

109TH CONGRESS
2^D SESSION

H.R. 4472

AN ACT

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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
 3 “Children’s Safety and Violent Crime Reduction Act of
 4 2006”.

5 (b) TABLE OF CONTENTS.—The table of contents for
 6 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.

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 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.

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

Sec. 132. Access to national crime information databases.

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. GAO studies on feasibility of using driver’s license registration proc-
 esses as additional registration requirements for sex offenders.

- Sec. 136. Assistance in identification and location of sex offenders relocated as a result of a major disaster.
- Sec. 137. Election by Indian tribes.
- Sec. 138. Registration of prisoners released from foreign imprisonment.
- Sec. 139. Sex offender risk classification study.
- Sec. 140. Study of the effectiveness of restricting the activities of sex offenders to reduce the occurrence of repeat offenses.

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, and prohibition on Internet sales of date rape drugs.
- 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. Grants to combat sexual abuse of children.
- Sec. 158. Expansion of training and technology efforts.
- Sec. 159. Revocation of probation or supervised release.

Subtitle C—Office on Sexual Violence and Crimes Against Children

- Sec. 161. Establishment.
- Sec. 162. Director.
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- Sec. 202. Stopping Violent Predators Against Children.
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- Sec. 301. Assured punishment for violent crimes against children.
- Sec. 302. 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.

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- 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.
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- Sec. 502. Access to Federal crime information databases for certain purposes.
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- Sec. 713. Modification of retaliation offense.

- Sec. 714. Inclusion of intimidation and retaliation against witnesses in State prosecutions as basis for Federal prosecution.
- Sec. 715. Clarification of venue for retaliation against a witness.
- Sec. 716. Prohibition of possession of dangerous weapons in Federal court facilities.
- Sec. 717. General modifications of Federal murder crime and related crimes.
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- Sec. 719. Funding for State courts to assess and enhance court security and emergency preparedness.
- Sec. 720. Grants to States for threat assessment databases.
- Sec. 721. Grants to States to protect witnesses and victims of crimes.
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- 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.
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- 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.
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TITLE XI—NATIONAL CHILD ABUSE AND NEGLECT REGISTRY ACT

Sec. 1101. Short title.

Sec. 1102. National registry of substantiated cases of child abuse.

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”.

7 **SEC. 102. DECLARATION OF PURPOSE.**

8 In order to protect the public from sex offenders and
9 offenders against children, and in response to the vicious
10 attacks by violent sexual predators against the victims list-
11 ed below, Congress in this Act establishes a comprehensive
12 national system for the registration of those offenders:

13 (1) Jacob Wetterling, who was 11 years old,
14 was abducted in 1989 in Minnesota, and remains
15 missing.

16 (2) Megan Nicole Kanka, who was 7 years old,
17 was abducted, sexually assaulted and murdered in
18 1994, in New Jersey.

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

21 (4) Jetseta Gage, who was 10 years old, was
22 kidnapped, sexually assaulted, and murdered in
23 2005 in Cedar Rapids, Iowa.

1 (5) Dru Sjodin, who was 22 years old, was sex-
2 ually assaulted and murdered in 2003, in North Da-
3 kota.

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

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

9 (8) Amie Zyla, who was 8 years old, was sexu-
10 ally assaulted in 1996 by a juvenile offender in
11 Waukesha, Wisconsin, and has become an advocate
12 for child victims and protection of children from ju-
13 venile sex offenders.

14 (9) Christy Ann Fornoff, who was 13 years old,
15 was abducted, sexually assaulted and murdered in
16 1984, in Tempe, Arizona.

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

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

1 (12) Jimmy Ryce, who was 9 years old, was
2 kidnapped and murdered in Florida on September
3 11, 1995.

4 (13) Carlie Brucia, who was 11 years old, was
5 abducted and murdered in Florida in February,
6 2004.

7 (14) Amanda Brown, who was 7 years old, was
8 abducted and murdered in Florida in 1998.

9 **Subtitle A—Jacob Wetterling Sex**
10 **Offender Registration and Noti-**
11 **fication Program**

12 **SEC. 111. RELEVANT DEFINITIONS, INCLUDING AMIE ZYLA**
13 **EXPANSION OF SEX OFFENDER DEFINITION**
14 **AND EXPANDED INCLUSION OF CHILD PRED-**
15 **ATORS.**

16 In this title the following definitions apply:

17 (1) **SEX OFFENDER REGISTRY.**—The term “sex
18 offender registry” means a registry of sex offenders,
19 and a notification program, maintained by a juris-
20 diction.

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

23 (A) A State.

24 (B) The District of Columbia.

25 (C) The Commonwealth of Puerto Rico.

1 (D) Guam.

2 (E) American Samoa.

3 (F) The Northern Mariana Islands.

4 (G) The United States Virgin Islands.

5 (H) To the extent provided and subject to
6 the requirements of section 137, a federally rec-
7 ognized Indian tribe.

8 (3) SEX OFFENDER.—The term “sex offender”
9 means an individual who, either before or after the
10 enactment of this Act, was convicted of, or adju-
11 dicated as a juvenile delinquent for, a sex offense.

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

17 (A) An offense (unless committed by a
18 parent) involving kidnapping.

19 (B) An offense (unless committed by a
20 parent) involving false imprisonment.

21 (C) Solicitation to engage in sexual con-
22 duct.

23 (D) Use in a sexual performance.

24 (E) Solicitation to practice prostitution.

1 (F) Possession, production, or distribution
2 of child pornography.

3 (G) Criminal sexual conduct involving a
4 minor, or the use of the Internet to facilitate or
5 attempt such conduct.

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

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

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

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

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

18 (A) is punishable by imprisonment for
19 more than one year; or

20 (B) occurs after the offender becomes a
21 tier I sex offender.

22 (7) TIER III SEX OFFENDER.—The term “tier
23 III sex offender” means a sex offender whose offense
24 is punishable by imprisonment for more than one
25 year and—

1 (A) involves a crime of violence as defined
2 in section 16 of title 18, United States Code,
3 against the person of another, except a crime of
4 violence consisting of an abusive sexual contact,
5 as defined in section 2246;

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

8 (C) occurs after the offender becomes a
9 tier II sex offender.

10 (8) AMY ZYLA EXPANSION OF SEX OFFENSE
11 DEFINITION.—The term “sex offense” means—

12 (A) a State, local, tribal, foreign, or other
13 criminal offense that has an element involving
14 a sexual act or sexual contact with another or
15 an attempt or conspiracy to commit such an of-
16 fense, but does not include an offense involving
17 consensual sexual conduct where the victim was
18 an adult or was at least 13 years old and the
19 offender was not more than 4 years older than
20 the victim;

21 (B) a State, local, tribal, foreign, or other
22 specified offense against a minor;

23 (C) a Federal offense (including an offense
24 prosecuted under section 1152 or 1153 of title
25 18, United States Code) under section 1201,

1 1591, or 1801, or chapter 109A, 110, or 117,
2 of title 18, United States Code, or any other
3 Federal offense designated by the Attorney
4 General for the purposes of this paragraph; or

5 (D) a military offense specified by the Sec-
6 retary of Defense under section 115(a)(8)(C)(I)
7 of Public Law 105–119 (10 U.S.C. 951 note).

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

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

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

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

22 (13) CONVICTED.—The term “convicted” or a
23 variant thereof, used with respect to a sex offense,
24 includes adjudicated delinquent as a juvenile for that
25 offense.

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

2 Each jurisdiction shall maintain a jurisdiction-wide
3 sex offender registry conforming to the requirements of
4 this title. The Attorney General shall issue guidelines and
5 regulations to interpret and implement this title.

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

7 (a) **IN GENERAL.**—A sex offender must register, and
8 keep the registration current, in each jurisdiction where
9 the offender was convicted, where the offender resides,
10 where the offender is an employee, and where the offender
11 is a student.

12 (b) **INITIAL REGISTRATION.**—The sex offender shall
13 initially register—

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

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

20 (c) **KEEPING THE REGISTRATION CURRENT.**—A sex
21 offender must inform each jurisdiction involved, not later
22 than 3 days after each change of residence, employment,
23 or student status.

24 (d) **INITIAL REGISTRATION OF SEX OFFENDERS UN-**
25 **ABLE TO COMPLY WITH SUBSECTION (b).**—The Attorney
26 General shall prescribe rules for the registration of sex of-

1 offenders convicted before the enactment of this Act or its
2 implementation in a particular jurisdiction, and for other
3 categories of sex offenders who are unable to comply with
4 subsection (b).

5 (e) STATE PENALTY FOR FAILURE TO COMPLY.—
6 Each jurisdiction, other than a Federally recognized In-
7 dian tribe, shall provide a criminal penalty, that includes
8 a maximum term of imprisonment that is greater than one
9 year, and a minimum term of imprisonment that is no less
10 than 90 days, for the failure of a sex offender to comply
11 with the requirements of this title.

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

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

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

19 (2) The Social Security number of the sex of-
20 fender.

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

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

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

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

5 (7) A photograph of the sex offender.

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

10 (9) A DNA sample of the sex offender, if the
11 appropriate official determines that the jurisdiction
12 does not already have available an appropriate DNA
13 sample.

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

17 (11) Any other information required by the At-
18 torney General.

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

22 (1) A statement of the facts of the offense giv-
23 ing rise to the requirement to register under this
24 title, including the date of the offense, and whether

1 or not the sex offender was prosecuted as a juvenile
2 at the time of the offense.

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

4 (3) Any other information required by the At-
5 torney General.

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

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

10 (1) 20 years, if the offender is a tier I sex of-
11 fender;

12 (2) 30 years, if the offender is a tier II sex of-
13 fender; and

14 (3) the life of the offender, if the offender is a
15 tier III sex offender.

16 **SEC. 116. IN PERSON VERIFICATION.**

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

21 (1) every six months, if the offender is a tier I
22 sex offender;

23 (2) every 3 months, if the offender is a tier II
24 sex offender; and

1 (3) every month, if the offender is a tier III sex
2 offender.

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

5 An appropriate official shall, shortly before release
6 from custody of the sex offender, or, if the sex offender
7 is not in custody, immediately after the sentencing of the
8 sex offender, for the offense giving rise to the duty to reg-
9 ister—

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

12 (2) require the sex offender to read and sign a
13 form stating that the duty to register has been ex-
14 plained and that the sex offender understands the
15 registration requirement; and

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

17 **SEC. 118. JESSICA LUNSFORD ADDRESS VERIFICATION**
18 **PROGRAM.**

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

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

1 (1) semi-annually, if the offender is a tier I sex
2 offender;

3 (2) quarterly, if the offender is a tier II sex of-
4 fender; and

5 (3) monthly, if the offender is a tier III sex of-
6 fender.

7 (c) USE OF MAILED FORM AUTHORIZED.—Such
8 verification may be achieved by mailing a nonforwardable
9 verification form to the last known address of the sex of-
10 fender. The sex offender must return the form, including
11 a notarized signature or a fingerprint verification, within
12 a set period of time. A failure to return the form as re-
13 quired may be a failure to register for the purposes of
14 this title.

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

16 (a) INTERNET.—The Attorney General shall main-
17 tain a national database at the Federal Bureau of Inves-
18 tigation for each sex offender and other person required
19 to register in a jurisdiction’s sex offender registry. The
20 database shall be known as the National Sex Offender
21 Registry.

22 (b) ELECTRONIC FORWARDING.—The Attorney Gen-
23 eral shall ensure (through the National Sex Offender Reg-
24 istry or otherwise) that updated information about a sex

1 offender is immediately transmitted by electronic for-
2 warding to all relevant jurisdictions.

3 **SEC. 120. DRU SJODIN NATIONAL SEX OFFENDER PUBLIC**
4 **WEBSITE.**

5 (a) ESTABLISHMENT.—There is established the Dru
6 Sjodin National Sex Offender Public Website (hereinafter
7 referred to as the “Website”).

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

13 **SEC. 121. PUBLIC ACCESS TO SEX OFFENDER INFORMA-**
14 **TION THROUGH THE INTERNET.**

15 (a) IN GENERAL.—Except as provided in subsection
16 (b), each jurisdiction shall make available on the Internet
17 all information about each sex offender in the registry, ex-
18 cept for the offender’s Social Security number, the identity
19 of any victim, and any other information exempted from
20 disclosure by the Attorney General. The jurisdiction shall
21 provide this information in a manner that is readily acces-
22 sible to the public.

23 (b) EXCEPTION.—To the extent authorized by the At-
24 torney General, a jurisdiction need not make available on

1 the Internet information about a tier I sex offender whose
2 offense is a juvenile adjudication.

3 **SEC. 122. MEGAN NICOLE KANKA AND ALEXANDRA NICOLE**
4 **ZAPP COMMUNITY NOTIFICATION PROGRAM.**

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

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

15 (1) The Attorney General, who shall include
16 that information in the National Sex Offender Reg-
17 istry or other appropriate data bases.

18 (2) Appropriate law enforcement agencies (in-
19 cluding probation agencies, if appropriate), and each
20 school and public housing agency, in each area in
21 which the individual resides, is employed, or is a stu-
22 dent.

23 (3) Each jurisdiction where the sex offender re-
24 sides, works, or attends school, and each jurisdiction

1 from or to which a change of residence, work, or
2 student status occurs.

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

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

9 (6) Volunteer organizations in which contact
10 with minors or other vulnerable individuals might
11 occur.

12 (7) The community at large.

13 (c) EXCEPTION.—In the case of a tier I sex offender
14 whose offense is a juvenile adjudication, the Attorney Gen-
15 eral may authorize limitation of the entities to which the
16 Program notification is given when the Attorney General
17 determines it is consistent with public safety to do so.

