

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4902

To provide protection against sexually violent predators.

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IN THE HOUSE OF REPRESENTATIVES

AUGUST 4, 1994

Ms. DUNN (for herself, Mr. DEAL, Mr. ZIMMER, Mrs. FOWLER, Mr. CUNNINGHAM, Mr. SAXTON, Mr. SMITH of New Jersey, Mr. MANTON, Mr. MANZULLO, Mr. LINDER, Ms. MOLINARI, Mr. HUFFINGTON, Mr. HYDE, and Mr. MCCOLLUM) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To provide protection against sexually violent predators.

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 “Sexually Violent Pred-  
5       ators Act”.

6       **SEC. 2. FINDINGS.**

7       Congress finds that—

8               (1) there exists a small but extremely dan-  
9       gerous group of sexually violent persons who do not  
10       have a mental disease or defect;

1           (2) persons who are sexually violent predators  
2 generally have antisocial personality features that—

3           (A) are not amenable to mental illness  
4 treatment modalities in existence on the date of  
5 enactment of this Act; and

6           (B) render the persons likely to engage in  
7 sexually violent behavior;

8           (3) the likelihood that sexually violent predators  
9 will repeat acts of predatory sexual violence is high;  
10 and

11           (4) the prognosis for curing sexually violent  
12 predators is poor and the treatment needs of the  
13 population of the predators are very long-term.

14 **SEC. 3. DEFINITIONS.**

15 As used in this Act:

16           (1) MENTAL ABNORMALITY.—The term “men-  
17 tal abnormality” means a congenital or acquired  
18 condition of a person that affects the emotional or  
19 volitional capacity of the person in a manner that  
20 predisposes the person to the commission of criminal  
21 sexual acts to a degree that makes the person a  
22 menace to the health and safety of other persons.

23           (2) PREDATORY.—The term “predatory”, with  
24 respect to an act, means an act directed towards a  
25 stranger, or a person with whom a relationship has

1       been established or promoted, for the primary pur-  
2       pose of victimization.

3           (3) SEXUALLY VIOLENT OFFENSE.—The term  
4       “sexually violent offense” means an act that is a vio-  
5       lation of title 18, United States Code or State crimi-  
6       nal code that—

7           (A) involves the use or attempted or  
8       threatened use of physical force against the per-  
9       son or property of another person; and

10          (B) is determined beyond a reasonable  
11       doubt to be sexually motivated.

12          (4) SEXUALLY VIOLENT PREDATOR.—The term  
13       “sexually violent predator” means a person who has  
14       been convicted of a sexually violent offense and who  
15       suffers from a mental abnormality or personality  
16       disorder that makes the person likely to engage in  
17       predatory sexually violent offenses.

18 **SEC. 4. ESTABLISHMENT OF PROGRAM.**

19       (a) IN GENERAL.—

20           (1) STATE GUIDELINES.—In accordance with  
21       this section, the Attorney General shall establish  
22       guidelines for State programs to require a sexually  
23       violent predator to register a current address with a  
24       designated State law enforcement agency upon re-  
25       lease from prison, being placed on parole, or being

1 placed on supervised release. The Attorney General  
2 shall approve each State program that complies with  
3 the guidelines.

4 (2) STATE COMPLIANCE.—

5 (A) IMPLEMENTATION DATE.—A State  
6 that does not implement a program described in  
7 paragraph (1) by the date that is 3 years after  
8 the date of enactment of this Act, and maintain  
9 the implementation thereafter, shall be ineli-  
10 gible for funds in accordance with subpara-  
11 graph (B).

12 (B) INELIGIBILITY FOR FUNDS.—

13 (i) IN GENERAL.—A State that does  
14 not implement the program as described in  
15 subparagraph (A) shall not receive 10 per-  
16 cent of the funds that would otherwise be  
17 allocated to the State under section 506 of  
18 the Omnibus Crime Control and Safe  
19 Streets Act of 1968 (42 U.S.C. 3756).

20 (ii) REALLOCATION OF FUNDS.—

21 Funds made available under clause (i)  
22 shall be reallocated, in accordance with  
23 such section, to such States as implement  
24 the program as described in subparagraph  
25 (A).

1 (b) REGISTRATION REQUIREMENT UPON RELEASE,  
2 PAROLE, OR SUPERVISED RELEASE.—

3 (1) IN GENERAL.—An approved State program  
4 established in accordance with this section shall con-  
5 tain the requirements described in this section.

