

105TH CONGRESS  
1ST SESSION

# H. R. 1683

To clarify the standards for State sex offender registration programs under the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 20, 1997

Mr. McCOLLUM (for himself, Ms. DUNN, Mr. DEAL of Georgia, Mr. CUNNINGHAM, Mr. RAMSTAD, Mr. CASTLE, Mr. FOLEY, Mr. DIAZ-BALART, Mr. LAMPSON, Mr. GUTKNECHT, Mr. SNOWBARGER, and Ms. ROS-LEHTINEN) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To clarify the standards for State sex offender registration programs under the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Jacob Wetterling  
5 Crimes Against Children and Sexually Violent Offenders  
6 Registration Improvements Act of 1997”.

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1 **SEC. 2. AMENDMENT OF STANDARDS FOR STATE SEX OF-**  
2 **FENDER REGISTRATION PROGRAMS.**

3 (a) IN GENERAL.—Section 170101(a) of the Violent  
4 Crime Control and Law Enforcement Act of 1994 (42  
5 U.S.C. 14071(a)) is amended—

6 (1) in paragraph (1)—

7 (A) in subparagraph (A), by striking “with  
8 a designated State law enforcement agency”;  
9 and

10 (B) in subparagraph (B), by striking “with  
11 a designated State law enforcement agency”;  
12 and

13 (2) by striking paragraph (2), and inserting the  
14 following:

15 “(2) DETERMINATION BY STATE BOARDS.—

16 “(A) IN GENERAL.—A determination that  
17 a person is a sexually violent predator or a de-  
18 termination that a person is no longer a sexu-  
19 ally violent predator for purposes of this section  
20 shall be made by the sentencing court, after  
21 considering—

22 “(i) the recommendations of the ap-  
23 propriate State board or boards under sub-  
24 paragraph (B)(iii); or

25 “(ii) with respect to a State described  
26 in subparagraph (C), the recommendations

1 of the State, which shall be made in ac-  
2 cordance with the procedures described in  
3 that subparagraph.

4 “(B) STATE BOARDS.—

5 “(i) IN GENERAL.—Except as pro-  
6 vided in subparagraph (C), not later than  
7 2 years after the date of enactment of the  
8 Jacob Wetterling Crimes Against Children  
9 and Sexually Violent Offenders Registra-  
10 tion Improvements Act of 1997, each State  
11 shall establish 1 or more State boards in  
12 accordance with this subparagraph.

13 “(ii) MEMBERSHIP.—Each State  
14 board established under this subparagraph  
15 shall be composed of—

16 “(I) experts in the behavior and  
17 treatment of sex offenders;

18 “(II) victims’ rights advocates;

19 and

20 “(III) representatives of law en-  
21 forcement agencies.

22 “(iii) RECOMMENDATIONS.—Upon the  
23 request of a sentencing court, a State  
24 board established under this subparagraph  
25 shall make a recommendation to the sen-

1           sentencing court regarding whether a person  
2           is a sexually violent predator or whether a  
3           person is no longer a sexually violent pred-  
4           ator for purposes of this section.

5           “(C) WAIVER.—The Attorney General of  
6           the United States may waive the requirement  
7           that a State establish 1 or more boards in ac-  
8           cordance with subparagraph (B), if the State  
9           demonstrates to the satisfaction of the Attorney  
10          General that the State—

11                   “(i) has established alternative proce-  
12                   dures for making recommendations to a  
13                   sentencing court for purposes of subpara-  
14                   graph (A); and

15                   “(ii) will make a recommendation de-  
16                   scribed in clause (i) with respect to any  
17                   person, upon the request of the sentencing  
18                   court.”.

19          (b) REQUIREMENTS UPON RELEASE, PAROLE, SU-  
20          PERVISED RELEASE, OR PROBATION.—Section 170101(b)  
21          of the Violent Crime Control and Law Enforcement Act  
22          of 1994 (42 U.S.C. 14071(b)) is amended—

23                   (1) in paragraph (1)—

24                           (A) by striking the paragraph designation  
25                   and heading and inserting the following:

1 “(1) DUTIES OF RESPONSIBLE OFFICIALS.—”;

2 (B) in subparagraph (A)—

3 (i) in the matter preceding clause (i),  
4 by striking “or in the case of probation,  
5 the court” and inserting “a designated  
6 State agency, the court, or other respon-  
7 sible official”;

