

105TH CONGRESS
1ST SESSION

H. R. 454

To amend the Violent Crime Control and Law Enforcement Act of 1994 to provide enhanced penalties for crimes against elderly and child victims.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 21, 1997

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

A BILL

To amend the Violent Crime Control and Law Enforcement Act of 1994 to provide enhanced penalties for crimes against elderly and child victims.

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 “Crimes Against Chil-
5 dren and Elderly Persons Increased Punishment Act”.

6 **SEC. 2. ENHANCED PENALTIES FOR VULNERABLE VICTIMS.**

7 Section 240002 of the Violent Crime Control and
8 Law Enforcement Act of 1994 is amended to read as fol-
9 lows:

1 **“SEC. 240002. ENHANCED PENALTIES FOR VULNERABLE**
2 **VICTIMS.**

3 “(a) IN GENERAL.—The United States Sentencing
4 Commission shall amend the Federal sentencing guidelines
5 to provide a sentencing enhancement of not less than 5
6 levels above the offense level otherwise provided for a
7 crime of violence, including those crimes of violence involv-
8 ing the environment, if the crime of violence is against
9 a child, elderly person, or other vulnerable person. If the
10 crime of violence is also a sex crime against a child, the
11 enhancement provided under the preceding sentence shall
12 be 6 instead of 5 levels.

13 “(b) DEFINITIONS.—As used in this section—

14 “(1) the term ‘crime of violence’ has the mean-
15 ing given that term in section 16 of title 18, United
16 States Code;

17 “(2) the term ‘child’ means a person who is 14
18 years of age, or younger;

19 “(3) the term ‘elderly person’ means a person
20 who is 65 years of age or older; and

21 “(4) the term ‘vulnerable person’ means a per-
22 son whom the defendant knew or should have known
23 was unusually vulnerable due to age, physical or
24 mental condition, or otherwise particularly suscep-
25 tible to the criminal conduct, or is a victim of an of-

1 fense under section 2241(e) of title 18, United
2 States Code.”.

3 **SEC. 3. PROHIBITIONS RELATING TO BODY ARMOR.**

4 (a) **SHORT TITLE.**—This section may be cited as the
5 “James Guelff Body Armor Act of 1997”.

6 (b) **SENTENCING ENHANCEMENT.**—The United
7 States Sentencing Commission shall amend the Federal
8 sentencing guidelines to provide an appropriate sentencing
9 enhancement for any crime of violence against a vulner-
10 able person (which for the purposes of this section shall
11 include a law enforcement officer) as defined in section
12 240002 of the Violent Crime Control and Law Enforce-
13 ment Act of 1994 in which the defendant used body
14 armor.

15 (c) For purposes of this section—

16 (1) the term “body armor” means any product
17 sold or offered for sale as personal protective body
18 covering intended to protect against gunfire, regard-
19 less of whether the product is to be worn alone or
20 is sold as a complement to another product or gar-
21 ment; and

22 (2) the term “law enforcement officer” means
23 any officer, agent, or employee of the United States,
24 a State, or a political subdivision of a State, author-
25 ized by law or by a government agency to engage in

1 or supervise the prevention, detection, investigation,
2 or prosecution of any violation of criminal law.

3 **SEC. 4. AMENDMENT OF SENTENCING GUIDELINES TO PRO-**
4 **VIDE FOR ENHANCED PENALTIES FOR A DE-**
5 **FENDANT WHO COMMITS A CRIME WHILE IN**
6 **POSSESSION OF A FIREARM WITH A LASER**
7 **SIGHTING DEVICE.**

8 Not later than May 1, 1998, the United States Sen-
9 tencing Commission shall, pursuant to its authority under
10 section 994 of title 28, United States Code, amend the
11 sentencing guidelines (and, if the Commission considers
12 it appropriate, the policy statements of the Commission)
13 to provide that a defendant convicted of a crime of violence
14 against a child, elderly person, or other vulnerable person
15 (as such terms are defined in section 240002(b) of the
16 Violent Crime Control and Law Enforcement Act of 1994)
17 shall receive an appropriate sentence enhancement if, dur-
18 ing the crime—

19 (1) the defendant possessed a firearm equipped
20 with a laser sighting device; or

21 (2) the defendant possessed a firearm, and the
22 defendant (or another person at the scene of the
23 crime who was aiding in the commission of the

- 1 crime) possessed a laser sighting device capable of
- 2 being readily attached to the firearm.

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