

118TH CONGRESS  
1ST SESSION

# H. R. 6405

To amend title 18, United States Code, to protect more victims of domestic violence by preventing their abusers from possessing or receiving firearms and to amend the Omnibus Crime Control and Safe Streets Act of 1968 to establish a grant program relating to the removal of firearms from adjudicated domestic violence offenders, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 14, 2023

Mr. HIMES (for himself, Ms. LEE of California, Mr. JOHNSON of Georgia, Ms. NORTON, Mr. DAVIS of Illinois, Ms. JACKSON LEE, Mr. CASTRO of Texas, Ms. WILLIAMS of Georgia, Mr. MORELLE, Ms. JAYAPAL, Mr. NEGUSE, Ms. ROSS, Ms. TITUS, Mr. RASKIN, Ms. PETTERSEN, Mr. PETERS, Ms. CLARKE of New York, Mrs. HAYES, Mr. GRIJALVA, and Mr. CROW) introduced the following bill; which was referred to the Committee on the Judiciary

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## 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 to amend the Omnibus Crime Control and Safe Streets Act of 1968 to establish a grant program relating to the removal of firearms from adjudicated domestic violence offenders, 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 “Lori Jackson-Nicolette  
3 Elias Domestic Violence Survivor Protection Act”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) Congress has the responsibility to keep the  
7 populace of the United States safe, and domestic  
8 gun violence is a significant threat to the well-being  
9 of the United States.

10 (2) Each year in the United States, more than  
11 800 women are shot and killed by an intimate part-  
12 ner. More women are killed in the United States by  
13 domestic partners than by any other type of assail-  
14 ant, and most of these homicides are committed with  
15 firearms.

16 (3) Approximately 4,500,000 women alive in  
17 the United States today report having been threat-  
18 ened with a gun by a domestic partner.

19 (4) Almost two-thirds of intimate partner homi-  
20 cides in the United States are committed with a fire-  
21 arm. If a woman has an abusive male partner who  
22 has access to a firearm, the woman is 5 times more  
23 likely to be killed than she would be if the abusive  
24 male partner did not have access to a firearm, and  
25 domestic violence assaults involving a gun are 12  
26 times more likely to result in death than domestic vi-

1        olence assaults involving other weapons or bodily  
2        force.

3            (5) Perpetrators of intimate partner violence  
4        are far more likely to commit additional acts of gun  
5        violence. Nearly half of all mass shooters have com-  
6        mitted acts of domestic violence.

7            (6) Victims of intimate partner violence often  
8        pursue restraining orders as a means of protection  
9        in the immediate aftermath of, or in conjunction  
10       with, leaving dangerous partners and situations.  
11       This time period is especially dangerous for victims.

12           (7) Although individuals against whom there is  
13        a domestic violence restraining order are barred  
14        from purchasing a firearm under section 922(g)(8)  
15        of title 18, United States Code, various loopholes in  
16        that section allow perpetrators to purchase and  
17        maintain possession of firearms. For example, Fed-  
18        eral law only protects domestic violence victims  
19        against spouses, former spouses, cohabitants, former  
20        cohabitants, and individuals with whom those vic-  
21        tims have a child. Furthermore, under Federal law,  
22        protective orders issued against domestic violence  
23        abusers on an emergency or ex parte basis do not  
24        prohibit those abusers from possessing or purchasing  
25        firearms.

1           (8) Some States and local governments have  
2           passed laws that go beyond the Federal baseline by  
3           expanding the range of abusive partners included in  
4           firearm restrictions to encompass abusive dating  
5           partners. Numerous studies conducted between 2000  
6           and 2017 have shown that States that pass these  
7           laws experience a significant reduction in intimate  
8           partner homicides.

9           (9) States that restrict access to guns to indi-  
10          viduals subject to active domestic violence restrain-  
11          ing orders have experienced a 13-percent reduction  
12          in intimate partner homicides involving firearms.

13          (10) Congress has the power to set a national  
14          standard to protect domestic violence victims who  
15          seek restraining orders against abusive partners by  
16          preventing those abusive partners from possessing or  
17          purchasing firearms and ammunition while the re-  
18          straining order is in effect.

