

115TH CONGRESS
2D SESSION

H. R. 6278

To amend title 18, United States Code, to prohibit the possession of a firearm by, or the disposition of a firearm to, a person who has been convicted of a misdemeanor crime of animal cruelty.

IN THE HOUSE OF REPRESENTATIVES

JUNE 28, 2018

Ms. CLARK of Massachusetts (for herself, Ms. ROYBAL-ALLARD, and Ms. CLARKE of New York) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to prohibit the possession of a firearm by, or the disposition of a firearm to, a person who has been convicted of a misdemeanor crime of animal cruelty.

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 “Animal Violence Ex-
5 poses Real Threat of Future Gun Violence Act of 2018”
6 or the “AVERT Future Gun Violence Act of 2018”.

1 **SEC. 2. PROHIBITION ON THE POSSESSION OF A FIREARM**
2 **BY, OR THE DISPOSITION OF A FIREARM TO,**
3 **A PERSON WHO HAS BEEN CONVICTED OF A**
4 **MISDEMEANOR CRIME OF ANIMAL CRUELTY.**

5 (a) DEFINITION.—Section 921(a) of title 18, United
6 States Code, is amended by adding at the end the fol-
7 lowing:

8 “(35)(A) The term ‘misdemeanor crime of animal
9 cruelty’ means an offense that—

10 “(i) is a misdemeanor under Federal, State, or
11 tribal law; and

12 “(ii) has, as an element, knowingly causing un-
13 necessary or unjustifiable physical pain or suffering
14 to an animal by an act, omission, or neglect.

15 “(B)(i) A person shall not be considered to have been
16 convicted of such an offense for purposes of this chapter,
17 unless—

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

21 “(II) in the case of a prosecution for an offense
22 described in this paragraph for which a person was
23 entitled to a jury trial in the jurisdiction in which
24 the case was tried, either—

25 “(aa) the case was tried by a jury; or

1 “(bb) the person knowingly and intel-
2 ligently waived the right to have the case tried
3 by a jury, by guilty plea or otherwise.

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

13 (b) PROHIBITIONS.—Section 922 of such title is
14 amended—

15 (1) in the 1st sentence of subsection (d)—

16 (A) in paragraph (8)(B)(ii), by striking
17 “or” at the end;

18 (B) in paragraph (9), by striking the pe-
19 riod and inserting “; or”; and

20 (C) by adding at the end the following:

21 “(10) has been convicted in any court of a mis-
22 demeanor crime of animal cruelty.”; and

23 (2) in subsection (g)—

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

1 (B) in paragraph (9), by striking the
2 comma and inserting “; or”; and

3 (C) by adding at the end the following:

4 “(10) who has been convicted in any court of
5 a misdemeanor crime of animal cruelty,”.

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