

109TH CONGRESS  
1ST SESSION

# H. R. 4472

To protect children, to secure the safety of judges, prosecutors, law enforcement officers, and their family members, to reduce and prevent gang violence, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 8, 2005

Mr. SENSENBRENNER introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To protect children, to secure the safety of judges, prosecutors, law enforcement officers, and their family members, to reduce and prevent gang violence, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Children’s Safety and Violent Crime Reduction Act of  
6 2005”.

1 (b) TABLE OF CONTENTS.—The table of contents for  
 2 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—SEX OFFENDER REGISTRATION AND NOTIFICATION  
 ACT

Sec. 101. Short title.

Sec. 102. Declaration of purpose.

Subtitle A—Jacob Wetterling Sex Offender Registration and Notification  
 Program

Sec. 111. Relevant definitions, including Amie Zyla expansion of sex offender  
 definition and expanded inclusion of child predators.

Sec. 112. Registry requirements for jurisdictions.

Sec. 113. Registry requirements for sex offenders.

Sec. 114. Information required in registration.

Sec. 115. Duration of registration requirement.

Sec. 116. In person verification.

Sec. 117. Duty to notify sex offenders of registration requirements and to reg-  
 ister.

Sec. 118. Jessica Lunsford Address Verification Program.

Sec. 119. National Sex Offender Registry.

Sec. 120. Dru Sjodin National Sex Offender Public Website.

Sec. 121. Public access to sex offender information through the Internet.

Sec. 122. Megan Nicole Kanka and Alexandra Nicole Zapp Community Notifi-  
 cation Program.

Sec. 123. Actions to be taken when sex offender fails to comply.

Sec. 124. Immunity for good faith conduct.

Sec. 125. Development and availability of registry management software.

Sec. 126. Federal duty when State programs not minimally sufficient.

Sec. 127. Period for implementation by jurisdictions.

Sec. 128. Failure to comply.

Sec. 129. Sex Offender Management Assistance (soma) Program.

Sec. 130. Demonstration project for use of electronic monitoring devices.

Sec. 131. Bonus payments to States that implement electronic monitoring.

Sec. 132. Access to Interstate Identification Index.

Sec. 133. Limited immunity for National Center for Missing and Exploited  
 Children with respect to CyberTipline.

Sec. 134. Treatment and management of sex offenders in the Bureau of Pris-  
 ons.

Sec. 135. Authorization of the National Center for Missing and Exploited Chil-  
 dren to locate and reunify children displaced as a result of a  
 disaster.

Sec. 136. GAO studies on feasibility of using driver's license registration pro-  
 cesses as additional registration requirements for sex offenders.

Sec. 137. Assistance in identification and location of sex offenders relocated as  
 a result of a major disaster.

Subtitle B—Criminal Law Enforcement of Registration Requirements

Sec. 151. Amendments to title 18, United States Code, relating to sex offender  
 registration.

- Sec. 152. Federal Investigation of sex offender violations of registration requirements.
- Sec. 153. Sex offender apprehension grants.
- Sec. 154. Use of any controlled substance to facilitate sex offense.
- Sec. 155. Repeal of predecessor sex offender program.
- Sec. 156. Assistance for prosecution of cases cleared through use of DNA backlog clearance funds.
- Sec. 157. Authorization of additional appropriations.
- Sec. 158. Grants to combat sexual abuse of children.
- Sec. 159. Expansion of training and technology efforts.

Subtitle C—Office on Sexual Violence and Crimes Against Children

- Sec. 161. Establishment.
- Sec. 162. Director.
- Sec. 163. Duties of Office.

TITLE II—DNA FINGERPRINTING

- Sec. 201. Expanding use of DNA to identify and prosecute sex offenders.
- Sec. 202. Stopping violent predators against children.
- Sec. 203. Model code on investigating missing persons and deaths.
- Sec. 204. Expanded use of codis grants.

TITLE III—PREVENTION AND DETERRENCE OF CRIMES AGAINST CHILDREN

- Sec. 301. Assured punishment for violent crimes against children.
- Sec. 302. Officer Kenneth Wrede fair and expeditious habeas review of State criminal convictions.
- Sec. 303. Rights associated with habeas corpus proceedings.
- Sec. 304. Study of interstate tracking of persons convicted of or under investigation for child abuse.
- Sec. 305. Access to Federal crime information databases by educational agencies for certain purposes.

TITLE IV—PROTECTION AGAINST SEXUAL EXPLOITATION OF CHILDREN

- Sec. 401. Increased penalties for sexual offenses against children.
- Sec. 402. Sense of Congress with respect to prosecutions under Section 2422(b) of title 18, United States Code.

TITLE V—FOSTER CHILD PROTECTION AND CHILD SEXUAL PREDATOR DETERRENCE

- Sec. 501. Requirement to complete background checks before approval of any foster or adoptive placement and to check national crime information databases and State child abuse registries; suspension and subsequent elimination of opt-out.
- Sec. 502. Access to Federal crime information databases by child welfare agencies for certain purposes.
- Sec. 503. Penalties for coercion and enticement by sex offenders.
- Sec. 504. Penalties for conduct relating to child prostitution.
- Sec. 505. Penalties for sexual abuse.
- Sec. 506. Sex offender submission to search as condition of release.
- Sec. 507. Kidnapping jurisdiction.

- Sec. 508. Marital communication and adverse spousal privilege.
- Sec. 509. Abuse and neglect of Indian children.
- Sec. 510. Jimmy Ryce Civil commitment program.
- Sec. 511. Jimmy Ryce State civil commitment programs for sexually dangerous persons.
- Sec. 512. Mandatory penalties for sex-trafficking of children.
- Sec. 513. Sexual abuse of wards.
- Sec. 514. No limitation for prosecution of felony sex offenses.
- Sec. 515. Child abuse reporting.

#### TITLE VI—CHILD PORNOGRAPHY PREVENTION

- Sec. 601. Findings.
- Sec. 602. Strengthening section 2257 to ensure that children are not exploited in the production of pornography.
- Sec. 603. Additional recordkeeping requirements.
- Sec. 604. Prevention of distribution of child pornography used as evidence in prosecutions.
- Sec. 605. Authorizing civil and criminal asset forfeiture in child exploitation and obscenity cases.
- Sec. 606. Prohibiting the production of obscenity as well as transportation, distribution, and sale.

#### TITLE VII—COURT SECURITY

- Sec. 701. Judicial branch security requirements.
- Sec. 702. Protection of family members.
- Sec. 703. Extension of sunset provision.
- Sec. 704. Additional amounts for United States Marshals Service to protect the judiciary.
- Sec. 705. Protections against malicious recording of fictitious liens against Federal judges and Federal law enforcement officers.
- Sec. 706. Protection of individuals performing certain official duties.
- Sec. 707. Report on security of Federal prosecutors.
- Sec. 708. Flight to avoid prosecution for killing peace officers.
- Sec. 709. Special penalties for murder, kidnapping, and related crimes against Federal judges and Federal law enforcement officers.
- Sec. 710. Authority of Federal judges and prosecutors to carry firearms.
- Sec. 711. Penalties for certain assaults.
- Sec. 712. Protection of federally funded public safety officers.
- Sec. 713. Modification of definition of offense and of the penalties for, influencing or injuring officer or juror generally.
- Sec. 714. Modification of tampering with a witness, victim, or an informant offense.
- Sec. 715. Modification of retaliation offense.
- Sec. 716. Inclusion of intimidation and retaliation against witnesses in State prosecutions as basis for Federal prosecution.
- Sec. 717. Clarification of venue for retaliation against a witness.
- Sec. 718. Prohibition of possession of dangerous weapons in Federal court facilities.
- Sec. 719. General modifications of Federal murder crime and related crimes.
- Sec. 720. Witness protection grant program.
- Sec. 721. Funding for State courts to assess and enhance court security and emergency preparedness.
- Sec. 722. Grants to States for threat assessment databases.
- Sec. 723. Grants to States to protect witnesses and victims of crimes.

- Sec. 724. Grants for young witness assistance.  
 Sec. 725. State and local court eligibility.

#### TITLE VIII—REDUCTION AND PREVENTION OF GANG VIOLENCE

- Sec. 801. Revision and extension of penalties related to criminal street gang activity.  
 Sec. 802. Increased penalties for interstate and foreign travel or transportation in aid of racketeering.  
 Sec. 803. Amendments relating to violent crime.  
 Sec. 804. Increased penalties for use of interstate commerce facilities in the commission of murder-for-hire and other felony crimes of violence.  
 Sec. 805. Increased penalties for violent crimes in aid of racketeering activity.  
 Sec. 806. Murder and other violent crimes committed during and in relation to a drug trafficking crime.  
 Sec. 807. Multiple interstate murder.  
 Sec. 808. Additional racketeering activity.  
 Sec. 809. Expansion of rebuttable presumption against release of persons charged with firearms offenses.  
 Sec. 810. Venue in capital cases.  
 Sec. 811. Statute of limitations for violent crime.  
 Sec. 812. Clarification to hearsay exception for forfeiture by wrongdoing.  
 Sec. 813. Transfer of juveniles.  
 Sec. 814. Crimes of violence and drug crimes committed by illegal aliens.  
 Sec. 815. Listing of immigration violators in the National Crime Information Center database.  
 Sec. 816. Study.

#### TITLE IX—INCREASED FEDERAL RESOURCES TO PREVENT AT-RISK YOUTH FROM JOINING ILLEGAL STREET GANGS

- Sec. 901. Grants to State and local prosecutors to combat violent crime and to protect witnesses and victims of crimes.  
 Sec. 902. Reauthorize the gang resistance education and training projects program.  
 Sec. 903. State and local reentry courts.

#### TITLE X—CRIME PREVENTION

- Sec. 1001. Crime prevention campaign grant.

# 1 **TITLE I—SEX OFFENDER REG-** 2 **ISTRATION AND NOTIFICA-** 3 **TION ACT**

## 4 **SEC. 101. SHORT TITLE.**

- 5 This title may be cited as the “Sex Offender Reg-  
 6 istration and Notification Act”.

1 **SEC. 102. DECLARATION OF PURPOSE.**

2 In order to protect the public from sex offenders and  
3 offenders against children, and in response to the vicious  
4 attacks by violent sexual predators against the victims list-  
5 ed below, Congress in this Act establishes a comprehensive  
6 national system for the registration of those offenders:

7 (1) Jacob Wetterling, who was 11 years old,  
8 was abducted in 1989 in Minnesota, and remains  
9 missing.

10 (2) Megan Nicole Kanka, who was 7 years old,  
11 was abducted, sexually assaulted and murdered in  
12 1994, in New Jersey.

13 (3) Pam Lychner, who was 31 years old, was  
14 attacked by a career offender in Houston, Texas.

15 (4) Jetseta Gage, who was 10 years old, was  
16 kidnapped, sexually assaulted, and murdered in  
17 2005 in Cedar Rapids, Iowa.

18 (5) Dru Sjodin, who was 22 years old, was sex-  
19 ually assaulted and murdered in 2003, in North Da-  
20 kota.

21 (6) Jessica Lunsford, who was 9 years, was ab-  
22 ducted, sexually assaulted, buried alive, and mur-  
23 dered in 2005, in Homosassa, Florida.

24 (7) Sarah Lunde, who was 13 years old, was  
25 strangled and murdered in 2005, in Ruskin, Florida.

1           (8) Amie Zyla, who was 8 years old, was sexu-  
2 ally assaulted in 1996 by a juvenile offender in  
3 Waukesha, Wisconsin, and has become an advocate  
4 for child victims and protection of children from ju-  
5 venile sex offenders.

6           (9) Christy Ann Fornoff, who was 13 years old,  
7 was abducted, sexually assaulted and murdered in  
8 1984, in Tempe, Arizona.

9           (10) Alexandra Nicole Zapp, who was 30 years  
10 old, was brutally attacked and murdered in a public  
11 restroom by a repeat sex offender in 2002, in  
12 Bridgewater, Massachusetts.

13           (11) Polly Klaas, who was 12 years old, was ab-  
14 ducted, sexually assaulted and murdered in 1993 by  
15 a career offender in California.

16           (12) Jimmy Ryce, who was 9 years old, was  
17 kidnapped and murdered in Florida on September  
18 11, 1995.

19           (13) Carlie Brucia, who was 11 years old, was  
20 abducted and murdered in Florida in February,  
21 2004.

1 **Subtitle A—Jacob Wetterling Sex**  
2 **Offender Registration and Noti-**  
3 **fication Program**

4 **SEC. 111. RELEVANT DEFINITIONS, INCLUDING AMIE ZYLA**  
5 **EXPANSION OF SEX OFFENDER DEFINITION**  
6 **AND EXPANDED INCLUSION OF CHILD PRED-**  
7 **ATORS.**

8 In this title the following definitions apply:

9 (1) **SEX OFFENDER REGISTRY.**—The term “sex  
10 offender registry” means a registry of sex offenders,  
11 and a notification program, maintained by a juris-  
12 diction.

13 (2) **JURISDICTION.**—The term jurisdiction  
14 means any of the following:

15 (A) A State.

16 (B) The District of Columbia.

17 (C) The Commonwealth of Puerto Rico.

18 (D) Guam.

19 (E) American Samoa.

20 (F) The Northern Mariana Islands.

21 (G) The United States Virgin Islands.

22 (H) To the extent provided and subject to  
23 the requirements of section 137, a federally rec-  
24 ognized Indian tribe.

1           (3) AMIE ZYLA EXPANSION OF SEX OFFENDER  
2           DEFINITION.—The term “sex offender” means an  
3           individual who, either before or after the enactment  
4           of this Act, was convicted of, or adjudicated a juve-  
5           nile delinquent for, an offense (other than an offense  
6           involving sexual conduct where the victim was at  
7           least 13 years old and the offender was not more  
8           than 4 years older than the victim and the sexual  
9           conduct was consensual, or an offense consisting of  
10          consensual sexual conduct with an adult) whether  
11          Federal, State, local, tribal, foreign (other than an  
12          offense based on conduct that would not be a crime  
13          if the conduct took place in the United States), mili-  
14          tary, juvenile or other, that is a specified offense  
15          against a minor or a sex offense.

16          (4) EXPANSION OF DEFINITION OF OFFENSE  
17          TO INCLUDE ALL CHILD PREDATORS.—The term  
18          “specified offense against a minor” means an of-  
19          fense against a minor that involves any of the fol-  
20          lowing:

21                 (A) An offense (unless committed by a  
22                 parent) involving kidnapping.

23                 (B) An offense (unless committed by a  
24                 parent) involving false imprisonment, under cir-  
25                 cumstances in which it is reasonable to infer

1 that the offender intended to engage in a sex  
2 offense involving the minor.

3 (C) Solicitation to engage in sexual con-  
4 duct.

5 (D) Use in a sexual performance.

6 (E) Solicitation to practice prostitution.

7 (F) Possession, production, or distribution  
8 of child pornography.

9 (G) Criminal sexual conduct towards a  
10 minor, or the use of the Internet to facilitate or  
11 attempt such conduct.

12 (H) Any conduct that by its nature is a  
13 sex offense against a minor.

14 (I) Video voyeurism, as described in sec-  
15 tion 1801 of title 18, United States Code.

16 (J) Any attempt or conspiracy to commit  
17 an offense described in this paragraph.

18 (5) TIER I SEX OFFENDER.—The term “tier I  
19 sex offender” means a sex offender whose offense is  
20 punishable by imprisonment for one year or less.

21 (6) TIER II SEX OFFENDER.—The term “tier II  
22 sex offender” means a sex offender who is not a Tier  
23 III sex offender whose offense—

24 (A) is punishable by imprisonment for  
25 more than one year; or

1 (B) occurs after the offender becomes a  
2 tier I sex offender.

3 (7) TIER III SEX OFFENDER.—The term “tier  
4 III sex offender” means a sex offender whose offense  
5 is punishable by imprisonment for more than one  
6 year and—

7 (A) involves crime of violence as defined in  
8 section 16 of title 18, United States Code,  
9 against the person of another, except a crime of  
10 violence consisting of an abusive sexual contact,  
11 as defined in section in section 2246;

12 (B) is an offense where the victim had not  
13 attained the age of 13 years; or

14 (C) occurs after the offender becomes a  
15 tier II sex offender.

16 (8) SEX OFFENSE.—The term “sex offense”  
17 means a criminal offense that has an element involv-  
18 ing a sexual act or sexual contact with another, or  
19 an attempt or conspiracy to commit such an offense.

20 (9) STUDENT.—The term “student” means an  
21 individual who enrolls or attends an educational in-  
22 stitution, including (whether public or private) a sec-  
23 ondary school, trade or professional school, and in-  
24 stitution of higher education.

1           (10) EMPLOYEE.—The term “employee” in-  
2           cludes an individual who is self-employed or works  
3           for any other entity, whether compensated or not.

4           (11) RESIDES.—The term “resides” means,  
5           with respect to an individual, the location of the in-  
6           dividual’s home or other place where the individual  
7           lives.

8           (12) MINOR.—The term “minor” means an in-  
9           dividual who has not attained the age of 18 years.

10          (13) CONVICTED.—The term “convicted” or a  
11          variant thereof, used with respect to a specified of-  
12          fense against a minor or a sex offense, includes ad-  
13          judicated delinquent as a juvenile for that offense.

14 **SEC. 112. REGISTRY REQUIREMENTS FOR JURISDICTIONS.**

15          Each jurisdiction shall maintain a jurisdiction-wide  
16          sex offender registry conforming to the requirements of  
17          this title. The Attorney General shall issue guidelines and  
18          regulations to interpret and implement this title.

19 **SEC. 113. REGISTRY REQUIREMENTS FOR SEX OFFENDERS.**

20          (a) IN GENERAL.—A sex offender must register, and  
21          keep the registration current, in each jurisdiction where  
22          the offender resides, where the offender is an employee,  
23          and where the offender is a student.

24          (b) INITIAL REGISTRATION.—The sex offender shall  
25          initially register—

1           (1) before completing a sentence of imprison-  
2           ment with respect to the offense giving rise to the  
3           registration requirement; or

4           (2) not later than 5 days after being sentenced  
5           for that offense, if the sex offender is not sentenced  
6           to a term of imprisonment.

7           (c) **KEEPING THE REGISTRATION CURRENT.**—A sex  
8           offender must inform each jurisdiction involved, not later  
9           than 5 days after each change of residence, employment,  
10          or student status.

11          (d) **RETROACTIVE DUTY TO REGISTER.**—The Attor-  
12          ney General shall prescribe a method for the registration  
13          of sex offenders convicted before the enactment of this Act  
14          or its effective date in a particular jurisdiction.

15          (e) **STATE PENALTY FOR FAILURE TO COMPLY.**—  
16          Each jurisdiction, other than a Federally recognized In-  
17          dian tribe shall provide a criminal penalty, that includes  
18          a maximum term of imprisonment that is greater than one  
19          year, and a minimum term of imprisonment that is no less  
20          than 90 days, for the failure of a sex offender to comply  
21          with the requirements of this title.

22          **SEC. 114. INFORMATION REQUIRED IN REGISTRATION.**

23          (a) **PROVIDED BY THE OFFENDER.**—The sex of-  
24          fender must provide the following information to the ap-  
25          propriate official for inclusion in the sex offender registry:

1           (1) The name and physical description of the  
2 sex offender (including any alias used by the indi-  
3 vidual).

4           (2) The Social Security number of the sex of-  
5 fender.

6           (3) The address of the residence at which the  
7 sex offender resides or will reside.

8           (4) The name and address of the place where  
9 the sex offender is employed or will be employed.

10          (5) The name and address of the place where  
11 the sex offender is a student or will be a student.

12          (6) The license plate number and description of  
13 any vehicle owned or operated by the sex offender.

14          (7) A photograph of the sex offender.

15          (8) A set of fingerprints and palm prints of the  
16 sex offender, if the appropriate official determines  
17 that the jurisdiction does not already have available  
18 an accurate set.

19          (9) A DNA sample of the sex offender, if the  
20 appropriate official determines that the jurisdiction  
21 does not already have available an appropriate DNA  
22 sample.

23          (10) A photocopy of a valid driver's license or  
24 identification card issued to the sex offender by a ju-  
25 risdiction.

1           (11) Any other information required by the At-  
2           torney General.

3           (b) PROVIDED BY THE JURISDICTION.—The jurisdic-  
4           tion in which the sex offender registers shall include the  
5           following information in the registry for that sex offender:

6           (1) A statement of the facts of the offense giv-  
7           ing rise to the requirement to register under this  
8           title, including the date of the offense, and whether  
9           or not the sex offender was prosecuted as a juvenile  
10          at the time of the offense.

11          (2) The criminal history of the sex offender.

12          (3) Any other information required by the At-  
13          torney General.

14   **SEC. 115. DURATION OF REGISTRATION REQUIREMENT.**

15          A sex offender shall keep the registration current for  
16          a period (excluding any time the sex offender is in custody  
17          or civilly committed) of—

18          (1) 20 years, if the offender is a tier I sex of-  
19          fender;

20          (2) 30 years, if the offender is a tier II sex of-  
21          fender; and

22          (3) the life of the offender, if the offender is a  
23          tier III sex offender.

1 **SEC. 116. IN PERSON VERIFICATION.**

2 A sex offender shall appear in person, provide a cur-  
3 rent photograph, and verify the information in each reg-  
4 istry in which that offender is required to be registered  
5 not less frequently than—

6 (1) every 12 months, if the offender is a tier I  
7 sex offender;

8 (2) every six months, if the offender is a tier II  
9 sex offender; and

10 (3) every three months, if the offender is a tier  
11 III sex offender.

12 **SEC. 117. DUTY TO NOTIFY SEX OFFENDERS OF REGISTRA-**  
13 **TION REQUIREMENTS AND TO REGISTER.**

14 An appropriate official shall, shortly before release  
15 from custody of the sex offender, or, if the sex offender  
16 is not in custody, immediately after the sentencing of the  
17 sex offender, for the offense giving rise to the duty to reg-  
18 ister—

19 (1) inform the sex offender of the duty to reg-  
20 ister and explain that duty;

21 (2) require the sex offender to read and sign a  
22 form stating that the duty to register has been ex-  
23 plained and that the sex offender understands the  
24 registration requirement; and

25 (3) ensure that the sex offender is registered.

1 **SEC. 118. JESSICA LUNSFORD ADDRESS VERIFICATION**  
2 **PROGRAM.**

3 (a) ESTABLISHMENT.—There is established the Jes-  
4 sica Lunsford Address Verification Program (hereinafter  
5 in this section referred to as the “Program”).

6 (b) VERIFICATION.—In the Program, an appropriate  
7 official shall verify the residence of each registered sex of-  
8 fender not less than—

9 (1) annually, if the offender is a tier I sex of-  
10 fender;

11 (2) semi-annually, if the offender is a tier II sex  
12 offender; and

13 (3) quarterly, if the offender is a tier III sex of-  
14 fender.

