

109TH CONGRESS
2^D SESSION

H. R. 4815

To establish a National Sex Offender Risk Classification Task Force to create guidelines for the establishment of a risk-based sex offender classification system for use in sex offender registries.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 28, 2006

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

A BILL

To establish a National Sex Offender Risk Classification Task Force to create guidelines for the establishment of a risk-based sex offender classification system for use in sex offender registries.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; PURPOSE.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Safe NOW Act of 2006”.

6 (b) **PURPOSE.**—The purpose of this Act is to estab-
7 lish a National Sex Offender Risk Classification Task

1 Force to create guidelines for the establishment of a risk-
2 based sex offender classification system that will—

3 (1) classify sex offenders based on the threat of
4 danger each sex offender poses to the public; and

5 (2) allow law enforcement agencies and the
6 public to identify the most dangerous sex offenders
7 listed in sex offender registries by using the classi-
8 fication system.

9 **SEC. 2. DEFINITIONS.**

10 In this Act, the following definitions apply:

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

15 (2) **JURISDICTION.**—The term “jurisdiction”
16 means any of the following:

17 (A) A State.

18 (B) The District of Columbia.

19 (C) The Commonwealth of Puerto Rico.

20 (D) Guam.

21 (E) American Samoa.

22 (F) The Northern Mariana Islands.

23 (G) The United States Virgin Islands.

24 (H) Any Federally recognized Indian tribe.

1 **SEC. 3. NATIONAL SEX OFFENDER RISK CLASSIFICATION**

2 **TASK FORCE.**

3 (a) **TASK FORCE ESTABLISHED.**—There is estab-
4 lished, under the general authority of the Attorney Gen-
5 eral, the National Sex Offender Risk Classification Task
6 Force (referred to in this Act as the “Task Force”).

7 (b) **DUTIES.**—

8 (1) **IN GENERAL.**—The Task Force shall—

9 (A) create preliminary guidelines for the
10 establishment of a risk-based sex offender clas-
11 sification system;

12 (B) administer the demonstration program
13 under section 4; and

14 (C) create final guidelines for the estab-
15 lishment of a risk-based sex offender classifica-
16 tion system that shall be made available to ju-
17 risdictions for use in accordance with section 7,
18 and that shall be created using the information
19 gathered through—

20 (i) the demonstration program under
21 section 4; and

22 (ii) the activities of the working
23 groups under paragraph (3).

24 (2) **CREATION OF GUIDELINES.**—In creating
25 the guidelines required under this subsection, the
26 Task Force shall consider—

1 (A) empirically-based assessment tools
2 available to assess the dangers posed by sex of-
3 fenders;

4 (B) the methods used to classify sex of-
5 fenders for the purposes of sex offender reg-
6 istries in use by Federal, State, and local law
7 enforcement agencies as of the date of enact-
8 ment of this Act, and how those methods differ
9 from a risk-based sex offender classification
10 system;

11 (C) means by which information regarding
12 the risk-based classification of sex offenders
13 may be comprehensively and consistently dis-
14 seminated to Federal, State, and local law en-
15 forcement agencies and the public;

16 (D) opportunities available to sex offenders
17 (especially those who are not under court super-
18 vision) to change their risk-based classification,
19 including voluntary participation in sex offender
20 treatment and monitoring programs; and

21 (E) any negative consequences that have
22 resulted from Megan's Law (Public Law 104-
23 145; 110 Stat. 1345), and steps that might be
24 taken to reduce such negative consequences.

1 (3) WORKING GROUPS.—The Chair shall des-
2 ignate 5 working groups within the Task Force,
3 each of which shall conduct one of the following ac-
4 tivities:

5 (A) Survey the methods of risk classifica-
6 tion used by each jurisdiction, as of the date of
7 enactment of this Act, and identify changes to
8 such methods that jurisdictions could imple-
9 ment to improve the efficiency, accuracy, and
10 consistency of sex offender registries.

11 (B) Research and analyze the effectiveness
12 of the most recently developed tools available
13 (as of the date of enactment of this Act) to as-
14 sess the dangers posed by sex offenders and to
15 classify sex offenders based on risk.

16 (C) Identify the strengths and weaknesses
17 of Federal, State, and local sex offender reg-
18 istration and notification procedures in use as
19 of the day before the date of enactment of this
20 Act, and propose methods to improve any such
21 weaknesses.

22 (D) Analyze Federal, State, and local law
23 enforcement agency procedures for community
24 notification regarding sex offenders (as of the
25 date of enactment of this Act), and determine

1 the most appropriate procedures to notify com-
2 munities regarding sex offenders of varying
3 risk-based classifications.

