

118TH CONGRESS  
1ST SESSION

# S. 2732

To amend title 18, United States Code, to prohibit the sale or other disposition of any firearm or ammunition to any person who has been convicted of a violent misdemeanor, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 6, 2023

Mrs. GILLIBRAND introduced the following bill; which was read twice and referred to the Committee on the Judiciary

---

## A BILL

To amend title 18, United States Code, to prohibit the sale or other disposition of any firearm or ammunition to any person who has been convicted of a violent misdemeanor, 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 referred to as the “End Gun Vio-  
5 lence Act of 2023”.

1 **SEC. 2. PROHIBITION ON SALE OR OTHER DISPOSITION OF**  
2 **A FIREARM OR AMMUNITION TO A PERSON**  
3 **CONVICTED OF A VIOLENT MISDEMEANOR.**

4 Section 922(d) of title 18, United States Code, is  
5 amended—

6 (1) in paragraph (10), by striking “or” at the  
7 end;

8 (2) by redesignating paragraph (11) as para-  
9 graph (12);

10 (3) by inserting after paragraph (10) the fol-  
11 lowing:

12 “(11) has been convicted in any court of a vio-  
13 lent misdemeanor within the preceding 5 years; or”;  
14 and

15 (4) in paragraph (12), as so redesignated, by  
16 striking “(10)” and inserting “(11)”.

17 **SEC. 3. DEFINITION OF VIOLENT MISDEMEANOR.**

18 Section 921(a) of title 18, United States Code, is  
19 amended by adding at the end the following:

20 “(38)(A) The term ‘violent misdemeanor’ means an  
21 offense that—

22 “(i) is a misdemeanor under Federal, State,  
23 Tribal, or local law; and

24 “(ii) has as an element—

25 “(I) the use, attempted use, or threatened  
26 use of—

1 “(aa) physical force; or

2 “(bb) a deadly weapon;

3 “(II) the intent to cause physical injury; or

4 “(III) knowingly causing physical injury.

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

8 “(I) the person was represented by counsel in  
9 the case, or knowingly and intelligently waived the  
10 right to counsel in the case; and

11 “(II) in the case of a prosecution for an offense  
12 described in this paragraph for which a person was  
13 entitled to a jury trial in the jurisdiction in which  
14 the case was tried, either—

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

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

19 “(ii) A person shall not be considered to have been  
20 convicted of such an offense for purposes of this chapter  
21 if the conviction has been expunged or set aside, or is an  
22 offense for which the person has been pardoned or has  
23 had civil rights restored (if the law of the applicable juris-  
24 diction provides for the loss of civil rights under such an  
25 offense) unless the pardon, expungement, or restoration

1 of civil rights expressly provides that the person may not  
2 ship, transport, possess, or receive firearms.”.

3 **SEC. 4. CONFORMING AMENDMENTS.**

4 (a) TITLE 18.—Title 18, United States Code, is  
5 amended—

6 (1) in section 922(t)—

7 (A) in paragraphs (1)(B)(ii), by striking  
8 “receipt” and all that follows through “sub-  
9 section (g)” and inserting “knowing sale or dis-  
10 position of a firearm by the licensee to such  
11 other person, or the receipt of a firearm by  
12 such other person would violate subsection (d),  
13 (g),”;

14 (B) in paragraph (2), in the matter pre-  
15 ceding subparagraph (A), by striking “receipt”  
16 and all that follows through “subsection (d)”  
17 and inserting “knowing sale or disposition of a  
18 firearm by the licensee to such other person, or  
19 the receipt of a firearm by such other person  
20 would not violate subsection (d)”;

21 (C) in paragraph (4)—

22 (i) by striking “receipt” and all that  
23 follows through “subsection (d)” and in-  
24 serting “knowing sale or disposition of a  
25 firearm by the licensee to such other per-

1 son, or the receipt of a firearm by such  
2 other person would violate subsection (d)”;  
3 and

4 (ii) by inserting a comma after  
5 “State”; and

6 (D) in paragraph (5), by striking “receipt”  
7 and all that follows through “subsection (d)”  
8 and inserting “knowing sale or disposition of a  
9 firearm by the licensee to such other person, or  
10 the receipt of a firearm by such other person  
11 would violate subsection (d)”;  
12

13 (2) in section 923(d)(1)(B), by striking “section  
14 922(g) and (n) of this chapter” and inserting “sub-  
15 section (g) or (n) of section 922, and is not a person  
16 to whom the knowing sale or disposition of a firearm  
17 or ammunition is prohibited under section 922(d)”;  
18 and

19 (3) in section 925A(2), by inserting “and to  
20 whom the knowing sale or disposition of a firearm  
21 was not prohibited pursuant to subsection (d) of  
22 such section” after “section 922”.