8 (ii) in clause (ii), by striking “give”  
9 and all that follows before the semicolon  
10 and inserting “report the change of ad-  
11 dress as provided by State law”; and

12 (iii) in clause (iii), by striking “shall  
13 register” and all that follows before the  
14 semicolon and inserting “shall report the  
15 change of address as provided by State law  
16 and comply with any registration require-  
17 ment in the new State of residence”; and

18 (C) in subparagraph (B), by striking “or  
19 the court” and inserting “, the designated State  
20 agency, the court, or other responsible official”;

21 (2) by striking paragraph (2) and inserting the  
22 following:

23 “(2) TRANSFER OF INFORMATION TO FEDERAL  
24 BUREAU OF INVESTIGATION AND TO STATE.—

1           “(A) IN GENERAL.—A designated State  
2 agency, the court, or other responsible official,  
3 shall forward the registration information to the  
4 agency responsible for registration under State  
5 law, in accordance with State procedures that  
6 meet the requirements of subparagraph (B).

7           “(B) STATE PROCEDURES.—State proce-  
8 dures shall ensure that, as promptly as prac-  
9 ticable—

10                   “(i) the registration information is  
11 provided and made available to a law en-  
12 forcement agency having jurisdiction where  
13 the person expects to reside;

14                   “(ii) the registration information is  
15 entered into the appropriate State records  
16 or data system; and

17                   “(iii) conviction data and fingerprints  
18 for registered persons are transmitted to  
19 the Federal Bureau of Investigation.”;

20 (3) in paragraph (3)(A)—

21           (A) in the matter preceding clause (i), by  
22 inserting after “(a)(1),” the following: “with re-  
23 spect to any person required to register under  
24 subsection (a)(1)(A), State procedures shall  
25 provide for verification of address not less than

1           annually. Such verification may be effected by  
2           providing that,”;

3           (B) in clause (i), by striking “The des-  
4           ignated State law enforcement” and inserting  
5           “A designated”;

6           (C) in clause (ii), by striking “State law  
7           enforcement”;

8           (D) in clause (iii), by striking “to the des-  
9           ignated State law enforcement agency”; and

10          (E) in clause (iv), by striking “State law  
11          enforcement”;

12          (4) in paragraph (4), by striking “section re-  
13          ported” and all that follows before the period at the  
14          end and inserting “section shall be reported by the  
15          person in the manner provided by State law. State  
16          procedures shall ensure that the updated address in-  
17          formation is provided promptly to a law enforcement  
18          agency having jurisdiction over the location at which  
19          the person will reside and that the information is en-  
20          tered into the appropriate State records or data sys-  
21          tem”;

22          (5) in paragraph (5), by striking “shall reg-  
23          ister” and all that follows before the period at the  
24          end and inserting “and who moves to another State,  
25          shall report the change of address to the responsible

1 agency in the State the person is leaving, and shall  
2 comply with any registration requirement in the new  
3 State of residence. The procedures of the State the  
4 person is leaving shall ensure that notice is provided  
5 promptly to an agency responsible for registration in  
6 the new State, if that State requires registration”;  
7 and

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

9 “(7) OFFENDERS CROSSING STATE BORDERS.—

10 “(A) IN GENERAL.—

11 “(i) REGISTRATION UNDER LAWS OF  
12 CERTAIN STATES.—Any person who is re-  
13 quired to register in that person’s State of  
14 residence under this section shall also reg-  
15 ister in accordance with the law that gov-  
16 erns the registration, verification, and noti-  
17 fication of sex offenders of each State in  
18 which that person is—

19 “(I) employed or carries on a vo-  
20 cation; or

21 “(II) enrolled as a student.

22 “(ii) DEFINITIONS.—In this subpara-  
23 graph—

24 “(I) the term ‘employed or car-  
25 ries on a vocation’ includes employ-

1           ment that is full-time or part-time, for  
2           a period of time exceeding 14 days or  
3           for an aggregate period of time ex-  
4           ceeding 30 days during any calendar  
5           year, whether financially compensated,  
6           volunteered, or for the purpose of gov-  
7           ernment or educational benefit; and

8                   “(II) the term ‘student’ includes  
9                   any person who is enrolled on a full-  
10                  or part-time basis, in any public or  
11                  private educational institution, includ-  
12                  ing any secondary school, trade or  
13                  professional institution, or institution  
14                  of higher education.

