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NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

VOISINE ET AL. *v.* UNITED STATES

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

No. 14–10154. Argued February 29, 2016—Decided June 27, 2016

In an effort to "close [a] dangerous loophole" in the gun control laws, *United States* v. *Castleman*, 572 U. S. ___, ___, Congress extended the federal prohibition on firearms possession by convicted felons to persons convicted of a "misdemeanor crime of domestic violence," 18 U. S. C. §922(g)(9). Section 921(a)(33)(A) defines that phrase to include a misdemeanor under federal, state, or tribal law, committed against a domestic relation that necessarily involves the "use . . . of physical force." In *Castleman*, this Court held that a knowing or intentional assault qualifies as such a crime, but left open whether the same was true of a reckless assault.

Petitioner Stephen Voisine pleaded guilty to assaulting his girlfriend in violation of §207 of the Maine Criminal Code, which makes it a misdemeanor to "intentionally, knowingly or recklessly cause[ ] bodily injury" to another. When law enforcement officials later investigated Voisine for killing a bald eagle, they learned that he owned a rifle. After a background check turned up Voisine's prior conviction under §207, the Government charged him with violating §922(g)(9). Petitioner William Armstrong pleaded guilty to assaulting his wife in violation of a Maine domestic violence law making it a misdemeanor to commit an assault prohibited by §207 against a family or household member. While searching Armstrong's home as part of a narcotics investigation a few years later, law enforcement officers discovered six guns and a large quantity of ammunition. Armstrong was also charged under §922(g)(9). Both men argued that they were not subject to §922(g)(9)'s prohibition because their prior convictions could have been based on reckless, rather than knowing or intentional, conduct and thus did not quality as misdemeanor crimes of domestic violence. The District Court rejected those claims, and each

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petitioner pleaded guilty. The First Circuit affirmed, holding that "an offense with a *mens rea* of recklessness may qualify as a 'misdemeanor crime of violence' under §922(g)(9)." Voisine and Armstrong filed a joint petition for certiorari, and their case was remanded for further consideration in light of *Castleman*. The First Circuit again upheld the convictions on the same ground.

Held: A reckless domestic assault qualifies as a "misdemeanor crime of domestic violence" under §922(g)(9). Pp. 4–12.

(a) That conclusion follows from the statutory text. Nothing in the phrase "use. . . of physical force" indicates that §922(g)(9) distinguishes between domestic assaults committed knowingly or intentionally and those committed recklessly. Dictionaries consistently define the word "use" to mean the "act of employing" something. Accordingly, the force involved in a qualifying assault must be volitional; an involuntary motion, even a powerful one, is not naturally described as an active employment of force. See *Castleman*, 572 U. S., at ___. But nothing about the definition of "use" demands that the person applying force have the purpose or practical certainty that it will cause harm, as compared with the understanding that it is substantially likely to do so. Nor does *Leocal* v. *Ashcroft*, 543 U. S. 1, which held that the "use" of force excludes accidents. Reckless conduct, which requires the conscious disregard of a known risk, is not an accident: It involves a deliberate decision to endanger another. The relevant text thus supports prohibiting petitioners, and others with similar criminal records, from possessing firearms. Pp. 5–8.

(b) So too does the relevant history. Congress enacted §922(g)(9) in 1996 to bar those domestic abusers convicted of garden-variety assault or battery misdemeanors—just like those convicted of felonies—from owning guns. Then, as now, a significant majority of jurisdictions—34 States plus the District of Columbia—defined such misdemeanor offenses to include the reckless infliction of bodily harm. In targeting those laws, Congress thus must have known it was sweeping in some persons who had engaged in reckless conduct. See, *e.g., United States* v. *Bailey*, 9 Pet. 238, 256. Indeed, that was part of the point: to apply the federal firearms restriction to those abusers, along with all others, covered by the States' ordinary misdemeanor assault laws.

