

113TH CONGRESS  
1ST SESSION

# S. 261

To establish and clarify that Congress does not authorize persons convicted of dangerous crimes in foreign courts to freely possess firearms in the United States.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 2013

Mrs. FEINSTEIN (for herself, Mr. SCHUMER, Mr. WHITEHOUSE, Mrs. BOXER, Mr. MENENDEZ, and Mr. LAUTENBERG) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To establish and clarify that Congress does not authorize persons convicted of dangerous crimes in foreign courts to freely possess firearms in the United States.

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 “No Firearms for For-  
5 eign Felons Act of 2013”.

6 **SEC. 2. NO FIREARMS FOR FOREIGN FELONS.**

7 (a) DEFINITIONS.—

1           (1) COURTS.—Section 921(a) of title 18,  
2           United States Code, is amended by adding at the  
3           end the following:

4           “(36) The term ‘any court’ includes any Federal,  
5           State, or foreign court.”.

6           (2) EXCLUSION OF CERTAIN FELONIES.—Sec-  
7           tion 921(a)(20) of title 18, United States Code, is  
8           amended—

9                   (A) in subparagraph (A), by striking “any  
10                  Federal or State offenses” and inserting “any  
11                  Federal, State, or foreign offenses”;

12                   (B) in subparagraph (B), by striking “any  
13                  State offense classified by the laws of the  
14                  State” and inserting “any State or foreign of-  
15                  fense classified by the laws of that jurisdiction”;  
16                  and

17                   (C) in the matter following subparagraph  
18                  (B), in the first sentence, by inserting before  
19                  the period the following: “, except that a for-  
20                  eign conviction shall not constitute a conviction  
21                  of such a crime if the convicted person estab-  
22                  lishes that the foreign conviction resulted from  
23                  a denial of fundamental fairness that would vio-  
24                  late due process if committed in the United

1 States or from conduct that would be legal if  
2 committed in the United States”.

3 (b) DOMESTIC VIOLENCE CRIMES.—Section  
4 921(a)(33) of title 18, United States Code, is amended—

5 (1) in subparagraph (A)—

6 (A) in the matter preceding clause (i), by  
7 striking “subparagraph (C)” and inserting  
8 “subparagraph (B)”; and

9 (B) in clause (i)—

10 (i) by inserting “(I)” after “(i)”;  
11 (ii) by striking “and” and inserting

12 “or”; and  
13 (iii) by adding at the end the fol-  
14 lowing:

15 “(II) is a crime under foreign law that is pun-  
16 ishable by imprisonment for a term of not more than  
17 1 year; and”; and

18 (2) in subparagraph (B)(ii), by striking “if the  
19 conviction has” and inserting the following: “if the  
20 conviction—

21 “(I) occurred in a foreign jurisdiction and the  
22 convicted person establishes that the foreign convic-  
23 tion resulted from a denial of fundamental fairness  
24 that would violate due process if committed in the

1 United States or from conduct that would be legal  
2 if committed in the United States; or

3 “(II) has”.

4 (c) PENALTIES.—Section 924(e)(2)(A)(ii) of title 18,  
5 United States Code, is amended—

6 (1) by striking “an offense under State law”  
7 and inserting “an offense under State or foreign  
8 law”; and

9 (2) by inserting before the semicolon the fol-  
10 lowing: “, except that a foreign conviction shall not  
11 constitute a conviction of such a crime if the con-  
12 victed person establishes that the foreign conviction  
13 resulted from a denial of fundamental fairness that  
14 would violate due process if committed in the United  
15 States or from conduct that would be legal if com-  
16 mitted in the United States”.

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