19 **SEC. 3. EXPANDED DEFINITIONS OF “COVERED DOMESTIC**  
20 **VIOLENCE COURT ORDER” AND “INTIMATE**  
21 **PARTNER”.**

22          Section 921(a) of title 18, United States Code, is  
23          amended—

24                 (1) by inserting before paragraph (32) the fol-  
25          lowing:

1           “(31) The term ‘covered domestic violence court  
2 order’ means a court order, with respect to a per-  
3 son—

4           “(A)(i) that was issued after a hearing of  
5 which the person received actual notice, and at  
6 which the person had an opportunity to partici-  
7 pate; or

8           “(ii) in the case of an ex parte order, rel-  
9 ative to which notice and opportunity to be  
10 heard are provided—

11           “(I) within the time required by  
12 State, Tribal, or territorial law; and

13           “(II) in any event within a reasonable  
14 time after the order is issued, sufficient to  
15 protect the due process rights of the per-  
16 son;

17           “(B) that restrains the person from—

18           “(i) harassing, stalking, or threat-  
19 ening an intimate partner of the person or  
20 child of the intimate partner or person, or  
21 engaging in other conduct that would place  
22 an intimate partner in reasonable fear of  
23 bodily injury to the partner or child; or

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

1 “(C) that—

2 “(i) includes a finding that the person  
3 represents a credible threat to the physical  
4 safety of an individual described in sub-  
5 paragraph (B); or

6 “(ii) by its terms explicitly prohibits  
7 the use, attempted use, or threatened use  
8 of physical force against an individual de-  
9 scribed in subparagraph (B) that would  
10 reasonably be expected to cause bodily in-  
11 jury.”;

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

15 “(A) means, with respect to a person, the  
16 spouse of the person, a former spouse of the person,  
17 an individual who is a parent of a child of the per-  
18 son, and an individual who cohabitates or has  
19 cohabited with the person; and

20 “(B) includes—

21 “(i) a dating partner (as defined in section  
22 2266) or former dating partner; and

23 “(ii) any other individual similarly situated  
24 to a spouse who is protected by the domestic or  
25 family violence laws of the State, local, or Trib-

1 al jurisdiction in which the injury occurred or  
2 where the victim resides.”; and

3 (3) in paragraph (33)(A)—

4 (A) in clause (i), by inserting after “Federal,  
5 State,” the following: “municipal,”; and

6 (B) by amending clause (ii) to read as follows:  
7

8 “(ii) has, as an element, the use or attempted  
9 use of physical force, or the threatened use of a  
10 deadly weapon, or that is classified as stalking,  
11 committed by—

12 “(I) a current or former spouse,  
13 parent, or guardian of the victim;

14 “(II) a person with whom the  
15 victim shares a child in common;

16 “(III) a person who is cohabiting  
17 with or has cohabited with the victim  
18 as a spouse, parent, or guardian;

19 “(IV) a person similarly situated  
20 to a spouse, parent, or guardian of  
21 the victim;

22 “(V) a person who is or was a  
23 dating partner of the victim; or

1                   “(VI) a person who is or was a  
2                   dating partner of the victim’s parent  
3                   or guardian.”.

4 **SEC. 4. UNLAWFUL SALE OF FIREARM TO A PERSON SUB-**  
5 **JECT TO COURT ORDER.**

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

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

10 **SEC. 5. LIST OF PERSONS SUBJECT TO A RESTRAINING OR**  
11 **SIMILAR ORDER PROHIBITED FROM POS-**  
12 **SESSING OR RECEIVING A FIREARM EX-**  
13 **PANDED.**

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

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

18 **SEC. 6. GRANT PROGRAM REGARDING THE REMOVAL OF**  
19 **FIREARMS FROM ADJUDICATED DOMESTIC**  
20 **VIOLENCE PARTIES.**

21           (a) AMENDMENT.—Title I of the Omnibus Crime  
22 Control and Safe Streets Act of 1968 (34 U.S.C. 10101  
23 et seq.) is amended by adding at the end the following:



1 **“PART PP—GRANT PROGRAM REGARDING RE-**  
2 **MOVAL OF FIREARMS FROM ADJUDICATED**  
3 **DOMESTIC VIOLENCE PARTIES**

4 **“SEC. 3061. DEFINITIONS.**

5 “In this part:

6 “(1) **AMMUNITION; FIREARM.**—The terms ‘am-  
7 munition’ and ‘firearm’ have the meanings given  
8 those terms in section 921 of title 18, United States  
9 Code.

10 “(2) **COVERED ENTITY.**—The term ‘covered en-  
11 tity’ means—

12 “(A) a State;

13 “(B) an Indian Tribe; or

14 “(C) a unit of local government.

15 “(3) **DOMESTIC VIOLENCE PROTECTION**  
16 **ORDER.**—The term ‘domestic violence protection  
17 order’ has the meaning given the term ‘covered do-  
18 mestic violence court order’ in section 921 of title  
19 18, United States Code.

