

103^D CONGRESS
2^D SESSION

S. 2363

To establish registration and tracking procedures and community notification with respect to released sexually violent predators.

IN THE SENATE OF THE UNITED STATES

AUGUST 4 (legislative day, JULY 20), 1994

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

A BILL

To establish registration and tracking procedures and community notification with respect to released 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 The 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 toward 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 (2), the
14 officer shall forward the information to a designated
15 State law enforcement agency. As soon as prac-
16 ticable after the receipt of the information by the
17 State law enforcement agency, the agency shall—

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

23 (B) transmit the information to the Identi-
24 fication Division of the Federal Bureau of In-
25 vestigation.

1 (5) QUARTERLY VERIFICATION.—

2 (A) MAILING TO PERSON.—Not less than
3 every 90 days after the date of the release or
4 commencement of parole of a person under
5 paragraph (2), the designated State law en-
6 forcement agency shall mail a nonforwardable
7 verification form to the last reported address of
8 the person.

9 (B) RETURN OF VERIFICATION FORM.—

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

18 (ii) FAILURE TO RETURN.—If the per-
19 son fails to mail the verification form to
20 the designated State law enforcement
21 agency by the date that is 10 days after
22 the receipt of the form by the person, the
23 person shall be in violation of this section
24 unless the person proves that the person

1 has not changed the residence address of
2 the person.

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

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

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

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

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

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