15                   “(B) NOTIFICATION REQUIREMENTS.—The  
16                   State authority responsible for the registration  
17                   of sex offenders in each State shall ensure that  
18                   each person who is required to register under  
19                   this paragraph is notified of the requirements  
20                   of this paragraph and the potential con-  
21                   sequences of a failure to comply with those re-  
22                   quirements.

23                   “(8) RELOCATING STATE PROBATIONERS AND  
24                   PAROLEES.—

1           “(A) IN GENERAL.—Notwithstanding any  
2 conflicting terms of a probation, parole, or  
3 transfer agreement, any person who is serving  
4 a sentence of probation, parole, or other super-  
5 vised release for conviction of an offense that  
6 requires registration under this section, and  
7 who is residing in any State other than the  
8 State in which that person was sentenced for  
9 that offense, shall register in accordance with  
10 the law of the State of residence of the offender  
11 that governs the registration and notification of  
12 sex offenders, regardless of any registration or  
13 notification obligation under the law of the  
14 State in which that person was sentenced for  
15 the offense.

16           “(B) EFFECT OF FAILURE TO COMPLY.—  
17 A person required to register under subpara-  
18 graph (A) who knowingly fails to comply with  
19 this paragraph, not later than 10 days after the  
20 date on which the person establishes residence  
21 in a State other than the State in which the  
22 person was sentenced as described in subpara-  
23 graph (A)—

1           “(i) shall be subject to punishment by  
2           a State with respect to which the person is  
3           registered under subparagraph (A); and

4           “(ii) shall be guilty of an extraditable  
5           offense, for which a Federal warrant for  
6           unlawful flight to avoid prosecution is  
7           available.

8           “(C) NOTIFICATION REQUIREMENTS.—  
9           Each State authority responsible for the reg-  
10          istration of sex offenders who reside in that  
11          State—

12           “(i) shall ensure, during the course of  
13           verification of registration information,  
14           that each person who is required to reg-  
15           ister under this paragraph is notified of  
16           the requirements of this paragraph and the  
17           potential consequences of a failure to com-  
18           ply with those requirements; and

19           “(ii) whether the relocation of a sex  
20           offender described in this paragraph occurs  
21           under courtesy supervision or otherwise,  
22           shall—

23           “(I) notify the authority respon-  
24           sible for sex offender registration and  
25           notification in the State of relocation

1 of the pending arrival of the offender  
2 in that State of relocation; and

3 “(II) provide the authority re-  
4 sponsible for sex offender registration  
5 and notification in the State of reloca-  
6 tion with information relating to the  
7 sex offender, including—

8 “(aa) the social security  
9 number, physical description,  
10 criminal record, terms of super-  
11 vision, and any alias of the sex  
12 offender; and

13 “(bb) the address, telephone  
14 number, and any place of em-  
15 ployment of the sex offender in  
16 the State of relocation.

17 “(9) REPORTING REQUIREMENT.—Not later  
18 than July 1, 1999, a State shall submit a report to  
19 the Attorney General that sets forth existing or pro-  
20 posed laws, including penalty provisions, regarding  
21 stalking crimes against individuals 16 years of age  
22 or younger.”.

23 (c) RELEASE OF INFORMATION.—Section  
24 170101(d)(3) of the Violent Crime Control and Law En-

1 enforcement Act of 1994 (42 U.S.C. 14071(d)(3)) is amend-  
2 ed—

3 (1) by striking “the designated” and all that  
4 follows through “State agency” and inserting “the  
5 State or any agency authorized by the State”;

6 (2) by inserting “to be disclosed only for crimi-  
7 nal justice purposes” after “private data,”; and

8 (3) by adding at the end the following: “The  
9 sale or exchange of such information for profit or re-  
10 munerated is prohibited and shall be subject to  
11 prosecution under State law.”.

12 (d) IMMUNITY FOR GOOD FAITH CONDUCT.—Section  
13 170101(e) of the Violent Crime Control and Law Enforce-  
14 ment Act of 1994 (42 U.S.C. 14071(e)) is amended by  
15 striking “and State officials” and inserting “independent  
16 contractors acting at the direction of those agencies, and  
17 State officials”.