15 (c) USE OF MAILED FORM AUTHORIZED.—Such  
16 verification may be achieved by mailing a nonforwardable  
17 verification form to the last known address of the sex of-  
18 fender. The sex offender must return the form, including  
19 a notarized signature or a fingerprint verification, within  
20 a set period of time. A failure to return the form as re-  
21 quired may be a failure to register for the purposes of  
22 this title.

23 **SEC. 119. NATIONAL SEX OFFENDER REGISTRY.**

24 (a) INTERNET.—The Attorney General shall main-  
25 tain a national database at the Federal Bureau of Inves-  
26 tigation for each sex offender and other person required

1 to register in a jurisdiction’s sex offender registry. The  
2 database shall be known as the National Sex Offender  
3 Registry.

4 (b) ELECTRONIC FORWARDING.—The Attorney Gen-  
5 eral shall ensure (through the National Sex Offender Reg-  
6 istry or otherwise) that updated information about a sex  
7 offender is immediately transmitted by electronic for-  
8 warding to all relevant jurisdictions, unless the Attorney  
9 General determines that each jurisdiction has so modified  
10 its sex offender registry and notification program that  
11 there is no longer a need for the Attorney General to do.

12 **SEC. 120. DRU SJODIN NATIONAL SEX OFFENDER PUBLIC**  
13 **WEBSITE.**

14 (a) ESTABLISHMENT.—There is established the Dru  
15 Sjodin National Sex Offender Public Website (hereinafter  
16 referred to as the “Website”).

17 (b) INFORMATION TO BE PROVIDED.—The Attorney  
18 General shall maintain the Website as a site on the Inter-  
19 net which allows the public to obtain relevant information  
20 for each sex offender by a single query in a form estab-  
21 lished by the Attorney General.

22 **SEC. 121. PUBLIC ACCESS TO SEX OFFENDER INFORMA-**  
23 **TION THROUGH THE INTERNET.**

24 (a) IN GENERAL.—Except as provided in subsection  
25 (b), each jurisdiction shall make available on the Internet

1 all information about each sex offender in the registry, ex-  
2 cept for the offender’s Social Security number, the identity  
3 of any victim, and any other information exempted from  
4 disclosure by the Attorney General. The jurisdiction shall  
5 provide this information in a manner that is readily acces-  
6 sible to the public.

7 (b) EXCEPTION.—To the extent authorized by the At-  
8 torney General, a jurisdiction need not make available on  
9 the Internet information about a tier I sex offender whose  
10 offense is a juvenile adjudication.

11 **SEC. 122. MEGAN NICOLE KANKA AND ALEXANDRA NICOLE**  
12 **ZAPP COMMUNITY NOTIFICATION PROGRAM.**

13 (a) ESTABLISHMENT OF PROGRAM.—There is estab-  
14 lished the Megan Nicole Kanka and Alexandra Nicole  
15 Zapp Community Program (hereinafter in this section re-  
16 ferred to as the “Program”).

17 (b) PROGRAM NOTIFICATION.—Except as provided in  
18 subsection (c), not later than 5 days after a sex offender  
19 registers or updates a registration, an appropriate official  
20 in the jurisdiction shall provide the information in the reg-  
21 istry (other than information exempted from disclosure by  
22 the Attorney General) about that offender to the following:

- 23 (1) The Attorney General, who shall include  
24 that information in the National Sex Offender Reg-  
25 istry and other appropriate data bases.

1           (2) Appropriate law enforcement agencies (in-  
2           cluding probation agencies, if appropriate), and each  
3           school and public housing agency, in each area in  
4           which the individual resides, is employed, or is a stu-  
5           dent.

6           (3) Each jurisdiction where the sex offender re-  
7           sides, works, or attends school, and each jurisdiction  
8           from or to which a change of residence, work, or  
9           student status occurs.

10          (4) Any agency responsible for conducting em-  
11          ployment-related background checks under section 3  
12          of the National Child Protection Act of 1993 (42  
13          U.S.C. 5119a).

14          (5) Social service entities responsible for pro-  
15          tecting minors in the child welfare system.

16          (6) Volunteer organizations in which contact  
17          with minors or other vulnerable individuals might  
18          occur.

19          (7) The community at large.

20          (c) EXCEPTION.—In the case of a tier I sex offender  
21          whose offense is a juvenile adjudication, the Attorney Gen-  
22          eral may limit the entities to which the Program notifica-  
23          tion is given when the Attorney General determines it is  
24          consistent with public safety to do so.

1 **SEC. 123. ACTIONS TO BE TAKEN WHEN SEX OFFENDER**  
2 **FAILS TO COMPLY.**

3 An appropriate official shall notify the Attorney Gen-  
4 eral and appropriate State and local law enforcement  
5 agencies of any failure by a sex offender to comply with  
6 the requirements of a registry. The appropriate official,  
7 the Attorney General, and each such State and local law  
8 enforcement agency shall take any appropriate action to  
9 ensure compliance.

10 **SEC. 124. IMMUNITY FOR GOOD FAITH CONDUCT.**

11 The Federal Government, jurisdictions, political sub-  
12 divisions of jurisdictions, and their agencies, officers, em-  
13 ployees, and agents shall be immune from liability for good  
14 faith conduct under this title.

15 **SEC. 125. DEVELOPMENT AND AVAILABILITY OF REGISTRY**  
16 **MANAGEMENT SOFTWARE.**

17 The Attorney General shall develop and support soft-  
18 ware for use to establish, maintain, publish, and share sex  
19 offender registries.

20 **SEC. 126. FEDERAL DUTY WHEN STATE PROGRAMS NOT**  
21 **MINIMALLY SUFFICIENT.**

22 If the Attorney General determines that a jurisdiction  
23 does not have a minimally sufficient sex offender registra-  
24 tion program, the Department of Justice shall, to the ex-  
25 tent practicable, carry out the duties imposed on that ju-  
26 risdiction by this title.

1 **SEC. 127. PERIOD FOR IMPLEMENTATION BY JURISDIC-**  
2 **TIONS.**

3 Each jurisdiction shall implement this title not later  
4 than 2 years after the date of the enactment of this Act.  
5 However, the Attorney General may authorize up to two  
6 one-year extensions of the deadline.

7 **SEC. 128. FAILURE TO COMPLY.**

8 (a) **IN GENERAL.**—For any fiscal year after the end  
9 of the period for implementation, a jurisdiction that fails,  
10 as determined by the Attorney General, substantially to  
11 implement this title shall not receive 10 percent of the  
12 funds that would otherwise be allocated for that fiscal year  
13 to the jurisdiction under each of the following programs:

14 (1) **BYRNE.**—Subpart 1 of part E of title I of  
15 the Omnibus Crime Control and Safe Streets Act of  
16 1968 (42 U.S.C. 3750 et seq.), whether character-  
17 ized as the Edward Byrne Memorial State and Local  
18 Law Enforcement Assistance Programs, the Edward  
19 Byrne Memorial Justice Assistance Grant Program,  
20 or otherwise.

21 (2) **LLEBG.**—The Local Government Law En-  
22 forcement Block Grants program.

23 (b) **REALLOCATION.**—Amounts not allocated under a  
24 program referred to in paragraph (1) to a jurisdiction for  
25 failure to fully implement this title shall be reallocated  
26 under that program to jurisdictions that have not failed

1 to implement this title or may be reallocated to a jurisdic-  
2 tion from which they were withheld to be used solely for  
3 the purpose of implementing this title.

4 (c) **RULE OF CONSTRUCTION.**—The provisions of this  
5 title that are cast as directions to jurisdictions or their  
6 officials constitute only conditions required to avoid the  
7 reduction of Federal funding under this section.

8 **SEC. 129. SEX OFFENDER MANAGEMENT ASSISTANCE**  
9 **(SOMA) PROGRAM.**

10 (a) **IN GENERAL.**—The Attorney General shall estab-  
11 lish and implement a Sex Offender Management Assist-  
12 ance program (in this title referred to as the “SOMA pro-  
13 gram”) under which the Attorney General may award a  
14 grant to a jurisdiction to offset the costs of implementing  
15 this title.

16 (b) **APPLICATION.**—The chief executive of a jurisdic-  
17 tion shall, on an annual basis, submit to the Attorney Gen-  
18 eral an application in such form and containing such infor-  
19 mation as the Attorney General may require.

20 (c) **BONUS PAYMENTS FOR PROMPT COMPLIANCE.**—  
21 A jurisdiction that, as determined by the Attorney Gen-  
22 eral, has substantially implemented this title not later  
23 than two years after the date of the enactment of this Act  
24 is eligible for a bonus payment. The Attorney General may  
25 make such a payment under the SOMA program for the

1 first fiscal year beginning after that determination. The  
2 amount of the payment shall be—

3 (1) 10 percent of the total received by the juris-  
4 diction under the SOMA program for the preceding  
5 fiscal year, if that implementation is not later than  
6 one year after the date of enactment of this Act; and

7 (2) 5 percent of such total, if not later than two  
8 years after that date.

9 (d) AUTHORIZATION OF APPROPRIATIONS.—In addi-  
10 tion to any amounts otherwise authorized to be appro-  
11 priated, there are authorized to be appropriated such sums  
12 as may be necessary to the Attorney General, to be avail-  
13 able only for the SOMA program, for fiscal years 2006  
14 through 2008.

15 **SEC. 130. DEMONSTRATION PROJECT FOR USE OF ELEC-**  
16 **TRONIC MONITORING DEVICES.**

17 (a) PROJECT REQUIRED.—The Attorney General  
18 shall carry out a demonstration project under which the  
19 Attorney General makes grants to jurisdictions to dem-  
20 onstrate the extent to which electronic monitoring devices  
21 can be used effectively in a sex offender management pro-  
22 gram.

23 (b) USE OF FUNDS.—The jurisdiction may use grant  
24 amounts under this section directly, or through arrange-  
25 ments with public or private entities, to carry out pro-

1 grams under which the whereabouts of sex offenders are  
2 monitored by electronic monitoring devices.

3 (c) PARTICIPANTS.—Not more than 10 jurisdictions  
4 may participate in the demonstration project at any one  
5 time.

6 (d) FACTORS.—In selecting jurisdictions to partici-  
7 pate in the demonstration project, the Attorney General  
8 shall consider the following factors:

9 (1) The total number of sex offenders in the ju-  
10 risdiction.

11 (2) The percentage of those sex offenders who  
12 fail to comply with registration requirements.

13 (3) The threat to public safety posed by those  
14 sex offenders who fail to comply with registration re-  
15 quirements.

16 (4) Any other factor the Attorney General con-  
17 siders appropriate.

18 (e) DURATION.—The Attorney General shall carry  
19 out the demonstration project for fiscal years 2007, 2008,  
20 and 2009.

21 (f) INNOVATION.—In making grants under this sec-  
22 tion, the Attorney General shall ensure that different ap-  
23 proaches to monitoring are funded to allow an assessment  
24 of effectiveness.

1 (g) ONE-TIME REPORT AND RECOMMENDATIONS.—

2 Not later than April 1, 2008, the Attorney General shall  
3 submit to Congress a report—

4 (1) assessing the effectiveness and value of pro-  
5 grams funded by this section;

6 (2) comparing the cost-effectiveness of the elec-  
7 tronic monitoring to reduce sex offenses compared to  
8 other alternatives; and

9 (3) making recommendations for continuing  
10 funding and the appropriate levels for such funding.

11 (h) AUTHORIZATION OF APPROPRIATIONS.—There  
12 are authorized to be appropriated to carry out this section  
13 such sums as may be necessary.

14 **SEC. 131. BONUS PAYMENTS TO STATES THAT IMPLEMENT**  
15 **ELECTRONIC MONITORING.**

16 (a) IN GENERAL.—A jurisdiction that, within 3 years  
17 after the date of the enactment of this Act, has in effect  
18 laws and policies described in subsection (b) shall be eligi-  
19 ble for a bonus payment described in subsection (c), to  
20 be paid by the Attorney General from any amounts avail-  
21 able to the Attorney General for such purpose.

22 (b) ELECTRONIC MONITORING LAWS AND POLI-  
23 CIES.—

24 (1) IN GENERAL.—Laws and policies referred  
25 to in subsection (a) are laws and policies that ensure

1 that electronic monitoring is required of a person if  
2 that person is released after being convicted of a sex  
3 offense in which an individual who has not attained  
4 the age of 18 years is the victim.

5 (2) MONITORING REQUIRED.—The monitoring  
6 required under paragraph (1) is a system that ac-  
7 tively monitors and identifies the person’s location  
8 and timely reports or records the person’s presence  
9 near or within a crime scene or in a prohibited area  
10 or the person’s departure from specified geographic  
11 limitations.

12 (3) DURATION.—The electronic monitoring re-  
13 quired by paragraph (1) shall be required of the per-  
14 son—

15 (A) for the life of the person, if—

16 (i) an individual who has not attained  
17 the age of 12 years is the victim; or

18 (ii) the person has a prior sex convic-  
19 tion (as defined in section 3559(e) of title  
20 18, United States Code); and

21 (B) for the period during which the person  
22 is on probation, parole, or supervised release for  
23 the offense, in any other case.

24 (4) JURISDICTION REQUIRED TO MONITOR ALL  
25 SEX OFFENDERS RESIDING IN JURISDICTION.—In

1 addition, laws and policies referred to in subsection  
2 (a) also include laws and policies that ensure that  
3 the jurisdiction frequently monitors each person re-  
4 siding in the jurisdiction for whom electronic moni-  
5 toring is required, whether such monitoring is re-  
6 quired under this section or under section  
7 3563(a)(9) of title 18, United States Code.

8 (c) BONUS PAYMENTS.—The bonus payment referred  
9 to in subsection (a) is a payment equal to 10 percent of  
10 the funds that would otherwise be allocated for that fiscal  
11 year to the jurisdiction under each of the following pro-  
12 grams:

13 (1) BYRNE.—Subpart 1 of part E of title I of  
14 the Omnibus Crime Control and Safe Streets Act of  
15 1968 (42 U.S.C. 3750 et seq.), whether character-  
16 ized as the Edward Byrne Memorial State and Local  
17 Law Enforcement Assistance Programs, the Edward  
18 Byrne Memorial Justice Assistance Grant Program,  
19 or otherwise.

20 (2) LLEBG.—The Local Government Law En-  
21 forcement Block Grants program.

22 **SEC. 132. ACCESS TO INTERSTATE IDENTIFICATION INDEX.**

23 (a) IN GENERAL.—Notwithstanding any other provi-  
24 sion of law, the Attorney General shall ensure access to  
25 the Interstate Identification Index by—

1           (1) the National Center for Missing and Ex-  
2           ploited Children, to be used only within the scope of  
3           the Center’s duties and responsibilities under Fed-  
4           eral law to assist or support law enforcement agen-  
5           cies in administration of criminal justice functions;  
6           and

7           (2) governmental social service agencies with  
8           child protection responsibilities, to be used by such  
9           agencies only in investigating or responding to re-  
10          ports of child abuse, neglect, or exploitation.

11          (b) **CONDITIONS OF ACCESS.**—The access provided  
12          under this section, and associated rules of dissemination,  
13          shall be—

14                (1) defined by the Attorney General; and

15                (2) limited to personnel of the Center or such  
16          agencies that have met all requirements set by the  
17          Attorney General, including training, certification,  
18          and background screening.

19          **SEC. 133. LIMITED IMMUNITY FOR NATIONAL CENTER FOR**  
20                               **MISSING AND EXPLOITED CHILDREN WITH**  
21                               **RESPECT TO CYBERTIPLINE.**

22          Section 227 of the Victims of Child Abuse Act of  
23          1990 (42 U.S.C. 13032) is amended by adding at the end  
24          the following new subsection:

25                “(g) **LIMITATION ON LIABILITY.**—

1           “(1) IN GENERAL.—Except as provided in para-  
2           graphs (2) and (3), the National Center for Missing  
3           and Exploited Children, including any of its direc-  
4           tors, officers, employees, or agents, is not liable in  
5           any civil or criminal action arising from the perform-  
6           ance of its CyberTipline responsibilities and func-  
7           tions as defined by this section.

8           “(2) INTENTIONAL, RECKLESS, OR OTHER MIS-  
9           CONDUCT.—Paragraph (1) does not apply in an ac-  
10          tion in which a party proves that the National Cen-  
11          ter for Missing and Exploited Children, or its offi-  
12          cer, employee, or agent as the case may be, engaged  
13          in intentional misconduct or acted, or failed to act,  
14          with actual malice, with reckless disregard to a sub-  
15          stantial risk of causing injury without legal justifica-  
16          tion, or for a purpose unrelated to the performance  
17          of responsibilities or functions under this section.

18          “(3) ORDINARY BUSINESS ACTIVITIES.—Para-  
19          graph (1) does not apply to an act or omission re-  
20          lated to an ordinary business activity, such as an ac-  
21          tivity involving general administration or operations,  
22          the use of motor vehicles, or personnel manage-  
23          ment.”.

1 **SEC. 134. TREATMENT AND MANAGEMENT OF SEX OFFEND-**  
2 **ERS IN THE BUREAU OF PRISONS.**

3 Section 3621 of title 18, United States Code, is  
4 amended by adding at the end the following new sub-  
5 section:

6 “(f) SEX OFFENDER MANAGEMENT.—

7 “(1) IN GENERAL.—The Bureau of Prisons  
8 shall make available appropriate treatment to sex of-  
9 fenders who are in need of and suitable for treat-  
10 ment, as follows:

11 “(A) SEX OFFENDER MANAGEMENT PRO-  
12 GRAMS.—The Bureau of Prisons shall establish  
13 non-residential sex offender management pro-  
14 grams to provide appropriate treatment, moni-  
15 toring, and supervision of sex offenders and to  
16 provide aftercare during pre-release custody.

17 “(B) RESIDENTIAL SEX OFFENDER  
18 TREATMENT PROGRAMS.—The Bureau of Pris-  
19 ons shall establish residential sex offender  
20 treatment programs to provide treatment to sex  
21 offenders who volunteer for such programs and  
22 are deemed by the Bureau of Prisons to be in  
23 need of and suitable for residential treatment.

24 “(2) REGIONS.—At least one sex offender man-  
25 agement program under paragraph (1)(A), and at  
26 least one residential sex offender treatment program

1 under paragraph (1)(B), shall be established in each  
2 region within the Bureau of Prisons.

3 “(3) AUTHORIZATION OF APPROPRIATIONS.—  
4 There are authorized to be appropriated to the Bu-  
5 reau of Prisons for each fiscal year such sums as  
6 may be necessary to carry out this subsection.”.

7 **SEC. 135. AUTHORIZATION OF THE NATIONAL CENTER FOR**  
8 **MISSING AND EXPLOITED CHILDREN TO LO-**  
9 **CATE AND REUNIFY CHILDREN DISPLACED**  
10 **AS A RESULT OF A DISASTER.**

11 Section 403 of the Juvenile Justice and Delinquency  
12 Prevention Act of 1974 (42 U.S.C. 5772), is amended—

13 (1) by striking “or” after subsection (1)(A);

14 (2) by inserting “or” after subsection (1)(B);

15 and

16 (3) by inserting after subsection (1)(B) the fol-  
17 lowing:

18 “(C) the individual was separated from  
19 such individual’s legal custodian as a result of  
20 a natural or other major disaster determined by  
21 the President occurring within the maritime  
22 and territorial jurisdiction of the United  
23 States.”.

1 **SEC. 136. GAO STUDIES ON FEASIBILITY OF USING DRIV-**  
2 **ER'S LICENSE REGISTRATION PROCESSES AS**  
3 **ADDITIONAL REGISTRATION REQUIREMENTS**  
4 **FOR SEX OFFENDERS.**

5 For the purposes of determining the feasibility of  
6 using driver's license registration processes as additional  
7 registration requirements for sex offenders to improve the  
8 level of compliance with sex offender registration require-  
9 ments for change of address upon relocation and other re-  
10 lated updates of personal information, the Congress re-  
11 quires the following studies:

12 (1) Not later than 180 days after the date of  
13 the enactment of this Act, the Government Account-  
14 ability Office shall complete a study for the Com-  
15 mittee on the Judiciary of the House of Representa-  
16 tives to survey a majority of the States to assess the  
17 relative systems capabilities to comply with a Fed-  
18 eral law that required all State driver's license sys-  
19 tems to automatically access State and national  
20 databases of registered sex offenders in a form simi-  
21 lar to the requirement of the Nevada law described  
22 in paragraph (2). The Government Accountability  
23 Office shall use the information drawn from this  
24 survey, along with other expert sources, to determine  
25 what the potential costs to the States would be if  
26 such a Federal law came into effect, and what level

1 of Federal grants would be required to prevent an  
2 unfunded mandate. In addition, the Government Ac-  
3 countability Office shall seek the views of Federal  
4 and State law enforcement agencies, including in  
5 particular the Federal Bureau of Investigation, with  
6 regard to the anticipated effects of such a national  
7 requirement, including potential for undesired side  
8 effects in terms of actual compliance with this Act  
9 and related laws.

10 (2) Not later than October 2006, the Govern-  
11 ment Accountability Office shall complete a study to  
12 evaluate the provisions of Chapter 507 of Statutes  
13 of Nevada 2005 to determine—

14 (A) if those provisions are effective in in-  
15 creasing the registration compliance rates of sex  
16 offenders;

17 (B) the aggregate direct and indirect costs  
18 for the state of Nevada to bring those provi-  
19 sions into effect; and

20 (C) whether those provisions should be  
21 modified to improve compliance by registered  
22 sex offenders.

1 **SEC. 137. ASSISTANCE IN IDENTIFICATION AND LOCATION**  
 2 **OF SEX OFFENDERS RELOCATED AS A RE-**  
 3 **SULT OF A MAJOR DISASTER.**

4 The Attorney General shall provide technical assist-  
 5 ance to jurisdictions to assist them in the identification  
 6 and location of a sex offender relocated as a result of a  
 7 major disaster.

8 **Subtitle B—Criminal Law Enforce-**  
 9 **ment of Registration Require-**  
 10 **ments**

11 **SEC. 151. AMENDMENTS TO TITLE 18, UNITED STATES**  
 12 **CODE, RELATING TO SEX OFFENDER REG-**  
 13 **ISTRATION.**

14 (a) CRIMINAL PENALTIES FOR NONREGISTRATION.—  
 15 Part I of title 18, United States Code, is amended by in-  
 16 serting after chapter 109A the following:

17 **“CHAPTER 109B—SEX OFFENDER AND**  
 18 **CRIMES AGAINST CHILDREN REGISTRY**

“Sec.  
 “2250. Failure to register.

19 **“§ 2250. Failure to register**

20 “Whoever is required to register under the Sex Of-  
 21 fender Registration and Notification Act and—

22 “(1) is a sex offender as defined for the pur-  
 23 poses of that Act by reason of a conviction under  
 24 Federal law; or

1           “(2) thereafter travels in interstate or foreign  
2           commerce, or enters or leaves, or resides in, Indian  
3           country;

4 and knowingly fails to register as required shall be fined  
5 under this title and imprisoned not more than 20 years.”.

