

113TH CONGRESS
1ST SESSION

H. R. 1177

To amend title 18, United States Code, to protect more victims of domestic violence by preventing their abusers from possessing or receiving firearms, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 2013

Mrs. CAPPS introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to protect more victims of domestic violence by preventing their abusers from possessing or receiving firearms, and for other purposes.

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 Sur-
5 vivor Protection Act”.

1 **SEC. 2. DEFINITIONS OF “INTIMATE PARTNER” AND “MIS-**
2 **DEMEANOR CRIME OF DOMESTIC VIOLENCE”**
3 **EXPANDED.**

4 Section 921(a) title 18, United States Code, is
5 amended—

6 (1) in paragraph (32), by striking “and an indi-
7 vidual who cohabitates or has cohabited with the
8 person.” and inserting “or a dating partner (as de-
9 fined in section 2266) or former dating partner.”;
10 and

11 (2) in paragraph (33)—

12 (A) by striking “or” after “has cohabited
13 with the victim as a spouse, parent, or guard-
14 ian,”; and

15 (B) by inserting, “, or by a dating partner
16 (as defined in section 2266) or former dating
17 partner of the victim” before the period.

18 **SEC. 3. LIST OF PERSONS SUBJECT TO A RESTRAINING OR**
19 **SIMILAR ORDER PROHIBITED FROM POS-**
20 **SESSING OR RECEIVING A FIREARM EX-**
21 **PANDED.**

22 Section 922(g)(8) of title 18, United States Code, is
23 amended—

24 (1) by striking subparagraphs (A) and (B) and
25 amending them to read as follows:

1 “(A)(i) in the case of conduct described in
2 subparagraph (B)(i), was issued after a hear-
3 ing; or

4 “(ii) in the case of conduct described in
5 clause (ii) or (iii) of subparagraph (B), was
6 issued after a hearing of which such person re-
7 ceived actual notice, and at which such person
8 had an opportunity to participate;

9 “(B) restrains such person from—

10 “(i) harassing, stalking, or threat-
11 ening an intimate partner of such person,
12 a child of such intimate partner or person,
13 a family member even if the family mem-
14 ber had never cohabited with such person,
15 an individual who cohabitates or cohabited
16 with the person, or an elderly or dependent
17 adult, or engaging in other conduct that
18 would place an individual described in this
19 clause in reasonable fear of bodily injury to
20 such individual, or in the case of an inti-
21 mate partner, reasonable fear or bodily in-
22 jury to the partner or child;

23 “(ii) harassing, stalking, threatening
24 or engaging in other conduct that would
25 put an individual in reasonable fear of bod-

1 ily injury to such individual, including an
2 order which was issued at the request of
3 an employer on behalf of its employee or at
4 the request of an institution of higher edu-
5 cation on behalf of its student; or

6 “(iii) intimidating or dissuading a wit-
7 ness from testifying in court; and”;

8 (2) in subparagraph (C), by striking “intimate
9 partner or child” each place it appears and inserting
10 “individual described in subparagraph (B)”.

11 **SEC. 4. EFFECTIVE DATE.**

12 The amendments made by this Act shall apply—

13 (1) to a court order issued on or after the date
14 of the enactment of this Act and to a court order
15 in effect as of the date of enactment of this Act; and

16 (2) to a misdemeanor crime of domestic vio-
17 lence committed on or after the date of the enact-
18 ment of this Act.

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