

108TH CONGRESS
2D SESSION

S. 2154

To establish a National sex offender registration database, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 2, 2004

Mr. DORGAN (for himself, Mr. DAYTON, Mr. COLEMAN, and Mr. CONRAD) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To establish a National sex offender registration database, and for other purposes.

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 “National Sex Offender
5 Registry Act of 2004”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **CRIMINAL OFFENSE AGAINST A VICTIM WHO**
9 **IS A MINOR.**—The term “criminal offense against a
10 victim who is a minor” has the same meaning as in

1 section 170101(a)(3) of the Jacob Wetterling
2 Crimes Against Children and Sexually Violent Of-
3 fender Registration Act (42 U.S.C. 14071(a)(3)).

4 (2) MINIMALLY SUFFICIENT SEXUAL OF-
5 FENDER REGISTRATION PROGRAM.—The term
6 “minimally sufficient sexual offender registration
7 program” has the same meaning as in section
8 170102(a) of the Jacob Wetterling Crimes Against
9 Children and Sexually Violent Offender Registration
10 Act (42 U.S.C. 14072(a)).

11 (3) SEXUALLY VIOLENT OFFENSE.—The term
12 “sexually violent offense” has the same meaning as
13 in section 170101(a)(3) of the Jacob Wetterling
14 Crimes Against Children and Sexually Violent Of-
15 fender Registration Act (42 U.S.C. 14071(a)(3)).

16 (4) SEXUALLY VIOLENT PREDATOR.—The term
17 “sexually violent predator” has the same meaning as
18 in section 170102(a) of the Jacob Wetterling Crimes
19 Against Children and Sexually Violent Offender
20 Registration Act (42 U.S.C. 14072(a)).

21 **SEC. 3. ESTABLISHMENT OF DATABASE.**

22 (a) IN GENERAL.—The Attorney General shall estab-
23 lish a National sex offender registry that—

1 (1) makes publicly available, via the Internet,
2 all information required to be submitted by States to
3 the Attorney General under subsection (b); and

4 (2) allows for users of the registry to determine
5 which registered sex offenders are currently residing
6 within a radius, as specified by the user of the reg-
7 istry, of the location indicated by the user of the
8 registry.

9 (b) INFORMATION FROM STATES.—

10 (1) IN GENERAL.—If any person convicted of a
11 criminal offense against a victim who is a minor or
12 a sexually violent offense, or any sexually violent
13 predator, is required to register with a minimally
14 sufficient sexual offender registration program with-
15 in a State, including a program established under
16 section 170101 of the Jacob Wetterling Crimes
17 Against Children and Sexually Violent Offender
18 Registration Act (42 U.S.C. 14017(b)), that State
19 shall submit to the Attorney General—

20 (A) the name and any known aliases of the
21 person;

22 (B) the date of birth of the person;

23 (C) the current address of the person and
24 any subsequent changes of that address;

1 (D) a physical description and current pho-
2 tograph of the person;

3 (E) the nature of and date of commission
4 of the offense by the person; and

5 (F) the date on which the person is re-
6 leased from prison, or placed on parole, super-
7 vised release, or probation.

8 (2) STATES WITHOUT REGISTRATION PRO-
9 GRAM.—The Federal Bureau of Investigation shall
10 collect from any person required to register under
11 section 170102(c) of the Jacob Wetterling Crimes
12 Against Children and Sexually Violent Offender
13 Registration Act (42 U.S.C. 14072(b)) the informa-
14 tion required under paragraph (1), and submit that
15 information to the Attorney General for inclusion in
16 the National sex offender registry established under
17 section 2.

18 **SEC. 4. RELEASE OF HIGH RISK INMATES.**

19 (a) CIVIL COMMITMENT PROCEEDINGS.—

20 (1) IN GENERAL.—Any State that provides for
21 a civil commitment proceeding, or any equivalent
22 proceeding, shall issue timely notice to the attorney
23 general of that State of the impending release of any
24 person incarcerated by the State who—

25 (A) is a sexually violent predator; or

1 (B) has been deemed by the State to be at
2 high-risk for recommitting any sexually violent
3 offense or criminal offense against a victim who
4 is a minor.

5 (2) REVIEW.—Upon receiving notice under
6 paragraph (1), the State attorney general shall con-
7 sider whether or not to institute a civil commitment
8 proceeding, or any equivalent proceeding required
9 under State law.

10 (b) MONITORING OF RELEASED PERSONS.—

11 (1) IN GENERAL.—Each State shall intensively
12 monitor, for not less than 1 year, any person de-
13 scribed under paragraph (2) who—

14 (A) has been unconditionally released from
15 incarceration by the State; and

16 (B) has not been civilly committed pursu-
17 ant to a civil commitment proceeding, or any
18 equivalent proceeding under State law.

19 (2) APPLICABILITY.—Paragraph (1) shall apply
20 to—

21 (A) any sexually violent predator; or

22 (B) any person who has been deemed by
23 the State to be at high-risk for recommitting
24 any sexually violent offense or criminal offense
25 against a victim who is a minor.

1 **SEC. 5. COMPLIANCE.**

2 (a) COMPLIANCE DATE.—Each State shall have not
3 more than 3 years from the date of enactment of this Act
4 in which to implement the requirements of sections 3 and
5 4.

6 (b) INELIGIBILITY FOR FUNDS.—A State that fails
7 to submit the information required under section 3(b) to
8 the Attorney General, or fails to implement the require-
9 ments of section 4, shall not receive 25 percent of the
10 funds that would otherwise be allocated to the State under
11 section 20106(b) of the Violent Crime Control and Law
12 Enforcement Act of 1994 (42 U.S.C. 13706(b)).

13 (c) REALLOCATION OF FUNDS.—Any funds that are
14 not allocated for failure to comply with this section shall
15 be reallocated to States that comply with sections 3 and
16 4.

○