6           (b) CLERICAL AMENDMENT.—The table of chapters  
7 for part I of title 18, United States Code, is amended by  
8 inserting after the item relating to chapter 109A the fol-  
9 lowing new item:

**“109B. Sex offender and crimes against children registry 2250”.**

10           (c) FALSE STATEMENT OFFENSE.—Section 1001(a)  
11 of title 18, United States Code, is amended by adding at  
12 the end the following: “If the matter relates to an offense  
13 under chapter 109A, 109B, 110, or 117, or section 1591,  
14 then the term of imprisonment imposed under this section  
15 shall be imprisoned not more than 10 years.”.

16           (d) PROBATION.—Paragraph (8) of section 3563(a)  
17 of title 18, United States Code, is amended to read as  
18 follows:

19           “(8) for a person required to register under the  
20           Sex Offender Registration and Notification Act, that  
21           the person comply with the requirements of that  
22           Act; and”.

23           (e) SUPERVISED RELEASE.—Section 3583 of title 18,  
24 United States Code, is amended—

1           (1) in subsection (d), in the sentence beginning  
2 with “The court shall order, as an explicit condition  
3 of supervised release for a person described in sec-  
4 tion 4042(e)(4)”, by striking “described in section  
5 4042(e)(4)” and all that follows through the end of  
6 the sentence and inserting “required to register  
7 under the Sex Offender Registration and Notifica-  
8 tion Act that the person comply with the require-  
9 ments of that Act.”.

10           (2) in subsection (k)—

11           (A) by striking “2244(a)(1), 2244(a)(2)”  
12 and inserting “2243, 2244, 2245, 2250”;

13           (B) by inserting “not less than 5,” after  
14 “any term of years”; and

15           (C) by adding at the end the following: “If  
16 a defendant required to register under the Sex  
17 Offender Registration and Notification Act vio-  
18 lates the requirements of that Act or commits  
19 any criminal offense for which imprisonment for  
20 a term longer than one year can be imposed,  
21 the court shall revoke the term of supervised re-  
22 lease and require the defendant to serve a term  
23 of imprisonment under subsection (e)(3) with-  
24 out regard to the exception contained therein.  
25 Such term shall be not less than 5 years, and

1           if the offense was an offense under chapter  
2           109A, 109B, 110, or 117, or section 1591, not  
3           less than 10 years.”.

4           (f) DUTIES OF BUREAU OF PRISONS.—Paragraph  
5 (3) of section 4042(c) of title 18, United States Code, is  
6 amended to read as follows:

7           “(3) The Director of the Bureau of Prisons shall in-  
8 form a person who is released from prison and required  
9 to register under the Sex Offender Registration and Noti-  
10 fication Act of the requirements of that Act as they apply  
11 to that person and the same information shall be provided  
12 to a person sentenced to probation by the probation officer  
13 responsible for supervision of that person.”.

14           (g) CONFORMING AMENDMENTS TO CROSS REF-  
15 ERENCES.—Paragraphs (1) and (2) of section 4042(c) of  
16 title 18, United States Code, are each amended by striking  
17 “(4)” and inserting “(3)”.

18           (h) CONFORMING REPEAL OF DEADWOOD.—Para-  
19 graph (4) of section 4042(c) of title 18, United States  
20 Code, is repealed.

21           (i) MILITARY OFFENSES.—

22           (1) Section 115(a)(8)(C)(i) of Public Law 105-  
23 119 (111 Stat. 2466) is amended by striking “which  
24 encompass” and all that follows through “and (B))”  
25 and inserting “which are specified offenses against

1 minors or sex offenses, as those terms are defined in  
2 the Sex Offender Registration and Notification Act”.

3 (2) Section 115(a)(8)(C) of Public Law 105–  
4 119 (111 Stat 2466) is amended by striking clauses  
5 (ii) through (iv).

6 **SEC. 152. FEDERAL INVESTIGATION OF SEX OFFENDER VIO-**  
7 **LATIONS OF REGISTRATION REQUIREMENTS.**

8 (a) IN GENERAL.—The Attorney General shall assist  
9 jurisdictions in locating and apprehending sex offenders  
10 who violate sex offender registration requirements.

11 (b) AUTHORIZATION OF APPROPRIATIONS.—There  
12 are authorized to be appropriated such sums as may be  
13 necessary for fiscal years 2006 through 2008 to implement  
14 this section.

15 **SEC. 153. SEX OFFENDER APPREHENSION GRANTS.**

16 Title I of the Omnibus Crime Control and Safe  
17 Streets Act of 1968 is amended by adding at the end the  
18 following new part:

19 **“PART JJ—SEX OFFENDER APPREHENSION**  
20 **GRANTS**

21 **“SEC. 3011. AUTHORITY TO MAKE SEX OFFENDER APPRE-**  
22 **HENSION GRANTS.**

23 “(a) IN GENERAL.—From amounts made available to  
24 carry out this part, the Attorney General may make grants  
25 to States, units of local government, Indian tribal govern-

1 ments, other public and private entities, and multi-juris-  
2 dictional or regional consortia thereof for activities speci-  
3 fied in subsection (b).

4 “(b) COVERED ACTIVITIES.—An activity referred to  
5 in subsection (a) is any program, project, or other activity  
6 to assist a State in enforcing sex offender registration re-  
7 quirements.

8 **“SEC. 3012. AUTHORIZATION OF APPROPRIATIONS.**

9 “There are authorized to be appropriated such sums  
10 as may be necessary for fiscal years 2006 through 2008  
11 to carry out this part.”.

12 **SEC. 154. USE OF ANY CONTROLLED SUBSTANCE TO FA-**  
13 **CILITATE SEX OFFENSE.**

14 (a) INCREASED PUNISHMENT.—Chapter 109A of  
15 title 18, United States Code, is amended by adding at the  
16 end the following:

17 **“§ 2249. Use of any controlled substance to facilitate**  
18 **sex offense**

19 “(a) Whoever, knowingly uses a controlled substance  
20 to substantially impair the ability of a person to appraise  
21 or control conduct, in order to commit a sex offense, other  
22 than an offense where such use is an element of the of-  
23 fense, shall, in addition to the punishment provided for  
24 the sex offense, be imprisoned for any term of years not  
25 more than 10 years.



1 **SEC. 157. AUTHORIZATION OF ADDITIONAL APPROPRIA-**  
2 **TIONS.**

3 In addition to any other amounts authorized by law,  
4 there are authorized to be appropriated for grants to the  
5 American Prosecutors Research Institute under section  
6 214A of the Victims of Child Abuse Act of 1990 (42  
7 U.S.C. 13003) \$7,500,000 for each of fiscal years 2006  
8 through 2010.

9 **SEC. 158. GRANTS TO COMBAT SEXUAL ABUSE OF CHIL-**  
10 **DREN.**

11 (a) IN GENERAL.—The Bureau of Justice Assistance  
12 shall make grants to law enforcement agencies for pur-  
13 poses of this section. The Bureau shall make such a  
14 grant—

15 (1) to each law enforcement agency that serves  
16 a jurisdiction with 50,000 or more residents; and

17 (2) to each law enforcement agency that serves  
18 a jurisdiction with fewer than 50,000 residents,  
19 upon a showing of need.

20 (b) USE OF GRANT AMOUNTS.—Grants under this  
21 section may be used by the law enforcement agency to—

22 (1) hire additional law enforcement personnel,  
23 or train existing staff to combat the sexual abuse of  
24 children through community education and outreach,  
25 investigation of complaints, enforcement of laws re-



1           (2) facilitate meetings, between corporations  
2 that sell computer hardware and software or provide  
3 services to the general public related to use of the  
4 Internet, to identify problems associated with the  
5 use of technology for the purpose of exploiting chil-  
6 dren;

7           (3) host national conferences to train Federal,  
8 State, and local law enforcement officers, probation  
9 and parole officers, and prosecutors regarding pro-  
10 active approaches to monitoring sex offender activity  
11 on the Internet;

12           (4) develop and distribute, for personnel listed  
13 in paragraph (3), information regarding multi-dis-  
14 ciplinary approaches to holding offenders account-  
15 able to the terms of their probation, parole, and sex  
16 offender registration laws; and

17           (5) partner with other agencies to improve the  
18 coordination of joint investigations among agencies  
19 to effectively combat on-line solicitation of children  
20 by sex offenders.

21           (b) TECHNOLOGY.—The Attorney General, in con-  
22 sultation with the Office of Juvenile Justice and Delin-  
23 quency Prevention, shall—

24           (1) deploy, to all Internet Crimes Against Chil-  
25 dren Task Forces and their partner agencies, tech-

1 nology modeled after the Canadian Child Exploi-  
2 tation Tracking System; and

3 (2) conduct training in the use of that tech-  
4 nology.

5 (c) REPORT.—Not later than July 1, 2006, the Attor-  
6 ney General, in consultation with the Office of Juvenile  
7 Justice and Delinquency Prevention, shall submit to Con-  
8 gress a report on the activities carried out under this sec-  
9 tion. The report shall include any recommendations that  
10 the Attorney General, in consultation with the Office, con-  
11 siders appropriate.

12 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
13 are authorized to be appropriated to the Attorney General,  
14 for fiscal year 2006—

15 (1) \$1,000,000 to carry out subsection (a); and

16 (2) \$2,000,000 to carry out subsection (b).

17 **Subtitle C—Office on Sexual Vio-**  
18 **lence and Crimes Against Chil-**  
19 **dren**

20 **SEC. 161. ESTABLISHMENT.**

21 There is established within the Department of Jus-  
22 tice, under the general authority of the Attorney General,  
23 an Office on Sexual Violence and Crimes against Children  
24 (hereinafter in this subtitle referred to as the “Office” .

1 **SEC. 162. DIRECTOR.**

2 The Attorney General shall appoint a Director. The  
3 Director shall be the head of the Office. The Director shall  
4 report directly to the Attorney General.

5 **SEC. 163. DUTIES OF OFFICE.**

6 The Office shall—

7 (1) administer the sex offender registration and  
8 notification program under this title.

9 (2) administer grant programs authorized by  
10 this title.

11 (3) provide technical assistance, coordination,  
12 and support to—

13 (A) other components of the Department  
14 of Justice, in efforts to develop policy and to  
15 enforce Federal laws relating to sexual assaults  
16 against children, including the litigation of civil  
17 and criminal actions relating to enforcing such  
18 laws; and

19 (B) other public and private entities, in ef-  
20 forts to develop policy, provide technical assist-  
21 ance, and improve coordination among entities  
22 seeking to further the purposes of this title.

1 **TITLE II—DNA FINGERPRINTING**

2 **SEC. 201. EXPANDING USE OF DNA TO IDENTIFY AND PROS-**  
3 **ECUTE SEX OFFENDERS.**

4 (a) EXPANSION OF NATIONAL DNA INDEX SYS-  
5 TEM.—Section 210304 of the DNA Identification Act of  
6 1994 (42 U.S.C. 14132) is amended—

7 (1) in subsection (a)(1)(C), by striking “, pro-  
8 vided” and all that follows through “System”; and

9 (2) by striking subsections (d) and (e).

10 (b) DNA SAMPLE COLLECTION FROM PERSONS AR-  
11 RESTED OR DETAINED UNDER FEDERAL AUTHORITY.—

12 (1) IN GENERAL.—Section 3 of the DNA Anal-  
13 ysis Backlog Elimination Act of 2000 (42 U.S.C.  
14 14135a) is amended—

15 (A) in subsection (a)—

16 (i) in paragraph (1), by striking “The  
17 Director” and inserting the following:

18 “(A) The Attorney General may, as pro-  
19 vided by the Attorney General by regulation,  
20 collect DNA samples from individuals who are  
21 arrested, detained, or convicted under the au-  
22 thority of the United States. The Attorney Gen-  
23 eral may delegate this function within the De-  
24 partment of Justice as provided in section 510  
25 of title 28, United States Code, and may also

1 authorize and direct any other agency of the  
2 United States that arrests or detains individ-  
3 uals or supervises individuals facing charges to  
4 carry out any function and exercise any power  
5 of the Attorney General under this section.

6 “(B) The Director”; and

7 (ii) in paragraphs (3) and (4), by  
8 striking “Director of the Bureau of Pris-  
9 ons” each place it appears and inserting  
10 “Attorney General, the Director of the Bu-  
11 reau of Prisons,”; and

12 (B) in subsection (b), by striking “Director  
13 of the Bureau of Prisons” and inserting “Attor-  
14 ney General, the Director of the Bureau of  
15 Prisons,”.

16 (2) CONFORMING AMENDMENT.—Subsections  
17 (b) and (c)(1)(A) of section 3142 of title 18, United  
18 States Code, are each amended by inserting “and  
19 subject to the condition that the person cooperate in  
20 the collection of a DNA sample from the person if  
21 the collection of such a sample is authorized pursu-  
22 ant to section 3 of the DNA Analysis Backlog Elimini-  
23 nation Act of 2000 (42 U.S.C. 14135a)” after “pe-  
24 riod of release”.

1 (c) TOLLING OF STATUTE OF LIMITATIONS IN SEX-  
2 UAL ABUSE CASES.—Section 3297 of title 18, United  
3 States Code, is amended by striking “except for a felony  
4 offense under chapter 109A,”.

5 **SEC. 202. STOPPING VIOLENT PREDATORS AGAINST CHIL-**  
6 **DREN.**

7 In carrying out Acts of Congress relating to DNA  
8 databases, the Attorney General shall give appropriate  
9 consideration to the need for the collection and testing of  
10 DNA to stop violent predators against children.

11 **SEC. 203. MODEL CODE ON INVESTIGATING MISSING PER-**  
12 **SONS AND DEATHS.**

13 (a) SENSE OF CONGRESS.—It is the sense of Con-  
14 gress that each State should, not later than 1 year after  
15 the date on which the Attorney General publishes the  
16 model code, enact laws implementing the model code.

17 (b) GAO STUDY.—Not later than 2 years after the  
18 date on which the Attorney General publishes the model  
19 code, the Comptroller General shall submit to Congress  
20 a report on the extent to which States have implemented  
21 the model code. The report shall, for each State—

22 (1) describe the extent to which the State has  
23 implemented the model code; and



1 law and regardless of any maximum term of imprisonment  
2 otherwise provided for the offense—

3 “(1) if the crime of violence results in the death  
4 of a person who has not attained the age of 18  
5 years, be sentenced to death or life in prison;

6 “(2) if the crime of violence is kidnapping, ag-  
7 gravated sexual abuse, sexual abuse, or maiming, be  
8 imprisoned for life or any term of years not less  
9 than 30; and

10 “(3) if the crime of violence results in serious  
11 bodily injury (as defined in section 2119), be impris-  
12 oned for life or for any term of years not less than  
13 20.”.

14 **SEC. 302. OFFICER KENNETH WREDE FAIR AND EXPEDI-**  
15 **TIOUS HABEUS REVIEW OF STATE CRIMINAL**  
16 **CONVICTIONS.**

17 (a) SECTION 2264.—Section 2264 of title 28, United  
18 States Code, is amended by redesignating subsection (b)  
19 as subsection (c) and inserting after subsection (a) the fol-  
20 lowing:

21 “(b) The court shall not have jurisdiction to consider  
22 an application with respect to an error relating to the ap-  
23 plicant’s sentence or sentencing that has been found to  
24 be harmless or not prejudicial in State court proceedings,  
25 that was not presented in State court proceedings, or that

1 was found by a State court to be procedurally barred, un-  
2 less a determination that the error is not structural is con-  
3 trary to clearly established Federal law, as determined by  
4 the Supreme Court of the United States.”.

5 (b) SECTION 2254.—Section 2254 of title 28, United  
6 States Code, is amended by adding at the end the fol-  
7 lowing:

8 “(j) The court, Justice, or judge entertaining the ap-  
9 plication shall not have jurisdiction to consider an applica-  
10 tion with respect to an error relating to the applicant’s  
11 sentence or sentencing that has been found to be harmless  
12 or not prejudicial in State court proceedings, that was not  
13 presented in State court proceedings, or that was found  
14 by a State court to be procedurally barred, unless a deter-  
15 mination that the error is not structural is contrary to  
16 clearly established Federal law, as determined by the Su-  
17 preme Court of the United States.”.

18 (c) APPLICATION.—The amendments made by this  
19 section apply to cases pending on or after the date of the  
20 enactment of this Act.

21 **SEC. 303. RIGHTS ASSOCIATED WITH HABEAS CORPUS PRO-**  
22 **CEEDINGS.**

23 Section 3771(b) of title 18, United States Code, is  
24 amended—

1 (1) by striking “In any court proceeding” and  
2 inserting the following:

3 “(1) IN GENERAL.—In any court proceeding”;  
4 and

5 (2) by adding at the end the following:

6 “(2) HABEAS CORPUS PROCEEDINGS.—

7 “(A) IN GENERAL.—In a Federal habeas  
8 corpus proceeding arising out of a State convic-  
9 tion, the court shall ensure that a crime victim  
10 is afforded the rights described in paragraphs  
11 (3), (4), (7), and (8) of subsection (a).

12 “(B) ENFORCEMENT.—

13 “(i) IN GENERAL.—These rights may  
14 be enforced by the crime victim or the  
15 crime victim’s lawful representative in the  
16 manner described in paragraphs (1) and  
17 (3) of subsection (d).

18 “(ii) MULTIPLE VICTIMS.—In a case  
19 involving multiple victims, subsection  
20 (d)(2) shall also apply.

21 “(C) LIMITATION.—This paragraph relates  
22 to the duties of a court in relation to the rights  
23 of a crime victim in Federal habeas corpus pro-  
24 ceedings arising out of a State conviction, and  
25 does not give rise to any obligation or require-

1           ment applicable to personnel of any agency of  
2           the Executive Branch of the Federal Govern-  
3           ment.

4           “(D) DEFINITION.—For purposes of this  
5           paragraph, the term ‘crime victim’ means the  
6           person against whom the State offense is com-  
7           mitted or, if that person is killed or incapac-  
8           tated, that person’s family member or other  
9           lawful representative.”.

10 **SEC. 304. STUDY OF INTERSTATE TRACKING OF PERSONS**  
11                           **CONVICTED OF OR UNDER INVESTIGATION**  
12                           **FOR CHILD ABUSE.**

13           (a) STUDY.—The Attorney General shall study the  
14           establishment of a nationwide interstate tracking system  
15           of persons convicted of, or under investigation for, child  
16           abuse. The study shall include an analysis, along with the  
17           costs and benefits, of various mechanisms for establishing  
18           an interstate tracking system, and include the extent to  
19           which existing registries could be used.

20           (b) REPORT.—Not later than 90 days after the date  
21           of the enactment of this Act, the Attorney General shall  
22           report to the Congress the results of the study under this  
23           section.

1 **SEC. 305. ACCESS TO FEDERAL CRIME INFORMATION DATA-**  
2 **BASES BY EDUCATIONAL AGENCIES FOR CER-**  
3 **TAIN PURPOSES.**

4 (a) IN GENERAL.—The Attorney General of the  
5 United States shall, upon request of the chief executive  
6 officer of a State, conduct fingerprint-based checks of the  
7 national crime information databases (as defined in sec-  
8 tion 534(e)(3)(A) of title 28, United States Code), pursu-  
9 ant to a request submitted by a local educational agency  
10 or State educational agency in that State, on individuals  
11 employed by, under consideration for employment by, or  
12 volunteering for the agency in a position in which the indi-  
13 vidual would work with or around children. Where pos-  
14 sible, the check shall include a fingerprint-based check of  
15 State criminal history databases. The Attorney General  
16 and the States may charge any applicable fees for these  
17 checks.

18 (b) PROTECTION OF INFORMATION.—An individual  
19 having information derived as a result of a check under  
20 subsection (a) may release that information only to an ap-  
21 propriate officer of a local educational agency or State  
22 educational agency, or to another person authorized by  
23 law to receive that information.

24 (c) CRIMINAL PENALTIES.—An individual who know-  
25 ingly exceeds the authority in subsection (a), or knowingly  
26 releases information in violation of subsection (b), shall

1 be imprisoned not more than 10 years or fined under title  
2 18, United States Code, or both.

3 (d) DEFINITION.—In this section, the terms “local  
4 educational agency” and “State educational agency” have  
5 the meanings given to those terms in section 9101 of the  
6 Elementary and Secondary Education Act of 1965 (20  
7 U.S.C. 7801).

8 **TITLE IV—PROTECTION**  
9 **AGAINST SEXUAL EXPLOI-**  
10 **TATION OF CHILDREN**

11 **SEC. 401. INCREASED PENALTIES FOR SEXUAL OFFENSES**  
12 **AGAINST CHILDREN.**

13 (a) SEXUAL ABUSE AND CONTACT.—

14 (1) AGGRAVATED SEXUAL ABUSE OF CHIL-  
15 DREN.—Section 2241(c) of title 18, United States  
16 Code, is amended by striking “, imprisoned for any  
17 term of years or life, or both.” and inserting “and  
18 imprisoned for not less than 30 years or for life.”.

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

22 (A) in subsection (a)—

23 (i) in paragraph (1), by inserting  
24 “subsection (a) or (b) of” before “section  
25 2241”;

1 (ii) by striking “or” at the end of  
2 paragraph (3);

3 (iii) by striking the period at the end  
4 of paragraph (4) and inserting “; or”; and

5 (iv) by inserting after paragraph (4)  
6 the following:

7 “(5) subsection (c) of section 2241 of this title  
8 had the sexual contact been a sexual act, shall be  
9 fined under this title and imprisoned for any term  
10 of years or for life.”; and

11 (B) in subsection (c), by inserting “(other  
12 than subsection (a)(5))” after “violates this sec-  
13 tion”.

14 (3) SEXUAL ABUSE OF CHILDREN RESULTING  
15 IN DEATH.—Section 2245 of title 18, United States  
16 Code, is amended—

17 (A) by inserting “, chapter 110, chapter  
18 117, or section 1591” after “this chapter”;

19 (B) by striking “A person” and inserting  
20 “(a) **IN GENERAL.**—A person”; and

21 (C) by adding at the end the following:

22 “(b) **OFFENSES INVOLVING YOUNG CHILDREN.**—A  
23 person who, in the course of an offense under this chapter,  
24 chapter 110, chapter 117, or section 1591 engages in con-  
25 duct that results in the death of a person who has not

1 attained the age of 12 years, shall be punished by death  
2 or imprisoned for not less than 30 years or for life.”.

3 (4) DEATH PENALTY AGGRAVATING FACTOR.—

4 Section 3592(c)(1) of title 18, United States Code,  
5 is amended by inserting “section 2245 (sexual abuse  
6 resulting in death),” after “(wrecking trains),”.

7 (b) SEXUAL EXPLOITATION AND OTHER ABUSE OF  
8 CHILDREN.—

9 (1) SEXUAL EXPLOITATION OF CHILDREN.—

10 Section 2251(e) of title 18, United States Code, is  
11 amended—

12 (A) by inserting “section 1591,” after  
13 “this chapter,” the first place it appears;

14 (B) by striking “the sexual exploitation of  
15 children” the first place it appears and insert-  
16 ing “aggravated sexual abuse, sexual abuse,  
17 abusive sexual contact involving a minor or  
18 ward, or sex trafficking of children, or the pro-  
19 duction, possession, receipt, mailing, sale, dis-  
20 tribution, shipment, or transportation of child  
21 pornography”; and

22 (C) by striking “any term of years or for  
23 life” and inserting “not less than 30 years or  
24 for life”.

