

109TH CONGRESS  
1ST SESSION

# H. R. 2318

To amend title 18, United States Code, to provide increased penalties for sexual offenses against children, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 12, 2005

Mr. GREEN of Wisconsin introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend title 18, United States Code, to provide increased penalties for sexual offenses against children, 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 “Protection Against  
5 Sexual Exploitation of Children Act of 2005”.

6 **SEC. 2. INCREASED PENALTIES FOR SEXUAL OFFENSES**  
7 **AGAINST CHILDREN.**

8 (a) SEXUAL ABUSE.—

9 (1) AGGRAVATED SEXUAL ABUSE OF CHIL-  
10 DREN.—Section 2241(c) of title 18, United States

1 Code, is amended by striking “, imprisoned for any  
2 term of years or life, or both.” and inserting “and  
3 imprisoned for not less than 30 years or for life.”.

4 (2) ABUSIVE SEXUAL CONTACT WITH CHIL-  
5 DREN.—Section 2244 of chapter 109A of title 18,  
6 United States Code, is amended—

7 (A) in subsection (a)—

8 (i) in paragraph (1), by inserting “(a)  
9 or (b)” after “section 2241”;

10 (ii) by redesignating paragraphs (2),  
11 (3), and (4) as paragraphs (3), (4), and  
12 (5), respectively; and

13 (iii) by inserting after paragraph (1)  
14 the following:

15 “(2) subsection (c) of section 2241 of this title  
16 had the sexual contact been a sexual act, shall be  
17 fined under this title and imprisoned for not less  
18 than 10 years and not more than 25 years;” and

19 (B) in subsection (c), by inserting “(other  
20 than subsection (a)(2))” after “violates this sec-  
21 tion”.

22 (3) SEXUAL ABUSE OF CHILDREN RESULTING  
23 IN DEATH.—Section 2245 of title 18, United States  
24 Code, is amended—

1 (A) by striking “A person” and inserting  
2 “(a) IN GENERAL.—A person”; and

3 (B) by adding at the end the following:

4 “(b) OFFENSES INVOLVING YOUNG CHILDREN.—A  
5 person who, in the course of an offense under this chapter,  
6 engages in conduct that results in the death of a person  
7 who has not attained the age of 12 years, shall be pun-  
8 ished by death or imprisoned for not less than 30 years  
9 or for life.”.

10 (b) SEXUAL EXPLOITATION AND OTHER ABUSE OF  
11 CHILDREN.—

12 (1) SEXUAL EXPLOITATION OF CHILDREN.—

13 Section 2251(e) of title 18, United States Code, is  
14 amended—

15 (A) by striking “15 years nor more than  
16 30 years” and inserting “25 years or for life”;

17 (B) by striking “not less than 25 years nor  
18 more than 50 years, but if such person has 2  
19 or more prior convictions under this chapter,  
20 chapter 71, chapter 109A, or chapter 117, or  
21 under section 920 of title 10 (article 120 of the  
22 Uniform Code of Military Justice), or under the  
23 laws of any State relating to the sexual exploi-  
24 tation of children, such person shall be fined  
25 under this title and imprisoned not less than 35

1 years nor more than life.” and inserting “life.”;  
2 and

3 (C) by striking “any term of years or for  
4 life” and inserting “not less than 30 years or  
5 for life.”.

6 (2) ACTIVITIES RELATING TO MATERIAL IN-  
7 VOLVING THE SEXUAL EXPLOITATION OF CHIL-  
8 DREN.—Section 2252(b) of title 18, United States  
9 Code, is amended—

10 (A) in paragraph (1)—

11 (i) by striking “5 years and not more  
12 than 20 years” and inserting “25 years or  
13 for life”; and

14 (ii) by striking “not less than 15  
15 years nor more than 40 years.” and insert-  
16 ing “life.”; and

17 (B) in paragraph (2)—

18 (i) by striking “or imprisoned for not  
19 more than” and inserting “and imprisoned  
20 for”;

21 (ii) by striking “, or both”; and

22 (iii) by striking “10 years nor more  
23 than 20 years.” and inserting “30 years or  
24 for life.”.

1           (3) ACTIVITIES RELATING TO MATERIAL CON-  
2           STITUTING OR CONTAINING CHILD PORNOGRAPHY.—  
3           Section 2252A(b) of title 18, United States Code, is  
4           amended—

5                   (A) in paragraph (1)—

6                           (i) by striking “5 years and not more  
7                           than 20 years” and inserting “25 years or  
8                           for life”; and

9                           (ii) by striking “not less than 15  
10                           years nor more than 40 years” and insert-  
11                           ing “life”; and

12                   (B) in paragraph (2)—

13                           (i) by striking “or imprisoned not  
14                           more than 10 years, or both” and inserting  
15                           “and imprisoned for 10 years”; and

16                           (ii) by striking “10 years nor more  
17                           than 20 years” and inserting “30 years or  
18                           for life”.

19           (4) USING MISLEADING DOMAIN NAMES TO DI-  
20           RECT CHILDREN TO HARMFUL MATERIAL ON THE  
21           INTERNET.—Section 2252B(b) of title 18, United  
22           States Code, is amended by striking “or imprisoned  
23           not more than 4 years, or both” and inserting “ and  
24           imprisoned not less than 10 years”.

1           (5) PRODUCTION OF SEXUALLY EXPLICIT DE-  
2           PICTIONS OF CHILDREN.—Section 2260(c) of title  
3           18, United States Code, is amended by striking  
4           paragraphs (1) and (2) and inserting the following:

5           “(1) shall be fined under this title and impris-  
6           oned for not less than 25 years; and

7           “(2) if the person has a prior conviction under  
8           this chapter or chapter 109A, shall be fined under  
9           this title and imprisoned for life.”.

10          (c) CONDUCT RELATING TO CHILD PROSTITU-  
11          TION.—Section 2423 of title 18, United States Code, is  
12          amended—

13                 (1) in subsection (a), by striking “5 years and  
14                 not more than 30 years” and inserting “30 years or  
15                 for life”;

16                 (2) in subsection (b), by striking “or impris-  
17                 oned not more than 30 years, or both” and inserting  
18                 “and imprisoned for not less than 10 years and not  
19                 more than 30 years”;

20                 (3) in subsection (c), by striking “or imprisoned  
21                 not more than 30 years, or both” and inserting “and  
22                 imprisoned for not less than 10 years and not more  
23                 than 30 years”; and

1           (4) in subsection (d), by striking “imprisoned  
2           not more than 30 years, or both” and inserting “and  
3           imprisoned for 30 years”.

4           (d) MANDATORY LIFE IMPRISONMENT FOR CERTAIN  
5 REPEATED SEX OFFENSES AGAINST CHILDREN.—Sec-  
6 tion 3559(e)(2)(A) of title 18, United States Code, is  
7 amended—

8           (1) by striking “or 2423(a)” and inserting  
9           “2423(a)”; and

10           (2) by inserting “, 2423(b) (relating to travel  
11           with intent to engage in illicit sexual conduct), or  
12           2425 (relating to use of interstate facilities to trans-  
13           mit information about a minor)” after “minors”).

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