

117TH CONGRESS
1ST SESSION

H. R. 1494

To protect victims of stalking from gun violence.

IN THE HOUSE OF REPRESENTATIVES

MARCH 2, 2021

Mrs. DINGELL (for herself and Mr. FITZPATRICK) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To protect victims of stalking from gun violence.

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 “Zero Tolerance for Do-
5 mestic Abusers Act”.

6 **SEC. 2. ADDITION OF DATING PARTNERS AND INDIVIDUALS**

7 **SUBJECT TO RESTRAINING ORDERS.**

8 (a) DEFINITION.—Section 921(a) of title 18, United
9 States Code, is amended—

10 (1) by striking paragraph (32) and inserting
11 the following:

12 “(32) The term ‘intimate partner’—

1 “(A) means with respect to a person, the spouse
2 of the person, a former spouse of the person, an in-
3 dividual who is a parent of a child of the person, and
4 an individual who cohabitates or has cohabited with
5 the person; and

6 “(B) includes—

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

9 “(ii) any other person similarly situated to
10 a spouse who is protected by the domestic or
11 family violence laws of the State or tribal juris-
12 diction in which the injury occurred or where
13 the victim resides.”;

14 (2) in paragraph (33)(A)—

15 (A) in clause (i), by inserting “municipal,”
16 after “State,”; and

17 (B) in clause (ii), by inserting “dating
18 partner (as defined in section 2266),” after
19 “spouse,” each place it appears;

20 (3) by redesignating paragraphs (34) and (35)
21 as paragraphs (35) and (36), respectively; and

22 (4) by inserting after paragraph (33) the fol-
23 lowing:

24 “(34)(A) The term ‘misdemeanor crime of stalking’
25 means an offense that is—

1 “(i) a misdemeanor crime of stalking under
2 Federal, State, municipal, or Tribal law; and

3 “(ii) a course of harassment, intimidation or
4 surveillance of another person that—

5 “(I) places that person in reasonable fear
6 of material harm to the health or safety of—

7 “(aa) that person;

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

10 “(cc) a household member of that per-
11 son; or

12 “(dd) a spouse or intimate partner of
13 that person; or

14 “(II) causes, attempts to cause, or would
15 reasonably be expected to cause emotional dis-
16 tress to a person described in item (aa), (bb),
17 (cc), or (dd) of subclause (I).

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

21 “(i) the person was represented by counsel in
22 the case, or knowingly and intelligently waived the
23 right to counsel in the case; and

24 “(ii) in the case of a prosecution for an offense
25 described in this paragraph for which a person was

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

3 “(I) the case was tried by a jury, or

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

7 “(C) A person shall not be considered to have been
 8 convicted of such an offense for purposes of this chapter
 9 if the conviction has been expunged or set aside, or is an
 10 offense for which the person has been pardoned or has
 11 had civil rights restored (if the law of the applicable juris-
 12 diction provides for the loss of civil rights under such an
 13 offense) unless the pardon, expungement, or restoration
 14 of civil rights expressly provides that the person may not
 15 ship, transport, possess, or receive firearms.”.

16 **SEC. 3. PROHIBITING STALKERS FROM POSSESSING A**
 17 **FIREARM.**

18 Section 922 of title 18, United States Code, is
 19 amended—

20 (1) in subsection (d)—

21 (A) in paragraph (8)(ii), by striking “or”
 22 at the end;

23 (B) in paragraph (9), by striking the pe-
 24 riod at the end and inserting “; or”; and

1 (C) by inserting after paragraph (9) the
2 following:

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

5 (2) in subsection (g)—

6 (A) in paragraph (8)(C)(ii), by striking
7 “or” at the end;

8 (B) in paragraph (9), by striking the
9 comma at the end and inserting “; or”; and

10 (C) by inserting after paragraph (9) the
11 following:

12 “(10) who has been convicted in any court of
13 a misdemeanor crime of stalking,”.

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