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(Original Signature of Member)

115TH CONGRESS
2D SESSION

H. R. _____

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

Mr. SWALWELL of California introduced the following bill; which was referred to the Committee on _____

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,*

1 **SECTION 1. SHORT TITLE.**

2 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
10 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
14 whether relinquishment is appropriate for a par-
15 ticular party.

16 (4) The process courts and law enforcement
17 agencies use to determine whether an individual is
18 possession or control of firearms.

19 (5) The guidance provided to parties subject to
20 relinquishment orders, as well as the manner of pro-
21 viding guidance.

22 (6) The persons or entities to which firearms
23 may be relinquished, including whether any entity
24 other than a law enforcement officer or licensed

1 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 or
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.

8 (17) Precautions taken to ensure victim safety
9 as a court gathers information necessary to issue a
10 relinquishment order and a law enforcement officer
11 executes the order.

12 (18) Procedural protections that are required to
13 ensure that individuals who may be subject to a re-
14 linquishment order are provided due process at each
15 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,

1 (3) meet with, and consider any facts and anal-
2 yses offered by, prosecutors, defense attorneys,
3 judges, non-profit 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 prac-
17 tices to determine the relative effectiveness of such stat-
18 utes, rules, policies, and procedures in effectively providing
19 for relinquishment. Not later than the date that is 10
20 years after the submission of the report under section 3,
21 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.

1 **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-
12 ing given that term in section 921 of title 18, United
13 States Code.

14 (2) The term “dating partner” has the meaning
15 given that term in section 2266 of title 18, United
16 States Code.

17 (3) The term “crime of domestic violence”
18 means an offense that has, as an element, the use
19 or attempted use of physical force, or the threatened
20 use of a deadly weapon, committed by a current or
21 former spouse, intimate partner, dating partner,
22 parent, or guardian of the victim, by a person with
23 whom the victim shares a child in common, by a per-
24 son who is cohabiting with or has cohabited with the
25 victim as a spouse, intimate partner, dating partner,
26 parent, or guardian, or by a person similarly situ-

1 ated to a spouse, intimate partner, dating partner,
2 parent, or guardian of the victim

3 (4) The term “domestic violence protective
4 order” means a court order that restrains a person
5 from harassing, stalking, or threatening an intimate
6 partner or dating partner of such person or child of
7 such intimate partner or dating partner or person,
8 or engaging in other conduct that would place an in-
9 timate partner or dating partner in reasonable fear
10 of bodily injury to the partner or child

11 (5) The term “relinquishment” means the re-
12 moval of a firearm (as such term is defined in sec-
13 tion 921 of title 18, United States Code) or ammuni-
14 tion (as such term is defined in section 921 of title
15 18, United States Code) from a person’s possession
16 or control.

17 (6) The term “relinquishment order” means
18 any mandate from a court requiring a person to be
19 subject to relinquishment.