

Full Faith and Credit Provisions of the Violence Against Women Act
18 U.S.C. §§ 2265-2266 (2000)

§ 2265 Full Faith and Credit Given to Protection Orders

- (a) **FULL FAITH AND CREDIT.** - Any protection order issued that is consistent with subsection (b) of this section by the court of one State or Indian tribe (the issuing State or Indian tribe) shall be accorded full faith and credit by the court of another State or Indian tribe (the enforcing State or Indian tribe) and enforced as if it were the order of the enforcing State or tribe.
- (b) **PROTECTION ORDER.** - A protection order issued by a State or tribal court is consistent with this subsection if -
- (1) such court has jurisdiction over the parties and matter under the law of such State or Indian tribe; and
 - (2) reasonable notice and opportunity to be heard is given to the person against whom the order is sought sufficient to protect that person's right to due process. In the case of ex parte orders, notice and opportunity to be heard must be provided within the time required by State or tribal law, and in any event within a reasonable time after the order is issued, sufficient to protect the respondent's due process rights.
- (c) **CROSS OR COUNTER PETITION.** - A protection order issued by a State or tribal court against one who has petitioned, filed a complaint, or otherwise filed a written pleading for protection against abuse by a spouse or intimate partner is not entitled to full faith and credit if -
- (1) no cross or counter petition, complaint, or other written pleading was filed seeking such a protection order; or
 - (2) a cross or counter petition has been filed and the court did not make specific findings that each party was entitled to such an order.
- (d) **NOTIFICATION AND REGISTRATION.** -
- (1) **NOTIFICATION.** - A State or Indian tribe according full faith and credit to an order by a court of another State or Indian tribe shall not notify or require notification of the party against whom a protection order has been issued that the protection order has been registered or filed in that enforcing State or tribal jurisdiction unless requested to do so by the party protected under such order.
 - (2) **NO PRIOR REGISTRATION OR FILING AS PREREQUISITE FOR ENFORCEMENT.** - Any protection order that is otherwise consistent with this section shall be accorded full faith and credit, notwithstanding failure to comply with any requirement that the order be registered or filed in the enforcing State or tribal jurisdiction.
- (e) **TRIBAL COURT JURISDICTION.** - For purposes of this section, a tribal court shall have full civil jurisdiction to enforce protection orders, including authority to enforce any orders through civil contempt proceedings, exclusion of violators from Indian lands, and other appropriate mechanisms, in matters arising within the authority of the tribe.

Full Faith and Credit Provisions of the Violence Against Women Act
18 U.S.C. §§ 2265-2266 (2000)

§ 2266 Definitions

- (5) **PROTECTION ORDER.** – The term “protection order” includes any injunction or other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including any temporary or final order issued by a civil and criminal court (other than a support or child custody order issued pursuant to State divorce and child custody laws, except to the extent that such an order is entitled to full faith and credit under other Federal law) whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition or motion filed by or on behalf of a person seeking protection.
- (8) **STATE.** – The term “State” includes a State of the United States, the District of Columbia, and a commonwealth, territory, or possession of the United States.

Federal Domestic Violence Crimes

§ 2266. Definitions

In this chapter:

- (1) **BODILY INJURY.** – The term “bodily injury” means any act, except one done in self-defense, that results in physical injury or sexual abuse.
- (2) **COURSE OF CONDUCT.** – The term “course of conduct” means a pattern of conduct composed of 2 or more acts, evidencing a continuity of purpose.
- (3) **ENTER OR LEAVE INDIAN COUNTRY.** – The term “enter or leave Indian country” includes leaving the jurisdiction of 1 tribal government and entering the jurisdiction of another tribal government.
- (4) **INDIAN COUNTRY.** – The term “Indian country” has the meaning stated in section 1151 of this title.
- (5) **PROTECTION ORDER.** – The term “protection order” includes any injunction or other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including any temporary or final order issued by a civil and criminal court (other than a support or child custody order issued pursuant to State divorce and child custody laws, except to the extent that such an order is entitled to full faith and credit under other Federal law) whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition or motion filed by or on behalf of a person seeking protection.
- (6) **SERIOUS BODILY INJURY.** – The term “serious bodily injury” has the meaning stated in section 2119(2).
- (7) **SPOUSE OR INTIMATE PARTNER.** – The term “spouse or intimate partner” includes—
 - (A) for purposes of –
 - (i) sections other than 2261A, a spouse, a former spouse, a person who shares a child in common with the abuser, and a person who cohabits or has cohabited with the abuser as a spouse; and
 - (ii) section 2261A, a spouse or former spouse of the target of the stalking, a person who shares a child in common with the target of the stalking, and a person who cohabits or has cohabited as a spouse with the target of the stalking; and
 - (B) any other person similarly situated to a spouse who is protected by the domestic or family violence laws of the State or tribal jurisdiction in which the injury occurred or where the victim resides.
- (8) **STATE.** – The term “State” includes a State of the United States, the District of Columbia, and a commonwealth, territory, or possession of the United States.
- (9) **TRAVEL IN INTERSTATE OR FOREIGN COMMERCE.** – The term “travel in interstate or foreign commerce” does not include travel from 1 State to another by an individual who is a member of an Indian tribe and who remains at all times in the territory of the Indian tribe of which the individual is a member.