1           (2) ACTIVITIES RELATING TO MATERIAL IN-  
2 VOLVING THE SEXUAL EXPLOITATION OF CHIL-  
3 DREN.—Section 2252(b) of title 18, United States  
4 Code, is amended in paragraph (1)—

5           (A) by striking “paragraphs (1)” and in-  
6 serting “paragraph (1)”;

7           (B) by inserting “section 1591,” after  
8 “this chapter,”; and

9           (C) by inserting “, or sex trafficking of  
10 children” after “pornography”.

11          (3) ACTIVITIES RELATING TO MATERIAL CON-  
12 STITUTING OR CONTAINING CHILD PORNOGRAPHY.—  
13 Section 2252A(b) of title 18, United States Code, is  
14 amended in paragraph (1)—

15          (A) by inserting “section 1591,” after  
16 “this chapter,”; and

17          (B) by inserting “, or sex trafficking of  
18 children” after “pornography”.

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 “4” and insert-  
23 ing “20”.

24          (c) MANDATORY LIFE IMPRISONMENT FOR CERTAIN  
25 REPEATED SEX OFFENSES AGAINST CHILDREN.—Sec-

1 tion 3559(e)(2)(A) of title 18, United States Code, is  
2 amended—

3 (1) by striking “or 2423(a)” and inserting  
4 “2423(a)”; and

5 (2) by inserting “, 2423(b) (relating to travel  
6 with intent to engage in illicit sexual conduct),  
7 2423(e) (relating to illicit sexual conduct in foreign  
8 places), or 2425 (relating to use of interstate facili-  
9 ties to transmit information about a minor)” after  
10 “minors”).

11 **SEC. 402. SENSE OF CONGRESS WITH RESPECT TO PROS-**  
12 **ECUTIONS UNDER SECTION 2422(b) OF TITLE**  
13 **18, UNITED STATES CODE.**

14 (a) FINDINGS.—Congress finds that—

15 (1) a jury convicted Jan P. Helder, Jr., of  
16 using a computer to attempt to entice an individual  
17 who had not attained the age of 18 years to engage  
18 in unlawful sexual activity;

19 (2) during the trial, evidence showed that Jan  
20 Helder had engaged in an online chat with an indi-  
21 vidual posing as a minor, who unbeknownst to him,  
22 was an undercover law enforcement officer;

23 (3) notwithstanding, Dean Whipple, District  
24 Judge for the Western District of Missouri, acquit-  
25 ted Jan Helder, ruling that because he did not, in

1 fact, communicate with a minor, he did not commit  
2 a crime;

3 (4) the 9th Circuit Court of Appeals, in United  
4 States v. Jeffrey Meek, specifically addressed the  
5 question facing Judge Whipple and concurred with  
6 the 5th and 11th Circuit Courts in finding that “an  
7 actual minor victim is not required for an attempt  
8 conviction under 18 U.S.C. § 2422(b).”;

9 (5) the Department of Justice has successfully  
10 used evidence obtained through undercover law en-  
11 forcement to prosecute and convict perpetrators who  
12 attempted to solicit children on the Internet; and

13 (6) the Department of Justice states, “Online  
14 child pornography/child sexual exploitation is the  
15 most significant cyber crime problem confronting the  
16 FBI that involves crimes against children”.

17 (b) SENSE OF CONGRESS.—It is the sense of Con-  
18 gress that—

19 (1) it is a crime under section 2422(b) of title  
20 18, United States Code, to use a facility of inter-  
21 state commerce to attempt to entice an individual  
22 who has not attained the age of 18 years into unlaw-  
23 ful sexual activity, even if the perpetrator incorrectly  
24 believes that the individual has not attained the age  
25 of 18 years;

1           (2) well-established caselaw has established that  
2           section 2422(b) of title 18, United States Code,  
3           criminalizes any attempt to entice a minor into un-  
4           lawful sexual activity, even if the perpetrator incor-  
5           rectly believes that the individual has not attained  
6           the age of 18 years;

7           (3) the Department of Justice should appeal  
8           Judge Whipple’s decision in United States v. Helder,  
9           Jr. and aggressively continue to track down and  
10          prosecute sex offenders on the Internet; and

11          (4) Judge Whipple’s decision in United States  
12          v. Helder, Jr. should be overturned in light of the  
13          law as it is written, the intent of Congress, and well-  
14          established caselaw.

1 **TITLE V—FOSTER CHILD PRO-**  
2 **TECTION AND CHILD SEXUAL**  
3 **PREDATOR DETERRENCE**

4 **SEC. 501. REQUIREMENT TO COMPLETE BACKGROUND**  
5 **CHECKS BEFORE APPROVAL OF ANY FOSTER**  
6 **OR ADOPTIVE PLACEMENT AND TO CHECK**  
7 **NATIONAL CRIME INFORMATION DATABASES**  
8 **AND STATE CHILD ABUSE REGISTRIES; SUS-**  
9 **PENSION AND SUBSEQUENT ELIMINATION OF**  
10 **OPT-OUT.**

11 (a) REQUIREMENT TO COMPLETE BACKGROUND  
12 CHECKS BEFORE APPROVAL OF ANY FOSTER OR ADOPTIVE  
13 PLACEMENT AND TO CHECK NATIONAL CRIME IN-  
14 FORMATION DATABASES AND STATE CHILD ABUSE REG-  
15 ISTRIES; SUSPENSION OF OPT-OUT.—

16 (1) REQUIREMENT TO CHECK NATIONAL CRIME  
17 INFORMATION DATABASES AND STATE CHILD ABUSE  
18 REGISTRIES.—Section 471(a)(20) of the Social Se-  
19 curity Act (42 U.S.C. 671(a)(20)) is amended—

20 (A) in subparagraph (A)—

21 (i) in the matter preceding clause

22 (i)—

23 (I) by inserting “, including fin-  
24 gerprint-based checks of national  
25 crime information databases (as de-

1                    fined in section 534(e)(3)(A) of title  
2                    28, United States Code),” after  
3                    “criminal records checks”; and

4                    (II) by striking “on whose behalf  
5                    foster care maintenance payments or  
6                    adoption assistance payments are to  
7                    be made” and inserting “regardless of  
8                    whether foster care maintenance pay-  
9                    ments or adoption assistance pay-  
10                  ments are to be made on behalf of the  
11                  child”; and

12                  (ii) in each of clauses (i) and (ii), by  
13                  inserting “involving a child on whose be-  
14                  half such payments are to be so made”  
15                  after “in any case”; and

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

17                  “(C) provides that the State shall—

18                  “(i) check any child abuse and neglect reg-  
19                  istry maintained by the State for information  
20                  on any prospective foster or adoptive parent  
21                  and on any other adult living in the home of  
22                  such a prospective parent, and request any  
23                  other State in which any such prospective par-  
24                  ent or other adult has resided in the preceding  
25                  5 years, to enable the State to check any child

1 abuse and neglect registry maintained by such  
2 other State for such information, before the  
3 prospective foster or adoptive parent may be fi-  
4 nally approved for placement of a child, regard-  
5 less of whether foster care maintenance pay-  
6 ments or adoption assistance payments are to  
7 be made on behalf of the child under the State  
8 plan under this part;

9 “(ii) comply with any request described in  
10 clause (i) that is received from another State;  
11 and

12 “(iii) have in place safeguards to prevent  
13 the unauthorized disclosure of information in  
14 any child abuse and neglect registry maintained  
15 by the State, and to prevent any such informa-  
16 tion obtained pursuant to this subparagraph  
17 from being used for a purpose other than the  
18 conducting of background checks in foster or  
19 adoptive placement cases;”.

20 (2) SUSPENSION OF OPT-OUT.—Section  
21 471(a)(20)(B) of such Act (42 U.S.C.  
22 671(a)(20)(B)) is amended—

23 (A) by inserting “, on or before September  
24 30, 2005,” after “plan if”; and

1 (B) by inserting “, on or before such  
2 date,” after “or if”.

3 (b) ELIMINATION OF OPT-OUT.—Section 471(a)(20)  
4 of such Act (42 U.S.C. 671(a)(20)), as amended by sub-  
5 section (a) of this section, is amended—

6 (1) in subparagraph (A), in the matter pre-  
7 ceding clause (i), by striking “unless an election pro-  
8 vided for in subparagraph (B) is made with respect  
9 to the State,”; and

10 (2) by striking subparagraph (B) and redesign-  
11 ating subparagraph (C) as subparagraph (B).

12 (c) EFFECTIVE DATE.—

13 (1) IN GENERAL.—The amendments made by  
14 subsection (a) shall take effect on October 1, 2005,  
15 and shall apply with respect to payments under part  
16 E of title IV of the Social Security Act for calendar  
17 quarters beginning on or after such date, without re-  
18 gard to whether regulations to implement the  
19 amendments are promulgated by such date.

20 (2) ELIMINATION OF OPT-OUT.—The amend-  
21 ments made by subsection (b) shall take effect on  
22 October 1, 2007, and shall apply with respect to  
23 payments under part E of title IV of the Social Se-  
24 curity Act for calendar quarters beginning on or  
25 after such date, without regard to whether regula-

1 tions to implement the amendments are promulgated  
2 by such date.

3 (3) DELAY PERMITTED IF STATE LEGISLATION  
4 REQUIRED.—If the Secretary of Health and Human  
5 Services determines that State legislation (other  
6 than legislation appropriating funds) is required in  
7 order for a State plan under section 471 of the So-  
8 cial Security Act to meet the additional requirements  
9 imposed by the amendments made by a subsection  
10 of this section, the plan shall not be regarded as fail-  
11 ing to meet any of the additional requirements be-  
12 fore the first day of the first calendar quarter begin-  
13 ning after the first regular session of the State legis-  
14 lature that begins after the otherwise applicable ef-  
15 fective date of the amendments. If the State has a  
16 2-year legislative session, each year of the session is  
17 deemed to be a separate regular session of the State  
18 legislature.

19 **SEC. 502. ACCESS TO FEDERAL CRIME INFORMATION DATA-**  
20 **BASES BY CHILD WELFARE AGENCIES FOR**  
21 **CERTAIN PURPOSES.**

22 (a) IN GENERAL.—The Attorney General of the  
23 United States shall, upon request of the chief executive  
24 officer of a State, conduct fingerprint-based checks of the  
25 national crime information databases (as defined in sec-

1 tion 534 of title 28, United States Code) submitted by  
2 a local child welfare agency for the purpose of conducting  
3 a background check required under section 471(a)(20) of  
4 the Social Security Act on individuals under consideration  
5 as prospective foster or adoptive parents. Where possible,  
6 the check shall include a fingerprint-based check of State  
7 criminal history databases. The Attorney General and the  
8 States may charge any applicable fees for the checks.

9 (b) LIMITATION.—An officer may use the authority  
10 under subsection (a) only for the purpose of conducting  
11 the background checks required under section 471(a)(20)  
12 of the Social Security Act.

13 (c) PROTECTION OF INFORMATION.—An individual  
14 having information derived as a result of a check under  
15 subsection (a) may release that information only to appro-  
16 priate officers of child welfare agencies or another person  
17 authorized by law to receive that information.

18 (d) CRIMINAL PENALTIES.—An individual who know-  
19 ingly exceeds the authority in subsection (a), or knowingly  
20 releases information in violation of subsection (c), shall be  
21 imprisoned not more than 10 years or fined under title  
22 18, United States Code, or both.

23 (e) CHILD WELFARE AGENCY DEFINED.—In this  
24 section, the term “child welfare agency” means—

1           (1) the State or local agency responsible for ad-  
2           ministering the plan under part B or part E of title  
3           IV of the Social Security Act; and

4           (2) any other public agency, or any other pri-  
5           vate agency under contract with the State or local  
6           agency responsible for administering the plan under  
7           part B or part E of title IV of the Social Security  
8           Act, that is responsible for the licensing or approval  
9           of foster or adoptive parents.

10 **SEC. 503. PENALTIES FOR COERCION AND ENTICEMENT BY**  
11 **SEX OFFENDERS.**

12           Section 2422(a) of title 18, United States Code, is  
13 amended by striking “or imprisoned not more than 20  
14 years, or both” and inserting “and imprisoned not less  
15 than 10 years nor more than 30 years”.

16 **SEC. 504. PENALTIES FOR CONDUCT RELATING TO CHILD**  
17 **PROSTITUTION.**

18           Section 2423 of title 18, United States Code, is  
19 amended—

20           (1) in subsection (a), by striking “5 years and  
21           not more than 30 years” and inserting “30 years or  
22           for life”;

23           (2) in subsection (b), by striking “or impris-  
24           oned not more than 30 years, or both” and inserting

1 “and imprisoned for not less than 10 years and not  
2 more than 30 years”;

3 (3) in subsection (c), by striking “or imprisoned  
4 not more than 30 years, or both” and inserting “and  
5 imprisoned for not less than 10 years and not more  
6 than 30 years”; and

7 (4) in subsection (d), by striking “imprisoned  
8 not more than 30 years, or both” and inserting “and  
9 imprisoned for not less than 10 nor more than 30  
10 years”.

11 **SEC. 505. PENALTIES FOR SEXUAL ABUSE.**

12 (a) AGGRAVATED SEXUAL ABUSE.—Section 2241 of  
13 title 18, United States Code, is amended—

14 (1) in subsection (a), by striking “, imprisoned  
15 for any term of years or life, or both” and inserting  
16 “and imprisoned for any term of years not less than  
17 30 or for life”; and

18 (2) in subsection (b), by striking “, imprisoned  
19 for any term of years or life, or both” and inserting  
20 “and imprisoned for any term of years not less than  
21 30 or for life”.

22 (b) SEXUAL ABUSE.—Section 2242 of title 18,  
23 United States Code, is amended by striking “, imprisoned  
24 not more than 20 years, or both” and inserting “and im-  
25 prisoned not less than 10 years nor more than 30 years”.

1 (c) ABUSIVE SEXUAL CONTACT.—Section 2244(a) of  
2 title 18, United States Code, is amended—

3 (1) in paragraph (1), by striking “ten years”  
4 and inserting “30 years”;

5 (2) in paragraph (2), by striking “three years”  
6 and inserting “20 years”;

7 (3) in paragraph (3), by striking “two years”  
8 and inserting “15 years”; and

9 (4) in paragraph (4), by striking “six months”  
10 and inserting “10 years”.

11 **SEC. 506. SEX OFFENDER SUBMISSION TO SEARCH AS CON-**  
12 **DITION OF RELEASE.**

13 (a) CONDITIONS OF PROBATION.—Section 3563(a) of  
14 title 18, United States Code, is amended—

15 (1) in paragraph (9), by striking the period and  
16 inserting “; and”; and

17 (2) by inserting after paragraph (9) the fol-  
18 lowing:

19 “(10) for a person who is a felon or required  
20 to register under the Sex Offender Registration and  
21 Notification Act, that the person submit his person,  
22 and any property, house, residence, vehicle, papers,  
23 computer, other electronic communication or data  
24 storage devices or media, and effects to search at  
25 any time, with or without a warrant, by any law en-

1 enforcement or probation officer with reasonable sus-  
2 picion concerning a violation of a condition of proba-  
3 tion or unlawful conduct by the person, and by any  
4 probation officer in the lawful discharge of the offi-  
5 cer’s supervision functions.”.

6 (b) SUPERVISED RELEASE.—Section 3583(d) of title  
7 18, United States Code, is amended by adding at the end  
8 the following: “The court may order, as an explicit condi-  
9 tion of supervised release for a person who is a felon or  
10 required to register under the Sex Offender Registration  
11 and Notification Act, that the person submit his person,  
12 and any property, house, residence, vehicle, papers, com-  
13 puter, other electronic communications or data storage de-  
14 vices or media, and effects to search at any time, with  
15 or without a warrant, by any law enforcement or probation  
16 officer with reasonable suspicion concerning a violation of  
17 a condition of supervised release or unlawful conduct by  
18 the person, and by any probation officer in the lawful dis-  
19 charge of the officer’s supervision functions.”.

20 **SEC. 507. KIDNAPPING JURISDICTION.**

21 Section 1201 of title 18, United States Code, is  
22 amended—

23 (1) in subsection (a)(1), by striking “if the per-  
24 son was alive when the transportation began” and  
25 inserting “, or the offender travels in interstate or

1 foreign commerce or uses the mail or any means, fa-  
 2 cility, or instrumentality of interstate or foreign  
 3 commerce in committing or in furtherance of the  
 4 commission of the offense”; and

5 (2) in subsection (b), by striking “to interstate”  
 6 and inserting “in interstate”.

7 **SEC. 508. MARITAL COMMUNICATION AND ADVERSE SPOUS-**  
 8 **AL PRIVILEGE.**

9 (a) IN GENERAL.—Chapter 119 of title 28, United  
 10 States Code, is amended by inserting after section 1826  
 11 the following:

12 **“§ 1826A. Marital communications and adverse spous-**  
 13 **al privilege**

14 “The confidential marital communication privilege  
 15 and the adverse spousal privilege shall be inapplicable in  
 16 any Federal proceeding in which a spouse is charged with  
 17 a crime against—

18 (1) a child of either spouse; or

19 (2) a child under the custody or control of ei-  
 20 ther spouse.”.

21 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
 22 The table of sections for chapter 119 of title 28, United  
 23 States Code, is amended by inserting after the item relat-  
 24 ing to section 1826 the following:

“1826A. Marital communications and adverse spousal privilege.”.

1 **SEC. 509. ABUSE AND NEGLECT OF INDIAN CHILDREN.**

2 Section 1153(a) of title 18, United States Code, is  
3 amended by inserting “felony child abuse or neglect,”  
4 after “years,”.

5 **SEC. 510. JIMMY RYCE CIVIL COMMITMENT PROGRAM.**

6 Chapter 313 of title 18, United States Code, is  
7 amended—

8 (1) in the chapter analysis—

9 (A) in the item relating to section 4241, by  
10 inserting “or to undergo postrelease pro-  
11 ceedings” after “trial”; and

12 (B) by inserting at the end the following:

“4248. Civil commitment of a sexually dangerous person.”;

13 (2) in section 4241—

14 (A) in the heading, by inserting “**OR TO**  
15 **UNDERGO POSTRELEASE PROCEEDINGS**”  
16 after “**TRIAL**”;

17 (B) in the first sentence of subsection (a),  
18 by inserting “or at any time after the com-  
19 mencement of probation or supervised release  
20 and prior to the completion of the sentence,”  
21 after “defendant,”;

22 (C) in subsection (d)—

23 (i) by striking “trial to proceed” each  
24 place it appears and inserting “proceedings  
25 to go forward”; and

1 (ii) by striking “section 4246” and in-  
2 serting “sections 4246 and 4248”; and

3 (D) in subsection (e)—

4 (i) by inserting “or other proceedings”  
5 after “trial”; and

6 (ii) by striking “chapter 207” and in-  
7 serting “chapters 207 and 227”;

8 (3) in section 4247—

9 (A) by striking “, or 4246” each place it  
10 appears and inserting “, 4246, or 4248”;

11 (B) in subsections (g) and (i), by striking  
12 “4243 or 4246” each place it appears and in-  
13 serting “4243, 4246, or 4248”;

14 (C) in subsection (a)—

15 (i) by amending subparagraph (1)(C)  
16 to read as follows:

17 “(C) drug, alcohol, and sex offender treat-  
18 ment programs, and other treatment programs  
19 that will assist the individual in overcoming a  
20 psychological or physical dependence or any  
21 condition that makes the individual dangerous  
22 to others; and”;

23 (ii) in paragraph (2), by striking  
24 “and” at the end;

1 (iii) in paragraph (3), by striking the  
2 period at the end and inserting a semi-  
3 colon; and

4 (iv) by inserting at the end the fol-  
5 lowing:

6 “(4) ‘bodily injury’ includes sexual abuse;

7 “(5) ‘sexually dangerous person’ means a per-  
8 son who has engaged or attempted to engage in sex-  
9 ually violent conduct or child molestation and who is  
10 sexually dangerous to others; and

11 “(6) ‘sexually dangerous to others’ means that  
12 a person suffers from a serious mental illness, ab-  
13 normality, or disorder as a result of which he would  
14 have serious difficulty in refraining from sexually  
15 violent conduct or child molestation if released.”;

16 (D) in subsection (b), by striking “4245 or  
17 4246” and inserting “4245, 4246, or 4248”;

18 (E) in subsection (c)(4)—

19 (i) by redesignating subparagraphs  
20 (D) and (E) as subparagraphs (E) and (F)  
21 respectively; and

22 (ii) by inserting after subparagraph  
23 (C) the following:

1           “(D) if the examination is ordered under  
2           section 4248, whether the person is a sexually  
3           dangerous person;” and

4           (F) in subsections (e) and (h)—

5           (i) by striking “hospitalized” each  
6           place it appears and inserting “com-  
7           mitted”; and

8           (ii) by striking “hospitalization” each  
9           place it appears and inserting “commit-  
10          ment” ; and

11          (4) by inserting at the end the following:

12       **“§ 4248. Civil commitment of a sexually dangerous**  
13               **person**

14          “(a) INSTITUTION OF PROCEEDINGS.—In relation to  
15       a person who is in the custody of the Bureau of Prisons,  
16       or who has been committed to the custody of the Attorney  
17       General pursuant to section 4241(d), or against whom all  
18       criminal charges have been dismissed solely for reasons  
19       relating to the mental condition of the person, the Attor-  
20       ney General or any individual authorized by the Attorney  
21       General or the Director of the Bureau of Prisons may cer-  
22       tify that the person is a sexually dangerous person, and  
23       transmit the certificate to the clerk of the court for the  
24       district in which the person is confined. The clerk shall  
25       send a copy of the certificate to the person, and to the

1 attorney for the Government, and, if the person was com-  
2 mitted pursuant to section 4241(d), to the clerk of the  
3 court that ordered the commitment. The court shall order  
4 a hearing to determine whether the person is a sexually  
5 dangerous person. A certificate filed under this subsection  
6 shall stay the release of the person pending completion of  
7 procedures contained in this section.

8       “(b) PSYCHIATRIC OR PSYCHOLOGICAL EXAMINA-  
9 TION AND REPORT.—Prior to the date of the hearing, the  
10 court may order that a psychiatric or psychological exam-  
11 ination of the defendant be conducted, and that a psy-  
12 chiatric or psychological report be filed with the court,  
13 pursuant to the provisions of section 4247(b) and (c).

14       “(c) HEARING.—The hearing shall be conducted pur-  
15 suant to the provisions of section 4247(d).

