

111TH CONGRESS
2D SESSION

H. R. 4727

To amend title 18, United States Code, to place limitations on the possession, sale, and other disposition of a firearm by persons convicted of misdemeanor sex offenses against children.

IN THE HOUSE OF REPRESENTATIVES

MARCH 2, 2010

Mr. NADLER of New York (for himself, Ms. WASSERMAN SCHULTZ, Mr. WEINER, Mrs. MCCARTHY of New York, Ms. SLAUGHTER, Ms. SCHWARTZ, Mr. ISRAEL, Mr. HASTINGS of Florida, and Mrs. LOWEY) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to place limitations on the possession, sale, and other disposition of a firearm by persons convicted of misdemeanor sex offenses against children.

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 “Keep Kids Safe Act
5 of 2010”.

1 **SEC. 2. LIMITS ON POSSESSION, SALE, AND DISPOSITION**
2 **OF FIREARMS BY PERSONS CONVICTED OF**
3 **MISDEMEANOR SEX OFFENSES AGAINST MI-**
4 **NORS.**

5 (a) DISPOSITION OF FIREARM.—Section 922(d) of
6 title 18, United States Code, is amended—

7 (1) by striking “or” at the end of paragraph
8 (8);

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

11 (3) by inserting after paragraph (9) the fol-
12 lowing:

13 “(10) has been convicted in any court of a mis-
14 demeanor sex offense against a minor.”.

15 (b) POSSESSION OF FIREARM.—Section 922(g) of
16 title 18, United States Code, is amended—

17 (1) by striking “or” at the end of paragraph
18 (8);

19 (2) by striking the comma at the end of para-
20 graph (9) and inserting “; or”; and

21 (3) by inserting after paragraph (9) the fol-
22 lowing:

23 “(10) who has been convicted in any court of
24 a misdemeanor sex offense against a minor,”.

1 (c) MISDEMEANOR SEX OFFENSE AGAINST A MINOR
2 DEFINED.—Section 921(a) of such title is amended by
3 adding at the end the following:

4 “(36)(A) The term ‘misdemeanor sex offense
5 against a minor’ means a sex offense against a
6 minor punishable by imprisonment for not more
7 than one year.

8 “(B) The term ‘sex offense’ means a criminal
9 offense that has, as an element, a sexual act or sex-
10 ual contact with another, or an attempt or con-
11 spiracy to commit such an offense.

12 “(C) The term ‘minor’ means an individual who
13 has not attained 18 years of age.

14 “(D) A person shall not be considered to have
15 been convicted of a misdemeanor sex offense against
16 a minor for purposes of this chapter—

17 “(i) unless—

18 “(I) the person was represented by
19 counsel in the case, or knowingly and intel-
20 ligently waived the right to counsel in the
21 case; and

22 “(II) in the case of a prosecution for
23 the offense for which a person was entitled
24 to a jury trial in the jurisdiction in which
25 the case was tried—

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

3 “(bb) the person knowingly and
4 intelligently waived the right to have
5 the case tried by a jury, by guilty plea
6 or otherwise; or

7 “(ii) if the conviction has been expunged or
8 set aside, or is an offense for which the person
9 has been pardoned or has had civil rights re-
10 stored (if the law of the applicable jurisdiction
11 provides for the loss of civil rights under such
12 an offense), unless the pardon, expungement, or
13 restoration of civil rights expressly provides
14 that the person may not ship, transport, pos-
15 sess, or receive firearms.”.

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