

Nadler 4
Failed 11-17

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 822
OFFERED BY MR. NADLER OF NEW YORK**

Page 2, line 20, after the period insert the following:
“Notwithstanding the preceding sentence, the possession or carrying of a concealed handgun in a State under this section shall be subject to any State law limiting the eligibility to possess or carry a concealed handgun by reason of a conviction in any court of a misdemeanor sex offense against a minor.”.

Page 3, line 2, strike the close quotation marks.

Page 3, after line 2, insert the following:

1 “(d)(1) In subsection (b), the term ‘misdemeanor sex
2 offense against a minor’ means a sex offense against a
3 minor punishable by imprisonment for not more than one
4 year.

5 “(2) In paragraph (1), the term ‘sex offense’ means
6 a criminal offense that has, as an element, a sexual act
7 or sexual contact with another, or an attempt or con-
8 spiracy to commit such an offense, and the term ‘minor’
9 means an individual who has not attained 18 years of age.

1 “(3) A person shall not be considered to have been
2 convicted of a misdemeanor sex offense against a minor
3 for purposes of this section—

4 “(A) unless—

5 “(i) the person was represented by counsel
6 in the case, or knowingly and intelligently
7 waived the right to counsel in the case; and

8 “(ii) in the case of a prosecution for the
9 offense for which a person was entitled to a
10 jury trial in the jurisdiction in which the case
11 was tried—

12 “(I) the case was tried by a jury; or

13 “(II) the person knowingly and intel-
14 ligently waived the right to have the case
15 tried by a jury, by guilty plea or otherwise;
16 or

17 “(B) if the conviction has been expunged or set
18 aside, or is an offense for which the person has been
19 pardoned or has had civil rights restored (if the law
20 of the applicable jurisdiction provides for the loss of
21 civil rights under such an offense), unless the par-
22 don, expungement, or restoration of civil rights ex-
23 pressly provides that the person may not ship, trans-
24 port, possess, or receive firearms.”