16       “(d) DETERMINATION AND DISPOSITION.—If, after  
17 the hearing, the court finds by clear and convincing evi-  
18 dence that the person is a sexually dangerous person, the  
19 court shall commit the person to the custody of the Attor-  
20 ney General. The Attorney General shall release the per-  
21 son to the appropriate official of the State in which the  
22 person is domiciled or was tried if such State will assume  
23 responsibility for his custody, care, and treatment. The  
24 Attorney General shall make all reasonable efforts to  
25 cause such a State to assume such responsibility. If, not-

1 withstanding such efforts, neither such State will assume  
2 such responsibility, the Attorney General shall place the  
3 person for treatment in a suitable facility, until—

4           “(1) such a State will assume such responsi-  
5           bility; or

6           “(2) the person’s condition is such that he is no  
7           longer sexually dangerous to others, or will not be  
8           sexually dangerous to others if released under a pre-  
9           scribed regimen of medical, psychiatric, or psycho-  
10          logical care or treatment;

11 whichever is earlier.

12          “(e) DISCHARGE.—When the Director of the facility  
13 in which a person is placed pursuant to subsection (d) de-  
14 termines that the person’s condition is such that he is no  
15 longer sexually dangerous to others, or will not be sexually  
16 dangerous to others if released under a prescribed regimen  
17 of medical, psychiatric, or psychological care or treatment,  
18 he shall promptly file a certificate to that effect with the  
19 clerk of the court that ordered the commitment. The clerk  
20 shall send a copy of the certificate to the person’s counsel  
21 and to the attorney for the Government. The court shall  
22 order the discharge of the person or, on motion of the at-  
23 torney for the Government or on its own motion, shall hold  
24 a hearing, conducted pursuant to the provisions of section  
25 4247(d), to determine whether he should be released. If,

1 after the hearing, the court finds by a preponderance of  
2 the evidence that the person's condition is such that—

3           “(1) he will not be sexually dangerous to others  
4 if released unconditionally, the court shall order that  
5 he be immediately discharged; or

6           “(2) he will not be sexually dangerous to others  
7 if released under a prescribed regimen of medical,  
8 psychiatric, or psychological care or treatment, the  
9 court shall—

10           “(A) order that he be conditionally dis-  
11 charged under a prescribed regimen of medical,  
12 psychiatric, or psychological care or treatment  
13 that has been prepared for him, that has been  
14 certified to the court as appropriate by the Di-  
15 rector of the facility in which he is committed,  
16 and that has been found by the court to be ap-  
17 propriate; and

18           “(B) order, as an explicit condition of re-  
19 lease, that he comply with the prescribed regi-  
20 men of medical, psychiatric, or psychological  
21 care or treatment.

22       The court at any time may, after a hearing employ-  
23 ing the same criteria, modify or eliminate the regi-  
24 men of medical, psychiatric, or psychological care or  
25 treatment.

1       “(f) REVOCATION OF CONDITIONAL DISCHARGE.—  
2 The director of a facility responsible for administering a  
3 regimen imposed on a person conditionally discharged  
4 under subsection (e) shall notify the Attorney General and  
5 the court having jurisdiction over the person of any failure  
6 of the person to comply with the regimen. Upon such no-  
7 tice, or upon other probable cause to believe that the per-  
8 son has failed to comply with the prescribed regimen of  
9 medical, psychiatric, or psychological care or treatment,  
10 the person may be arrested, and, upon arrest, shall be  
11 taken without unnecessary delay before the court having  
12 jurisdiction over him. The court shall, after a hearing, de-  
13 termine whether the person should be remanded to a suit-  
14 able facility on the ground that he is sexually dangerous  
15 to others in light of his failure to comply with the pre-  
16 scribed regimen of medical, psychiatric, or psychological  
17 care or treatment.

18       “(g) RELEASE TO STATE OF CERTAIN OTHER PER-  
19 SONS.—If the director of the facility in which a person  
20 is hospitalized or placed pursuant to this chapter certifies  
21 to the Attorney General that a person, against whom all  
22 charges have been dismissed for reasons not related to the  
23 mental condition of the person, is a sexually dangerous  
24 person, the Attorney General shall release the person to  
25 the appropriate official of the State in which the person

1 is domiciled or was tried for the purpose of institution of  
2 State proceedings for civil commitment. If neither such  
3 State will assume such responsibility, the Attorney Gen-  
4 eral shall release the person upon receipt of notice from  
5 the State that it will not assume such responsibility, but  
6 not later than 10 days after certification by the director  
7 of the facility.”.

8 **SEC. 511. JIMMY RYCE STATE CIVIL COMMITMENT PRO-**  
9 **GRAMS FOR SEXUALLY DANGEROUS PER-**  
10 **SONS.**

11 (a) GRANTS AUTHORIZED.—Except as provided in  
12 subsection (b), the Attorney General shall make grants to  
13 jurisdictions for the purpose of establishing, enhancing, or  
14 operating effective civil commitment programs for sexually  
15 dangerous persons.

16 (b) LIMITATION.—The Attorney General shall not  
17 make any grant under this section for the purpose of es-  
18 tablishing, enhancing, or operating any transitional hous-  
19 ing for a sexually dangerous person in or near a locations  
20 where minors or other vulnerable persons are likely to  
21 come into contact with that person.

22 (c) ELIGIBILITY.—

23 (1) IN GENERAL.—To be eligible to receive a  
24 grant under this section, a jurisdiction must, before  
25 the expiration of the compliance period—

1           (A) have established a civil commitment  
2           program for sexually dangerous persons that is  
3           consistent with guidelines issued by the Attor-  
4           ney General; or

5           (B) submit a plan for the establishment of  
6           such a program.

7           (2) COMPLIANCE PERIOD.—The compliance pe-  
8           riod referred to in paragraph (1) expires on the date  
9           that is 2 years after the date of the enactment of  
10          this Act. However, the Attorney General may, on a  
11          case-by-case basis, extend the compliance period that  
12          applies to a jurisdiction if the Attorney General con-  
13          siders such an extension to be appropriate.

14          (d) ATTORNEY GENERAL REPORTS.—Not later than  
15          January 31 of each year, beginning with 2008, the Attor-  
16          ney General shall submit to the Committee on the Judici-  
17          ary of the Senate and the Committee on the Judiciary of  
18          the House of Representatives a report on the progress of  
19          jurisdictions in implementing this section and the rate of  
20          sexually violent offenses for each jurisdiction.

21          (e) DEFINITIONS.—As used in this section:

22                  (1) The term “civil commitment program”  
23                  means a program that involves—

1 (A) secure civil confinement, including ap-  
2 propriate control, care, and treatment during  
3 such confinement; and

4 (B) appropriate supervision, care, and  
5 treatment for individuals released following  
6 such confinement.

7 (2) The term “sexually dangerous person”  
8 means an individual who is dangerous to others be-  
9 cause of a mental illness, abnormality, or disorder  
10 that creates a risk that the individual will engage in  
11 sexually violent conduct or child molestation.

12 (3) The term “jurisdiction” has the meaning  
13 given such term in section 111.

14 (f) AUTHORIZATION OF APPROPRIATIONS.—There  
15 are authorized to be appropriated to carry out this section  
16 \$10,000,000 for each of fiscal years 2006, 2007, 2008,  
17 and 2009.

18 **SEC. 512. MANDATORY PENALTIES FOR SEX-TRAFFICKING**  
19 **OF CHILDREN.**

20 Section 1591(b) of title 18, United States Code, is  
21 amended—

22 (1) in paragraph (1)—

23 (A) by striking “or imprisonment” and in-  
24 serting “and imprisonment”;

1 (B) by inserting “not less than 10” after  
2 “any term of years”; and

3 (C) by striking “, or both”; and  
4 (2) in paragraph (2)—

5 (A) by striking “or imprisonment for not”  
6 and inserting “and imprisonment for not less  
7 than 5 years nor”; and

8 (B) by striking “, or both”.

9 **SEC. 513. SEXUAL ABUSE OF WARDS.**

10 Chapter 109A of title 18, United States Code, is  
11 amended—

12 (1) in section 2243(b), by striking “one year”  
13 and inserting “15 years”;

14 (2) in section 2244(b), by striking “six months”  
15 and inserting “two years”; and

16 (3) by inserting after “Federal prison,” each  
17 place it appears, other than the second sentence of  
18 section 2241(c), the following: “or in any prison, in-  
19 stitution, or facility in which persons are held in cus-  
20 tody by direction of or pursuant to a contract or  
21 agreement with Attorney General,”.

22 **SEC. 514. NO LIMITATION FOR PROSECUTION OF FELONY**  
23 **SEX OFFENSES.**

24 Chapter 213 of title 18, United States Code, is  
25 amended—

1 (1) by adding at the end the following:

2 **“§ 3298. Child abduction and sex offenses**

3 “Notwithstanding any other law, an indictment may  
4 be found or an information instituted at any time without  
5 limitation for any offense under section 1201 involving a  
6 minor victim, and for any felony under chapter 109A, 110,  
7 or 117, or section 1591.”; and

8 (2) by adding at the end of the table of sections  
9 at the beginning of the chapter the following new  
10 item:

“3298. Child abduction and sex offenses.”.

11 **SEC. 515. CHILD ABUSE REPORTING.**

12 Section 2258 of title 18, United States Code, is  
13 amended by striking “Class B misdemeanor” and insert-  
14 ing “Class A misdemeanor”.

15 **TITLE VI—CHILD**  
16 **PORNOGRAPHY PREVENTION**

17 **SEC. 601. FINDINGS.**

18 Congress makes the following findings:

19 (1) The effect of the intrastate production,  
20 transportation, distribution, receipt, advertising, and  
21 possession of child pornography on interstate market  
22 in child pornography.

23 (A) The illegal production, transportation,  
24 distribution, receipt, advertising and possession  
25 of child pornography, as defined in section

1           2256(8) of title 18, United States Code, as well  
2           as the transfer of custody of children for the  
3           production of child pornography, is harmful to  
4           the physiological, emotional, and mental health  
5           of the children depicted in child pornography  
6           and has a substantial and detrimental effect on  
7           society as a whole.

8           (B) A substantial interstate market in  
9           child pornography exists, including not only a  
10          multimillion dollar industry, but also a nation-  
11          wide network of individuals openly advertising  
12          their desire to exploit children and to traffic in  
13          child pornography. Many of these individuals  
14          distribute child pornography with the expecta-  
15          tion of receiving other child pornography in re-  
16          turn.

17          (C) The interstate market in child pornog-  
18          raphy is carried on to a substantial extent  
19          through the mails and other instrumentalities  
20          of interstate and foreign commerce, such as the  
21          Internet. The advent of the Internet has greatly  
22          increased the ease of transporting, distributing,  
23          receiving, and advertising child pornography in  
24          interstate commerce. The advent of digital cam-  
25          eras and digital video cameras, as well as video-

1 tape cameras, has greatly increased the ease of  
2 producing child pornography. The advent of in-  
3 expensive computer equipment with the capacity  
4 to store large numbers of digital images of child  
5 pornography has greatly increased the ease of  
6 possessing child pornography. Taken together,  
7 these technological advances have had the un-  
8 fortunate result of greatly increasing the inter-  
9 state market in child pornography.

10 (D) Intrastate incidents of production,  
11 transportation, distribution, receipt, advertising,  
12 and possession of child pornography, as well as  
13 the transfer of custody of children for the pro-  
14 duction of child pornography, have a substantial  
15 and direct effect upon interstate commerce be-  
16 cause:

17 (i) Some persons engaged in the pro-  
18 duction, transportation, distribution, re-  
19 ceipt, advertising, and possession of child  
20 pornography conduct such activities en-  
21 tirely within the boundaries of one state.  
22 These persons are unlikely to be content  
23 with the amount of child pornography they  
24 produce, transport, distribute, receive, ad-  
25 vertise, or possess. These persons are

1           therefore likely to enter the interstate mar-  
2           ket in child pornography in search of addi-  
3           tional child pornography, thereby stimu-  
4           lating demand in the interstate market in  
5           child pornography.

6           (ii) When the persons described in  
7           subparagraph (D)(i) enter the interstate  
8           market in search of additional child por-  
9           nography, they are likely to distribute the  
10          child pornography they already produce,  
11          transport, distribute, receive, advertise, or  
12          possess to persons who will distribute addi-  
13          tional child pornography to them, thereby  
14          stimulating supply in the interstate market  
15          in child pornography.

16          (iii) Much of the child pornography  
17          that supplies the interstate market in child  
18          pornography is produced entirely within  
19          the boundaries of one state, is not trace-  
20          able, and enters the interstate market sur-  
21          reptitiously. This child pornography sup-  
22          ports demand in the interstate market in  
23          child pornography and is essential to its  
24          existence.

1 (E) Prohibiting the intrastate production,  
2 transportation, distribution, receipt, advertising,  
3 and possession of child pornography, as well as  
4 the intrastate transfer of custody of children for  
5 the production of child pornography, will cause  
6 some persons engaged in such intrastate activi-  
7 ties to cease all such activities, thereby reducing  
8 both supply and demand in the interstate mar-  
9 ket for child pornography.

10 (F) Federal control of the intrastate inci-  
11 dents of the production, transportation, dis-  
12 tribution, receipt, advertising, and possession of  
13 child pornography, as well as the intrastate  
14 transfer of children for the production of child  
15 pornography, is essential to the effective control  
16 of the interstate market in child pornography.

17 (2) The importance of protecting children from  
18 repeat exploitation in child pornography:

19 (A) The vast majority of child pornography  
20 prosecutions today involve images contained on  
21 computer hard drives, computer disks, and re-  
22 lated media.

23 (B) Child pornography is not entitled to  
24 protection under the First Amendment and  
25 thus may be prohibited.

1           (C) The government has a compelling state  
2 interest in protecting children from those who  
3 sexually exploit them, and this interest extends  
4 to stamping out the vice of child pornography  
5 at all levels in the distribution chain.

6           (D) Every instance of viewing images of  
7 child pornography represents a renewed viola-  
8 tion of the privacy of the victims and a repeti-  
9 tion of their abuse.

10          (E) Child pornography constitutes prima  
11 facie contraband, and as such should not be dis-  
12 tributed to, or copied by, child pornography de-  
13 fendants or their attorneys.

14          (F) It is imperative to prohibit the repro-  
15 duction of child pornography in criminal cases  
16 so as to avoid repeated violation and abuse of  
17 victims, so long as the government makes rea-  
18 sonable accommodations for the inspection,  
19 viewing, and examination of such material for  
20 the purposes of mounting a criminal defense.

21 **SEC. 602. STRENGTHENING SECTION 2257 TO ENSURE THAT**  
22 **CHILDREN ARE NOT EXPLOITED IN THE PRO-**  
23 **DUCTION OF PORNOGRAPHY.**

24          Section 2257(h) of title 18, United States Code, is  
25 amended—

1 (1) in paragraph (1), by striking “subpara-  
2 graphs (A) through (D) of”; and

3 (2) in paragraph (3), by striking “which does  
4 not involve” and all that follows through “depicted”  
5 and inserting “with respect to which the Attorney  
6 General determines the record keeping requirements  
7 of this section are not needed to carry out the pur-  
8 poses of this chapter”.

9 **SEC. 603. ADDITIONAL RECORDKEEPING REQUIREMENTS.**

10 (a) NEW REQUIREMENT.—

11 (1) IN GENERAL.—Title 18, United States  
12 Code, is amended by inserting after section 2257 the  
13 following:

14 **“§ 2257A. Recordkeeping requirements for simulated**  
15 **sexual conduct**

16 “(a) Whoever produces any book, magazine, peri-  
17 odical, film, videotape, or other matter which—

18 “(1) contains a visual depiction of simulated  
19 sexually explicit conduct (except conduct described in  
20 section 2256(2)(A)(v)), created after the date of the  
21 enactment of this section, in which a performer (as  
22 defined in section 2257) appears to a reasonable  
23 person to be 25 years of age or younger; and

24 “(2) is produced in whole or in part with mate-  
25 rials which have been mailed or shipped in interstate

1 or foreign commerce, or is shipped or transported or  
2 is intended for shipment or transportation in inter-  
3 state or foreign commerce;

4 shall create and maintain individually identifiable records  
5 pertaining to every performer portrayed in such a visual  
6 depiction.

7 “(b) Any person to whom subsection (a) applies shall,  
8 with respect to every performer portrayed in a visual de-  
9 picture of simulated sexually explicit conduct, ascertain,  
10 require, and record the same information as a person to  
11 whom section 2257 applies is required to do under sub-  
12 section (b) of that section.

13 “(c) Any person to whom subsection (a) applies shall  
14 maintain and make available to the Attorney General for  
15 inspection the same records as a person to whom section  
16 2257 applies is required to do under subsection (c) of that  
17 section.

18 “(d) Subsection (d) of section 2257 applies with re-  
19 spect to records under this section in the same manner  
20 as it applies to records under section 2257.

21 “(e) Except as provided in this subsection, section  
22 2257(e) applies with respect to copies of matter described  
23 in subsection (a)(1) of this section, in the same manner  
24 as it applies to copies of matter described in section  
25 2257(a)(1). Section 2257(e) does not apply to matter pro-

1 duced by a person described in subsection (h)(1) of this  
2 section.

3 “(f) Subsections (f), (g), and (i) of section 2257  
4 apply, in connection with depictions of simulated sexually  
5 explicit conduct described in subsection (a) of this section,  
6 with respect to persons to whom subsection (a) of this sec-  
7 tion applies in the same manner as those subsections  
8 apply, in connection with depictions of actual sexually ex-  
9 plicit conduct, with respect to persons to whom section  
10 2257(a) applies. Subsection (f)(4) does not apply to mat-  
11 ter produced by a person described in subsection (h)(1).

12 “(g) As used in this section, the term ‘produces’  
13 means—

14 “(1) to film, videotape, photograph; or create a  
15 picture, digital image, or digitally- or computer-ma-  
16 nipulated image of an actual human being, that con-  
17 stitutes a visual depiction of simulated sexually ex-  
18 plicit conduct; or

19 “(2) to make such a depiction available to an-  
20 other, if the circumstances in which the depiction is  
21 made available are likely to convey the impression  
22 that the depiction is child pornography.

23 “(h)(1) The provisions of this section, other than sub-  
24 section (d), shall not apply to any person who produces  
25 any book, magazine, periodical, film, videotape, or other

1 matter described in subsection (a) containing one or more  
2 visual depictions of simulated sexually explicit conduct,  
3 and who—

4           “(A) ascertains, by examination of an identi-  
5 fication document containing such information, the  
6 name and birth date of every performer portrayed in  
7 such a visual depiction, and maintains such informa-  
8 tion in individually identifiable records;

9           “(B) makes such records available to the Attor-  
10 ney General for inspection at all reasonable times;

11           “(C) provides to the Attorney General the  
12 name, title, and business address of the individual  
13 employed for the purpose of maintaining such  
14 records; and

15           “(D) certifies to the Attorney General on an  
16 annual basis that the person ascertains and main-  
17 tains the information and records described in sub-  
18 paragraph (A), that such records are made available  
19 as described in subparagraph (B), that the informa-  
20 tion described in subparagraph (C) is true and cor-  
21 rect, and that the Attorney General will be promptly  
22 notified of any changes to the information.

23           “(2)(A) It shall be unlawful for any person knowingly  
24 to provide a false certification under paragraph (1)(D).

1 “(B) Whoever provides a false certification under  
2 paragraph (1)(D) above shall be fined in accordance with  
3 this title, imprisoned not more than 5 years, or both.

4 “(3) The Attorney General shall issue appropriate  
5 regulations to carry out this subsection.”.

6 (2) EFFECTIVE DATE OF REGULATIONS.—The  
7 regulations issued under section 2257A(h)(3) of title  
8 18, United States Code, shall not become effective  
9 until 90 days after the regulations are published in  
10 the Federal Register.

11 (b) CLERICAL AMENDMENT.—The table of chapters  
12 at the beginning of chapter 110 of title 18, United States  
13 Code, is amended by inserting after the item relating to  
14 section 2257 the following new item:

“2257A. Recordkeeping requirements for simulated sexual conduct.”.

15 **SEC. 604. PREVENTION OF DISTRIBUTION OF CHILD POR-**  
16 **NOGRAPHY USED AS EVIDENCE IN PROSECU-**  
17 **TIONS.**

18 Section 3509 of title 18, United States Code, is  
19 amended by adding at the end the following:

20 “(m) PROHIBITION ON REPRODUCTION OF CHILD  
21 PORNOGRAPHY.—

22 “(1) In any criminal proceeding, any property  
23 or material that constitutes child pornography (as  
24 defined by section 2256 of this title) must remain in

1 the care, custody, and control of either the Govern-  
2 ment or the court.

3 “(2)(A) Notwithstanding Rule 16 of the Fed-  
4 eral Rules of Criminal Procedure, a court shall deny,  
5 in any criminal proceeding, any request by the de-  
6 fendant to copy, photograph, duplicate, or otherwise  
7 reproduce any property or material that constitutes  
8 child pornography (as defined by section 2256 of  
9 this title), so long as the Government makes the  
10 property or material reasonably available to the de-  
11 fendant.

12 “(B) For the purposes of subparagraph (A),  
13 property or material shall be deemed to be reason-  
14 ably available to the defendant if the Government  
15 provides ample opportunity for inspection, viewing,  
16 and examination at a Government facility of the  
17 property or material by the defendant, his or her at-  
18 torney, aid any individual the defendant may seek to  
19 qualify to furnish expert testimony at trial.”

20 **SEC. 605. AUTHORIZING CIVIL AND CRIMINAL ASSET FOR-**  
21 **FEITURE IN CHILD EXPLOITATION AND OB-**  
22 **SCENITY CASES.**

23 (a) CONFORMING FORFEITURE PROCEDURES FOR  
24 OBSCENITY OFFENSES.—Section 1467 of title 18, United  
25 States Code, is amended—

1           (1) in subsection (a)(3), by inserting a period  
2           after “of such offense” and striking all that follows;  
3           and

4           (2) by striking subsections (b) through (n) and  
5           inserting the following:

6           “(b) The provisions of section 413 of the Controlled  
7           Substance Act (21 U.S.C. 853) with the exception of sub-  
8           section (d), shall apply to the criminal forfeiture of prop-  
9           erty pursuant to subsection (a).

10          “(c) Any property subject to forfeiture pursuant to  
11          subsection (a) may be forfeited to the United States in  
12          a civil case in accordance with the procedures set forth  
13          in chapter 46 of this title.”.

14          (b) AMENDMENTS TO CHILD EXPLOITATION FOR-  
15          FEITURE PROVISIONS.—

16                 (1) CRIMINAL FORFEITURE.—Section 2253(a)  
17                 of title 18, United States Code, is amended—

18                         (A) in the matter preceding paragraph (1)  
19                         by—

20                                 (i) inserting “or who is convicted of  
21                                 an offense under sections 2252B or 2257  
22                                 of this chapter,” after “2260 of this chap-  
23                                 ter”;

1 (ii) inserting “, or 2425” after  
2 “2423” and striking “or” before “2423”;  
3 and

4 (iii) inserting “or an offense under  
5 chapter 109A” after “of chapter 117”; and

6 (B) in paragraph (I), by inserting “,  
7 2252A, 2252B or 2257” after “2252”.