18 **SEC. 123. ACTIONS TO BE TAKEN WHEN SEX OFFENDER**

19 **FAILS TO COMPLY.**

20 An appropriate official shall notify the Attorney Gen-
21 eral and appropriate State, local, and tribal law enforce-
22 ment agencies of any failure by a sex offender to comply
23 with the requirements of a registry. The appropriate offi-
24 cial, the Attorney General, and each such law enforcement

1 agency shall take any appropriate action to ensure compli-
2 ance.

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

4 The Federal Government, jurisdictions, political sub-
5 divisions of jurisdictions, and their agencies, officers, em-
6 ployees, and agents shall be immune from liability for good
7 faith conduct under this title.

8 **SEC. 125. DEVELOPMENT AND AVAILABILITY OF REGISTRY**
9 **MANAGEMENT SOFTWARE.**

10 The Attorney General shall develop and support soft-
11 ware for use to establish, maintain, publish, and share sex
12 offender registries.

13 **SEC. 126. FEDERAL DUTY WHEN STATE PROGRAMS NOT**
14 **MINIMALLY SUFFICIENT.**

15 If the Attorney General determines that a jurisdiction
16 does not have a minimally sufficient sex offender registra-
17 tion program, the Department of Justice shall, to the ex-
18 tent practicable, carry out the duties imposed on that ju-
19 risdiction by this title.

20 **SEC. 127. PERIOD FOR IMPLEMENTATION BY JURISDIC-**
21 **TIONS.**

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

1 **SEC. 128. FAILURE TO COMPLY.**

2 (a) IN GENERAL.—For any fiscal year after the end
3 of the period for implementation, a jurisdiction that fails,
4 as determined by the Attorney General, substantially to
5 implement this title shall not receive 10 percent of the
6 funds that would otherwise be allocated for that fiscal year
7 to the jurisdiction under subpart 1 of part E of title I
8 of the Omnibus Crime Control and Safe Streets Act of
9 1968 (42 U.S.C. 3570 et seq.).

10 (b) REALLOCATION.—Amounts not allocated under a
11 program referred to in paragraph (1) to a jurisdiction for
12 failure to fully implement this title shall be reallocated
13 under that program to jurisdictions that have not failed
14 to implement this title or may be reallocated to a jurisdic-
15 tion from which they were withheld to be used solely for
16 the purpose of implementing this title.

17 (c) RULE OF CONSTRUCTION.—The provisions of this
18 title that are cast as directions to jurisdictions or their
19 officials constitute, in relation to States, only conditions
20 required to avoid the reduction of Federal funding under
21 this section.

22 **SEC. 129. SEX OFFENDER MANAGEMENT ASSISTANCE**
23 **(SOMA) PROGRAM.**

24 (a) IN GENERAL.—The Attorney General shall estab-
25 lish and implement a Sex Offender Management Assist-
26 ance program (in this title referred to as the “SOMA pro-

1 gram”) under which the Attorney General may award a
2 grant to a jurisdiction to offset the costs of implementing
3 this title.

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

8 (c) BONUS PAYMENTS FOR PROMPT COMPLIANCE.—
9 A jurisdiction that, as determined by the Attorney Gen-
10 eral, has substantially implemented this title not later
11 than two years after the date of the enactment of this Act
12 is eligible for a bonus payment. The Attorney General may
13 make such a payment under the SOMA program for the
14 first fiscal year beginning after that determination. The
15 amount of the payment shall be—

16 (1) 10 percent of the total received by the jurisdic-
17 tion under the SOMA program for the preceding
18 fiscal year, if that implementation is not later than
19 one year after the date of enactment of this Act; and

20 (2) 5 percent of such total, if not later than two
21 years after that date.

22 (d) AUTHORIZATION OF APPROPRIATIONS.—In addi-
23 tion to any amounts otherwise authorized to be appro-
24 priated, there are authorized to be appropriated such sums
25 as may be necessary to the Attorney General, to be avail-

1 able only for the SOMA program, for fiscal years 2006
2 through 2008.

3 **SEC. 130. DEMONSTRATION PROJECT FOR USE OF ELEC-**
4 **TRONIC MONITORING DEVICES.**

5 (a) PROJECT REQUIRED.—The Attorney General
6 shall carry out a demonstration project under which the
7 Attorney General makes grants to jurisdictions to dem-
8 onstrate the extent to which electronic monitoring devices
9 can be used effectively in a sex offender management pro-
10 gram.

11 (b) USE OF FUNDS.—The jurisdiction may use grant
12 amounts under this section directly, or through arrange-
13 ments with public or private entities, to carry out pro-
14 grams under which the whereabouts of sex offenders are
15 monitored by electronic monitoring devices.

16 (c) PARTICIPANTS.—Not more than 10 jurisdictions
17 may participate in the demonstration project at any one
18 time.

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

22 (1) The total number of sex offenders in the ju-
23 risdiction.

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

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

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

6 (e) DURATION.—The Attorney General shall carry
7 out the demonstration project for fiscal years 2007, 2008,
8 and 2009.

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

13 (g) ONE-TIME REPORT AND RECOMMENDATIONS.—
14 Not later than April 1, 2008, the Attorney General shall
15 submit to Congress a report—

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

18 (2) comparing the cost-effectiveness of the elec-
19 tronic monitoring to reduce sex offenses compared to
20 other alternatives; and

21 (3) making recommendations for continuing
22 funding and the appropriate levels for such funding.

23 (h) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated to carry out this section
25 such sums as may be necessary.

1 **SEC. 131. BONUS PAYMENTS TO STATES THAT IMPLEMENT**
2 **ELECTRONIC MONITORING.**

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

9 (b) ELECTRONIC MONITORING LAWS AND POLI-
10 CIES.—

11 (1) IN GENERAL.—Laws and policies referred
12 to in subsection (a) are laws and policies that ensure
13 that electronic monitoring is required of a person if
14 that person is released after being convicted of a sex
15 offense in which an individual who has not attained
16 the age of 18 years is the victim.

17 (2) MONITORING REQUIRED.—The monitoring
18 required under paragraph (1) is a system that ac-
19 tively monitors and identifies the person's location
20 and timely reports or records the person's presence
21 near or within a crime scene or in a prohibited area
22 or the person's departure from specified geographic
23 limitations.

24 (3) DURATION.—The electronic monitoring re-
25 quired by paragraph (1) shall be required of the per-
26 son—

- 1 (A) for the life of the person, if—
2 (I) an individual who has not attained
3 the age of 12 years is the victim; or
4 (ii) the person has a prior sex convic-
5 tion (as defined in section 3559(e) of title
6 18, United States Code); and
7 (B) for the period during which the person
8 is on probation, parole, or supervised release for
9 the offense, in any other case.

10 (4) JURISDICTION REQUIRED TO MONITOR ALL
11 SEX OFFENDERS RESIDING IN JURISDICTION.—In
12 addition, laws and policies referred to in subsection
13 (a) also include laws and policies that ensure that
14 the jurisdiction frequently monitors each person re-
15 siding in the jurisdiction for whom electronic moni-
16 toring is required, whether such monitoring is re-
17 quired under this section or under section
18 3563(a)(9) of title 18, United States Code.

19 (c) BONUS PAYMENTS.—The bonus payment referred
20 to in subsection (a) is a payment equal to 10 percent of
21 the funds that would otherwise be allocated for that fiscal
22 year to the jurisdiction under subpart 1 of part E of title
23 I of the Omnibus Crime Control and Safe Streets Act of
24 1968 (42 U.S.C. 3570 et seq.).

1 **SEC. 132. ACCESS TO NATIONAL CRIME INFORMATION**
2 **DATABASES.**

3 (a) **IN GENERAL.**—Notwithstanding any other provi-
4 sion of law, the Attorney General shall ensure access to
5 the national crime information databases (as defined in
6 section 534 of title 28, United States Code) by—

7 (1) the National Center for Missing and Ex-
8 ploited Children, to be used only within the scope of
9 the Center’s duties and responsibilities under Fed-
10 eral law to assist or support law enforcement agen-
11 cies in administration of criminal justice functions;
12 and

13 (2) governmental social service agencies with
14 child protection responsibilities, to be used by such
15 agencies only in investigating or responding to re-
16 ports of child abuse, neglect, or exploitation.

17 (b) **CONDITIONS OF ACCESS.**—The access provided
18 under this section, and associated rules of dissemination,
19 shall be—

20 (1) defined by the Attorney General; and

21 (2) limited to personnel of the Center or such
22 agencies that have met all requirements set by the
23 Attorney General, including training, certification,
24 and background screening.

1 **SEC. 133. LIMITED IMMUNITY FOR NATIONAL CENTER FOR**
2 **MISSING AND EXPLOITED CHILDREN WITH**
3 **RESPECT TO CYBERTIPLINE.**

4 Section 227 of the Victims of Child Abuse Act of
5 1990 (42 U.S.C. 13032) is amended by adding at the end
6 the following new subsection:

7 “(g) LIMITATION ON LIABILITY.—

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

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

25 “(3) ORDINARY BUSINESS ACTIVITIES.—Para-
26 graph (1) does not apply to an act or omission re-

1 lated to an ordinary business activity, such as an ac-
2 tivity involving general administration or operations,
3 the use of motor vehicles, or personnel manage-
4 ment.”.

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

7 Section 3621 of title 18, United States Code, is
8 amended by adding at the end the following new sub-
9 section:

10 “(f) SEX OFFENDER MANAGEMENT.—

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

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

21 “(B) RESIDENTIAL SEX OFFENDER
22 TREATMENT PROGRAMS.—The Bureau of Pris-
23 ons shall establish residential sex offender
24 treatment programs to provide treatment to sex
25 offenders who volunteer for such programs and

1 are deemed by the Bureau of Prisons to be in
2 need of and suitable for residential treatment.

3 “(2) REGIONS.—At least one sex offender man-
4 agement program under paragraph (1)(A), and at
5 least one residential sex offender treatment program
6 under paragraph (1)(B), shall be established in each
7 region within the Bureau of Prisons.

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

12 **SEC. 135. GAO STUDIES ON FEASIBILITY OF USING DRIV-**
13 **ER’S LICENSE REGISTRATION PROCESSES AS**
14 **ADDITIONAL REGISTRATION REQUIREMENTS**
15 **FOR SEX OFFENDERS.**

16 For the purposes of determining the feasibility of
17 using driver’s license registration processes as additional
18 registration requirements for sex offenders to improve the
19 level of compliance with sex offender registration require-
20 ments for change of address upon relocation and other re-
21 lated updates of personal information, the Congress re-
22 quires the following studies:

23 (1) Not later than 180 days after the date of
24 the enactment of this Act, the Government Account-
25 ability Office shall complete a study for the Com-

1 mittee on the Judiciary of the House of Representa-
2 tives to survey a majority of the States to assess the
3 relative systems capabilities to comply with a Fed-
4 eral law that required all State driver’s license sys-
5 tems to automatically access State and national
6 databases of registered sex offenders in a form simi-
7 lar to the requirement of the Nevada law described
8 in paragraph (2). The Government Accountability
9 Office shall use the information drawn from this
10 survey, along with other expert sources, to determine
11 what the potential costs to the States would be if
12 such a Federal law came into effect, and what level
13 of Federal grants would be required to prevent an
14 unfunded mandate. In addition, the Government Ac-
15 countability Office shall seek the views of Federal
16 and State law enforcement agencies, including in
17 particular the Federal Bureau of Investigation, with
18 regard to the anticipated effects of such a national
19 requirement, including potential for undesired side
20 effects in terms of actual compliance with this Act
21 and related laws.

22 (2) Not later than October 2006, the Govern-
23 ment Accountability Office shall complete a study to
24 evaluate the provisions of Chapter 507 of Statutes
25 of Nevada 2005 to determine—

1 (A) if those provisions are effective in in-
2 creasing the registration compliance rates of sex
3 offenders;

4 (B) the aggregate direct and indirect costs
5 for the state of Nevada to bring those provi-
6 sions into effect; and

7 (C) whether those provisions should be
8 modified to improve compliance by registered
9 sex offenders.

10 **SEC. 136. ASSISTANCE IN IDENTIFICATION AND LOCATION**
11 **OF SEX OFFENDERS RELOCATED AS A RE-**
12 **SULT OF A MAJOR DISASTER.**

13 The Attorney General shall provide technical assist-
14 ance to jurisdictions to assist them in the identification
15 and location of a sex offender relocated as a result of a
16 major disaster.

17 **SEC. 137. ELECTION BY INDIAN TRIBES.**

18 (a) ELECTION.—

19 (1) IN GENERAL.—A federally recognized In-
20 dian tribe may, by resolution or other enactment of
21 the tribal council or comparable governmental
22 body—

23 (A) elect to carry out this subtitle as a ju-
24 risdiction subject to its provisions; or

1 (B) elect to delegate its functions under
2 this subtitle to another jurisdiction or jurisdic-
3 tions within which the territory of the tribe is
4 located and to provide access to its territory
5 and such other cooperation and assistance as
6 may be needed to enable such other jurisdiction
7 or jurisdictions to carry out and enforce the re-
8 quirements of this subtitle.

9 (2) IMPUTED ELECTION IN CERTAIN CASES.—A
10 tribe shall be treated as if it had made the election
11 described in paragraph (1)(B) if—

12 (A) it is a tribe subject to the law enforce-
13 ment jurisdiction of a State under section 1162
14 of title 18, United States Code;

15 (B) the tribe does not make an election
16 under paragraph (1) within 1 year of the enact-
17 ment of this Act or rescinds an election under
18 paragraph (1)(A); or

19 (C) the Attorney General determines that
20 the tribe has not implemented the requirements
21 of this subtitle and is not likely to become capa-
22 ble of doing so within a reasonable amount of
23 time.

24 (b) COOPERATION BETWEEN TRIBAL AUTHORITIES
25 AND OTHER JURISDICTIONS.—

1 (1) NONDUPLICATION.—A tribe subject to this
2 subtitle is not required to duplicate functions under
3 this subtitle which are fully carried out by another
4 jurisdiction or jurisdictions within which the terri-
5 tory of the tribe is located.

