

In the Senate of the United States,

April 6 (legislative day, April 5), 1995.

Resolved, That the bill from the House of Representatives (H.R. 1240) entitled “An Act to combat crime by enhancing the penalties for certain sexual crimes against children”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Sex Crimes Against*
3 *Children Prevention Act of 1995”.*

4 ***SEC. 2. INCREASED PENALTIES FOR CERTAIN CONDUCT IN-***

5 ***VOLVING THE SEXUAL EXPLOITATION OF***

6 ***CHILDREN.***

7 *The United States Sentencing Commission shall*
8 *amend the sentencing guidelines to—*

9 *(1) increase the base offense level for an offense*
10 *under section 2251 of title 18, United States Code, by*
11 *at least 2 levels; and*

1 (2) increase the base offense level for an offense
2 under section 2252 of title 18, United States Code, by
3 at least 2 levels.

4 **SEC. 3. INCREASED PENALTIES FOR USE OF COMPUTERS IN**
5 **SEXUAL EXPLOITATION OF CHILDREN.**

6 The United States Sentencing Commission shall
7 amend the sentencing guidelines to increase the base offense
8 level by at least 2 levels for an offense committed under sec-
9 tion 2251(c)(1)(A) or 2252(a) of title 18, United States
10 Code, if a computer was used to transmit the notice or ad-
11 vertisement to the intended recipient or to transport or ship
12 the visual depiction.

13 **SEC. 4. INCREASED PENALTIES FOR TRANSPORTATION OF**
14 **CHILDREN WITH INTENT TO ENGAGE IN**
15 **CRIMINAL SEXUAL ACTIVITY.**

16 The United States Sentencing Commission shall
17 amend the sentencing guidelines to increase the base offense
18 level for an offense under section 2423(a) of title 18, United
19 States Code, by at least 3 levels.

20 **SEC. 5. TECHNICAL CORRECTION.**

21 Section 2423(b) of title 18, United States Code, is
22 amended by striking “2245” and inserting “2246”.

1 **SEC. 6. REPORT BY THE UNITED STATES SENTENCING COM-**
2 **MISSION.**

3 *Not later than 180 days after the date of the enactment*
4 *of this Act, the United States Sentencing Commission shall*
5 *submit a report to Congress concerning offenses involving*
6 *child pornography and other sex offenses against children.*

7 *The Commission shall include in the report—*

8 *(1) an analysis of the sentences imposed for of-*
9 *fenses under sections 2251, 2252, and 2423 of title 18,*
10 *United States Code, and recommendations regarding*
11 *any modifications to the sentencing guidelines that*
12 *may be appropriate with respect to those offenses;*

13 *(2) an analysis of the sentences imposed for of-*
14 *fenses under sections 2241, 2242, 2243, and 2244 of*
15 *title 18, United States Code, in cases in which the*
16 *victim was under the age of 18 years, and rec-*
17 *ommendations regarding any modifications to the*
18 *sentencing guidelines that may be appropriate with*
19 *respect to those offenses;*

20 *(3) an analysis of the type of substantial assist-*
21 *ance that courts have recognized as warranting a*
22 *downward departure from the sentencing guidelines*
23 *relating to offenses under section 2251 or 2252 of title*
24 *18, United States Code;*

25 *(4) a survey of the recidivism rate for offenders*
26 *convicted of committing sex crimes against children,*

1 *an analysis of the impact on recidivism of sexual*
2 *abuse treatment provided during or after incarcer-*
3 *ation or both, and an analysis of whether increased*
4 *penalties would reduce recidivism for those crimes;*
5 *and*

6 *(5) such other recommendations with respect to*
7 *the offenses described in this section as the Commis-*
8 *sion deems appropriate.*

Attest:

Secretary.

104TH CONGRESS
1ST SESSION

H. R. 1240

AMENDMENT