20 **“SEC. 3062. GRANT PROGRAM.**

21 “(a) **AUTHORITY TO MAKE GRANTS.**—The Attorney  
22 General may make grants to covered entities to assist the  
23 covered entities in carrying out the policies, procedures,  
24 protocols, laws, court rules, or regulations described in  
25 section 3063.

26 “(b) **ELIGIBLE COVERED ENTITY.**—

1           “(1) IN GENERAL.—A covered entity shall be  
2 eligible to receive a grant under this section on and  
3 after the date on which the Attorney General deter-  
4 mines that the covered entity has in effect policies,  
5 procedures, protocols, laws, court rules, or regula-  
6 tions that are substantially similar to the policies,  
7 procedures, laws, court rules, or regulations de-  
8 scribed in section 3063.

9           “(2) DETERMINATION.—In making a deter-  
10 mination under paragraph (1), the Attorney General  
11 may consider policies, procedures, protocols, laws,  
12 court rules, or regulations of a covered entity to be  
13 substantially similar to the policies, procedures,  
14 laws, courts rules, or regulations described in section  
15 3063 even if the policies, procedures, protocols, laws,  
16 court rules, or regulations of the covered entity—

17                   “(A) vary in scope;

18                   “(B) prescribe different types of protective  
19 orders or firearm surrender orders; or

20                   “(C) provide different timing requirements.

21           “(c) USE OF FUNDS.—Grant funds awarded under  
22 this section may be used by a covered entity—

23                   “(1) to assist law enforcement agencies or  
24 courts of the covered entity in carrying out the poli-

1       cies, procedures, protocols, laws, court rules, or reg-  
2       ulations described in section 3063; and

3           “(2) in order to ensure the safety of domestic  
4       violence victims after a domestic violence protection  
5       order is issued in accordance with the policies, pro-  
6       cedures, protocols, laws, court rules, or regulations  
7       described in section 3063, to partner with and pro-  
8       vide support to not less than 1 domestic violence vic-  
9       tim service provider, which may include an organiza-  
10      tion that is a culturally specific organization.

11      “(d) APPLICATION.—

12           “(1) IN GENERAL.—A covered entity desiring a  
13      grant under this section shall submit to the Attorney  
14      General an application at such time, in such man-  
15      ner, and containing or accompanied by such infor-  
16      mation as the Attorney General may reasonably re-  
17      quire.

18           “(2) CONTENTS.—An application submitted  
19      under this subsection shall include a description of  
20      an action plan of the covered entity to establish a  
21      partnership described in subsection (c)(2).

22      **“SEC. 3063. STATE AND TRIBAL POLICIES AND PROCE-**  
23           **DURES.**

24           “The policies, procedures, protocols, laws, court rules,  
25      or regulations described in this section are policies, proce-

1 dures, protocols, laws, court rules, or regulations relating  
2 to the possession of a firearm or ammunition that—

3 “(1) direct a court, upon the issuance of a do-  
4 mestic violence protection order, to issue an addi-  
5 tional order (referred to in this section as a ‘firearm  
6 surrender order’) that—

7 “(A) is in effect for the duration of the do-  
8 mestic violence protection order;

9 “(B) automatically terminates upon the ex-  
10 piration of the domestic violence protection  
11 order;

12 “(C) requires—

13 “(i) the individual subject to the fire-  
14 arm surrender order to, not later than 24  
15 hours after the firearm surrender order is  
16 served, surrender physical possession of all  
17 firearms and ammunition in the posses-  
18 sion, care, custody, or control of the indi-  
19 vidual, including any firearm that the indi-  
20 vidual has entrusted or lent to a third  
21 party, by either—

22 “(I) surrendering the firearms  
23 and ammunition to the chief law en-  
24 forcement officer of the district in  
25 which the individual resides or a law

1 enforcement agency designated by the  
2 State or Indian Tribe to receive and  
3 store firearms and ammunition; or

4 “(II) selling the firearms and  
5 ammunition to a licensed dealer (as  
6 defined in section 921 of title 18,  
7 United States Code); or

8 “(ii) the chief law enforcement officer  
9 of the district in which the individual re-  
10 sides or a law enforcement agency des-  
11 ignated by the State or Indian Tribe to re-  
12 ceive and store firearms and ammunition  
13 to, not later than 24 hours after the fire-  
14 arm surrender order is served, request the  
15 surrender of and remove and store any  
16 firearm or ammunition in the possession,  
17 care, custody, or control of the individual,  
18 including firearms and ammunition that  
19 the individual has entrusted or lent to a  
20 third party;