6 (2) COOPERATIVE AGREEMENTS.—A tribe may,
7 through cooperative agreements with such a jurisdic-
8 tion or jurisdictions—

9 (A) arrange for the tribe to carry out any
10 function of such a jurisdiction under this sub-
11 title with respect to sex offenders subject to the
12 tribe’s jurisdiction; and

13 (B) arrange for such a jurisdiction to carry
14 out any function of the tribe under this subtitle
15 with respect to sex offenders subject to the
16 tribe’s jurisdiction.

17 **SEC. 138. REGISTRATION OF PRISONERS RELEASED FROM**
18 **FOREIGN IMPRISONMENT.**

19 The Attorney General, in consultation with the Sec-
20 retary of State and the Secretary of Homeland Security,
21 shall establish and maintain a system for informing the
22 relevant jurisdictions about persons entering the United
23 States who are required to register under this title.

1 **SEC. 139. SEX OFFENDER RISK CLASSIFICATION STUDY.**

2 (a) STUDY.—The Attorney General shall conduct a
3 study of risk-based sex offender classification systems,
4 which shall include an analysis of—

5 (1) various risk-based sex offender classification
6 systems;

7 (2) the methods and assessment tools available
8 to assess the risks posed by sex offenders;

9 (3) the efficiency and effectiveness of risk-based
10 sex offender classification systems, in comparison to
11 offense-based sex offender classification systems,
12 in—

13 (A) reducing threats to public safety posed
14 by sex offenders; and

15 (B) assisting law enforcement agencies and
16 the public in identifying the most dangerous sex
17 offenders;

18 (4) the resources necessary to implement, and
19 the legal implications of implementing, risk-based
20 sex offender classification systems for sex offender
21 registries; and

22 (5) any other information the Attorney General
23 determines necessary to evaluate risk-based sex of-
24 fender classification systems.

25 (b) REPORT.—Not later than 18 months after the
26 date of enactment of this Act, the Attorney General shall

1 report to the Congress the results of the study under this
2 section.

3 (c) STUDY CONDUCTED BY TASK FORCE.—The At-
4 torney General may establish a task force to conduct the
5 study and prepare the report required under this section.
6 Any task force established under this section shall be com-
7 posed of members, appointed by the Attorney General,
8 who—

9 (1) represent national, State, and local inter-
10 ests; and

11 (2) are especially qualified to serve on the task
12 force by virtue of their education, training, or expe-
13 rience, particularly in the fields of sex offender man-
14 agement, community education, risk assessment of
15 sex offenders, and sex offender victim issues.

16 **SEC. 140. STUDY OF THE EFFECTIVENESS OF RESTRICTING**
17 **THE ACTIVITIES OF SEX OFFENDERS TO RE-**
18 **DUCE THE OCCURRENCE OF REPEAT OF-**
19 **FENSES.**

20 (a) STUDY.—The Attorney General shall conduct a
21 study to evaluate the effectiveness of monitoring and re-
22 stricting the activities of sex offenders to reduce the occur-
23 rence of repeat offenses by such sex offenders. The study
24 shall evaluate—

1 (1) the effectiveness of methods of monitoring
2 and restricting the activities of sex offenders, includ-
3 ing restrictions—

4 (A) on the areas in which sex offenders
5 can reside, work, and attend school;

6 (B) limiting access by sex offenders to the
7 Internet or to specific Internet sites;

8 (C) preventing access by sex offenders to
9 pornography and other obscene materials; and

10 (D) imposed as part of supervised release
11 or probation conditions;

12 (2) the ability of law enforcement agencies and
13 courts to enforce such restrictions; and

14 (3) the efficacy of any other restrictions that
15 may reduce the occurrence of repeat offenses by sex
16 offenders.

17 (b) REPORT.—Not later than 6 months after the date
18 of enactment of this Act, the Attorney General shall report
19 to the Committee on the Judiciary of the House of Rep-
20 resentatives and the Committee on the Judiciary of the
21 Senate the results of the study under this section.

1 **Subtitle B—Criminal Law Enforce-**
 2 **ment of Registration Require-**
 3 **ments**

4 **SEC. 151. AMENDMENTS TO TITLE 18, UNITED STATES**
 5 **CODE, RELATING TO SEX OFFENDER REG-**
 6 **ISTRATION.**

7 (a) **CRIMINAL PENALTIES FOR NONREGISTRATION.—**

8 Part I of title 18, United States Code, is amended by in-
 9 serting after chapter 109A the following:

10 **“CHAPTER 109B—SEX OFFENDER AND**
 11 **CRIMES AGAINST CHILDREN REGISTRY**

“Sec
 “2250. Failure to register

12 **“§ 2250. Failure to register**

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

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

18 “(2) travels in interstate or foreign commerce,
 19 or enters or leaves, or resides in, Indian country;

20 and knowingly fails to register as required shall be fined
 21 under this title or imprisoned not more than 20 years, or
 22 both.”.

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

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

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

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

14 “(8) for a person required to register under the
15 Sex Offender Registration and Notification Act, that
16 the person comply with the requirements of that
17 Act; and”.

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

20 (1) in subsection (d), in the sentence beginning
21 with “The court shall order, as an explicit condition
22 of supervised release for a person described in sec-
23 tion 4042(c)(4)”, by striking “described in section
24 4042(c)(4)” and all that follows through the end of
25 the sentence and inserting “required to register

1 under the Sex Offender Registration and Notifica-
2 tion Act that the person comply with the require-
3 ments of that Act.”.

4 (2) in subsection (k)—

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

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

9 (C) by adding at the end the following: “If
10 a defendant required to register under the Sex
11 Offender Registration and Notification Act vio-
12 lates the requirements of that Act or commits
13 any criminal offense for which imprisonment for
14 a term longer than one year can be imposed,
15 the court shall revoke the term of supervised re-
16 lease and require the defendant to serve a term
17 of imprisonment under subsection (e)(3) with-
18 out regard to the exception contained therein.
19 Such term shall be not less than 5 years, and
20 if the offense was an offense under chapter
21 109A, 109B, 110, or 117, or section 1591, not
22 less than 10 years.”.

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

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

8 (g) CONFORMING AMENDMENTS TO CROSS REF-
9 ERENCES.—Paragraphs (1) and (2) of section 4042(c) of
10 title 18, United States Code, are each amended by striking
11 “(4)” each place it appears and inserting “(3)”.

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

15 (I) MILITARY OFFENSES.—

16 (1) Section 115(a)(8)(C)(I) of Public Law 105–
17 119 (111 Stat. 2466) is amended by striking “which
18 encompass” and all that follows through “and (B))”
19 and inserting “which are sex offenses as that term
20 is defined in the Sex Offender Registration and No-
21 tification Act”.

22 (2) Section 115(a)(8)(C)(iii) of Public Law
23 105–119 (111 Stat. 2466; 10 U.S.C. 951 note) is
24 amended by striking “the amendments made under

1 **“§ 2249. Use of any controlled substance to facilitate**
2 **sex offense**

3 “(a) Whoever, knowingly uses a controlled substance
4 to substantially impair the ability of a person to appraise
5 or control conduct, in order to commit a sex offense, other
6 than an offense where such use is an element of the of-
7 fense, shall, in addition to the punishment provided for
8 the sex offense, be imprisoned for any term of years not
9 more than 10 years.

10 “(b) As used in this section, the term ‘sex offense’
11 means an offense under this chapter other than an offense
12 under this section.

13 **“§ 2250. Internet sales of date rape drugs**

14 “(a) Whoever knowingly uses the Internet to dis-
15 tribute (as that term is defined for the purposes of the
16 Controlled Substances Act) a date rape drug to any person
17 shall be fined under this title or imprisoned not more than
18 20 years, or both.

19 “(b) As used in this section, the term ‘date rape drug’
20 means gamma hydroxybutyric acid, ketamine, or
21 flunitrazepam, or any analogue of such a substance, in-
22 cluding gamma butyrolactone or 1,4-butanediol.”.

23 (b) AMENDMENT TO TABLE OF SECTIONS.—The
24 table of sections at the beginning of chapter 109A of title
25 18, United States Code, is amended by adding at the end
26 the following new item:

“2249. Use of any controlled substance to facilitate sex offense
“2250. Internet sales of date rape drugs”.

1 **SEC. 155. REPEAL OF PREDECESSOR SEX OFFENDER PRO-**
2 **GRAM.**

3 Sections 170101 (42 U.S.C. 14071) and 170102 (42
4 U.S.C. 14072) of the Violent Crime Control and Law En-
5 forcement Act of 1994, and section 8 of the Pam Lychner
6 Sexual Offender Tracking and Identification Act of 1996
7 (42 U.S.C. 14073), are repealed.

8 **SEC. 156. ASSISTANCE FOR PROSECUTION OF CASES**
9 **CLEARED THROUGH USE OF DNA BACKLOG**
10 **CLEARANCE FUNDS.**

11 (a) IN GENERAL.—The Attorney General may make
12 grants to train and employ personnel to help prosecute
13 cases cleared through use of funds provided for DNA
14 backlog elimination.

15 (b) AUTHORIZATION.—There are authorized to be ap-
16 propriated such sums as may be necessary for each of fis-
17 cal years 2006 through 2010 to carry out this section.

18 **SEC. 157. GRANTS TO COMBAT SEXUAL ABUSE OF CHIL-**
19 **DREN.**

20 (a) IN GENERAL.—The Bureau of Justice Assistance
21 shall make grants to law enforcement agencies for pur-
22 poses of this section. The Bureau shall make such a
23 grant—

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

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

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

8 (1) hire additional law enforcement personnel,
9 or train existing staff to combat the sexual abuse of
10 children through community education and outreach,
11 investigation of complaints, enforcement of laws re-
12 lating to sex offender registries, and management of
13 released sex offenders;

14 (2) investigate the use of the Internet to facili-
15 tate the sexual abuse of children; and

16 (3) purchase computer hardware and software
17 necessary to investigate sexual abuse of children over
18 the Internet, access local, State, and Federal data-
19 bases needed to apprehend sex offenders, and facili-
20 tate the creation and enforcement of sex offender
21 registries.

22 (c) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated such sums as may be
24 necessary for fiscal years 2006 through 2008 to carry out
25 this section.

1 **SEC. 158. EXPANSION OF TRAINING AND TECHNOLOGY EF-**
2 **FORTS.**

3 (a) TRAINING.—The Attorney General, in consulta-
4 tion with the Office of Juvenile Justice and Delinquency
5 Prevention, shall—

6 (1) expand training efforts with Federal, State,
7 and local law enforcement officers and prosecutors
8 to effectively respond to the threat to children and
9 the public posed by sex offenders who use the Inter-
10 net and technology to solicit or otherwise exploit
11 children;

12 (2) facilitate meetings, between corporations
13 that sell computer hardware and software or provide
14 services to the general public related to use of the
15 Internet, to identify problems associated with the
16 use of technology for the purpose of exploiting chil-
17 dren;

18 (3) host national conferences to train Federal,
19 State, and local law enforcement officers, probation
20 and parole officers, and prosecutors regarding pro-
21 active approaches to monitoring sex offender activity
22 on the Internet;

23 (4) develop and distribute, for personnel listed
24 in paragraph (3), information regarding multi-dis-
25 ciplinary approaches to holding offenders account-

1 able to the terms of their probation, parole, and sex
2 offender registration laws; and

3 (5) partner with other agencies to improve the
4 coordination of joint investigations among agencies
5 to effectively combat on-line solicitation of children
6 by sex offenders.

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

10 (1) deploy, to all Internet Crimes Against Chil-
11 dren Task Forces and their partner agencies, tech-
12 nology modeled after the Canadian Child Exploi-
13 tation Tracking System; and

14 (2) conduct training in the use of that tech-
15 nology.

16 (c) REPORT.—Not later than July 1, 2006, the Attor-
17 ney General, in consultation with the Office of Juvenile
18 Justice and Delinquency Prevention, shall submit to Con-
19 gress a report on the activities carried out under this sec-
20 tion. The report shall include any recommendations that
21 the Attorney General, in consultation with the Office, con-
22 siders appropriate.

23 (d) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated to the Attorney General,
25 for fiscal year 2006—

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

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

3 **SEC. 159. REVOCATION OF PROBATION OR SUPERVISED RE-**
4 **LEASE.**

5 (a) PROBATION.—Section 3565(b) of title 18, United
6 States Code, is amended—

7 (1) in paragraph (3) by striking ‘or’ at the end;

8 and

9 (2) by inserting after paragraph (4) the fol-
10 lowing:

11 “(5) commits a felony crime of violence; or

12 “(6) commits a crime of violence against, or an
13 offense that consists of or is intended to facilitate
14 unlawful sexual contact (as defined in section 2246)
15 with, a person who has not attained the age of 18
16 years;”.

17 (b) SUPERVISED RELEASE.—Section 3583(g) of title
18 18, United States Code, is amended—

19 (1) in paragraph (3) by striking ‘or’ at the end;

20 and

21 (2) by inserting after paragraph (4) the fol-
22 lowing:

23 “(5) commits a felony crime of violence; or

24 “(6) commits a crime of violence against, or an
25 offense that consists of or is intended to facilitate

1 unlawful sexual contact (as defined in section 2246)
2 with, a person who has not attained the age of 18
3 years;”.

4 **Subtitle C—Office on Sexual Vio-**
5 **lence and Crimes Against Chil-**
6 **dren**

7 **SEC. 161. ESTABLISHMENT.**

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

12 **SEC. 162. DIRECTOR.**

13 The Office shall be headed by a Director who shall
14 be appointed by the President. The Director shall report
15 to the Attorney General through the Assistant Attorney
16 General for the Office of Justice Programs and shall have
17 final authority for all grants, cooperative agreements, and
18 contracts awarded by the Office. The Director shall not
19 engage in any employment other than that of serving as
20 the Director, nor shall the Director hold any office in, or
21 act in any capacity for, any organization, agency, or insti-
22 tution with which the Office makes any contract or other
23 arrangement.

