

117TH CONGRESS
1ST SESSION

H. R. 3929

To prevent a person who has been convicted of a misdemeanor hate crime, or received an enhanced sentence for a misdemeanor because of hate or bias in its commission, from obtaining a firearm.

IN THE HOUSE OF REPRESENTATIVES

JUNE 16, 2021

Mr. CICILLINE (for himself, Mr. CÁRDENAS, Mr. CARSON, Mr. CONNOLLY, Mr. COOPER, Mr. DANNY K. DAVIS of Illinois, Ms. DEAN, Mrs. DEMINGS, Mrs. TRAHAN, Ms. KELLY of Illinois, Mr. KILMER, Mr. KIM of New Jersey, Mr. LYNCH, Ms. NORTON, Mr. PANETTA, Ms. PRESSLEY, Mr. RASKIN, Mr. TAKANO, Mrs. WATSON COLEMAN, Mr. EVANS, Ms. BROWNLEY, Mr. LANGEVIN, Mr. QUIGLEY, Ms. DELBENE, Ms. CASTOR of Florida, Mr. GALLEG0, Mr. NEGUSE, Mr. JONES, Mr. KHANNA, Mr. PETERS, Mr. CASTEN, Ms. MENG, Mr. RUSH, Ms. SCHAKOWSKY, Ms. BASS, Mr. JOHNSON of Georgia, Mr. BEYER, Mr. VEASEY, Ms. MCCOLLUM, Mr. GARCÍA of Illinois, Ms. LOIS FRANKEL of Florida, Ms. BLUNT ROCHESTER, Ms. DEGETTE, Mr. ESPAILLAT, Mrs. KIRKPATRICK, Mr. HUFFMAN, Mrs. DINGELL, Mr. MALINOWSKI, Ms. HOULAHAN, Ms. WASSERMAN SCHULTZ, Mr. KILDEE, Mr. MICHAEL F. DOYLE of Pennsylvania, Ms. GARCIA of Texas, Mr. VARGAS, Ms. MOORE of Wisconsin, Mrs. HAYES, Mr. MEEKS, Mr. SWALWELL, Mr. POCAN, Ms. JAYAPAL, Mr. LAWSON of Florida, Mr. MOULTON, Mr. PRICE of North Carolina, Ms. UNDERWOOD, Miss RICE of New York, Ms. BARRAGÁN, Ms. ADAMS, Ms. SEWELL, Mrs. MCBATH, Ms. ESHOO, Mr. BERA, Mr. DESAULNIER, Ms. VELÁZQUEZ, Ms. SCANLON, Mr. AGUILAR, Ms. BONAMICI, Mr. BRENDAN F. BOYLE of Pennsylvania, Mrs. BUSTOS, Ms. CHU, Ms. CLARK of Massachusetts, Mr. COHEN, Mr. COURTNEY, Mr. DEUTCH, Mr. GARAMENDI, Ms. JACKSON LEE, Mrs. LAWRENCE, Ms. LOFGREN, Mr. PALLONE, Mr. PERLMUTTER, Mr. SARBANES, Ms. SHERRILL, Mr. SIRES, Mr. SUOZZI, Mr. THOMPSON of California, Mr. THOMPSON of Mississippi, Ms. TITUS, Mr. WELCH, Mr. YARMUTH, Mrs. BEATTY, Mr. BLUMENAUER, Mr. BROWN, Mr. CARBAJAL, Ms. CLARKE of New York, Mr. CRIST, Mr. CROW, Ms. ESCOBAR, Mr. JEFFRIES, Mr. KAHELE, Mrs. CAROLYN B. MALONEY of New York, Mr. SEAN PATRICK MALONEY of New York, Mr. MORELLE, Mr. PASCRELL, Mr. RYAN, Mr. SOTO, Ms. TLAIB, Mr. AUCHINCLOSS, Mr. GOMEZ, Mr. KEATING, Mr. LIEU, Mr. MCGOVERN, Mrs. MURPHY of Florida, Mrs. NAPOLITANO, Ms. PINGREE, Mr. RUPPERSBERGER, Ms. SÁNCHEZ, Mr. TONKO, Mr. TORRES of New

York, Mrs. TORRES of California, Ms. WILSON of Florida, Mr. CORREA, Mr. GRIJALVA, Mr. LEVIN of Michigan, Ms. MATSUI, Mr. NADLER, Mr. PAPPAS, Ms. ROYBAL-ALLARD, Mr. RUIZ, Mr. SMITH of Washington, Mr. NORCROSS, and Ms. ROSS) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To prevent a person who has been convicted of a misdemeanor hate crime, or received an enhanced sentence for a misdemeanor because of hate or bias in its commission, from obtaining a firearm.

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 “Disarm Hate Act”.