8 (2) CIVIL FORFEITURE.—Section 2254(a) of  
9 title 18, United States Code, is amended—

10 (A) in paragraph (1), by inserting “,  
11 2252A, 2252B, or 2257” after “2252”;

12 (B) in paragraph (2) —

13 (i) by striking “or” and inserting “of”  
14 before “chapter 117”;

15 (ii) by inserting “, or an offense under  
16 section 2252B or 2257 of this chapter,”  
17 after “Chapter 117,” and

18 (iii) by inserting “, or an offense  
19 under chapter 109A” before the period;  
20 and

21 (C) in paragraph (3) by—

22 (i) inserting “, or 2425” after “2423”  
23 and striking “or” before “2423”; and

1 (ii) inserting “, a violation of section  
2 2252B or 2257 of this chapter, or a viola-  
3 tion of chapter 109A” before the period.

4 (c) AMENDMENTS TO RICO.—Section 1961(1)(B) of  
5 title 18, United States Code, is amended by inserting  
6 “2252A, 2252B,” after “2252”.

7 **SEC. 606. PROHIBITING THE PRODUCTION OF OBSCENITY**  
8 **AS WELL AS TRANSPORTATION, DISTRIBUTION,**  
9 **AND SALE.**

10 (a) SECTION 1465.—Section 1465 of title 18 of the  
11 United States Code is amended—

12 (1) by inserting “**PRODUCTION AND**” before  
13 “**TRANSPORTATION**” in the heading of the section;

14 (2) by inserting “produces with the intent to  
15 transport, distribute, or transmit in interstate or  
16 foreign commerce, or whoever knowingly” after  
17 “whoever knowingly” and before “transports or trav-  
18 els in”; and

19 (3) by inserting a comma after “in or affecting  
20 such commerce”.

21 (b) SECTION 1466.—Section 1466 of title 18 of the  
22 United States Code is amended—

23 (1) in subsection (a), by inserting “producing  
24 with intent to distribute or sell, or” before “selling  
25 or transferring obscene matter,”;

1           (2) in subsection (b), by inserting, “produces”  
2           before “sells or transfers or offers to sell or transfer  
3           obscene matter”; and

4           (3) in subsection (b) by inserting “production,”  
5           before “selling or transferring or offering to sell or  
6           transfer such material.”.

## 7           **TITLE VII—COURT SECURITY**

### 8           **SEC. 701. JUDICIAL BRANCH SECURITY REQUIREMENTS.**

9           (a) ENSURING CONSULTATION WITH THE ADMINIS-  
10          TRATIVE OFFICE OF THE UNITED STATES COURTS.—Sec-  
11          tion 566 of title 28, United States Code, is amended by  
12          adding at the end the following:

13           “(i) The United States Marshals Service shall consult  
14          with the Administrative Office of the United States Courts  
15          on a continuing basis regarding the security requirements  
16          for the judicial branch and inform the Administrative Of-  
17          fice of the measures the Marshals Service intends to take  
18          to meet those requirements.”.

19          (b) CONFORMING AMENDMENT.—Section 604(a) of  
20          title 28, United States Code, is amended—

21           (1) by redesignating existing paragraph (24) as  
22          paragraph (25);

23           (2) by striking “and” at the end of paragraph  
24          (23); and

1           (3) by inserting after paragraph (23) the fol-  
2           lowing:

3           “(24) Consult with the United States Marshals  
4           Service on a continuing basis regarding the security  
5           requirements for the Judicial Branch; and”.

6   **SEC. 702. PROTECTION OF FAMILY MEMBERS.**

7           Section 105(b)(3) of the Ethics in Government Act  
8           of 1978 (5 U.S.C. App.) is amended—

9           (1) in subparagraph (A), by inserting “or a  
10          family member of that individual” after “that indi-  
11          vidual”; and

12          (2) in subparagraph (B)(i), by inserting “or a  
13          family member of that individual” after “the re-  
14          port”.

15   **SEC. 703. EXTENSION OF SUNSET PROVISION.**

16          Section 105(b)(3) of the Ethics in Government Act  
17          of 1978 (5 U.S.C. App) is amended by striking “2005”  
18          each place that term appears and inserting “2009”.

19   **SEC. 704. ADDITIONAL AMOUNTS FOR UNITED STATES MAR-**  
20                   **SHALS SERVICE TO PROTECT THE JUDICI-**  
21                   **ARY.**

22          In addition to any other amounts authorized to be  
23          appropriated for the United States Marshals Service,  
24          there are authorized to be appropriated for the United  
25          States Marshals Service to protect the judiciary,

1 \$20,000,000 for each of fiscal years 2006 through 2010  
2 for—

3 (1) hiring entry-level deputy marshals for pro-  
4 viding judicial security;

5 (2) hiring senior-level deputy marshals for in-  
6 vestigating threats to the judiciary and providing  
7 protective details to members of the judiciary and  
8 Assistant United States Attorneys; and

9 (3) for the Office of Protective Intelligence, for  
10 hiring senior-level deputy marshals, hiring program  
11 analysts, and providing secure computer systems.

12 **SEC. 705. PROTECTIONS AGAINST MALICIOUS RECORDING**  
13 **OF FICTITIOUS LIENS AGAINST FEDERAL**  
14 **JUDGES AND FEDERAL LAW ENFORCEMENT**  
15 **OFFICERS.**

16 (a) OFFENSE.—Chapter 73 of title 18, United States  
17 Code, is amended by adding at the end the following:

18 **“§ 1521. Retaliating against a Federal official by false**  
19 **claim or slander of title**

20 “Whoever, with the intent to harass or intimidate a  
21 person designated in section 1114, files, or attempts or  
22 conspires to file, in any public record or in any private  
23 record which is generally available to the public, any false  
24 lien or encumbrance against the real or personal property  
25 of that person, on account of the performance of official

1 duties by that person, shall be fined under this title or  
2 imprisoned for not more than 10 years, or both.”.

3 (b) CLERICAL AMENDMENT.—The chapter analysis  
4 for chapter 73 of title 18, United States Code, is amended  
5 by adding at the end the following new item:

“1521. Retaliating against a Federal judge or Federal law enforcement officer  
by false claim or slander of title.”.

6 **SEC. 706. PROTECTION OF INDIVIDUALS PERFORMING CER-**  
7 **TAIN OFFICIAL DUTIES.**

8 (a) OFFENSE.—Chapter 7 of title 18, United States  
9 Code, is amended by adding at the end the following:

10 **“§ 117. Protection of individuals performing certain**  
11 **official duties**

12 “(a) Whoever knowingly makes restricted personal in-  
13 formation about a covered official, or a member of the im-  
14 mediate family of that covered official, publicly available,  
15 with the intent that such restricted personal information  
16 be used to intimidate or facilitate the commission of a  
17 crime of violence (as defined in section 16) against that  
18 covered official, or a member of the immediate family of  
19 that covered official, shall be fined under this title and  
20 imprisoned not more than 5 years, or both.

21 “(b) As used in this section—

22 “(1) the term ‘restricted personal information’  
23 means, with respect to an individual, the Social Se-  
24 curity number, the home address, home phone num-

1 ber, mobile phone number, personal email, or home  
2 fax number of, and identifiable to, that individual;

3 “(2) the term ‘covered official’ means—

4 “(A) an individual designated in section  
5 1114;

6 “(B) a public safety officer (as that term  
7 is defined in section 1204 of the Omnibus  
8 Crime Control and Safe Streets Act of 1968);  
9 or

10 “(C) a grand or petit juror, witness, or  
11 other officer in or of, any court of the United  
12 States, or an officer who may be serving at any  
13 examination or other proceeding before any  
14 United States magistrate judge or other com-  
15 mitting magistrate; and

16 “(3) the term ‘immediate family’ has the same  
17 meaning given that term in section 115(c)(2).”.

18 (b) CLERICAL AMENDMENT.—The table of sections  
19 at the beginning of chapter 7 of title 18, United States  
20 Code, is amended by adding at the end the following new  
21 item:

“117. Protection of individuals performing certain official duties.”.

22 **SEC. 707. REPORT ON SECURITY OF FEDERAL PROSECU-**  
23 **TORS.**

24 Not later than 90 days after the date of the enact-  
25 ment of this Act, the Attorney General shall submit to

1 the Committee on the Judiciary of the House of Rep-  
2 resentatives and the Committee on the Judiciary of the  
3 Senate a report on the security of assistant United States  
4 attorneys and other Federal attorneys arising from the  
5 prosecution of terrorists, violent criminal gangs, drug traf-  
6 fickers, gun traffickers, white supremacists, and those who  
7 commit fraud and other white-collar offenses. The report  
8 shall describe each of the following:

9           (1) The number and nature of threats and as-  
10       saults against attorneys handling those prosecutions  
11       and the reporting requirements and methods.

12           (2) The security measures that are in place to  
13       protect the attorneys who are handling those pros-  
14       ecutions, including measures such as threat assess-  
15       ments, response procedures, availability of security  
16       systems and other devices, firearms licensing (depu-  
17       tations), and other measures designed to protect the  
18       attorneys and their families.

19           (3) The Department of Justice's firearms depu-  
20       tation policies, including the number of attorneys  
21       deputized and the time between receipt of threat and  
22       completion of the deputation and training process.

23           (4) For each measure covered by paragraphs  
24       (1) through (3), when the report or measure was de-

1 developed and who was responsible for developing and  
2 implementing the report or measure.

3 (5) The programs that are made available to  
4 the attorneys for personal security training, includ-  
5 ing training relating to limitations on public infor-  
6 mation disclosure, basic home security, firearms  
7 handling and safety, family safety, mail handling,  
8 counter-surveillance, and self-defense tactics.

9 (6) The measures that are taken to provide the  
10 attorneys with secure parking facilities, and how pri-  
11 orities for such facilities are established—

12 (A) among Federal employees within the  
13 facility;

14 (B) among Department of Justice employ-  
15 ees within the facility; and

16 (C) among attorneys within the facility.

17 (7) The frequency such attorneys are called  
18 upon to work beyond standard work hours and the  
19 security measures provided to protect attorneys at  
20 such times during travel between office and available  
21 parking facilities.

22 (8) With respect to attorneys who are licensed  
23 under State laws to carry firearms, the Department  
24 of Justice's policy as to—

1 (A) carrying the firearm between available  
2 parking and office buildings;

3 (B) securing the weapon at the office  
4 buildings; and

5 (C) equipment and training provided to fa-  
6 cilitate safe storage at Department of Justice  
7 facilities.

8 (9) The offices in the Department of Justice  
9 that are responsible for ensuring the security of the  
10 attorneys, the organization and staffing of the of-  
11 fices, and the manner in which the offices coordinate  
12 with offices in specific districts.

13 (10) The role, if any, that the United States  
14 Marshals Service or any other Department of Jus-  
15 tice component plays in protecting, or providing se-  
16 curity services or training for, the attorneys.

17 **SEC. 708. FLIGHT TO AVOID PROSECUTION FOR KILLING**  
18 **PEACE OFFICERS.**

19 (a) FLIGHT.—Chapter 49 of title 18, United States  
20 Code, is amended by adding at the end the following:

21 **“§ 1075. Flight to avoid prosecution for killing peace**  
22 **officers**

23 “Whoever moves or travels in interstate or foreign  
24 commerce with intent to avoid prosecution, or custody or  
25 confinement after conviction, under the laws of the place

1 from which he flees or under section 1114 or 1123, for  
 2 a crime consisting of the killing, an attempted killing, or  
 3 a conspiracy to kill, an individual involved in crime and  
 4 juvenile delinquency control or reduction, or enforcement  
 5 of the laws or for a crime punishable by section 1114 or  
 6 1123, shall be fined under this title and imprisoned, in  
 7 addition to any other imprisonment for the underlying of-  
 8 fense, for any term of years not less than 10.”.

9 (b) CLERICAL AMENDMENT.—The table of sections  
 10 at the beginning of chapter 49 of title 18, United States  
 11 Code, is amended by adding at the end the following new  
 12 item:

“1075. Flight to avoid prosecution for killing peace officers.”.

13 **SEC. 709. SPECIAL PENALTIES FOR MURDER, KIDNAPPING,**  
 14 **AND RELATED CRIMES AGAINST FEDERAL**  
 15 **JUDGES AND FEDERAL LAW ENFORCEMENT**  
 16 **OFFICERS.**

17 (a) MURDER.—Section 1114 of title 18, United  
 18 States Code, is amended—

- 19 (1) by inserting “(a)” before “Whoever”; and  
 20 (2) by adding at the end the following:

21 “(b) If the victim of a murder punishable under this  
 22 section is a United States judge (as defined in section  
 23 115) or a Federal law enforcement officer (as defined in  
 24 115) the offender shall be punished by a fine under this  
 25 title and imprisonment for any term of years not less than

1 30, or for life, or, if death results, may be sentenced to  
2 death.”.

3 (b) KIDNAPPING.—Section 1201(a) of title 18,  
4 United States Code, is amended by adding at the end the  
5 following: “If the victim of the offense punishable under  
6 this subsection is a United States judge (as defined in sec-  
7 tion 115) or a Federal law enforcement officer (as defined  
8 in 115) the offender shall be punished by a fine under  
9 this title and imprisonment for any term of years not less  
10 than 30, or for life, or, if death results, may be sentenced  
11 to death.”.

12 **SEC. 710. AUTHORITY OF FEDERAL JUDGES AND PROSECU-**  
13 **TORS TO CARRY FIREARMS.**

14 (a) IN GENERAL.—Chapter 203 of title 18, United  
15 States Code, is amended by inserting after section 3053  
16 the following:

17 **“§ 3054. Authority of Federal judges and prosecutors**  
18 **to carry firearms**

19 “Any justice of the United States or judge of the  
20 United States (as defined in section 451 of title 28), any  
21 judge of a court created under article I of the United  
22 States Constitution, any bankruptcy judge, any magistrate  
23 judge, any United States attorney, and any other officer  
24 or employee of the Department of Justice whose duties  
25 include representing the United States in a court of law,

1 may carry firearms, subject to such regulations as the At-  
2 torney General shall prescribe. Such regulations may pro-  
3 vide for training and regular certification in the use of  
4 firearms and shall, with respect to justices, judges, bank-  
5 ruptcy judges, and magistrate judges, be prescribed after  
6 consultation with the Judicial Conference of the United  
7 States.”.

8 (b) CLERICAL AMENDMENT.—The table of sections  
9 for such chapter is amended by inserting after the item  
10 relating to section 3053 the following:

“3054. Authority of Federal judges and prosecutors to carry firearms.”.

11 **SEC. 711. PENALTIES FOR CERTAIN ASSAULTS.**

12 Section 111 of title 18, United States Code, is  
13 amended—

14 (1) by striking “8 years” and inserting “15  
15 years” in subsection (a); and

16 (2) by striking “20 years” and inserting “30  
17 years” in subsection (b).

18 **SEC. 712. PROTECTION OF FEDERALLY FUNDED PUBLIC**  
19 **SAFETY OFFICERS.**

20 (a) OFFENSE.—Chapter 51 of title 18, United States  
21 Code, is amended by adding at the end the following:

22 **“§ 1123. Killing of federally funded public safety offi-**  
23 **cers**

24 “(a) Whoever kills, or attempts or conspires to kill,  
25 a federally funded public safety officer while that officer

1 is engaged in official duties, or on account of the perform-  
2 ance of official duties, or kills a former federally funded  
3 public safety officer on account of the past performance  
4 of official duties, shall be punished by a fine under this  
5 title and imprisonment for any term of years not less than  
6 30, or for life, or, if death results and the offender is pros-  
7 ecuted as a principal, may be sentenced to death.

8 “(b) As used in this section—

9 “(1) the term ‘federally funded public safety of-  
10 ficer’ means a public safety officer for a public agen-  
11 cy (including a court system, the National Guard of  
12 a State to the extent the personnel of that National  
13 Guard are not in Federal service, and the defense  
14 forces of a State authorized by section 109 of title  
15 32) that receives Federal financial assistance, of an  
16 entity that is a State of the United States, the Dis-  
17 trict of Columbia, the Commonwealth of Puerto  
18 Rico, the Virgin Islands of the United States, Guam,  
19 American Samoa, the Trust Territory of the Pacific  
20 Islands, the Commonwealth of the Northern Mar-  
21 iana Islands, or any territory or possession of the  
22 United States, an Indian tribe, or a unit of local  
23 government of that entity;

24 “(2) the term ‘public safety officer’ means an  
25 individual serving a public agency in an official ca-

1       pacity, as a judicial officer, as a law enforcement of-  
2       ficer, as a firefighter, as a chaplain, or as a member  
3       of a rescue squad or ambulance crew;

4             “(3) the term ‘judicial officer’ means a judge or  
5       other officer or employee of a court, including pros-  
6       ecutors, court security, pretrial services officers,  
7       court reporters, and corrections, probation, and pa-  
8       role officers; and

9             “(4) the term ‘firefighter’ includes an individual  
10      serving as an official recognized or designated mem-  
11      ber of a legally organized volunteer fire department  
12      and an officially recognized or designated public em-  
13      ployee member of a rescue squad or ambulance crew;  
14      and

15            “(5) the term ‘law enforcement officer’ means  
16      an individual, with arrest powers, involved in crime  
17      and juvenile delinquency control or reduction, or en-  
18      forcement of the laws.”.

19      (b) CLERICAL AMENDMENT.—The table of sections  
20      at the beginning of chapter 51 of title 18, United States  
21      Code, is amended by adding at the end the following new  
22      item:

“1123. Killing of federally funded public safety officers.”.

1 **SEC. 713. MODIFICATION OF DEFINITION OF OFFENSE AND**  
2 **OF THE PENALTIES FOR, INFLUENCING OR**  
3 **INJURING OFFICER OR JUROR GENERALLY.**

4 Section 1503 of title 18, United States Code, is  
5 amended—

6 (1) so that subsection (a) reads as follows:

7 “(a)(1) Whoever—

8 “(A) corruptly, or by threats of force or force,  
9 endeavors to influence, intimidate, or impede a juror  
10 or officer in a judicial proceeding in the discharge of  
11 that juror or officer’s duty;

12 “(B) injures a juror or an officer in a judicial  
13 proceeding arising out of the performance of official  
14 duties as such juror or officer; or

15 “(C) corruptly, or by threats of force or force,  
16 obstructs, or impedes, or endeavors to influence, ob-  
17 struct, or impede, the due administration of justice;  
18 or attempts or conspires to do so, shall be punished as  
19 provided in subsection (b).

20 “(2) As used in this section, the term ‘juror or officer  
21 in a judicial proceeding’ means a grand or petit juror, or  
22 other officer in or of any court of the United States, or  
23 an officer who may be serving at any examination or other  
24 proceeding before any United States magistrate judge or  
25 other committing magistrate.”; and

1           (2) in subsection (b), by striking paragraphs  
2 (1) through (3) and inserting the following:

3           “(1) in the case of a killing, or an attempt or  
4 a conspiracy to kill, the punishment provided in sec-  
5 tion 1111, 1112, 1113, and 1117; and

6           “(2) in any other case, a fine under this title  
7 and imprisonment for not more than 30 years.”.

8 **SEC. 714. MODIFICATION OF TAMPERING WITH A WITNESS,**  
9 **VICTIM, OR AN INFORMANT OFFENSE.**

10       (a) **CHANGES IN PENALTIES.**—Section 1512 of title  
11 18, United States Code, is amended—

12           (1) in each of paragraphs (1) and (2) of sub-  
13 section (a), insert “or conspires” after “attempts”;

14           (2) so that subparagraph (A) of subsection  
15 (a)(3) reads as follows:

16           “(A) in the case of a killing, the punishment  
17 provided in sections 1111 and 1112;”;

18           (3) in subsection (a)(3)—

19           (A) in the matter following clause (ii) of  
20 subparagraph (B) by striking “20 years” and  
21 inserting “30 years”; and

22           (B) in subparagraph (C), by striking “10  
23 years” and inserting “20 years”;

24           (4) in subsection (b), by striking “ten years”  
25 and inserting “30 years”; and

1           (5) in subsection (d), by striking “one year”  
2           and inserting “20 years”.

3 **SEC. 715. MODIFICATION OF RETALIATION OFFENSE.**

4           Section 1513 of title 18, United States Code, is  
5 amended—

6           (1) in subsection (a)(1), by inserting “or con-  
7           spires” after “attempts”;

8           (2) in subsection (a)(1)(B)—

9                 (A) by inserting a comma after “proba-  
10                tion”; and

11               (B) by striking the comma which imme-  
12               diately follows another comma;

13           (3) in subsection (a)(2)(B), by striking “20  
14           years” and inserting “30 years”;

15           (4) in subsection (b), by striking “ten years”  
16           and inserting “30 years”;

17           (5) in the first subsection (e), by striking “10  
18           years” and inserting “30 years”; and

19           (6) by redesignating the second subsection (e)  
20           as subsection (f).

1 **SEC. 716. INCLUSION OF INTIMIDATION AND RETALIATION**  
2 **AGAINST WITNESSES IN STATE PROSECU-**  
3 **TIONS AS BASIS FOR FEDERAL PROSECU-**  
4 **TION.**

5 Section 1952 of title 18, United States Code, is  
6 amended in subsection (b)(2), by inserting “intimidation  
7 of, or retaliation against, a witness, victim, juror, or in-  
8 formant,” after “extortion, bribery,”.

9 **SEC. 717. CLARIFICATION OF VENUE FOR RETALIATION**  
10 **AGAINST A WITNESS.**

11 Section 1513 of title 18, United States Code, is  
12 amended by adding at the end the following:

13 “(g) A prosecution under this section may be brought  
14 in the district in which the official proceeding (whether  
15 or not pending, about to be instituted or completed) was  
16 intended to be affected or was completed, or in which the  
17 conduct constituting the alleged offense occurred.”.

18 **SEC. 718. PROHIBITION OF POSSESSION OF DANGEROUS**  
19 **WEAPONS IN FEDERAL COURT FACILITIES.**

20 Section 930(e)(1) of title 18, United States Code, is  
21 amended by inserting “or other dangerous weapon” after  
22 “firearm”.

1 **SEC. 719. GENERAL MODIFICATIONS OF FEDERAL MURDER**  
2 **CRIME AND RELATED CRIMES.**

3 (a) MURDER AMENDMENTS.—Section 1111 of title  
4 18, United States Code, is amended in subsection (b) by  
5 inserting “not less than 30” after “any term of years”.

6 (b) MANSLAUGHTER AMENDMENTS.—Section  
7 1112(b) of title 18, United States Code, is amended—

8 (1) by striking “ten years” and inserting “20  
9 years”; and

10 (2) by striking “six years” and inserting “10  
11 years”.

12 **SEC. 720. WITNESS PROTECTION GRANT PROGRAM.**

13 Title I of the Omnibus Crime Control and Safe  
14 Streets Act of 1968 is amended by inserting after part  
15 BB (42 U.S.C. 3797j et seq.) the following new part:

16 **“PART CC—WITNESS PROTECTION GRANTS**

17 **“SEC. 2811. PROGRAM AUTHORIZED.**

18 “(a) IN GENERAL.—From amounts made available to  
19 carry out this part, the Attorney General may make grants  
20 to States, units of local government, and Indian tribes to  
21 create and expand witness protection programs in order  
22 to prevent threats, intimidation, and retaliation against  
23 victims of, and witnesses to, crimes.