4 (E) Develop a resource guide that Federal,
5 State, and local law enforcement agencies may
6 use to educate the public about the prevention
7 of sex offenses, the dangers posed by sex of-
8 fenders, the systems used to classify sex offend-
9 ers, and the access and use of sex offender reg-
10 istries.

11 (c) MEMBERSHIP.—

12 (1) IN GENERAL.—The Task Force shall con-
13 sist of 20 members, who shall be appointed by the
14 Attorney General within 45 days after the date of
15 enactment of this Act, and who shall include—

16 (A) the Chair;

17 (B) one representative from each of the
18 following:

19 (i) the Safe NOW Project;

20 (ii) the National Association to PRO-
21 TECT Children;

22 (iii) Parents For Megan’s Law, Inc.;

23 (iv) the Association for the Treatment
24 of Sexual Abusers;

25 (v) the National Sheriffs’ Association;

- 1 (vi) the National Association of Police
2 Organizations;
- 3 (vii) the American Probation and Pa-
4 role Association;
- 5 (viii) the American Psychological As-
6 sociation;
- 7 (ix) the National Association of Crimi-
8 nal Defense Lawyers;
- 9 (x) the Washington State Institute for
10 Public Policy;
- 11 (xi) the National Center for Missing
12 and Exploited Children;
- 13 (xii) the Office for Victims of Crime;
- 14 (xiii) the Center for Sex Offender
15 Management;
- 16 (xiv) the National Law Enforcement
17 and Corrections Technology Center;
- 18 (xv) the Federal Bureau of Investiga-
19 tion; and
- 20 (xvi) the Center for Disease Control
21 and Prevention; and
- 22 (C) three representatives of the academic
23 community who specialize in risk assessment of
24 sex offenders.

1 (2) SELECTION CRITERIA.—The Attorney Gen-
2 eral shall appoint to the Task Force a Chair and a
3 diverse group of members who are knowledgeable in
4 the fields of sex offender management, community
5 education, risk assessment of sex offenders, and sex
6 offender victim issues.

7 (3) TERMS; VACANCIES.—The term of office for
8 members shall be for the life of the Task Force. A
9 vacancy in the Task Force shall not affect the pow-
10 ers of the Task Force, and shall be filled in the
11 same manner in which the original appointment was
12 made.

13 (4) COMPENSATION.—

14 (A) Except as provided in subparagraph
15 (B), the Chair and members of the Task Force
16 shall be paid at the rate of \$500 per day for
17 each day, including travel time, during which he
18 or she is engaged in the actual performance of
19 duties vested in the Task Force.

20 (B) A member of the Task Force who is
21 a full-time officer or employee of the United
22 States or a Member of Congress shall receive no
23 additional pay, allowances, or benefits by reason
24 of his or her service to the Task Force.

1 (C) All members of the Task Force shall
2 be reimbursed for travel, subsistence, and other
3 necessary expenses incurred by them in the per-
4 formance of their duties to the extent author-
5 ized by chapter 57 of title 5, United States
6 Code.

7 (d) MEETINGS.—

8 (1) FREQUENCY.—The Task Force shall meet
9 not less than 4 times per year, at the call of the
10 Chair. The Attorney General shall call the first
11 meeting of the Task Force within 90 days after the
12 date of the enactment of this Act, or within 30 days
13 after the date on which legislation is enacted making
14 appropriations to carry out this Act, whichever date
15 is later.

16 (2) RECORD.—The Task Force shall maintain
17 records of an active roster of membership, meeting
18 minutes, and any other information the Chair may
19 require.

20 (3) PUBLIC MEETINGS; NOTICE.—Task Force
21 meetings shall be open to the public, except as deter-
22 mined otherwise by the Chair (or other official to
23 whom the authority has been delegated by the
24 Chair). Notice of all meetings shall be published in

1 the Federal Register not later than 30 days before
2 the date of such meeting.

3 (4) CLOSED MEETINGS.—No later than 7 days
4 after any Task Force meeting (or a portion of such
5 a meeting) is closed to the public, a report shall be
6 prepared for the Attorney General by a designated
7 member the Task Force who was present for the en-
8 tirety of such meeting, which shall contain, at a min-
9 imum, a list of individuals present and the activities
10 conducted at such closed meeting.

11 **SEC. 4. DEMONSTRATION PROGRAM.**

12 (a) IN GENERAL.—The Task Force is authorized to
13 carry out a demonstration program under which the Task
14 Force shall award one grant to each of 5 selected jurisdic-
15 tions to carry out the activities under subsection (b).

