

117TH CONGRESS
1ST SESSION

H. R. 1441

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

FEBRUARY 26, 2021

Mr. SWALWELL (for himself, Mr. CICILLINE, Mrs. McBATH, Mr. RASKIN, Mr. BLUMENAUER, Mr. BROWN, Mr. CARSON, Mr. CASTEN, Mr. COOPER, Ms. DEGETTE, Mr. DESAULNIER, Mr. ESPAILLAT, Mr. GARCÍA of Illinois, Mr. HASTINGS, Mrs. HAYES, Mr. HIMES, Ms. KELLY of Illinois, Mr. KHANNA, Mr. KILDEE, Ms. LEE of California, Mrs. CAROLYN B. MALONEY of New York, Mr. SAN NICOLAS, Mrs. NAPOLITANO, Ms. NORTON, Ms. PINGREE, Ms. SCHAKOWSKY, Ms. SHERRILL, Mr. SUOZZI, Mrs. TRAHAN, and Mrs. WATSON COLEMAN) introduced the following bill; which was referred to the Committee on the Judiciary

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “No Guns for Abusers
5 Act of 2021”.

6 **SEC. 2. GRANTS FOR STATE IMPLEMENTATION OF RELIN-**
7 **QUISHMENT STATUTES.**

8 (a) **AUTHORIZATION.**—The Attorney General is au-
9 thorized to make grants to States, Tribes, or units of local
10 government that have in place a statute, rule, policy, or
11 practice that is the same as or substantially similar to the
12 best practices published by the Attorney General under
13 this Act, for the purpose of implementing such statute,
14 administrative rule, policy, or practice.

15 (b) **APPLICATION.**—A jurisdiction seeking a grant
16 under this section shall submit to the Attorney General
17 an application at such time, in such manner, and con-
18 taining such information as the Attorney General may rea-
19 sonably require, and including the applicable statute, rule,
20 policy, or practice that the jurisdiction has enacted.

21 **SEC. 3. REPORT AND RECOMMENDATIONS.**

22 (a) **IN GENERAL.**—Not later than 3 years after the
23 date of the enactment of this Act, Attorney General, act-
24 ing through the Director of the National Institute of Jus-
25 tice, shall prepare and submit a report to Congress on best

1 practices for statutes, rules, policies, and practices, which
2 provide a process by which individuals who are charged
3 with or convicted of a crime of domestic violence, or who
4 are subject to, or in violation of a domestic violence protec-
5 tive order, may be subject to relinquishment. Such report
6 shall include an analysis of the effect of reducing firearm
7 access for the individuals described in the previous sen-
8 tence on reducing domestic violence and homicide.

9 (b) BEST PRACTICES.—In preparing the report
10 under subsection (a), the Director shall examine and de-
11 termine the best practices for each of the following:

12 (1) The types of offenses or court orders for
13 which relinquishment may be authorized.

14 (2) The level of discretion of a court in entering
15 a relinquishment order.

16 (3) The process courts use in determining
17 whether relinquishment is appropriate for a par-
18 ticular party.

19 (4) The process courts and law enforcement
20 agencies use to determine whether an individual is in
21 possession or control of firearms.

22 (5) The guidance provided to parties subject to
23 relinquishment orders and the victims of the parties
24 subject to the relinquishment orders, as well as the
25 manner of providing guidance.

1 (6) The persons or entities to which firearms
2 may be relinquished, including whether any entity
3 other than a law enforcement officer or licensed
4 dealer under section 923 of title 18, United States
5 Code, may receive firearms.

6 (7) The person or entity which may store relin-
7 quished firearms, including any criteria such a per-
8 son or entity must meet, which may include a back-
9 ground check.

10 (8) The period of time provided for an indi-
11 vidual subject to a relinquishment order to comply
12 with the order.

13 (9) The manner of proof required to show a re-
14 linquishment order is fulfilled.

15 (10) The power granted to a court or law en-
16 forcement agency to compel compliance with a relin-
17 quishment order.

18 (11) The manner in which relinquished firearms
19 may be safely and securely stored.

20 (12) The duration of a relinquishment order.

21 (13) Fees that may be charged by persons or
22 entities storing relinquished firearms to persons sub-
23 ject to relinquishment orders.

24 (14) Considerations for returning, disposing of,
25 or selling relinquished firearms.

1 (15) Criteria for returning a firearm to an indi-
2 vidual subject to a relinquishment order.

3 (16) The extent to which victims of offenses
4 committed by the individual subject to the relin-
5 quishment order, or individuals who are protected
6 from an individual subject to a domestic violence
7 protective order, should be notified when a firearm
8 is returned to the individual subject to the relin-
9 quishment order.

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

14 (18) Procedural protections that are required to
15 ensure that individuals who may be subject to a re-
16 linquishment order are provided due process at each
17 stage of the process.

18 (19) The involvement of victim and community
19 advocates.

20 (20) The cultural sensitivity of the relinquish-
21 ment process.