24 **SEC. 163. DUTIES AND FUNCTIONS.**

25 The Office is authorized to—

1 (1) administer the standards for sex offender
2 registration and notification programs set forth in
3 this title;

4 (2) administer grant programs relating to sex
5 offender registration and notification authorized by
6 this title and other grant programs authorized by
7 this title as directed by the Attorney General;

8 (3) cooperate with and provide technical assist-
9 ance to States, units of local government, tribal gov-
10 ernments, and other public and private entities in-
11 volved in activities related to sex offender registra-
12 tion or notification or to other measures for the pro-
13 tection of children or other members of the public
14 from sexual abuse or exploitation; and

15 (4) perform such other functions as the Attor-
16 ney General may delegate.

17 **TITLE II—DNA FINGERPRINTING**

18 **SEC. 201. TECHNICAL AMENDMENT.**

19 The first sentence of section 3(a)(1)(A) of the DNA
20 Analysis Backlog Elimination Act of 2000 (42 U.S.C.
21 14135a(a)(1)(A)) is amended by striking “or from” and
22 all that follows through “detained” and inserting “, de-
23 tained, or convicted”.

1 **SEC. 202. STOPPING VIOLENT PREDATORS AGAINST CHIL-**
2 **DREN.**

3 In carrying out Acts of Congress relating to DNA
4 databases, the Attorney General shall give appropriate
5 consideration to the need for the collection and testing of
6 DNA to stop violent predators against children.

7 **SEC. 203. MODEL CODE ON INVESTIGATING MISSING PER-**
8 **SONS AND DEATHS.**

9 (a) SENSE OF CONGRESS.—It is the sense of Con-
10 gress that each State should, not later than 1 year after
11 the date on which the Attorney General published the
12 model code, enact laws implementing the model code.

13 (b) GAO STUDY.—Not later than 2 years after the
14 date on which the Attorney General published the model
15 code, the Comptroller General shall submit to Congress
16 a report on the extent to which States have implemented
17 the model code. The report shall, for each State—

18 (1) describe the extent to which the State has
19 implemented the model code; and

20 (2) to the extent the State has not implemented
21 the model code, describe the reasons why the State
22 has not done so.

1 **TITLE III—PREVENTION AND DE-**
2 **TERRENCE OF CRIMES**
3 **AGAINST CHILDREN**

4 **SEC. 301. ASSURED PUNISHMENT FOR VIOLENT CRIMES**
5 **AGAINST CHILDREN.**

6 (a) SPECIAL SENTENCING RULE.—Subsection (d) of
7 section 3559 of title 18, United States Code, is amended
8 to read as follows:

9 “(d) MANDATORY MINIMUM TERMS OF IMPRISON-
10 MENT FOR VIOLENT CRIMES AGAINST CHILDREN.—A
11 person who is convicted of a felony crime of violence
12 against the person of an individual who has not attained
13 the age of 18 years shall, unless a greater mandatory min-
14 imum sentence of imprisonment is otherwise provided by
15 law and regardless of any maximum term of imprisonment
16 otherwise provided for the offense—

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

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

24 “(3) if the crime of violence results in serious
25 bodily injury (as defined in section 2119), be impris-

1 oned for life or for any term of years not less than
2 20.”.

3 **SEC. 302. KENNETH WREDE FAIR AND EXPEDITIOUS HA-**
4 **BEAS REVIEW OF STATE CRIMINAL CONVIC-**
5 **TIONS.**

6 (a) SECTION 2264.—Section 2264 of title 28, United
7 States Code, is amended by redesignating subsection (b)
8 as subsection (c) and inserting after subsection (a) the fol-
9 lowing:

10 “(b) The court shall not have jurisdiction to consider
11 an application with respect to an error relating to the ap-
12 plicant’s sentence or sentencing that has been found to
13 be harmless or not prejudicial in State court proceedings,
14 that was not presented in State court proceedings, or that
15 was found by a State court to be procedurally barred, un-
16 less a determination that the error is not structural is con-
17 trary to clearly established Federal law, as determined by
18 the Supreme Court of the United States.”.

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

22 “(j) The court, Justice, or judge entertaining the ap-
23 plication shall not have jurisdiction to consider an applica-
24 tion with respect to an error relating to the applicant’s
25 sentence or sentencing that has been found to be harmless

1 or not prejudicial in State court proceedings, that was not
2 presented in State court proceedings, or that was found
3 by a State court to be procedurally barred, unless a deter-
4 mination that the error is not structural is contrary to
5 clearly established Federal law, as determined by the Su-
6 preme Court of the United States.”.

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

10 **SEC. 303. RIGHTS ASSOCIATED WITH HABEAS CORPUS PRO-**
11 **CEEDINGS.**

12 Section 3771(b) of title 18, United States Code, is
13 amended—

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

16 “(1) IN GENERAL.—In any court proceeding”;
17 and

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

19 “(2) HABEAS CORPUS PROCEEDINGS.—

20 “(A) IN GENERAL.—In a Federal habeas
21 corpus proceeding arising out of a State convic-
22 tion, the court shall ensure that a crime victim
23 is afforded the rights described in paragraphs
24 (3), (4), (7), and (8) of subsection (a).

25 “(B) ENFORCEMENT.—

1 “(I) IN GENERAL.—These rights may
2 be enforced by the crime victim or the
3 crime victim’s lawful representative in the
4 manner described in paragraphs (1) and
5 (3) of subsection (d).

6 “(ii) MULTIPLE VICTIMS.—In a case
7 involving multiple victims, subsection
8 (d)(2) shall also apply.

9 “(C) LIMITATION.—This paragraph relates
10 to the duties of a court in relation to the rights
11 of a crime victim in Federal habeas corpus pro-
12 ceedings arising out of a State conviction, and
13 does not give rise to any obligation or require-
14 ment applicable to personnel of any agency of
15 the Executive Branch of the Federal Govern-
16 ment.

17 “(D) DEFINITION.—For purposes of this
18 paragraph, the term ‘crime victim’ means the
19 person against whom the State offense is com-
20 mitted or, if that person is killed or incapaci-
21 tated, that person’s family member or other
22 lawful representative.”.

1 **SEC. 304. STUDY OF INTERSTATE TRACKING OF PERSONS**
2 **CONVICTED OF OR UNDER INVESTIGATION**
3 **FOR CHILD ABUSE.**

4 (a) STUDY.—The Attorney General shall study the
5 establishment of a nationwide interstate tracking system
6 of persons convicted of, or under investigation for, child
7 abuse. The study shall include an analysis, along with the
8 costs and benefits, of various mechanisms for establishing
9 an interstate tracking system, and include the extent to
10 which existing registries could be used.

11 (b) REPORT.—Not later than 90 days after the date
12 of the enactment of this Act, the Attorney General shall
13 report to the Congress the results of the study under this
14 section.

15 **TITLE IV—PROTECTION**
16 **AGAINST SEXUAL EXPLOI-**
17 **TATION OF CHILDREN**

18 **SEC. 401. INCREASED PENALTIES FOR SEXUAL OFFENSES**
19 **AGAINST CHILDREN.**

20 (a) SEXUAL ABUSE AND CONTACT.—

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

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

4 (A) in subsection (a)—

5 (I) in paragraph (1), by inserting
6 “subsection (a) or (b) of” before “section
7 2241”;

8 (ii) by striking “or” at the end of
9 paragraph (3);

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

12 (iv) by inserting after paragraph (4)
13 the following:

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

18 (B) in subsection (c), by inserting “(other
19 than subsection (a)(5))” after “violates this sec-
20 tion”.

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

24 (A) by inserting “, chapter 110, chapter
25 117, or section 1591” after “this chapter”;

1 (B) by striking “A person” and inserting

2 “(a) **IN GENERAL.**—A person”; and

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

4 “(b) **OFFENSES INVOLVING YOUNG CHILDREN.**—A

5 person who, in the course of an offense under this chapter,

6 chapter 110, chapter 117, or section 1591 engages in con-

7 duct that results in the death of a person who has not

8 attained the age of 12 years, shall be punished by death

9 or imprisoned for not less than 30 years or for life.”.

10 (4) **DEATH PENALTY AGGRAVATING FACTOR.**—

11 Section 3592(c)(1) of title 18, United States Code,

12 is amended by inserting “section 2245 (sexual abuse

13 resulting in death),” after “(wrecking trains),”.

14 (b) **SEXUAL EXPLOITATION AND OTHER ABUSE OF**

15 **CHILDREN.**—

16 (1) **SEXUAL EXPLOITATION OF CHILDREN.**—

17 Section 2251(e) of title 18, United States Code, is

18 amended—

19 (A) by inserting “section 1591,” after

20 “this chapter,” the first place it appears;

21 (B) by striking “the sexual exploitation of

22 children” the first place it appears and insert-

23 ing “aggravated sexual abuse, sexual abuse,

24 abusive sexual contact involving a minor or

25 ward, or sex trafficking of children, or the pro-

1 duction, possession, receipt, mailing, sale, dis-
2 tribution, shipment, or transportation of child
3 pornography”; and

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

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

11 (A) by striking “paragraphs (1)” and in-
12 serting “paragraph (1)”;

13 (B) by inserting “section 1591,” after
14 “this chapter,”; and

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

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

21 (A) by inserting “section 1591,” after
22 “this chapter,”; and

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

1 (4) USING MISLEADING DOMAIN NAMES TO DI-
2 RECT CHILDREN TO HARMFUL MATERIAL ON THE
3 INTERNET.—Section 2252B(b) of title 18, United
4 States Code, is amended by striking “4” and insert-
5 ing “20”.

6 (5) EXTRATERRITORIAL CHILD PORNOGRAPHY
7 OFFENSES.—Section 2260(c) of title 18, United
8 States Code, is amended to read as follows:

9 “(c) PENALTIES.—

10 “(1) A person who violates subsection (a), or
11 attempts or conspires to do so, shall be subject to
12 the penalties provided in subsection (e) of section
13 2251 for a violation of that section, including the
14 penalties provided for such a violation by a person
15 with a prior conviction or convictions as described in
16 that subsection.

17 “(2) A person who violates subsection (b), or
18 attempts or conspires to do so, shall be subject to
19 the penalties provided in subsection (b)(1) of section
20 2252 for a violation of paragraph (1), (2), or (3) of
21 subsection (a) of that section, including the penalties
22 provided for such a violation by a person with a
23 prior conviction or convictions as described in sub-
24 section (b)(1) of section 2252.”.

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

5 (1) by striking “or 2423(a)” and inserting
6 “2423(a)”; and

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

13 **SEC. 402. SENSE OF CONGRESS WITH RESPECT TO PROS-**
14 **ECUTIONS UNDER SECTION 2422(b) OF TITLE**
15 **18, UNITED STATES CODE.**

16 (a) FINDINGS.—Congress finds that—

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

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

1 (3) notwithstanding, Dean Whipple, District
2 Judge for the Western District of Missouri, acquitted
3 Jan Helder, ruling that because he did not, in
4 fact, communicate with a minor, he did not commit
5 a crime;

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

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

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

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

22 (1) it is a crime under section 2422(b) of title
23 18, United States Code, to use a facility of inter-
24 state commerce to attempt to entice an individual
25 who has not attained the age of 18 years into unlaw-

1 ful sexual activity, even if the perpetrator incorrectly
2 believes that the individual has not attained the age
3 of 18 years;

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

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

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

18 **SEC. 403. GRANTS FOR CHILD SEXUAL ABUSE PREVENTION**

19 **PROGRAMS.**

20 (a) IN GENERAL.—The Attorney General shall make
21 grants to States, units of local government, Indian tribes,
22 and nonprofit organizations for purposes of establishing
23 and maintaining programs with respect to the prevention
24 of sexual offenses committed against minors.

1 (b) STATE DEFINED.—For purposes of this section,
2 the term “State” means any State of the United States,
3 the District of Columbia, the Commonwealth of Puerto
4 Rico, the Virgin Islands, American Samoa, Guam, and the
5 Northern Mariana Islands.

6 (c) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated \$10,000,000 for each
8 of fiscal years 2007 through 2011 to carry out this sec-
9 tion.

10 **TITLE V—FOSTER CHILD PRO-**
11 **TECTION AND CHILD SEXUAL**
12 **PREDATOR DETERRENCE**

13 **SEC. 501. REQUIREMENT TO COMPLETE BACKGROUND**
14 **CHECKS BEFORE APPROVAL OF ANY FOSTER**
15 **OR ADOPTIVE PLACEMENT AND TO CHECK**
16 **NATIONAL CRIME INFORMATION DATABASES**
17 **AND STATE CHILD ABUSE REGISTRIES; SUS-**
18 **PENSION AND SUBSEQUENT ELIMINATION OF**
19 **OPT-OUT.**

20 (a) REQUIREMENT TO COMPLETE BACKGROUND
21 CHECKS BEFORE APPROVAL OF ANY FOSTER OR ADOPTIVE
22 PLACEMENT AND TO CHECK NATIONAL CRIME IN-
23 FORMATION DATABASES AND STATE CHILD ABUSE REG-
24 ISTRIES; SUSPENSION OF OPT-OUT.—

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

5 (A) in subparagraph (A)—

6 (I) in the matter preceding clause

7 (I)—

8 (I) by inserting “, including fin-
9 gerprint-based checks of national
10 crime information databases (as de-
11 fined in section 534(e)(3)(A) of title
12 28, United States Code),” after
13 “criminal records checks”; and

14 (II) by striking “on whose behalf
15 foster care maintenance payments or
16 adoption assistance payments are to
17 be made” and inserting “regardless of
18 whether foster care maintenance pay-
19 ments or adoption assistance pay-
20 ments are to be made on behalf of the
21 child”; and

22 (ii) in each of clauses (I) and (ii), by
23 inserting “involving a child on whose be-
24 half such payments are to be so made”
25 after “in any case”; and

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

2 “(C) provides that the State shall—

3 “(I) check any child abuse and neglect reg-
4 istry maintained by the State for information
5 on any prospective foster or adoptive parent
6 and on any other adult living in the home of
7 such a prospective parent, and request any
8 other State in which any such prospective par-
9 ent or other adult has resided in the preceding
10 5 years, to enable the State to check any child
11 abuse and neglect registry maintained by such
12 other State for such information, before the
13 prospective foster or adoptive parent may be fi-
14 nally approved for placement of a child, regard-
15 less of whether foster care maintenance pay-
16 ments or adoption assistance payments are to
17 be made on behalf of the child under the State
18 plan under this part;

19 “(ii) comply with any request described in
20 clause (I) that is received from another State;
21 and

22 “(iii) have in place safeguards to prevent
23 the unauthorized disclosure of information in
24 any child abuse and neglect registry maintained
25 by the State, and to prevent any such informa-

1 tion obtained pursuant to this subparagraph
2 from being used for a purpose other than the
3 conducting of background checks in foster or
4 adoptive placement cases;”.