16 (b) PROGRAM ACTIVITIES.—A selected jurisdiction
17 shall use a grant awarded under subsection (a) to—

18 (1) use the preliminary guidelines created by
19 the Task Force under section 3(b) to implement a
20 risk-based sex offender classification system to clas-
21 sify sex offenders registered in the jurisdiction's sex
22 offender registry;

23 (2) demonstrate the extent to which such pre-
24 liminary guidelines provide for the successful imple-

1 mentation of an effective risk-based sex offender
2 classification system; and

3 (3) identify ways such preliminary guidelines
4 may be improved to provide better guidance for the
5 successful implementation of an effective risk-based
6 sex offender classification system.

7 (c) APPLICATIONS.—A jurisdiction desiring to par-
8 ticipate in the demonstration program shall submit an ap-
9 plication to the Task Force at such time, in such manner,
10 and containing such information as the Task Force may
11 require.

12 (d) SELECTION OF JURISDICTIONS.—

13 (1) Not later than 9 months after the date of
14 the first meeting of the Task Force, the Task Force
15 shall select 5 jurisdictions to participate in the dem-
16 onstration program from the applications received
17 under subsection (c).

18 (2) The Task Force shall develop criteria to se-
19 lect jurisdictions to participate in the demonstration
20 program. In developing such criteria and selecting
21 jurisdictions, the Task Force shall consider—

22 (A) the importance of the participation of
23 demographically and geographically diverse ju-
24 risdictions in the demonstration program; and

1 (B) the willingness and ability of jurisdic-
2 tions to—

3 (i) collaborate with officials in such
4 jurisdiction responsible for the manage-
5 ment of sex offenders;

6 (ii) report to the Task Force on the
7 effectiveness of the preliminary guidelines
8 created under section 3(b);

9 (iii) provide recommendations to the
10 Task Force regarding the improvement of
11 such preliminary guidelines and the cre-
12 ation of final guidelines; and

13 (iv) provide information about their
14 participation in the demonstration program
15 to other jurisdictions implementing a risk-
16 based sex offender classification system.

17 (e) DURATION.—A grant awarded under this sub-
18 section shall be for the one-year period beginning on the
19 date one year after the date of the first meeting of the
20 Task Force, and shall not be renewable.

21 (f) ASSISTANCE AND REVIEW.—The Task Force shall
22 provide technical assistance as necessary to the jurisdic-
23 tions selected to participate in the demonstration program,
24 and shall document the demonstration program experience

1 of each selected jurisdiction in the final report required
2 under section 5.

3 **SEC. 5. REPORTS.**

4 (a) The Task Force shall provide to the Attorney
5 General and to the relevant committees of Congress—

6 (1) not later than one year after the date of the
7 first meeting of the Task Force, an initial report
8 containing—

9 (A) preliminary guidelines for the estab-
10 lishment of a risk-based sex offender classifica-
11 tion system to be used for the demonstration
12 program under section 3;

13 (B) a list of the jurisdictions selected to
14 participate in such demonstration program; and

15 (C) a summary of the activities conducted
16 by, and the findings of, each working group
17 under section 3(b)(3); and

18 (2) not later than 6 months after the date of
19 the expiration of the demonstration program grants
20 made under section 4, a final report containing—

21 (A) final guidelines for the establishment
22 of a risk-based sex offender classification sys-
23 tem, as required under section 3(b); and

24 (B) a summary of the information gath-
25 ered through the demonstration program under

1 section 4, including any information provided
2 by the jurisdictions that participated in such
3 program that was considered by the Task Force
4 in the creation of the final guidelines under
5 subparagraph (A).

6 **SEC. 6. TERMINATION OF TASK FORCE.**

7 The Task Force shall terminate 90 days after the
8 final report under section 5 is provided to the Attorney
9 General and the relevant committees of Congress.

10 **SEC. 7. SENSE OF CONGRESS REGARDING USE OF GUIDE-**
11 **LINES.**

12 It is the sense of Congress that each jurisdiction
13 should use the final guidelines created by the Task Force
14 under this Act to implement a risk-based sex offender clas-
15 sification system to classify sex offenders registered in
16 such jurisdiction's sex offender registry.

17 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

18 (a) IN GENERAL.—There are authorized to be appro-
19 priated to carry out this Act (except for section 4),
20 \$1,000,000 for each of fiscal years 2007, 2008, and 2009.

21 (b) DEMONSTRATION PROGRAM.—There are author-
22 ized to be appropriated such sums as may be necessary
23 to carry out the demonstration program under section 4.

○