18 (e) FEDERAL OFFENDERS AND MILITARY PERSON-  
19 NEL.—Section 170102(g)(3) of the Violent Crime Control  
20 and Law Enforcement Act of 1994 (42 U.S.C.  
21 14072(g)(3)) is amended—

22 (1) by redesignating subparagraphs (A) and  
23 (B) as clauses (i) and (ii) and indenting each clause  
24 2 ems to the right;

1           (2) by striking “A person” and inserting the  
2 following:

3           “(A) IN GENERAL.—A person”; and

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

5           “(B) FEDERAL OFFENDERS.—

6           “(i) IN GENERAL.—A person who is  
7 released from prison, or placed on parole,  
8 supervised release, or probation—

9           “(I) who is convicted under Fed-  
10 eral law of—

11           “(aa) a criminal offense  
12 against a victim who is a minor;  
13 or

14           “(bb) a sexually violent of-  
15 fense; or

16           “(II) who has been determined to  
17 be a sexually violent predator,  
18 shall, in addition to complying with the  
19 registration requirement in paragraph (2),  
20 register in accordance with the law of the  
21 State of residence of that person.

22           “(ii) NOTIFICATION REQUIRE-  
23 MENTS.—The Director of the Bureau of  
24 Prisons shall ensure that each person who  
25 is required to register under this subpara-

1 graph is notified of the requirements of  
2 this subparagraph and the potential con-  
3 sequences of a failure to comply with those  
4 requirements.

5 “(C) MILITARY PERSONNEL.—

6 “(i) IN GENERAL.—

7 “(I) REGISTRATION UNDER LAWS  
8 OF STATE OF RESIDENCE.—A member  
9 of the Armed Forces of the United  
10 States who has—

11 “(aa) been convicted of a  
12 criminal offense against a victim  
13 who is a minor;

14 “(bb) been convicted of a  
15 sexually violent offense; or

16 “(cc) been determined to be  
17 a sexually violent predator,  
18 by a court of the United States, a  
19 court of a State, or a court-martial  
20 under the Uniform Code of Military  
21 Justice, shall register with the entities  
22 referred to in subclause (II).

23 “(II) ENTITIES.—The entities re-  
24 ferred to in this subclause are—

25 “(aa) the FBI; and

1           “(bb) the State of residence  
2 of the member, and if different  
3 from the State of residence, the  
4 State in which the member is  
5 permanently assigned.

6           “(III) DETERMINATION OF  
7 STATE OF RESIDENCE.—For purposes  
8 of subclause (II)(bb), the State of res-  
9 idence of a member of the Armed  
10 Forces of the United States is—

11           “(aa) in the case of a mem-  
12 ber whose permanent duty sta-  
13 tion is in a State (including such  
14 a member who resides on a mili-  
15 tary installation or is serving  
16 aboard a vessel at sea), the State  
17 where the member resides when-  
18 ever the member is present at  
19 that permanent duty station; and

20           “(bb) in the case of a mem-  
21 ber whose permanent duty sta-  
22 tion is outside the United States,  
23 the State of the member’s home  
24 of record (as determined under  
25 regulations prescribed by the

1 Secretary of the military depart-  
2 ment concerned).

3 “(ii) EFFECT OF FAILURE TO COM-  
4 PLY.—A person who is required to register  
5 under this subparagraph and who know-  
6 ingly fails to comply with this section may  
7 be punished—

8 “(I) under section 170102(i)(1);

9 “(II) under the Uniform Code of  
10 Military Justice; or

11 “(III) in accordance with the ap-  
12 plicable laws of the State with respect  
13 to which that person is registered.

14 “(iii) NOTIFICATION REQUIRE-  
15 MENTS.—The Secretary of Defense shall  
16 ensure that each member of the Armed  
17 Forces of the United States who is re-  
18 quired to register under this paragraph is  
19 notified of the requirements of this para-  
20 graph and the potential consequences of a  
21 failure to comply with those require-  
22 ments.”.

23 **SEC. 3. SENSE OF CONGRESS.**

24 It is the sense of Congress that each State should  
25 have in effect a law that makes it a crime to stalk an

- 1 individual under the age of 16 without requiring that such
- 2 individual be physically harmed before a stalker is re-
- 3 strained or punished.

○