5 (2) SUSPENSION OF OPT-OUT.—Section
6 471(a)(20)(B) of such Act (42 U.S.C.
7 671(a)(20)(B)) is amended—

8 (A) by inserting “, on or before September
9 30, 2005,” after “plan if”; and

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

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

15 (1) in subparagraph (A), in the matter pre-
16 ceding clause (I), by striking “unless an election
17 provided for in subparagraph (B) is made with re-
18 spect to the State,”; and

19 (2) by striking subparagraph (B) and redesignig-
20 nating subparagraph (C) as subparagraph (B).

21 (c) EFFECTIVE DATE.—

22 (1) IN GENERAL.—The amendments made by
23 subsection (a) shall take effect on October 1, 2006,
24 and shall apply with respect to payments under part
25 E of title IV of the Social Security Act for calendar

1 quarters beginning on or after such date, without re-
2 gard to whether regulations to implement the
3 amendments are promulgated by such date.

4 (2) ELIMINATION OF OPT-OUT.—The amend-
5 ments made by subsection (b) shall take effect on
6 October 1, 2008, and shall apply with respect to
7 payments under part E of title IV of the Social Se-
8 curity Act for calendar quarters beginning on or
9 after such date, without regard to whether regula-
10 tions to implement the amendments are promulgated
11 by such date.

12 (3) DELAY PERMITTED IF STATE LEGISLATION
13 REQUIRED.—If the Secretary of Health and Human
14 Services determines that State legislation (other
15 than legislation appropriating funds) is required in
16 order for a State plan under section 471 of the So-
17 cial Security Act to meet the additional requirements
18 imposed by the amendments made by a subsection
19 of this section, the plan shall not be regarded as fail-
20 ing to meet any of the additional requirements be-
21 fore the first day of the first calendar quarter begin-
22 ning after the first regular session of the State legis-
23 lature that begins after the otherwise applicable ef-
24 fective date of the amendments. If the State has a
25 2-year legislative session, each year of the session is

1 deemed to be a separate regular session of the State
2 legislature.

3 **SEC. 502. ACCESS TO FEDERAL CRIME INFORMATION DATA-**
4 **BASES FOR CERTAIN PURPOSES.**

5 (a) IN GENERAL.—The Attorney General of the
6 United States shall, upon request of the chief executive
7 officer of a State, conduct fingerprint-based checks of the
8 national crime information databases (as defined in sec-
9 tion 534(f)(3)(A) of title 28, United States Code) sub-
10 mitted by—

11 (1) a child welfare agency for the purpose of—

12 (A) conducting a background check re-
13 quired under section 471(a)(20) of the Social
14 Security Act on individuals under consideration
15 as prospective foster or adoptive parents; or

16 (B) an investigation relating to an incident
17 of abuse or neglect of a minor; or

18 (2) a private elementary or secondary school, a
19 local educational agency, or State educational agency
20 in that State, on individuals employed by, under con-
21 sideration for employment by, or volunteering for the
22 school or agency in a position in which the individual
23 would work with or around children.

1 (b) FINGERPRINT-BASED CHECK.—Where possible,
2 the check shall include a fingerprint-based check of State
3 criminal history databases.

4 (c) FEES.—The Attorney General and the States
5 may charge any applicable fees for the checks.

6 (d) PROTECTION OF INFORMATION.—An individual
7 having information derived as a result of a check under
8 subsection (a) may release that information only to appro-
9 priate officers of child welfare agencies, private elementary
10 or secondary schools, or educational agencies or other per-
11 sons authorized by law to receive that information.

12 (e) CRIMINAL PENALTIES.—An individual who know-
13 ingly exceeds the authority in subsection (a), or knowingly
14 releases information in violation of subsection (d), shall
15 be imprisoned not more than 10 years or fined under title
16 18, United States Code, or both.

17 (f) CHILD WELFARE AGENCY DEFINED.—In this
18 section, the term “child welfare agency” means—

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

22 (2) any other public agency, or any other pri-
23 vate agency under contract with the State or local
24 agency responsible for administering the plan under
25 part B or part E of title IV of the Social Security

1 Act, that is responsible for the licensing or approval
2 of foster or adoptive parents.

3 (g) DEFINITION OF EDUCATION TERMS.—In this
4 section, the terms “elementary school”, “local educational
5 agency”, “secondary school”, and “State educational
6 agency” have the meanings given to those terms in section
7 9101 of the Elementary and Secondary Education Act of
8 1965 (20 U.S.C. 7801).

9 (h) TECHNICAL CORRECTION.—Section 534 of title
10 28, United States Code, is amended by redesignating the
11 second subsection (e) as subsection (f).

12 **SEC. 503. PENALTIES FOR COERCION AND ENTICEMENT BY**
13 **SEX OFFENDERS.**

14 Section 2422 of title 18, United States Code, is
15 amended—

16 (1) in subsection (a), by striking “or impris-
17 oned not more than 20 years, or both” and inserting
18 “and imprisoned not less than 5 years nor more
19 than 20 years”; and

20 (2) in subsection (b), by striking “5” and in-
21 serting “10”.

22 **SEC. 504. PENALTIES FOR CONDUCT RELATING TO CHILD**
23 **PROSTITUTION.**

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

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

4 (2) in subsection (b), by striking “or impris-
5 oned not more than 30 years, or both” and inserting
6 “and imprisoned for not less than 10 years and not
7 more than 30 years”;

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

12 (4) in subsection (d), by striking “imprisoned
13 not more than 30 years, or both” and inserting “and
14 imprisoned for not less than 10 nor more than 30
15 years”.

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

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

19 (1) in subsection (a), by striking “, imprisoned
20 for any term of years or life, or both” and inserting
21 “and imprisoned for any term of years not less than
22 30 or for life”; and

23 (2) in subsection (b), by striking “, imprisoned
24 for any term of years or life, or both” and inserting

1 “and imprisoned for any term of years not less than
2 30 or for life”.

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

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

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

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

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

15 (4) in paragraph (4), by striking “two years”
16 and inserting “10 years”.

17 **SEC. 506. SEX OFFENDER SUBMISSION TO SEARCH AS CON-**
18 **DITION OF RELEASE.**

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

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

23 (2) by inserting after paragraph (9) the fol-
24 lowing:

1 “(10) for a person who is a felon or required
2 to register under the Sex Offender Registration and
3 Notification Act, that the person submit his person,
4 and any property, house, residence, vehicle, papers,
5 computer, other electronic communication or data
6 storage devices or media, and effects to search at
7 any time, with or without a warrant, by any law en-
8 forcement or probation officer with reasonable sus-
9 picion concerning a violation of a condition of proba-
10 tion or unlawful conduct by the person, and by any
11 probation officer in the lawful discharge of the offi-
12 cer’s supervision functions.”.

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

1 the person, and by any probation officer in the lawful dis-
2 charge of the officer’s supervision functions.”.

3 **SEC. 507. KIDNAPPING JURISDICTION.**

4 Section 1201 of title 18, United States Code, is
5 amended—

6 (1) in subsection (a)(1), by striking “if the per-
7 son was alive when the transportation began” and
8 inserting “, or the offender travels in interstate or
9 foreign commerce or uses the mail or any means, fa-
10 cility, or instrumentality of interstate or foreign
11 commerce in committing or in furtherance of the
12 commission of the offense”; and

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

15 **SEC. 508. MARITAL COMMUNICATION AND ADVERSE SPOUS-**
16 **AL PRIVILEGE.**

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

20 **“§ 1826A. Marital communications and adverse spous-**
21 **al privilege**

22 “The confidential marital communication privilege
23 and the adverse spousal privilege shall be inapplicable in
24 any Federal proceeding in which a spouse is charged with
25 a crime against—

1 “(1) a child of either spouse; or

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

4 (b) **TECHNICAL AND CONFORMING AMENDMENT.**—

5 The table of sections for chapter 119 of title 28, United
6 States Code, is amended by inserting after the item relat-
7 ing to section 1826 the following:

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

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

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

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

13 Chapter 313 of title 18, United States Code, is
14 amended—

15 (1) in the chapter analysis—

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

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

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

20 (2) in section 4241—

21 (A) in the heading, by inserting “**OR TO**
22 **UNDERGO POSTRELEASE PROCEEDINGS**”
23 after “**TRIAL**”;

1 (B) in the first sentence of subsection (a),
2 by inserting “or at any time after the com-
3 mencement of probation or supervised release
4 and prior to the completion of the sentence,”
5 after “defendant,”;

6 (C) in subsection (d)—

7 (I) by striking “trial to proceed” each
8 place it appears and inserting “proceedings
9 to go forward”; and

10 (ii) by striking “section 4246” and in-
11 sserting “sections 4246 and 4248”; and

12 (D) in subsection (e)—

13 (I) by inserting “or other pro-
14 ceedings” after “trial”; and

15 (ii) by striking “chapter 207” and in-
16 sserting “chapters 207 and 227”;

17 (3) in section 4247—

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

20 (B) in subsections (g) and (I), by striking
21 “4243 or 4246” each place it appears and in-
22 sserting “4243, 4246, or 4248”;

23 (C) in subsection (a)—

24 (I) by amending subparagraph (1)(C)
25 to read as follows:

1 “(C) drug, alcohol, and sex offender treat-
2 ment programs, and other treatment programs
3 that will assist the individual in overcoming a
4 psychological or physical dependence or any
5 condition that makes the individual dangerous
6 to others; and”;

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

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

12 (iv) by inserting at the end the fol-
13 lowing:

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

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

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

24 (D) in subsection (b), by striking “4245 or
25 4246” and inserting “4245, 4246, or 4248”;

1 (E) in subsection (c)(4)—

2 (I) by redesignating subparagraphs
3 (D) and (E) as subparagraphs (E) and (F)
4 respectively; and

5 (ii) by inserting after subparagraph
6 (C) the following:

7 “(D) if the examination is ordered under
8 section 4248, whether the person is a sexually
9 dangerous person;” and

10 (F) in subsections (e) and (h)—

11 (I) by striking “hospitalized” each
12 place it appears and inserting “com-
13 mitted”; and

14 (ii) by striking “hospitalization” each
15 place it appears and inserting “commit-
16 ment” ; and

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

18 **“§ 4248. Civil commitment of a sexually dangerous**
19 **person**

20 “(a) INSTITUTION OF PROCEEDINGS.—In relation to
21 a person who is in the custody of the Bureau of Prisons,
22 or who has been committed to the custody of the Attorney
23 General pursuant to section 4241(d), or against whom all
24 criminal charges have been dismissed solely for reasons
25 relating to the mental condition of the person, the Attor-

1 ney General or any individual authorized by the Attorney
2 General or the Director of the Bureau of Prisons may cer-
3 tify that the person is a sexually dangerous person, and
4 transmit the certificate to the clerk of the court for the
5 district in which the person is confined. The clerk shall
6 send a copy of the certificate to the person, and to the
7 attorney for the Government, and, if the person was com-
8 mitted pursuant to section 4241(d), to the clerk of the
9 court that ordered the commitment. The court shall order
10 a hearing to determine whether the person is a sexually
11 dangerous person. A certificate filed under this subsection
12 shall stay the release of the person pending completion of
13 procedures contained in this section.

14 “(b) PSYCHIATRIC OR PSYCHOLOGICAL EXAMINA-
15 TION AND REPORT.—Prior to the date of the hearing, the
16 court may order that a psychiatric or psychological exam-
17 ination of the defendant be conducted, and that a psy-
18 chiatric or psychological report be filed with the court,
19 pursuant to the provisions of section 4247(b) and (c).

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

22 “(d) DETERMINATION AND DISPOSITION.—If, after
23 the hearing, the court finds by clear and convincing evi-
24 dence that the person is a sexually dangerous person, the
25 court shall commit the person to the custody of the Attor-

1 ney General. The Attorney General shall release the per-
2 son to the appropriate official of the State in which the
3 person is domiciled or was tried if such State will assume
4 responsibility for his custody, care, and treatment. The
5 Attorney General shall make all reasonable efforts to
6 cause such a State to assume such responsibility. If, not-
7 withstanding such efforts, neither such State will assume
8 such responsibility, the Attorney General shall place the
9 person for treatment in a suitable facility, until—

10 “(1) such a State will assume such responsi-
11 bility; or

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

17 whichever is earlier.