5 **SEC. 2. PREVENTION OF PERSON WHO HAS BEEN CON-**

6 **VICTED OF A MISDEMEANOR HATE CRIME,**

7 **OR RECEIVED AN ENHANCED SENTENCE FOR**

8 **A MISDEMEANOR BECAUSE OF HATE OR BIAS**

9 **IN ITS COMMISSION, FROM OBTAINING A**

10 **FIREARM.**

11 (a) DEFINITIONS.—Section 921(a) of title 18, United
 12 States Code, is amended by adding at the end the fol-
 13 lowing:

14 “(36) The term ‘convicted in any court of a mis-
 15 demeanor hate crime’—

1 “(A) means being convicted by a court of an of-
2 fense that—

3 “(i) is a misdemeanor under Federal,
4 State, or tribal law;

5 “(ii) has, as an element, that the conduct
6 of the offender was motivated by hate or bias
7 because of the actual or perceived race, color,
8 religion, national origin, gender, sexual orienta-
9 tion, gender identity (as defined in section
10 249), or disability of any person; and

11 “(iii) involves the use or attempted use of
12 physical force, the threatened use of a deadly
13 weapon, or other credible threat to the physical
14 safety of any person; and

15 “(B) does not include—

16 “(i) a conviction of an offense described in
17 subparagraph (A), unless—

18 “(I) the person—

19 “(aa) was represented by counsel
20 in the case; or

21 “(bb) knowingly and intelligently
22 waived the right to counsel in the
23 case; and

24 “(II) in the case of a prosecution for
25 an offense described in subparagraph (A)

1 for which a person was entitled to a jury
2 trial in the jurisdiction in which the case
3 was tried—

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

6 “(bb) the person knowingly and
7 intelligently waived the right to have
8 the case tried by a jury, by guilty plea
9 or otherwise; or

10 “(ii) a conviction of an offense described in
11 subparagraph (A) if—

12 “(I) the conviction—

13 “(aa) has been expunged or set
14 aside; or

15 “(bb) is an offense for which the
16 person has been pardoned or has had
17 civil rights restored (if the law of the
18 applicable jurisdiction provides for the
19 loss of civil rights under such an of-
20 fense); and

21 “(II) the pardon, expungement, or
22 restoration of civil rights does not ex-
23 pressly provide that the person may not
24 ship, transport, possess, or receive fire-
25 arms.

1 “(37) The term ‘received from any court an enhanced
2 hate crime misdemeanor sentence’—

3 “(A) means a court has imposed a sentence for
4 a misdemeanor under Federal, State, or tribal law—

5 “(i) that involves the use or attempted use
6 of physical force, the threatened use of a deadly
7 weapon, or other credible threat to the physical
8 safety of any person; and

9 “(ii) based, in whole or in part, on a judi-
10 cial finding that the conduct of the offender
11 was motivated, in whole or in part, by hate or
12 bias for any reason referred to in paragraph
13 (36)(A)(ii); and

14 “(B) does not include—

15 “(i) the imposition of a sentence described
16 in subparagraph (A), unless—

17 “(I) the person—

18 “(aa) was represented by counsel
19 in the case; or

20 “(bb) knowingly and intelligently
21 waived the right to counsel in the
22 case; and

23 “(II) if the sentence described in sub-
24 paragraph (A) was imposed in a prosecu-
25 tion for an offense for which a person was

1 entitled to a jury trial in the jurisdiction in
2 which the case was tried—

3 “(aa) the case was tried by a
4 jury; or

5 “(bb) the person knowingly and
6 intelligently waived the right to have
7 the case tried by a jury, by guilty plea
8 or otherwise; or

9 “(ii) the imposition of a sentence described
10 in subparagraph (A) if—

11 “(I)(aa) the conviction of the offense
12 for which the sentence was imposed has
13 been expunged or set aside; or

14 “(bb) the offense for which the sen-
15 tence was imposed is an offense for which
16 the person has been pardoned or has had
17 civil rights restored (if the law of the appli-
18 cable jurisdiction provides for the loss of
19 civil rights under such an offense); and

20 “(II) the pardon, expungement, or
21 restoration of civil rights does not ex-
22 pressly provide that the person may not
23 ship, transport, possess, or receive fire-
24 arms.”.

1 (b) PROHIBITION ON SALE OR OTHER DISPOSITION
2 OF FIREARM.—Section 922(d) of such title is amended in
3 the first sentence—

4 (1) in paragraph (8)(B)(ii), by striking “or” at
5 the end;

6 (2) in paragraph (9), by striking the period and
7 inserting “; or”; and

8 (3) by inserting after paragraph (9) the fol-
9 lowing:

10 “(10) has been convicted in any court of a mis-
11 demeanor hate crime, or has received from any court
12 an enhanced hate crime misdemeanor sentence.”.

13 (c) PROHIBITION ON POSSESSION, SHIPMENT, OR
14 TRANSPORT OF FIREARM.—Section 922(g) of such title
15 is amended—

16 (1) in paragraph (8), by striking “or” at the
17 end;

18 (2) in paragraph (9), by striking the comma
19 and inserting “; or”; and

20 (3) by inserting after paragraph (9) the fol-
21 lowing:

22 “(10) who has been convicted in any court of
23 a misdemeanor hate crime, or has received from any

1 court an enhanced hate crime misdemeanor sen-
2 tence,”.

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