

113TH CONGRESS  
1ST SESSION

# H. R. 3566

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for a grant program regarding firearms.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 20, 2013

Ms. MOORE (for herself, Ms. EDWARDS, and Ms. KELLY of Illinois) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for a grant program regarding 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  
5 Criminal Disarmament Act of 2013”.

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

7 Section 506(b) of the Omnibus Crime Control and  
8 Safe Streets Act of 1968 (42 U.S.C. 3756(b)) is amend-  
9 ed—

1           (1) by striking “1 or more States or units of  
2 local government, for 1 or more of the purposes  
3 specified in section 501, pursuant to his determina-  
4 tion that the same is necessary”;

5           (2) by inserting before paragraph (1) the fol-  
6 lowing:

7           “(1) 1 or more States or units of local govern-  
8 ment, for 1 or more of the purposes specified in sec-  
9 tion 501, pursuant to his determination that the  
10 same is necessary—”;

11           (3) by redesignating paragraph (1) as subpara-  
12 graph (A);

13           (4) in paragraph (2)—

14                 (A) by striking the period at the end and  
15 inserting “; or”; and

16                 (B) by redesignating paragraph (2) as sub-  
17 paragraph (B); and

18           (5) by adding at the end the following:

19           “(2) 1 or more States, if that State has dem-  
20 onstrated, in the determination of the Attorney Gen-  
21 eral, that the State has adopted policies, procedures,  
22 protocols, laws or regulations pertaining to the pos-  
23 session or transfer of firearms or ammunition that—

24                 “(A) impose restrictions and penalties sub-  
25 stantially similar to or more comprehensive

1 than those in paragraphs (8) and (9) of sub-  
2 section (d) and paragraphs (8) and (9) of sub-  
3 section (g) of section 922 of title 18, United  
4 States Code;

5 “(B) require that State and local courts—

6 “(i) consider whether an individual  
7 being prosecuted for a crime for which the  
8 restrictions described in paragraph (1)  
9 apply possesses firearms that—

10 “(I) have been or are likely to be  
11 used to threaten, harass, menace, or  
12 harm the victim or the victim’s child;  
13 or

14 “(II) may otherwise pose a dan-  
15 ger to the victim and the victim’s  
16 child;

17 “(ii) consider whether an individual  
18 who is subject to any other protection  
19 order as defined by section 2266(s) of title  
20 18, United States Code, or who is subject  
21 to any other protection order for which the  
22 restrictions described in paragraph (1) do  
23 not ordinarily apply possesses firearms  
24 that—

1                   “(I) have been or are likely to be  
2                   used to threaten, harass, menace, or  
3                   harm the victim; or

4                   “(II) may otherwise pose a dan-  
5                   ger to the victims; and

6                   “(iii) order the seizure or surrender of  
7                   firearms and ammunition from individuals  
8                   subject to the restrictions described in  
9                   paragraph (1) or any of the findings speci-  
10                  fied in clause (i) or (ii) of subparagraph  
11                  (A) or clause (i) or (ii) of subparagraph  
12                  (B);

13                  “(C) are designed to ensure that State or  
14                  local law enforcement execute the seizure or  
15                  surrender of firearms and ammunition author-  
16                  ized in paragraph (2)(C) when a person subject  
17                  to a protection order or a person being pros-  
18                  ecuted for or convicted of a crime for which the  
19                  restrictions described in paragraph (1) apply is  
20                  reported to possess firearms and the firearms  
21                  are obtained or possessed illegally;

22                  “(D) provide for the seizure or surrender  
23                  of firearms and ammunition described in para-  
24                  graph (2)(C) and return of such firearms and  
25                  ammunition in a manner that protects the safe-

1           ty of persons victimized by individuals who are  
2           subject to protection orders or charged or con-  
3           victed of a crime for which the restrictions de-  
4           scribed in paragraph (1) apply; and

5           “(E) give State and local law enforcement  
6           the authority, to the extent allowable under  
7           Federal laws and the United States Constitu-  
8           tion, to seize firearms or ammunition when re-  
9           sponding to domestic violence situations where  
10          there is probable cause to believe such firearms  
11          and ammunition are contraband, illegally in the  
12          possession of the offender, have been or are  
13          likely to be used to threaten, harass, menace, or  
14          harm the victim, or may otherwise pose a dan-  
15          ger to the victim.”.

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