



AMENDMENT TO RULES COMMITTEE PRINT 1117-

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OFFERED BY MR. SWALWELL OF CALIFORNIA

Add at the end of the bill the following:

1 **TITLE XVII—NO GUNS FOR**
2 **ABUSERS**

3 **SECTION 1701. SHORT TITLE.**

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

6 **SEC. 1702. GRANTS FOR STATE IMPLEMENTATION OF RE-**
7 **LINQUISHMENT 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-

1 sonably require, and including the applicable statute, rule,
2 policy, or practice that the jurisdiction has enacted.

3 **SEC. 1703. REPORT AND RECOMMENDATIONS.**

4 (a) IN GENERAL.—Not later than 3 years after the
5 date of the enactment of this Act, Attorney General, act-
6 ing through the Director of the National Institute of Jus-
7 tice, shall prepare and submit a report to Congress on best
8 practices for statutes, rules, policies, and practices, which
9 provide a process by which individuals who are charged
10 with or convicted of a crime of domestic violence, or who
11 are subject to, or in violation of a domestic violence protec-
12 tive order, may be subject to relinquishment. Such report
13 shall include an analysis of the effect of reducing firearm
14 access for the individuals described in the previous sen-
15 tence on reducing domestic violence and homicide.

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

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

21 (2) The level of discretion of a court in entering
22 a relinquishment order.

23 (3) The process courts use in determining
24 whether relinquishment is appropriate for a par-
25 ticular party.

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

4 (5) The guidance provided to parties subject to
5 relinquishment orders and the victims of the parties
6 subject to the relinquishment orders, as well as the
7 manner of providing guidance.

8 (6) The persons or entities to which firearms
9 may be relinquished, including whether any entity
10 other than a law enforcement officer or licensed
11 dealer under section 923 of title 18, United States
12 Code, may receive firearms.

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

17 (8) The period of time provided for an indi-
18 vidual subject to a relinquishment order to comply
19 with the order.

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

22 (10) The power granted to a court or law en-
23 forcement agency to compel compliance with a relin-
24 quishment order.

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

3 (12) The duration of a relinquishment order.

4 (13) Fees that may be charged by persons or
5 entities storing relinquished firearms to persons sub-
6 ject to relinquishment orders.

7 (14) Considerations for returning, disposing of,
8 or selling relinquished firearms.

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

11 (16) The extent to which victims of offenses
12 committed by the individual subject to the relin-
13 quishment order, or individuals who are protected
14 from an individual subject to a domestic violence
15 protective order, should be notified when a firearm
16 is returned to the individual subject to the relin-
17 quishment order.

18 (17) Precautions taken to ensure victim safety
19 as a court gathers information necessary to issue a
20 relinquishment order and a law enforcement officer
21 executes the order.

22 (18) Procedural protections that are required to
23 ensure that individuals who may be subject to a re-
24 linquishment order are provided due process at each
25 stage of the process.

1 (19) The involvement of victim and community
2 advocates.

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

5 (21) The services and safety planning provided
6 to the victims before, during, and after firearms are
7 relinquished or recovered and when they are re-
8 turned.

9 (c) REVIEW AND CONSULTATION.—In preparing the
10 report required under this section, the Director shall, at
11 a minimum—

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

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

19 (3) meet with, and consider any facts and anal-
20 yses offered by, prosecutors, defense attorneys, fam-
21 ily attorneys, judges, nonprofit organizations, victims
22 service providers, culturally specific organizations,
23 Federal, State, Tribal, and local courts, Federal,
24 State, Tribal, and local law enforcement agencies,

1 and individuals with academic expertise in relin-
2 quishment.

3 (d) IDENTIFICATION OF ITEMS FOR FURTHER
4 STUDY.—In the report under this section, the Director
5 shall identify items for further study, relating to the effec-
6 tiveness of the best practices developed under subsection
7 (b).

8 **SEC. 1704. FURTHER STUDIES.**

9 The Attorney General, acting through the Director
10 of the National Institute of Justice, shall enter into con-
11 tracts with nongovernmental entities to conduct studies
12 comparing statutes, administrative rules, policies and
13 practices to determine the relative effectiveness of such
14 statutes, rules, policies, and procedures in effectively pro-
15 viding for relinquishment. Not later than the date that is
16 10 years after the submission of the report under section
17 1703, the Director shall submit to Congress not less than
18 one report including updates to the best practices based
19 on the studies conducted under this section.

20 **SEC. 1705. FEDERAL ADOPTION.**

21 (a) STATUTE.—The Attorney General shall prepare
22 and submit to Congress recommendations for Federal leg-
23 islation in accordance with section 1703.

24 (b) RULES; POLICIES AND PRACTICES.—To the ex-
25 tent authorized by law, the Attorney General shall make

1 rules, policies, and practices in accordance with the best
2 practices described in section 1703.

3 **SEC. 1706. DEFINITIONS.**

4 In this title, terms used have the meanings given such
5 terms in section 901 of the Omnibus Crime Control and
6 Safe Streets Act of 1968, except as follows:

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

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

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

14 (A) stalking; or

15 (B) an offense that has, as an element, the
16 use or attempted use of physical force, or the
17 threatened use of a deadly weapon.

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

20 (A) the current or former—

21 (i) spouse;

22 (ii) intimate partner;

23 (iii) dating partner;

24 (iv) parent; or

25 (v) guardian,

1 of the targeted person or protected person;

2 (B) a person with whom the targeted per-
3 son or protected person shares a child in com-
4 mon;

5 (C) a person who is cohabiting with or has
6 cohabited with the targeted person or protected
7 person as a spouse, intimate partner, dating
8 partner, parent, or guardian;

9 (D) a person similarly situated to a spouse,
10 intimate partner, dating partner, parent, or
11 guardian of the targeted person or protected
12 person; or

13 (E) a person who has or had a relationship
14 with the targeted person or protected person
15 such that the targeted person or protected per-
16 son is otherwise protected by the domestic or
17 family violence laws of the State, tribal, or mu-
18 nicipal jurisdiction in which the targeted person
19 or protected person resides, or, if an offense has
20 occurred, against that targeted or protected
21 person.

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

1 (6) The term “domestic violence protective
2 order” means a court order that restrains a covered
3 person described in subparagraphs (A), (B), (C),
4 (D), or (E) of paragraph (4) from harassing, stalk-
5 ing, or threatening a protected person, or engaging
6 in other conduct that would place an intimate part-
7 ner or dating partner in reasonable fear of bodily in-
8 jury to the partner or child.

9 (7) The term “protected person” means, with
10 regard to a person, the intimate partner or dating
11 partner of that person, or the child of such intimate
12 partner, of such dating partner, or of that person.

13 (8) The term “relinquishment” means the re-
14 moval of a firearm (as such term is defined in sec-
15 tion 921 of title 18, United States Code) or ammu-
16 nition (as such term is defined in section 921 of title
17 18, United States Code) from a person’s possession
18 or control.

19 (9) The term “relinquishment order” means
20 any mandate from a court requiring a person to be
21 subject to relinquishment.

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

