

117TH CONGRESS
2D SESSION

S. 4149

To ensure that the background check system used for firearms purchases denies a firearm to a person prohibited from possessing a firearm by a lawful court order governing the pretrial release of the person.

IN THE SENATE OF THE UNITED STATES

MAY 5, 2022

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

A BILL

To ensure that the background check system used for firearms purchases denies a firearm to a person prohibited from possessing a firearm by a lawful court order governing the pretrial release of the person.

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 “Preventing Pretrial
5 Gun Purchases Act”.

1 **SEC. 2. AMENDMENTS TO THE GUN CONTROL ACT OF 1968.**

2 (a) SECTION 921.—Section 921(a) of title 18, United
3 States Code, is amended by adding at the end the fol-
4 lowing:

5 “(36) The term ‘pretrial release order’ means
6 an order of a Federal, State, tribal, or local court
7 that governs the release of an arrested person pend-
8 ing the trial of the person for a crime.”.

9 (b) SECTION 922.—Section 922 of title 18, United
10 States Code, is amended—

11 (1) in subsection (d)—

12 (A) in paragraph (8), by striking “or” at
13 the end;

14 (B) in paragraph (9), by striking the pe-
15 riod and inserting “; or”; and

16 (C) by inserting after paragraph (9) the
17 following:

18 “(10) is subject to a pretrial release order that
19 prohibits the person from purchasing, possessing, or
20 receiving firearms.”; and

21 (2) in subsection (t)—

22 (A) in paragraph (1)(B)(ii), by striking
23 “receipt of a firearm” and all that follows
24 through “section” and inserting “knowing sale
25 or disposition of a firearm by the licensee to
26 such other person or the receipt of a firearm by

1 such other person would violate subsection (d),
2 (g), or (n) of this section”;

3 (B) in paragraph (2), by striking “receipt”
4 and all that follows through “(n)” and inserting
5 “the knowing sale or disposition of a firearm to
6 the person or the receipt of a firearm by the
7 person would not violate subsection (d), (g), or
8 (n)”;

9 (C) in paragraph (3)(A)(ii), by striking
10 “that possession” and inserting “that knowing
11 sale or disposition of a firearm by a licensee to
12 such other person or possession”;

13 (D) in paragraph (4), by striking “receipt”
14 and all that follows through “(n)” and inserting
15 “knowing sale or disposition of a firearm by a
16 licensee to such other person or the receipt of
17 a firearm by such other person would violate
18 subsection (d), (g), or (n)”;

19 (E) in paragraph (5), by striking “receipt”
20 and all that follows through “(n)” and inserting
21 “knowing sale or disposition of a firearm by a
22 licensee to such other person or receipt of a
23 firearm by such other person would violate sub-
24 section (d), (g), or (n)”.

1 **SEC. 3. CONFORMING AMENDMENTS.**

2 (a) SECTION 923.—Section 923(d)(1)(B) of title 18,
 3 United States Code, is amended by striking “under section
 4 922(g) and (n) of this chapter” and inserting “by sub-
 5 section (g) or (n) of section 922 and is not a person to
 6 whom the knowing sale or disposition of any firearm or
 7 ammunition is prohibited by section 922(d)”.

8 (b) SECTION 925A.—Section 925A(2) of title 18,
 9 United States Code, is amended by inserting “and to
 10 whom the knowing sale or disposition of a firearm was
 11 not prohibited by subsection (d) of that section or State
 12 law” before the comma.

13 (c) BRADY HANDGUN VIOLENCE PREVENTION
 14 ACT.—Section 103 of the Brady Handgun Violence Pre-
 15 vention Act (34 U.S.C. 40901) is amended—

16 (1) in subsection (e)(1)—

17 (A) in subparagraph (A), by striking “for
 18 whom receipt” and all that follows through
 19 “(g)” and inserting “to whom the knowing sale
 20 or disposition of or for whom receipt of a fire-
 21 arm would violate subsection (d), (g),”;

22 (B) in subparagraph (C), by striking “(g)”
 23 and inserting “(d), (g),”;

24 (C) in subparagraph (F)(iii)(I), by striking
 25 “(g) or (n)” and inserting “(d), (g), or (n)”;
 26 and

