN, Mr. PALLONE, Mr. PANETTA, Mr. PASCRELL, Mr. PERLMUTTER, Mr. PETERS, Ms. PINGREE, Mr. POCAN, Mr. QUIGLEY, Mr. RASKIN, Miss RICE of New York, Ms. ROYBAL-ALLARD, Mr. RUIZ, Mr. RUSH, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SCHNEIDER, Mr. SCHRADER, Mr. SERRANO, Mr. SIRES, Mr. SMITH of Washington, Mr. SOTO, Ms. SPEIER, and Mr. SUOZZI) introduced the following bill; which was 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 “Zero Tolerance for Do-
 5 mestic Abusers 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—

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

12 “(32) The term ‘intimate partner’—

13 “(A) means with respect to a person, the spouse
 14 of the person, a former spouse of the person, an in-
 15 dividual who is a parent of a child of the person, and
 16 an individual who cohabitates or has cohabited with
 17 the person; and

18 “(B) includes—

19 “(i) a dating partner (as defined in section
 20 2266); and

21 “(ii) any other person similarly situated to
 22 a spouse.”;

23 (2) in paragraph (33)(A)—

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

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

6 (C) in clause (ii)—

7 (i) by inserting “dating partner (as
8 defined in section 2266),” after “former
9 spouse,”; and

10 (ii) by inserting “dating partner (as
11 defined in section 2266),” after “a
12 spouse,” each place it appears;

13 (3) by redesignating paragraphs (34) and (35)
14 as paragraphs (35) and (36), respectively; and

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

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

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

23 “(I) the person was represented by counsel in
24 the case, or knowingly and intelligently waived the
25 right to counsel in the case; and

1 “(II) in the case of a prosecution for an offense
 2 described in this paragraph for which a person was
 3 entitled to a jury trial in the jurisdiction in which
 4 the case was tried, either

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

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

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

18 (b) ADDITION OF STALKING.—Section 922 of title
 19 18, United States Code, is amended—

20 (1) in subsection (d)—

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

23 (B) in paragraph (9), by striking the pe-
 24 riod 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.”; and

5 (2) in subsection (g)—

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

8 (B) in paragraph (9), by striking the
9 comma 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,”.

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