24 “(b) USES OF FUNDS.—Grants awarded under this  
25 part shall be—

1           “(1) distributed directly to the State, unit of  
2 local government, or Indian tribe; and

3           “(2) used for the creation and expansion of wit-  
4 ness protection programs in the jurisdiction of the  
5 grantee.

6           “(c) PREFERENTIAL CONSIDERATION.—In awarding  
7 grants under this part, the Attorney General may give  
8 preferential consideration, if feasible, to an application  
9 from a jurisdiction that—

10           “(1) has the greatest need for witness and vic-  
11 tim protection programs;

12           “(2) has a serious violent crime problem in the  
13 jurisdiction;

14           “(3) has had, or is likely to have, instances of  
15 threats, intimidation, and retaliation against victims  
16 of, and witnesses to, crimes; and

17           “(4) shares an international border and faces a  
18 demonstrable threat from cross border crime and vi-  
19 olence.

20           “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
21 are authorized to be appropriated to carry out this section  
22 \$20,000,000 for each of fiscal years 2006 through 2010.”.

1 **SEC. 721. FUNDING FOR STATE COURTS TO ASSESS AND EN-**  
2 **HANCE COURT SECURITY AND EMERGENCY**  
3 **PREPAREDNESS.**

4 (a) IN GENERAL.—The Attorney General, through  
5 the Office of Justice Programs, shall make grants under  
6 this section to the highest State courts in States partici-  
7 pating in the program, for the purpose of enabling such  
8 courts—

9 (1) to conduct assessments focused on the es-  
10 sential elements for effective courtroom safety and  
11 security planning; and

12 (2) to implement changes deemed necessary as  
13 a result of the assessments.

14 (b) ESSENTIAL ELEMENTS.—As used in subsection  
15 (a)(1), the essential elements include, but are not limited  
16 to—

17 (1) operational security and standard operating  
18 procedures;

19 (2) facility security planning and self-audit sur-  
20 veys of court facilities;

21 (3) emergency preparedness and response and  
22 continuity of operations;

23 (4) disaster recovery and the essential elements  
24 of a plan;

25 (5) threat assessment;

26 (6) incident reporting;

1 (7) security equipment;

2 (8) developing resources and building partner-  
3 ships; and

4 (9) new courthouse design.

5 (c) APPLICATIONS.—To be eligible for a grant under  
6 this section, a highest State court shall submit to the At-  
7 torney General an application at such time, in such form,  
8 and including such information and assurances as the At-  
9 torney General shall require.

10 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
11 are authorized to be appropriated to carry out this section  
12 \$20,000,000 for each of fiscal years 2006 through 2010.

13 **SEC. 722. GRANTS TO STATES FOR THREAT ASSESSMENT**  
14 **DATABASES.**

15 (a) In General.—The Attorney General, through the  
16 Office of Justice Programs, shall make grants under this  
17 section to the highest State courts in States participating  
18 in the program, for the purpose of enabling such courts  
19 to establish and maintain a threat assessment database  
20 described in subsection (b).

21 (b) DATABASE.—For purposes of subsection (a), a  
22 threat assessment database is a database through which  
23 a State can—

24 (1) analyze trends and patterns in domestic ter-  
25 rorism and crime;

1           (2) project the probabilities that specific acts of  
2 domestic terrorism or crime will occur; and

3           (3) develop measures and procedures that can  
4 effectively reduce the probabilities that those acts  
5 will occur.

6           (c) CORE ELEMENTS.—The Attorney General shall  
7 define a core set of data elements to be used by each data-  
8 base funded by this section so that the information in the  
9 database can be effectively shared with other States and  
10 with the Department of Justice.

11          (d) AUTHORIZATION OF APPROPRIATIONS.—There  
12 are authorized to be appropriated to carry out this section  
13 such sums as may be necessary for each of fiscal years  
14 2006 through 2009.

15 **SEC. 723. GRANTS TO STATES TO PROTECT WITNESSES AND**  
16 **VICTIMS OF CRIMES.**

17          (a) IN GENERAL.—Section 31702 of the Violent  
18 Crime Control and Law Enforcement Act of 1994 (42  
19 U.S.C. 13862) is amended—

20           (1) in paragraph (3), by striking “and” at the  
21 end;

22           (2) in paragraph (4), by striking the period at  
23 the end and inserting “; and”; and

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

1           “(5) to create and expand witness and victim  
2 protection programs to prevent threats, intimidation,  
3 and retaliation against victims of, and witnesses to,  
4 violent crimes.”.

5           (b) **AUTHORIZATION OF APPROPRIATIONS.**—Section  
6 31707 of the Violent Crime Control and Law Enforcement  
7 Act of 1994 (42 U.S.C. 13867) is amended to read as  
8 follows:

9 **“SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.**

10           “There are authorized to be appropriated  
11 \$20,000,000 for each of the fiscal years 2006 through  
12 2010 to carry out this subtitle.”.

13 **SEC. 724. GRANTS FOR YOUNG WITNESS ASSISTANCE.**

14           (a) **DEFINITIONS.**—For purposes of this section:

15           (1) **DIRECTOR.**—The term “Director” means  
16 the Director of the Bureau of Justice Assistance.

17           (2) **JUVENILE.**—The term “juvenile” means an  
18 individual who is 17 years of age or younger.

19           (3) **YOUNG ADULT.**—The term “young adult”  
20 means an individual who is between the ages of 18  
21 and 21.

22           (4) **STATE.**—The term “State” means any  
23 State of the United States, the District of Columbia,  
24 the Commonwealth of Puerto Rico, the Virgin Is-

1 lands, American Samoa, Guam, and the Northern  
2 Mariana Islands.

3 (b) PROGRAM AUTHORIZATION.—The Director may  
4 make grants to State and local prosecutors and law en-  
5 forcement agencies in support of juvenile and young adult  
6 witness assistance programs, including State and local  
7 prosecutors and law enforcement agencies that have exist-  
8 ing juvenile and adult witness assistance programs.

9 (c) ELIGIBILITY.—To be eligible to receive a grant  
10 under this section, State and local prosecutors and law  
11 enforcement officials shall—

12 (1) submit an application to the Director in  
13 such form and containing such information as the  
14 Director may reasonably require; and

15 (2) give assurances that each applicant has de-  
16 veloped, or is in the process of developing, a witness  
17 assistance program that specifically targets the  
18 unique needs of juvenile and young adult witnesses  
19 and their families.

20 (d) USE OF FUNDS.—Grants made available under  
21 this section may be used—

22 (1) to assess the needs of juvenile and young  
23 adult witnesses;

24 (2) to develop appropriate program goals and  
25 objectives; and

1           (3) to develop and administer a variety of wit-  
2           ness assistance services, which includes—

3                   (A) counseling services to young witnesses  
4                   dealing with trauma associated in witnessing a  
5                   violent crime;

6                   (B) pre- and post-trial assistance for the  
7                   youth and their family;

8                   (C) providing education services if the  
9                   child is removed from or changes their school  
10                  for safety concerns;

11                  (D) support for young witnesses who are  
12                  trying to leave a criminal gang and information  
13                  to prevent initial gang recruitment.

14                  (E) protective services for young witnesses  
15                  and their families when a serious threat of  
16                  harm from the perpetrators or their associates  
17                  is made; and

18                  (F) community outreach and school-based  
19                  initiatives that stimulate and maintain public  
20                  awareness and support.

21           (e) REPORTS.—

22                   (1) REPORT.—State and local prosecutors and  
23                   law enforcement agencies that receive funds under  
24                   this section shall submit to the Director a report not  
25                   later than May 1st of each year in which grants are

1 made available under this section. Reports shall de-  
2 scribe progress achieved in carrying out the purpose  
3 of this section.

4 (2) REPORT TO CONGRESS.—The Director shall  
5 submit to Congress a report by July 1st of each year  
6 which contains a detailed statement regarding grant  
7 awards, activities of grant recipients, a compilation  
8 of statistical information submitted by applicants,  
9 and an evaluation of programs established under  
10 this section.

11 (f) AUTHORIZATION OF APPROPRIATIONS.—There  
12 are authorized to be appropriated to carry out this section  
13 \$3,000,000 for each of fiscal years 2006, 2007, and 2008.

14 **SEC. 725. STATE AND LOCAL COURT ELIGIBILITY.**

15 (a) BUREAU GRANTS.—Section 302(c)(1) of title I  
16 of the Omnibus Crime Control and Safe Streets Act of  
17 1968 (42 U.S.C. 3732(c)(1)) is amended by inserting  
18 “State and local courts,” after “contracts with”.

19 (b) EDWARD BRYNE DISCRETIONARY GRANTS.—Sec-  
20 tion 510(a) of title I of the Omnibus Crime Control and  
21 Safe Streets Act of 1968 (42 U.S.C. 3760(a)) is amended  
22 by inserting “, State and local courts,” after “private  
23 agencies,”.

24 (c) STATE AND LOCAL GOVERNMENTS TO CONSIDER  
25 COURTS.—The Attorney General may require, as appro-

1 p r i a t e , t h a t w h e n e v e r a S t a t e o r u n i t o f l o c a l g o v e r n m e n t  
2 o r I n d i a n t r i b e a p p l i e s f o r a g r a n t f r o m t h e D e p a r t m e n t  
3 o f J u s t i c e , t h e S t a t e , u n i t , o r t r i b e d e m o n s t r a t e t h a t , i n  
4 d e v e l o p i n g t h e a p p l i c a t i o n a n d d i s t r i b u t i n g f u n d s , t h e  
5 S t a t e , u n i t , o r t r i b e —

6 ( 1 ) c o n s i d e r e d t h e n e e d s o f t h e j u d i c i a l b r a n c h  
7 o f t h e S t a t e , u n i t , o r t r i b e , a s t h e c a s e m a y b e ; a n d

8 ( 2 ) c o n s u l t e d w i t h t h e c h i e f j u d i c i a l o f f i c e r o f  
9 t h e h i g h e s t c o u r t o f t h e S t a t e , u n i t , o r t r i b e , a s t h e  
10 c a s e m a y b e .

11 ( d ) L I M I T A T I O N O N A M O U N T F O R C O U R T S . — S e c t i o n  
12 5 1 1 o f c h a p t e r A o f s u b p a r t 1 o f p a r t E o f t i t l e I o f t h e  
13 O m n i b u s C r i m e C o n t r o l a n d S a f e S t r e e t s A c t o f 1 9 6 8 ( 4 2  
14 U . S . C . 3 7 6 1 ) i s a m e n d e d b y a d d i n g a t t h e e n d t h e f o l -  
15 l o w i n g : “ N o t m o r e t h a n f i v e p e r c e n t o f t h e d i s c r e t i o n a r y  
16 f u n d s m a y b e u s e d f o r p r o j e c t o r p r o g r a m s f o r S t a t e a n d  
17 l o c a l c o u r t s . ” .

18 ( e ) A R M O R V E S T S . — S e c t i o n 2 5 0 1 o f t i t l e I o f t h e  
19 O m n i b u s C r i m e C o n t r o l a n d S a f e S t r e e t s A c t o f 1 9 6 8  
20 ( 3 7 9 6 i i ) i s a m e n d e d —

21 ( 1 ) i n s u b s e c t i o n ( a ) , b y i n s e r t i n g “ S t a t e a n d  
22 l o c a l c o u r t , ” a f t e r “ l o c a l , ” ; a n d

23 ( 2 ) i n s u b s e c t i o n ( b ) , b y i n s e r t i n g “ S t a t e a n d  
24 l o c a l c o u r t ” a f t e r “ g o v e r n m e n t , ” .

1 (f) CHILD ABUSE PREVENTION.—Section 105 of the  
 2 Child Abuse Prevention and Treatment Act (42 U.S.C.  
 3 5106) is amended—

4 (1) in the section heading, by inserting “**STATE**  
 5 **AND LOCAL COURTS,**” after “**AGENCIES**”;

6 (2) in subsection (a), by inserting “and State  
 7 and local courts” after “such agencies or organiza-  
 8 tions”;

9 (3) in subsection (a)(1), by inserting “and  
 10 State and local courts” after “organizations”.

11 **TITLE VIII—REDUCTION AND**  
 12 **PREVENTION OF GANG VIO-**  
 13 **LENCE**

14 **SEC. 801. REVISION AND EXTENSION OF PENALTIES RE-**  
 15 **LATED TO CRIMINAL STREET GANG ACTIV-**  
 16 **ITY.**

17 (a) IN GENERAL.—Chapter 26 of title 18, United  
 18 States Code, is amended to read as follows:

19 **“CHAPTER 26—CRIMINAL STREET GANGS**

“Sec.

“521. Criminal street gang prosecutions.

20 **“§ 521. Criminal street gang prosecutions**

21 “(a) STREET GANG CRIME.—Whoever commits, or  
 22 conspires, threatens or attempts to commit, a gang crime  
 23 for the purpose of furthering the activities of a criminal  
 24 street gang, or gaining entrance to or maintaining or in-

1 creasing position in such a gang, shall, in addition to being  
2 subject to a fine under this title—

3 “(1) if the gang crime results in the death of  
4 any person, be sentenced to death or life in prison;

5 “(2) if the gang crime is kidnapping, aggra-  
6 vated sexual abuse, or maiming, be imprisoned for  
7 life or any term of years not less than 30;

8 “(3) if the gang crime is assault resulting in se-  
9 rious bodily injury (as defined in section 1365), be  
10 imprisoned for life or any term of years not less  
11 than 20; and

12 “(4) in any other case, be imprisoned for life or  
13 for any term of years not less than 10.

14 “(b) FORFEITURE.—

15 “(1) IN GENERAL.—The court, in imposing sen-  
16 tence on any person convicted of a violation of this  
17 section, shall order, in addition to any other sen-  
18 tence imposed and irrespective of any provision of  
19 State law, that such person shall forfeit to the  
20 United States such person’s interest in—

21 “(A) any property used, or intended to be  
22 used, in any manner or part, to commit, or to  
23 facilitate the commission of, the violation; and

1           “(B) any property constituting, or derived  
2           from, any proceeds the person obtained, directly  
3           or indirectly, as a result of the violation.

4           “(2) APPLICATION OF CONTROLLED SUB-  
5           STANCES ACT.—Subsections (b), (c), (e), (f), (g),  
6           (h), (i), (j), (k), (l), (m), (n), (o), and (p) of section  
7           413 of the Controlled Substances Act (21 U.S.C.  
8           853) shall apply to a forfeiture under this section as  
9           though it were a forfeiture under that section.

10          “(c) DEFINITIONS.—The following definitions apply  
11          in this section:

12           “(1) CRIMINAL STREET GANG.—The term  
13           ‘criminal street gang’ means a formal or informal  
14           group or association of 3 or more individuals, who  
15           commit 2 or more gang crimes (one of which is a  
16           crime of violence), in 2 or more separate criminal  
17           episodes, in relation to the group or association, if  
18           any of the activities of the criminal street gang af-  
19           fects interstate or foreign commerce.

20           “(2) GANG CRIME.—The term ‘gang crime’  
21           means conduct constituting any Federal or State  
22           crime, punishable by imprisonment for more than  
23           one year, in any of the following categories:

1           “(A) A crime of violence (other than a  
2 crime of violence against the property of an-  
3 other).

4           “(B) A crime involving obstruction of jus-  
5 tice, tampering with or retaliating against a  
6 witness, victim, or informant, or burglary.

7           “(C) A crime involving the manufacturing,  
8 importing, distributing, possessing with intent  
9 to distribute, or otherwise dealing in a con-  
10 trolled substance or listed chemical (as those  
11 terms are defined in section 102 of the Con-  
12 trolled Substances Act (21 U.S.C. 802)).

13           “(D) Any conduct punishable under sec-  
14 tion 844 (relating to explosive materials), sub-  
15 section (a)(1), (d), (g)(1) (where the underlying  
16 conviction is a violent felony (as defined in sec-  
17 tion 924(e)(2)(B) of this title) or is a serious  
18 drug offense (as defined in section  
19 924(e)(2)(A))), (g)(2), (g)(3), (g)(4), (g)(5),  
20 (g)(8), (g)(9), (i), (j), (k), (n), (o), (p), (q), (u),  
21 or (x) of section 922 (relating to unlawful acts),  
22 or subsection (b), (c), (g), (h), (k), (l), (m), or  
23 (n) of section 924 (relating to penalties), sec-  
24 tion 930 (relating to possession of firearms and  
25 dangerous weapons in Federal facilities), sec-

1           tion 931 (relating to purchase, ownership, or  
2           possession of body armor by violent felons), sec-  
3           tions 1028 and 1029 (relating to fraud and re-  
4           lated activity in connection with identification  
5           documents or access devices), section 1952 (re-  
6           lating to interstate and foreign travel or trans-  
7           portation in aid of racketeering enterprises),  
8           section 1956 (relating to the laundering of  
9           monetary instruments), section 1957 (relating  
10          to engaging in monetary transactions in prop-  
11          erty derived from specified unlawful activity), or  
12          sections 2312 through 2315 (relating to inter-  
13          state transportation of stolen motor vehicles or  
14          stolen property).

15                 “(E) Any conduct punishable under section  
16          274 (relating to bringing in and harboring cer-  
17          tain aliens), section 277 (relating to aiding or  
18          assisting certain aliens to enter the United  
19          States), or section 278 (relating to importation  
20          of alien for immoral purpose) of the Immigra-  
21          tion and Nationality Act.

22                 “(3) AGGRAVATED SEXUAL ABUSE.—The term  
23          ‘aggravated sexual abuse’ means an offense that, if  
24          committed in the special maritime and territorial ju-  
25          risdiction would be an offense under section 2241(a).

1           “(4) STATE.—The term ‘State’ means each of  
2           the several States of the United States, the District  
3           of Columbia, and any commonwealth, territory, or  
4           possession of the United States.”.

5           (b) AMENDMENT RELATING TO PRIORITY OF FOR-  
6 FEITURE OVER ORDERS FOR RESTITUTION.—Section  
7 3663(c)(4) of title 18, United States Code, is amended  
8 by striking “chapter 46 or chapter 96 of this title” and  
9 inserting “section 521, under chapter 46 or 96,”.

10          (c) MONEY LAUNDERING.—Section 1956(e)(7)(D) of  
11 title 18, United States Code, is amended by inserting “,  
12 section 521 (relating to criminal street gang prosecu-  
13 tions)” before “, section 541”.

14 **SEC. 802. INCREASED PENALTIES FOR INTERSTATE AND**  
15 **FOREIGN TRAVEL OR TRANSPORTATION IN**  
16 **AID OF RACKETEERING.**

17          Section 1952 of title 18, United States Code, is  
18 amended—

19           (1) in subsection (a), by striking “perform” and  
20           all that follows through the end of the subsection  
21           and inserting “perform an act described in para-  
22           graph (1), (2), or (3), or conspires to do so, shall  
23           be punished as provided in subsection (d).”; and

24           (2) by adding at the end following:

1       “(d) The punishment for an offense under subsection  
2 (a) is—

3               “(1) in the case of a violation of paragraph (1)  
4 or (3), a fine under this title and imprisonment for  
5 not more than 20 years; and

6               “(2) in the case of a violation of paragraph (2),  
7 a fine under this title and imprisonment for any  
8 term of years or for life, but if death results the of-  
9 fender may be sentenced to death.”.

10 **SEC. 803. AMENDMENTS RELATING TO VIOLENT CRIME.**

11       (a) **CARJACKING.**—Section 2119 of title 18, United  
12 States Code, is amended—

13               (1) by striking “, with the intent to cause death  
14 or serious bodily harm” in the matter preceding  
15 paragraph (1);

16               (2) by inserting “or conspires” after “at-  
17 tempts” in the matter preceding paragraph (1);

18               (3) by striking “15” and inserting “20” in  
19 paragraph (1); and

20               (4) by striking “or imprisoned not more than  
21 25 years, or both” and inserting “and imprisoned  
22 for any term of years or for life” in paragraph (2).

23       (b) **CLARIFICATION OF ILLEGAL GUN TRANSFERS TO**  
24 **COMMIT DRUG TRAFFICKING CRIME OR CRIMES OF VIO-**

1 LENCE.—Section 924(h) of title 18, United States Code,  
2 is amended to read as follows:

3 “(h) Whoever, in or affecting interstate or foreign  
4 commerce, knowingly transfers a firearm, knowing or in-  
5 tending that the firearm will be used to commit, or pos-  
6 sessed in furtherance of, a crime of violence or drug traf-  
7 ficking crime (as defined in subsection (c)(2)), shall be  
8 fined under this title and imprisoned not more than 20  
9 years.”.

10 (c) AMENDMENT OF SPECIAL SENTENCING PROVI-  
11 SION RELATING TO LIMITATIONS ON CRIMINAL ASSOCIA-  
12 TION.—Section 3582(d) of title 18, United States Code,  
13 is amended—

14 (1) by inserting “section 521 (criminal street  
15 gang prosecutions), in” after “felony set forth in”;

16 (2) by striking “specified person, other than his  
17 attorney, upon” and inserting “specified person  
18 upon”; and

19 (3) by inserting “a criminal street gang or” be-  
20 fore “an illegal enterprise”.

21 (d) CONSPIRACY PENALTY.—Section 371 of title 18,  
22 United States Code, is amended by striking “five” and  
23 inserting “20”.

1 **SEC. 804. INCREASED PENALTIES FOR USE OF INTERSTATE**  
2 **COMMERCE FACILITIES IN THE COMMISSION**  
3 **OF MURDER-FOR-HIRE AND OTHER FELONY**  
4 **CRIMES OF VIOLENCE.**

5 (a) IN GENERAL.—Section 1958 of title 18, United  
6 States Code, is amended—

7 (1) by striking the section heading and insert-  
8 ing the following:

9 **“§ 1958. Use of interstate commerce facilities in the**  
10 **commission of murder-for-hire and other**  
11 **felony crimes of violence”;**

12 (2) in subsection (a), by inserting “or other  
13 crime of violence, punishable by imprisonment for  
14 more than one year,” after “intent that a murder”;  
15 and

16 (3) in subsection (a), by striking “shall be  
17 fined” the first place it appears and all that follows  
18 through the end of such subsection and inserting the  
19 following:

20 “shall, in addition to being subject to a fine under  
21 this title—

22 “(1) if the crime of violence or conspiracy re-  
23 sults in the death of any person, be sentenced to  
24 death or life in prison;

25 “(2) if the crime of violence is kidnapping, ag-  
26 gravated sexual abuse (as defined in section 521), or

1 maiming, or a conspiracy to commit such a crime of  
2 violence, be imprisoned any term of years or for life;

3 “(3) if the crime of violence is an assault, or a  
4 conspiracy to assault, that results in serious bodily  
5 injury (as defined in section 1365), be imprisoned  
6 not more than 30 years; and

7 “(4) in any other case, be imprisoned not more  
8 than 20 years.”.

