

111TH CONGRESS
1ST SESSION

H. R. 2153

To amend chapter 44 of title 18, United States Code, to increase the extent to which State law is used in determining whether a criminal conviction under State law is sufficient to deny a person the right to ship, transport, possess, or receive a firearm.

IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 2009

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

A BILL

To amend chapter 44 of title 18, United States Code, to increase the extent to which State law is used in determining whether a criminal conviction under State law is sufficient to deny a person the right to ship, transport, possess, or receive a firearm.

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 “Second Amendment
5 Restoration Act”.

1 **SEC. 2. LIMITED RESTORATION OF FIREARMS RIGHTS**
2 **UNDER STATE LAW.**

3 (a) IN GENERAL.—Section 921(a)(20) of title 18,
4 United States Code, is amended to read as follows:

5 “(20) The term “crime punishable by imprisonment
6 for a term exceeding one year” does not include—

7 “(A) any Federal or State offenses pertaining
8 to antitrust violations, unfair trade practices, re-
9 straints of trade, or other similar offenses relating
10 to the regulation of business practices; or

11 “(B) any State offense classified by the laws of
12 the State as a misdemeanor and punishable by a
13 term of imprisonment of 2 years or less, or by an
14 indeterminate sentence.

15 What constitutes a conviction of such a crime shall be de-
16 termined in accordance with the law of the jurisdiction in
17 which the proceedings were held. Any conviction which has
18 been expunged or set aside, or for which a person has been
19 pardoned, has had civil rights restored, or has not lost
20 civil rights, shall not be considered a conviction for pur-
21 poses of this chapter, except to the extent that the pardon,
22 expungement, or restoration of civil rights, or State or
23 Federal law, expressly provides that the person may not
24 ship, transport, possess, or receive any firearm.”.

1 (b) APPLICABILITY.—The amendment made by sub-
2 section (a) shall apply to proceedings brought or pending
3 before, on, or after the date of the enactment of this Act.

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