

115TH CONGRESS
1ST SESSION

S. 2045

To establish a grant program to encourage States to adopt certain policies and procedures relating to the transfer and possession of firearms.

IN THE SENATE OF THE UNITED STATES

OCTOBER 31, 2017

Mr. BLUMENTHAL (for himself, Mr. MURPHY, Mr. MARKEY, Mr. DURBIN, Mrs. GILLIBRAND, Ms. WARREN, Mr. VAN HOLLEN, Ms. DUCKWORTH, Ms. HARRIS, Mr. BOOKER, and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To establish a grant program to encourage States to adopt certain policies and procedures relating to the transfer and possession of firearms.

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 “Domestic Violence Gun
5 Homicide Prevention Act of 2017”.

6 **SEC. 2. GRANT PROGRAM REGARDING FIREARMS.**

7 (a) GRANT PROGRAM.—

1 (1) AUTHORITY TO MAKE GRANTS.—The Direc-
2 tor of the Office of Community Oriented Policing
3 Services of the Department of Justice may make
4 grants to eligible States to assist the State in car-
5 rying out the policies, procedures, protocols, laws, or
6 regulations described in subsection (b).

7 (2) ELIGIBLE STATE.—A State shall be eligible
8 to receive grants under this subsection on and after
9 the date on which the Attorney General determines
10 that the State has in effect policies, procedures, pro-
11 tocols, laws, or regulations described in subsection
12 (b).

13 (3) USE OF FUNDS.—Funds awarded under
14 this section may be used by a State to assist law en-
15 forcement agencies or the courts of the State in car-
16 rying out the policies, procedures, protocols, laws, or
17 regulations described in subsection (b).

18 (4) APPLICATION.—An eligible State desiring a
19 grant under this section shall submit to the Director
20 of the Office of Community Oriented Policing Serv-
21 ices an application at such time, in such manner,
22 and containing or accompanied by such information,
23 as the Director may reasonably require.

24 (b) STATE POLICIES AND PROCEDURES.—The poli-
25 cies, procedures, protocols, laws, or regulations described

1 in this subsection are policies, procedures, protocols, laws,
2 or regulations relating to the possession or transfer of fire-
3 arms or ammunition (as those terms are defined in section
4 921 of title 18, United States Code) that—

5 (1) impose restrictions and penalties substan-
6 tially similar to or more comprehensive than those
7 described in paragraphs (8) and (9) of subsection
8 (d) and paragraphs (8) and (9) of subsection (g) of
9 section 922 of title 18, United States Code;

10 (2) requires the seizure or surrender of all fire-
11 arms and ammunition from an individual—

12 (A) convicted of any crime for which the
13 restrictions or penalties described in paragraph
14 (1) apply; or

15 (B) against whom any court has issued a
16 protection order, as defined in section 2266(5)
17 of title 18, United States Code;

18 (3) require the State and local courts to con-
19 sider at the initial appearance before a magistrate of
20 any individual arrested for any crime for which the
21 restrictions or penalties described in paragraph (1)
22 apply, if the individual possesses a firearm or ammu-
23 nition that has been or is likely to be used to threat-
24 en, harass, menace, or harm the victim or the vic-
25 tim's child, or may otherwise pose a danger to the

1 victim or the victim's child and issue a protection
2 order, as defined in section 2266(5) of title 18,
3 United States Code, in which the State or local
4 court shall prohibit the possession of any firearm or
5 ammunition and require the surrender or seizure of
6 any firearm or ammunition then possessed;

7 (4) give State and local law enforcement the au-
8 thority, consistent with the Constitution of the
9 United States, to seize a firearm or ammunition
10 when responding to domestic violence situations, if
11 there is probable cause to believe—

12 (A) such firearm or ammunition is contra-
13 band or illegally in the possession of the sus-
14 pected offender; and

15 (B) such firearm or ammunition has been
16 or is likely to be used to threaten, harass, men-
17 ace, or harm the victim or the victim's child, or
18 may otherwise pose a danger to the victim or
19 the victim's child; and

20 (5) provide for the safe return of any firearm
21 or ammunition seized or surrendered as described in
22 paragraph (2), (3), or (4)—

23 (A) at such time as—

1 (i) the restrictions and penalties of
2 paragraph (1) no longer apply to such in-
3 dividual;

4 (ii) the protection order described in
5 paragraph (2) or (3) is no longer in force
6 against such individual; or

7 (iii) the firearm or ammunition de-
8 scribed in paragraph (4) is determined not
9 to be contraband or illegally in the sus-
10 pected offender's possession; and

11 (B) in a manner that does not endanger
12 the safety of persons who were the victim of
13 any crime described in paragraph (1) or sus-
14 pected crime described in paragraph (4) or who
15 were the persons protected by the protection
16 order described in paragraph (2) or (3).

17 (c) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated such sums as are nec-
19 essary to carry out this section.

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