

118TH CONGRESS
2D SESSION

S. 4612

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

JUNE 20, 2024

Mr. BOOKER (for himself, Mr. BLUMENTHAL, and Mr. DURBIN) 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 “(38) 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 (10), by striking “or” at
13 the end;

14 (B) in paragraph (11), by striking the pe-
15 riod and inserting “; or”; and

16 (C) by inserting after paragraph (11) the
17 following:

18 “(12) 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), in the matter pre-
4 ceeding subparagraph (A), by striking “receipt”
5 and all that follows through “(n)” and inserting
6 “the knowing sale or disposition of a firearm to
7 the person or the receipt of a firearm by the
8 person would not violate subsection (d), (g), or
9 (n)”;

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

14 (D) in paragraph (4)—

15 (i) by striking “receipt” and all that
16 follows through “(n)” and inserting
17 “knowing sale or disposition of a firearm
18 by a licensee to such other person or the
19 receipt of a firearm by such other person
20 would violate subsection (d), (g), or (n)”;
21 and

22 (ii) by inserting a comma after
23 “State”; and

24 (E) in paragraph (5)—

- 1 (i) by striking “receipt” and all that
2 follows through “(n)” and inserting
3 “knowing sale or disposition of a firearm
4 by a licensee to such other person or re-
5 ceipt of a firearm by such other person
6 would violate subsection (d), (g), or (n)”;
7 and
8 (ii) by inserting a comma after
9 “State”.

10 **SEC. 3. CONFORMING AMENDMENTS.**

11 (a) SECTION 923.—Section 923(d)(1)(B) of title 18,
12 United States Code, is amended by striking “under section
13 922(g) and (n) of this chapter” and inserting “by sub-
14 section (g) or (n) of section 922 and is not a person to
15 whom the knowing sale or disposition of any firearm or
16 ammunition is prohibited by section 922(d)”.

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

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

25 (1) in subsection (e)(1)—

1 (A) in subparagraph (A), by striking “for
2 whom receipt” and all that follows through
3 “(g)” and inserting “to whom the knowing sale
4 or disposition of or for whom receipt of a fire-
5 arm would violate subsection (d), (g),”;

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

8 (C) in subparagraph (F)(iii)(I), by striking
9 “(g) or (n)” and inserting “(d), (g), or (n)”;
10 and

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

13 (2) in subsection (g), by striking “receipt of a
14 firearm by a prospective transferee would violate
15 subsection (g) or (n)” and inserting “the knowing
16 sale or disposition of a firearm to or receipt of a
17 firearm by a prospective transferee would violate
18 subsection (d), (g), or (n)”;

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

1 (d) NICS IMPROVEMENT AMENDMENTS ACT OF
2 2007.—Title I of the NICS Improvement Amendments
3 Act of 2007 (34 U.S.C. 40911 et seq.) is amended—

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

5 (A) in paragraph (1)(A), by striking “a
6 person is disqualified from possessing or receiv-
7 ing a firearm under subsection (g)” and insert-
8 ing “the knowing sale or disposition of a fire-
9 arm to a person or receipt of a firearm by a
10 person is prohibited by subsection (d), (g),”;
11 and

12 (B) in paragraph (2)(A)—

13 (i) by striking “after the” and insert-
14 ing “after a court martial imposes a pre-
15 trial release order or the”; and

16 (ii) by striking “a member of the
17 Armed Forces involved in such proceeding
18 is disqualified from possessing or receiving
19 a firearm under subsection (g) or (n)” and
20 inserting “the knowing sale or disposition
21 of a firearm to or receipt of a firearm by
22 a member of the Armed Forces is prohib-
23 ited by subsection (d), (g), or (n)”;

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

1 (A) in subsection (b)(3), by striking “are
 2 prohibited from possessing or receiving a fire-
 3 arm under subsection (g)” and inserting “are
 4 described in one of the categories under sub-
 5 section (d), (g),”; and

6 (B) in subsection (c)(1)(A), by inserting
 7 “the knowing sale or disposition of a firearm to
 8 a person would be prohibited under subsection
 9 (d) of section 922 of title 18, United States
 10 Code, or applicable State law or whether” after
 11 “determination of whether”.

12 **SEC. 4. FUNDS FOR STATES THAT REPORT PRETRIAL OR-**
 13 **DERS RESTRICTING FIREARM POSSESSION**
 14 **TO NICS.**

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

22 (b) AUTHORIZATION.—The Attorney General may
 23 make grants to States and Indian Tribes for the purpose
 24 of reporting information about covered pretrial release or-
 25 ders to the national instant criminal background check

1 system established under section 103 of the Brady Hand-
2 gun Violence Prevention Act (34 U.S.C. 40901).

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

8 (d) CLARIFICATION.—Grants made under this section
9 shall be in addition to any amount that a State or Indian
10 Tribe receives under section 302(c)(19) of title I of the
11 Omnibus Crime Control and Safe Streets Act of 1968 (34
12 U.S.C. 10132(c)(19)) (commonly referred to as the “Na-
13 tional Criminal History Improvement Program”) or sec-
14 tion 103 of the NICS Improvement Amendments Act of
15 2007 (34 U.S.C. 40913) (commonly referred to as the
16 “NICS Act Record Improvement Program”).

17 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated \$25,000,000 for each of fis-
19 cal years 2024 through 2028 to carry out this section.

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