1 (D) in subparagraph (G)(i), by striking
2 “(g) or (n)” and inserting “(d), (g), or (n)”;

3 (2) in subsection (g), by striking “receipt of a
4 firearm by a prospective transferee would violate
5 subsection (g) or (n)” and inserting “the knowing
6 sale or disposition of a firearm to or receipt of a
7 firearm by a prospective transferee would violate
8 subsection (d), (g), or (n)”;

9 (3) in subsection (i)(2), by striking all that fol-
10 lows after “respect to persons,” and inserting “to
11 whom the knowing sale or disposition of, or for
12 whom receipt of, a firearm is prohibited by sub-
13 section (d), (g), or (n) of section 922 of title 18,
14 United States Code, or State law.”.

15 (d) NICS IMPROVEMENT AMENDMENTS ACT OF
16 2007.—Title I of the NICS Improvement Amendments
17 Act of 2007 (34 U.S.C. 40911 et seq.) is amended—

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

19 (A) in paragraph (1)(A), by striking “a
20 person is disqualified from possessing or receiv-
21 ing a firearm under subsection (g)” and insert-
22 ing “the knowing sale or disposition of a fire-
23 arm to a person or receipt of a firearm by a
24 person is prohibited by subsection (d), (g),”;
25 and

1 (B) in paragraph (2)(A)—

2 (i) by striking “after the” and insert-
3 ing “after a court martial imposes a pre-
4 trial release order or the”; and

5 (ii) by striking “a member of the
6 Armed Forces involved in such proceeding
7 is disqualified from possessing or receiving
8 a firearm under subsection (g) or (n)” and
9 inserting “the knowing sale or disposition
10 of a firearm to or receipt of a firearm by
11 a member of the Armed Forces is prohib-
12 ited by subsection (d), (g), or (n)”;

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

14 (A) in subsection (b)(3), by striking “are
15 prohibited from possessing or receiving a fire-
16 arm under subsection (g)” and inserting “are
17 described in one of the categories under sub-
18 section (d), (g),”; and

19 (B) in subsection (c)(1)(A), by inserting
20 “the knowing sale or disposition of a firearm to
21 a person would be prohibited under subsection
22 (d) of section 922 of title 18, United States
23 Code, or applicable State law or whether” after
24 “determination of whether”.

1 **SEC. 4. FUNDS FOR STATES THAT REPORT PRETRIAL OR-**
2 **DERS RESTRICTING FIREARM POSSESSION**
3 **TO NICS.**

4 (a) DEFINITION.—In this section, the term “covered
5 pretrial release order” means an order of a State, Tribal,
6 or local court that governs the release of an arrested indi-
7 vidual pending the trial of the individual for a crime, and
8 which prohibits the individual from possessing a firearm
9 or ammunition (as such terms are defined in section 921
10 of title 18, United States Code).

11 (b) AUTHORIZATION.—The Attorney General may
12 make grants to States and Indian Tribes for the purpose
13 of reporting information about covered pretrial release or-
14 ders to the national instant criminal background check
15 system established under section 103 of the Brady Hand-
16 gun Violence Prevention Act (34 U.S.C. 40901).

17 (c) APPLICATIONS.—The chief executive of a State
18 or Indian Tribe seeking a grant under this section shall
19 submit to the Attorney General an application at such
20 time, in such manner, and containing such information as
21 the Attorney General may reasonably require.

22 (d) CLARIFICATION.—Grants made under this section
23 shall be in addition to any amount that a State or Indian
24 Tribe receives under section 302(c)(19) of title I of the
25 Omnibus Crime Control and Safe Streets Act of 1968 (34
26 U.S.C. 10132(c)(19)) (commonly referred to as the “Na-

1 tional Criminal History Improvement Program”) or sec-
2 tion 103 of the NICS Improvement Amendments Act of
3 2007 (34 U.S.C. 40913) (commonly referred to as the
4 “NICS Act Record Improvement Program”).

5 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
6 authorized to be appropriated \$25,000,000 for each of fis-
7 cal years 2023 through 2027 to carry out this section.

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