18 “(e) DISCHARGE.—When the Director of the facility
19 in which a person is placed pursuant to subsection (d) de-
20 termines that the person’s condition is such that he is no
21 longer sexually dangerous to others, or will not be sexually
22 dangerous to others if released under a prescribed regimen
23 of medical, psychiatric, or psychological care or treatment,
24 he shall promptly file a certificate to that effect with the
25 clerk of the court that ordered the commitment. The clerk

1 shall send a copy of the certificate to the person’s counsel
2 and to the attorney for the Government. The court shall
3 order the discharge of the person or, on motion of the at-
4 torney for the Government or on its own motion, shall hold
5 a hearing, conducted pursuant to the provisions of section
6 4247(d), to determine whether he should be released. If,
7 after the hearing, the court finds by a preponderance of
8 the evidence that the person’s condition is such that—

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

12 “(2) he will not be sexually dangerous to others
13 if released under a prescribed regimen of medical,
14 psychiatric, or psychological care or treatment, the
15 court shall—

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

24 “(B) order, as an explicit condition of re-
25 lease, that he comply with the prescribed regi-

1 men of medical, psychiatric, or psychological
2 care or treatment.

3 The court at any time may, after a hearing employ-
4 ing the same criteria, modify or eliminate the regi-
5 men of medical, psychiatric, or psychological care or
6 treatment.

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

24 “(g) RELEASE TO STATE OF CERTAIN OTHER PER-
25 SONS.—If the director of the facility in which a person

1 is hospitalized or placed pursuant to this chapter certifies
2 to the Attorney General that a person, against whom all
3 charges have been dismissed for reasons not related to the
4 mental condition of the person, is a sexually dangerous
5 person, the Attorney General shall release the person to
6 the appropriate official of the State in which the person
7 is domiciled or was tried for the purpose of institution of
8 State proceedings for civil commitment. If neither such
9 State will assume such responsibility, the Attorney Gen-
10 eral shall release the person upon receipt of notice from
11 the State that it will not assume such responsibility, but
12 not later than 10 days after certification by the director
13 of the facility.”.

14 **SEC. 511. JIMMY RYCE STATE CIVIL COMMITMENT PRO-**
15 **GRAMS FOR SEXUALLY DANGEROUS PER-**
16 **SONS.**

17 (a) GRANTS AUTHORIZED.—Except as provided in
18 subsection (b), the Attorney General shall make grants to
19 jurisdictions for the purpose of establishing, enhancing, or
20 operating effective civil commitment programs for sexually
21 dangerous persons.

22 (b) LIMITATION.—The Attorney General shall not
23 make any grant under this section for the purpose of es-
24 tablishing, enhancing, or operating any transitional hous-
25 ing for a sexually dangerous person in or near a locations

1 where minors or other vulnerable persons are likely to
2 come into contact with that person.

3 (c) ELIGIBILITY.—

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

7 (A) have established a civil commitment
8 program for sexually dangerous persons that is
9 consistent with guidelines issued by the Attor-
10 ney General; or

11 (B) submit a plan for the establishment of
12 such a program.

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

20 (d) ATTORNEY GENERAL REPORTS.—Not later than
21 January 31 of each year, beginning with 2008, the Attor-
22 ney General shall submit to the Committee on the Judici-
23 ary of the Senate and the Committee on the Judiciary of
24 the House of Representatives a report on the progress of

1 jurisdictions in implementing this section and the rate of
2 sexually violent offenses for each jurisdiction.

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

4 (1) The term “civil commitment program”
5 means a program that involves—

6 (A) secure civil confinement, including ap-
7 propriate control, care, and treatment during
8 such confinement; and

9 (B) appropriate supervision, care, and
10 treatment for individuals released following
11 such confinement.

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

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

19 (f) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated to carry out this section
21 \$10,000,000 for each of fiscal years 2006, 2007, 2008,
22 and 2009.

1 **SEC. 512. MANDATORY PENALTIES FOR SEX-TRAFFICKING**
2 **OF CHILDREN.**

3 Section 1591(b) of title 18, United States Code, is
4 amended—

5 (1) in paragraph (1)—

6 (A) by striking “or imprisonment” and in-
7 serting “and imprisonment”;

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

10 (C) by striking “, or both”; and

11 (2) in paragraph (2)—

12 (A) by striking “or imprisonment for not”
13 and inserting “and imprisonment for not less
14 than 5 years nor”; and

15 (B) by striking “, or both”.

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

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

19 (1) in section 2243(b), by striking “five years”
20 and inserting “15 years”; and

21 (2) by inserting a comma after “Attorney Gen-
22 eral” each place it appears.

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

25 Chapter 213 of title 18, United States Code, is
26 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)” and inserting “subpara-
3 graph (A)”;

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

10 **SEC. 603. ADDITIONAL RECORDKEEPING REQUIREMENTS.**

11 (a) NEW REQUIREMENT.—

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

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

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

19 “(1) contains a visual depiction of simulated
20 sexually explicit conduct (except conduct described in
21 section 2256(2)(A)(v)), created after the date of the
22 enactment of this section; and

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

1 is intended for shipment or transportation in inter-
2 state or foreign commerce;
3 shall create and maintain individually identifiable records
4 pertaining to every performer portrayed in such a visual
5 depiction.

6 “(b) Subsections (b), (c), (d), (e), (f), (h)(2), and (I)
7 of section 2257 apply to matter and records described in
8 subsection (a) of this section in the same manner as they
9 apply to matter and records described in section 2257(a).

10 “(c) As used in this section, the term ‘produces’
11 means—

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

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

21 “(d) This section (other than to the extent subsection
22 (b) of this section makes section 2257(d) applicable) does
23 not apply to a person who produces matter described in
24 subsection (a), and who—

1 “(1) ascertains, by examination of an identifica-
2 tion document containing such information, the
3 name and birth date of every performer portrayed in
4 such a visual depiction, and maintains such informa-
5 tion in individually identifiable records;

6 “(2) makes such records available to the Attor-
7 ney General for inspection at all reasonable times;

8 “(3) provides to the Attorney General the
9 name, title, and business address of the individual
10 employed for the purpose of maintaining such
11 records; and

12 “(4) certifies compliance with paragraphs (1),
13 (2), and (3) to the Attorney General on an annual
14 basis, and that the Attorney General will be prompt-
15 ly notified of any changes in that name, title, or
16 business address.”.

17 (2) EFFECTIVE DATE OF REGULATIONS.—The
18 regulations issued to carry out section 2257A of title
19 18, United States Code, shall not become effective
20 until 90 days after the regulations are published in
21 the Federal Register.

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

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

1 **SEC. 604. PREVENTION OF DISTRIBUTION OF CHILD POR-**
2 **NOGRAPHY USED AS EVIDENCE IN PROSECU-**
3 **TIONS.**

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

6 “(m) PROHIBITION ON REPRODUCTION OF CHILD
7 PORNOGRAPHY.—

8 “(1) In any criminal proceeding, any property
9 or material that constitutes child pornography (as
10 defined by section 2256 of this title) must remain in
11 the care, custody, and control of either the Govern-
12 ment or the court.

13 “(2)(A) Notwithstanding Rule 16 of the Fed-
14 eral Rules of Criminal Procedure, a court shall deny,
15 in any criminal proceeding, any request by the de-
16 fendant to copy, photograph, duplicate, or otherwise
17 reproduce any property or material that constitutes
18 child pornography (as defined by section 2256 of
19 this title), so long as the Government makes the
20 property or material reasonably available to the de-
21 fendant.

22 “(B) For the purposes of subparagraph (A),
23 property or material shall be deemed to be reason-
24 ably available to the defendant if the Government
25 provides ample opportunity for inspection, viewing,
26 and examination at a Government facility of the

1 property or material by the defendant, his or her at-
2 torney, aid any individual the defendant may seek to
3 qualify to furnish expert testimony at trial.”.

4 **SEC. 605. AUTHORIZING CIVIL AND CRIMINAL ASSET FOR-**
5 **FEITURE IN CHILD EXPLOITATION AND OB-**
6 **SCENITY CASES.**

7 (a) CONFORMING FORFEITURE PROCEDURES FOR
8 OBSCENITY OFFENSES.—Section 1467 of title 18, United
9 States Code, is amended—

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

13 (2) by striking subsections (b) through (n) and
14 inserting the following:

15 “(b) The provisions of section 413 of the Controlled
16 Substances Act (21 U.S.C. 853) with the exception of sub-
17 section (d), shall apply to the criminal forfeiture of prop-
18 erty pursuant to subsection (a).

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

23 (b) PROPERTY SUBJECT TO CRIMINAL FOR-
24 FEITURE.—Section 2253(a) of title 18, United States
25 Code, is amended—

1 (1) in the matter preceding paragraph (1)—

2 (A) by inserting “or who is convicted of an
3 offense under sections 2252B, 2257, or 2257A
4 of this chapter,” after “2260 of this chapter”;
5 and

6 (B) by striking “an offense under section
7 2421, 2422, or 2423 of chapter 117” and in-
8 serting “an offense under chapter 109A”;

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

11 (3) in paragraph (3), by inserting “or any prop-
12 erty traceable to such property” before the period.

13 (c) CRIMINAL FORFEITURE PROCEDURE.—Section
14 2253 of title 18, United States Code, is amended by strik-
15 ing subsections (b) through (o) and inserting the fol-
16 lowing:

17 “(b) Section 413 of the Controlled Substances Act
18 (21 U.S.C. 853) with the exception of subsection (d), ap-
19 plies to the criminal forfeiture of property pursuant to
20 subsection (a).”.

21 (d) CIVIL FORFEITURE.—Section 2254 of title 18,
22 United States Code, is amended to read as follows:

23 **“§ 2254. Civil forfeiture**

24 “Any property subject to forfeiture pursuant to sec-
25 tion 2253 may be forfeited to the United States in a civil

1 case in accordance with the procedures set forth in chapter
2 46.”.

3 **SEC. 606. PROHIBITING THE PRODUCTION OF OBSCENITY**
4 **AS WELL AS TRANSPORTATION, DISTRIBUTION,**
5 **AND SALE.**

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

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

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

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

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

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

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

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

4 **SEC. 607. GUARDIANS AD LITEM.**

5 Section 3509(h)(1) of title 18, United States Code,
6 is amended by inserting “, and provide reasonable com-
7 pensation and payment of expenses for,” before “a guard-
8 ian”.

9 **TITLE VII—COURT SECURITY**

10 **SEC. 701. JUDICIAL BRANCH SECURITY REQUIREMENTS.**

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

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

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

23 (1) by redesignating existing paragraph (24) as
24 paragraph (25);

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

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

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

8 **SEC. 702. ADDITIONAL AMOUNTS FOR UNITED STATES MAR-**
9 **SHALS SERVICE TO PROTECT THE JUDICI-**
10 **ARY.**

11 In addition to any other amounts authorized to be
12 appropriated for the United States Marshals Service,
13 there are authorized to be appropriated for the United
14 States Marshals Service to protect the judiciary,
15 \$20,000,000 for each of fiscal years 2006 through 2010
16 for—

17 (1) hiring entry-level deputy marshals for pro-
18 viding judicial security;

19 (2) hiring senior-level deputy marshals for in-
20 vestigating threats to the judiciary and providing
21 protective details to members of the judiciary and
22 Assistant United States Attorneys; and

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

1 **SEC. 703. PROTECTIONS AGAINST MALICIOUS RECORDING**
2 **OF FICTITIOUS LIENS AGAINST FEDERAL**
3 **JUDGES AND FEDERAL LAW ENFORCEMENT**
4 **OFFICERS.**

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

7 **“§ 1521. Retaliating against a Federal official by false**
8 **claim or slander of title**

9 “Whoever, with the intent to harass or intimidate a
10 person designated in section 1114, files, or attempts or
11 conspires to file, in any public record or in any private
12 record which is generally available to the public, any false
13 lien or encumbrance against the real or personal property
14 of that person, on account of the performance of official
15 duties by that person, shall be fined under this title or
16 imprisoned for not more than 10 years, or both.”.

17 (b) CLERICAL AMENDMENT.—The chapter analysis
18 for chapter 73 of title 18, United States Code, is amended
19 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.”.

20 **SEC. 704. PROTECTION OF INDIVIDUALS PERFORMING CER-**
21 **TAIN OFFICIAL DUTIES.**

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

1 **“§ 117. Protection of individuals performing certain**
2 **official duties**

3 “(a) Whoever knowingly makes restricted personal in-
4 formation about a covered official, or a member of the im-
5 mediate family of that covered official, publicly available,
6 with the intent that such restricted personal information
7 be used to intimidate or facilitate the commission of a
8 crime of violence (as defined in section 16) against that
9 covered official, or a member of the immediate family of
10 that covered official, shall be fined under this title and
11 imprisoned not more than 5 years, or both.

12 “(b) As used in this section—

13 “(1) the term ‘restricted personal information’
14 means, with respect to an individual, the Social Se-
15 curity number, the home address, home phone num-
16 ber, mobile phone number, personal email, or home
17 fax number of, and identifiable to, that individual;

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

19 “(A) an individual designated in section
20 1114;

21 “(B) a public safety officer (as that term
22 is defined in section 1204 of the Omnibus
23 Crime Control and Safe Streets Act of 1968);
24 or

25 “(C) a grand or petit juror, witness, or
26 other officer in or of, any court of the United

1 States, or an officer who may be serving at any
2 examination or other proceeding before any
3 United States magistrate judge or other com-
4 mitting magistrate; and

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

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

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

11 **SEC. 705. REPORT ON SECURITY OF FEDERAL PROSECU-**
12 **TORS.**

13 Not later than 90 days after the date of the enact-
14 ment of this Act, the Attorney General shall submit to
15 the Committee on the Judiciary of the House of Rep-
16 resentatives and the Committee on the Judiciary of the
17 Senate a report on the security of assistant United States
18 attorneys and other Federal attorneys arising from the
19 prosecution of terrorists, violent criminal gangs, drug traf-
20 fickers, gun traffickers, white supremacists, and those who
21 commit fraud and other white-collar offenses. The report
22 shall describe each of the following:

23 (1) The number and nature of threats and as-
24 saults against attorneys handling those prosecutions
25 and the reporting requirements and methods.