Federal Domestic Violence Crimes

§ 2262. Interstate Violation of Protection Order

(a) OFFENSES.

- (1) **TRAVEL OR CONDUCT OF OFFENDER.** – A person who travels in interstate or foreign commerce, or enters or leaves Indian country, with the intent to engage in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats, or harassment against, contact or communication with, or physical proximity to, another person, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued, and subsequently engages in such conduct, shall be punished as provided in subsection (b).
- (2) **CAUSING TRAVEL OF VICTIM.** – A person who causes another person to travel in interstate or foreign commerce or to enter or leave Indian country by force, coercion, duress, or fraud, and in the course of, as a result of, or to facilitate such conduct or travel engages in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats or harassment against, contact or communication with, or physical proximity to, another person, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued, shall be punished, as provided in subsection (b).

Federal Domestic Violence Crimes

§ 2261A. Interstate Stalking

Whoever –

- (1) travels in interstate or foreign commerce or within the special maritime and territorial jurisdiction of the United States, or enters or leaves Indian country, with the intent to kill, injure, harass, or intimidate another person, and in the course of, or as a result of, such travel places that person in reasonable fear of the death of, or serious bodily injury to, that person, a member of the immediate family (as defined in section 115) of that person, or the spouse or intimate partner of that person; or
- (2) with the intent –
 - (A) to kill or injure a person in another State or tribal jurisdiction or within the special maritime and territorial jurisdiction of the United States; or
 - (B) to place a person in another State or tribal jurisdiction, or within a special maritime and territorial jurisdiction of the United States, in reasonable fear of the death of, or serious bodily injury to –
 - (i) that person;
 - (ii) a member of the immediate family (as defined in section 115) of that person; or
 - (iii) a spouse or intimate partner of that person; uses the mail or any facility of interstate or foreign commerce to engage in a course of conduct that places that person in reasonable fear of the death of, or serious bodily injury to, any of the persons described in clauses (i) through (iii);

shall be punished as provided in section 2261(b).

Federal Domestic Violence Crimes
18 USCS §§ 2261 - 2262 (2000)

§ 2261. Interstate Domestic Violence

(a) OFFENSES.

- (1) TRAVEL OR CONDUCT OF OFFENDER. – A person who travels in interstate or foreign commerce or enters or leaves Indian country with the intent to kill, injure, harass, or intimidate a spouse or intimate partner, and who, in the course of or as a result of such travel, commits or attempts to commit a crime of violence against that spouse or intimate partner, shall be punished as provided in subsection (b).
- (2) CAUSING TRAVEL OF VICTIM. – A person who causes a spouse or intimate partner to travel in interstate or foreign commerce or to enter or leave Indian country by force, coercion, duress, or fraud, and who, in the course of, as a result of, or to facilitate such conduct or travel, commits or attempts to commit a crime of violence against that spouse or intimate partner, shall be punished as provided in subsection (b).

