

Union Calendar No. 217

103D CONGRESS
1ST SESSION

H. R. 324

[Report No. 103-392]

A BILL

To require any person who is convicted of a State criminal offense against a victim who is a minor to register a current address with law enforcement officials of the State for 10 years after release from prison, parole, or supervision.

NOVEMBER 20, 1993

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1993

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

NOVEMBER 20, 1993

Additional sponsors: Mr. McMILLAN, Mr. LEHMAN, Mr. DURBIN, Mr. BEREUTER, Mr. SKEEN, Mr. GINGRICH, Mr. MCCOLLUM, Mr. PETERSON of Minnesota, Mr. HYDE, Mr. DORNAN, Mr. EWING, Mr. SCHIFF, Mr. MCDADE, Mr. PETERSON of Florida, Mr. ROYCE, Mr. GREENWOOD, Mr. WALSH, Mr. SOLOMON, Mr. FISH, Mr. BAKER of California, Mr. RANGEL, Mr. ZELIFF, Mr. PETE GEREN of Texas, Mr. SENSENBRENNER, Mr. PORTER, Mr. DIAZ-BALART, Mr. GRAMS, Mr. DOOLEY, Mr. BAKER of Louisiana, Mr. SMITH of Oregon, Mr. HINCHEY, Mr. BARTLETT of Maryland, Mr. SABO, Mrs. MEEK, Mr. MOORHEAD, Miss COLLINS of Michigan, Ms. MOLINARI, Mr. WYNN, Mr. KYL, Mr. MINGE, Mr. GLICKMAN, Mr. HANCOCK, Mr. GEKAS, Mr. RAVENEL, Mr. McNULTY, Mr. LEVY, Mr. KIM, Mr. McDERMOTT, Mr. BUNNING, Mr. PAXON, Mrs. FOWLER, Mr. GILMAN, Mr. GILCREST, Mr. ANDREWS of New Jersey, Ms. MARGOLIES-MEZVINSKY, Mr. HOYER, Mr. POMEROY, and Mr. STRICKLAND

NOVEMBER 20, 1993

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[Strike out all after the enacting clause and insert the part printed in italic]
[For text of introduced bill, see copy of bill as introduced on January 5, 1993]

A BILL

To require any person who is convicted of a State criminal offense against a victim who is a minor to register a current address with law enforcement officials of the State for 10 years after release from prison, parole, or supervision.

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 “Jacob Wetterling Crimes*
5 *Against Children Registration Act”.*

6 **SEC. 2. ESTABLISHMENT OF PROGRAM.**

7 (a) *IN GENERAL.*—

8 (1) *STATE GUIDELINES.*—*The Attorney General*
9 *shall establish guidelines for State programs requiring*
10 *any person who is convicted of a criminal offense*
11 *against a victim who is a minor to register a current*
12 *address with a designated State law enforcement*
13 *agency for 10 years after release from prison, or being*
14 *placed on parole, supervised release, or probation.*

15 (2) *DEFINITION.*—*For purposes of this sub-*
16 *section, the term “criminal offense against a victim*

1 *who is a minor” means any criminal offense that*
2 *consists of—*

3 (A) *kidnapping of a minor, except by a*
4 *parent;*

5 (B) *false imprisonment of a minor, except*
6 *by a parent;*

7 (C) *criminal sexual conduct toward a*
8 *minor;*

9 (D) *solicitation of a minor to engage in sex-*
10 *ual conduct;*

11 (E) *use of a minor in a sexual performance;*

12 (F) *solicitation of a minor to practice pros-*
13 *titution;*

14 (G) *any conduct that by its nature is a sex-*
15 *ual offense against a minor; or*

16 (H) *an attempt to commit an offense de-*
17 *scribed in any of subparagraphs (A) through (G)*
18 *of this paragraph, if the State—*

19 (i) *makes such an attempt a criminal*
20 *offense; and*

21 (ii) *chooses to include such an offense*
22 *in those which are criminal offenses against*
23 *a victim who is a minor for the purposes of*
24 *this section.*

1 (b) *REGISTRATION REQUIREMENT UPON RELEASE,*
2 *PAROLE, SUPERVISED RELEASE, OR PROBATION.*—An ap-
3 *proved State registration program established under this*
4 *section shall contain the following requirements:*

5 (1) *DUTY OF STATE PRISON OFFICIAL OR*
6 *COURT.*—*If a person who is required to register under*
7 *this section is released from prison, or placed on pa-*
8 *role, supervised release, or probation, a State prison*
9 *officer, or in the case of probation, the court, shall—*

10 (A) *inform the person of the duty to register*
11 *and obtain the information required for such*
12 *registration;*