1 (2) The security measures that are in place to
2 protect the attorneys who are handling those pros-
3 ecutions, including measures such as threat assess-
4 ments, response procedures, availability of security
5 systems and other devices, firearms licensing (depu-
6 tations), and other measures designed to protect the
7 attorneys and their families.

8 (3) The Department of Justice’s firearms depu-
9 tation policies, including the number of attorneys
10 deputized and the time between receipt of threat and
11 completion of the deputation and training process.

12 (4) For each measure covered by paragraphs
13 (1) through (3), when the report or measure was de-
14 veloped and who was responsible for developing and
15 implementing the report or measure.

16 (5) The programs that are made available to
17 the attorneys for personal security training, includ-
18 ing training relating to limitations on public infor-
19 mation disclosure, basic home security, firearms
20 handling and safety, family safety, mail handling,
21 counter-surveillance, and self-defense tactics.

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

1 (A) among Federal employees within the
2 facility;

3 (B) among Department of Justice employ-
4 ees within the facility; and

5 (C) among attorneys within the facility.

6 (7) The frequency such attorneys are called
7 upon to work beyond standard work hours and the
8 security measures provided to protect attorneys at
9 such times during travel between office and available
10 parking facilities.

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

14 (A) carrying the firearm between available
15 parking and office buildings;

16 (B) securing the weapon at the office
17 buildings; and

18 (C) equipment and training provided to fa-
19 cilitate safe storage at Department of Justice
20 facilities.

21 (9) The offices in the Department of Justice
22 that are responsible for ensuring the security of the
23 attorneys, the organization and staffing of the of-
24 fices, and the manner in which the offices coordinate
25 with offices in specific districts.

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

5 **SEC. 706. FLIGHT TO AVOID PROSECUTION FOR KILLING**
6 **PEACE OFFICERS.**

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

9 **“§ 1075. Flight to avoid prosecution for killing peace**
10 **officers**

11 “Whoever moves or travels in interstate or foreign
12 commerce with intent to avoid prosecution, or custody or
13 confinement after conviction, under the laws of the place
14 from which he flees or under section 1114 or 1123, for
15 a crime consisting of the killing, an attempted killing, or
16 a conspiracy to kill, an individual involved in crime and
17 juvenile delinquency control or reduction, or enforcement
18 of the laws or for a crime punishable by section 1114 or
19 1123, shall be fined under this title and imprisoned, in
20 addition to any other imprisonment for the underlying of-
21 fense, for any term of years not less than 10.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 at the beginning of chapter 49 of title 18, United States
24 Code, is amended by adding at the end the following new
25 item:

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

1 **SEC. 707. SPECIAL PENALTIES FOR MURDER, KIDNAPPING,**
2 **AND RELATED CRIMES AGAINST FEDERAL**
3 **JUDGES AND FEDERAL LAW ENFORCEMENT**
4 **OFFICERS.**

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

7 (1) by inserting “(a)” before “Whoever”; and

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

9 “(b) If the victim of a murder punishable under this
10 section is a United States judge (as defined in section
11 115) or a Federal law enforcement officer (as defined in
12 115) the offender shall be punished by a fine under this
13 title and imprisonment for any term of years not less than
14 30, or for life, or, if death results, may be sentenced to
15 death.”.

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

1 **SEC. 708. AUTHORITY OF FEDERAL JUDGES AND PROSECU-**
2 **TORS TO CARRY FIREARMS.**

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

6 **“§ 3054. Authority of Federal judges and prosecutors**
7 **to carry firearms**

8 “Any justice of the United States or judge of the
9 United States (as defined in section 451 of title 28), any
10 judge of a court created under article I of the United
11 States Constitution, any bankruptcy judge, any magistrate
12 judge, any United States attorney, and any other officer
13 or employee of the Department of Justice whose duties
14 include representing the United States in a court of law,
15 may carry firearms, subject to such regulations as the At-
16 torney General shall prescribe. Such regulations may pro-
17 vide for training and regular certification in the use of
18 firearms and shall, with respect to justices, judges, bank-
19 ruptcy judges, and magistrate judges, be prescribed after
20 consultation with the Judicial Conference of the United
21 States.”.

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

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

1 **SEC. 709. PENALTIES FOR CERTAIN ASSAULTS.**

2 Section 111 of title 18, United States Code, is
3 amended—

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

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

8 **SEC. 710. DAVID MARCH AND HENRY PRENDES PROTEC-**
9 **TION OF FEDERALLY FUNDED PUBLIC SAFE-**
10 **TY OFFICERS.**

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

13 **“§ 1123. Killing of federally funded public safety offi-**
14 **cers**

15 “(a) Whoever kills, or attempts or conspires to kill,
16 a federally funded public safety officer while that officer
17 is engaged in official duties, or on account of the perform-
18 ance of official duties, or kills a former federally funded
19 public safety officer on account of the past performance
20 of official duties, shall be punished by a fine under this
21 title and imprisonment for any term of years not less than
22 30, or for life, or, if death results and the offender is pros-
23 ecuted as a principal, may be sentenced to death.

24 “(b) As used in this section—

25 “(1) the term ‘federally funded public safety of-
26 ficer’ means a public safety officer for a public agen-

1 cy (including a court system, the National Guard of
2 a State to the extent the personnel of that National
3 Guard are not in Federal service, and the defense
4 forces of a State authorized by section 109 of title
5 32) that receives Federal financial assistance, of an
6 entity that is a State of the United States, the Dis-
7 trict of Columbia, the Commonwealth of Puerto
8 Rico, the Virgin Islands of the United States, Guam,
9 American Samoa, the Trust Territory of the Pacific
10 Islands, the Commonwealth of the Northern Mar-
11 iana Islands, or any territory or possession of the
12 United States, an Indian tribe, or a unit of local
13 government of that entity;

14 “(2) the term ‘public safety officer’ means an
15 individual serving a public agency in an official ca-
16 pacity, as a judicial officer, as a law enforcement of-
17 ficer, as a firefighter, as a chaplain, or as a member
18 of a rescue squad or ambulance crew;

19 “(3) the term ‘judicial officer’ means a judge or
20 other officer or employee of a court, including pros-
21 ecutors, court security, pretrial services officers,
22 court reporters, and corrections, probation, and pa-
23 role officers; and

24 “(4) the term ‘firefighter’ includes an individual
25 serving as an official recognized or designated mem-

1 ber of a legally organized volunteer fire department
2 and an officially recognized or designated public em-
3 ployee member of a rescue squad or ambulance crew;
4 and

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

9 (b) CLERICAL AMENDMENT.—The table of sections
10 at the beginning of chapter 51 of title 18, United States
11 Code, is amended by adding at the end the following new
12 item:

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

13 **SEC. 711. MODIFICATION OF DEFINITION OF OFFENSE AND**
14 **OF THE PENALTIES FOR, INFLUENCING OR**
15 **INJURING OFFICER OR JUROR GENERALLY.**

16 Section 1503 of title 18, United States Code, is
17 amended—

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

19 “(a)(1) Whoever—

20 “(A) corruptly, or by threats of force or force,
21 endeavors to influence, intimidate, or impede a juror
22 or officer in a judicial proceeding in the discharge of
23 that juror or officer’s duty;

1 “(B) injures a juror or an officer in a judicial
2 proceeding arising out of the performance of official
3 duties as such juror or officer; or

4 “(C) corruptly, or by threats of force or force,
5 obstructs, or impedes, or endeavors to influence, ob-
6 struct, or impede, the due administration of justice;
7 or attempts or conspires to do so, shall be punished as
8 provided in subsection (b).

9 “(2) As used in this section, the term ‘juror or officer
10 in a judicial proceeding’ means a grand or petit juror, or
11 other officer in or of any court of the United States, or
12 an officer who may be serving at any examination or other
13 proceeding before any United States magistrate judge or
14 other committing magistrate.”; and

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

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

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

22 **SEC. 712. MODIFICATION OF TAMPERING WITH A WITNESS,**
23 **VICTIM, OR AN INFORMANT OFFENSE.**

24 (a) **CHANGES IN PENALTIES.**—Section 1512 of title
25 18, United States Code, is amended—

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

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

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

7 (3) in subsection (a)(3)—

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

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

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

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

17 **SEC. 713. MODIFICATION OF RETALIATION OFFENSE.**

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

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

22 (2) in subsection (a)(1)(B)—

23 (A) by inserting a comma after “proba-
24 tion”; and

1 (B) by striking the comma which imme-
2 diately follows another comma;

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

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

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

9 (6) by redesignating the second subsection (e)
10 as subsection (f).

11 **SEC. 714. INCLUSION OF INTIMIDATION AND RETALIATION**
12 **AGAINST WITNESSES IN STATE PROSECU-**
13 **TIONS AS BASIS FOR FEDERAL PROSECU-**
14 **TION.**

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

19 **SEC. 715. CLARIFICATION OF VENUE FOR RETALIATION**
20 **AGAINST A WITNESS.**

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

23 “(g) A prosecution under this section may be brought
24 in the district in which the official proceeding (whether
25 or not pending, about to be instituted or completed) was

1 intended to be affected or was completed, or in which the
2 conduct constituting the alleged offense occurred.”.

3 **SEC. 716. PROHIBITION OF POSSESSION OF DANGEROUS**
4 **WEAPONS IN FEDERAL COURT FACILITIES.**

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

8 **SEC. 717. GENERAL MODIFICATIONS OF FEDERAL MURDER**
9 **CRIME AND RELATED CRIMES.**

10 (a) **MURDER AMENDMENTS.**—Section 1111 of title
11 18, United States Code, is amended in subsection (b) by
12 inserting “not less than 30” after “any term of years”.

13 (b) **MANSLAUGHTER AMENDMENTS.**—Section
14 1112(b) of title 18, United States Code, is amended—

15 (1) by striking “ten years” and inserting “20
16 years”; and

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

19 **SEC. 718. WITNESS PROTECTION GRANT PROGRAM.**

20 Title I of the Omnibus Crime Control and Safe
21 Streets Act of 1968 is amended by inserting after part
22 BB (42 U.S.C. 3797j et seq.) the following new part:

1 **“PART CC—WITNESS PROTECTION GRANTS**

2 **“SEC. 2811. PROGRAM AUTHORIZED.**

3 “(a) IN GENERAL.—From amounts made available to
4 carry out this part, the Attorney General may make grants
5 to States, units of local government, and Indian tribes to
6 create and expand witness protection programs in order
7 to prevent threats, intimidation, and retaliation against
8 victims of, and witnesses to, crimes.

9 “(b) USES OF FUNDS.—Grants awarded under this
10 part shall be—

11 “(1) distributed directly to the State, unit of
12 local government, or Indian tribe; and

13 “(2) used for the creation and expansion of wit-
14 ness protection programs in the jurisdiction of the
15 grantee.

16 “(c) PREFERENTIAL CONSIDERATION.—In awarding
17 grants under this part, the Attorney General may give
18 preferential consideration, if feasible, to an application
19 from a jurisdiction that—

20 “(1) has the greatest need for witness and vic-
21 tim protection programs;

22 “(2) has a serious violent crime problem in the
23 jurisdiction;

24 “(3) has had, or is likely to have, instances of
25 threats, intimidation, and retaliation against victims
26 of, and witnesses to, crimes; and

1 “(4) shares an international border and faces a
2 demonstrable threat from cross border crime and vi-
3 olence.

4 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated to carry out this section
6 \$20,000,000 for each of fiscal years 2006 through 2010.”.

7 **SEC. 719. FUNDING FOR STATE COURTS TO ASSESS AND EN-**
8 **HANCE COURT SECURITY AND EMERGENCY**
9 **PREPAREDNESS.**

10 (a) IN GENERAL.—The Attorney General, through
11 the Office of Justice Programs, shall make grants under
12 this section to the highest State courts in States partici-
13 pating in the program, for the purpose of enabling such
14 courts—

15 (1) to conduct assessments focused on the es-
16 sential elements for effective courtroom safety and
17 security planning; and

18 (2) to implement changes deemed necessary as
19 a result of the assessments.

20 (b) ESSENTIAL ELEMENTS.—As used in subsection
21 (a)(1), the essential elements include, but are not limited
22 to—

23 (1) operational security and standard operating
24 procedures;

1 (2) facility security planning and self-audit sur-
2 veys of court facilities;

3 (3) emergency preparedness and response and
4 continuity of operations;

5 (4) disaster recovery and the essential elements
6 of a plan;

7 (5) threat assessment;

8 (6) incident reporting;

9 (7) security equipment;

10 (8) developing resources and building partner-
11 ships; and

12 (9) new courthouse design.

13 (c) APPLICATIONS.—To be eligible for a grant under
14 this section, a highest State court shall submit to the At-
15 torney General an application at such time, in such form,
16 and including such information and assurances as the At-
17 torney General shall require.

18 (d) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated to carry out this section
20 \$20,000,000 for each of fiscal years 2006 through 2010.

21 **SEC. 720. GRANTS TO STATES FOR THREAT ASSESSMENT**
22 **DATABASES.**

23 (a) In General.—The Attorney General, through the
24 Office of Justice Programs, shall make grants under this
25 section to the highest State courts in States participating

1 in the program, for the purpose of enabling such courts
2 to establish and maintain a threat assessment database
3 described in subsection (b).

4 (b) DATABASE.—For purposes of subsection (a), a
5 threat assessment database is a database through which
6 a State can—

7 (1) analyze trends and patterns in domestic ter-
8 rorism and crime;

9 (2) project the probabilities that specific acts of
10 domestic terrorism or crime will occur; and

11 (3) develop measures and procedures that can
12 effectively reduce the probabilities that those acts
13 will occur.

