

104TH CONGRESS
1ST SESSION

S. 705

To combat crime by enhancing the penalties for certain sex crimes against children.

IN THE SENATE OF THE UNITED STATES

APRIL 6 (legislative day, APRIL 5), 1995

Mr. HATCH (for himself, Mr. GRASSLEY, and Mr. THURMOND) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To combat crime by enhancing the penalties for certain sex crimes against children.

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 “Sex Crimes Against
5 Children Prevention Act of 1995”.

6 **SEC. 2. INCREASED PENALTIES FOR CERTAIN CONDUCT IN-**
7 **VOLVING THE SEXUAL EXPLOITATION OF**
8 **CHILDREN.**

9 The United States Sentencing Commission shall
10 amend the sentencing guidelines to—

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

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

7 **SEC. 3. INCREASED PENALTIES FOR USE OF COMPUTERS**
8 **IN SEXUAL EXPLOITATION OF CHILDREN.**

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

16 **SEC. 4. INCREASED PENALTIES FOR TRANSPORTATION OF**
17 **CHILDREN WITH INTENT TO ENGAGE IN**
18 **CRIMINAL SEXUAL ACTIVITY.**

19 The United States Sentencing Commission shall
20 amend the sentencing guidelines to increase the base of-
21 fense level for an offense under section 2423(a) of title
22 18, United States Code, by at least 3 levels.

23 **SEC. 5. TECHNICAL CORRECTION.**

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

1 **SEC. 6. REPORT BY THE UNITED STATES SENTENCING**
2 **COMMISSION.**

3 Not later than 180 days after the date of the enact-
4 ment of this Act, the United States Sentencing Commis-
5 sion shall submit a report to Congress concerning offenses
6 involving child pornography and other sex offenses against
7 children. 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
10 18, United States Code, and recommendations re-
11 garding any modifications to the sentencing guide-
12 lines that may be appropriate with respect to those
13 offenses;

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

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

- 1 (4) a survey of the recidivism rate for offenders
2 convicted of committing sex crimes against children,
3 an analysis of the impact on recidivism of sexual
4 abuse treatment provided during or after incarceration
5 or both, and an analysis of whether increased
6 penalties would reduce recidivism for those crimes;
7 and
- 8 (5) such other recommendations with respect to
9 the offenses described in this section as the Commis-
10 sion deems appropriate.

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