21 “(D) prohibits the individual from pur-  
22 chasing, possessing, or receiving, or attempting  
23 to purchase or receive, a firearm or ammunition  
24 for the period of time during which the firearm  
25 surrender order is in effect;

1           “(E) revokes any permit or license of the  
2 individual to purchase, possess or carry a fire-  
3 arm or ammunition for the period of time dur-  
4 ing which the firearm surrender order is in ef-  
5 fect; and

6           “(F) requires the individual subject to the  
7 firearm surrender order to, not later than 48  
8 hours after the firearm surrender order is  
9 served by a court, file with the court—

10           “(i) a declaration under penalty of  
11 perjury that—

12           “(I) the individual has made the  
13 surrender described in subparagraph  
14 (C)(i);

15           “(II) the chief law enforcement  
16 officer of the district in which the in-  
17 dividual resides has conducted the re-  
18 moval described in subparagraph  
19 (C)(ii); or

20           “(III) the individual did not pos-  
21 sess any firearm or ammunition at the  
22 time of the issuance and service of the  
23 firearm surrender order and continues  
24 to not possess any firearms or ammu-  
25 nition; and

1           “(ii) an itemized receipt of any fire-  
2 arms or ammunition surrendered by the  
3 individual subject to the firearm surrender  
4 order under subparagraph (C)(i), or re-  
5 moved by a chief law enforcement officer  
6 from that individual under subparagraph  
7 (C)(ii), that is signed by the individual who  
8 took possession of those firearms or am-  
9 munition;

10           “(2) in the case of an individual who does not  
11 comply with paragraph (1)(C)(i), and where there  
12 are reasonable grounds to believe that the individual  
13 possesses or has purchased a firearm, require the  
14 chief law enforcement officer or designated law en-  
15 forcement agency described in paragraph (1)(C)(ii)  
16 to remove any firearm or ammunition from the indi-  
17 vidual;

18           “(3) requires a chief law enforcement officer or  
19 designated law enforcement agency that conducts a  
20 removal under paragraph (1)(C)(ii) or (2) or re-  
21 ceives a firearm or ammunition surrendered by an  
22 individual under paragraph (1)(C)(i)(I) to, not later  
23 than 48 hours after conducting the removal or re-  
24 ceiving the surrendered firearm or ammunition, no-  
25 tify the court of the removal or surrender;

1           “(4) with respect to a firearm or ammunition  
2 that is surrendered under paragraph (1)(C)(i) or  
3 any firearm or ammunition removed under para-  
4 graph (1)(C)(ii) or (2), require the law enforcement  
5 agency to which the firearm or ammunition is sur-  
6 rendered or that removes any firearm or ammunition  
7 to—

8           “(A) safely store the firearm or ammuni-  
9 tion; and

10           “(B) at the request of the individual sub-  
11 ject to the firearm surrender order, not later  
12 than 7 days after the date on which the domes-  
13 tic violence protection order described in para-  
14 graph (1) expires or is removed—

15           “(i) perform a background check on  
16 the individual subject to the firearm sur-  
17 render order to determine whether the in-  
18 dividual is prohibited from possessing or  
19 receiving a firearm under Federal or State  
20 law; and

21           “(ii) return the firearm or ammuni-  
22 tion to the individual subject to the firearm  
23 surrender order if the individual is not pro-  
24 hibited from possessing or receiving a fire-



1 arm under Federal, State, or Tribal law;  
2 and

3 “(5) require the courts and relevant law en-  
4 forcement agencies to partner with and provide sup-  
5 port for local domestic violence programs in order to  
6 ensure the safety of victims of domestic violence  
7 after the issuance of a firearm surrender order.”.

8 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
9 1001(a) of title I of the Omnibus Crime Control and Safe  
10 Streets Act of 1968 (34 U.S.C. 10261) is amended by  
11 adding at the end the following:

12 “(29) There are authorized to be appropriated such  
13 sums as are necessary to carry out part PP.”.

14 **SEC. 7. TECHNICAL AND CONFORMING AMENDMENTS.**

15 The NICS Improvement Amendments Act of 2007  
16 (34 U.S.C. 40902 et seq.) is amended—

17 (1) in section 3(1) (34 U.S.C. 40903(1)), by  
18 striking “court order (as described in section  
19 922(g)(8))” and inserting “covered domestic violence  
20 court order (as defined in section 921(a))”; and

21 (2) in section 102(b)(1)(C)(v) (34 U.S.C.  
22 40912(b)(1)(C)(v)), by striking “court order de-  
23 scribed in section 922(g)(8))” and inserting “covered

1 domestic violence court order, as defined in section  
2 921(a)".

○