



H.R. 1585

Violence Against Women Act of 2019 (House Engrossed Version)

Senate Bill: Not Drafted
116th Congress (2019-20)

By: Rep. Karen Bass (D-CA-37)

NAGR Position: Strongly Oppose

Last Updated: 5/6/2019

Summary:

The National Association for Gun Rights opposes any version of the Violence Against Women Act containing gun control provisions.

NAGR will score any sponsorship or vote in support of a bill containing underlying text as an anti-gun action.

Further, any Senate action aimed at sending this bill to conference committee where negotiations with Nancy Pelosi's hand-picked conferees can insist on 'compromise' gun control language will also be viewed unfavorably by gun owners.

Bottom line, no U.S. Senator should think about advancing a piece of legislation which can be abused by stalkers or violent ex-spouses to disarm women.

Specific Gun Control Provisions which must be removed:

Sec 801 – This section expands the Lautenberg misdemeanor gun ban from the 1990's, to include more than just crimes of domestic violence or restraining orders. It adds non-criminal offenses and re-defines the term intimate partner, to include people someone dated. The section also adds a definition of a new category of prohibited persons, people convicted of a misdemeanor crime of stalking.

- According to the proposed language, if *"a dating partner or former dating partner"* causes or does something that could cause (but does not necessarily cause) *"emotional distress"*, that would be sufficient to prohibit gun ownership, for life. That's an outrageously low and subjective standard based largely on hearsay and anecdote, not due process.
- Under this standard, almost anyone could lose their Second Amendment rights without due process because virtually everyone who has ever been in a relationship has experienced some moment of emotional stress. Likewise

millions of Americans have experienced an unpleasant date in their life.

- Worse, this provision incentivizes abuse by relatives, stalkers, or total strangers by allowing them to initiate “red flag” style complaints against a victim in order to have them disarmed without any crime being committed. In conjunction with sections 1201-1203 of this bill, that could result in felony prosecutions for anyone -- including victims -- who possess a gun while prohibited by this new section.
- Like the Lautenberg law, courts may erroneously interpret this provision to apply to accusations of “emotional distress” that occurred years or decades ago, resulting in large state-based data dumps into NICS and *ex-post facto* prosecutions.
- No one disputes that crimes of domestic abuse and stalking should be prosecuted to the full extent of the law, but this proposed section basically forces all law-abiding Americans, including Women, to sacrifice their right to self-defense if they want to go out on a date; something no one would dare suggest for any other Constitutionally-protected right.

Sec 802 - This section adds people convicted of a misdemeanor crime of stalking, to the list of people forever barred from firearm possession due to a misdemeanor.

- Likewise, this section is anti-gun. No other constitutional rights are stripped from you for a misdemeanor offense.

Sec 1201 – This section requires notification to certain law enforcement agencies if a person is determined to not be able to lawfully purchase firearms, that determination is made after the dealer has requested the NICS background check and after three business days have elapsed without a denied response from NICS.

Sec 1202 - This section requires notification to certain law enforcement agencies if a person is determined to not be able to lawfully purchase firearms, when that determination is made after the dealer has requested the NICS background check and before three business days have elapsed. In other words, notification of an attempted purchase that was thwarted by a denial from the NICS system.

Sec 1203 – This section allows the Department of Justice to designate local prosecutors or local police as US Attorneys or as agents of ATF to help enforce 18 USC 922(g)(8), (9) and (10). Those are the sections that bar firearms possession by persons with a domestic violence restraining order, a conviction for a misdemeanor

crime of domestic violence or a violation of the brand new crime of possession by a person convicted of a misdemeanor crime of stalking.

- Sections 1201-1203 are aimed at entrapping and prosecuting any of the millions of law-abiding Americans who were placed on the NICS Indices without due process for trying to buy a firearm -- like nearly 250,000 beneficiaries of the Department of Veterans Affairs, and over 600,000 residents of Pennsylvania (and other similar states) -- most of whom don't even know they're allegedly prohibited from possessing or buying firearms.
- In many ways, this is WORSE than "Red Flag" Gun Confiscation because it goes beyond gun confiscation by inviting local SWAT teams and prosecutors to confiscate firearms without due process AND drag law-abiding citizens out of their homes in handcuffs so they can be brought up on federal felony charges punishable by 10 years in jail, a \$250,000 fine, or both.
- Scores of NICS denials are false positives, that means innocent men and women will be funneled into a federal gun registry, and state registry, even though they've never even been accused of any crime or condition that would bar them from the right to own a gun. They, too, could potentially face frivolous legal accusations.

References:

- **H.R.1585 - Violence Against Women Reauthorization Act of 2019** 116th Congress (2019-2020) House Engrossed Version

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