6 (2) DETERMINATION.—The determination that  
7 a person is a “sexually violent predator” and the de-  
8 termination that a person is no longer a “sexually  
9 violent predator” shall be made by the sentencing  
10 court after receiving a report by a board of experts  
11 on sexual offenses. Each State shall establish a  
12 board composed of experts in the field of the behav-  
13 ior and treatment of sexual offenders.

14 (3) NOTIFICATION.—If a person who is re-  
15 quired to register under this section is anticipated to  
16 be released from prison, paroled, or placed on super-  
17 vised release, a State prison officer shall, not later  
18 than 90 days before the anticipated date of the re-  
19 lease or commencement of the parole—

20 (A) inform the person of the duty to reg-  
21 ister;

22 (B) inform the person that if the person  
23 changes residence address, the person shall give  
24 the new address to a designated State law en-

1           enforcement agency in writing not later than 10  
2           days after the change of address;

3           (C) obtain the name of the person, identi-  
4           fying factors, anticipated future residence, of-  
5           fense history, and documentation of any treat-  
6           ment received for the mental abnormality or  
7           personality disorder of the person; and

8           (D) require the person to read and sign a  
9           form stating that the duty of the person to reg-  
10          ister under this section has been explained.

11          (4) TRANSFER OF INFORMATION TO STATE AND  
12          THE FBI.—Not later than 3 days after the receipt  
13          of the information described in paragraph (3)(C),  
14          the officer shall forward the information to a des-  
15          ignated State law enforcement agency. As soon as  
16          practicable after the receipt of the information by  
17          the State law enforcement agency, the agency  
18          shall—

19                 (A) enter the information into the appro-  
20                 priate State law enforcement record system and  
21                 notify the appropriate law enforcement agency  
22                 that has jurisdiction over the area in which the  
23                 person expects to reside; and

1 (B) transmit the information to the Identi-  
2 fication Division of the Federal Bureau of In-  
3 vestigation.

4 (5) QUARTERLY VERIFICATION.—

5 (A) MAILING TO PERSON.—Not less than  
6 every 90 days after the date of the release or  
7 commencement of parole of a person required to  
8 register under this section, the designated State  
9 law enforcement agency shall mail a  
10 nonforwardable verification form to the last re-  
11 ported address of the person.

12 (B) RETURN OF VERIFICATION FORM.—

13 (i) IN GENERAL.—The person shall  
14 return, by mail, the verification form to  
15 the agency not later than 10 days after the  
16 receipt of the form. The verification form  
17 shall be signed by the person, and shall  
18 state that the person continues to reside at  
19 the address last reported to the designated  
20 State law enforcement agency.

21 (ii) FAILURE TO RETURN.—If the per-  
22 son fails to mail the verification form to  
23 the designated State law enforcement  
24 agency by the date that is 10 days after  
25 the receipt of the form by the person, the

1 person shall be in violation of this section  
2 unless the person proves that the person  
3 has not changed the residence address of  
4 the person.

5 (6) NOTIFICATION OF LOCAL LAW ENFORCE-  
6 MENT AGENCIES OF CHANGES IN ADDRESSES.—Any  
7 change of address by a person required to register  
8 under this section that is reported to the designated  
9 State law enforcement agency shall as soon as prac-  
10 ticable be reported to the appropriate law enforce-  
11 ment agency that has jurisdiction over the area in  
12 which the person is residing.

13 (7) PENALTY.—A person required to register  
14 under a State program established pursuant to this  
15 section who knowingly fails to register and keep the  
16 registration current shall be subject to criminal pen-  
17 alties in the State. It is the sense of Congress that  
18 the penalties should include imprisonment for not  
19 less than 180 days.

20 (8) TERMINATION OF OBLIGATION TO REG-  
21 ISTER.—The obligation of a person to register under  
22 this section shall terminate on a determination made  
23 in accordance with the provision of paragraph (2) of  
24 this section that the person no longer suffers from  
25 a mental abnormality or personality disorder that

1 would make the person likely to engage in a preda-  
2 tory sexually violent offense.

3 (c) COMMUNITY NOTIFICATION.—The designated  
4 State law enforcement agency shall release relevant infor-  
5 mation that is necessary to protect the public concerning  
6 a specific sexually violent predator required to register  
7 under this section.

8 (d) IMMUNITY FOR GOOD FAITH CONDUCT.—Law  
9 enforcement agencies, employees of law enforcement agen-  
10 cies, and State officials shall be immune from liability for  
11 any good faith conduct under this section.

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