22 (21) The services and safety planning provided
23 to the victims before, during, and after firearms are
24 relinquished or recovered and when they are re-
25 turned.

1 (c) REVIEW AND CONSULTATION.—In preparing the
2 report required under this section, the Director shall, at
3 a minimum—

4 (1) review Federal, State, Tribal, and local stat-
5 utes, rules, policies, and practices that provide au-
6 thority for courts to enter relinquishment orders in
7 effect on the date of the enactment of this Act;

8 (2) review academic studies, including studies
9 analyzing the effectiveness of statutes, rules, poli-
10 cies, and practices described in paragraph (1); and

11 (3) meet with, and consider any facts and anal-
12 yses offered by, prosecutors, defense attorneys, fam-
13 ily attorneys, judges, nonprofit organizations, victims
14 service providers, culturally specific organizations,
15 Federal, State, Tribal, and local courts, Federal,
16 State, Tribal, and local law enforcement agencies,
17 the National Domestic Violence and Firearms Re-
18 source Center, and individuals with academic exper-
19 tise in relinquishment.

20 (d) IDENTIFICATION OF ITEMS FOR FURTHER
21 STUDY.—In the report under this section, the Director
22 shall identify items for further study, relating to the effec-
23 tiveness of the best practices developed under subsection
24 (b).

1 **SEC. 4. FURTHER STUDIES.**

2 The Attorney General, acting through the Director
3 of the National Institute of Justice, shall enter into con-
4 tracts with nongovernmental entities to conduct studies
5 comparing statutes, administrative rules, policies and
6 practices to determine the relative effectiveness of such
7 statutes, rules, policies, and procedures in effectively pro-
8 viding for relinquishment. Not later than the date that is
9 10 years after the submission of the report under section
10 3, the Director shall submit to Congress not less than one
11 report including updates to the best practices based on
12 the studies conducted under this section.

13 **SEC. 5. FEDERAL ADOPTION.**

14 (a) STATUTE.—The Attorney General shall prepare
15 and submit to Congress recommendations for Federal leg-
16 islation in accordance with section 3.

17 (b) RULES; POLICIES AND PRACTICES.—To the ex-
18 tent authorized by law, the Attorney General shall make
19 rules, policies, and practices in accordance with the best
20 practices described in section 3.

21 **SEC. 6. DEFINITIONS.**

22 In this Act, terms used have the meanings given such
23 terms in section 901 of the Omnibus Crime Control and
24 Safe Streets Act of 1968, except as follows:

1 (1) The term “intimate partner” has the mean-
2 ing given that term in section 921 of title 18, United
3 States Code.

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

7 (3) The term “covered offense” means—

8 (A) stalking; or

9 (B) an offense that has, as an element, the
10 use or attempted use of physical force, or the
11 threatened use of a deadly weapon.

12 (4) The term “covered person” means, with re-
13 gard to a targeted person or a protected person—

14 (A) the current or former—

15 (i) spouse;

16 (ii) intimate partner;

17 (iii) dating partner;

18 (iv) parent; or

19 (v) guardian,

20 of the targeted person or protected person;

21 (B) a person with whom the targeted per-
22 son or protected person shares a child in com-
23 mon;

24 (C) a person who is cohabiting with or has
25 cohabited with the targeted person or protected

1 person as a spouse, intimate partner, dating
2 partner, parent, or guardian;

3 (D) a person similarly situated to a spouse,
4 intimate partner, dating partner, parent, or
5 guardian of the targeted person or protected
6 person; or

7 (E) a person who has or had a relationship
8 with the targeted person or protected person
9 such that the targeted person or protected per-
10 son is otherwise protected by the domestic or
11 family violence laws of the State, tribal, or mu-
12 nicipal jurisdiction in which the targeted person
13 or protected person resides, or, if an offense has
14 occurred, against that targeted or protected
15 person.

16 (5) The term “crime of domestic violence”
17 means a covered offense committed by a covered per-
18 son against the targeted person.

19 (6) The term “domestic violence protective
20 order” means a court order that restrains a covered
21 person described in subparagraphs (A), (B), (C),
22 (D), or (E) of paragraph (4) from harassing, stalk-
23 ing, or threatening a protected person, or engaging
24 in other conduct that would place an intimate part-

1 ner or dating partner in reasonable fear of bodily in-
2 jury to the partner or child.

3 (7) The term “protected person” means, with
4 regard to a person, the intimate partner or dating
5 partner of that person, or the child of such intimate
6 partner, of such dating partner, or of that person.

7 (8) The term “relinquishment” means the re-
8 moval of a firearm (as such term is defined in sec-
9 tion 921 of title 18, United States Code) or ammu-
10 nition (as such term is defined in section 921 of title
11 18, United States Code) from a person’s possession
12 or control.

13 (9) The term “relinquishment order” means
14 any mandate from a court requiring a person to be
15 subject to relinquishment.

16 (10) The term “targeted person” means the
17 victim of a covered offense.

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