9 (b) CLERICAL AMENDMENT.—The item relating to  
10 section 1958 in the table of sections at the beginning of  
11 chapter 95 of title 18, United States Code, is amended  
12 to read as follows:

“1958. Use of interstate commerce facilities in the commission of murder-for-  
hire and other felony crimes of violence.”.

13 **SEC. 805. INCREASED PENALTIES FOR VIOLENT CRIMES IN**  
14 **AID OF RACKETEERING ACTIVITY.**

15 (a) OFFENSE.—Section 1959(a) of title 18, United  
16 States Code, is amended to read as follows:

17 “(a) Whoever commits, or conspires, threatens, or at-  
18 tempts to commit, a crime of violence, as consideration  
19 for the receipt of, or as consideration for a promise or  
20 agreement to pay, anything of pecuniary value from an  
21 enterprise engaged in racketeering activity, or for the pur-  
22 pose of furthering the activities of an enterprise engaged  
23 in racketeering activity, or for the purpose of gaining en-  
24 trance to or maintaining or increasing position in, such

1 an enterprise, shall, unless the death penalty is otherwise  
2 imposed, in addition and consecutive to the punishment  
3 provided for any other violation of this chapter and in ad-  
4 dition to being subject to a fine under this title—

5           “(1) if the crime of violence results in the death  
6 of any person, be sentenced to death or life in pris-  
7 on;

8           “(2) if the crime of violence is kidnapping, ag-  
9 gravated sexual abuse (as defined in section 521), or  
10 maiming, be imprisoned for any term of years or for  
11 life;

12           “(3) if the crime of violence is assault resulting  
13 in serious bodily injury (as defined in section 1365),  
14 be imprisoned not more than 30 years; and

15           “(4) in any other case, be imprisoned not more  
16 than 20 years.”.

17       (b) VENUE.—Section 1959 of title 18, United States  
18 Code, is amended by adding at the end the following:

19           “(c) A prosecution for a violation of this section may  
20 be brought in—

21           “(1) the judicial district in which the crime of  
22 violence occurred; or

23           “(2) any judicial district in which racketeering  
24 activity of the enterprise occurred.”.

1 **SEC. 806. MURDER AND OTHER VIOLENT CRIMES COM-**  
2 **MITTED DURING AND IN RELATION TO A**  
3 **DRUG TRAFFICKING CRIME.**

4 (a) IN GENERAL.—Part D of the Controlled Sub-  
5 stances Act (21 U.S.C. 841 et seq.) is amended by adding  
6 at the end the following:

7 “MURDER AND OTHER VIOLENT CRIMES COMMITTED  
8 DURING AND IN RELATION TO A DRUG TRAFFICKING  
9 CRIME

10 “SEC. 424. (a) IN GENERAL.—Whoever commits, or  
11 conspires, or attempts to commit, a crime of violence dur-  
12 ing and in relation to a drug trafficking crime, shall, un-  
13 less the death penalty is otherwise imposed, in addition  
14 and consecutive to the punishment provided for the drug  
15 trafficking crime and in addition to being subject to a fine  
16 under this title—

17 “(1) if the crime of violence results in the death  
18 of any person, be sentenced to death or life in pris-  
19 on;

20 “(2) if the crime of violence is kidnapping, ag-  
21 gravated sexual abuse (as defined in section 521), or  
22 maiming, be imprisoned for life or any term of years  
23 not less than 30;

24 “(3) if the crime of violence is assault resulting  
25 in serious bodily injury (as defined in section 1365),

1 be imprisoned for life or any term of years not less  
2 than 20; and

3 “(4) in any other case, be imprisoned for life or  
4 for any term of years not less than 10.

5 “(b) VENUE.—A prosecution for a violation of this  
6 section may be brought in—

7 “(1) the judicial district in which the murder or  
8 other crime of violence occurred; or

9 “(2) any judicial district in which the drug traf-  
10 ficking crime may be prosecuted.

11 “(c) DEFINITIONS.—As used in this section—

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

15 “(2) the term ‘drug trafficking crime’ has the  
16 meaning given that term in section 924(c)(2) of title  
17 18, United States Code.”.

18 (b) CLERICAL AMENDMENT.—The table of contents  
19 for the Comprehensive Drug Abuse Prevention and Con-  
20 trol Act of 1970 is amended by inserting after the item  
21 relating to section 423 the following:

“424. Murder and other violent crimes committed during and in relation to a  
drug trafficking crime.”.

1 **SEC. 807. MULTIPLE INTERSTATE MURDER.**

2 (a) OFFENSE.—Chapter 51 of title 18, United States  
3 Code, is amended by adding at the end the following new  
4 section:

5 **“§ 1123. Use of interstate commerce facilities in the**  
6 **commission of multiple murder**

7 “(a) IN GENERAL.—Whoever travels in or causes an-  
8 other (including the intended victim) to travel in interstate  
9 or foreign commerce, or uses or causes another (including  
10 the intended victim) to use the mail or any facility of inter-  
11 state or foreign commerce, or who conspires or attempts  
12 to do so, with intent that 2 or more intentional homicides  
13 be committed in violation of the laws of any State or the  
14 United States shall, in addition to being subject to a fine  
15 under this title—

16 “(1) if the offense results in the death of any  
17 person, be sentenced to death or life in prison;

18 “(2) if the offense results in serious bodily in-  
19 jury (as defined in section 1365), be imprisoned for  
20 any term of years, or for life; and

21 “(3) in any other case, be imprisoned not more  
22 than 20 years.

23 “(b) DEFINITION.—The term ‘State’ means each of  
24 the several States of the United States, the District of  
25 Columbia, and any commonwealth, territory, or possession  
26 of the United States.”.

1 (b) CLERICAL AMENDMENT.—The table of sections  
2 at the beginning of chapter 51 of title 18, United States  
3 Code, is amended by adding at the end the following:

“1123. Use of interstate commerce facilities in the commission of multiple murder.”.

4 **SEC. 808. ADDITIONAL RACKETEERING ACTIVITY.**

5 Section 1961(1) of title 18, United States Code, is  
6 amended—

7 (1) in subparagraph (A), by inserting “, or  
8 would have been so chargeable if the act or threat  
9 had not been committed in Indian country (as de-  
10 fined in section 1151) or in any other area of exclu-  
11 sive Federal jurisdiction,” after “chargeable under  
12 State law”; and

13 (2) in subparagraph (B), by inserting “section  
14 1123 (relating to interstate murder),” after “section  
15 1084 (relating to the transmission of gambling in-  
16 formation),”.

17 **SEC. 809. EXPANSION OF REBUTTABLE PRESUMPTION**  
18 **AGAINST RELEASE OF PERSONS CHARGED**  
19 **WITH FIREARMS OFFENSES.**

20 Section 3142 of title 18, United States Code, is  
21 amended—

22 (1) in subsection (e), in the matter following  
23 paragraph (3), by inserting “an offense under sub-  
24 section (g)(1) (where the underlying conviction is a

1 serious drug trafficking offense (as defined in sec-  
2 tion 924(e)(2)(A)), (g)(2), (g)(4), (g)(5), (g)(8), or  
3 (g)(9) of section 922, a crime of violence, or” after  
4 “that the person committed”;

5 (2) in subsection (f)(1)—

6 (A) by striking “or” at the end of subpara-  
7 graph (C); and

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

9 “(E) an offense under section 922(g); or”.

10 (3) in subsection (g), by amending paragraph  
11 (1) to read as follows:

12 “(1) the nature and circumstances of the of-  
13 fense charged, including whether the offense is a  
14 crime of violence, or involves a controlled substance,  
15 firearm, explosive, or destructive devise;”.

16 **SEC. 810. VENUE IN CAPITAL CASES.**

17 Section 3235 of title 18, United States Code, is  
18 amended to read as follows:

19 **“§ 3235. Venue in capital cases**

20 “(a) The trial for any offense punishable by death  
21 shall be held in the district where the offense was com-  
22 mitted or in any district in which the offense began, con-  
23 tinued, or was completed.

24 “(b) If the offense, or related conduct, under sub-  
25 section (a) involves activities which affect interstate or for-

1 eign commerce, or the importation of an object or person  
2 into the United States, such offense may be prosecuted  
3 in any district in which those activities occurred.”.

4 **SEC. 811. STATUTE OF LIMITATIONS FOR VIOLENT CRIME.**

5 (a) IN GENERAL.—Chapter 213 of title 18, United  
6 States Code, is amended by adding at the end the fol-  
7 lowing:

8 **“§ 3298. Violent crime offenses**

9 “No person shall be prosecuted, tried, or punished  
10 for any noncapital felony, crime of violence, including any  
11 racketeering activity or gang crime which involves any  
12 crime of violence, unless the indictment is found or the  
13 information is instituted not later than 15 years after the  
14 date on which the alleged violation occurred or the con-  
15 tinuing offense was completed.”.

16 (b) CLERICAL AMENDMENT.—The table of sections  
17 at the beginning of chapter 213 of title 18, United States  
18 Code, is amended by adding at the end the following:

“3298. Violent crime offenses.”.

19 **SEC. 812. CLARIFICATION TO HEARSAY EXCEPTION FOR**  
20 **FORFEITURE BY WRONGDOING.**

21 Rule 804(b)(6) of the Federal Rules of Evidence is  
22 amended to read as follows:

23 “(6) FORFEITURE BY WRONGDOING.—A state-  
24 ment offered against a party who has engaged or ac-  
25 quiesced in wrongdoing, or who could reasonably

1 foresee such wrongdoing would take place, if the  
2 wrongdoing was intended to, and did, procure the  
3 unavailability of the declarant as a witness.”.

4 **SEC. 813. TRANSFER OF JUVENILES.**

5 The 4th undesignated paragraph of section 5032 of  
6 title 18, United States Code, is amended—

7 (1) by striking “A juvenile” where it appears at  
8 the beginning of the paragraph and inserting “Ex-  
9 cept as otherwise provided in this chapter, a juve-  
10 nile”;

11 (2) by striking “as an adult, except that, with”  
12 and inserting “as an adult. With”; and

13 (3) by striking “However, a juvenile” and all  
14 that follows through “criminal prosecution.” at the  
15 end of the paragraph and inserting “The Attorney  
16 General may prosecute as an adult a juvenile who is  
17 alleged to have committed an act after that juve-  
18 nile’s 16th birthday which if committed by an adult  
19 would be a crime of violence that is a felony, an of-  
20 fense described in subsection (d), (i), (j), (k), (o),  
21 (p), (q), (u), or (x) of section 922 (relating to unlaw-  
22 ful acts), or subsection (b), (c), (g), (h), (k), (l), (m),  
23 or (n) of section 924 (relating to penalties), section  
24 930 (relating to possession of firearms and dan-  
25 gerous weapons in Federal facilities), or section 931

1 (relating to purchase, ownership, or possession of  
 2 body armor by violent felons). The decision whether  
 3 or not to prosecute a juvenile as an adult under the  
 4 immediately preceding sentence is not subject to ju-  
 5 dicial review in any court. In a prosecution under  
 6 that sentence, the juvenile may be prosecuted and  
 7 convicted as an adult for any other offense which is  
 8 properly joined under the Federal Rules of Criminal  
 9 Procedure, and may also be convicted as an adult of  
 10 any lesser included offense.”.

11 **SEC. 814. CRIMES OF VIOLENCE AND DRUG CRIMES COM-**  
 12 **MITTED BY ILLEGAL ALIENS.**

13 (a) OFFENSES.—Title 18, United States Code, is  
 14 amended by inserting after chapter 51 the following new  
 15 chapter:

16 **“CHAPTER 52—ILLEGAL ALIENS**

“Sec.

“1131. Enhanced penalties for certain crimes committed by illegal aliens.

17 **“§ 1131. Enhanced penalties for certain crimes com-**  
 18 **mitted by illegal aliens**

19 “Whoever, being an alien who is unlawfully present  
 20 in the United States, commits, conspires or attempts to  
 21 commit, a crime of violence (as defined in section 16) or  
 22 a drug trafficking offense (as defined in section 924), shall  
 23 be fined under this title and sentenced to not less than  
 24 5 years in prison. If the defendant was previously ordered

1 removed under the Immigration and Nationality Act on  
 2 the grounds of having committed a crime, the defendant  
 3 shall be sentenced to not less than 15 years in prison. A  
 4 sentence of imprisonment imposed under this section shall  
 5 run consecutively to any other sentence of imprisonment  
 6 imposed for any other crime.”.

7 (b) CLERICAL AMENDMENT.—The table of chapters  
 8 at the beginning of part I of title 18, United States Code,  
 9 is amended by inserting after the item relating to chapter  
 10 51 the following new item:

“**52. Illegal aliens** ..... **1131**”.

11 **SEC. 815. LISTING OF IMMIGRATION VIOLATORS IN THE NA-**  
 12 **TIONAL CRIME INFORMATION CENTER DATA-**  
 13 **BASE.**

14 (a) PROVISION OF INFORMATION TO THE NCIC.—  
 15 Not later than 180 days after the date of enactment of  
 16 this Act, the Under Secretary for Border and Transpor-  
 17 tation Security of the Department of Homeland Security  
 18 shall provide the National Crime Information Center of  
 19 the Department of Justice with such information as the  
 20 Director may have on any and all aliens against whom  
 21 a final order of removal has been issued, and any and all  
 22 aliens who have signed a voluntary departure agreement.  
 23 Such information shall be provided to the National Crime  
 24 Information Center regardless of whether or not the alien

1 received notice of a final order of removal and even if the  
2 alien has already been removed.

3 (b) INCLUSION OF INFORMATION IN THE NCIC  
4 DATABASE.—Section 534(a) of title 28, United States  
5 Code, is amended—

6 (1) in paragraph (3), by striking “and” at the  
7 end;

8 (2) by redesignating paragraph (4) as para-  
9 graph (5); and

10 (3) by inserting after paragraph (3) the fol-  
11 lowing:

12 “(4) acquire, collect, classify, and preserve  
13 records of violations of the immigration laws of the  
14 United States, regardless of whether or not the alien  
15 has received notice of the violation and even if the  
16 alien has already been removed; and”.

17 **SEC. 816. STUDY.**

18 The Attorney General and the Secretary of Homeland  
19 Security shall jointly conduct a study on the connection  
20 between illegal immigration and gang membership and ac-  
21 tivity, including how many of those arrested nationwide  
22 for gang membership and violence are aliens illegally  
23 present in the United States. The Attorney General and  
24 the Secretary shall report the results of that study to Con-

1 gress not later than one year after the date of the enact-  
2 ment of this Act.

3 **TITLE IX—INCREASED FEDERAL**  
4 **RESOURCES TO PREVENT AT-**  
5 **RISK YOUTH FROM JOINING**  
6 **ILLEGAL STREET GANGS**

7 **SEC. 901. GRANTS TO STATE AND LOCAL PROSECUTORS TO**  
8 **COMBAT VIOLENT CRIME AND TO PROTECT**  
9 **WITNESSES AND VICTIMS OF CRIMES.**

10 (a) IN GENERAL.—Section 31702 of the Violent  
11 Crime Control and Law Enforcement Act of 1994 (42  
12 U.S.C. 13862), as amended by section 724 of this Act,  
13 is further amended—

14 (1) in paragraph (4), by striking “and” at the  
15 end;

16 (2) in paragraph (5), by striking the period at  
17 the end and inserting a semicolon; and

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

19 “(6) to hire additional prosecutors to—

20 “(A) allow more cases to be prosecuted;

21 and

22 “(B) reduce backlogs;

23 “(7) to fund technology, equipment, and train-  
24 ing for prosecutors and law enforcement in order to  
25 increase accurate identification of gang members

1 and violent offenders, and to maintain databases  
2 with such information to facilitate coordination  
3 among law enforcement and prosecutors; and

4 “(8) to fund technology, equipment, and train-  
5 ing for prosecutors to increase the accurate identi-  
6 fication and successful prosecution of young violent  
7 offenders.”.

8 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
9 31707 of the Violent Crime Control and Law Enforcement  
10 Act of 1994 (42 U.S.C. 13867) is amended to read as  
11 follows:

12 **“SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.**

13 “There are authorized to be appropriated  
14 \$20,000,000 for each of the fiscal years 2006 through  
15 2010 to carry out this subtitle.”.

16 **SEC. 902. REAUTHORIZE THE GANG RESISTANCE EDU-  
17 CATION AND TRAINING PROJECTS PROGRAM.**

18 Section 32401(b) of the Violent Crime Control Act  
19 of 1994 (42 U.S.C. 13921(b)) is amended by striking  
20 paragraphs (1) through (6) and inserting the following:

21 “(1) \$20,000,000 for fiscal year 2006;

22 “(2) \$20,000,000 for fiscal year 2007;

23 “(3) \$20,000,000 for fiscal year 2008;

24 “(4) \$20,000,000 for fiscal year 2009; and

25 “(5) \$20,000,000 for fiscal year 2010.”.

1 **SEC. 903. STATE AND LOCAL REENTRY COURTS.**

2 (a) IN GENERAL.—Part FF of title I of the Omnibus  
3 Crime Control and Safe Streets Act of 1968 (42 U.S.C.  
4 3797w et seq.) is amended by inserting at the end the  
5 following:

6 **“SEC. 2979. STATE AND LOCAL REENTRY COURTS.**

7 “(a) GRANTS AUTHORIZED.—The Attorney General  
8 shall award grants of not more than \$500,000 to—

9 “(1) State and local courts; or

10 “(2) State agencies, municipalities, public agen-  
11 cies, nonprofit organizations, and tribes that have  
12 agreements with courts to take the lead in estab-  
13 lishing a re-entry court.

14 “(b) USE OF FUNDS.—Grant funds awarded under  
15 this section shall be administered in accordance with the  
16 guidelines, regulations, and procedures promulgated by  
17 the Attorney General, and may be used to—

18 “(1) monitor offenders returning to the commu-  
19 nity;

20 “(2) provide returning offenders with—

21 “(A) drug and alcohol testing and treat-  
22 ment; and

23 “(B) mental and medical health assess-  
24 ment and services;

25 “(3) convene community impact panels, victim  
26 impact panels, or victim impact educational classes;

1           “(4) provide and coordinate the delivery of  
2 other community services to offenders, including—

3           “(A) housing assistance;

4           “(B) education;

5           “(C) employment training;

6           “(D) conflict resolution skills training;

7           “(E) batterer intervention programs; and

8           “(F) other appropriate social services; and

9           “(5) establish and implement graduated sanc-  
10 tions and incentives.

11          “(c) APPLICATION.—Each eligible entity desiring a  
12 grant under this section shall, in addition to any other  
13 requirements required by the Attorney General, submit an  
14 application to the Attorney General that—

15           “(1) describes a long-term strategy and detailed  
16 implementation plan, including how the entity plans  
17 to pay for the program after the Federal funding  
18 ends;

19           “(2) identifies the governmental and community  
20 agencies that will be coordinated by this project;

21           “(3) certifies that—

22           “(A) there has been appropriate consulta-  
23 tion with all affected agencies, including exist-  
24 ing community corrections and parole entities;  
25 and

1           “(B) there will be appropriate coordination  
2           with all affected agencies in the implementation  
3           of the program; and

4           “(4) describes the methodology and outcome  
5           measures that will be used in evaluation of the pro-  
6           gram.

7           “(d) MATCHING REQUIREMENT.—The Federal share  
8           of a grant received under this section may not exceed 75  
9           percent of the costs of the project funded under this sec-  
10          tion unless the Attorney General—

11           “(1) waives, wholly or in part, this matching re-  
12          quirement; and

13           “(2) publicly delineates the rationale for the  
14          waiver.

15          “(e) ANNUAL REPORT.—Each grantee under this  
16          section shall submit to the Attorney General, for each fis-  
17          cal year in which funds from a grant received under this  
18          part is expended, a report, at such time and in such man-  
19          ner as the Attorney General may reasonably require, that  
20          contains—

21           “(1) a summary of the activities carried out  
22          under the grant;

23           “(2) an assessment of whether the activities  
24          summarized under paragraph (1) are meeting the

1 needs identified in the application submitted under  
2 subsection (c); and

3 “(3) such other information as the Attorney  
4 General may require.

5 “(f) AUTHORIZATION OF APPROPRIATIONS.—

6 “(1) IN GENERAL.—There are authorized to be  
7 appropriated \$10,000,000 for each of the fiscal  
8 years 2006 through 2009 to carry out this section.

9 “(2) LIMITATIONS.—Of the amount made avail-  
10 able to carry out this section in any fiscal year—

11 “(A) not more than 2 percent may be used  
12 by the Attorney General for salaries and admin-  
13 istrative expenses; and

14 “(B) not more than 5 percent nor less  
15 than 2 percent may be used for technical assist-  
16 ance and training.”.

## 17 **TITLE X—CRIME PREVENTION**

### 18 **SEC. 1001. CRIME PREVENTION CAMPAIGN GRANT.**

19 Chapter A of subpart 2 of part E of title I of the  
20 Omnibus Crime Control and Safe Streets Act of 1968 is  
21 amended by adding at the end the following:

#### 22 **“SEC. 513. CRIME PREVENTION CAMPAIGN GRANT.**

23 “(a) GRANT AUTHORIZATION.—The Attorney Gen-  
24 eral may provide a grant to a private, nonprofit organiza-  
25 tion that has expertise in promoting crime prevention

1 through public outreach and media campaigns in coordina-  
2 tion with law enforcement agencies and other local govern-  
3 ment officials, and representatives of community public in-  
4 terest organizations, including schools and youth-serving  
5 organizations, faith-based, and victims' organizations and  
6 employers.

7       “(b) APPLICATION.—To request a grant under this  
8 section, an organization described in subsection (a) shall  
9 submit an application to the Attorney General in such  
10 form and containing such information as the Attorney  
11 General may require.

12       “(c) USE OF FUNDS.—An organization that receives  
13 a grant under this section shall—

14               “(1) create and promote national public com-  
15 munications campaigns;

16               “(2) develop and distribute publications and  
17 other educational materials that promote crime pre-  
18 vention;

19               “(3) design and maintain web sites and related  
20 web-based materials and tools;

21               “(4) design and deliver training for law enforce-  
22 ment personnel, community leaders, and other part-  
23 ners in public safety and hometown security initia-  
24 tives;

1           “(5) design and deliver technical assistance to  
2 States, local jurisdictions, and crime prevention  
3 practitioners;

4           “(6) coordinate a coalition of Federal, national,  
5 and statewide organizations and communities sup-  
6 porting crime prevention;

7           “(7) design, deliver, and assess demonstration  
8 programs;

9           “(8) operate National McGruff Network and re-  
10 lated programs;

11           “(9) operate the Teens, Crime, and Community  
12 Program; and

13           “(10) evaluate crime prevention programs and  
14 trends.

15           “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
16 are authorized to be appropriated to carry out this sec-  
17 tion—

18           “(1) for fiscal year 2006, \$6,000,000;

19           “(2) for fiscal year 2007, \$7,000,000;

20           “(3) for fiscal year 2008, \$8,000,000;

21           “(4) for fiscal year 2009, \$9,000,000; and

22           “(5) for fiscal year 2010, \$10,000,000.”.

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