Petitioners' reading risks rendering §922(g)(9) broadly inoperative in the 35 jurisdictions with assault laws extending to recklessness. Consider Maine's law, which criminalizes "intentionally, knowingly or recklessly" injuring another. Assuming that statute defines a single crime, petitioners' view that §921(a)(33)(A) requires at least a knowing *mens rea* would mean that *no* conviction obtained under that law could qualify as a "misdemeanor crime of domestic violence."

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Descamps v. *United States*, 570 U. S. ___, ___. In *Castleman*, the Court declined to construe §921(a)(33)(A) so as to render §922(g)(9) ineffective in 10 States. All the more so here, where petitioners' view would jeopardize §922(g)(9)'s force in several times that many. Pp. 8–11.

778 F. 3d 176, affirmed.

KAGAN, J., delivered the opinion of the Court, in which ROBERTS, C. J., and KENNEDY, GINSBURG, BREYER, and ALITO, JJ., joined. THOMAS, J., filed a dissenting opinion, in which SOTOMAYOR, J., joined as to Parts I and II.

SUPREME COURT OF THE UNITED STATES

No. 14–10154

STEPHEN L. VOISINE AND WILLIAM E. ARMSTRONG, III, PETITIONERS *v.* UNITED STATES

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

[June 27, 2016]

JUSTICE KAGAN delivered the opinion of the Court.

Federal law prohibits any person convicted of a "misdemeanor crime of domestic violence" from possessing a firearm. 18 U. S. C. §922(g)(9). That phrase is defined to include any misdemeanor committed against a domestic relation that necessarily involves the "use . . . of physical force." §921(a)(33)(A). The question presented here is whether misdemeanor assault convictions for reckless (as contrasted to knowing or intentional) conduct trigger the statutory firearms ban. We hold that they do.

I

Congress enacted §922(g)(9) some 20 years ago to "close [a] dangerous loophole" in the gun control laws. *United States* v. *Castleman*, 572 U. S. ___, ___ (2014) (slip op., at 2) (quoting *United States* v. *Hayes*, 555 U. S. 415, 426 (2009)). An existing provision already barred convicted felons from possessing firearms. See §922(g)(1) (1994 ed.). But many perpetrators of domestic violence are charged with misdemeanors rather than felonies, notwithstanding the harmfulness of their conduct. See *Castleman*, 572 U. S., at ___ (slip op., at 2). And "[f]irearms and domestic

strife are a potentially deadly combination." *Hayes,* 555 U. S., at 427. Accordingly, Congress added §922(g)(9) to prohibit any person convicted of a "misdemeanor crime of domestic violence" from possessing any gun or ammunition with a connection to interstate commerce. And it defined that phrase, in §921(a)(33)(A), to include a misdemeanor under federal, state, or tribal law, committed by a person with a specified domestic relationship with the victim, that "has, as an element, the use or attempted use of physical force."

Two Terms ago, this Court considered the scope of that definition in a case involving a conviction for a knowing or intentional assault. See *Castleman*, 572 U. S., at ___–___ (slip op., at 4–13). In *Castleman*, we initially held that the word "force" in §921(a)(33)(A) bears its common-law meaning, and so is broad enough to include offensive touching. See *id.*, at ___ (slip op., at 4). We then determined that "the knowing or intentional application of [such] force is a 'use' of force." *Id.,* at ___ (slip op., at 13). But we expressly left open whether a reckless assault also qualifies as a "use" of force—so that a misdemeanor conviction for such conduct would trigger §922(g)(9)'s firearms ban. See *id.,* at ___, n. 8 (slip op., at 11, n. 8). The two cases before us now raise that issue.

Petitioner Stephen Voisine pleaded guilty in 2004 to assaulting his girlfriend in violation of §207 of the Maine Criminal Code, which makes it a misdemeanor to "intentionally, knowingly or recklessly cause[ ] bodily injury or offensive physical contact to another person." Me. Rev. Stat. Ann., Tit. 17–A, §207(1)(A). Several years later, Voisine again found himself in legal trouble, this time for killing a bald eagle. See 16 U. S. C. §668(a). While investigating that crime, law enforcement officers learned that Voisine owned a rifle. When a background check turned up his prior misdemeanor conviction, the Government

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