

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.

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

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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