

117TH CONGRESS
1ST SESSION

S. 763

To amend title 18, United States Code, to protect more victims of domestic violence by preventing their abusers from possessing or receiving firearms, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 16, 2021

Mr. BLUMENTHAL (for himself, Mr. MURPHY, Mr. DURBIN, Mrs. FEINSTEIN, Ms. HASSAN, Mr. VAN HOLLEN, Mr. MARKEY, Ms. SMITH, Mrs. SHAHEEN, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Ms. DUCKWORTH, Mr. SANDERS, Mr. WYDEN, Ms. BALDWIN, Mr. MENENDEZ, Mr. CASEY, Mr. COONS, Mrs. MURRAY, Ms. WARREN, Mr. BOOKER, Ms. HIRONO, and Mrs. GILLIBRAND) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to protect more victims of domestic violence by preventing their abusers from possessing or receiving 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 “Lori Jackson Domestic
5 Violence Survivor Protection Act”.

1 **SEC. 2. DEFINITIONS OF “INTIMATE PARTNER” AND “MIS-**
 2 **DEMEANOR CRIME OF DOMESTIC VIOLENCE”**
 3 **EXPANDED.**

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

6 (1) by inserting before paragraph (32) the fol-
 7 lowing:

8 “(31) The term ‘covered domestic violence court
 9 order’ means a court order—

10 “(A) that was issued—

11 “(i) after a hearing of which such per-
 12 son received actual notice, and at which
 13 such person had an opportunity to partici-
 14 pate; or

15 “(ii) in the case of an ex parte order,
 16 relative to which notice and opportunity to
 17 be heard are provided—

18 “(I) within the time required by
 19 State, tribal, or territorial law; and

20 “(II) in any event within a rea-
 21 sonable time after the order is issued,
 22 sufficient to protect the due process
 23 rights of the person;

24 “(B) that restrains such person from—

25 “(i) harassing, stalking, or threat-
 26 ening an intimate partner of such person

1 or child of such intimate partner or person,
2 or engaging in other conduct that would
3 place an intimate partner in reasonable
4 fear of bodily injury to the partner or
5 child; or

6 “(ii) intimidating or dissuading a wit-
7 ness from testifying in court; and

8 “(C) that—

9 “(i) includes a finding that such per-
10 son represents a credible threat to the
11 physical safety of such individual described
12 in subparagraph (B); or

13 “(ii) by its terms explicitly prohibits
14 the use, attempted use, or threatened use
15 of physical force against such individual
16 described in subparagraph (B) that would
17 reasonably be expected to cause bodily in-
18 jury.”;

19 (2) in paragraph (32), by striking all that fol-
20 lows after “The term ‘intimate partner’” and insert-
21 ing the following: “—

22 “(A) means, with respect to a person, the
23 spouse of the person, a former spouse of the person,
24 an individual who is a parent of a child of the per-

son, and an individual who cohabitates or has
cohabited with the person; and

“(B) includes—

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

“(ii) any other person similarly situated to
a spouse who is protected by the domestic or
family violence laws of the State, local, or tribal
jurisdiction in which the injury occurred or
where the victim resides.”; and

(3) in paragraph (33)(A)—

(A) in clause (i), by inserting after “Fed-
eral, State,” the following: “municipal,”; and

(B) in clause (ii)—

(i) by striking “or the threatened”
and inserting “the threatened”;

(ii) by inserting “or stalking” after
“deadly weapon”; and

(iii) by inserting “dating partner (as
defined in section 2266),” after “spouse,”
each place it appears.

**SEC. 3. UNLAWFUL SALE OF FIREARM TO A PERSON SUB-
JECT TO COURT ORDER.**

Section 922(d)(8) of title 18, United States Code, is
amended to read as follows:

1 “(8) is subject to a covered domestic violence
2 court order; or”.

3 **SEC. 4. LIST OF PERSONS SUBJECT TO A RESTRAINING OR**
4 **SIMILAR ORDER PROHIBITED FROM POS-**
5 **SESSING OR RECEIVING A FIREARM EX-**
6 **PANDED.**

7 Section 922(g)(8) of title 18, United States Code, is
8 amended to read as follows:

9 “(8) who is subject to a covered domestic vio-
10 lence court order; or”.

11 **SEC. 5. TECHNICAL AND CONFORMING AMENDMENTS.**

12 The NICS Improvement Amendments Act of 2007
13 (34 U.S.C. 40902 et seq.) is amended—

14 (1) in section 3(1) (34 U.S.C. 40903(1)), by
15 striking “court order (as described in section
16 922(g)(8)” and inserting “covered domestic violence
17 court order (as defined in section 921(a)”;

18 (2) in section 102(b)(1)(C)(v) (34 U.S.C.
19 40912(b)(1)(C)(v)), by striking “court order de-
20 scribed in section 922(g)(8)” and inserting “covered
21 domestic violence court order, as defined in section
22 921(a)”.

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