AMENDMENT TO H.R. 822, AS REPORTED
OFFERED BY MR. NADLER OF NEW YORK

Page 4, line 14, after the period insert the following:
“Notwithstanding the preceding sentence, the possession or carrying of a concealed handgun in a State under this section shall be subject to any State law limiting the eligibility to possess or carry a firearm by reason of a conviction in any court of a misdemeanor sex offense against a minor.”.

Page 4, line 21, strike the close quotation marks.

Page 4, after line 21, insert the following:

“(d)(1) In subsection (b), the term ‘misdemeanor sex offense against a minor’ means a sex offense against a minor punishable by imprisonment for not more than one year.

“(2) In paragraph (1), the term ‘sex offense’ means a criminal offense that has, as an element, a sexual act or sexual contact with another, or an attempt or conspiracy to commit such an offense, and the term ‘minor’ means an individual who has not attained 18 years of age.
“(3) A person shall not be considered to have been convicted of a misdemeanor sex offense against a minor for purposes of this section—

“(A) unless—

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

“(ii) in the case of a prosecution for the offense for which a person was entitled to a jury trial in the jurisdiction in which the case was tried—

“(I) the case was tried by a jury; or

“(II) the person knowingly and intelligently waived the right to have the case tried by a jury, by guilty plea or otherwise; or

“(B) if the conviction has been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored (if the law of the applicable jurisdiction provides for the loss of civil rights under such an offense), unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.”.