23 (b) BRADY HANDGUN VIOLENCE PREVENTION  
24 ACT.—Section 103 of the Brady Handgun Violence Pre-  
25 vention Act (34 U.S.C. 40901) is amended—

(1) in subsection (e)(1)—

1 (A) in subparagraph (A), by striking “for  
2 whom” and all that follows through “subsection  
3 (g)” and inserting “to whom the knowing sale  
4 or disposition of a firearm, or for whom receipt  
5 of a firearm, would violate subsection (d), (g),”;

6 (B) in subparagraph (F)(iii)(I), by striking  
7 “(g)” and inserting “(d), (g),”; and

8 (C) in subparagraph (G)(i), by striking  
9 “(g)” and inserting “(d), (g),”;

10 (2) in subsection (g), in the first sentence, by  
11 striking “receipt of a firearm by a prospective trans-  
12 feree would violate subsection (g)” and inserting  
13 “the knowing sale or disposition of a firearm to, or  
14 the possession or receipt of a firearm by, a prospec-  
15 tive transferee would violate subsection (d), (g),”;  
16 and

17 (3) in subsection (i)(2), by striking “, prohib-  
18 ited by section 922 (g) or (n) of title 18, United  
19 States Code or State law, from receiving a firearm.”  
20 and inserting “to whom the knowing sale or disposi-  
21 tion of, or for whom the possession or receipt of, a  
22 firearm is prohibited by subsection (d), (g), or (n)  
23 of section 922 of title 18, United States Code, or  
24 State law.”.

1           (c) NICS IMPROVEMENT AMENDMENTS ACT OF  
2 2007.—The NICS Improvement Amendments Act of 2007  
3 (34 U.S.C. 40902 et seq.) is amended—

4           (1) in section 101(b) (34 U.S.C. 40911(b))—

5                   (A) in paragraph (1)(A), by striking “a  
6 person is disqualified from possessing or receiv-  
7 ing a firearm under subsection (g)” and insert-  
8 ing “the knowing sale or disposition of a fire-  
9 arm to, or the possession or receipt of a firearm  
10 by, a person is prohibited under subsection (d),  
11 (g),”; and

12                   (B) in paragraph (2)(A), by striking “a  
13 member of the Armed Forces involved in such  
14 proceeding is disqualified from possessing or re-  
15 ceiving a firearm under subsection (g)” and in-  
16 serting “the knowing sale or disposition of a  
17 firearm to, or the possession or receipt of a fire-  
18 arm by, a member of the Armed Forces is pro-  
19 hibited under subsection (d), (g),”; and

20           (2) in section 102 (34 U.S.C. 40912)—

21                   (A) in subsection (b)(3)—

22                           (i) by inserting “, or to whom the  
23 knowing sale or disposition of a firearm is  
24 prohibited,” after “firearm”; and

1                   (ii) by striking “subsection (g)” and  
2                   inserting “subsection (d), (g),”; and  
3                   (B) in subsection (c)(1)(A), by inserting “,  
4                   or is a person to whom the knowing sale or dis-  
5                   position of a firearm is prohibited by subsection  
6                   (d) of such section” before the period.

7 **SEC. 5. APPLICABILITY.**

8           This Act, and the amendments made by this Act,  
9 shall not apply with respect to any conviction that occurs  
10 before the date that is 180 days after the date of enact-  
11 ment of this Act.

12 **SEC. 6. RULE OF CONSTRUCTION.**

13           Nothing in this Act shall—

14                   (1) alter the requirements under subsections  
15                   (d)(8) or (g)(8) of section 922 of title 18, United  
16                   States Code; or

17                   (2) have a limiting effect on State, local, or  
18                   Tribal law.

○