(b) PENALTIES. A person who violates this section or section 2261A shall be fined under this title, imprisoned—

- (1) for life or any term of years, if death of the victim results;
- (2) for not more than 20 years if permanent disfigurement or life threatening bodily injury to the victim results;
- (3) for not more than 10 years, if serious bodily injury to the victim results or if the offender uses a dangerous weapon during the offense;
- (4) as provided for the applicable conduct under chapter 109A [18 USCS §§ 2241 et seq.] if the offense would constitute an offense under chapter 109A [18 USCS §§ 2241 et seq.] (without regard to whether the offense was committed in the special maritime and territorial jurisdiction of the United States or in a Federal prison); and
- (5) for not more than 5 years, in any other case, or both fined and imprisoned.

Federal Firearms Definitions Related to Domestic Violence

18 U.S.C. § 921

921 Definitions

“(3) The term “firearm” means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include antique firearms.

“(4) The term “destructive device” means—

(A) any explosive, incendiary, or poison gas—

(i) bomb,

(ii) grenade,

(iii) rocket having a propellant charge of more than four ounces,

(iv) missile having an explosive or incendiary charge of more than one-quarter ounce,

(v) mine, or

(vi) device similar to any of the devices described in the preceding clauses.

(B) any type of weapon (other than shotgun or a shotgun shell which the Secretary finds is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by the action of any explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and

(C) any combination of parts wither designed or intended for use in converting any device into any destructive device described in subparagraph (A) or (B) and from which a destructive device may be readily assembled.

The term “destructive device” shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordinance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 4684(2), 4685, or 4686 of title 10; or any other device which the Secretary of the Treasury find is not likely to be used as a weapon, is an antique, or is a rifle which the owner intends to use solely for sporting, recreational or cultural purposes.

“(16) The term “antique firearm” means—

(A) any firearm (including any firearm with a match lock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; or

(B) any replica of any firearm described in subparagraph (A) if such replica—

(i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition,

or

(ii) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade; or

(C) any muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol, which is designed to use black powder, or a black powder substitute, and which cannot use fixed ammunition. For purposes of this subparagraph, the term antique firearm shall not include any weapon which

incorporates a firearm frame or receiver, any firearm which is converted to fire fixed ammunition by replacing the barrel, bolt, breechblock, or any combination thereof.

“(32) The term “intimate partner” means, with respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabitates or has cohabited with the person.

“(33) (A) Except as provided in subparagraph (C), the term “misdemeanor crime of domestic violence” means an offense that—

(i) is a misdemeanor under Federal or State law; and

(ii) has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the spouse, parent, or guardian of the victim.

(B) (i) A person shall not be considered to have been convicted of such offense for purposes of this chapter [18 USCS @@ 921 et seq.], unless,

1) the person was represented by counsel in the case; or knowingly and intelligently waived the right to counsel in the case; and

2) in the case of a prosecution for an offense described in this paragraph for which a person was entitled to a jury trial in the jurisdiction in which the case was tried, either

(iii) the case was tried by a jury, or

(iv) the person knowingly and intelligently waived the right to have the case tried by a jury, by guilty plea or otherwise.

(ii) A person shall not be considered to have been convicted of such offense for purposes of this chapter [18 USCS @@ 921 et seq.] if the conviction has been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored (if the law of the applicable jurisdiction provides for the loss of civil rights under such offense) unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

Federal Firearms Statutes Related to Domestic Violence

18 U.S.C. § 922(g)(8)

“(g) It shall be unlawful for any person—

“(8) who is subject to a court order that—

(A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

(B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

(C) (i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury[.]”

“to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.”

“The term “intimate partner” means, with respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabitates or has cohabited with the person.” 18 U.S.C. § 921(a)(32)

18 U.S.C. § 922(d)(8)

“(d) It shall be unlawful for any person to sell or otherwise dispose of any firearm or ammunition to any person knowing or having reasonable cause to believe that such person—

“(8) is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, except that this paragraph shall only apply to a court order that—

(A) was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate; and (B) (i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or

“(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury[.]”

Federal Firearms Statutes Related to Domestic Violence

18 U.S.C. § 922(g)(9)

“(g) It shall be unlawful for any person -

“(9) who has been convicted in any court of a misdemeanor crime of domestic violence,

“to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.”

18 U.S.C. § 922(d)(9)

“(d) It shall be unlawful for any person to sell or otherwise dispose of any firearm or ammunition to any person knowing or having reasonable cause to believe that such person-

“(9) has been convicted in any court of a misdemeanor crime of domestic violence.”