

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3594

To amend Federal crime grant programs relating to domestic violence to encourage States and localities to implement gun confiscation policies, reform stalking laws, create integrated domestic violence courts, and hire additional personnel for entering protection orders, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2005

Mr. ROTHMAN introduced the following bill; which was referred to the  
Committee on the Judiciary

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## A BILL

To amend Federal crime grant programs relating to domestic violence to encourage States and localities to implement gun confiscation policies, reform stalking laws, create integrated domestic violence courts, and hire additional personnel for entering protection orders, 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 Vic-  
5       tim Protection Act”.

1 **SEC. 2. ENCOURAGEMENT OF GUN CONFISCATION POLI-**  
2 **CIES IN DOMESTIC VIOLENCE CASES.**

3 Section 2101(e) of the Omnibus Crime Control and  
4 Safe Streets Act of 1968 (42 U.S.C. 3796hh(e)) is amend-  
5 ed—

6 (1) by striking “and” at the end of paragraph  
7 (3);

8 (2) by striking the period at the end of para-  
9 graph (4) and inserting “; and”; and

10 (3) by adding at the end the following new  
11 paragraph:

12 “(5) certify that their laws or official policies—

13 “(A) provide that a law enforcement officer  
14 who has probable cause that an act of domestic  
15 violence has been committed may—

16 “(i) question persons present to deter-  
17 mine whether there are weapons on the  
18 premises; and

19 “(ii) upon observing or learning that a  
20 weapon is present on the premises, seize  
21 any weapon that the officer reasonably be-  
22 lieves would expose the victim or any other  
23 household member to a risk of serious bod-  
24 ily injury;

25 “(B) provide that a court, as part of the  
26 relief provided in a protection order—

1           “(i) may order that the defendant is  
2           prohibited from possessing any firearm or  
3           other weapon; and

4           “(ii) may order that any location may  
5           be searched for such a weapon, and such  
6           weapon may be seized, if the court has rea-  
7           sonable cause to believe that a firearm or  
8           other weapon of the defendant is at that  
9           location.”.

10 **SEC. 3. ELIMINATION OF SPECIFIC INTENT TO CAUSE FEAR**  
11 **FROM THE ELEMENTS OF THE OFFENSE OF**  
12 **STALKING.**

13           Section 40602 of the Violence Against Women Act  
14 of 1994 (42 U.S.C. 14031) is amended by adding at the  
15 end the following new subsection:

16           “(c) ELEMENTS OF STALKING OFFENSE.—To be eli-  
17 gible to receive a grant under subsection (a), a State or  
18 unit of local government shall, in addition to the require-  
19 ments of subsection (b), certify that its laws or official  
20 policies relating to the offense of stalking require, as ele-  
21 ments of the offense, not more than the following: that  
22 the defendant has on more than one occasion harassed or  
23 threatened the victim.”.

1 **SEC. 4. ENCOURAGEMENT OF INTEGRATED DOMESTIC VIO-**  
2 **LENCE COURTS.**

3 Section 40412 of the Violence Against Women Act  
4 of 1994 (42 U.S.C. 13992) is amended—

5 (1) by inserting “(a) IN GENERAL.—” at the  
6 beginning; and

7 (2) by adding at the end the following new sub-  
8 section:

9 “(b) INTEGRATED DOMESTIC VIOLENCE COURTS.—  
10 Training provided pursuant to grants made under this  
11 subtitle may include training in the context of establishing  
12 and maintaining courts that provide, wherever practicable,  
13 for domestic matters (whether civil or criminal) that arise  
14 out of the same family or domestic circumstance to be as-  
15 signed to a judicial unit for the processing of those mat-  
16 ters on a coordinated basis.”.

17 **SEC. 5. HIRING AND MAINTAINING OF ADDITIONAL PER-**  
18 **SONNEL FOR ENTERING PROTECTION OR-**  
19 **DERS.**

20 (a) GRANTS TO ENCOURAGE ARREST POLICIES.—  
21 Section 2101(b) of the Omnibus Crime Control and Safe  
22 Streets Act of 1968 (42 U.S.C. 3796hh(b)) is amended  
23 by adding at the end the following new paragraph:

24 “(9) To hire and maintain additional personnel  
25 for entering information relating to protection or-  
26 ders.”.

1           (b) GRANTS RELATING TO STALKING AND DOMESTIC  
2 VIOLENCE.—Section 40602 of the Violence Against  
3 Women Act of 1994 (42 U.S.C. 14031) is amended by  
4 striking the period at the end of subsection (a) and insert-  
5 ing the following: “, which may include hiring and main-  
6 taining additional personnel for entering such data.”.

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