

119TH CONGRESS  
1ST SESSION

# S. 3256

To prevent a person who has been convicted of a misdemeanor hate crime, or has received an enhanced sentence for a misdemeanor because of hate or bias in its commission, from obtaining a firearm.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 20, 2025

Mr. LUJÁN introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To prevent a person who has been convicted of a misdemeanor hate crime, or has received an enhanced sentence for a misdemeanor because of hate or bias in its commission, from obtaining 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 “Disarm Hate Act”.

1 **SEC. 2. PREVENTION OF PERSON WHO HAS BEEN CON-**  
 2 **VICTED OF A MISDEMEANOR HATE CRIME,**  
 3 **OR RECEIVED AN ENHANCED SENTENCE FOR**  
 4 **A MISDEMEANOR BECAUSE OF HATE OR BIAS**  
 5 **IN ITS COMMISSION, FROM OBTAINING A**  
 6 **FIREARM.**

7 (a) DEFINITIONS.—Section 921(a) of title 18, United  
 8 States Code, is amended by adding at the end the fol-  
 9 lowing:

10 “(39) The term ‘convicted in any court of a mis-  
 11 demeanor hate crime’—

12 “(A) means being convicted by a court of an of-  
 13 fense that—

14 “(i) is a misdemeanor under Federal,  
 15 State, or Tribal law;

16 “(ii) has, as an element, that the conduct  
 17 of the offender was motivated by hate or bias  
 18 because of the actual or perceived race, color,  
 19 religion, national origin, gender, sexual orienta-  
 20 tion, gender identity (as defined in section  
 21 249), or disability of any person; and

22 “(iii) involves the use or attempted use of  
 23 physical force, the threatened use of a deadly  
 24 weapon, or another credible threat to the phys-  
 25 ical safety of any person; and

26 “(B) does not include—

1           “(i) a conviction of an offense described in  
2           subparagraph (A), unless—

3           “(I) the person—

4           “(aa) was represented by counsel  
5           in the case; or

6           “(bb) knowingly and intelligently  
7           waived the right to counsel in the  
8           case; and

9           “(II) in the case of a prosecution for  
10          an offense described in subparagraph (A)  
11          for which a person was entitled to a jury  
12          trial in the jurisdiction in which the case  
13          was tried—

14          “(aa) the case was tried by a  
15          jury; or

16          “(bb) the person knowingly and  
17          intelligently waived the right to have  
18          the case tried by a jury, by guilty plea  
19          or otherwise; or

20          “(ii) a conviction of an offense described in  
21          subparagraph (A) if—

22          “(I) the conviction—

23          “(aa) has been expunged or set  
24          aside; or

1 “(bb) is of an offense for which  
2 the person has been pardoned or has  
3 had civil rights restored (if the law of  
4 the applicable jurisdiction provides for  
5 the loss of civil rights under such an  
6 offense); and

7 “(II) the expungement, pardon, or  
8 restoration of civil rights does not ex-  
9 pressly provide that the person may not  
10 ship, transport, possess, or receive fire-  
11 arms.

12 “(40) The term ‘received from any court an enhanced  
13 hate crime misdemeanor sentence’—

14 “(A) means a court has imposed a sentence for  
15 a misdemeanor under Federal, State, or Tribal  
16 law—

17 “(i) that involves the use or attempted use  
18 of physical force, the threatened use of a deadly  
19 weapon, or another credible threat to the phys-  
20 ical safety of any person; and

21 “(ii) based, in whole or in part, on a judi-  
22 cial finding that the conduct of the offender  
23 was motivated, in whole or in part, by hate or  
24 bias for any reason referred to in paragraph  
25 (39)(A)(ii); and

1 “(B) does not include—

2 “(i) the imposition of a sentence described  
3 in subparagraph (A), unless—

4 “(I) the person—

5 “(aa) was represented by counsel  
6 in the case; or

7 “(bb) knowingly and intelligently  
8 waived the right to counsel in the  
9 case; and

10 “(II) if the sentence described in sub-  
11 paragraph (A) was imposed in a prosecu-  
12 tion for an offense for which a person was  
13 entitled to a jury trial in the jurisdiction in  
14 which the case was tried—

15 “(aa) the case was tried by a  
16 jury; or

17 “(bb) the person knowingly and  
18 intelligently waived the right to have  
19 the case tried by a jury, by guilty plea  
20 or otherwise; or

21 “(ii) the imposition of a sentence described  
22 in subparagraph (A) if—

23 “(I)(aa) the conviction of the offense  
24 for which the sentence was imposed has  
25 been expunged or set aside; or

1 “(bb) the offense for which the sen-  
 2 tence was imposed is an offense for which  
 3 the person has been pardoned or has had  
 4 civil rights restored (if the law of the appli-  
 5 cable jurisdiction provides for the loss of  
 6 civil rights under such an offense); and

7 “(II) the expungement, pardon, or  
 8 restoration of civil rights does not ex-  
 9 pressly provide that the person may not  
 10 ship, transport, possess, or receive fire-  
 11 arms.”.

12 (b) PROHIBITION ON SALE OR OTHER DISPOSITION  
 13 OF FIREARM.—Section 922(d) of title 18, United States  
 14 Code, is amended, in the first sentence—

15 (1) in paragraph (10), by striking “or” at the  
 16 end;

17 (2) by redesignating paragraph (11) as para-  
 18 graph (12);

19 (3) in paragraph (12), as so redesignated, by  
 20 striking “through (10)” and inserting “through  
 21 (11)”; and

22 (4) by inserting after paragraph (10) the fol-  
 23 lowing:

1           “(11) has been convicted in any court of a mis-  
2       demeanor hate crime, or has received from any court  
3       an enhanced hate crime misdemeanor sentence; or”.

4       (c) PROHIBITION ON POSSESSION, SHIPMENT, OR  
5       TRANSPORT OF FIREARM.—Section 922(g) of title 18,  
6       United States Code, is amended—

7           (1) in paragraph (8), by striking “or” at the  
8       end;

9           (2) in paragraph (9), by striking the comma  
10       and inserting “; or”; and

11          (3) by inserting after paragraph (9) the fol-  
12       lowing:

13           “(10) who has been convicted in any court of  
14       a misdemeanor hate crime, or has received from any  
15       court an enhanced hate crime misdemeanor sen-  
16       tence,”.

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