14 (c) CORE ELEMENTS.—The Attorney General shall
15 define a core set of data elements to be used by each data-
16 base funded by this section so that the information in the
17 database can be effectively shared with other States and
18 with the Department of Justice.

19 (d) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated to carry out this section
21 such sums as may be necessary for each of fiscal years
22 2006 through 2009.

1 **SEC. 721. GRANTS TO STATES TO PROTECT WITNESSES AND**
2 **VICTIMS OF CRIMES.**

3 (a) IN GENERAL.—Section 31702 of the Violent
4 Crime Control and Law Enforcement Act of 1994 (42
5 U.S.C. 13862) is amended—

6 (1) in paragraph (3), by striking “and” at the
7 end;

8 (2) in paragraph (4), by striking the period at
9 the end and inserting “; and”; and

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

11 “(5) to create and expand witness and victim
12 protection programs to prevent threats, intimidation,
13 and retaliation against victims of, and witnesses to,
14 violent crimes.”.

15 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
16 31707 of the Violent Crime Control and Law Enforcement
17 Act of 1994 (42 U.S.C. 13867) is amended to read as
18 follows:

19 **“SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.**

20 “There are authorized to be appropriated
21 \$20,000,000 for each of the fiscal years 2006 through
22 2010 to carry out this subtitle.”.

23 **SEC. 722. GRANTS FOR YOUNG WITNESS ASSISTANCE.**

24 (a) DEFINITIONS.—For purposes of this section:

25 (1) DIRECTOR.—The term “Director” means
26 the Director of the Bureau of Justice Assistance.

1 (2) JUVENILE.—The term “juvenile” means an
2 individual who is 17 years of age or younger.

3 (3) YOUNG ADULT.—The term “young adult”
4 means an individual who is between the ages of 18
5 and 21.

6 (4) STATE.—The term “State” means any
7 State of the United States, the District of Columbia,
8 the Commonwealth of Puerto Rico, the Virgin Is-
9 lands, American Samoa, Guam, and the Northern
10 Mariana Islands.

11 (b) PROGRAM AUTHORIZATION.—The Director may
12 make grants to State and local prosecutors and law en-
13 forcement agencies in support of juvenile and young adult
14 witness assistance programs, including State and local
15 prosecutors and law enforcement agencies that have exist-
16 ing juvenile and adult witness assistance programs.

17 (c) ELIGIBILITY.—To be eligible to receive a grant
18 under this section, State and local prosecutors and law
19 enforcement officials shall—

20 (1) submit an application to the Director in
21 such form and containing such information as the
22 Director may reasonably require; and

23 (2) give assurances that each applicant has de-
24 veloped, or is in the process of developing, a witness
25 assistance program that specifically targets the

1 unique needs of juvenile and young adult witnesses
2 and their families.

3 (d) USE OF FUNDS.—Grants made available under
4 this section may be used—

5 (1) to assess the needs of juvenile and young
6 adult witnesses;

7 (2) to develop appropriate program goals and
8 objectives; and

9 (3) to develop and administer a variety of wit-
10 ness assistance services, which includes—

11 (A) counseling services to young witnesses
12 dealing with trauma associated in witnessing a
13 violent crime;

14 (B) pre- and post-trial assistance for the
15 youth and their family;

16 (C) providing education services if the
17 child is removed from or changes their school
18 for safety concerns;

19 (D) support for young witnesses who are
20 trying to leave a criminal gang and information
21 to prevent initial gang recruitment.

22 (E) protective services for young witnesses
23 and their families when a serious threat of
24 harm from the perpetrators or their associates
25 is made; and

1 (F) community outreach and school-based
2 initiatives that stimulate and maintain public
3 awareness and support.

4 (e) REPORTS.—

5 (1) REPORT.—State and local prosecutors and
6 law enforcement agencies that receive funds under
7 this section shall submit to the Director a report not
8 later than May 1st of each year in which grants are
9 made available under this section. Reports shall de-
10 scribe progress achieved in carrying out the purpose
11 of this section.

12 (2) REPORT TO CONGRESS.—The Director shall
13 submit to Congress a report by July 1st of each year
14 which contains a detailed statement regarding grant
15 awards, activities of grant recipients, a compilation
16 of statistical information submitted by applicants,
17 and an evaluation of programs established under
18 this section.

19 (f) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated to carry out this section
21 \$3,000,000 for each of fiscal years 2006, 2007, and 2008.

22 **SEC. 723. STATE AND LOCAL COURT ELIGIBILITY.**

23 (a) BUREAU GRANTS.—Section 302(e)(1) of title I
24 of the Omnibus Crime Control and Safe Streets Act of
25 1968 (42 U.S.C. 3732(e)(1)) is amended by inserting

1 “State and local courts, local law enforcement,” after
2 “contracts with”.

3 (b) STATE AND LOCAL GOVERNMENTS TO CONSIDER
4 COURTS.—The Attorney General may require, as appro-
5 priate, that whenever a State or unit of local government
6 or Indian tribe applies for a grant from the Department
7 of Justice, the State, unit, or tribe demonstrate that, in
8 developing the application and distributing funds, the
9 State, unit, or tribe—

10 (1) considered the needs of the judicial branch
11 of the State, unit, or tribe, as the case may be;

12 (2) consulted with the chief judicial officer of
13 the highest court of the State, unit, or tribe, as the
14 case may be; and

15 (3) consulted with the chief law enforcement of-
16 ficer of the law enforcement agency responsible for
17 the security needs of the judicial branch of the
18 State, unit, or tribe, as the case may be.

19 (c) ARMOR VESTS.—Section 2501 of title I of the
20 Omnibus Crime Control and Safe Streets Act of 1968
21 (3796ii) is amended—

22 (1) in subsection (a), by inserting “State and
23 local court,” after “local,”; and

24 (2) in subsection (b), by inserting “State and
25 local court” after “government,”.

1 (d) 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 offense (as defined in section
2 924(e)(2)(A)) or a crime of violence), (g)(2), (g)(4),
3 (g)(5), (g)(8), or (g)(9) of section 922,” after “that
4 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 Subpart 2 of part E of title I of the Omnibus Crime
20 Control and Safe Street Act of 1968 is amended by adding
21 at the end the following new chapter:

1 “(3) design and maintain web sites and related
2 web-based materials and tools;

3 “(4) design and deliver training for law enforce-
4 ment personnel, community leaders, and other part-
5 ners in public safety and hometown security initia-
6 tives;

7 “(5) design and deliver technical assistance to
8 States, local jurisdictions, and crime prevention
9 practitioners and associations;

10 “(6) coordinate a coalition of Federal, national,
11 and statewide organizations and communities sup-
12 porting crime prevention;

13 “(7) design, deliver, and assess demonstration
14 programs;

15 “(8) operate McGruff related programs, includ-
16 ing McGruff Club;

17 “(9) operate the Teens, Crime, and Community
18 Program; and

19 “(10) evaluate crime prevention programs and
20 trends.

21 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated to carry out this sec-
23 tion—

24 “(1) for fiscal year 2006, \$6,000,000;

25 “(2) for fiscal year 2007, \$7,000,000;

1 “(3) for fiscal year 2008, \$8,000,000;
2 “(4) for fiscal year 2009, \$9,000,000; and
3 “(5) for fiscal year 2010, \$10,000,000.”.

4 **SEC. 1002. THE JUSTICE FOR CRIME VICTIMS FAMILY ACT.**

5 (a) **SHORT TITLE.**—This section may be cited as the
6 “Justice for Crime Victims Family Act”.

7 (b) **STUDY OF MEASURES NEEDED TO IMPROVE**
8 **PERFORMANCE OF HOMICIDE INVESTIGATORS.**—Not later
9 than six months after the date of the enactment of this
10 Act, the Attorney General shall submit to the Committee
11 on the Judiciary of the House of Representatives and the
12 Committee on the Judiciary of the Senate a report out-
13 lining what measures are needed to improve the perform-
14 ance of Federal, State, and local criminal investigators of
15 homicide. The report shall include an examination of—

16 (1) the benefits of increasing training and re-
17 sources for such investigators, with respect to inves-
18 tigative techniques, best practices, and forensic serv-
19 ices;

20 (2) the existence of any uniformity among State
21 and local jurisdictions in the measurement of homi-
22 cide rates and clearance of homicide cases;

23 (3) the coordination in the sharing of informa-
24 tion among Federal, State, and local law enforce-
25 ment and coroners and medical examiners; and

1 (4) the sources of funding that are in existence
2 on the date of the enactment of this Act for State
3 and local criminal investigators of homicide.

4 (c) IMPROVEMENTS NEEDED FOR SOLVING HOMI-
5 CIDES INVOLVING MISSING PERSONS AND UNIDENTIFIED
6 HUMAN REMAINS.—Not later than six months after the
7 date of the enactment of this Act, the Attorney General
8 shall submit to the Committee on the Judiciary of the
9 House of Representatives and the Committee on the Judi-
10 ciary of the Senate a report to evaluate measures to im-
11 prove the ability of Federal, State, and local criminal in-
12 vestigators of homicide to solve homicides involving miss-
13 ing persons and unidentified human remains. The report
14 shall include an examination of—

15 (1) measures to expand national criminal
16 records databases with accurate information relating
17 to missing persons and unidentified human remains;

18 (2) the collection of DNA samples from poten-
19 tial “high-risk” missing persons;

20 (3) the benefits of increasing access to national
21 criminal records databases for medical examiners
22 and coroners;

23 (4) any improvement in the performance of
24 postmortem examinations, autopsies, and reporting
25 procedures of unidentified persons or remains;

1 (5) any coordination between the National Cen-
2 ter for Missing Children and the National Center for
3 Missing Adults;

4 (6) website postings (or other uses of the Inter-
5 net) of information of identifiable information such
6 as physical features and characteristics, clothing,
7 and photographs of missing persons and unidentified
8 human remains; and

9 (7) any improvement with respect to—

10 (A) the collection of DNA information for
11 missing persons and unidentified human re-
12 mains; and

13 (B) entering such information into the
14 Combined DNA Index System of the Federal
15 Bureau of Investigation and national criminal
16 records databases.

17 **TITLE XI—NATIONAL CHILD**
18 **ABUSE AND NEGLECT REG-**
19 **ISTRY ACT**

20 **SEC. 1101. SHORT TITLE.**

21 This title may be cited as the “National Child Abuse
22 and Neglect Registry Act”.

1 **SEC. 1102. NATIONAL REGISTRY OF SUBSTANTIATED CASES**
2 **OF CHILD ABUSE.**

3 (a) IN GENERAL.—The Secretary of Health and
4 Human Services, in consultation with the Attorney Gen-
5 eral, shall create a national registry of substantiated cases
6 of child abuse or neglect.

7 (b) INFORMATION.—

8 (1) COLLECTION.—The information in the reg-
9 istry described in subsection (a) shall be supplied by
10 States and Indian tribes, or, at the option of a
11 State, by political subdivisions of such State, to the
12 Secretary of Health and Human Services.

13 (2) TYPE OF INFORMATION.—The registry de-
14 scribed in subsection (a) shall collect in a central
15 electronic registry information on persons reported
16 to a State, Indian tribe, or political subdivision of a
17 State as perpetrators of a substantiated case of child
18 abuse or neglect.

19 (c) SCOPE OF INFORMATION.—

20 (1) IN GENERAL.—

21 (A) TREATMENT OF REPORTS.—The infor-
22 mation to be provided to the Secretary of
23 Health and Human Services under this title
24 shall relate to substantiated reports of child
25 abuse or neglect.

1 (B) EXCEPTION.—If a State, Indian tribe,
2 or political subdivision of a State has an elec-
3 tronic register of cases of child abuse or neglect
4 equivalent to the registry established under this
5 title that it maintains pursuant to a require-
6 ment or authorization under any other provision
7 of law, the information provided to the Sec-
8 retary of Health and Human Services under
9 this title shall be coextensive with that in such
10 register.

11 (2) FORM.—Information provided to the Sec-
12 retary of Health and Human Services under this
13 title—

14 (A) shall be in a standardized electronic
15 form determined by the Secretary of Health
16 and Human Services; and

17 (B) shall contain case-specific identifying
18 information that is limited to the name of the
19 perpetrator and the nature of the substantiated
20 case of child abuse or neglect, and that com-
21 plies with clauses (viii) and (ix) of section
22 106(b)(2)(A) of the Child Abuse Prevention
23 and Treatment Act (42 U.S.C.
24 5106(b)(2)(A)(viii) and (ix)).

1 (d) CONSTRUCTION.—This title shall not be con-
2 strued to require a State, Indian tribe, or political subdivi-
3 sion of a State to modify—

4 (1) an equivalent register of cases of child
5 abuse or neglect that it maintains pursuant to a re-
6 quirement or authorization under any other provi-
7 sion of law; or

8 (2) any other record relating to child abuse or
9 neglect, regardless of whether the report of abuse or
10 neglect was substantiated, unsubstantiated, or deter-
11 mined to be unfounded.

12 (e) ACCESSIBILITY.—Information contained in the
13 national registry shall only be accessible to any Federal,
14 State, Indian tribe, or local government entity, or any
15 agent of such entities, that has a need for such informa-
16 tion in order to carry out its responsibilities under law
17 to protect children from child abuse and neglect.

18 (f) DISSEMINATION.—The Secretary of Health and
19 Human Services shall establish standards for the dissemi-
20 nation of information in the national registry of substan-
21 tiated cases of child abuse or neglect. Such standards shall
22 comply with clauses (viii) and (ix) of section 106(b)(2)(A)

1 of the Child Abuse Prevention and Treatment Act (42
2 U.S.C. 5106(b)(2)(A)(viii) and (ix)).

Passed the House of Representatives March 8,
2006.

Attest:

Clerk.

109TH CONGRESS
2^D SESSION

H.R. 4472

AN ACT

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.