

118TH CONGRESS
1ST SESSION

S. 321

To amend title 18, United States Code, to define intimate partner to include someone with whom there is or was a dating relationship, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 9, 2023

Ms. KLOBUCHAR (for herself, Mrs. FEINSTEIN, and Ms. HIRONO) 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 define intimate partner to include someone with whom there is or was a dating relationship, 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 “Strengthening Protec-
5 tions for Domestic Violence and Stalking Survivors Act
6 of 2023”.

7 **SEC. 2. ADDRESSING INTIMATE PARTNER VIOLENCE.**

8 (a) INCLUSION OF CURRENT AND FORMER DATING
9 PARTNERS IN DEFINITION OF “INTIMATE PARTNER”.—

1 Section 921(a) of title 18, United States Code, is amend-
2 ed—

3 (1) in paragraph (32)—

4 (A) by striking “and an individual” and in-
5 serting “an individual”; and

6 (B) by inserting before the period at the
7 end the following: “, an individual who is or
8 was in a dating relationship with the person, or
9 any other individual similarly situated to a
10 spouse, including an individual who is protected
11 by the domestic or family violence laws of the
12 State or Tribal jurisdiction in which the abuse
13 occurred or the victim resides”;

14 (2) by striking paragraph (37)(A) and inserting
15 the following:

16 “(37)(A) The term ‘dating relationship’ means a rela-
17 tionship between individuals who have or have had, or in
18 the case of a misdemeanor crime of domestic violence have
19 or have recently had, a continuing serious relationship of
20 a romantic or intimate nature.”; and

21 (3) in paragraph (37)(C), by striking “dating
22 relationship” and inserting “continuing serious rela-
23 tionship”.

1 (b) NEW PROHIBITOR FOR MISDEMEANOR CRIMES
2 OF STALKING.—Chapter 44 of title 18, United States
3 Code, is amended—

4 (1) in section 921(a), by adding at the end the
5 following:

6 “(38)(A) Except as provided in subparagraphs (B)
7 and (C), the term ‘misdemeanor crime of stalking’ means
8 an offense that—

9 “(i) is a misdemeanor under Federal, State,
10 Tribal, or local law; and

11 “(ii) has, as an element, a course of harass-
12 ment, intimidation, or surveillance that—

13 “(I) places a person in reasonable fear of
14 actual harm to the health or safety of—

15 “(aa) that person;

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

18 “(cc) an individual who shares or has
19 shared a residence with that person, with-
20 out regard to whether the individual is re-
21 lated to that person;

22 “(dd) an intimate partner of that per-
23 son; or

1 “(ee) the pet, service animal, or emo-
2 tional support animal (as those terms are
3 defined in section 2266) of that person; or

4 “(II) causes, attempts to cause, or would
5 reasonably be expected to cause emotional dis-
6 tress to a person described in item (aa), (bb),
7 (cc), or (dd) of subclause (I).

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

11 “(i) the person was represented by counsel in
12 the case, or knowingly and intelligently waived the
13 right to counsel in the case; and

14 “(ii) in the case of a prosecution for an offense
15 described in this paragraph for which a person was
16 entitled to a jury trial in the jurisdiction in which
17 the case was tried, either—

18 “(I) the case was tried by a jury; or

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

22 “(C) A person shall not be considered to have been
23 convicted of such an offense for purposes of this chapter
24 if the conviction has been expunged or set aside, or is an
25 offense for which the person has been pardoned or has

1 had civil rights restored (if the law of the applicable juris-
2 diction provides for the loss of civil rights under such an
3 offense) unless the pardon, expungement, or restoration
4 of civil rights expressly provides that the person may not
5 ship, transport, possess, or receive firearms.”; and

6 (2) in section 922—

7 (A) in subsection (d)—

8 (i) by redesignating paragraphs (10)
9 and (11) as paragraphs (11) and (12), re-
10 spectively;

11 (ii) by inserting after paragraph (9)
12 the following:

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

15 (iii) in paragraph (12), as so redesign-
16 ated, by striking “(10)” and inserting
17 “(11)”; and

18 (B) in subsection (g)—

19 (i) in paragraph (8), by striking “or”
20 at the end;

21 (ii) in paragraph (9), by striking the
22 comma at the end and inserting “; or”;
23 and

24 (iii) by inserting after paragraph (9)
25 the following:

1 “(10) has been convicted in any court of a mis-
2 demeanor crime of stalking,”.

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