13 (B) *inform the person that if the person*
14 *changes residence address, the person shall give*
15 *the new address to a designated State law en-*
16 *forcement agency in writing within 10 days;*

17 (C) *inform the person that if the person*
18 *changes residence to another State, the person*
19 *shall register the new address with the law en-*
20 *forcement agency with whom the person last reg-*
21 *istered, and the person is also required to reg-*
22 *ister with a designated law enforcement agency*
23 *in the new State not later than 10 days after es-*
24 *tablishing residence in the new State, if the new*
25 *State has a registration requirement;*

1 (D) obtain fingerprints and a photograph of
2 the person if these have not already been ob-
3 tained in connection with the offense that trig-
4 gers registration; and

5 (E) require the person to read and sign a
6 form stating that the duty of the person to reg-
7 ister under this section has been explained.

8 (2) *TRANSFER OF INFORMATION TO STATE AND*
9 *THE F.B.I.—The officer, or in the case of a person*
10 *placed on probation, the court, shall, within 3 days*
11 *after receipt of information described in paragraph*
12 *(1), forward it to a designated State law enforcement*
13 *agency. The State law enforcement agency shall im-*
14 *mediately enter the information into the appropriate*
15 *State law enforcement record system and notify the*
16 *appropriate law enforcement agency having jurisdic-*
17 *tion where the person expects to reside. The State law*
18 *enforcement agency shall also immediately transmit*
19 *the conviction data and fingerprints to the Federal*
20 *Bureau of Investigation.*

21 (3) *ANNUAL VERIFICATION.—On each anniver-*
22 *sary of a person's initial registration date during the*
23 *period in which the person is required to register*
24 *under this section, the designated State law enforce-*
25 *ment agency shall mail a nonforwardable verification*

1 *form to the last reported address of the person. The*
2 *person shall mail the verification form to the des-*
3 *ignated State law enforcement agency within 10 days*
4 *after receipt of the form. The verification form shall*
5 *be signed by the person, and state that the person still*
6 *resides at the address last reported to the designated*
7 *State law enforcement agency. If the person fails to*
8 *mail the verification form to the designated State law*
9 *enforcement agency within 10 days after receipt of the*
10 *form, the person shall be in violation of this section*
11 *unless the person proves that the person has not*
12 *changed his or her residence address.*

13 (4) *NOTIFICATION OF LOCAL LAW ENFORCEMENT*
14 *AGENCIES OF CHANGES IN ADDRESS.—Any change of*
15 *address by a person required to register under this*
16 *section reported to the designated State law enforce-*
17 *ment agency shall immediately be reported to the ap-*
18 *propriate law enforcement agency having jurisdiction*
19 *where the person is residing. The designated law en-*
20 *forcement agency shall, if the person changes residence*
21 *to another State, notify the person of the law enforce-*
22 *ment agency with which the person must register in*
23 *the new State, if the new State has a registration re-*
24 *quirement.*

1 (5) *PRIVACY OF DATA.*—The information col-
2 lected under a State registration program shall be
3 treated as private data on individuals and may be
4 disclosed only to law enforcement agencies for inves-
5 tigative purposes or to government agencies conduct-
6 ing confidential background checks with fingerprints
7 on applicants for child care positions or other posi-
8 tions involving contact with children.

9 (c) *REGISTRATION FOR CHANGE OF ADDRESS TO AN-*
10 *OTHER STATE.*—A person who has been convicted of an of-
11 fense which triggered registration in a State shall register
12 the new address with a designated law enforcement agency
13 in another State to which the person moves not later than
14 10 days after such person establishes residence in the new
15 State, if the new State has a registration requirement.

16 (d) *REGISTRATION FOR 10 YEARS.*—A person required
17 to register under this section shall continue to comply with
18 this section until 10 years have elapsed since the person
19 was released from prison, or placed on parole, supervised
20 release, or probation.

21 (e) *PENALTY.*—A person required to register under a
22 State program established pursuant to this section who
23 knowingly fails to so register and keep such registration
24 current shall be subject to criminal penalties in any State
25 in which the person has so failed.

1 (f) *COMPLIANCE.*—

2 (1) *COMPLIANCE DATE.*—*Each State shall have 3*
3 *years from the date of the enactment of this Act in*
4 *which to implement this section.*

5 (2) *INELIGIBILITY FOR FUNDS.*—*The allocation*
6 *of funds under section 506 of title I of the Omnibus*
7 *Crime Control and Safe Streets Act of 1968 (42*
8 *U.S.C. 3756) received by a State not complying with*
9 *the guidelines issued under this section 3 years after*
10 *the date of enactment of this Act may be reduced by*
11 *10 percent and the unallocated funds shall be reallo-*
12 *cated to the States in compliance with this section.*